



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, September 28, 2015
Council Chambers, City Hall, 6:30 PM**

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

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1. Presentations

- 1.1 Robert Riediger, Manager of Operations, Transportation and Environmental Services
Re: Winter Control Program - Overview (see [General Committee Agenda, September 28, 2015, Item 3.3](#))

2. Public Meetings Pursuant to Planning Act

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- 2.1 Planning and Building Services, Planning Services
Application to Amend Official Plan ("Garden City Plan") and Zoning By-law (2013-283) to Permit Apartment Building; and
Application for Condominium Draft Plan Approval (Standard) - 212 Lakeport Road; Astra Capital Incorporated, Owner; Upper Canada Consultants, Agent

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- 2.2 Planning and Building Services, Planning Services
Application to Amend Official Plan ("Garden City Plan") and Zoning By-law (2013-283) to Permit Community Commercial Uses on Subject Lands at 52 Lakeport Road (Dalhousie House); City of St. Catharines, Owner

3. Opening Remarks, Mayor Walter Sendzik

4. Adoption of the Agendas

5. Declarations of Interest

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

- 6.1 [Regular Meeting of Council, September 14, 2015](#)
6.2 [General Committee Minutes, September 14, 2015](#)

7. Delegations

- 7.1 Dale Millar
Re: Zoning Regulations Applicable to Residential Front Yard Parking and Moote Street – Parking Assessment (see General Committee Agenda, September 28, 2015, [Item 4.3](#) and [Item 4.4](#), respectively)
- 7.2 **Public Meeting (Pursuant to Notice By-law 2007-310, as Amended)**
Financial Management Services, Billing
Re: Administrative Penalty System (APS) Review (see [General Committee Agenda, September 28, 2015, Item 3.1](#))
- 7.3 **Public Meeting (Pursuant to Notice By-law 2007-310, as Amended)**
Transportation and Environmental Services, Operations
Addition of IceDogs Way Parking Lot to By-Law 89-305 and Downtown Special Event Parking Fees (see [General Committee Agenda, September 28, 2015, Item 3.2](#))

8. Call for Notices of Motion

9. Motions

- 9.1 **Canadian Arts Presentation Fund contribution for FirstOntario Performing Arts Centre 2016/17 Presentation Series**

WHEREAS the FirstOntario Performing Arts Centre will be opening its doors to the public;

WHEREAS the annual presentation series requires revenue to offset the cost of presenting the performances to ensure the annual budgets are achieved;

WHEREAS revenue is generated for the presentation series by selling tickets to the shows, seeking sponsors for each performance; and by obtaining financial contributions whenever possible;

WHEREAS the Government of Canada's Department of Heritage, Canadian Arts Presentation Fund offers a contribution to the performing arts centres to help offset the risk associated with presenting new and emerging work in the performing arts;

WHEREAS the FirstOntario Performing Arts Centre could potentially be eligible for \$130,000 in Federal grant monies based on its presentation series;

WHEREAS the current deadline for this application is September 30, 2015;

THEREFORE BE IT RESOLVED that Council endorse the application of the FirstOntario Performing Arts Centre to the Department of Canadian Heritage to support the 2016/2017 Hot Ticket Presentation Series. FORTHWITH

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- 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:
 - Clean City Advisory Committee, [July 21, 2015](#)
- 15. Adjournment**

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CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: September 3, 2015

Date of Meeting: September 28, 2015

Report Number: PBS-259-2015

File: 60.30.323, 60.35.1008, 60.46.409

Subject: Application to Amend Official Plan ("Garden City Plan") and Zoning By-law (2013-283) to Permit Apartment Building; and Application for Condominium Draft Plan Approval (Standard) - 212 Lakeport Road; Astra Capital Incorporated, Owner; Upper Canada Consultants, Agent

Recommendation

Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Part of Lot 19, Concession 2, former Geographic Township of Grantham, St. Catharines, municipally known as 212 Lakeport Road, as follows:

- a) That Schedule D1, General Land Use Plan, be amended by changing the land use designation of the subject lands from Commercial to Neighbourhood Residential, as outlined in Appendix 3 of this report; and
- b) That Schedule E1, North Planning District, be amended by changing the more refined land use designation of the subject lands from Community Commercial to Medium Density Residential, as outlined in Appendix 4 of this report.

Zoning By-law Amendment

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as Part of Lot 19, Concession 2, former Geographic Township of Grantham, St. Catharines, municipally known as 212 Lakeport Road, as follows:

- a) That Schedule A, Zone Maps, be amended by changing the zoning of the subject lands from Community Commercial (C2) to High Density Residential Holding (R4-H1-131), as outlined in Appendix 5 of this report; and
- b) That Section 13.1, List of Special Provisions, be amended to add an additional special provision, as follows:

Special Provision	Zone	Schedule			Location	By-law
		A	B	C		
131	R4	7, 8	29		212 Lakeport Road	2015-_____
Apartment Buildings / Long Term Care Facilities shall be subject to the following requirements:						
1.	Minimum Front Yard				3 m for portion of building up to 11 m in height / 5 m for portion of building 11 m in height or greater	
2.	Minimum Rear Yard				As illustrated in Schedule B-29 for portion of building up to 11 m in height / additional 0.5 m for each additional 1 m of building height	
3.	Minimum Northerly Interior Side Yard				As illustrated in Schedule B-29 for portion of building up to 11 m in height / additional 0.5 m for each additional 1 m of building height	
4.	Minimum Southerly Interior Side Yard				3 m for portion of building up to 11 m in height / additional 0.5 m for each additional 1 m of building height	
5.	Maximum Encroachment of a Platform Structure into the Required Rear Yard				0.26 m, as illustrated in Schedule B-29	
6.	Minimum Landscape Buffer Width adjacent to a Residential Zone				0.41 m, as illustrated on Schedule B-29	

7.	Minimum Landscape Buffer Width adjacent to a Commercial Zone	1.77 m, as illustrated on Schedule B-29
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- c) That Section 15.2, Schedule B, Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map, Schedule B-29, as illustrated in Appendix 8 attached to this report.

Condominium Draft Plan Approval

That Council defer approval of the application for Condominium Draft Plan Approval for the lands described as Part of Lot 19, Concession 2, former Geographic Township of Grantham, St. Catharines, municipally known as 212 Lakeport Road, as illustrated in Appendix 9 of this report, until such time as an application for site plan approval has been received and reviewed; and

That Council close the public meeting on all three applications; and

For the Official Plan and Zoning By-law amendments, that the Mayor and City Clerk be authorized to execute the necessary By-laws to give effect to Council's decisions; 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 an application to the Ontario Municipal Board for approval of the official plan amendment and zoning by-law amendment, if any appeals are received; and

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

Summary

The applications propose a three-storey (11 metres approximately), 45-unit, apartment building at a density of 94.86 units per hectare. Standard condominium tenure is proposed, which will allow each of the apartment dwelling units to be sold individually. A concept site plan and elevations are attached as Appendices 6 and 7. The draft plan of condominium proposal is attached as Appendix 9.

An official plan amendment is required to change the land use designation from Commercial to Neighbourhood Residential (Appendix 3) to permit an apartment building without a commercial component.

Further, the more refined land use designation of Community Commercial in the North Planning District policies must be changed to Medium Density Residential (Appendix 4).

A zoning by-law amendment is also required to re-zone the subject lands from Community Commercial (C2) to High Density Residential (R4) to permit the stand-alone apartment building where no commercial use is proposed (Appendix 5).

Staff is recommending approval of the applications for official plan and zoning by-law amendment, subject to a Holding (H) provision for environmental considerations and site specific zoning regulations. The proposal meets the spirit and intent of Provincial, Regional and local Official Plan policies.

Staff is generally supportive of the proposal for condominium tenure for the development. However, staff recommends that approval of the draft plan of condominium, as illustrated in Appendix 9, be held in abeyance pending the receipt and review of an application for site plan approval. Through the site plan approval process, detailed designs for site elements such as site servicing, and parking, loading and landscaped areas are further refined. This refinement provides more certainty with respect to the limits of common element and exclusive use areas and is needed before Council approval of the draft plan.

Background

The subject lands are the former site of Henley Honda, composed of an automobile dealership and service centre. All buildings associated with the previous commercial use have been demolished.

Report

Location and Site Description

The subject lands are located in City's North Planning District, as outlined on Schedule E1 of the Garden City Plan. More specifically, the property is situated on the west side of Lakeport Road, between Linwell Road and Lakehurst Drive. A location map is attached as Appendix 1.

The site is irregular in shape with 112.41 metres of frontage along Lakeport Road. The property is vacant; multiple buildings associated with the former commercial use have been demolished. The lands are relatively flat and are surfaced with gravel and asphalt.

Surrounding land uses, as indicated on Appendix 2, include:

North:	Semi-detached dwellings to the immediate north; St. Francis Catholic Elementary School; a three-storey apartment building further north
South:	A commercial plaza to the immediate south; a mix of commercial and residential uses (three-storey apartment building, townhouse, detached and semi-detached dwellings) south of Linwell Road
East:	Eden High School; detached and semi-detached dwellings further east
West:	Townhouse dwellings; semi-detached dwellings further west

Proposed Development

The applicant proposes to construct a three-storey (11 metres approximately), 45-unit apartment building (Appendix 6). The development constitutes a density of 94.86 units per hectare. The building is oriented to the front of the property, addressing the street

with a setback of 3.4 metres. The northerly and southerly interior side yards are proposed at 3.67 metres and 31.7 metres respectively. At its shallowest point – a pinch point where the two rear property lines intersect - the rear yard is proposed to be 0.66 metres. Access to parking areas is provided by a drive aisle located to the south of the building. The majority of parking is provided below the building (38 spaces, including 2 accessible), with some surface parking located to the south of the building (21 spaces, including 1 accessible). Standard condominium tenure is proposed so that each of the apartment dwelling units may be sold individually (Appendix 9).

Official Plan Designation

The Garden City Plan designates the lands as Commercial on Schedule D1, General Land Use Plan (Appendix 3). The Commercial land use designation is intended to provide concentrations of retail and service commercial uses to accommodate local resident needs, as well as to provide significant employment opportunities. Other uses permitted may include institutional, recreation, cultural, civic, office, and residential uses in conjunction with commercial uses.

Schedule E1 (Appendix 4) provides additional direction for the North Planning District and designates the lands as Community Commercial, permitting a range of commercial uses. Residential uses are also permitted, but only in conjunction with a commercial use.

As a stand-alone residential use that does not include a commercial component, the proposed apartment building is not permitted in the Community Commercial designation. An official plan amendment therefore is required. The applicant has requested that the existing Community Commercial designation be changed to Medium Density Residential. The requested amendment and land use policies are addressed further in the Planning Considerations section of this report.

Zoning

By-law 2013-283 zones all of the subject lands as Community Commercial (C2) (See Appendix 5). The C2 zone permits a range of commercial uses, in addition to institutional, recreation, cultural, civic and office uses. Residential uses are also permitted, but only in conjunction with a commercial use. A commercial use in conjunction with the apartment building is not proposed and therefore a zoning by-law amendment is required. The applicant has requested that the subject lands be re-zoned to High Density Residential (R4). The requested amendment and specific zoning requirements are addressed in the Planning Considerations section of this report.

Draft Plan of Condominium

The proponent has requested draft plan of condominium approval which is required to establish dwelling units under individual ownership under a condominium corporation, once the building is constructed. The condominium approval addresses tenure only, not land use.

Circulation Comments

These concurrent applications for Official Plan and Zoning By-law Amendment and Condominium Draft Plan Approval were circulated to all appropriate departments and outside 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 process to follow. This process is discussed in further detail below. The following comments were offered.

Niagara Region – Planning and Development Services

The proposed apartment building adds to the range of housing options available in this neighbourhood and makes efficient use of existing infrastructure and designated urban lands, while also assisting the City in meeting its residential intensification target. Regional staff is satisfied that the proposal is appropriate from a Regional and Provincial planning perspective, subject to the following comments.

The subject lands are a brownfield site: a vacant property where there is evidence of contamination from a previous commercial or industrial use. Due to the proposed change in land use from commercial to residential, a Record of Site Condition (RSC) must be filed on the Ministry of the Environment and Climate Change's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended. An RSC is a summary of the environmental condition of a property, based on the findings of environmental studies. Regional staff recommends that a Holding designation (H) be applied to the proposed residential zoning until such time as an RSC for the property has been filed with the Ministry.

Regional Development Services staff advise that the proposed site layout does not comply with the Region's public waste collection policies. If the applicant wishes to pursue public waste collection, Regional Development Services will review revisions to the site layout through the site plan approval process. If the site cannot be designed to meet the Region's public waste collection policies, then waste collection must be provided by a private contractor.

Parks, Recreation and Culture Services

The applicant has submitted an arborist report and tree preservation plan, which includes all trees on-site greater than 10 cm in diameter as well as all trees on neighbouring properties that are within 6 metres of the proposed site alteration. The recommendations of the arborist report and tree preservation plan, with minor modifications if necessary, will be implemented through the site plan approval process.

The property is serviced by Sheridan Park, which is within the standard 800 metre service radius. Sheridan Park is a neighbourhood park with a playground and passive open space.

Through the site plan approval process, the applicant will be required to pay to the City 5% of the appraised value of the subject lands in lieu of parkland dedication.

Requirements for landscaping, fencing and tree planting will be addressed through the site plan approval process. It appears that sufficient space has been allocated to ensure that these elements can be accommodated.

Transportation and Environmental Services – Traffic Section

The applicant proposes an exposed garage ramp to access parking under the building. With a grade in excess of 10%, the ramp will need to be heated to mitigate slipping hazards in cold weather conditions.

Planning and Building Services – Development Section

The subject lands are serviced with water, sanitary and storm sewer services. Through the site plan approval process, the applicant will be required to submit for review detailed engineering designs for site servicing, storm water management, and site lighting.

Horizon Utilities

Minimum 3.0 metre clearances from existing overhead lines must be maintained at all times according to the Occupational Health and Safety Act. The concept site plan shows this clearance. If necessary, relocation, modification, or removal of any existing hydro facilities will be at the applicant's expense.

Enbridge Gas Distribution Inc.

In the event that easement(s) are required to service this development, the applicant will be required to provide the easement(s) to Enbridge Gas Distribution at no cost. Further, in the event a pressure-reducing regulator station is needed, the applicant may be required to provide a 3.0 metre by 3.0 metre exclusive use location that cannot project into the municipal road allowance.

Open House

Planning and Building Services hosted an open house pertaining to these applications on July 30, 2015. The purpose of the open house was to present the applications and provide information, answer questions, and note any concerns. In attendance were the applicant and its agents, and approximately ten citizens. Discussions mostly surrounded specific design details that are normally refined and regulated through the site plan approval process, such as the location and type of fencing to be provided and where garbage is proposed to be stored. Area residents were generally satisfied with the details provided and supportive of the development. The following are additional comments noted that evening.

- Parking
 - A parking ratio of 1.25 spaces per dwelling unit is insufficient; parking will spill onto Lakehurst Drive, where currently on-street parking is restricted to one side of the street.
- Grading and drainage
 - The property currently drains to the northwest, impacting adjacent landowners.

- Timing for completion
 - The applicant could walk away from the project, leaving an eyesore or outstanding environmental remediation for years to come.

These concerns are addressed in the Planning Considerations section of this report.

Planning Considerations

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 identified by the Provincial Growth Plan for the Greater Golden Horseshoe (2006). These documents contain policies that direct major growth and development to Settlement Areas, support intensification, and provide for an appropriate range of land uses, housing types and densities required to meet the social and physical well-being of current and future residents.

This development provides for the efficient use of an underutilized brownfield site with access to existing infrastructure and services, including public transit. Local commercial and community uses, such as schools and parks, are located in close proximity to the site. The proposed apartment building use 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), which will be the focus of residential and employment intensification and redevelopment, including the redevelopment of underutilized and brownfield sites, within the Region over the long term. Municipalities are encouraged to provide a full range of housing types to serve a variety of people as they age through the life cycle.

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 94.86 units per hectare, redevelopment of this vacant brownfield site makes more efficient use of the lands and existing infrastructure. The site is in close proximity to commercial and community facilities, Bill Burgoyne Arena, Sheridan Park, Jaycee Gardens, Royal Henley Park and Marindale Park. Public transit is available within walking distance along Linwell Road. The proposal complies with the policies of the Regional Official Plan.

Official Plan

Amendment to the Plan

Schedule D1 of the City's Official Plan, the Garden City Plan, designates the lands as Commercial (Appendix 3). Schedule E1 (Appendix 4) provides additional direction for the North Planning District and designates the lands as Community Commercial.

The applicant has requested an amendment to the Garden City Plan to change the general land use designation from Commercial to Neighbourhood Residential, and the more refined land use designation from Community Commercial to Medium Density Residential. The amendments are required to permit a stand-alone residential use without a commercial component.

The Garden City Plan provides opportunities to further refine the Plan by way of an amendment, subject to certain criteria being met (Section 16, Implementation). In some instances, changes in land use can be appropriate. This application for amendment to the Plan has been evaluated on the basis of those prescribed general considerations, as follows:

Garden City Plan Policy (16.1)	Planning Comment
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to manage development. At a density of 94.86 units per hectare, this three-storey apartment building makes efficient use of a vacant brownfield site within the built-up area. Existing public infrastructure and services, including transit, are available. Commercial and community uses as well as parks and trails are in close proximity.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal complies with Provincial and Regional land use policies.

