



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, June 8, 2015  
Council Chambers, City Hall, 6:30 PM**

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

- 1. Presentations**
- 2. Opening Remarks, Mayor Walter Sendzik**
- 3. Adoption of the Agendas**
- 4. Declarations of Interest**
- 5. Public Meetings Pursuant to Planning Act (Commencing at 7:30 p.m.)**

5.1 Planning and Building Services, Planning Services  
Application for Draft Plan of Vacant Land Condominium Approval for  
Ten-Unit Townhouse Development at 140 Parnell Road; Owner:  
1473941 Ontario Ltd.

- 6. Adoption of the Minutes (Council and General Committee)**

- 6.1 [Regular Meeting of City Council, Monday, May 25, 2015](#)
- 6.2 [General Committee Minutes of Monday, May 25, 2015](#)

- 7. Delegations**

- 7.1 Janet Handy, Executive Director, Kristen French Child Advocacy Centre  
Niagara  
Re: Community Partnerships and Programs Awareness
- 7.2 Katrina Kroese, Executive Director, Niagara Sustainability Initiative  
Re: The Carbon Project
- 7.3 Michael Michaud, Club Secretary/Civic Affairs Committee  
Re: Rotary Club St. Catharines' Request to Partner with City to Apply to  
Canada 150 Community Infrastructure Program for Rotary Park Project
- 7.4 Bruce Allen, Vice-President of Niagara North, Niagara Regional Labour  
Council  
Re: Design and Budget Approval for Welland Canal Fallen Workers  
Memorial (see [General Committee Agenda, June 8, 2015, Item 4.7](#))

## **8. Call for Notices of Motion**

## **9. Motions**

### **9.1 Event of Municipal Significance - Port Dalhousie Supper Market**

That Council of the City of St. Catharines declare the Port Dalhousie Supper Market, to be held at Lakeside Park every Tuesday for eight weeks commencing July 7, 2015 and ending August 25, 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.  
FORTHWITH

### **9.2 Change to 2015 City Council Meeting Schedule**

Whereas Council approved the 2015 Schedule of Meetings at their meeting of December 15, 2014; and

Whereas Council approved a revision to the same on February 9, 2015, to add a meeting for budget purposes;

Therefore be it resolved that Council direct staff to revise the 2015 Schedule of Meetings to cancel August 10, 2015; and

That the Office of the City Clerk be directed to make the necessary notifications. FORTHWITH

### **9.3 Inter Municipal Transit**

Councillor Phillips will present the following motion which was introduced at the meeting of May 25, 2015:

That St. Catharines City Council endorses in principle, creating an inter-municipal transit system in Niagara; and

That staff are directed to work with the cities of Welland and Niagara Falls to work together to provide options on how best to provide Inter-municipal transit and report to City Council as options are presented to Niagara Region. FORTHWITH

### **9.4 Issuance of Debentures**

Whereas it is deemed desirable to issue debentures in the amount of \$12,028,200 in accordance with the terms of the various authorizing by-laws applicable to such expenditures;

Now therefore be it resolved by the Council of the Corporation of the City of St Catharines as follows:

That the City Clerk be and is hereby directed to request the Council of the Regional Municipality of Niagara to issue debentures, on behalf of the said City, in the amount of \$12,028,200; and

That the City Clerk and Treasurer be and they are hereby directed to make available to the said Regional Municipality of Niagara certified copies of all By-laws and Orders of the Ontario Municipal Board applicable and all other information required in this connection, to ensure the issue of the said debentures in the amount of \$12,028,200.  
FORTHWITH

**10. Resolve into General Committee**

**11. Motion Arising from In-Camera Session**

**12. Motion to Ratify Forthwith Recommendations**

**13. By-laws**

13.1 Reading of By-laws

**14. Agencies, Boards, Committee Reports**

14.1 Minutes to Receive:

- Accessibility Advisory Committee (formerly MACOA) - [February 25](#), [March 25](#), and [April 22](#), 2015
- Green Advisory Committee - [February 11, 2015](#)
- Welland Canal Fallen Workers Memorial Task Force - [January 29](#) and [April 8](#), 2015

**15. Adjournment**

20 - 21



CITY OF  
ST. CATHARINES

## Corporate Report

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**Report from** Planning and Building Services, Planning Services

**Date of Report:** May 15, 2015

**Date of Meeting:** June 8, 2015

**Report Number:** PBS-153-2015

**File:** 60.46.406

**Subject:** Application for Draft Plan of Vacant Land Condominium Approval for Ten-Unit Townhouse Development at 140 Parnell Road; Owner: 1473941 Ontario Ltd.

### Recommendation

That Council grant Draft Plan of Vacant Land Condominium Approval for the lands described as Part of Lot 14, Concession 2, Geographic Township of Grantham, St. Catharines, municipally known as 140 Parnell Road, as illustrated on Appendix 2 of this report, subject to the Conditions of Draft Plan of Condominium Approval, as outlined in Appendix 5 of this report; 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 after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "Draft Approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; 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 request approval of a draft plan of condominium (vacant land) for ten townhouse dwellings situated on a common private road, as illustrated on Appendix 2. The plan of condominium will allow each of the units to be sold individually. Staff is recommending approval of this draft plan of condominium, subject to the Conditions of Draft Plan Approval outlined in Appendix 5. The proposal conforms to Provincial, Regional and local Official Plan policies.

## Report

### Location and Site Description

The subject lands are located on the south side of Parnell Road, between Vine Street and Richelieu Drive, in the City's North Planning District. Walker's Creek and the Walker's Creek Trail run immediately east and south of the site. A location map is attached as Appendix 1.

