



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, January 25, 2016  
Council Chambers, City Hall, 6:30 PM**

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

Page

**1. Public Meetings Pursuant to Planning Act**

5 - 30

- 1.1 Application for Draft Plan of Subdivision Approval for Residential Development – 54 Mackenzie King Avenue; Sycamore Construction; Weston Consulting (Jane McFarlane); File: 60.46.410

**2. Presentations**

- 2.1 Brian Applebee, Manager of Transportation Services  
Re: Traffic Calming

**3. Opening Remarks, Mayor Walter Sendzik**

**4. Adoption of the Agendas**

**5. Declarations of Interest**

**6. Adoption of the Minutes (Council, General Committee and Budget Standing Committee)**

- 6.1 [Regular Meeting of Council, January 11, 2016](#)  
6.2 [General Committee Minutes, January 11, 2016](#)  
6.3 [Budget Standing Committee, December 15, 2015](#)

**7. Delegations**

- 7.1 Rino Mostacci, Commissioner of Planning and Development Services; Diana Morreale, Manager of Community Planning; and Terri Donia, Senior Planner; Niagara Region  
Re: 2041 Growth Plan Strategy  
7.2 Dave Sherlock, General Manager and Rick Werner, Chair, St. Catharines Transit Commission  
Re: 2016 Transit Budget

**8. Call for Notices of Motion**

## 9. Motions

### 9.1 Request to Declare VegFest 2016 an Event of Municipal Significance

*Councillor Elliott will present the following Motion at the meeting of January 25, 2016:*

That Council of the City of St. Catharines declare VegFest 2016, to be held at Market Square on June 5, 2016, to be an event of municipal significance with respect to obtaining liquor permits in accordance with the Alcohol and Gaming Commission of Ontario Requirements; and That the Office of the City Clerk be directed to make the necessary notifications. FORTHWITH

### 9.2 Call for Ridesharing Legislation

*Councillor Siscoe will present the following Motion at the meeting of January 25, 2016:*

Whereas the sharing economy is growing rapidly through new technology and apps;

Whereas ride-sharing through apps such as Uber and Blacride are increasing in popularity with, as an example, over one million Uber rides per month and growing in Ontario alone;

Whereas sharing apps are increasing in popularity and changing the way consumers choose regulated services, as an example, Uber is now operating in 40 different municipalities representing over seventy-five percent of Ontario's population; and

Whereas ride-sharing apps such as Uber and Blacride increasingly operate across municipal boundaries and a patchwork of local frameworks will cause confusion among consumers, law enforcement and regulators; and

Whereas provincial Bill 131 the Opportunity in the Sharing Economy Act (MPP Tim Hudak) and Bill 53 the Protecting Passenger Safety Act (MPP John Fraser) that seek to address ridesharing issues, have each passed Second Reading in the Ontario Legislature and are awaiting Legislative Committee public hearings;

NOW THEREFORE BE IT RESOLVED:

1. That the City of St. Catharines support the Region of Niagara to call upon the Province of Ontario to develop ridesharing legislation including but not limited to:

A. Engagement with affected Ontario municipalities, taxi companies, limousine services, insurance companies, law enforcement, consumers, ride sharing companies and drivers;

B. Changes as needed to modernize the Insurance Act, the Highway Traffic Act, the Public Vehicles Act and any other relevant provincial legislation to enable consumer choice and empower people to make money from their personal vehicle through ride-sharing;

C. Modern, consistent province wide consumer protection and public safety standards including ride-sharing insurance, driver qualifications and vehicle requirements.

D. Recommendations for relieving the outdated and expensive regulatory burden on taxis and limousines to enable them to fairly compete for customers and keep their costs down.

2. That this motion be forwarded to the Region of Niagara to be included with their motion to be forwarded to the Premier of Ontario, the Opposition Leader of Ontario, house leaders in the provincial legislature, local Members of Provincial Parliament, the Association of Municipalities of Ontario, Tim Hudak, MPP and John Fraser, MPP, and the Niagara Regional Police Services Board.

**9.3 Hearing - By-law 95-302 Council Committee**

*Councillor Garcia will present the following Motion at the meeting of January 25, 2016:*

Whereas at their September 14, 2015 Council meeting Council appointed Councillors Siscoe, Harris and Garcia to hear an appeal pursuant to By-law 95-302, for licensing and regulating the keeping of dogs;

Whereas on January 15, 2016 the City Clerk received an additional appeal for a hearing to by-law 95-302;

Therefore be it resolved that Council appoint Councillors Siscoe, Harris and Garcia for the term of Council for all hearings related to By-law 95-302. FORTHWITH

**10. Resolve into General Committee**

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

**12. Motion to Ratify Forthwith Recommendations**

**13. By-laws**

13.1 Reading of By-laws

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

14.1 Minutes to Receive:

- Accessibility Advisory Committee, [October 28, 2015](#)
- Clean City Advisory Committee, [November 17, 2015](#)
- Museum Advisory Committee, [November 24, 2015](#)
- Heritage Permit Advisory Committee, [November 26, 2015](#)
- Downtown Development and Revitalization Advisory Committee, [December 15, 2015](#)
- Environmental Sustainability Committee, [January 6, 2016](#)