<p>iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use</p>	<p>While designated Intensification Areas are the primary emphasis for housing intensification, the Garden City Plan supports appropriate and compatible infill and intensification in all neighbourhoods to meet housing needs and manage growth. Further the Plan encourages residential growth towards commercial nodes through its land use permissions. The proposed apartment building is a good example of compatible, transit-supportive intensification that will add to the range of housing types available in the neighbourhood.</p>
<p>iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses</p>	<p>The applicant has provided a design that is compatible with neighbouring commercial uses to the south and sensitive to neighbouring lower and medium density residential uses to the north and west (refer to Appendices 6 and 7). Height of the building is proposed at less than 11.0 metres. Sufficient setbacks, varied façade treatments, and underground parking are proposed. To ensure compatibility with the established neighbourhood, the development will be subject to site plan control. As part of this process, staff will review detailed designs for various site elements, including parking, landscaping buffering and fencing, tree preservation and protection, grading and drainage, storm water management, lighting, etc.</p>
<p>v) The potential of the proposal to cause instability within an area intended to remain stable</p>	<p>The applicant's concept designs (Appendices 6 and 7) demonstrate a compatible fit within the neighbourhood. In addition to the site specific zoning provisions recommended in this report, the development would be subject to site plan control. As outlined above, there is opportunity to further refine the site and building designs through that process.</p> <p>Once site plan approval is issued, a legal agreement is registered against the title of the property, binding any current or future owner of the lands to the specific terms of the agreement, and helping to ensure continued compatibility with surrounding land uses.</p>

vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City	The subject lands are serviced by water, sanitary and storm sewer services. Through the site plan approval process, the applicant will be required to submit detailed site servicing and storm water management designs which meet City and Ministry of the Environment standards. Although not anticipated, any required upgrades to municipal services will be at the sole cost of the applicant.
vii) The financial implications, both cost and revenues, to the City	The proposed development presents no cost implications to the City. Any improvements to municipal infrastructure which may be necessary to accommodate the development will be at the sole cost of the applicant. The addition of 45 apartment dwelling units will provide an increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	<p>According to the Plan, it is expected that existing commercially-designated lands are sufficient in size and number to serve the commercial needs of residents throughout the Plan time horizon. Further, the Plan discourages expansion of commercial designations. Residential uses are already permitted on the lands by virtue of the Commercial land use designation in place. The site is appropriately located for residential intensification - along an arterial road and at the fringe of a commercial node.</p> <p>Other three-storey apartment buildings are located in similar proximity to this Community Commercial Centre. Staff consider the approval of the proposal to not compromise the Community Commercial policy direction intended by the Garden City Plan and does not set a precedent for future proposals.</p>

Based on the matters outlined above, staff is satisfied that the proposed official plan amendment meets the general intent of the Plan and all other prescribed general considerations.

Residential Intensification

Section 8.2.2 of the Garden City Plan permits density 'bump-ups' in the Neighbourhood Residential Designation by way of a zoning by-law amendment provided certain criteria

are met. Although the subject lands are not designated Neighbourhood Residential, the prescribed criteria for density bump-ups are useful in evaluating whether an intensified residential use, such as the proposed apartment building, is appropriate in its location. The applicant's proposal for a three-storey, 45-unit apartment building has been reviewed with these matters in mind, as follows.

Criteria (8.2.2 (b))	Planning Comment
The subject lands are located on arterial or collector roads	Lakeport Road is designated as an Arterial Road pursuant to Schedule C of the Garden City Plan. The proposal meets this criteria.
The subject lands are located in close walkable proximity and accessibility to commercial centres, community facilities and parks	The subject lands are located on the fringe of an existing commercial area and within walking distance to several parks and Bill Burgoyne Arena. The proposal meets this criteria.
The subject lands are well served by public transit	Public transit runs east-west along Linwell Road, providing connections to Fairview Mall, the YMCA, and the Downtown. The proposal meets this criteria.
The subject lands should most appropriately be located adjacent to or in close proximity to existing medium or high density residential sites	As illustrated in Appendix 2, the subject lands are abutted to the immediate north and west by medium density residential uses. Several three-storey apartments are located at the fringe of the Lakeport Road and Linwell Road commercial node. Lands to the immediate east and west are designated Medium Density Residential by the Garden City Plan. The proposal meets this criteria.

Based on the above evaluation, staff is satisfied that the applicant's proposal for a three-storey, 45-unit apartment building on the subject lands is appropriate, subject to the required official plan and zoning by-law amendments.

Density

The applicant has requested a change in the refined land use designation from Community Commercial to Medium Density Residential, permitting a density generally between 25 and 99 units per hectare. The proposed 45-unit apartment building constitutes a density of 94.86 units per hectare, falling within the density parameters of the Medium Density Residential designation.

While the proposed density would also align with the minimum 85 unit per hectare density established in the High Density Residential designation, staff believes the density provisions in the Medium Density Residential are more appropriate, given the flexibility of the range of densities permitted. Should an alternative lower-density development be proposed, the applicant would not be required to amend the official plan once again. Rather, only a zoning by-law amendment may be required.

Evaluation of Compatibility and Impacts

Section 8.2.2 of the Garden City Plan provides that any proposal for new medium or high density residential development will be evaluated having regard for urban design principles and policies set out in the Garden City 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. Staff rely on various policies and guidelines outlined in the Plan, including policies addressing built form (Section 4.5) and general land use policies (Section 7.1). The following analysis pertaining to the proposed apartment building are set out as follows (refer to Appendices 6 and 7):

- A three-storey, 11 metre high building with a flat roof is proposed. This is highly compatible with neighbouring lower-rise residential uses to the north and west, where land use permissions in those areas allow for buildings up to 11 or 16 metres in height for the Low Density Residential – Suburban Neighbourhood (R1) and Medium Density Residential (R3) zones, respectively.
- Vertical alignment of windows and balconies as well as vertical columns of differing colours and finishes provide horizontal relief and help break up the length and bulk of the building. Boulevard trees and multiple amenity spaces addressing Lakeport Road also reduce the appearance of an expansive façade.
- Appropriate interior side yard and rear yard setbacks are provided, mitigating privacy, overlook and shadow impacts. A shadow study submitted by the applicant demonstrates minimal shadow impacts from the building. The location and orientation of balconies may be refined through the site plan approval process to further mitigate overlook.
- The street-oriented building is set back 3.39 metres from Lakeport Road, reserving the area behind the building for landscaping and amenity space.
- Access to the site from Lakeport Road is provided by one driveway along the south side of the building. This provides further separation from the adjacent commercial uses to the south.

The Zoning By-law requires that a 3.0 metre landscape buffer strip be provided between the edge of the parking area (including driveways and driving aisles), and the abutting southerly lot line. The site plan generally accommodates this, with minor, acceptable reductions at pinch points.

- The majority of parking is provided under the building (38 spaces), maximizing the amount of landscaped area that can be accommodated on site and ensuring adequate space for buffering.
- The at-grade parking area (21 spaces) is connected to the municipal sidewalk by a pedestrian connection along the south side of the building.
- Adequate space has been provided along the north, south and west property lines to buffer the apartment building from neighbouring land uses. Wood board fencing and landscaping around the north, west and south property lines will be a requirement of site plan approval.
- A mature silver maple exists just beyond the intersection of the rear lot lines, providing a significant buffer at the rear yard pinch point. A tree preservation and protection plan will be required through the site plan approval process to ensure that this tree will not be impacted by the building's location and construction activities.

Based on the merits outlined above, staff is satisfied that the proposed apartment building will be compatible with the surrounding neighbourhood. Potential impacts can be mitigated through the recommended zoning provisions and site plan approval process, both of which are discussed further below.

Zoning By-law

Amendment to By-law 2013-283

By-law 2013-283 zones the lands Community Commercial (C2) (Appendix 5). The C2 zone permits a range of commercial uses in addition to institutional, recreation, cultural, civic and office uses. Residential uses are also permitted, but only in conjunction with a commercial use. The proposed apartment building is not a permitted use in the C2 zone without a commercial land use component. A zoning by-law amendment is therefore required. The applicant has requested that the zoning be changed to High Density Residential (R4).

The R4 zone permits triplex, fourplex, quadruplex, townhouse and apartment dwelling units, long term care facilities and private road developments comprising any of the preceding. The following table compares the standard requirements of the R4 zone with the development proposal (refer to Appendix 6).

	R4 Zone Requirements for Apartment Buildings and Long Term Care Facilities	Proposed 3-Storey, 45-Unit Apartment Building	Does the Proposal Comply?
Minimum Lot Frontage	30 m	112.407 m	Yes - exceeds minimum requirement
Minimum Front Yard	3 m	3.39 m	Yes – exceeds minimum requirement
Minimum Rear Yard	4.5 m for portion of building up to 14 m in height / additional 0.5 m for each additional 1 m of building height	0.66 m at pinch point	At pinch point, no; elsewhere, yes - exceeds requirement
Minimum Interior Side Yard	3 m for portion of building up to 14 m in height / additional 0.5 m for each additional 1 m of building height	3.67 m – north 31.7 m – south	Yes - exceeds minimum requirement

Minimum Exterior Side Yard	3 m for portion of building less than 14 m in height / 5 m for portion of building 14 m in height or greater	N/A	N/A
Maximum Building Height	No height limit	11.0 m	N/A
Minimum Density Per Hectare	85 Units	94.86 Units	Yes - exceeds minimum requirement
Minimum Landscaped Open Space	40%	48.93%	Yes - exceeds minimum requirement

Minimum Rear Yard

As a result of the site's very irregular shape, the applicant is proposing a rear yard setback of 0.66 metres at its shallowest point – a pinch point where the two rear property lines intersect. For the majority of the building's length, the minimum 4.5 metre required rear yard setback can be met. A large silver maple tree is situated just beyond the pinch point, within the open amenity space of the neighbouring private road development. Townhouse dwellings within that private road development are setback considerably from the mutual property line (approximately 34 metres). Staff is satisfied that the existing silver maple tree with a mature canopy and adjacent open space, together with new wood board fencing and landscape buffering on the subject lands, are sufficient to adequately buffer the proposed apartment building from the existing townhouse dwellings to the west.

Minimum Interior Side Yards

The applicant proposes a northerly interior side yard of 3.67 metres at its shallowest point, greater than the 3 metres required by the Zoning By-law. This yard is sensitive to adjacent lower-rise residential uses to the north, helping to mitigate overlook and privacy concerns. Increased buffering within this yard will be addressed through the site plan approval process.

Maximum Building Height

The zoning by-law does not establish a maximum building height for apartment buildings in the R4 zone. Although the applicant is proposing a 11 metre high building (three storeys), it is staff's opinion that buildings taller than 11 metres would still be compatible, provided additional building setbacks are provided. In the event of changes in the proposal, staff is recommending that an additional 0.5 metre setback be applied to the rear and interior side yards for each additional 1 metre of building height over 11 metres.

Additional Permitted Uses in the High Density Residential (R4) Zone

In addition to apartment buildings, the R4 zone permits triplex, fourplex, quadruplex, townhouse and apartment units, long term care facilities and private road developments

comprising any of the preceding. Staff is satisfied that these uses are also appropriate on the property, however, staff is recommending that long term care facilities be subject to the same special provisions as the proposed apartment building. Any future development proposal of four or more residential units would be subject to site plan control.

Platform Structures (Decks, Porches, Balconies)

The applicant proposes that two balconies (one on each of the second and third floors) encroach an additional 0.26 metres into the required rear yard. Staff is satisfied that this is acceptable, given the location and mature canopy of the existing silver maple tree to the west, the substantial open amenity space to the west, and new privacy fencing and landscape buffering to be provided.

Landscape Buffer Strips for Parking Areas

The applicant proposes a 3 metre landscape buffer strip along the southerly lot line adjacent the abutting commercial use to the south. This landscape buffer strip reduces in width to 1.77 metres at a pinch point between the drive aisle and the property line. Staff is satisfied that this reduction in width is minor and acceptable, given it abuts the parking area of the adjacent commercial use.

The 3.0 metre landscape strip extends along the southerly lot line to the rear lot line, adjacent the private road development to the west. The most southwesterly portion of the landscape strip reduces in width to 0.41 metres at its narrowest point. Staff is satisfied that this reduction in width is minor and acceptable, given it abuts the visitor parking area of the adjacent private road development to the west. It should be noted that buffering fencing will be required in these areas as a condition of site plan approval.

Holding Provision

A Holding (H1) designation is recommended as part of the proposed zoning. The Holding (H1) designation requires the proponent to investigate and remediate any environmental issues relating to the property. Section 7.2 of the Garden City Plan contains policies relating to proposed development on lands where site contamination is confirmed or is suspect, and requires documentation confirming compliance with provincial standards regarding site remediation, as a condition of development approval. A Record of Site Condition may be necessary.

As a former commercial site (car dealership and service centre) now being proposed for a more sensitive residential land use, this site will require investigation and, if need be, remediation in accordance with Ministry of Environment standards. The Holding (H1) designation applies until such time as documentation is submitted to the City confirming the lands are suitable for the proposed residential use, and remediated in accordance with provincial standards. The proponent may then apply to have the Holding designation removed and Council may remove the Holding designation without further public hearing.

Urban Design

Planning Services Urban Design staff is not supportive of the proposed minor reduction in the width of the required landscape buffer strip at the southwest end of the site,

adjacent to the abutting residential zone. Minor reductions adjacent to the abutting commercial zone to the south are of less concern, provided the reductions are at pinch points only.

The location, orientation and screening of balconies relative to privacy and overlook will be addressed through the site plan approval process. The relationship of the building's ground floor amenity areas to Lakeport Road and any associated fencing and screening will also be reviewed through the site plan approval process.

Site Plan Control

The process of site plan control is mentioned throughout this report. In accordance with the City's site plan control by-law, the applicant will be required to enter into a site plan agreement with the City prior to the issuance of a building permit for the apartment building. The site plan agreement will address issues related to access and parking, lighting, buffering, servicing, storm water management, tree preservation, façade finishes and treatments, the location, orientation and screening of balconies relative to privacy and overlook, among other matters. The applicant will be required to post securities to ensure the terms of the agreement are carried out. Upon approval, the site plan agreement will be registered against the title of the lands and be legally binding upon the existing and future property owners.

Condominium Draft Plan Approval

The applicant has requested condominium draft plan approval so that each of the apartment dwelling units may be sold individually (refer to Appendix 9). While staff is generally supportive of condominium tenure for this development, staff is recommending that approval of the draft plan of condominium be held in abeyance pending the receipt and review of an application for site plan approval. The detailed designs for site elements such as parking, loading, landscape buffering, fencing, site servicing, stormwater management, tree preservation and lighting will be further refined through the site plan approval process. This refinement will address necessary changes to the site layout, as described above, and provide a clearer picture of the extent of common element and exclusive use areas, defined by the draft plan of condominium. Since the principle of the land use is established by the proposed official plan and zoning by-law amendments, and the draft plan of condominium addresses tenure only, staff is recommending the public meeting be closed for all three applications, but that Council defer its approval of the draft plan of condominium until a site plan application is submitted and reviewed.

Open House Comments

With regard to the comments expressed at the public open, the following is offered:

Parking

Comment: A parking ratio of 1.25 spaces per dwelling unit is insufficient; parking will spill onto Lakehurst Drive, where currently on-street parking is restricted to one side of the street.

Response: The Traffic Section of Transportation and Environmental Services offered no concerns with respect to on-street parking within the neighbourhood. The applicant

proposes a parking ratio greater than what is required by the Zoning By-law. The preliminary site plan indicates 3 parking spaces more than required by the zoning (56 required by the zoning, 59 provided).

Grading and drainage

Comment: The property currently drains to the northwest, impacting adjacent landowners.

Response: Through the site plan approval process, the applicant will be required to demonstrate through its engineered designs, that all storm water will be contained and managed on-site. The City requires that there be no stormwater flows onto adjacent properties.

Timing for completion

Completion: The applicant could walk away from the project, leaving an eyesore or outstanding environmental remediation for years to come.

Response: The City itself would have no recourse should the applicant abandon the project and leave outstanding environmental remediation. The Ministry of Environment and Climate Change, however, may intervene should it be found that the environmental situation is a public health and safety risk. The City can enforce weed control and clean yards through its by-laws.

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

The proposed development presents no cost implications to the City. Any upgrades to municipal services which may be necessary to accommodate the development will be at the sole cost of the applicant. The addition of 45 apartment units will provide an increase in tax revenues.

Relationship to Strategic Plan

Economic Sustainability

The approval of this residential development proposal will serve to support the goals for economic sustainability by:

- Demonstrating the City is open for business and supports private investment in community development.

Social Sustainability

The approval of this residential development proposal supports the goals for social sustainability by:

- Increasing the opportunity for a variety of residential accommodation available for residents, particularly for seniors.

Serves to support the goal improving accessibility by implementing accessibility standards as part of site plan approval.

Environmental Sustainability

The approval of this residential development proposal serves to support the goals of environmental sustainability by

- Implementing a Holding (H1) designation on the site which will require environmental cleanup in accordance with provincial regulations, prior to development

Conclusion

In summary, staff is supportive of the application for Official Plan and Zoning By-law Amendment to permit a three-storey apartment building on the subject lands. The development provides for the efficient and appropriate use of underutilized lands within the urban area with access to existing infrastructure and services. The proposed apartment building contributes to the range of available housing types in the neighbourhood, meeting the spirit and intent of the applicable Provincial, Regional and local policies.

Staff recommends that approval of the draft plan of condominium, as illustrated in Appendix 9, be held in abeyance pending the receipt and review of an application for site plan approval, and that the required public hearing be closed.

Notification

It is in order to advise Upper Canada Consultants, the applicant's agent, 1-261 Martindale Road, St. Catharines, ON L2W 1A1.