The subject lands are 0.474 hectares in size, with approximately 72 metres of frontage along the south side of Parnell Road. One detached dwelling exists on the lands and is proposed to be demolished. The property is relatively flat and is lined with mature trees on the periphery of the lot. Mature trees interior to the site have been removed to facilitate the development. A portion of the property, along the easterly boundary, is located below the top-of-bank associated with Walker's Creek. These lands will be dedicated to the City as a condition of Site Plan Approval and have therefore been excluded from the draft plan of condominium and netted out of the total lot area for the purposes of calculating density.

Surrounding land uses include:

North:	Detached dwellings; townhouse and apartment dwellings further north
South:	Walker's Creek Trail, detached dwellings
East:	Walker's Creek Trail, detached and townhouse dwellings
West:	Detached dwellings, Prince Philip Public School

### The Proposal

The applicant proposes to demolish the existing detached dwelling and construct ten townhouse dwellings on three blocks, as illustrated on Appendix 2. Each of the ten dwellings would have frontage along a common private road, with parking provided within private driveways and attached garages. Four visitor parking spaces are proposed along the east side of the private road, at its southerly terminus. The applicant has requested Draft Plan of Vacant Land Condominium Approval so that each of the ten units can be sold individually.

### Official Plan Designation

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential, providing for a range of housing opportunities, types, forms, and densities. Schedule E2 of the GCP (see Appendix 3) provides additional direction for the North Planning District and designates the lands as Low Density Residential, permitting detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land.

The applicant proposes ten townhouse dwellings on the site at a density of 21.1 units per hectare. The applicant's proposal is permitted under the Low Density Residential designation of the GCP.

## **Zoning**

By-law 2013-283 zones the lands as Low Density Residential – Suburban Neighbourhood (R1) (refer to Appendix 4). The R1 zone permits a range of residential uses, including detached, semi-detached, quadruplex and townhouse units, and private road developments comprising any of the preceding housing forms.

The proposed townhouse development is a permitted use under the property's existing R1 zoning.

## **Circulation Comments**

This application for Draft Plan of Condominium Approval was circulated to all appropriate departments and agencies for their comments and requirements. There were no objections received. Most departments and agencies confirmed that their technical requirements will be addressed through the Site Plan Approval and Condominium Assumption processes currently underway. These processes are discussed in further detail below. Conditions of Draft Plan of Condominium Approval, attached as Appendix 5, reflect any additional requirements which may not be as appropriately addressed through the Site Plan Approval and Condominium Assumption processes.

## **Niagara Region**

Staff advise that they have no objection to the approval of this Application for Draft Plan of Condominium from a Provincial and Regional policy perspective, subject to the requirements of the NPCA (see below) and the conditions of Draft Plan of Condominium Approval (Appendix 5). The following technical comments were offered.

## **Archaeological Resources**

The applicant has submitted a stage 1-2 archaeological assessment report for the subject lands, prepared by a qualified consultant. The report, which has been reviewed by Regional staff, concluded that no further archaeological assessment of the property is required. As a condition of Draft Plan of Condominium Approval (refer to Appendix 5), the applicant will be required to produce a letter of compliance from the Ministry of Tourism, Culture and Sport, confirming that the report has been entered into the Ontario Public Register of Archaeological Reports. Further, the required Site Plan Agreement will include a clause advising that construction activities must cease should any deeply buried archaeological material be encountered.

## **Regional Engineering**

Through the Application for Site Plan Approval, Regional Development Services engineering staff has confirmed that as a condominium, the development is eligible to receive internal curbside waste collection. To that end, several clauses will be included in the Site Plan Agreement to ensure the development is maintained in such a manner that it will continue to meet the criteria for public waste collection.

## **Niagara Peninsula Conservation Authority**

Staff advise that they have no objection to the approval of this Application for Draft Plan of Condominium. Through review of the Application for Site Plan Approval, the Niagara Peninsula Conservation Authority (NPCA) provided the following technical comments, which are most appropriately implemented through the required Site Plan Agreement.

### **Fish Habitat, Natural Heritage**

In accordance with the Memorandum of Understanding in place between the Region and the NPCA, the Region defers to the NPCA for the review of impacts on natural heritage features. The section of Walker's Creek abutting the subject lands has been identified as Type 2 (Important) Fish Habitat by both the Ministry of Natural Resources and Forestry (MNRF) and the Regional Official Plan's Core Natural Heritage mapping. MNRF and Regional policies require that development be setback a minimum of 15.0 metres from the bankfull channel associated with the creek. The site plan currently under review (Appendix 3) indicates that all development will be located outside of the required 15.0 metre setback.

### **Floodplain Management**

The subject property is impacted by the floodplain associated with Walker's Creek and, as such, is subject to the NPCA's Floodplain Management Policies, which prohibit development within the floodplain. The site plan currently under review indicates that all development will be located above the Regulatory Floodplain elevation of 85.33 metres.

### **Slope Stability**

The NPCA has authority to regulate development located within 15.0 metres of the stable top-of-slope associated with Walker's Creek. The applicant has submitted a slope stability study which recommends that all habitable structures, grading and non-habitable amenity works be setback 7.5 metres from the stable top-of-slope. The NPCA has no objection to the study's conclusions.

## **Development Section, Planning and Building Services**

Development Section staff advises that the site is serviced at the private road with municipal water, storm and sanitary sewer services. Each townhouse dwelling will be individually serviced by laterals off of the main private connection. Site servicing, grading, drainage and stormwater management are addressed in detail through the review of the Application for Site Plan Agreement.

As a condition of Site Plan Approval, the owner will be required to dedicate a 0.914 metre road allowance widening to the City across the frontage of the subject lands. Road allowance widenings are not required strictly for the purposes of widening the paved portion of a road, rather they are required to accommodate the planned or future improvements to the entire road allowance, including the municipal boulevard, for such things as boulevard trees, sidewalks, utilities, etc.