Page

- Welland Canal Fallen Workers Memorial Task Force, [December 9, 2015](#), and [January 7, 2016](#)
- Cultural Sustainability Committee, [November 10, 2015](#), and [January 13, 2016](#)

## **15. Adjournment**



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Development Services, Planning Services

**Date of Report:** January 6, 2016

**Date of Meeting:** January 25, 2016

**Report Number:** PBS-019-2016

**File:** 60.46.410

**Subject:** Application for Draft Plan of Subdivision Approval for Residential Development – 54 Mackenzie King Avenue; Sycamore Construction; Weston Consulting (Jane McFarlane)

### Recommendation

That the report from the Planning and Building Services, dated January 6, 2016, concerning a draft plan of subdivision approval be referred to City Council for consideration at the Council meeting of February 22, 2016, after the Public Meeting scheduled for January 25, 2016. FORTHWITH

### Staff Recommendation

That approval be granted for a draft plan of subdivision for Blocks 1-9 inclusive and a new public street (Street A), as outlined in Appendix 1, for the lands described Block 33 and part of Block 34, Plan 30M-346, municipally known as 54 Mackenzie King Avenue, subject to the conditions of draft plan of subdivision approval, as outlined in Appendix 2 of this report; and

That the draft plan of subdivision approval be granted for a period of three years from the date of approval by Council; and

That the draft plan of subdivision approval shall lapse after 3 years from the date of Council approval, unless a request for extension has been submitted, reviewed and approved prior to the lapsing date; and

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

That after notice of Council's decision has been given, the City Clerk be authorized to endorse the plan as "draft approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

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

That Block 5 also be subject to site plan control; and

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

## Summary

This application requests draft plan of subdivision approval for nine blocks of land and a new public road (Street A) for 44 townhouse dwelling units. The new public street joins Mackenzie King Avenue and Howland Drive. The proposed draft plan of subdivision is attached as Appendix 1. Staff are recommending approval of this draft plan of subdivision subject to the conditions outlined in Appendix 2.

This application is only for the creation of blocks of land and a public road. The land use policies of the Garden City Plan and Zoning By-law 2013-283 already permit the proposed housing form and therefore no amendments are required.

## Report

### Location and Site Description

The site is located in East Planning District of the city on the south west corner of Howland Drive and Welland Canals Parkway. A location map is attached as Appendix 3.

The subject lands are vacant with a site area of 1.38 hectares. The property has a frontage of 29.86 metres on Mackenzie King Avenue at the southwest corner of the site and a frontage of 37.48 metres on Howland Drive along the northern boundary.

A draft plan of condominium was previously approved in September 2009 for this site, and included Block 34 of Registered Plan 30M-346 (vacant lands to the south). The development did not proceed and the draft plan approval granted by Council ultimately lapsed.

Surrounding land uses include:

North:	Residential (single-detached dwellings)
South:	Residential (single-detached dwellings) and vacant lands owned by the applicant (subject to future development) and zoned for Medium Density Residential (R3-61)
East:	Natural Area and the Welland Canal
West:	Residential (single-detached dwellings) and future residential (under construction)

### Official Plan Designation

The Garden City Plan designates the lands as Neighbourhood Residential on Schedule D1 (see Appendix 4), providing for a range of housing opportunities, types, forms and densities. Schedule E9 (see Appendix 5) provides further land use direction within the East Planning District, where the site is located, and designates the lands as Medium Density Residential. This designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse dwellings and apartment buildings. A special policy allows for a density range between 23 and 99 units / hectare for the lands known municipally as 54 Mackenzie King Avenue. The height of buildings shall generally not exceed 20 metres.

An official plan amendment is not required in order to permit the proposed townhouses.

## Zoning

Zoning By-law 2013-283 zones the lands as Medium Density Residential Site Specific 61(R3-61) (see Appendix 6). The R3 zone permits a range of residential uses, including street townhouses. The special provision 61 specifically identifies a density range of 23 to 99 units per hectare for this site.

The residential use proposed is permitted. The proposal complies with the provisions of the zoning by-law.

## Proposed Development

The draft plan of subdivision (refer to Appendix 1) proposes nine blocks of land for 44 townhouse dwelling units. All nine blocks will front onto a proposed new public street (Street A). Appendix 1 identifies the number of units proposed within each block. The proposed public street will connect to Mackenzie King Avenue and Howland Drive. The net density of the proposed development excluding the public street is 47.7 units per hectare.

## Circulation Comments

This application for draft plan of subdivision approval was circulated to all appropriate departments and agencies for their comments and requirements. There were no objections received. The conditions of draft plan approval reflect the requirements of commenting agencies and departments. The comments are as follows:

## Niagara Region

The Region reviews proposals from the following perspectives:

*Provincial Policy 2014 Provincial Policy Statement and the Places to Grow Growth Plan for the Greater Golden Horseshoe (Places to Grow).*

The Region recognizes the proposed development as being appropriate based on provincial policy because:

- It directs growth and development to existing settlement areas
- It encourages the development of complete communities
- It supports intensification
- It proposes an appropriate housing type and an appropriate density.