Prepared by:

Amanda Knutson, Planner I

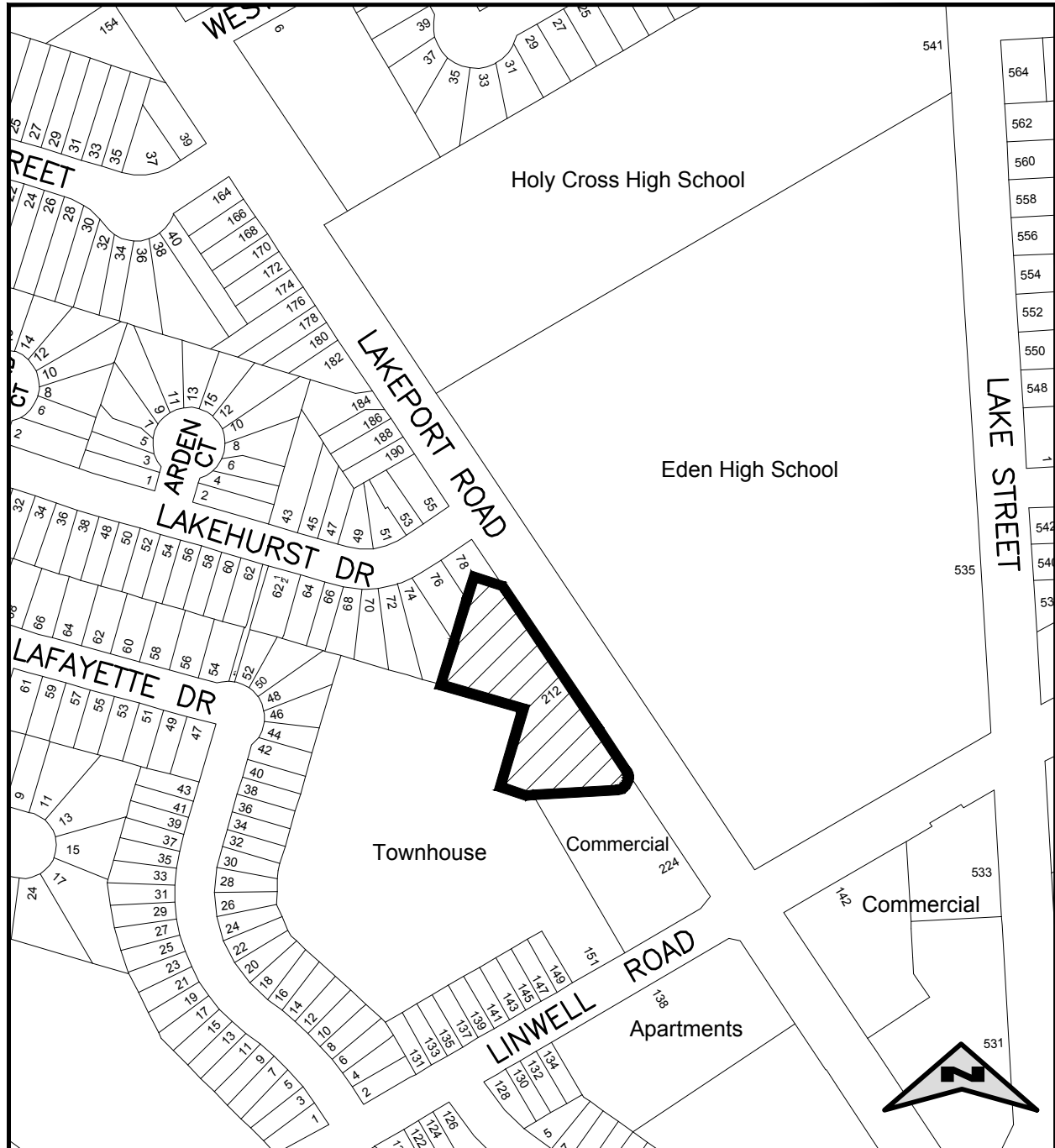
Submitted by:

Judy Pihach, MCIP, RPP,
Manager of Planning Services

Approved by:

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

Location Map




Subject Lands

212 Lakeport Road

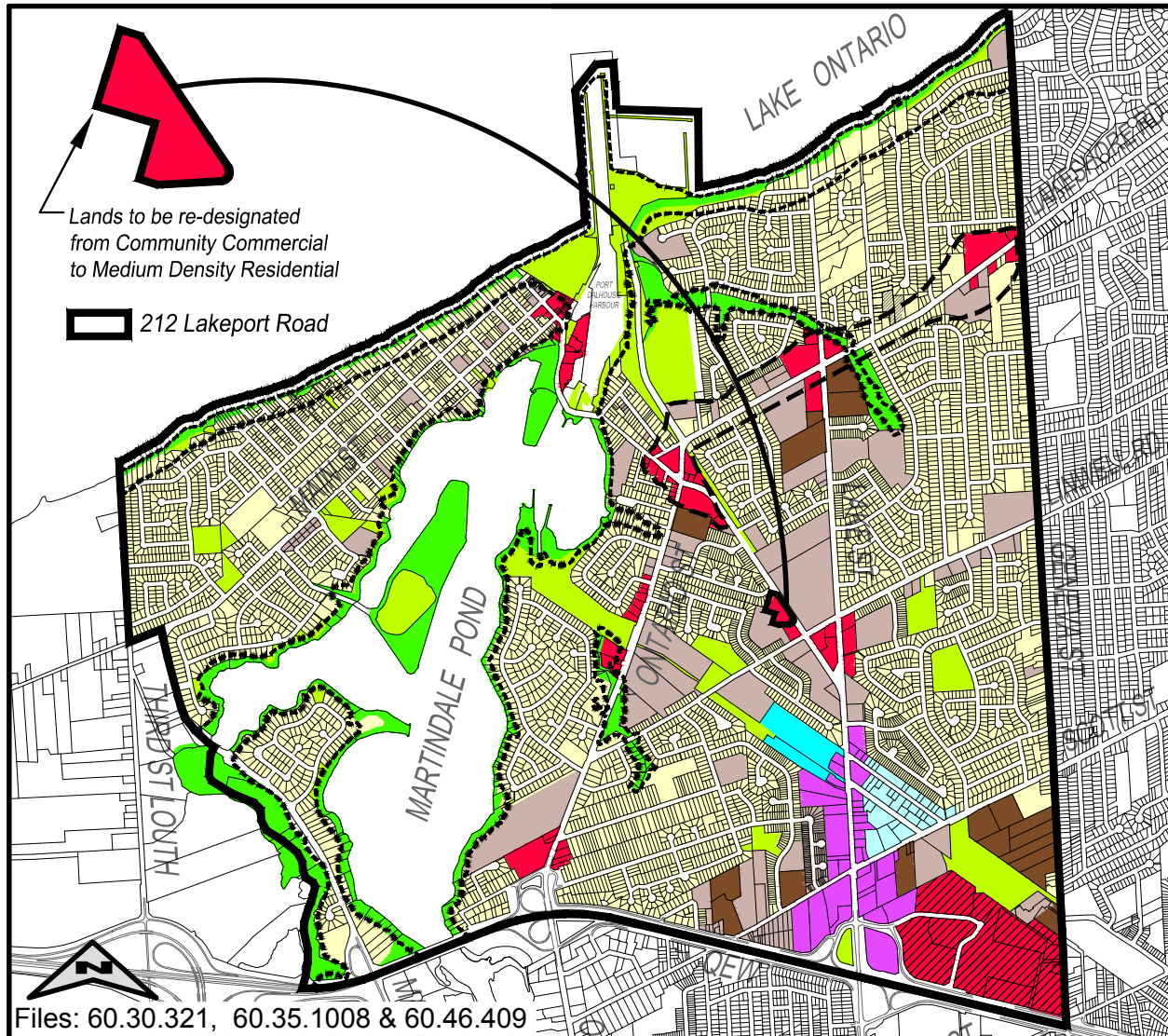
File: 60.30.323, 60.35.1008 & 60.46.409

Surrounding Land Uses



 Subject Lands
212 Lakeport Road

Proposed Official Plan Amendment, Schedule E1 - District Land Use Plan



Land Use Designations

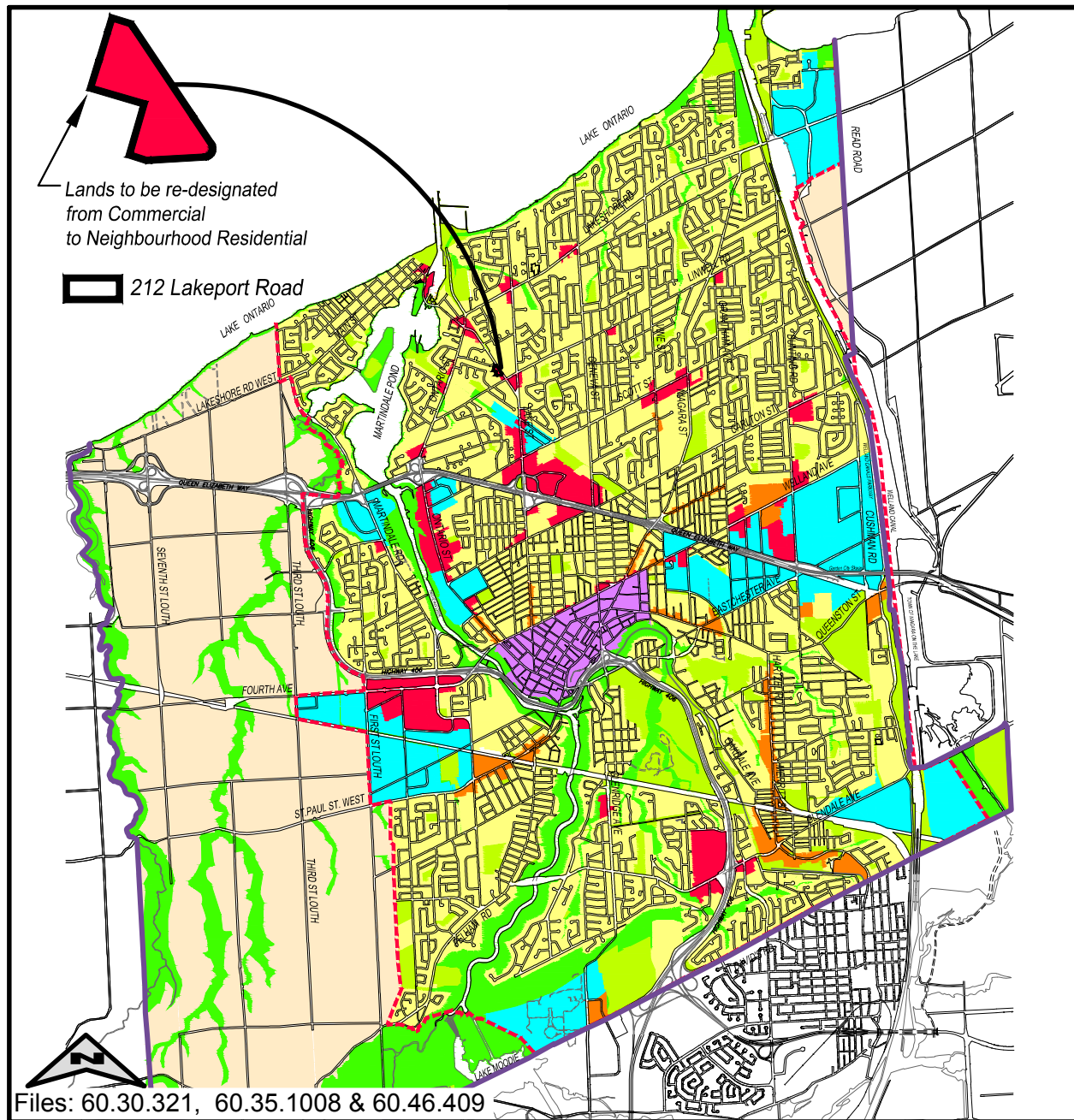
- Low Density Residential (20 to 32 units / ha)
- Medium Density Residential (25 to 99 units / ha)
- High Density Residential (85 units / ha or greater)
- Major Commercial
- Community Commercial
- Arterial Commercial
- T Major Transit Station

- Special Study Area
- Mixed Use
- General Employment
- Business Commercial Employment
- Parkland & Open Space
- Natural Areas
- Natural Area Extent Line

CITY OF ST. CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

NOTWITHSTANDING LAND USE DESIGNATIONS SHOWN ON THIS SCHEDULE, THE USE OF LAND WITHIN OR ADJACENT TO THE NATURAL AREA EXTENT LINE MAY BE SUBJECT TO ADDITIONAL REGULATION OR RESTRICTION. REFER TO PART D, SECTION 13.2 NATURAL AREA POLICIES, ALSO SEE SCHEDULES F2, F3, F4 AND F5

Proposed Official Plan Amendment, Schedule D1 - General Land Use Plan



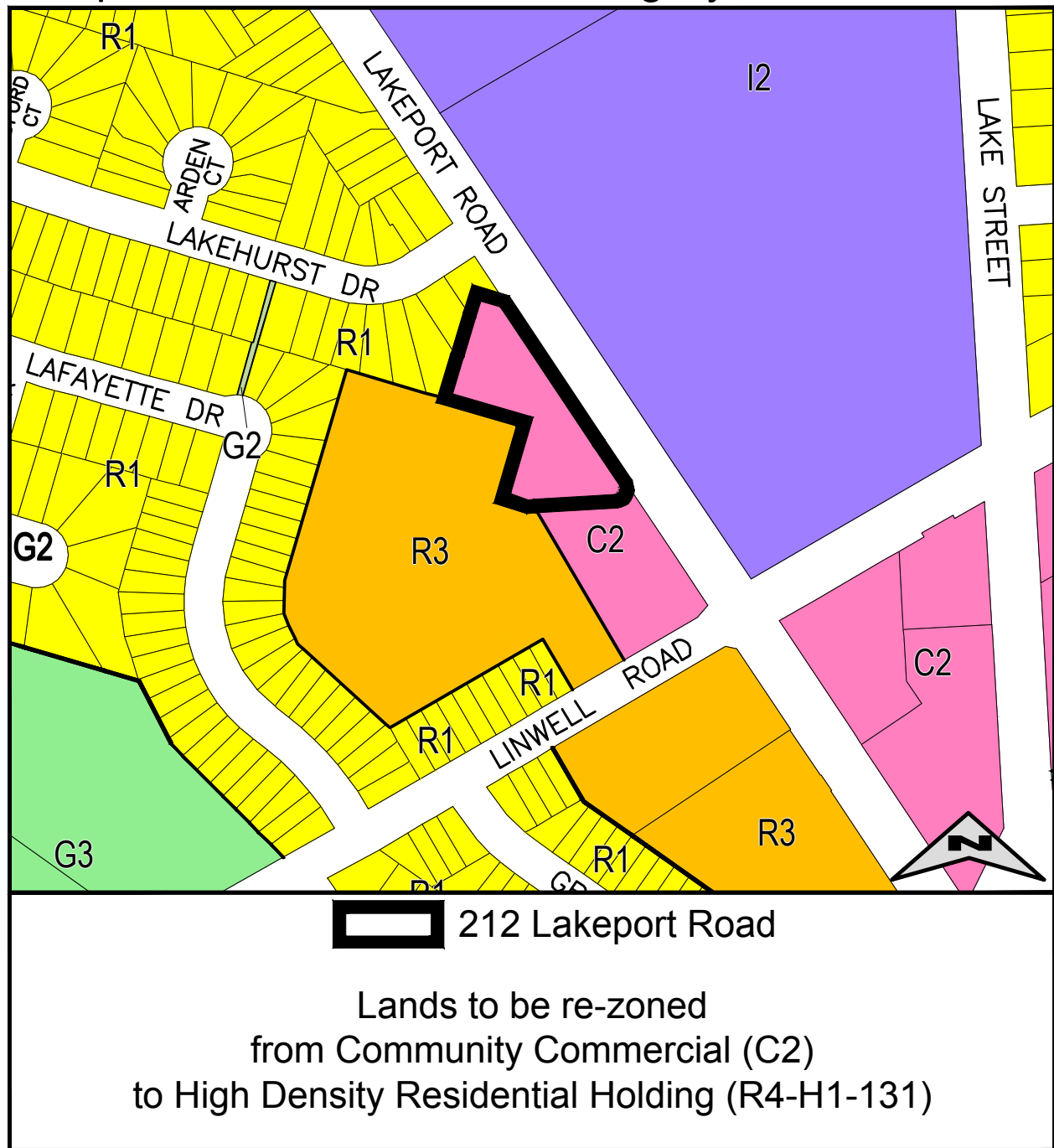
General Land Use Plan

- Neighbourhood Residential
- Employment
- Commercial
- Mixed Use
- Natural Areas

- Urban Area Boundary
- Parkland & Open Space
- Agriculture
- Downtown

CITY OF ST. CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

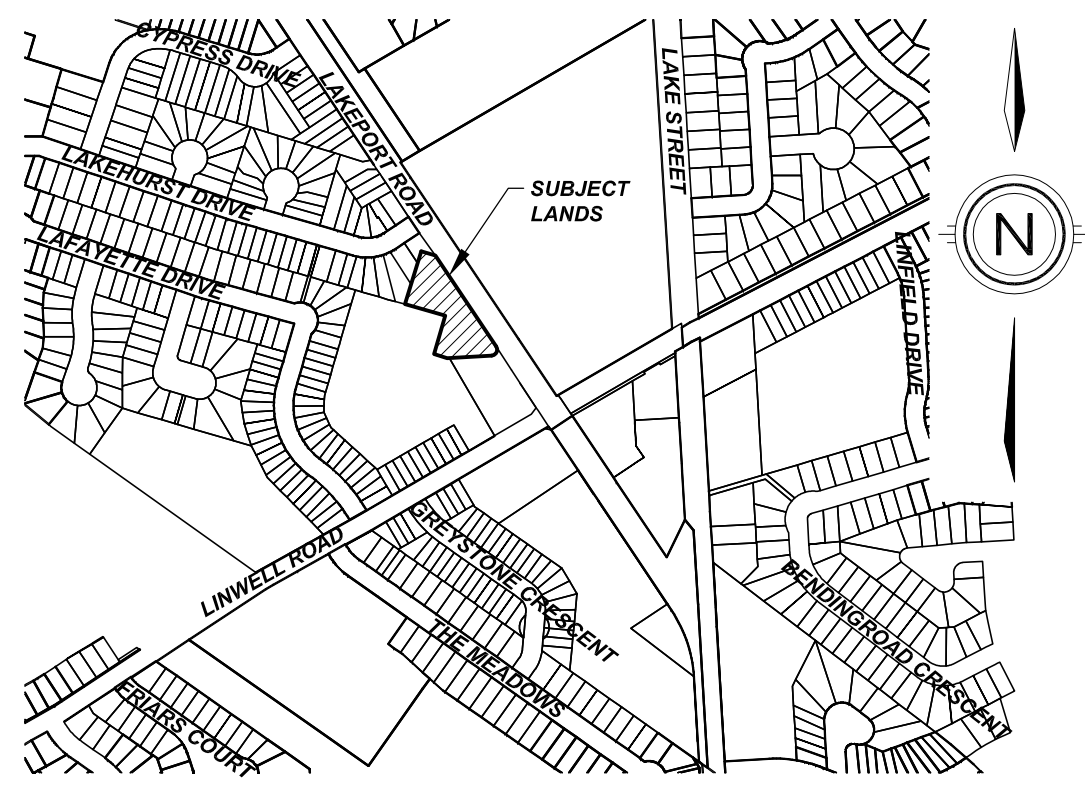
Proposed Amendment to Zoning By-Law 2013 - 283



Zones

R1 Low Density Residential - Suburban Neighbourhood	G2 Minor Green Space
R3 Medium Density Residential	G3 Major Green Space
C2 Community Commercial	I2 Community Institutional

Files: 60.30.321, 60.35.1008 & 60.46.409



KEY PLAN
N.T.S.