As part of the Condominium Assumption Agreement, which is discussed further below, the owner will be required to post securities to ensure the completion of primary

services within the common element areas. These securities are in addition to those items typically secured through a Site Plan Agreement.

## **Parks, Recreation and Culture Services**

The applicant has submitted a tree preservation plan and report, prepared by a qualified consultant. The recommendations of this report will be included in the Site Plan Agreement to ensure that every best effort is made to retain mature, healthy trees, where possible.

In accordance with the policies of the GCP (13.1.4), the applicant will be required to pay to the City, in lieu of parkland dedication, 5% of the appraised value of the lands. These funds are collected through the Site Plan Approval process.

Further policies of GCP (13.2.2.10) provide that any natural areas located below the top-of-bank associated with Walker's Creek shall be dedicated to the City to ensure the long term protection and preservation of the natural features. The transfer of these lands to the municipality will occur prior to final Site Plan Approval.

## **Public Open House**

A public open house was hosted by Planning and Building Services on April 29, 2015. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. A representative from the owner company and five neighbourhood residents attended. The following are comments arising from the open house:

- Townhouse dwellings are an undesirable use and incompatible with existing detached dwellings in the neighbourhood.
- The development will be a catalyst for further infill development along Walker's Creek, including the development of City-owned parkland.
- Infill development will compromise the character of the existing neighbourhood.

These comments are addressed in the Planning Analysis section of this report.

## **Planning Analysis**

### **Provincial Policy Context**

The subject lands are located within a settlement area under the Provincial Policy Statement (2014) and within the built-up area as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (2006). These documents contain policies that direct growth to settlement areas, support all forms of residential intensification and urban area regeneration, and require the provision of all forms of housing, which may be required to meet the social, health and well-being needs of current and future residents.

At a density of 21.1 units per hectare, this development provides for the efficient use of underutilized lands with access to existing infrastructure and services. Commercial and community uses are located in close proximity to the site. Public transit is available



within walking distance, at the intersection of Vine Street and Parnell Road. Walker's Creek Trail is located to the immediate east and south. The proposed townhouse development contributes to the range of available housing types in the neighbourhood. The proposal meets the spirit and intent of the applicable Provincial policies.

### **Regional Official Plan**

According to the Regional Official Plan, the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031 / conformity amendment). Municipalities are encouraged to provide a full range of housing types and densities, which are suited for a variety of household types and income groups.

The Regional Official Plan reiterates the land use pattern policies and objectives of the Provincial Policy Statement for residential intensification and sustainable communities outlined above. Further, the Plan requires that municipalities achieve a minimum 40 per cent residential intensification target for Built-up Areas by 2015 and for each year thereafter. The Region's Sustainable Community Policies establish a residential intensification target of 95 per cent for the St. Catharines Built-up Area.

The proposed development contributes to the mix of housing types available in the area to meet the needs of existing and future residents of the community. At a density of 21.1 units per hectare, redevelopment of this underutilized property makes more efficient use of the lands and existing infrastructure. The site is in close proximity to public transit, commercial and community facilities, and parks and active transportation opportunities such as the Walker's Creek Trail. The proposal complies with the policies of the Regional Official Plan.

### **Official Plan**

The subject lands are designated as Low Density Residential (Appendix 3) by the City's Official Plan, The Garden City Plan (GCP). The Low Density Residential designation of the GCP provides for a range of housing types, including townhouse dwellings, at a density range generally between 20 and 32 units per hectare. Height of buildings will generally not exceed 11.0 metres.

The applicant proposes to construct ten townhouse dwellings on the lands at a density of 21.1 units per hectare. Proposed height of units ranges between 10.4 and 10.7 metres. The proposed vacant land townhouse development is a permitted use under the existing Low Density Residential designation and complies with the applicable land use policies. An Official Plan Amendment is not required.

The GCP supports residential infill and intensification and emphasizes the provision of a variety of housing types. It provides that growth will be accommodated through, among other means, the redevelopment and efficient use of underutilized lands, and more compact building form and densities (2.3.3).

The proposed development will implement the growth management objectives of the GCP by providing a greater mix of housing types and by promoting the more efficient use of the City's urban land supply.

The GCP provides that all development and redevelopment within the urban area be evaluated having regard for urban design principals and policies set out in the Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands (7.1).

Staff is satisfied that the built form - that is the height and massing of the proposed townhouse dwellings - will be compatible with adjacent detached dwellings. Building setbacks are proposed to meet the minimum requirements of the Zoning By-law and will provide adequate amenity space for residents of the development, as well as additional buffering between the new townhouse dwellings and existing detached homes to the immediate west. Existing periphery trees together with new landscaping will enhance this buffer. Boulevard trees and landscaped entrance features will help to minimize impacts of parking off of the new common private road. End walls that face Parnell Road will include architectural detail and increased glazing to ensure a pleasant streetscape is maintained. Potential impacts of the development will be mitigated through the Site Plan Approval process.

### **Zoning By-law**

By-law 2013-283 zones the lands as Low Density Residential – Suburban Neighbourhood (R1) (refer to Appendix 4). The R1 zone permits a range of residential uses, including detached, semi-detached, quadruplex and townhouse units, and private road developments comprising any of the preceding housing forms.

The proposed townhouse development is a permitted use under the property's existing R1 zoning. A Zoning By-law Amendment is not required.

The Committee of Adjustment recently granted the applicant relief from certain provisions of the Zoning By-law, including: a reduced setback from one of the townhouse dwelling units to the private road; a reduced setback from one of the attached garages to the private road; an increase in maximum driveway width for one of the townhouse dwelling units; and an increase in maximum parking area coverage for the overall site.