### *Regional Official Plan*

The proposed development is appropriate within the context of the Regional Official Plan because:

- The subject lands are within the Urban Area as approved by the Regional Official Plan
- The subject lands are within the Built-Up Area as approved by Amendment 2-2009 to the Regional Official Plan (Sustainable Community Policies) where the residential intensification target is 95%, where infrastructure and services are

available within an existing neighbourhood, and where diverse land uses are encouraged to support complete communities.

*City's Official Plan – The Garden City Plan and Zoning By-law 2013-283*

The Region acknowledges its review of the policies of the Garden City Plan and zoning by-law and considers the proposed development appropriate because:

- The proposed residential dwelling type (townhouses) is permitted by both the Garden City Plan and the Zoning By-law.

In reviewing the application the Region has also commented on the following matters:

*Land Use Compatibility and Noise Impacts*

The proposed development is located south of nearby employment lands / uses and west of the Welland Canal. Employment lands may trigger noise, vibration, emissions and similar impacts which may impact residential lands in close proximity. Although there is minimal impact at this point in time, future uses may generate some impact. Regional Planning staff request a noise and/or vibration warning clause be included in all offers of purchase and sale agreements with prospective purchasers so that they are aware of a potential impact. The warning clause should advise future owners / tenants that lands in this plan of subdivision may, at times, be exposed to reduced air quality, odour and/or dust from nearby industrial / commercial operations, which may interfere with some activities. Regional staff request that a warning clause be included in the subdivision agreement for this development to advise future owners / tenants of the nearby industrial / commercial operations, which may be audible at times.

Further, Regional Planning staff advise that noise generated from ship traffic in the Welland Canal has potential to negatively impact future residents of the development. Similar to the noise mitigation measures implemented as part of past residential development in this area, Regional staff require the installation of central air conditioning by the builder for all dwelling units to mitigate noise impact. Conditions relating to air quality and noise impacts have been included in the Conditions of Draft Plan Approval in Appendix 2.

Council should be aware that a land use compatibility study addressing air quality impacts was completed in 2011 (BCX Environmental) for the plan of subdivision abutting this site (Waterway Estates) and the Region's comments regarding air quality reflect the conclusions of that study.

Similarly, a noise study completed in 2007 (Jade Acoustics) for a development in the vicinity and subject to similar noise characteristics was relied upon to guide the Regional comments respecting noise mitigation measures for this application.

*Site Contamination*

Upon review of historical records and site investigation, the Region has determined that site presents a low risk of potential environmental liability and, accordingly, no Environmental Site Assessment (ESA) is required for this application.



### *Archeological Resources*

This site is part of a plan of subdivision approved in 2005. As part of the approval of the original plan of subdivision an archeological assessment was completed and, accordingly, no further assessment is required as part of this application. The Region does however recommend a condition be included in the subdivision agreement in the event deeply buried archeological resources are discovered during grading and construction.

### *Regional Engineering*

The servicing study (Functional Servicing Study, Cole Engineering, May 2015) has been reviewed by the Region and no concerns are noted.

### *Waste Collection*

The Region notes that standard curbside collection is intended for this development.

### *Core Natural Heritage*

The Region relies on this Niagara Peninsula Conservation Authority to comment on natural environment impacts

Regional Development Services staff has no objection to the approval of this application from a Provincial or Regional perspective, subject to conditions, which are provided in Appendix 2.

### **Niagara Peninsula Conservation Authority (NPCA)**

This site does not exhibit any natural features (watercourses, flood plains, valleylands, wetlands, hazardous slopes) that are regulated by NPCA. This site is outside of any lands designated Environmental Conservation Area in the Regional Official Plan and accordingly the NPCA considers the application to be in conformity with the Natural Environment policies of the Regional Official Plan.

NPCA does have an interest in the storm water management relating to the development of this site and requests standard conditions relating to grading, storm servicing and sediment control. These conditions are included in Appendix 2.

### **Planning and Building Services**

The new public road right of way in this development is proposed at 18.0 metres. Normally a 20.0 metre road allowance is preferred however in this instance, the applicant has demonstrated the streetscape and engineering needs can be accommodated within the 18.0 metre road allowance, including sidewalks on both sides of the street (no curb-faced sidewalks). The road allowance will be expanded at Howland Drive and Mackenzie King Avenue to provide room for boulevard planting and will enhance the streetscape at the entry points to the subdivision.

A sidewalk is desired along the west side of the Welland Canals Parkway. Understanding that sidewalks do not exist to the north and the south of this site, linking

the site's frontage along the Parkway, the City will require the applicant to pay a cash deposit as a condition of development, intended for the future construction a sidewalk along the full length of Welland Canals Parkway.

Soils stability needs to be confirmed through the submission, review and approval of a geotechnical report. A condition of draft plan approval has been included in Appendix 2 requiring a geotechnical report.

Servicing plans detailing water, sanitary, storm services, street lighting and lot grading, including any required easements, need to be submitted in accordance with City standard, and reviewed and approved as a condition of development.

Street trees within the boulevard area shall be required and appropriate cash deposits submitted to the City to complete those works are included as a condition of development.

From an urban design perspective, conditions requiring sidewalks on both sides of Street A (the new public street), boulevard trees on both sides of Street A, and additional tree planting along the Welland Canals Parkway is required. A streetscape plan identifying all trees, sidewalks, utility infrastructure, and driveways shall be a condition of development and is included in Appendix 2.

