



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, May 11, 2015
Council Chambers, City Hall, 6:30 p.m.**

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

1. Invocation

2. Presentations

- 2.1 Achievement Awards to Niagara North Minor Atom AAA Hockey Team, OMHA Gold Medal Champions, held in Oakville, March 20-22, 2015.

3. Opening Remarks, Mayor Walter Sendzik

4. Adoption of the Agendas

5. Declarations of Interest

6. Public Meetings Pursuant to Planning Act (Commencing at 7:30 p.m.)

- 6.1 Planning and Building Services, Planning Services
Application to Amend Zoning By-law No. 2013-283 to Permit 2 and/or 3
Unit Residential Building as Additional Use in Local Convenience
Commercial (C1-93) Zone, 74 Welland Avenue, Owners: James and
Aundree Glover

7. Adoption of the Minutes (Council and General Committee)

- 7.1 [Regular Meeting of Council, April 27, 2015](#)
7.2 [General Committee Meeting, April 27, 2015](#)

8. Delegations

- 8.1 Diane Foster, Co-Chair, Steve Byers and Mary Jane Waszynski,
Members of Accessibility Advisory Committee
Re: Annual Update for 2014 Year-end Report on 2013-2015 Accessibility
Plan (see [General Committee Agenda, May 11, 2015, Item 4.3](#))
8.2 Liz and Ray Kowalik
Re: Provincial Greenbelt Plan Review
(see [General Committee Agenda, May 11, 2015, Item 4.8, Sub-Item 2](#))

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- 8.3 Nick Palomba, Director of Transportation Services, Regional Municipality of Niagara
Re: Niagara Region's Transportation Master Plan
- 8.4 **Public Meeting (Pursuant to Notice By-law 2007-310, as Amended)**
FirstOntario Performing Arts Centre 2015/16 Rates and Fees Schedule
(see [General Committee Agenda May 11, 2015, Item 3.1](#))

9. Call for Notices of Motion

10. Motions

- 10.1 **Event of Municipal Significance - Niagara Grape and Wine Festival**
That Council of the City of St. Catharines declare the Niagara Grape and Wine Festival, to be held September 18-27, 2015, to be an event of municipal significance with respect to obtaining liquor permits in accordance with the Alcohol and Gaming Commission of Ontario requirements; and

That the Office of the City Clerk make the necessary notifications.

11. Resolve into General Committee

12. Motion Arising from In-Camera Session

13. Motion to Ratify Forthwith Recommendations

14. By-laws

- 14.1 Reading of By-laws

15. Agencies, Boards, Committee Reports

- 15.1 Committee Minutes to Receive:
Clean City Committee - [March 24, 2015](#)

16. Adjournment

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Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: April 21, 2015

Date of Meeting: May 11, 2015

Report Number: PBS-125-2015

File: 60.35.1006

Subject: Application to Amend Zoning By-law No. 2013-283 to Permit 2 and/or 3 Unit Residential Building as Additional Use in Local Convenience Commercial (C1-93) Zone, 74 Welland Avenue; Owners: James and Aundree Glover

Recommendation

That Council approve an amendment to Zoning By-law 2013-283, for the lands described as Lot 577, Corporation Plan 2, City of St. Catharines, municipally known as 74 Welland Avenue, as follows:

- a) That Schedule A, Zone Maps, be amended by changing the zoning of the subject lands from Local Convenience Commercial (C1-93) to Local Convenience Commercial (C1-93-130), as identified in Appendix 4 of this report; and
- b) That Section 13.1, List of Special Provisions, be amended to add an additional special provision, as follows: and

Special Provision	Zone	Schedule			Location	By-law
		A	B	C		
130	C1	14			74 Welland Avenue	2015-____
In addition to the permitted uses of the Local Convenience Commercial C1-93 zone, a stand alone two or three unit dwelling shall also be permitted subject to the respective Duplex and Triplex requirements of the R3 zone, and the following provisions;						
1.	Minimum Easterly Interior Side Yard					0 metres
2.	Minimum Westerly Interior Side Yard					0.8 metres
3.	Minimum Frontage					15 metres
4.	Maximum Parking Area Coverage					50% of the front yard
5.	Maximum Parking Area Width					7.5 metres

That the Mayor and City Clerk be authorized to execute the necessary By-law to give effect to Council's decision; and

That the Notice of Decision required by the Planning Act, R.S.O. 1990, c.P. 13, as amended, be processed by staff; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

Further, that the Clerk be directed to make all necessary notifications. FORTHWITH

Summary

The purpose of the application is to facilitate the conversion of the existing mixed commercial residential use to a three unit residential use. The proposed zoning by-law amendment is consistent with the Garden City Plan, represents good planning and is supported by staff.