### **Draft Plan of Condominium**

The application proposes vacant land condominium tenure – a form of property ownership - for ten townhouse dwelling units, plus common element areas, which include a private road, visitor parking, landscaped areas and access for maintenance. Upon assumption, the condominium corporation will be responsible for the ongoing maintenance of all of the common elements.

It is important for Council to be aware that the land use permissions for a townhouse development on this site are already in place by virtue of Zoning By-law 2013-283. The planning framework outlined in this report is for background purposes only. The Application for Draft Plan of Condominium Approval deals with the type of ownership and not the form of development.

Subsection 51(24) of the Planning Act guides staff in assessing plans of condominium and outlines certain criteria to be considered. This includes, among other matters, the effect of the development on matters of Provincial and public interest; its conformity with the Official Plan; the conservation of natural resources; the availability of adequate services; and the overall suitability of the lands for development.

Staff are satisfied that the proposed vacant land condominium development fulfills these criteria, subject to the conditions of draft plan approval outlined in Appendix 5.

### **Site Plan Approval and Condominium Assumption**

The City's Site Plan Control By-law, as amended, requires that all residential development of four or more units be subject to Site Plan Control. Site Plan Control is the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. Site Plan Control also ensures that developments are designed to meet minimum municipal standards.

The applicant has worked with staff to refine the site plan submitted, which is now generally acceptable. This plan and others will address building elevations, landscaping, tree preservation, access, parking, lighting, site servicing, grading and drainage, stormwater management, waste collection, and similar site details. Once these designs are found to be acceptable, the applicant will be required to enter into a Site Plan Agreement with the City and post securities to ensure the required works are satisfactorily completed.

To bind the future condominium corporation to the terms of the Site Plan Agreement, the applicant and future condominium corporation will also be required to enter into a Condominium Assumption Agreement with the City. Additional securities for incomplete primary services within common elements may be required.

Staff recommends that the requirement to enter into the Site Plan and Condominium Assumption Agreements be included as conditions of Draft Plan of Condominium Approval (Appendix 5).

### **Open House Comments**

With regard to the comments expressed at the Open House, the following is offered.

**Comment:** Townhouse dwellings are an undesirable use and incompatible with existing detached dwellings in the neighbourhood.

**Response:** Townhouse dwellings are a permitted use under both the existing zoning and official plan designation. A larger block of townhouse dwellings exists in this neighbourhood on the north side of Parnell Road, just east of Walker's Creek. The scale, height and massing of the townhouse dwellings is comparable to existing detached dwellings in the neighbourhood. Details of the site design are assured through the Site Plan Approval process. Site Plan Approval ensures a compatible development.

**Comment:** The development will be a catalyst for further infill development along Walker's Creek, including the development of City-owned parkland.

**Response:** The Garden City Plan supports residential infill and intensification and is entrenched with Provincial and Regional policies of the same direction. The City has no plans to sell municipally-owned parkland located along Walker's Creek.

**Comment:** Infill development will compromise the character of the existing neighbourhood.

**Response:** The applicant has submitted site and building designs which are compatible with the existing neighbourhood. The development is subject to site plan control – the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood.

## Public Notice

In accordance with established procedures, notices for the public meeting have been circulated.

## 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

Not applicable.

## Conclusion

In summary, staff is supportive of the application for Draft Plan of Vacant Land Condominium Approval, subject to the conditions of Draft Plan Approval outlined in this report and included as Appendix 5. A plan of condominium will allow each of the proposed townhouse dwellings to be sold individually. The proposal is consistent with Provincial, Regional and local Official Plan policies.

## Notification

It is in order to advise Anthony Continelli, 1473941 Ontario Ltd.