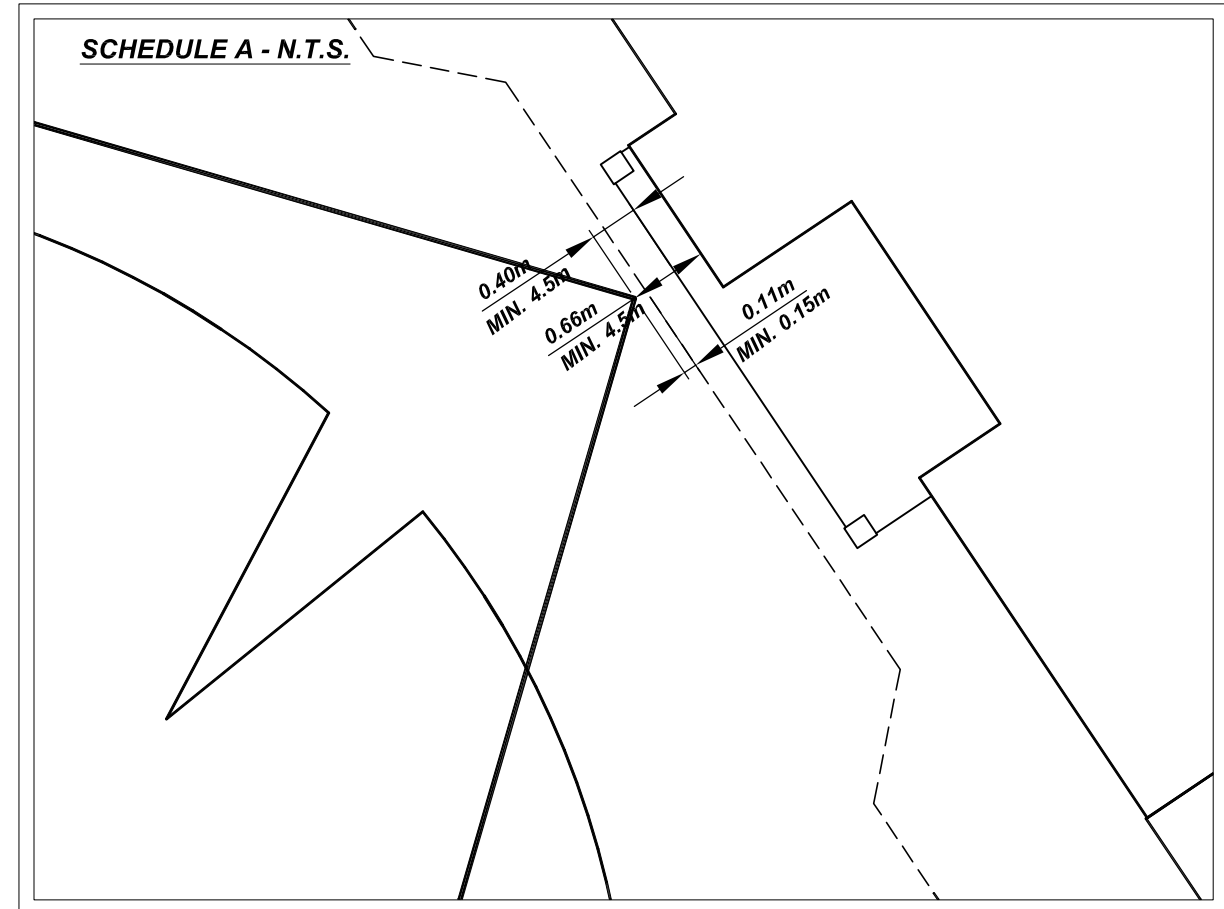
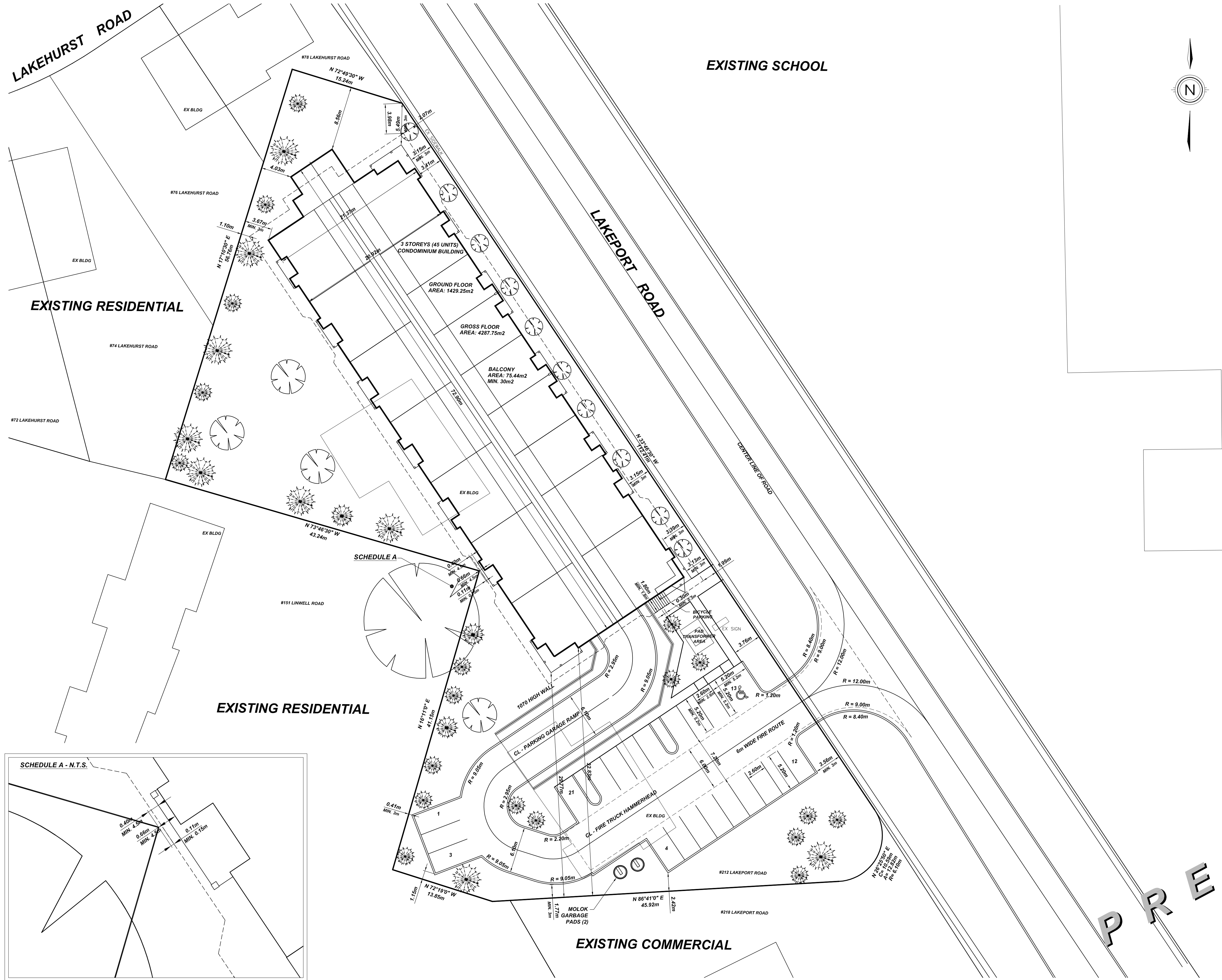
LOT AREA: 4737.13m²
UNITS PER HA: 95.74

LAND USE SCHEDULE

LAND USE	# OF UNITS	AREA(ha)	AREA(%)
APARTMENT BUILDING	45	0.15	31.91
LANDSCAPE		0.23	48.93
ROADWAY / PARKING LOT		0.09	19.14
TOTAL	45	0.47	100.00

UNITS = 45
DENSITY = 95.74 units/ha

REQUIRED PARKING FOR RESIDENTIAL USES - APARTMENT BUILDINGS:
MINIMUM PARKING SPACE PER DWELLING
REQUIRED: 1.25 SPACES = 56 SPACES REQUIRED
PROPOSED: 38 UNDERGROUND & 21 AT GRADE
LANDSCAPE PARKING AREA:
574.47m²



#	ISSUED FOR	DATE	INIT
0	ISSUED FOR	YYYY-MM-DD	---
#	REVISION	DATE	INIT

- NOTES/LEGEND
- THE POSITION OF POLE LINES, CONDUITS, WATERMAINS, SEWER AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.
 - PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.
 - ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING	C.A.
DESIGN	---
CHECKED BY	---
APPROVED BY	---



St. Catharines
stcatharines.ca



UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

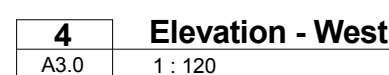
261 Martindale Road
Unit #1
St. Catharines, ON
L2M 1S1
Phone: (905) 688-9400
Fax: (905) 688-5274

212 LAKEPORT ROAD
LAKEPORT ROAD

ST. CATHARINES
CONCEPT

CONSULTANT FILE No.	###
DATE	2015-04-28
PRINTED	2015-05-14
SCALE	Hor : 1:250 m
REF. No.	-
DWG No.	1521
REV.	0

PRELIMINARY



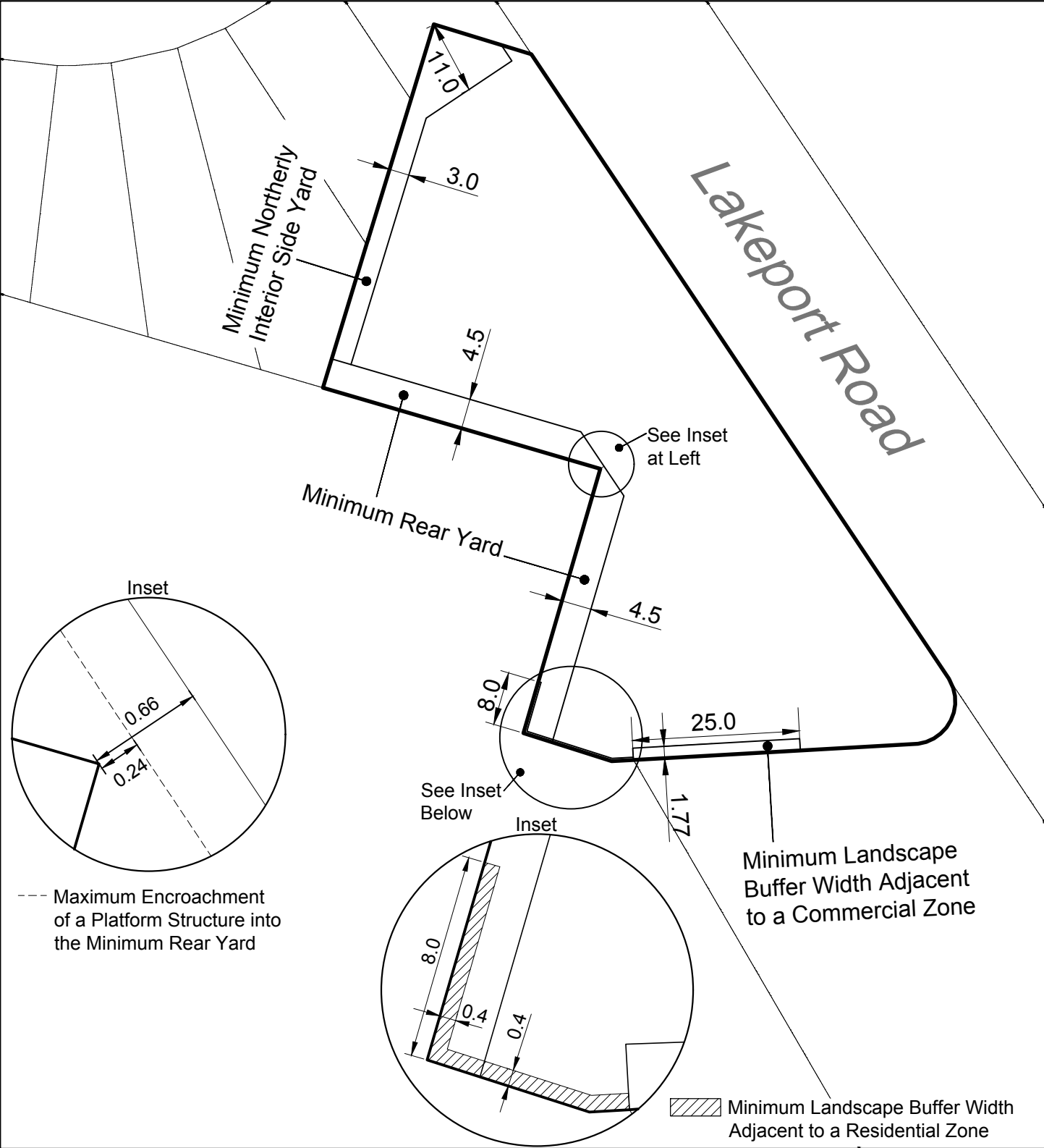
RAIMONDO + ASSOCIATES ARCHITECTS INC.

4887 Queen Street Suite 2, Niagara Falls, Ontario, L2E 7L9
TEL: 905-357-4444 FAX: 905-357-5203
WWW: www.raidna.com
EMAIL: rai@rainmondarchitects.com

MBK	
DRAWN BY:	
DATE:	28/05/2015 1:57:10 PM
SCALE:	1: 120
PROJECT NO.:	13127
CHECKED:	

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 ARCHITECT. THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT

SPECIAL PROVISION	SCHEDULE A	SCHEDULE B	LOCATION	BY-LAW
131	7, 8	29	212 Lakeport Road	

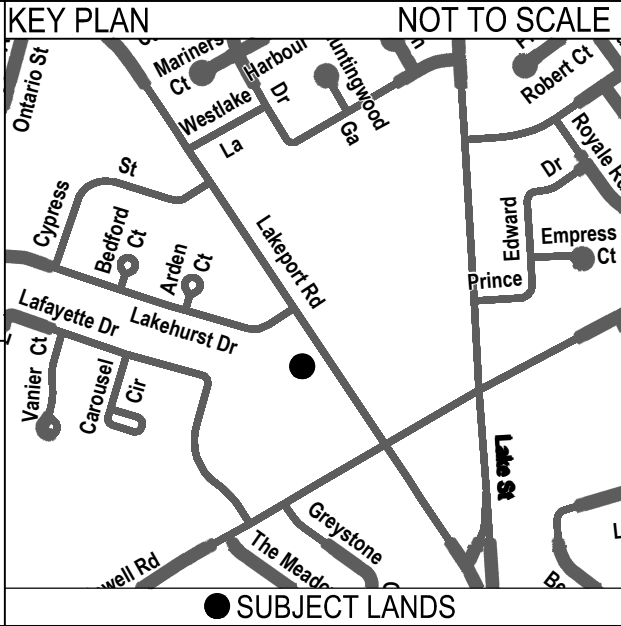


AN ILLUSTRATION SHOWING

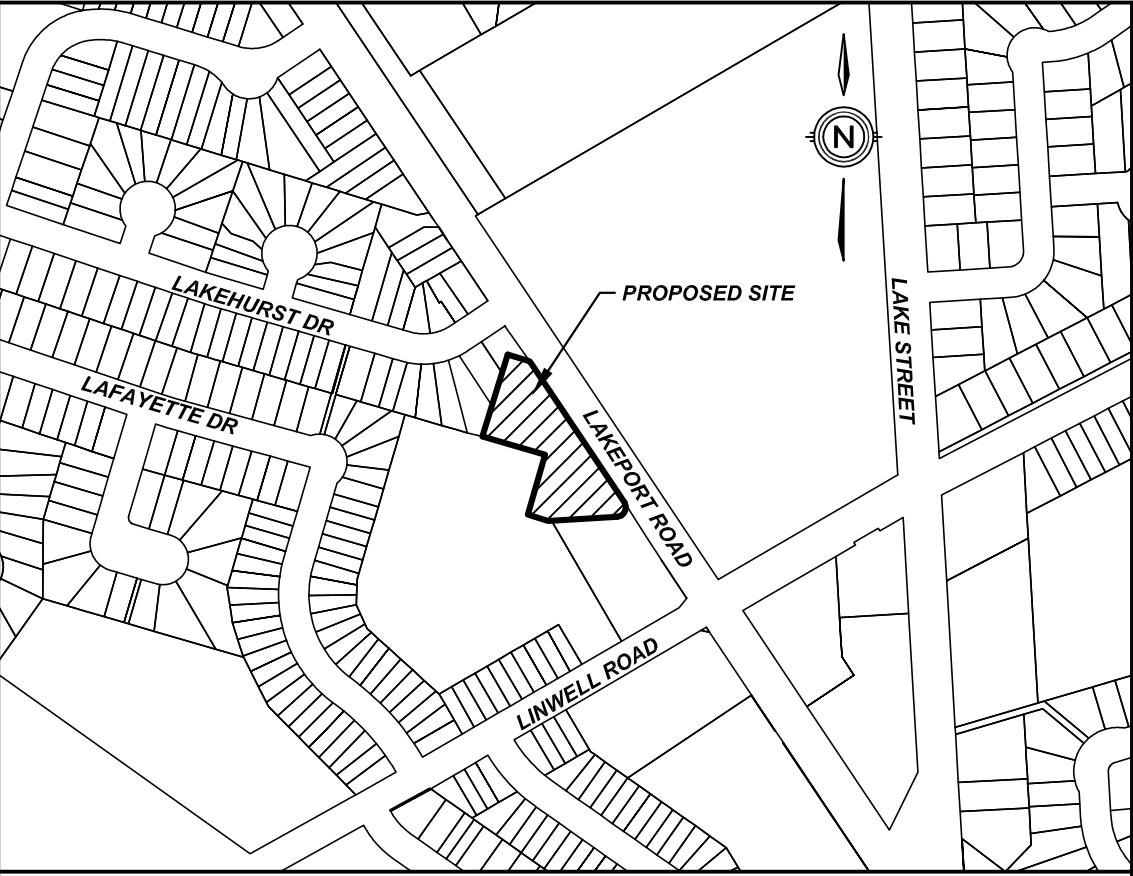
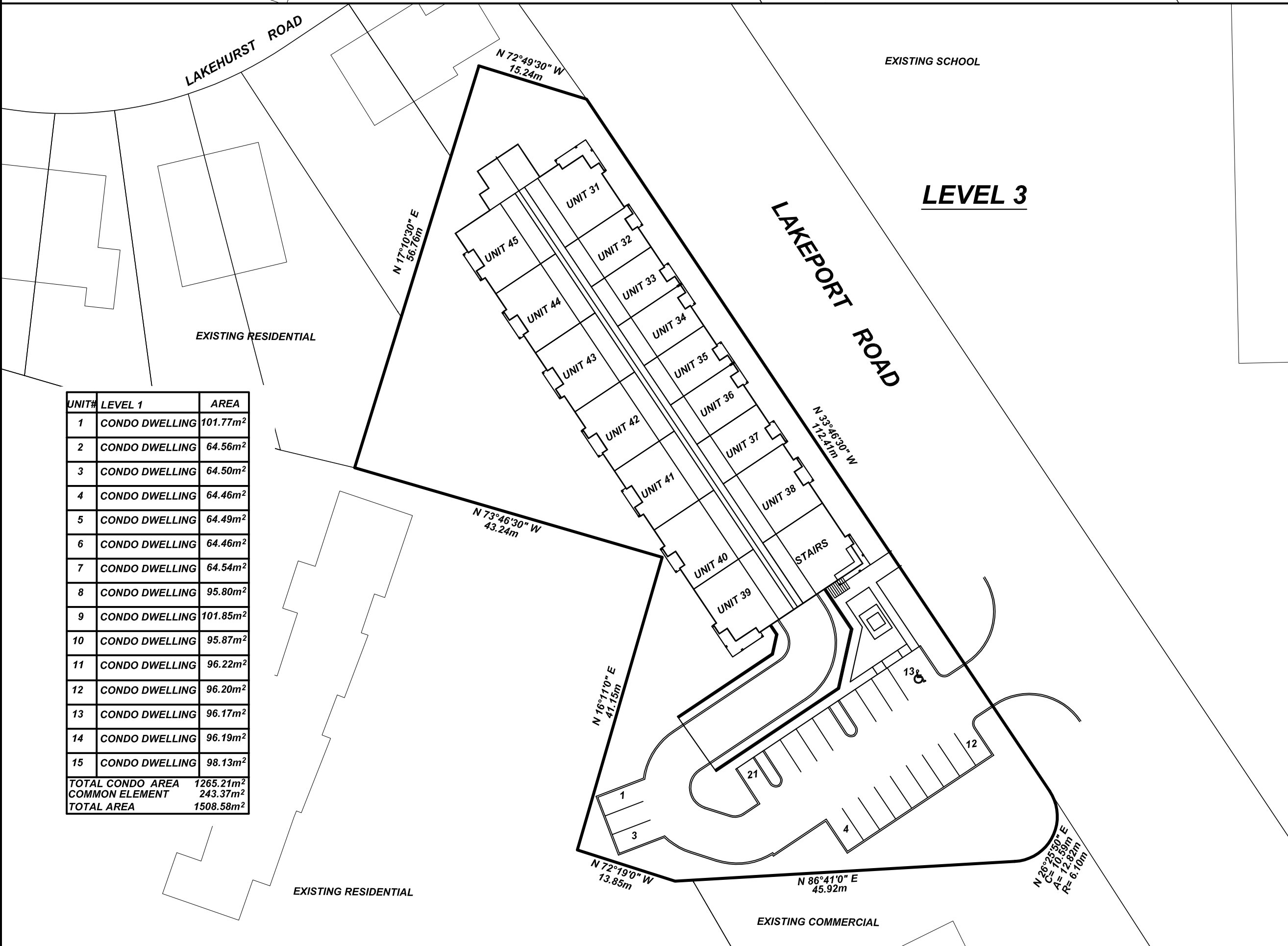
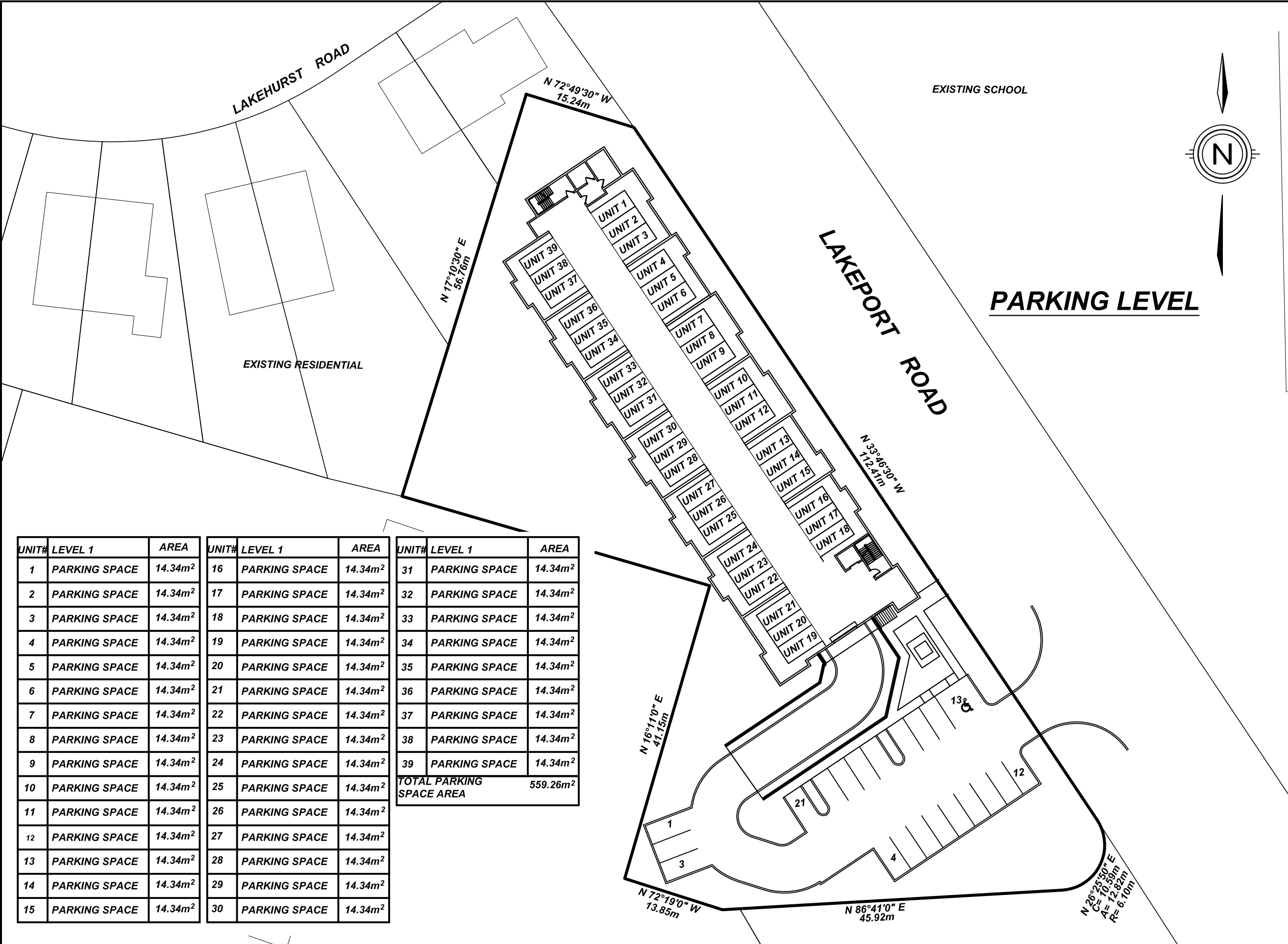
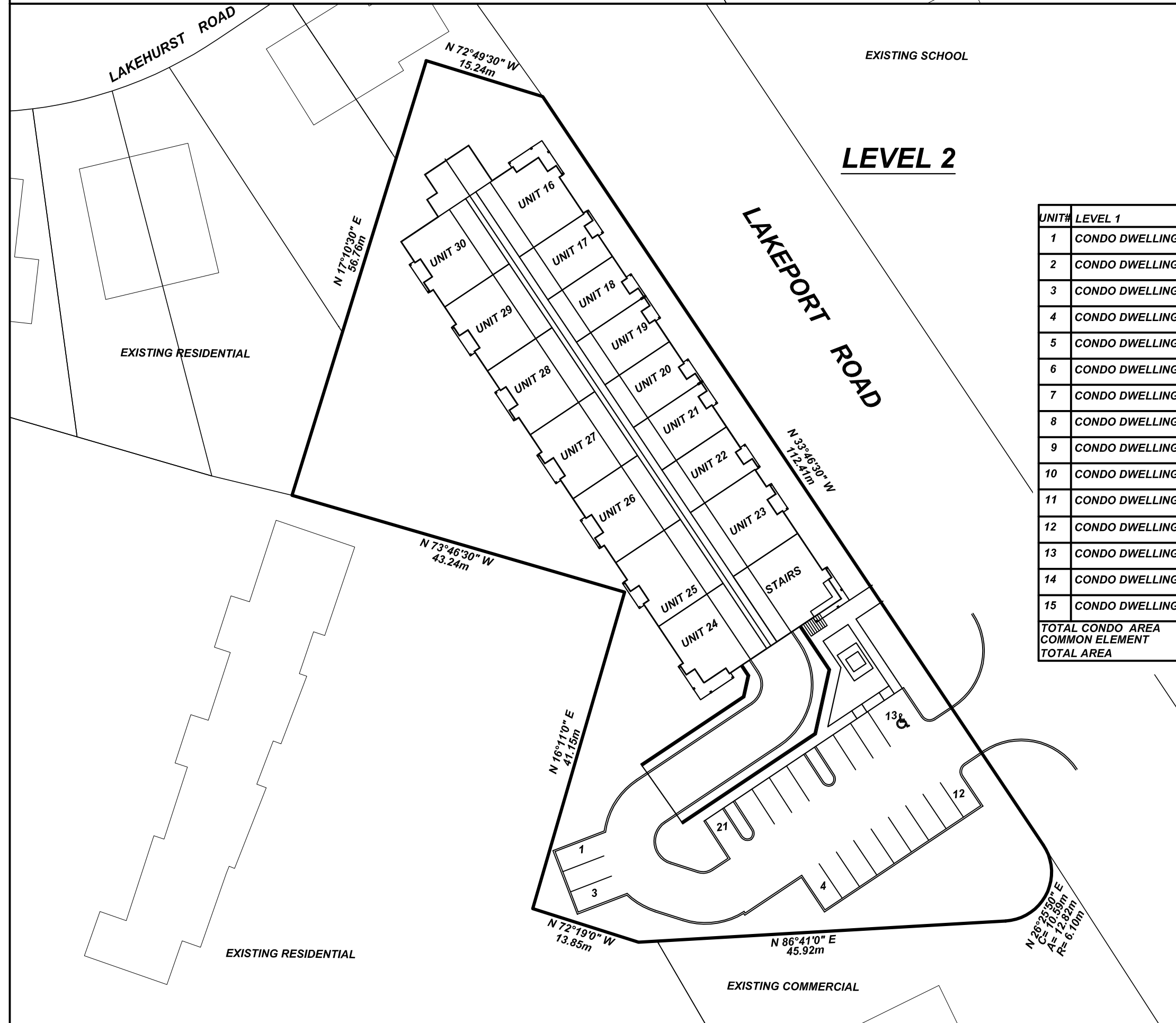
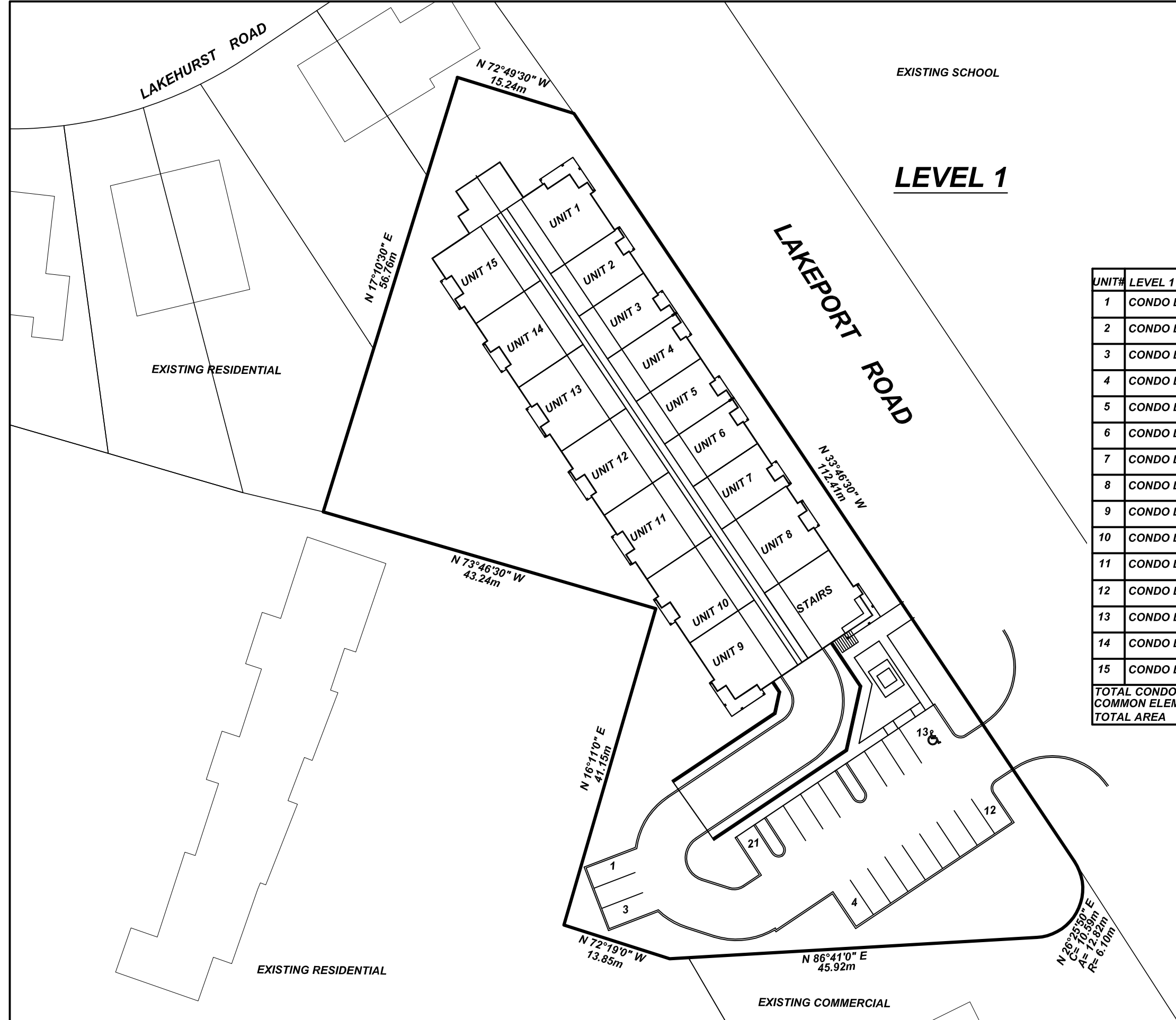
Part Lot 19, Concession 2

IN THE CITY OF ST.CATHARINES REGIONAL MUNICIPALITY OF NIAGARA

DISTANCES SHOWN ARE IN METRES
NOT TO SCALE



UNIT#	LEVEL 1	AREA
1	CONDO DWELLING	101.77m ²
2	CONDO DWELLING	64.58m ²
3	CONDO DWELLING	64.50m ²
4	CONDO DWELLING	64.45m ²
5	CONDO DWELLING	64.49m ²
6	CONDO DWELLING	64.45m ²
7	CONDO DWELLING	64.54m ²
8	CONDO DWELLING	95.80m ²
9	CONDO DWELLING	101.85m ²
10	CONDO DWELLING	95.87m ²
11	CONDO DWELLING	96.22m ²
12	CONDO DWELLING	96.20m ²
13	CONDO DWELLING	96.17m ²
14	CONDO DWELLING	96.19m ²
15	CONDO DWELLING	98.13m ²
TOTAL CONDO AREA		1265.21m ²
COMMON ELEMENT		150.58m ²
TOTAL AREA		1500.58m ²



N.T.S.