The conditions outlined in Appendix 2 include these various comments and requests.

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

Staff note that an 18 metre right-of-way reduces the boulevard space between the curb and the sidewalk by 1 metre and limits the selection of tree species to only small stature trees. Conditions addressing tree planting, fencing and a streetscape plan are to be included as part of the draft plan approval. Appendix 2 includes the recommended conditions.

### **Traffic Services**

Traffic advises that the proposed development will generate additional traffic within this neighbourhood but that the existing street system has more than enough capacity to accommodate the traffic generated by the additional 44 dwelling units proposed. No traffic study is required and no conditions to the development are requested.

Council should be aware the residents in the area are concerned with traffic and the Planning Analysis section of this report addresses those concerns.

### **Other Comments**

Various utilities were circulated for comment and no concerns were raised. Standard conditions are included in Appendix 2 to address utilities.

## Open House

An open house was hosted by Planning Services on October 1, 2015. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions before decisions are made by Council. There were approximately 35-40 persons in attendance, plus the consultant for the applicant.

Below is a list of concerns expressed by the attendees:

- The proliferation of on-street parking in the neighbourhood on both sides of the street already compromises, waste collection, emergency services and snow removal. On-street parking on both sides of the street for this development will further aggravate the problem.
- Incidences of overgrown grass and weeds and garbage not being picked up needs to be addressed in the existing subdivision.
- The intersection of Howland Avenue with Welland Canals Parkway is already dangerous given the speed of traffic along Welland Canals Parkway, the curvature of Welland Canals Parkway, and the queuing of traffic along Welland Canals Parkway when the Homer Bridge is up, at Queenston Street to the north of this site. Additional development will further aggravate the situation.
- There is need for additional studies and information (shadow study, soil study etc.)
- Will the development aggravate drainage and cause potential flooding?
- What is proposed for the additional lands owned by the applicant to the south of this site?
- The plans for the property that residents received when they bought their homes were for a different development.

The applicant hosted an additional open house on November 17, 2015 to further address the concerns expressed at the October 1<sup>st</sup>, 2015 meeting. It was attended by roughly the same group of people (approximately 35-40 people) together with the applicant and his agents and City staff. Additional information was provided to the residents including architectural renderings of the proposed townhouses and additional information on the previous approvals on this site, which have now lapsed.

The matters are addressed further in the Planning Analysis section of this report.

## Planning Analysis

### Provincial Policy Context

The lands are within a settlement area under the 2014 Provincial Policy Statement (PPS) and is within the built-up area as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan contain policies that direct major growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities, including the provision of affordable housing and all forms of housing required to meet the social, health and well-being requirements of current and future residents. Land use patterns shall be based on

densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities which are planned or available to settlement areas.

This application proposes residential development that is in keeping with the provincial policies. The proposed townhouse development continues the build out of this subdivision and utilizes services and infrastructure already approved and constructed as part of the original plan of subdivision. The proposed townhouse dwelling type expands the offering of townhouse units within this neighbourhood and is developed within a density range approved for this site and appropriate to surrounding lands. The proposal utilizes services planned for and available to the site and demonstrates an efficient use of land, infrastructure, and public services and facilities.

### **Regional Official Plan**

The subject lands are within the Urban Area Boundary of the City of St Catharines according to the Regional Official Plan and within a Built-up Area under Amendment 2-2009 (Niagara 2031 Sustainable Community Policies / conformity amendment). The Sustainable Community Policies establish a residential intensification target of 95% for the St. Catharines built-up area.

The subject lands are located in an established neighbourhood where infrastructure and services are available. Municipalities are encouraged to develop a diverse mix of land uses within urban areas to support the complete community concept. This draft plan proposes a townhouses with a net residential density of 47.7 units per hectare which assists in achieving provincial and regional residential intensification targets.

Staff concur with the Region's conclusion that the development is appropriate for the site based on Provincial and Regional planning policy.

### **Official Plan (Garden City Plan)**

The Plan designates the lands as Neighbourhood Residential (see Appendix 4), providing for a range of housing opportunities, types, forms and density. Schedule E9 (see Appendix 5) provides additional direction for land uses which are located within the East Planning District and designates the lands as Medium Density Residential, permitting detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse dwellings and apartment buildings with a special policy allowing for a density range generally between 23 and 99 units per hectare of land. In general, the density range for a Medium Density Residential land designation is 25-99 units per hectare.

At a proposed density of 47.7 units per hectare, this development complies with the density policies of the Garden City Plan. The proposed townhouses are permitted within the Medium Density Designation, will support a wider variety of housing, assist with the intensification of the area and help accommodate projected growth in a sustainable manner. The proposed development complies with the policies of the Garden City Plan and no amendment is required.

## **Zoning By-law**

By-law 2013-283 zones the lands as Medium Density Residential Site Specific 61 (R3-61) (see Appendix 6). The R3 zone permits a range of residential uses, including detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse, private road development dwelling units, apartment buildings, and long term care facilities. The proposed townhouses comply with the regulations of the Zoning By-law. Staff consider the proposal to be in accordance with the zoning by-law, and no further amendment to the zoning by-law is required.