**Prepared by:**

Amanda Knutson  
Planner I

**Submitted by:**

Judy Pihach, MCIP, RPP  
Manager, Planning Services

**Approved by:**

James N. Riddell, MPI, MCIP, RPP,  
Director, Planning and Building Services



# Location Map

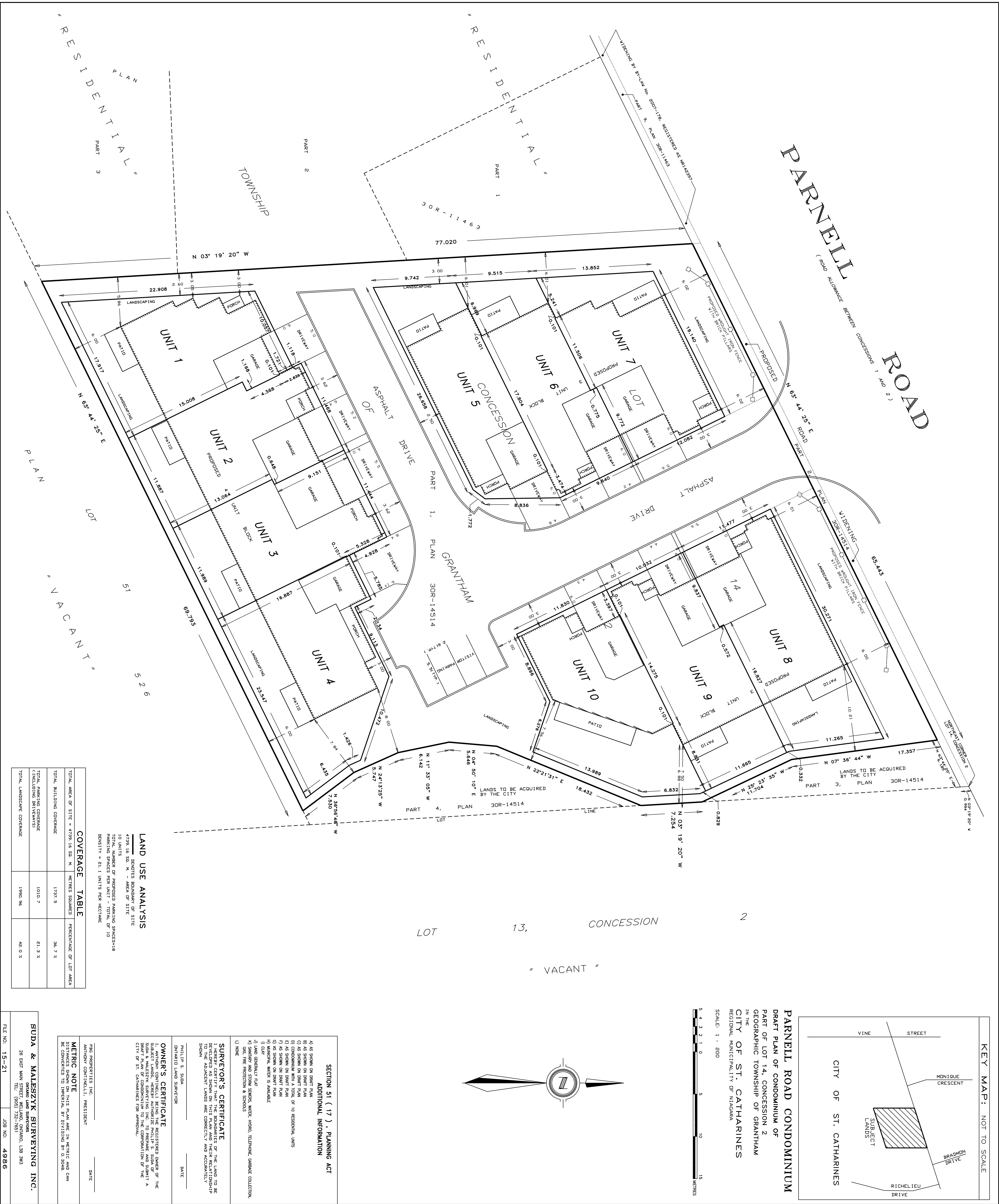


Niagara Regional Air Photo (April, 2013)

 Subject Lands

140 Parnell Road

File: 60.46.406



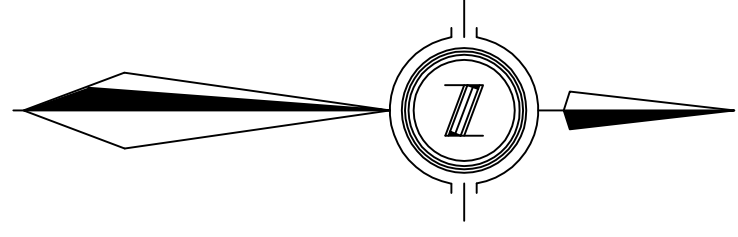
LAND USE ANALYSIS			
— DENOTES BOUNDARY OF SITE			
4739.16 SQ. M. - AREA OF SITE			
10 UNITS OWNER OF PROPOSED PARKING SPACES=18			
PARKING SPACES PER UNIT - TOTAL OF 10			
DENSITY = 21.1 UNITS PER HECTARE			
COVER AGE TABLE			
TOTAL AREA OF SITE -	METRES SQUARED	PERCENTAGE OF LOT AREA	
TOTAL BUILDING COVERAGE	1735.5	36.7 %	
TOTAL PARKING COVERAGE	1010.7	21.3 %	
TOTAL LANDSCAPE COVERAGE	1990.96	42.0 %	

**SUDA & MALESZYK SURVEYING INC.**  
26 EAST MAIN STREET, WILLOW, ONTARIO, L9B 3N3  
TEL: (605) 722-7031

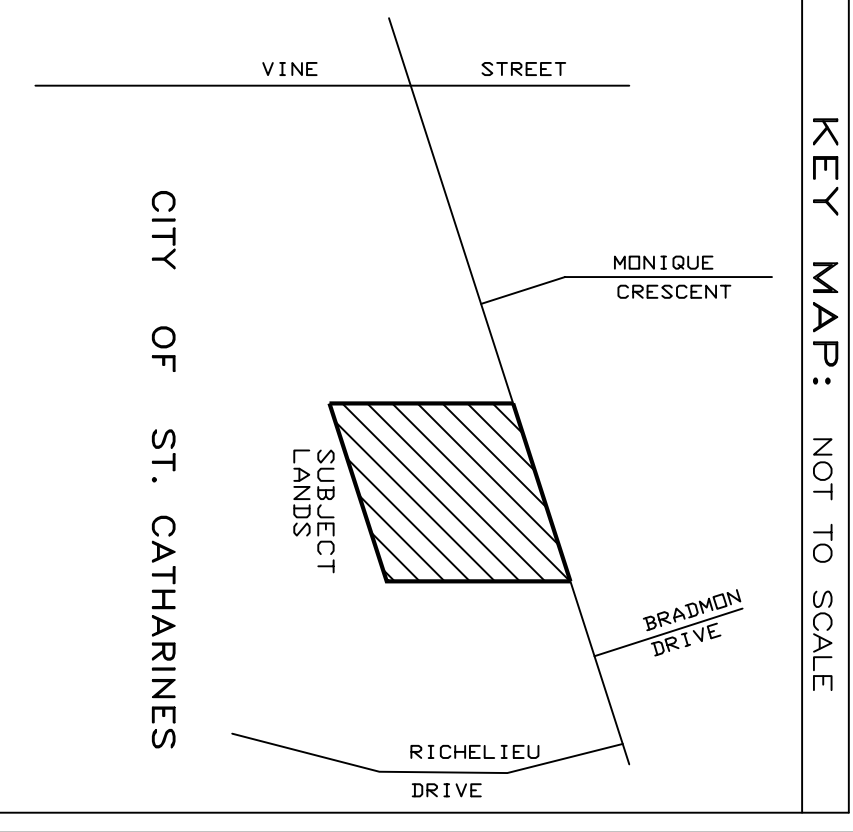
**OWNER'S CERTIFICATE**  
I, ANTHONY CONTINELLI, BEING THE REGISTERED OWNER OF THE SUDA & MALESZYK SURVEYING INC. DO HEREBY CERTIFY THAT THE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048.