DRAFT PLAN OF
STANDARD CONDOMINIUM

**PART OF LOT 19
CONCESSION2
(Geographic TOWNSHIP OF GRANTHAM,
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA**

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION

John Wiley *Apr. 27, 2015*
DATE
Attn: Capital Incorporated
2213 North Sheridan Way
Mississauga, ON L5K 1A3
Kenneth Seckely, President

HEREBY CERTIFY THAT THE BOUNDARIES OF
THE LANDS TO BE SUBDIVIDED ARE
CORRECTLY SHOWN.

William A. Mascoe MAY 22, 2015
KIRKUP MASCOE URE SURVEYING LTD DATE

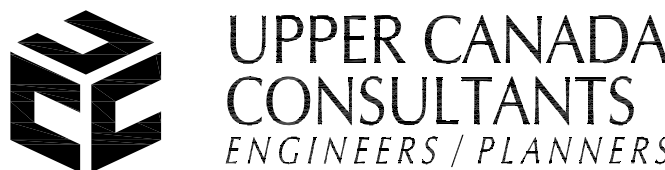
REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) SILTY SAND |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
BUILDING AREA		45	0.149	31.4
ASPHALT AREA			0.068	14.4
LANDSCAPE AREA			0.257	54.2
TOTAL		45	0.474	100.00

DEVELOPABLE AREA = 0.474ha
DEVELOPABLE DENSITY = 94.9% units/ha

0	ISSUED FOR	YYYY-MM-DD	--
#	REVISION	DATE	INIT



261 Martindale Road
Unit #1
St. Catharines, ON
L2W 1A1
Phone: (905)688-9400
Fax: (905)688-5274

DRAWING TITLE

**DRAFT PLAN OF
STANDARD
CONDOMINIUM**

DRAFTING IW

DATE MAY 22, 2015

SCALE 1:500

DWG No.
1521-DP



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: August 28, 2015

Date of Meeting: September 28, 2015

Report Number: PBS-265-2015

File: 60.30.322, 60.35.1007

Subject: Application to Amend Official Plan ("Garden City Plan") and Zoning By-law (2013-283) to Permit Community Commercial Uses on Subject Lands at 52 Lakeport Road (Dalhousie House); City of St. Catharines, Owner

Recommendation

Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for a portion of the lands described as Part of Lot 33, RCP 697, as in RO 196531 (69) 2ndly, 3rdly, 4thly, St. Catharines, municipally known as 52 Lakeport Road, as follows:

- a) That Schedule D, General Land Use Plan, be amended by:
 - i) changing the land use designation for a portion of 52 Lakeport Road, from Natural Areas to Community Commercial, as identified in Appendix 2 of this report; and
- b) That Schedule E1, North Planning District, be amended by:
 - i) changing the land use designation for a portion of 52 Lakeport Road, from Natural Areas to Community Commercial, as identified in Appendix 3 of this report; and

Zoning By-law Amendment

That Council approve an amendment to Zoning By-law 2013-283, as amended, for a portion of the lands described as Part of Lot 33, RCP 697, as in RO 196531 (69) 2ndly, 3rdly, 4thly, St. Catharines, municipally known as 52 Lakeport Road, as follows:

- a) That Schedule A, Zone Maps, be amended by changing the zoning for a portion of the subject lands from Conservation/Natural Area (G1) to Community Commercial (C2-132), as identified in Appendix 4 of this report;
- b) That Section 13.1, List of Special Provisions, be amended to add an additional special provision, as follows:

Special Provision	Zone	Schedule			Location	By-law
		A	B	C		
132	C2	7	30		52 Lakeport Road	2015-____
1.	Maximum gross floor area					232 m ²
2.	Minimum yard abutting a residential zone					6 m
3.	Maximum easterly yard					34 m
4.	Non-residential uses are exempt from the parking requirements of Section 3.12.2 of By-law 2013-283					
5.	Washroom Facility shall be permitted					
6.	The Maximum Percentage of total gross leasable floor area for Non-commercial uses provisions of Section 6.4 of By-law 2013-283 shall not apply.					
7.	Car Wash, Commercial Parking Structure, Motor Vehicle Gas Station, Motor Vehicle Repair Garage shall not be permitted; and					

- c) That Section 15.2 Schedule B Lot Specific Maps for Special Provisions be amended to include an additional map Schedule B-30, as identified in Appendix 5.

That an archaeological assessment be required prior to development of the subject lands through any required site plan approval process; and

That the Mayor and City Clerk be authorized to execute the necessary by-laws to give effect to Council's decisions; 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

Council has directed staff to undertake the process required to broaden land use permissions for Dalhousie House and surrounding subject lands to facilitate a long term

viable use for the premises. An amendment to the Official Plan (Garden City Plan) and Zoning By-law are required to implement Council's direction.

Staff has undertaken the process as required by the Planning Act and supports the partial re-designation and rezoning of the lands at 52 Lakeport Road to a commercial land use as set out in this report. Staff is recommending a split re-designation and rezoning of the lands. The majority of the property containing Dalhousie House will be re-designated and rezoned to allow some commercial land use. A small portion of Rennie Park will retain the existing land use permissions.

Background

Recognizing the value of this heritage asset, the City, in partnership with the Federal Government, has undertaken improvements to the building and slope stabilization to prevent further deterioration of the premises. The improvements were funded by grants from the Federal Government of approximately \$500,000.

On April 13, 2015, Council passed the following motions relating to this application:

"That an Open House date be established for a City initiated Official Plan and Zoning By-law amendment application which will look to broaden land use permissions for Dalhousie House and surrounding lands; and

That immediately following the conclusion of the Zoning By-law process for Dalhousie House that a Request for Proposals be conducted by the City to garner viable proposals for the long term use of this building".

This direction was part of a report providing Council with a number of initiatives aimed at improving and enhancing Port Dalhousie. Historical details regarding Dalhousie House are detailed later in this report. The intent of the Official Plan and Zoning By-law amendments are to help establish a long term viable use for Dalhousie House as well as aid in the preservation of this heritage asset.

Report

Location and Site Description

The subject lands are located in City's North Planning District, as outlined on Schedule E6 of the Garden City Plan. More specifically, the property is situated on the west side of Lakeport Road, south of Canal Street. An aerial location map is attached as Appendix 1.

The site is located at the toe of the slope descending from Canal Street and is relatively flat. The lot area is 0.19 hectares with an average width of approximately 17 metres. The area of the first floor is approximately 120 m² and the second floor approximately 103 m².

Surrounding land uses, as indicated on Appendix 1, include:

North:	Residential uses along Canal Street
South:	Rennie Park and Martindale Pond
East:	Commercial uses along Lakeport Road and the Port Dalhousie Commercial Core
West:	Residential uses along Canal Street and the Royal Canadian Henley grandstand

Official Plan Designation

The Garden City Plan (GCP) designates the subject lands as Natural Areas on Schedule D1, General Land Use Plan and Schedule E1 in the North Planning District (see Appendices 2 and 3 of this report). This Natural Area designation is more specifically defined as Natural Hazard Lands and Natural Heritage by Section 13.2 (a)(b) of the GCP. The purpose of the Natural Area policies of the GCP is to promote the long term sustainability of Natural Hazard Lands and Natural Heritage by supporting:

- The protection, preservation, restoration, maintenance, and where possible, the improvement of a diverse, connected and integrated system of natural areas, features, hazard lands, habitats, corridors, and associated biological and ecological functions.
- A diverse, connected and integrated system of local natural heritage with that of the Region of Niagara Core Natural Heritage System, the Provincial Greenbelt Plan Protected Countryside and Natural Heritage System, and the Provincial Niagara Escarpment Plan.

An amendment to the GCP is required to permit a broader range of permitted uses on the subject lands.

Zoning

By-law 2013-283 zones the subject lands as Conservation/Natural Area (G1) (Appendix 4). The G1 zone permits parks and open space related uses, including: boat ramp, essential operations for service infrastructure and utilities, picnic area and shelter, trail, as well as the existing rowing facility.

An amendment to By-law 2013-283 is required to permit a broader range of permitted uses on the subject lands.

Port Dalhousie Heritage District

The site is located within the Port Dalhousie Heritage District. The designation is intended to recognize the historical character of Port Dalhousie and conserve and enhance that heritage. The Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (the Guidelines) provides policies, design and conservation guidelines and procedures for implementing a heritage district designation.

In December, 2003 the Port Dalhousie Heritage District designation received final approval from the Ontario Municipal Board. The district is one of the largest heritage districts in Ontario. The district has the natural boundaries of Lake Ontario and Martindale Pond, and the south western boundary runs variously along Corbett Avenue, Johnston Street and Shelley Avenue. Prior to inclusion in the Heritage District Dalhousie House was designated individually by By-law 95-430. At the time when the district designation process was being undertaken the Ontario Heritage Act (OHA) required that individual designations be repealed to allow the property to be included within a heritage district.

Circulation Comments

The applications for an Official Plan and Zoning By-law amendment were circulated to all appropriate departments and outside agencies for their comments and requirements. There were no objections received, however, comments were offered, as follows:

Niagara Region – Planning and Development Services

Given the mix of land uses in the neighbourhood, the re-designation of the subject lands to allow for a commercial use is considered an appropriate change of use according to Regional and Provincial policies.

Archaeological Resources

The subject lands are located west of Lakeport Road. Based on Provincial screening criteria, the subject lands exhibit a high potential for the discovery of archaeological resources due to the site's proximity to the old Welland Canal and Martindale Pond, the presence of early historic settlement, and the site's cultural heritage value. Staff notes that the Dalhousie House was constructed circa 1850 and is the last remnant of the old Muir Brothers Dry Docks. Additionally, the property is designated under the Ontario Heritage Act in the Port Dalhousie Heritage District. Due to the site's high potential for archaeological resources, an archaeological assessment is recommended prior to development of the site.

Regional Development Services staff is not opposed to the approval of these applications from a Provincial and Regional perspective, and subject to the comments of the NPCA.

Niagara Peninsula Conservation Authority (NPCA)

NPCA staff have met with City staff to discuss the restraints posed by environmental and hazard features on the site. The NPCA offered the following comments on the applications:

NPCA Policies and Regional Official Plan under the Memorandum of Understanding (MOU)

The NPCA regulates flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land (valley lands) and wetlands (Provincially Significant Wetlands and other wetlands over 2 hectares in size) under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The subject property is affected by a slope that is considered hazardous land and, therefore, regulated by the NPCA.

NPCA staff advises that any internal renovations to the existing Dalhousie House do not require an NPCA Work Permit. Any outside work proposed near the toe of the slope may require a Work Permit (and possibly a geotechnical report), however, this would have to be determined on a case-by-case basis. Works that are well removed from the toe of the slope will not require an NPCA Work Permit. In all instances, the NPCA should be consulted prior to any site disturbance.

Under the terms of the Memorandum of Understanding (MOU) between Niagara Region, the local municipalities and the NPCA, the NPCA reviews all planning applications for conformity with Chapter 7 (Natural Environment) of the Regional Official Plan (ROP). The subject land contains a portion of land classified as Environmental Conservation Area (ECA) because of the proximity of Martindale Pond. NPCA staff has examined the site further and because of the urban nature of the site and the fact that the area between the subject land and Martindale Pond is highly disturbed (a park), the ECA classification does not apply to the site as per Policy 7.B.1.11 of the ROP.

Accordingly, NPCA staff considers the applications to conform to Chapter 7 of the ROP.

Based on the above, the NPCA has no objections to the applications based on NPCA policy.

Parks, Recreation and Culture Services (PRCS)

The subject property is immediately adjacent to Rennie Park. Any uses proposed for this property should be compatible with the park use, and therefore should exclude uses such as car wash, commercial parking structure, motor vehicle gas station, and motor vehicle repair garage. PRCS requests that recreation facilities and cultural facilities, as defined in the Zoning By-law 2013-283, be included in the permitted uses for this property and that the permissions accommodate community-oriented groups and organizations, such as the Friends of the Carousel, and their ancillary uses. Further, PRCS requests a split zoning for the property at 52 Lakeport Road to ensure that the G1 zone boundary aligns with the edge of Rennie Park.

Transportation and Environmental Services (TES) – Traffic Section

There are no concerns. Traffic and parking for the Port Dalhousie area will be addressed through the forthcoming secondary plan process.

St. Catharines Heritage Advisory Committee (SCHAC)

The SCHAC considered the proposed broadening of land use permissions on the site at its meeting of July 9, 2015, and was supportive of the proposal. The following motion was passed at that time:

“That the SCHAC supports the broadening of land use permissions for 52 Lakeport Road (Dalhousie House) to establish a long term viable use for the premises and preservation of this heritage asset.”

Open House

A public open house was hosted by Planning and Building Services staff on July 14, 2015. The purpose of the open house was to present the proposal and allow for an opportunity for questions to be asked and comments to be received by City staff before Council considers these applications. There were sixteen (16) persons in attendance. Those in attendance were generally supportive of the proposal. Comments and questions received are as follows:

- **Historical Value and Integrity of the Building**
 - Dalhousie House is a Port Dalhousie landmark and very historic building and perhaps the only remaining reminder of St. Catharines' early ship building history
 - The exterior of the building should not be altered and the size of the building should be limited to the existing premises.
- **Land Use Permissions**
 - Can land use permissions be widened within the Green Space zoning provisions?
 - The revised zoning permissions should exclude those that are potentially incompatible with the nearby residential area (eg. motor vehicle related)
 - Washrooms should be permitted to potentially accommodate public events (eg. recent Canada Day celebrations)
 - Zoning permissions should allow for not for profit/public use of the premises (eg. Friends of the Carousel, ship building/rowing museum)
- **Public Access to the Building**
 - Some degree of public access should be allowed to the premises
- **Parking**
 - The parking needs of any potential user should not require undue changes to the mostly landscaped area around the building
 - What if any parking requirement will be applied to the premises and can the parking exemption for the Port Dalhousie Core area be extended to this site?

In addition to the public open house, two letters were received by staff at the time of writing this report.

Additional comments and questions were provided in this correspondence, including:

- Embankment at the Rear of the Building
-What is the condition of the embankment abutting the rear yards of properties on Canal Street and will rezoning weaken the embankment?

These comments and questions are addressed in the Planning Considerations section of this report.

Planning Considerations

Provincial Policy Context

The subject lands are within a settlement area under the 2014 Provincial Policy Statement (PPS) and designated as a built-up area in the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan contain policies that direct growth, intensification and regeneration of the urban/built-up area through a mix of land uses and developments. According to the Regional Official Plan (ROP), the subject property is within the St. Catharines Urban Area and within the Built-up Area of the City of St. Catharines. The Region advises that the applications are appropriate according to Provincial policies

Section 2.6 (Cultural Heritage and Archaeology) of the PPS states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (2.6.1) and, that “development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved” (2.6.2).

The subject applications are not proposing any new development. Should new development be proposed in the future, an archaeological assessment will be required in accordance with the PPS and comments from Regional Development Services staff. This requirement will be implemented through the site plan agreement process at the appropriate time.

Regional Official Plan

According to the Regional Official Plan (ROP), the subject property is within the St. Catharines Urban Area and within the Built-up Area of the City of St. Catharines. The re-designation of the subject lands to allow a commercial use is considered an appropriate change of use according to Regional and Provincial policies. The NPCA, commenting in accordance with the Memorandum of Understanding (MOU), advises that the applications conform to Chapter 7 (Natural Environment) of the ROP because of the urban nature of the site and the area between the subject land and Martindale Pond is highly disturbed (a park).

Official Plan

Amendment to the Plan (North Planning District)

Staff is recommending an amendment to the Official Plan (the Garden City Plan (GCP) from Natural Areas to Community Commercial to permit a broader range of land use permissions.

The GCP provides opportunities to further refine the Plan by way of an amendment, subject to certain criteria being met (Section 16, Implementation). In some instances, changes in land use can be appropriate. This application for amendment to the Plan has been evaluated on the basis of those prescribed general considerations, as follows:

Garden City Plan Policy (16.1)	Planning Comment
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including respecting and celebrating the city's historical assets to foster a sense of identity and pride. Part C of the Plan, 'General Policies', provides the framework for the protection and enhancement of the city's cultural heritage resources. Permitting limited commercial uses allows flexibility for the future adaptive re-use and preservation of Dalhousie House.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal complies with Provincial and Regional land use policies.
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use	The expanded range of uses proposed for the lands within the Community Commercial designation and zoning can be accommodated within the existing building as a minor extension of the Port Dalhousie Commercial Core.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	No new construction is being proposed by these applications. Dalhousie House was constructed around 1850 as part of the former Muir Dry Docks in Port Dalhousie. It is one of the oldest surviving buildings in the community and a local landmark, compatible with other uses in the Port Dalhousie Heritage District.
v) The potential of the proposal to cause instability within an area intended to remain stable	As stated previously no new construction is being proposed by these applications within the Port Dalhousie Heritage District. Any future changes to the exterior of the premises will be assessed based on the Port Dalhousie Heritage District Guidelines for Conservation and Change.

vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City	Water and sanitary sewer facilities are available on-site, however neither are located within the building. A new electrical and HVAC system has been installed. Although not anticipated, any required upgrades to municipal services would be at the cost of any future Owner or tenant.
vii) The financial implications, both cost and revenues, to the City	The proposed expansion of permitted uses presents no cost implications to the City. Recognizing the value of this heritage asset, the City, in partnership with the Federal Government has undertaken improvements to the building and to stabilize the slope and prevent the further deterioration of the premises. Depending upon the results of the Request for Proposals (RFP) should these amendments be approved, future revenues may be realized through a positive use of the property.
viii) The degree to which approval of the amendment would establish an undesirable precedent	The proposed amendment would enable a minor westward extension of the Port Dalhousie Commercial Core within an existing, longstanding building. Further expansion is limited by proximity to Rennie Park, Martindale Pond, and the slope along the rear of Canal Street properties. The proposed amendment to the GCP will not establish an undesirable precedent.