Background

a) Location:

The property is located in the Downtown Planning District on the south side of Welland Avenue, between Gerrard Street and Beecher Street, as shown on the attached Location Map, (see Appendix 1).

b) Existing Land Use:

i) Site:

The property contains a mixed Commercial-Residential use including a hair salon on the main floor with two one-bedroom apartments, one beside the commercial use, and one above. These uses are contained within a two storey building which forms half of a semi-detached building. A parking area is located in front of the building.

ii) Surrounding Land Uses:

North: Institutional (Community Living St. Catharines), mix of single detached dwellings, semi-detached dwellings, and low-rise apartment dwellings

South: Commercial Office Space, mix of single detached dwellings, semi-detached dwellings, and low-rise apartment dwellings

East: Commercial Office Space, mix of single detached dwellings, semi-detached dwellings, and low-rise apartment dwellings

West: Commercial Office Space

c) Garden City Plan:

The Official Plan for the City of St. Catharines (Garden City Official Plan) designates the lands as Neighbourhood Residential and more specifically Medium Density Residential in the Downtown Planning District Schedule E10 (See Appendix 2), permitting detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density of 25-99 units per hectare. In addition, small scale ground floor retail, service commercial, office and indoor recreation uses are permitted in conjunction with residential uses subject to a zoning by-law amendment. The site also lies within the Urban Grown Centre.

d) Zoning:

By law 2013-283 (the City's new Comprehensive Zoning By-law) zones the lands as Local Convenience Commercial (C1-93) (See Appendix 3), which allows a range of locally serving commercial uses as well as apartment dwelling units. Stand alone residential uses are not permitted. The current commercial-residential use is permitted by the By-law. Special Provision 93 exempts residential uses from the parking requirements of the By-law.

Proposed Zoning

The proposal is to amend the zoning of the property to permit a three unit dwelling as an additional use within the existing Local Convenience Commercial (C1-93) zone. This would facilitate the conversion of the existing main floor commercial unit to a third residential dwelling unit.

Report

Circulation Comments

The application was circulated to various agencies and departments. No concerns or objections to the proposal were received from City departments.

Parks Recreation and Cultural Services commented that Section 5.4.5 of the Garden City Plan is supportive of zoning that controls residential parking and minimizes expansive parking areas in favour of greening initiatives. In line with Section 5.4.5 of the Garden City Plan and the Zoning By-law requirements for residential uses, the zoning for 74 Welland Avenue should include the same maximum parking area width and parking area coverage provisions as residential lots with four or fewer dwelling units. These comments will be discussed further in the Planning Analysis section of this report.

Public Open House

Planning and Building Services hosted a public open house on April 16, 2015. The owner and six (6) members of the public were in attendance. The purpose of the meeting was to present the applicant's proposal and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. The attendees were supportive of the proposal, and happy to see new residents in their community. No concerns or objections were raised.

Planning Analysis

The Provincial Policy Statement (2014)

The subject lands are located within a settlement area under the Provincial Policy Statement (2014) and within the Built-up Area as identified by the Province's Growth Plan for the Greater Golden Horseshoe (2006). These documents contain policies that support all forms of residential intensification and urban area regeneration, directing growth to Built-up Areas. The Provincial Policy Statement requires that land use patterns within settlement areas be based on densities and a mix of land uses which support active transportation, are transit-supportive, and which efficiently use land, resources, infrastructure and public service facilities which may be planned or are already available.

This development provides for the efficient use of lands with access to existing infrastructure and services.

Local commercial and community uses as well as parks and trails are located in close proximity to the site. Public transit is available within walking distance. The proposed use contributes to the range of available housing types in the neighbourhood. The proposal meets the spirit and intent of the applicable Provincial policies.