**SURVEYOR'S CERTIFICATE**  
I, PHILIP S. SUDA, BEING THE REGISTERED SURVEYOR OF THE SUDA & MALESZYK SURVEYING INC. DO HEREBY CERTIFY THAT THE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048.

**SECTION 51 (17) - PLANNING ACT**  
**ADDITIONAL INFORMATION**  
A) AS SHOWN ON DRAFT PLAN  
B) AS SHOWN ON DRAFT PLAN  
C) AS SHOWN ON DRAFT PLAN  
D) CONDOMINIUM WITH A TOTAL OF 10 RESIDENTIAL UNITS  
E) AS SHOWN ON DRAFT PLAN  
F) AS SHOWN ON DRAFT PLAN  
G) AS SHOWN ON DRAFT PLAN  
H) MUNICIPAL WATER IS AVAILABLE  
I) CLAY  
J) LAND GENERALLY FLAT  
K) LAND GENERALLY FLAT  
L) NONE

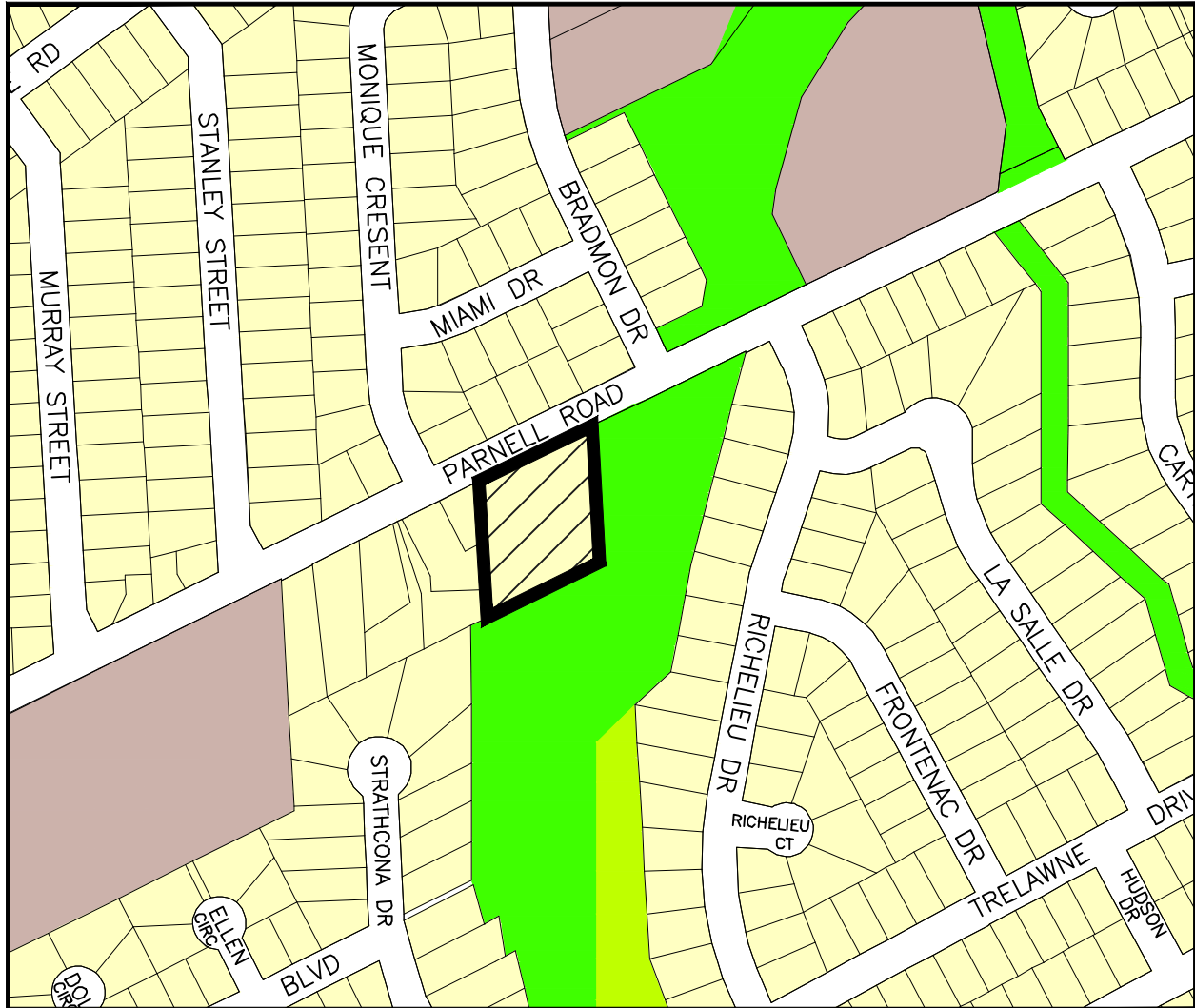


**PARNELL ROAD CONDOMINIUM**  
DRAFT PLAN OF CONDOMINIUM OF  
PART OF LOT 14, CONCESSION 2  
GEOGRAPHIC TOWNSHIP OF GRANTHAM  
IN THE  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE: 1 : 200