## **Draft Plan of Subdivision**

Section 51(24) of the Planning Act directs the matters to be considered in recommending approval for a draft plan of subdivision. The development does not have a detrimental effect on matters of provincial interest, it is not premature and is in the public interest. The proposal complies with the Official Plan, and the lands are suitable for development as proposed. The proposed blocks are of appropriate size, and shape and adequate for the development of townhouses in accordance with the Zoning By-law. The proposed development is compatible with the adjacent plans of subdivision containing similar forms of housing. The existing utilities and services are adequate to support the development. The size, elevation, grading and adequacy of the proposed road has been reviewed by staff and is acceptable. Appropriate draft plan conditions for development have been included in Appendix 2. There are no concerns of possible detrimental effects on the conservation of natural resources or flooding control. Subject to the conditions of draft plan approval in Appendix 2, staff are recommending approval of the application.

## **Site Plan Control**

The City's Site Plan Control By-law requires that residential developments of four units or more be subject to site plan control. The intent of site plan approval is to regulate development that would not be otherwise regulated. In this context, the subdivision agreement will address many of the matters otherwise addressed in a site plan agreement, such as servicing, landscaping, stormwater management and drainage, fencing, streetscape plan etc. However, the subdivision agreement will not address elevations and urban design.

All blocks except Block 5, as shown in Appendix 1, are subject to site plan control. The site plan agreement will be scoped to address mainly urban design and the elevations of the proposed townhouses. As mentioned above, matters normally addressed through the site plan process will be covered in the subdivision agreement. Although Block 5 only contains 3 units, and would not regularly be subject to site plan approval, staff recommend that it also be subject to site plan approval to ensure continuity along the street and a uniform streetscape.

## **Parkland Dedication**

Section 42 of the Planning Act allows for the collection of parkland dedication as a condition of development approval. Parkland dedication can come in the form of land dedicated to the city or cash in lieu. Since parkland dedication has been taken on these

lands as part of a previous Plan of Subdivision, no further parkland can be dedicated through this application.

## Open House Comments

Resident concerns are listed below with staff's response in italics underneath.

### Parking

The residents noted that because of the abundance of cars parked on the street at all times, snow plows, garbage trucks and potentially emergency services have difficulty accessing Mackenzie King Avenue. This development could potentially create additional on street parking issues.

- *The traffic division has recently initiated the process for consideration of one side only on-street parking within this neighbourhood. Should that initiative be approved, the new public road proposed in this development should be one side only on-street parking as well. The subdivision agreement can include a clause accordingly.*

### Property Standards

Residents identified several weed, and overgrown grass issues, as well as garbage accumulating in the neighbourhood.

*The on-street parking problems in the area are attributed to the waste collection issue. That matter is currently being addressed, as outlined above.  
The overgrown weeds and grass is a maintenance matter relating to the west boulevard of Mackenzie King Avenue, which is not currently developed. Staff have advised Transportation and Environmental Services of the matter for awareness and upkeep in the spring.*

### Previous Applications

Residents are concerned that the information about future development that they were given at the time that they purchased their homes was different than what is currently being proposed.

- *The previous draft plan of condominium approved for this site (including Block 34 of Registered Plan 30M-346) was for a townhouse development on a private road that also contained a through road from Mackenzie King Avenue to Howland Avenue. The developer did not proceed with these plans and the draft plan approval lapsed. The owner is now applying for a similar townhouse development but is now proposing a public road from Mackenzie King through to Howland Avenue via a draft plan of subdivision application.*

### Traffic

Congestion and speeding issues were raised regarding Mackenzie King Avenue. Concern was expressed that additional development would aggravate this situation. Residents have noted that the intersection of Howland Drive and Welland Canals

Parkway is dangerous because of speeding and difficulty seeing oncoming vehicles caused by the angle of the intersection and visual obstructions. Residents would like a Traffic Impact Study to be provided by the developer.

- *The Traffic Division has determined that a traffic impact study is not required in conjunction with this application. Staff believe that there is sufficient capacity within the road network to accommodate the expected development related traffic and that the development would not result in the need to provide infrastructure improvements (i.e. installation of a traffic signal, installation of turn lanes and/or road widening). Applying an industry standard trip generation rate for single family homes, the 44 unit development is anticipated to generate less than 50 trips during the peak hour. It is typical within the industry that a traffic impact study is not required for a development that is expected to generate less than 100 trips during the peak hour.*
- *It is recognized that the existing intersection of Howland Drive and Welland Canals Parkway may have opportunities for improvements to sightlines and will be reviewed by Traffic Staff accordingly.*

### **Welland Canal Bridge Concerns**

The residents noted that traffic is an issue when the bridge goes up.

- *Traffic generated by the raising of bridges on the Welland Canal has been and will be a reality of residing close to the Welland Canal. The approval of this application does not increase this problem, nor would the denial of this application resolve it. The standard of design is not to accommodate the worst case scenario. The impacts of the bridge traffic are not the responsibility of the development nor would it be fair to the potential impacts of future development on this developer.*

### **Additional Information Requested**

Soil testing was requested.