Region of Niagara Policy Plan

The subject lands are within the City's Urban Area defined by the Regional Plan. Regional staff have confirmed that the proposal is consistent with the Regional Plan.

Garden City Plan

The lands are designated as Medium Density Residential (See Appendix 2) and permit a variety of residential uses at a density of generally 25-99 units per hectare and a height generally not exceeding 20 metres. The proposal is to allow three residential dwelling units on 0.05 hectares of land. This would result in a density of 59 units per hectare which is consistent with the intent of the GCP. Staff note that a two unit dwelling would result in a density of 40 units per hectare which will also comply with the density requirements of the Garden City Plan. A single residential unit would result in a density of 20 units per hectare, and not meet the density requirements of the Garden City Plan. For this reason, and to offer maximum flexibility for the subject lands, staff recommend that both a two and three unit dwelling be included as a permitted use in the amending By-law. The proposed residential use complies with the Garden City Plan.

Zoning By-law

Amendment to By-law 2013-283

Zoning By law 2013-283 zones the lands as Local Convenience Commercial (C1-93) (See Appendix 3), which allows a range of locally serving commercial uses as well as apartment dwelling units. Dwelling units are only permitted above, to the rear and/or below non-residential uses on the same property. The current commercial-residential use is permitted by the by-law. Stand alone residential uses are not permitted. Special Provision 93 exempts the property from the required parking provisions for residential uses. The Applicant has requested that the zoning be changed to permit a three unit dwelling to facilitate the conversion of the main floor commercial unit to a third dwelling unit.

Staff are recommending that both a two and three unit dwelling be added as additional permitted uses, subject to the respective Duplex and Triplex provisions of the Medium Density Residential (R3) zone. Many of the residential properties in the surrounding area have Medium Density Residential zoning (See Appendix 3), and this zone is consistent with the permissions of the Garden City Plan. The addition of a two unit dwelling and a three unit dwelling as additional permitted uses within the existing Local Convenience Commercial zoning, will offer maximum flexibility for the property, while complying with the Garden City Plan. The following table compares the standard requirements of the R3 zone with the development proposal.

	R3 Zone Requirements for Duplex	R3 Zone Requirements for Triplex	Proposed	Does the Proposal Comply?
Lot Area per Dwelling Unit	140m ² -350m ²	140m ² -350m ²	251m ² (2 unit) 167m ² (3 unit)	Yes
Minimum Lot Frontage	12.0 m	16.0m	15.63m	No
Minimum Front Yard	6.0 m	6.0m	6.76 metres	Yes
Minimum Rear Yard	6.0m	6.0m	6.67 m	Yes
Minimum Interior Side Yard	1.2m	1.2m	0m (East) 0.82 (West)	No
Minimum Landscaped Open Space	25%	25%	35%	Yes
Maximum Parking Area Coverage	50% of the front yard	50% of the front yard	100% of the front yard	No
Maximum Parking Area Width	50% of the lot frontage, to a maximum of 7.5m	50% of the lot frontage, to a maximum of 7.5m	15.63m	No

As indicated in the above table, the applicant is able to comply with the majority of the provisions of the R3 zone. The proposal satisfies the majority of the above zoning provisions. Those provisions which are not satisfied are discussed below.

Minimum Lot Frontage

The existing lot has a frontage of 15.63m which does not meet the minimum requirement of 16.0m for a triplex. The property is located in an older area of medium density development, characterized with smaller lots. Staff are satisfied that the minor reduction of the minimum lot frontage is appropriate for the area and recommend that the required minimum frontage be reduced as proposed to recognize the existing lot.

Minimum Interior Side Yards

The existing building has long established interior side yard setbacks of 0.82m (west side) and 0m (east side). These setbacks reflect the existing site condition which has prevailed on this property for decades. Staff recommend that these existing, long standing setbacks be reflected in the amending by-law.

Maximum Parking Area Coverage and Width

The property currently has a parking area in front of the existing building which comprises the vast majority of the front yard. Section 3.9 of the Zoning By-law, Residential Parking, stipulates a maximum parking area width of 50% of the front yard, to a maximum of 7.5m.