## Land Use Designations - District Plan E2



140 Parnell Road

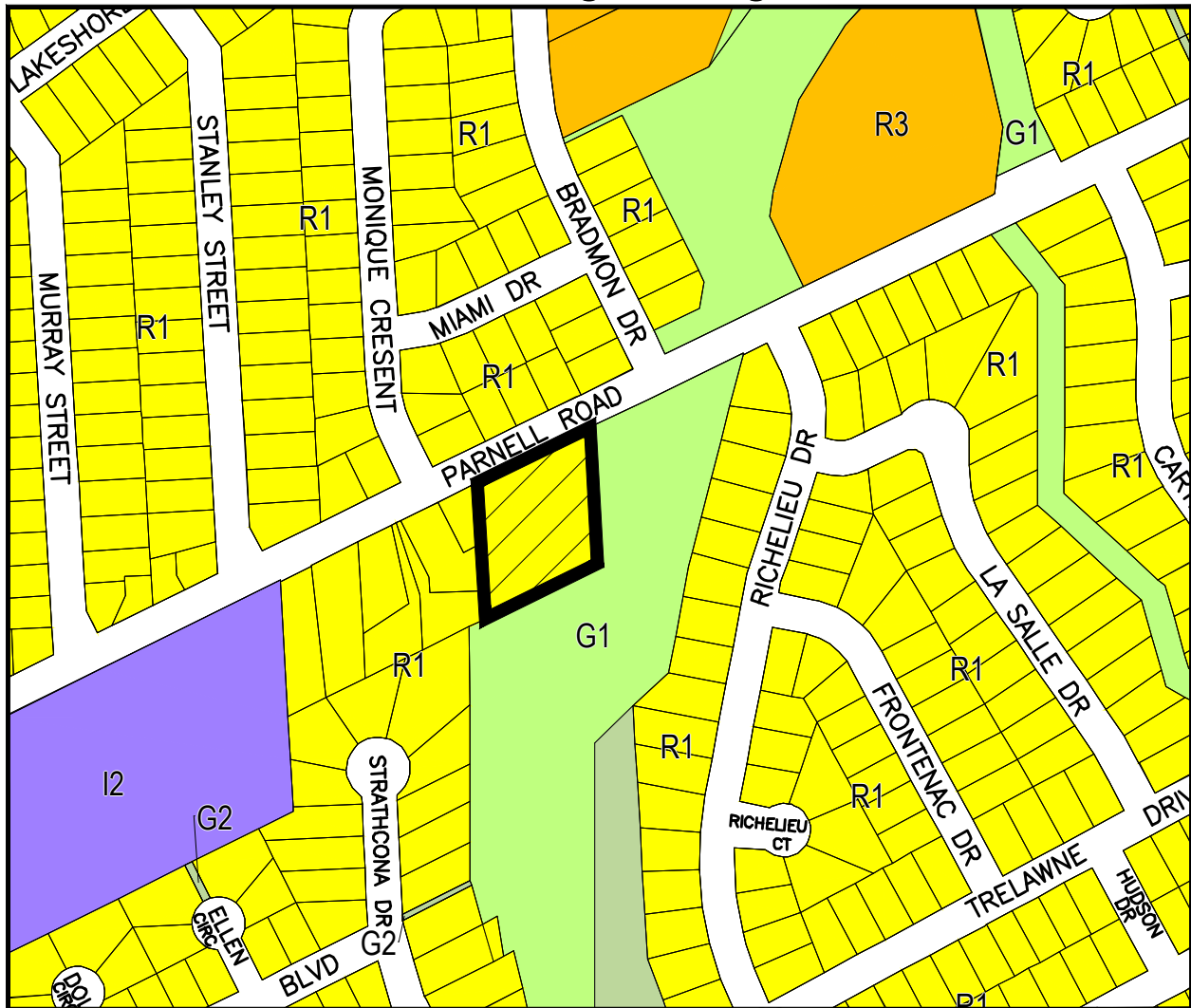
File: 60.46.406

### Land Use Designations

 Low Density Residential	 Parkland & Open Space
 Medium Density Residential	 Natural Areas



## Existing Zoning



140 Parnell Road

File: 60.46.406

### Zones

- R1 Low Density Residential  
- Suburban Neighbourhood
- R3 Medium Density Residential

- G1 Conservation / Natural Area
- G2 Minor Green Space
- I2 Community Institutional

**Conditions of Draft Approval  
140 Parnell Road  
File No. 60.46.406  
Submission No. 26CD—10-15001**

**General Approval**

1. That this approval applies to lands described as Part of Lot 14, Concession 2, Geographic Township of Grantham, St. Catharines, municipally known as 140 Parnell Road, for ten townhouse units, and common element areas for a private road, servicing, parking, landscaping, access for maintenance, etc., as illustrated on the plan prepared by Suda & Malesyk Surveying Inc., and dated May \_\_\_\_\_, 2015.

**Site Plan Agreement**

2. That prior to final approval of the plan of condominium, the owner shall enter into a Site Plan Agreement with the City of St. Catharines, which shall be registered against the title of the lands. The Site Plan Agreement shall address certain matters including, but not limited to landscaping, fencing, parking, lighting and waste collection and shall include the following or similar clauses:
  - a. "Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (416-314-7143) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act."
  - b. "In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport, and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392)."

*(City of St. Catharines,  
Regional Municipality of Niagara)*

**Condominium Assumption Agreement**

3. That the owner and condominium corporation to-be-formed shall enter into a Condominium Assumption Agreement with the City of St. Catharines, which shall be registered against the title of the lands immediately following registration of the final plan of condominium.