- *A submission of a Geotechnical Study is included in the conditions of Draft Plan Approval. A Geotechnical Study is an objective, science-based study prepared by a qualified expert that analyses soil composition to determine its structural stability and its ability to accommodate development by conducting a sub-surface investigation. Any recommendations from the study will be required to be incorporated into the subdivision design.*

A shadow study was requested for the townhouses that back onto existing residential uses.

- *The proposed townhouses are within a height limit established by the zoning by-law that applies to all residential uses in this neighbourhood, and accordingly,*

*any dwelling under the 11.0 metre height limit permitted as of right in the zoning by-law does not require a shadow study.*

Elevations of the proposed townhouses were requested. The applicant provided examples of previous developments at the open house.

- *Concept elevations were provided at the second open house (hosted by the applicant) to demonstrate the type of townhouse unit being proposed. Staff note that the architectural style, the building materials, colours, etc. will be reviewed as part of the site plan approval process.*

An urban design brief was requested.

- *The streetscape plan recommended as a condition of draft plan of subdivision approval will address the urban design of the public street (landscaping, lighting, sidewalks, utility infrastructure etc.).*

Residents expressed concerns as to what type of housing would be built. They inquired as to the price range, the anticipated market, and whether it would be student housing.

- *The municipality only has the authority to regulate dwelling types, not who lives in those dwellings. Similarly, the municipality does not have the authority to approve dwelling types based on the price point of those units within the housing market.*

### **Flooding Issues**

The existing subdivision on Mackenzie King Avenue is experiencing flooding and water pooling issues in yards, sump pumps operate regularly. Residents are concerned that additional development will increase these problems.

- *A Geotechnical study, a stormwater management report and a master grading control plan are all required to be submitted for review and approval and are conditions of draft plan approval. Stormwater management shall be considered in order to determine post-development storm flows are controlled to predevelopment run-off rates for a 5-year storm event and directed to a sufficient and secured outlet. An overland flow route must also be identified in order to convey the major storm event to a sufficient and secured outlet via the right-of-way.*

### **Additional lands owned by the applicant**

The applicant owns the lands directly south of the proposed subdivision (Block 34 of 30M-346), residents would like information as to what will be proposed here in the future.

- *There are no applications for the southerly parcel of land owned by the applicant. The developer noted at the second open house that it would likely be a similar residential development but that no concrete plans were currently in place. It was*



*not decided whether this would be a subdivision or private road development. The lands are zoned Medium Density Residential (R3-61) and designated Medium Density Residential in the Garden City Plan. These are the same provisions that pertain to the subject property.*

### **Welland Canals Parkway**

The residents are concerns with the transport trucks that are currently using Welland Canals Parkway.

- *Residents were informed that this is a policing issue and that the municipality has no authority to issue traffic tickets.*

Residents would prefer that the new road connect with Welland Canals Parkway.

- *The Welland Canals Parkway is intended to act as a scenic drive with limited access points. The Howland Avenue access was intended to service this residential area, together with Wilfred Laurier Crescent. These access points are sufficient to service this residential area, including the proposed development.*

### **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 44 townhouse dwelling 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:

- Facilitating private investment through development in the City.

## **Conclusion**

In summary, staff is satisfied that the proposal submitted makes efficient use of these lands and is compatible with the surrounding neighbourhood. The proposal is consistent with provincial, regional and municipal policies, providing for intensification within an established neighbourhood to help meet the current and future housing needs of the City's residents. The conditions of draft plan of subdivision approval are considered appropriate for the successful development of this proposal.

## **Notification**

It is in order to advise Jane McFarlane, Weston Consulting, 127 Berkeley Street, Toronto, ON, M5A 2X1.

### **Prepared by:**

Margaret Josipovic  
Planner I

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

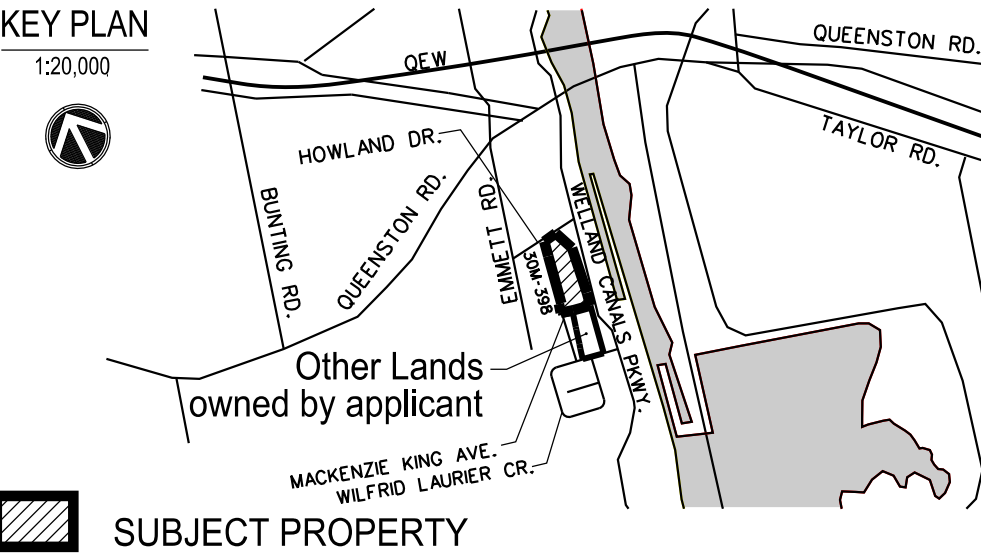
### **Approved by:**

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



DRAFT PLAN OF SUBDIVISION

BLOCK 33 AND PART OF BLOCK 34  
REGISTERED PLAN 30M-346  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA



OWNER'S CERTIFICATE:  
I authorize Weston Consulting Group Inc. to prepare and submit this plan for draft approval.