This requirement is consistent with Section 5.4.5 of the Garden City Plan which provides that “Residential front yard parking will be controlled through the implementing zoning by-law so that expansive parking areas are minimized in favour of greater greening and landscaping initiatives, and that streetscape integrity and pedestrian safety are maintained.” In order to meet these objectives, and comply with the residential standards of surrounding properties as established in the Zoning By-law, staff recommend that these provisions be maintained. Upon the conversion of the building to a full residential use, the front yard parking area will need to be reduced to a maximum width of 7.5 metres and a maximum area of 50% of the front yard. The remainder of the front yard will need to be re-instated with landscaping. Since the zoning for this property does not require the provision of any residential parking because the site is located within the Downtown area, the reinstatement of landscaping in the front yard, will not impact the required number of parking spaces.

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

Financial Implications

There are no financial implications.

Conclusion

In summary, the proposed zoning by-law amendment will facilitate the conversion of the existing mixed commercial residential use to a two or three unit residential use. The amendment will provide flexibility for the future use of the property by maintaining the established commercial permissions, and adding a two unit dwelling and/or a three unit dwelling as additional permitted uses. The proposed amendment is consistent with the Garden City Plan and is supported by the community. The proposed zoning by-law amendment represents good planning and is supported by Staff.

Notification

It is in order to advise Mr. James Glover and Ms. Aundree Glover of Council's decision.

Prepared by:

Jessica Button, MCIP, RPP, Planner I

Submitted by:

Judy Pihach, MCIP, RPP, Manager, Planning Services

Approved by:

James N. Riddell, M.P.L., MCIP, RPP, Director, Planning and Building Services

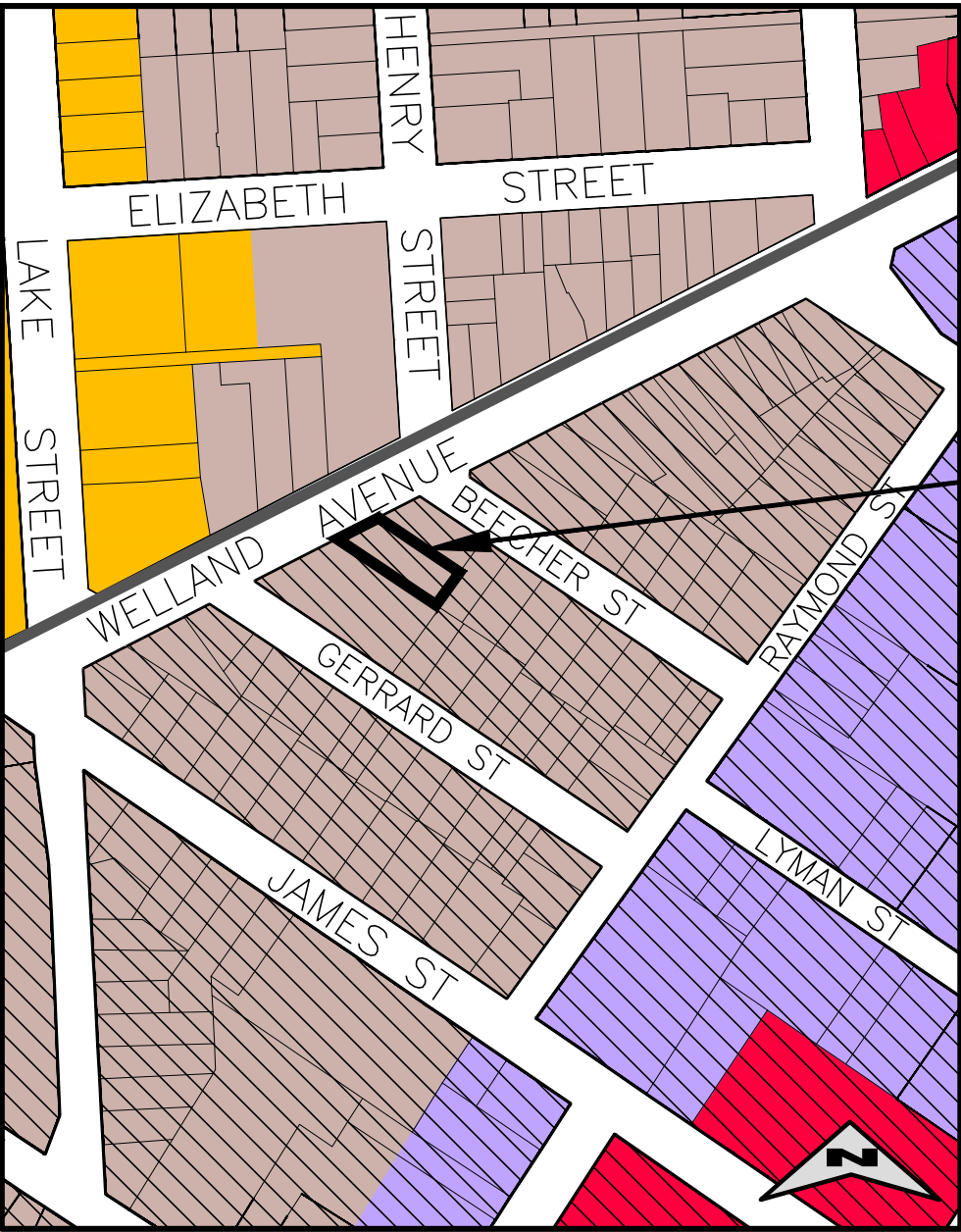
Location Map