*(City of St. Catharines)*

## Archaeological Resources

4. That prior to final approval for registration, the owner shall ensure that a copy of the Ministry of Tourism, Culture and Sport's letter of compliance and/or notice of entry into the Ontario Public Register of Archaeological Reports of the Stage 1-2 Archaeological Assessment of 140 Parnell Road, prepared by AMICK Consultants Limited, and dated May 2013 (Project No. P384-024-2013) is provided to the Niagara Region.

*(Regional Municipality of Niagara)*

## Servicing Allocation

5. That within 60 days of draft plan approval, the owner promptly acknowledge to the Niagara Region that draft approval of this condominium does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the condominium for registration purposes and any pre-servicing will be at the sole risk and responsibility of the owner.

*(Regional Municipality of Niagara)*

6. That within 60 days following notice of draft plan approval, the owner shall provide the Niagara Region with a written undertaking stating that all offers and agreements of purchase and sale which may be negotiated prior to and after registration of this condominium shall contain a clause clearly indicating that a servicing allocation for this condominium will not be assigned until the plan is granted final approval for registration. A similar clause shall be inserted in the Condominium Assumption Agreement and/or the Site Plan Agreement between the owner and the City of St. Catharines.

*(Regional Municipality of Niagara)*

## Easements

7. That all easements required for water, sanitary sewers, utilities and drainage purposes be granted by the owner to the appropriate authority.

*(City of St. Catharines,  
Horizon Utilities,  
Enbridge Gas Distribution,  
Bell Canada)*

## Administration

8. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft plan approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Building Services.

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.

## By-laws to be considered June 22, 2015

- (a) A By-law to authorize a Contribution Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Tourism, Culture and Sport. (Three readings – with respect to Tourism Development Fund for Hotel Feasibility Study for Downtown St. Catharines and Port Dalhousie. Delegation By-law 2004-277, as amended.)
- (b) A By-law to authorize a Voter List Management Services Agreement with Comprint Systems Inc. (doing business as “DataFix”). (Three readings – with respect to Voter’s List Management Services to support the 2018 Municipal Election. Delegation By-law 2004-277, as amended.)
- (c) A By-law to amend By-law No. 2014-169 entitled "A By-law to appoint a Chief Building Official and Inspectors under the *Ontario Building Code Act*, 1992." (Three readings – with respect to appointment of Building Inspector and amendments of Building Inspectors. Delegation By-law 2004-277, as amended.)
- (d) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads". (Three readings – with respect to all-way stop at Henry Street and Beech Street. To be considered by General Committee, June 22, 2015, Forthwith.)
- (e) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads". (Three readings – with respect to Parking Prohibitions on Birchwood. To be considered by General Committee, June 22, 2015, Forthwith.)
- (f) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads". (Three readings – with respect to Parking Prohibitions on Victor. To be considered by General Committee, June 22, 2015, Forthwith.)
- (g) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads". (Three readings – with respect to Parking Prohibitions on Hilldale. To be considered by General Committee, June 22, 2015, Forthwith.)
- (h) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads". (Three readings – with respect to turning prohibitions on Hartzel, Lincoln and Keswick. To be considered by General Committee, June 22, 2015, Forthwith.)
- (i) A By-law to authorize a Conditional Permit Agreement with Penn Terra Group Limited. (Three readings – with respect to construction of footings and foundations at 136 James Street. Delegation By-law No. 2004-277, as amended.)
- (j) A By-law to authorize an Amendment to the Brownfield Tax Increment Based Incentive Grant Program Agreement with Brickyard Developments Limited. (Three readings – with respect to revising the commencement date with respect to Heritage

Point Phase 2 (40 and 44 Woodburn Avenue). To be considered by General Committee, June 22, 2015, Forthwith.)

- (k) A By-law to amend By-law No. 2014-242 entitled "A By-law to authorize a License Agreement with 2407410 Ontario Inc." (Three readings – with respect to amending company name for disc golf at Centennial Garden Park, 321 Oakdale. Delegation By-law No. 2004-277, as amended.)
- (l) A By-law to regulate the proceedings of Council of The Corporation of the City of St. Catharines, and to repeal By-laws 2007-311, 2011-153, and 2012-330. (Three readings – with respect to new Procedural By-law. To be considered by General Committee, June 22, 2015.)
- (m) A By-law to authorize the acceptance of conveyances of certain lands from Jason Wiens for the widening of Niagara Street. (Three readings with to severance condition for 640 Niagara Street. Delegation By-law 2004-277, as amended.)
- (n) A By-law to amend By-law No. 2014-253 entitled "A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act and to repeal By-law No. 2014-53." (Three readings – with respect to change in personnel. Delegation By-law 2004-277, as amended.)
- (o) A By-law to authorize a contract with Duffin Contracting Inc. (Three readings – with respect to Village Road – Watermain, Project P14-104. Delegation By-law 2004-277, as amended.)
- (p) A By-law to authorize a contract with Upper Canada Planning & Engineering Ltd. (Three readings – with respect to Ontario Street, Design and Construction Administration Services, Project P15-001. Delegation By-law 2004-277, as amended.)
- (q) A By-law to authorize a contract with Rankin Construction Inc. (Three readings – with respect to 2015 Resurfacing Program Part 2, Project P15-060. Delegation By-law 2004-277, as amended.)
- (r) A By-law to authorize a contract with 788893 Ontario Ltd. o/a Niagara Crack Sealing. (Three readings – with respect to 2015 Crack Sealing Program, Project P15-083. Delegation By-law 2004-277, as amended.)
- (s) 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 June 22, 2015. (Three readings – with respect to ratification and adoption of City Council Minutes of June 8, 2015, and General Committee Minutes of June 8, 2015.)
- (t) A Bylaw to authorize a Tax Arrears Extension Agreement with D. Zumpe and A. L. Zumpe (Three readings – with respect to payment of tax arrears. Delegation By-law 2004-277, as amended)