Original signed by Owner Date:

SURVEYOR'S CERTIFICATE:  
I hereby certify that the boundaries of the lands being subdivided and their correct relationship to the adjacent lands are accurately and correctly shown on this plan.

Original signed by Surveyor Date:

ADDITIONAL INFORMATION:  
[Section 51(17) of the Planning Act, R.S.O. 1990, c. P.13], as amended to January 11, 2016.  
a), b), e), f), g), & j) - on plan.  
c) - on key plan  
d) - see statistics  
h) - piped water to be installed by developer  
i) - clayey silt  
k) - all services to be made available by developer  
l) - Instruments NR77434, NR77410, NR77434, NR77410 & NR77412

DEVELOPMENT STATISTICS:	UNITS	AREA(HA)
Residential Townhomes [Blocks 1-9]:	44	0.922
Street:		0.463
TOTAL	44	1.385

Net Residential Density: 47.7 uph  
Gross Residential Density: 31.8 uph

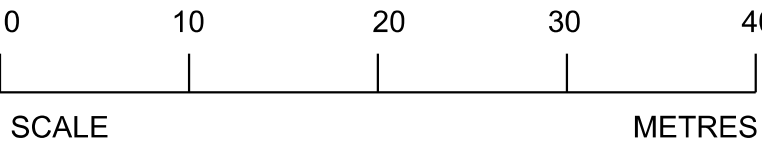
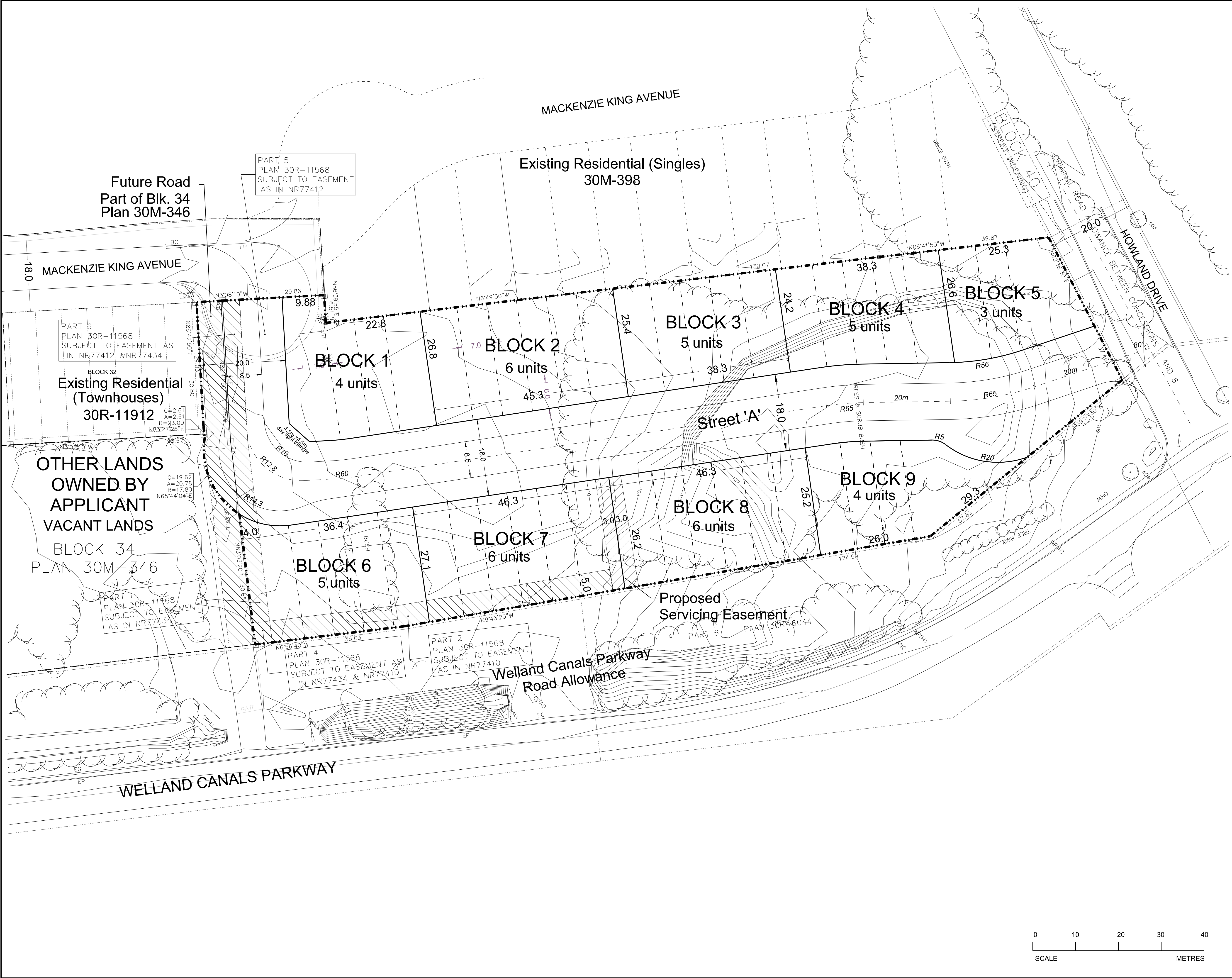
Number of parking spaces provided per unit: 2 spaces  
Total number of parking spaces on plan: 88 spaces