Subject Lands

74 Welland Avenue

File: 60.35.1006



Subject Lands

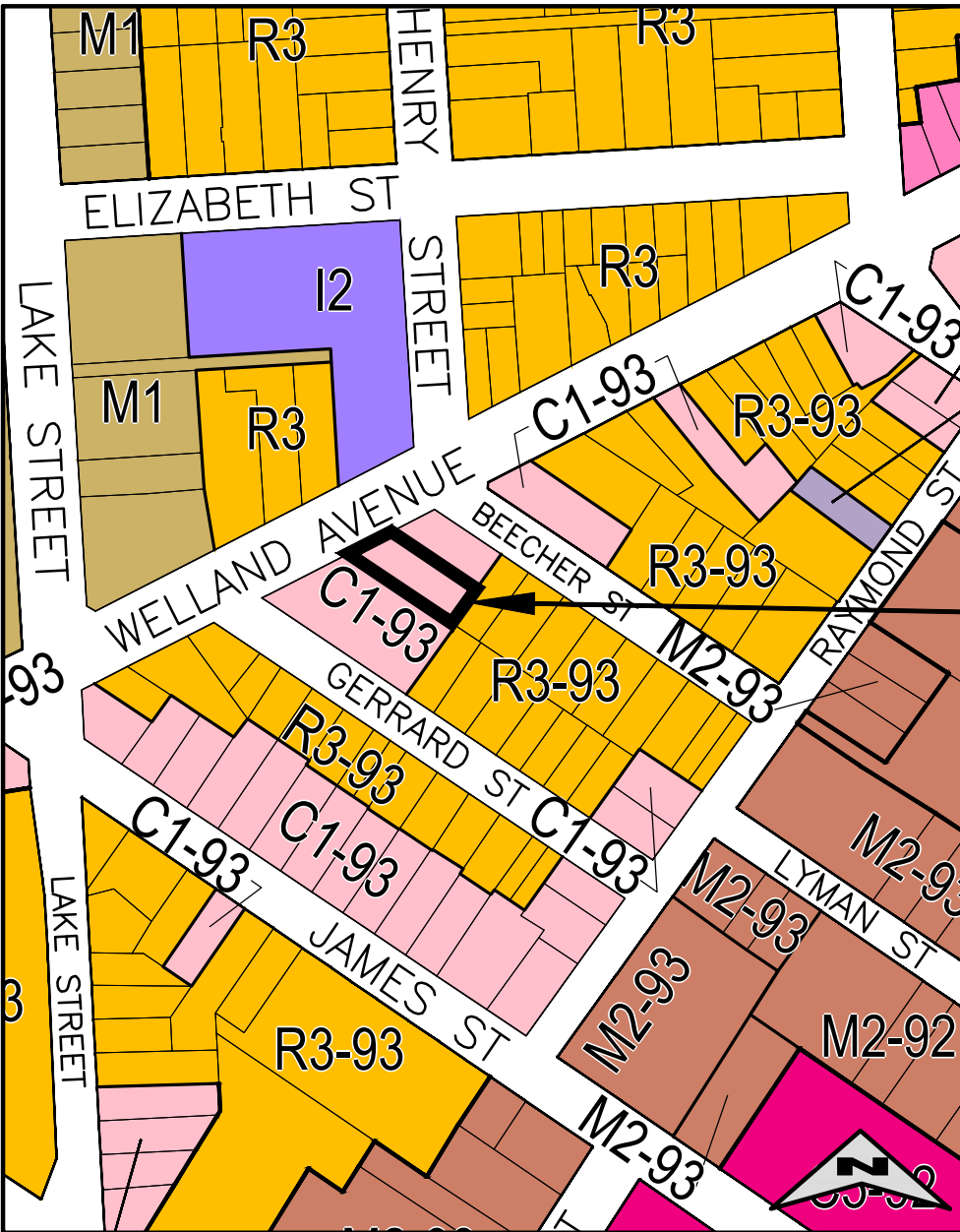
Official Plan
District Plan (E10)