Environmental Policies

Section 13.2 of the GCP sets out the policies with respect to the city's Natural Area. The subject lands are identified as being within the Natural Area Extent Line. Section 13.2.1.2 of the GCP (Natural Area Extent Line) provides that development, redevelopment, site alteration, and use of lands within and adjacent to the Natural Area Extent Line is subject to the policies set out in Section 13.2 of the Plan. Section 13.2.1.4 (Interpretation) states that Natural Area mapping set out on the Schedules of the Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and that these lands may be defined more precisely through Watershed, Environmental Planning Studies. Environmental Impact Studies (EIS), the NPCA, or other government or regulatory authority and mapping.

Further to the City's Natural Area mapping set out in the GCP the NPCA establishes a Niagara Natural Environmental Screening Layer. As noted in the Circulation Comments section of this report the NPCA has reviewed these applications under the Memorandum of Understanding (MOU) between Niagara Region, the local municipalities and the NPCA and offers no objections. An EIS is not required at this time to use the existing building based on the proposal.

If external development is undertaken on the lands in the future an EIS and other studies and/or permissions may be required depending on the nature and extent of the development being proposed.

Based on the matters outlined above, staff is satisfied that the proposed Official Plan amendment meets the general intent of the Plan and all other prescribed general considerations.

Zoning By-law

Amendment to By-law 2013-283

By-law 2013-283 zones the subject lands as Conservation/Natural Area (G1) which permits parks and open space related uses, including: boat ramp, essential operations for service infrastructure and utilities, picnic area and shelter, and trail. An amendment to By-law 2013-283 is required to permit an expanded range of permitted uses on a portion of the subject lands containing Dalhousie House. Staff is proposing that the zoning be changed to Community Commercial (C2-132) with a number of special provisions for those lands. The proposed C2 zoning would be an extension of the zoning currently applicable to the Port Dalhousie commercial core. The remaining portion of 52 Lakeport Road which forms part of Rennie Park will retain the G1 zoning.

The permitted uses and provisions for the Community Commercial (C2) and Conservation/Natural Area (G1) zones in Zoning By-law 2013-283 are attached as Appendix 6.

The following table compares the standard requirements of the C2 zone with the existing building and site situation which necessitates that a special provision be added to recognize the existing situation. The proposed special provisions are discussed following the table.

	C2 Zone Requirements	Existing Premises	Does the Proposal Comply?
Maximum Non-Residential glfa	5,000 m ²	Approximately 223 m ²	Yes – does not exceed maximum requirement
Maximum Percentage of Total glfa for Non-commercial uses	40%	To be determined depending on use	See explanation below
Minimum Yard Abutting a Residential Zone	7.5 m or half the height of the building whichever is greater	6 m	No – existing see explanation below
Minimum Exterior Side Yard	3 m	n/a	There is no exterior side yard
Maximum Exterior	24 m	n/a	There is no

Side Yard			exterior side yard
Minimum Front Yard	3 m	33.4 m	Yes – exceeds minimum requirement
Maximum Easterly Yard	24 m	33.4 m	No- see explanation below
Minimum Landscape Buffer Abutting a Residential Zone	3 m	6 m	Yes – exceeds minimum requirement

Permitted Uses in the Community Commercial (C2) Zone

Appendix 6 sets out the uses permitted in the C2 zone. To maintain compatibility with adjacent residential uses staff is recommending that a car wash, commercial parking structure, motor vehicle gas station, and motor vehicle repair garage not be permitted. Further, staff is recommending that washroom facility be permitted, recognizing the potential need for sanitary facilities associated with local public spaces and events. As part of the base C2 zone community related uses are permitted as recommended by PRCS staff and supported by public input received at the public open house.

Maximum Gross Floor Area

Staff is recommending setting a maximum gross floor area that would restrict the size of the building to what currently exists with a small margin of error. This is consistent with maintaining the heritage value of this heritage asset as well as the input received as part of the public consultation process. Should expansions of the premises be required in the future a planning approval would be required, including public consultation.

Minimum Yard Abutting a Residential Zone

There is a 1.5 metre deficiency in this provision. The existing building has been on the lands for approximately 150 years and no new development is being proposed. Thick, low lying vegetation and a significant grade differential to Canal Street properties result in adequate separation space and buffering from adjoining residential properties.

Maximum Easterly Yard

The purpose of this provision in the C2 zone is to ensure there is continuity in building form in the streetscape from an urban design perspective. In this instance there is no continuous streetscape and there is significant existing separation to the nearest commercial use. Increasing this requirement will meet the intent and purpose of the GCP and Zoning By-law and maintain the character of the area.

Parking

Staff is recommending that the parking exemption for non-residential uses currently in place in the Port Dalhousie commercial core be extended to Dalhousie House. There are 4 spaces available on the south side of the building. The following are parking requirements that would be generated by potential uses based on the size of the building:

- Cultural Facility – 4 spaces (1 space per 65 m² of glfa)
- Office – 8 spaces (1 space per 28 m² of glfa)
- Retail Store – 12 spaces (1 space per 20 m² of glfa)

The only other potential place to locate parking on the lands would be on the north side of the building. This would result in the loss of green space and potentially significant alteration of the embankment. The context of the building and historical sense of place would change. To avoid these negative impacts to the site staff is recommending that parking requirements for non-residential uses be exempted. Any potential user of the building will be aware of the parking limitations. As Council is aware staff is in the process of undertaking a secondary plan review for the Port Dalhousie commercial core, harbor area, and immediate environs. This study will include parking and traffic considerations on a larger scale.

Maximum Percentage of Total glfa for Non-commercial uses

The purpose of this provision in the C2 zone is to maintain the primacy of the commercial function in areas so designated by restricting non-commercial uses to a maximum of 40%.

Typically these areas are groupings of commercial uses (eg. Grantham Plaza, Pendale Plaza). To impose this requirement in this instance would unreasonably restrict establishing a viable use for the premises. Removing this requirement will meet the intent and purpose of the GCP and Zoning By-law.

Heritage

Constructed in the 1860s, Dalhousie House was once part of the Muir Brothers Dry Docks and ship building yard. Alexander Muir, a seaman by trade, arrived in Port Dalhousie from Scotland in 1839. It was his belief that a dry dock was needed to repair and service the ships that used the newly built Welland Canal. In 1850, he began construction of a temporary floating dry dock to service the ships. Muir was later joined by his brothers (William, Bryce, David and Archibald) and by 1866 construction began on a permanent dry dock.

The permanent dry docks opened in the autumn of 1867. It remained in operation until 1968. In the latter years it was owned by Port Weller Dry Docks Limited. At that time the dry dock facilities fell into disrepair. In the 1970's the building was renovated using funds from the Neighbourhood Improvement Plan and Wintario, and became known as Dalhousie House. Over the years the building has been used by the local citizen's group Port Dalhousie Quorum as a community centre and as a senior's centre. It is currently vacant since 2002 when the Port Dalhousie Seniors vacated the premises.

The original structure is a two storey building with a medium gable roof. Two single storey additions were later added to the west side (photographs of the building are provided in Appendix 7).

The site is located within the Port Dalhousie Heritage District. The designation is intended to recognize the historical character of Port Dalhousie and conserve and

enhance that heritage. The Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (the Guidelines) provides policies, design and conservation guidelines and procedures for implementing a heritage district designation.

Section 41.2 (1) (b) of the Ontario Heritage Act states that despite any other general or special Act, if a heritage conservation district plan is in effect in a municipality, the Council of the municipality shall not pass a by-law for any purpose that is contrary to the objectives set out in the plan. Section 3.2 of the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change set out the objectives of the plan below. These applications have been evaluated based on the requirements of the Act and the objectives of the Guidelines, as follows:

Port Dalhousie Heritage District Guidelines for Conservation and Change (Section 3.2)	Planning Comment
The protection of all remnants of the Welland Canals as significant elements of industrial archaeology in the landscape;	Dalhousie House is a remnant of the Welland Canals. A long term, viable use for the building would allow for the protection and preservation of the building.
Encouraging the current vitality of the commercial area by promoting its unique architecture and contemporary commercial adaptive reuse as well as continuing to protect its distinctive heritage fabric;	The proposed change in use would result in a minor extension of the Port Dalhousie Commercial Core. An adaptive re-use of the building would allow for the preservation of the premises and be complementary to the commercial uses in the existing Commercial Core.
Maintaining the low profile, compact building forms of the cottage and residential areas by encouraging any future changes to develop in depth or in width on lots rather than vertically in height;	The subject lands are located outside of the residential precincts of the Port Dalhousie Heritage District. A change in use will not impact the residential area. Any future changes will be assessed based on the Heritage District Guidelines for Conservation and Change regarding potential impacts.
Maintaining and enhancing existing open space, sport and recreation areas in a manner consistent with protecting distinguishing heritage features;	The proposed zoning excludes a small wedge of land located in Rennie Park. Those lands will continue to be zoned Conservation/Natural Area (G1-113).
Ensuring that supporting and contextual landscape features such as grass boulevards, street trees, hedgerows, front yard plantings and many mature boundary plantings such as trees, mixed shrub borders and hedges are conserved and managed; and	No new development is being proposed by these applications that would impact supporting contextual landscape features.
Encouraging new development, construction and any public works where it	No new development is being proposed by these applications.

<p>is clearly demonstrated that such changes will have no adverse effects upon the heritage attributes of the district and will positively contribute to the character of the area.</p>	
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Based on the matters outlined above, staff is satisfied that the proposed Zoning By-law amendment meets the general intent of the Act and objectives of the Guidelines.

Public Open House Comments

With regard to the comments expressed at the public open house and through correspondence, the following is provided:

Historical Value and Integrity of the Building

Comment: Dalhousie House is a Port Dalhousie landmark and very historic building and perhaps the only remaining reminder of St. Catharines' early ship building history in the region.

Response: The proposed land use permissions are intended to find a long term viable use for the premises. Staff believes that establishing a use is the best means to ensuring the preservation of this landmark Port Dalhousie heritage asset.

Comment: The exterior of the building should not be altered and the size of the building should be limited to the existing premises.

Response: The Staff Recommendation limits the maximum gross floor area of the building to approximately that which currently exists with provisions for a small margin of error.

Land Use Permissions

Comment: Can land use permissions be widened within the Green Space zoning provisions?

Response: All of the permissions in the Green Space zoning categories in By-law 2013-283 are limited in terms of allowing uses beyond the status quo. The Staff Recommendation is that the lands be designated and zoned for commercial purposes with restrictions aimed at achieving compatibility with adjoining residential uses. The proposal strikes a balance between flexibility to allow a reasonable range of use permissions and certainty that these permissions respect the immediate area.

Comment: The site specific zoning permissions should exclude those that are potentially incompatible with the nearby residential area (eg. motor vehicle related uses).

Response: The Staff Recommendation excludes motor vehicle related uses as well as those uses that are deemed incompatible with the surrounding area.

Comment: Washrooms should be permitted to potentially accommodate public events (eg. Canada Day celebrations).

Response: Staff is recommending that washroom facilities be permitted.

Comment: Zoning permissions should allow for not for profit/public use of the premises.

Response: The Staff Recommendation recognizes not for profit/public use of the building.

Public Access to the Building

Comment: Some degree of public access should be allowed to the premises.

Response: The range of uses permitted in the Community Commercial (C2) zone allows for future public access. The RFP directed by Council can further scope how the building is used in the future within the context of the approved zoning for the site.

Parking

Comment: The parking needs of any potential user should not require undue changes to the mostly landscaped area around the building.

Response: Staff is recommending that the parking exemption for non-residential uses currently in place in the Port Dalhousie commercial core be extended to Dalhousie House. The RFP can also address how the lands surrounding Dalhousie House are to be utilized and degree of site alteration.

Comment: What if any parking requirement will be applied to the premises and can the parking exemption for the Port Dalhousie Core area be extended to this site?

Response: As noted above the Staff Recommendation is to exempt non-residential uses from providing parking.

Embankment at the Rear of the Building

Comment: What is the condition of the embankment abutting the rear yards of properties on Canal Street and will rezoning weaken the embankment?

Response: The embankment at the rear of Dalhousie House has been re-enforced as part of recent engineering construction remedial work to the premises. Those lands are heavily vegetated with low-lying ground cover. Staff is not aware of any deficiencies in the embankment.

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

The proposal development presents no cost implications to the City. Once this process is complete staff will proceed to determine viable proposals for the long term use of the premises.

Relationship to Strategic Plan

Economic sustainability objectives will be enhanced/achieved through:

- Increased use permissions aimed at strengthening the vitality and economic base of the Port Dalhousie Commercial Core.

Cultural sustainability objectives will be enhanced/achieved through:

- Creating the opportunity to preserve this heritage asset by establishing a long term viable use for the premises.

Conclusion

In summary, staff is supportive of the applications for an Official Plan amendment and Zoning By-law amendment to broaden land use permissions for Dalhousie House.

The building has been vacant for 13 years and the City has undertaken recent improvements to the premises, including: re-pointing exterior masonry, installation of a new HVAC system, and re-enforcing the embankment leading to Canal Street. By allowing a broader range of uses the City is taking a pro-active approach to establishing a viable long term use for this landmark heritage asset.

The proposal meets the spirit and intent of the applicable Provincial, Regional and local policies.

Notification

Notification is not required.

Prepared by:

Kevin Blozowski, MCIP, RPP
Planner I

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

James N. Riddell, M.PL., MCIP, RPP,
Director of Planning and Building Services

Location Map

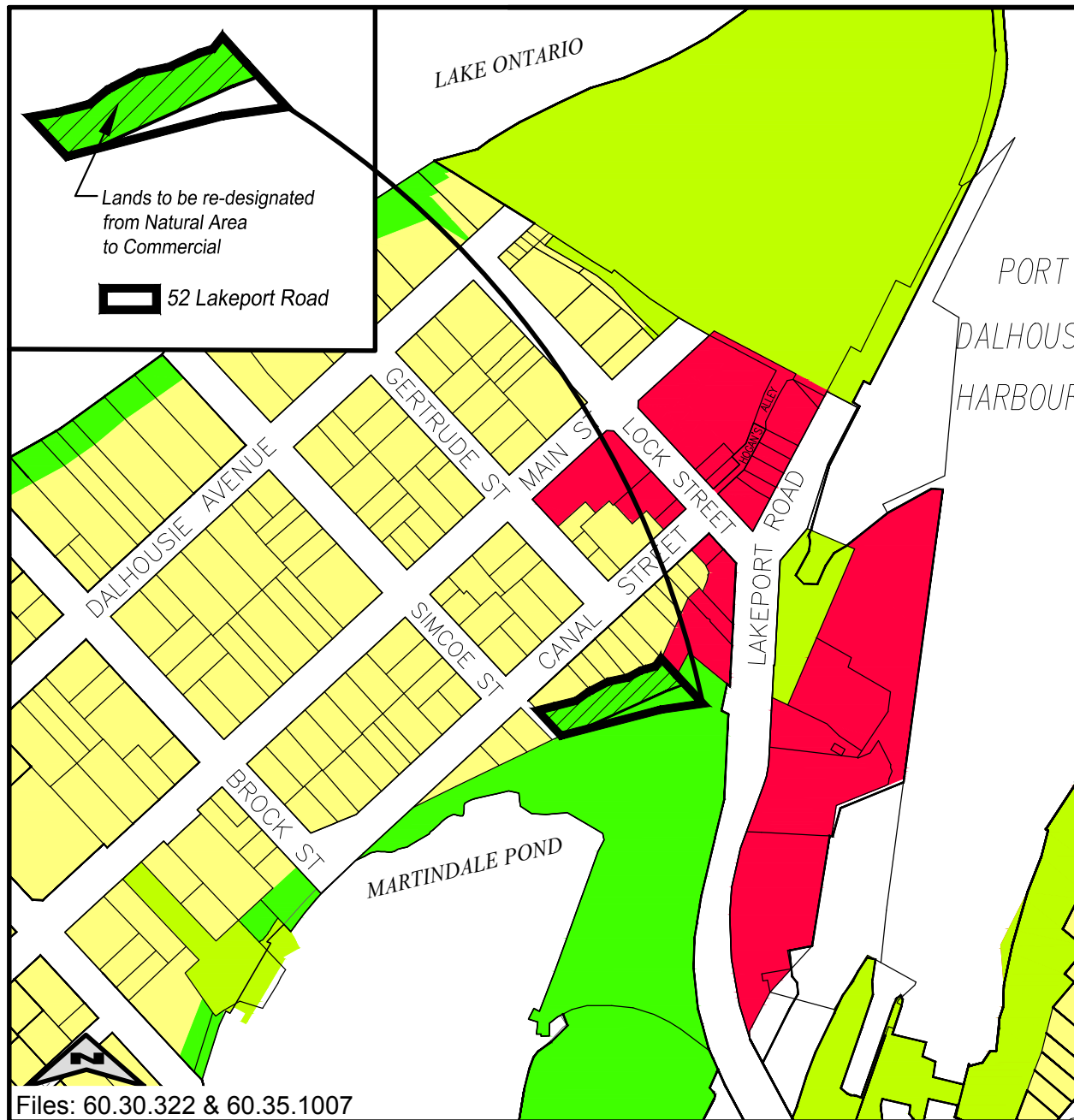


Subject Lands

52 Lakeport Road

File: 60.30.322 & 60.35.1007

Proposed Official Plan Amendment, Schedule D1 - General Land Use Plan

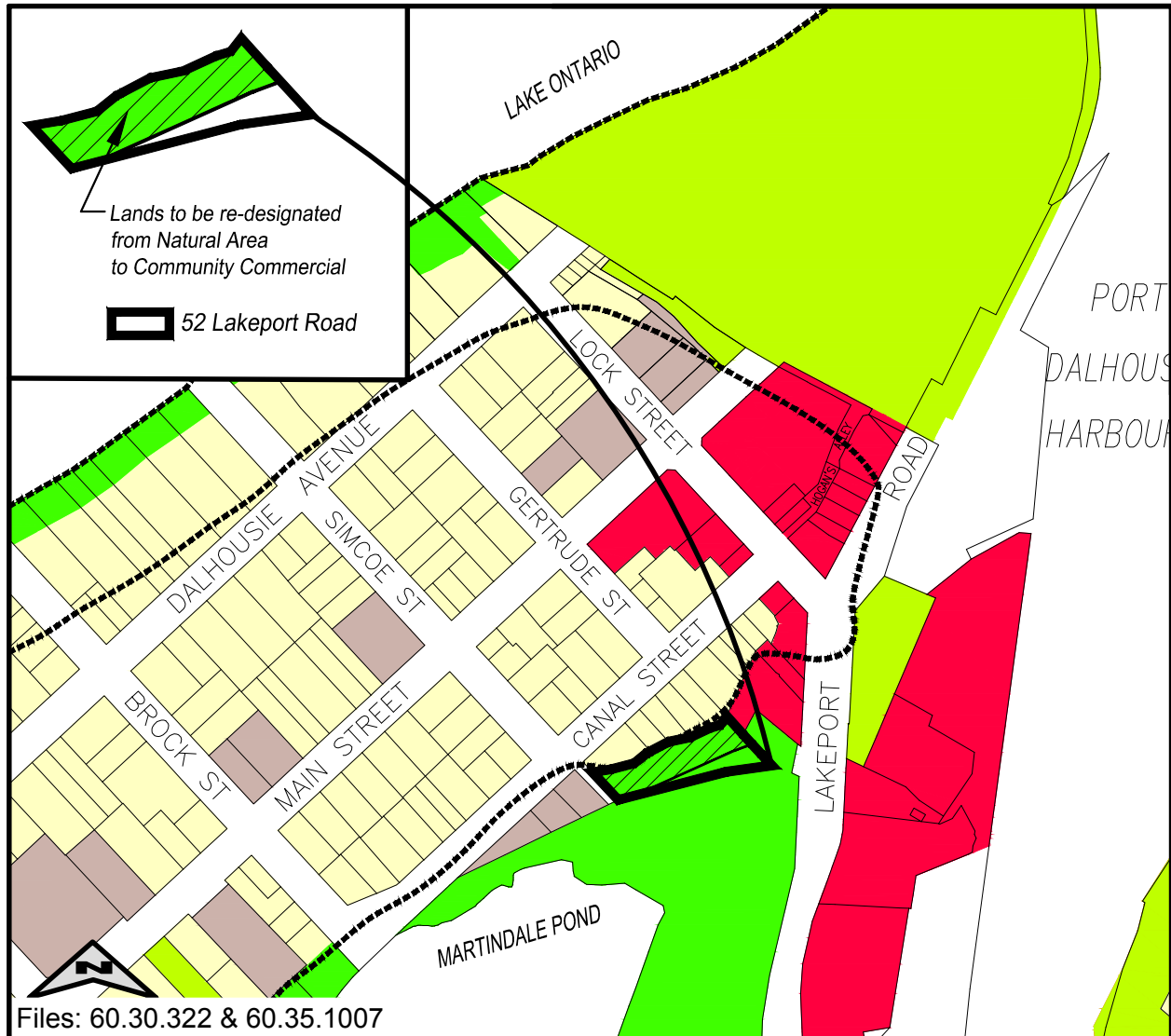


General Land Use Plan

- | | |
|--|--|
| Neighbourhood Residential | Urban Area Boundary |
| Employment | Parkland & Open Space |
| Commercial | Agriculture |
| Mixed Use | Downtown |
| Natural Areas | |

CITY OF ST. CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

Proposed Official Plan Amendment, Schedule E1 - District Land Use Plan



Land Use Designations

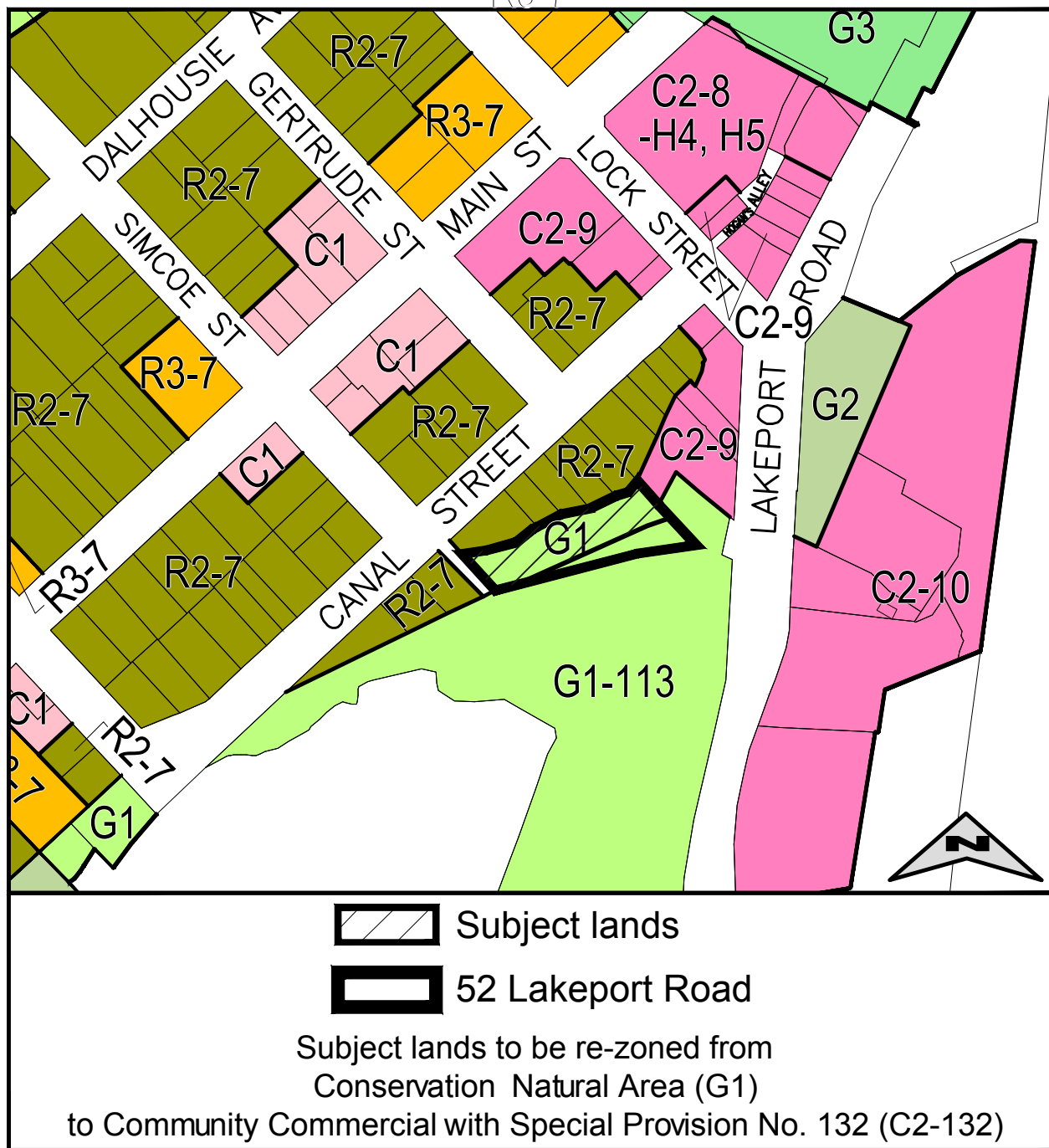
- Low Density Residential (20 to 32 units / ha)
- Medium Density Residential (25 to 99 units / ha)
- High Density Residential (85 units / ha or greater)
- Major Commercial
- Community Commercial
- Arterial Commercial
- T Major Transit Station

- Special Study Area
- Mixed Use
- General Employment
- Business Commercial Employment
- Parkland & Open Space
- Natural Areas
- Natural Area Extent Line

CITY OF ST. CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

NOTWITHSTANDING LAND USE DESIGNATIONS SHOWN ON THIS SCHEDULE, THE USE OF LAND WITHIN OR ADJACENT TO THE NATURAL AREA EXTENT LINE MAY BE SUBJECT TO ADDITIONAL REGULATION OR RESTRICTION. REFER TO PART D, SECTION 13.2 NATURAL AREA POLICIES, ALSO SEE SCHEDULES F2, F3, F4 AND F5

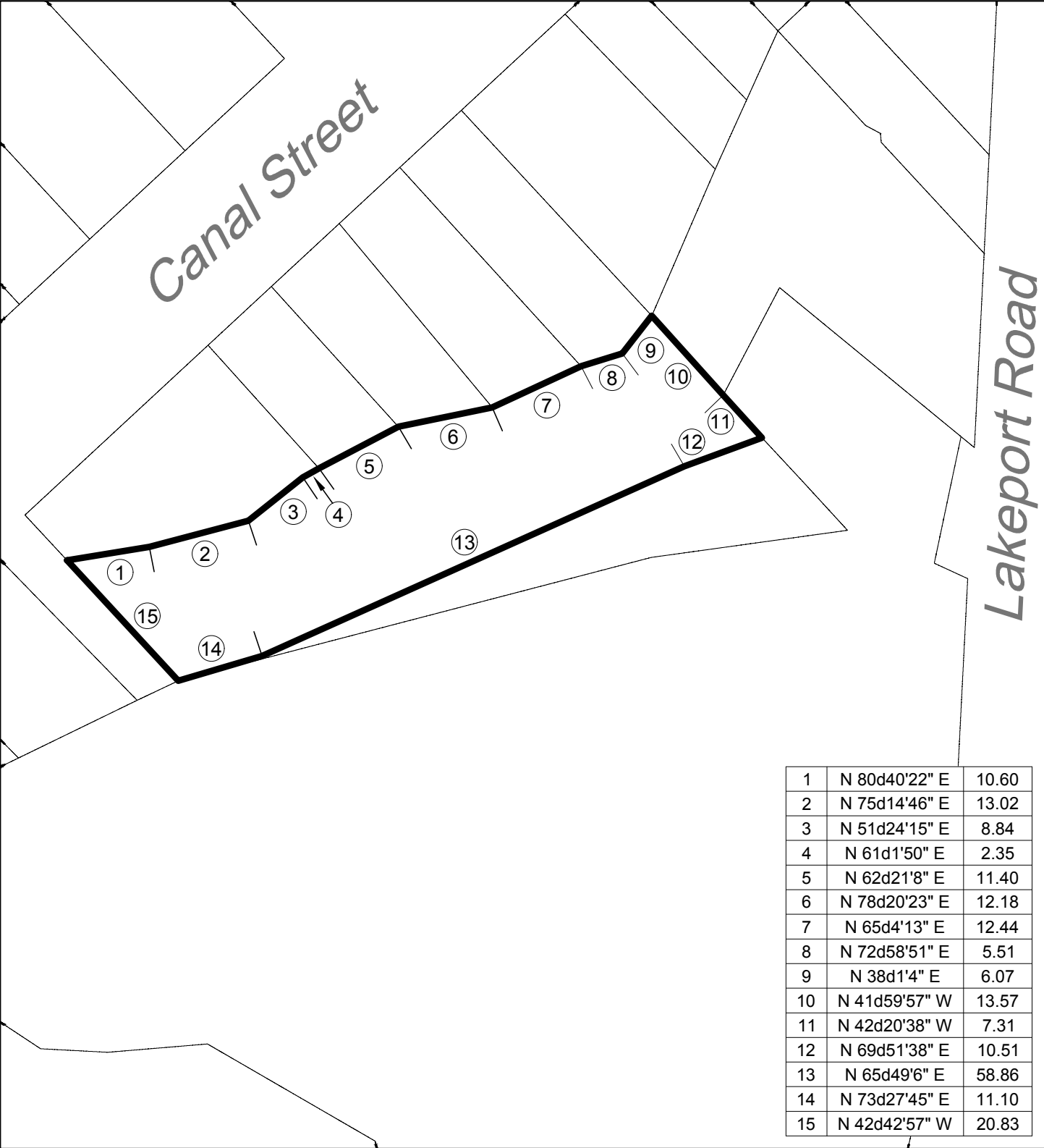
Proposed Amendment to Zoning By-Law 2013-283



Zones	
R2 Low Density Residential - Traditional Neighborhood	G1 Conservation Natural Area
R3 Medium Density Residential	G2 Minor Green Space
C1 Local Convenience Commercial	G3 Major Green Space
C2 Community Commercial	

Files: 60.30.322 & 60.35.1007

SPECIAL PROVISION	SCHEDULE A	SCHEDULE B	LOCATION	BY-LAW
132	7	30	52 Lakeport Road	



AN ILLUSTRATION SHOWING

Part Lot 33, RCP 697, as in RO 196531(69) 2ndly, 3rdly, 4thly

IN THE CITY OF ST.CATHARINES REGIONAL MUNICIPALITY OF NIAGARA

DISTANCES SHOWN ARE IN METRES
NOT TO SCALE
December 16, 2013

KEY PLAN

NOT TO SCALE

Appendix 6 – Permitted Uses and Provisions in the Conservation/Natural Area (G1) Zone and Community Commercial (C2) Zones

Conservation/Natural Area (G1) Zone

Permitted Uses

Boat Ramp

Essential Operations for Service Infrastructure and Utilities

Picnic Area and Shelter

Trail

Provisions

There are no provisions

Community Commercial (C2) Zone

Permitted Uses

Animal Care Establishment

Apartment Building

Car Wash

Commercial Parking Structure

Cultural Facility

Day Care

Apartment Dwelling Unit(s)

Emergency Service Facility

Motor Vehicle Gas Station

Motor Vehicle Repair Garage

Office

Place of Assembly/Banquet Hall

Place of Worship

Recreation Facility, Indoor

Restaurant

Retail Store

Service Commercial
 Social Service Facility
 Theatre
 University/College

Provisions

Maximum Lot Area	-no requirement
Maximum Non-Residential glfa	-5000m2
Maximum percentage of total glfa for non-commercial uses	-40%
Minimum yard abutting a residential Zone	-7.5 m or ½ height of building whichever is greater
Minimum exterior side yard	-3m
Maximum exterior side yard	-24m
Minimum front yard	-3m
Maximum front yard	-24m
Maximum building height	- no requirement
Minimum landscaping abutting A Residential Zone	-3m

Appendix 7 – Images of Dalhousie House



Figure 1 Front view from Rennie Park



Figure 2 Front view from Rennie Park



Figure 3 Front View from Rennie Park



Figure 4 West side of building



Figure 5 East side of building



Figure 6 View towards Lakeport Road



Figure 9 View towards Martindale Pond

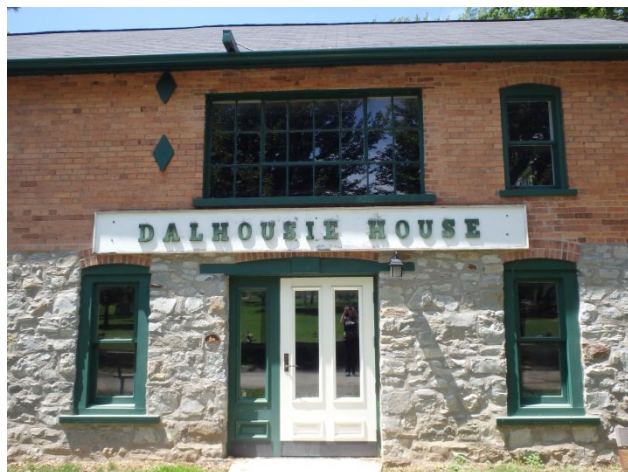


Figure 10 Front detail



Figure 11 Front detail



Figure 12 East side light fixture



Figure 8 West side detail



Figure 7 Stone wall to the west



By-laws to be considered September 28, 2015

- (a) A By-law to authorize an Agreement with Brock University. (One reading – with respect to formalizing the transfer of digital data. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to amend By-law No. 2015-218 entitled “A By-law to authorize an Agreement with the Returning Officer for the Electoral District of St. Catharines on behalf of Elections Canada.” (One reading – with respect to amending the lease rate. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to amend By-law No. 2004-277 entitled “A By-law to authorize delegation of certain matters to staff.” (One reading – with respect to waiving fees for aquatic and public skating associated with National Child Day. General Committee, September 14, 2015, Item No. 4.10.)
- (d) A By-law to provide for adoption of an amendment to the Official Plan of St. Catharines (Garden City Plan). (One reading – with respect to 52 Lakeport Road. To be considered by General Committee, September 28, 2015.)
- (e) 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.” (One reading – with respect to 52 Lakeport Road. To be considered by General Committee, September 28, 2015.)
- (f) A By-law to provide for adoption of an amendment to the Official Plan of St. Catharines (Garden City Plan). (One reading – with respect to 212 Lakeport Road. To be considered by General Committee, September 28, 2015.)
- (g) 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.” (One reading – with respect to 212 Lakeport Road. To be considered by General Committee, September 28, 2015.)
- (h) A By-law to amend By-law No. 2014-67 entitled “A By-law to establish a System of Administrative Penalties respecting the stopping, standing or parking of vehicles in the City of St. Catharines.” (One reading – with respect to an increase in the administrative penalty amounts. To be considered by General Committee, September 28, 2015.)
- (i) A By-law to amend By-law No. 89-305 entitled “A By-law to provide for regulating, supervising and governing the parking of vehicles in various municipal parking facilities.” (One reading - with respect to addition of IceDogs Way Parking Lot and Downtown Special Event Parking Fees. To be considered by General Committee, September 28, 2015.)
- (j) A By-law to confirm the proceedings of council at its meeting held on the 28th day of September, 2015. (One reading – with respect to ratification and adoption of City Council Minutes of September 28, 2015 and General Committee Minutes of September 28, 2015.)