Land Use Designations

- Medium Density Residential
- Community Commercial
- Mixed Use

Specific to Downtown Planning District:

- Medium Density Residential
- Mixed Medium High Density Residential / Commercial
- Commercial Core
- District Boundary

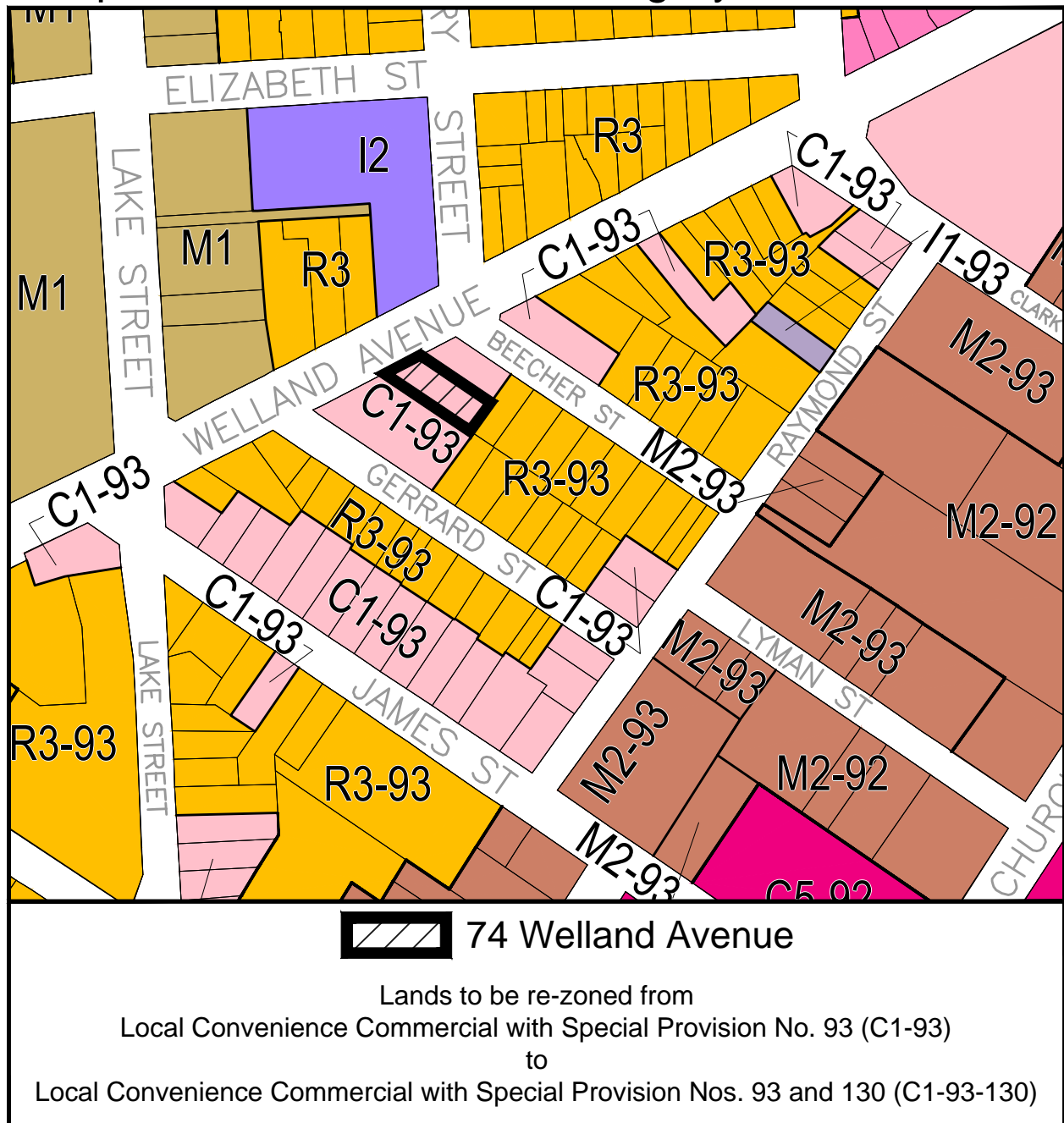


Subject Lands

Zoning By-Law 2013-283 Zones

- R3 Medium Density Residential
- C1 Local Convenience Commercial
- C2 Community Commercial
- C5 Downtown Commercial Core
- M1 Medium Density Mixed Use
- M2 Medium / High Density Mixed Use
- I1 Local Neighbourhood Institutional
- I2 Community Institutional

Proposed Amendment to Zoning By-Law 2013 - 283



Zones

R3 Medium Density Residential	M1 Medium Density Mixed Use
C1 Local Convenience Commercial	M2 Medium / High Density Mixed Use
C2 Community Commercial	I1 Local Neighbourhood Institutional
C5 Downtown Commercial Core	I2 Community Institutional

By-laws to be considered May 11, 2015

- (a) A By-law to authorize a contract with Catalina Excavating Inc. (Three readings – with respect to Parnell Road, under Project No. P14-003. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with Rankin Construction Inc. (Three readings – with respect to 2015 Asphalt Patching, under Project No. P15-091. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a contract with Nexterra Substructures Incorporated. (Three readings – with respect to St. Paul Street Sanitary Sewer, under Project No. P15-008. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize a Conditional Permit Agreement with 2446017 Ontario Inc. (Three readings – with respect to construction of footings and foundations at 51 Lake Street. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to amend By-law No. 90-255 entitled “A By-law to appoint certain persons engaged or employed by The Corporation of the City of St. Catharines municipal law enforcement officers”. (Three readings – with respect to addition of member of Fire Services. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to authorize a Usage and Implementation Agreement with Advanced Solutions International, Inc., represented by Advanced Solutions International-Canada, Inc. (Three readings – with respect to the hosting, implementation and usage of iMIS 20-100 Software. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to authorize a First Renewal Agreement with The Regional Municipality of Niagara. (Three readings – with respect to use of space. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to amend By-law No. 2013-99 entitled “A By-law to adopt Simplified Meeting Procedures for advisory bodies established by the City of St. Catharines”. (Three readings – with respect to implementing the advisory committee structure. General Committee, March 23, 2015, Item No. 3.5.)
- (i) A By-law to amend By-law No. 2015-46 entitled “A By-law to authorize a Licence Agreement with The Niagara Regional Police Service”. (Three readings – with respect to the correcting the licensee’s name. General Committee, March 23, 2015, Item No. 12.)
- (j) A By-law to amend By-law No. 2015-102 entitled “A By-law to authorize a License Agreement with Garden City Kiwanis Hockey League”. (Three readings – with respect to the correcting the amount of the annual license fee. General Committee, April 27, 2015, Item No. 12.)

- (k) A By-law to amend By-law No. 2004-277 entitled “A By-law to authorize delegation of certain matters to staff”. (Three readings – with respect to establishing community gardens on City land. To be considered by General Committee, May 11, 2015.)
- (l) A By-law to amend By-law No. 2015-28 entitled “A By-law to impose certain fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters”. (Three readings – with respect to the Rates and Fees for the FirstOntario Performing Arts Centre. To be considered by General Committee, May 11, 2015.)
- (m) A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines”. (Three readings – with respect to property municipally known as 74 Welland Avenue. To be considered by Council, May 11, 2015.)
- (n) A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its meeting held on the 11th day of May, 2015. (Three readings – with respect to ratification and adoption of City Council Minutes of April 27, 2015, and General Committee Minutes of April 27, 2015.)