REVISIONS LIST	
14 Jan 2016	Adjusting street line near Block 6 as per staff comments
13 Jan 2016	Adjusting street bend with eyebrow and property boundaries as per staff comments
11 Jan 2016	Revisions per staff comments, adjusting end lot of Block 1 and street and labels
06 Jan 2016	Revisions to end lot of Block 9 and street line and end lot of Block 1
22 Jun 2015	Minor revisions as per surveyors comments
16 Apr 2015	Remove open space block
10 Apr 2015	Add lands for road
3 Feb 2015	First Draft (D2)

File Number: 4000  
Drawn By: SB  
Planner: JM  
Scale: 1:400  
CAD: 4000/draft plans/DP D4.dgn

Drawing Number: D4





**Conditions of Draft Approval  
File No. 60.46.410**

**General Approval**

1. That this approval applies to the Draft Plan of Subdivision of the lands described as Part of Lot 34 & Lot 33, Plan 30M-346, municipally known as 54 Mackenzie King Avenue, prepared by Auster Sankey, dated June 30, 2015, showing nine blocks for townhouse dwellings (Blocks 1-9), and one public road (Street A).

**Zoning**

2. That prior to approval of the final plan, any necessary minor variances be approved and finalized by the Committee of Adjustment.

*(City of St. Catharines)*

**Roadways**

3. That the design for the road within the development be prepared by a Professional Engineer to Municipal Standards and be submitted for review and approval by the City of St. Catharines.

*(City of St. Catharines)*

4. That the appropriate daylighting triangles be provided at the connections of Howland Drive and Mackenzie King Avenue.

*(City of St. Catharines)*

5. That the proposed street be dedicated as a public road with a minimum width of 18.0 metres and named to the satisfaction of the City of St. Catharines.

*(City of St. Catharines)*

**Servicing, Grading, and Stormwater Management**

6. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment Compliance Approval under the Transfer of Review Program.

*(Region of Niagara)*

7. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval detailed grading, storm servicing and construction sediment control drawings. The subdivision agreement between the Developer and the City of St. Catharines shall contain wording to implement this condition, to the satisfaction of the Niagara Peninsula Conservation Authority.

*(Niagara Peninsula Conservation Authority)*

8. That as part of the detailed storm servicing submission, the Developer confirm that the existing oil/grit separator has been sized to service this development, to the satisfaction of the Niagara Peninsula Conservation Authority.

*(Niagara Peninsula Conservation Authority)*

### **Geotechnical Report**

9. That the developer submit a Geotechnical Report prepared by a Soils Consultant to the City for review and acceptance.

*(City of St. Catharines)*

### **Water Supply**

10. That the design of the water distribution system be prepared by a Professional Engineer in compliance with Municipal Standards and the City of St. Catharines Engineering Standards Manual, as amended.

*(City of St. Catharines)*

### **Sanitary Sewer System**

11. That the sanitary sewer system be designed by a Professional Engineer in compliance with the Ministry of Environment's "Design Guidelines for Sewage Works" and in accordance with the City of St. Catharines Engineering Manual, as amended. The Regional Municipality of Niagara shall be circulated for comment regarding sanitary sewer requirements for this development.

*(City of St. Catharines)*

### **Storm Sewer System**

12. A storm water management report be prepared for this development by a Professional Engineer in compliance with the Ministry of Environment's "Stormwater Management Planning & Design Manual" March 2003, and be submitted for review and approval by the City of St. Catharines and the Regional Planning & Development Department. (Note: the Region may require the NPCA to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of this plan and the subsequent related conditions.)

*(City of St. Catharines)*

13. The storm system servicing the development be designed by a Professional Engineer and constructed in accordance with the City of St. Catharines Engineering manual, as amended.

*(City of St. Catharines)*

14. An overland flow route be incorporated into the design of the stormwater management of the site to be designed and constructed to municipal standards.  
(City of St. Catharines)

15. All dwelling units proposed in the subdivision be installed with sump pumps designed and constructed to discharge dwelling weeping tile flows to the proposed storm sewer via storm lateral.  
(City of St. Catharines)

**Lot Grading**

16. A Master Grading Control Plan be prepared by a Professional Engineer to Municipal Standards and in accordance with the City of St. Catharines Engineering Standards Manual, as amended and be submitted for review and approval.  
(City of St. Catharines)

**Streetscape Plan**

17. That the owner prepare, to the satisfaction of the City of St. Catharines, a streetscape plan, which identifies the location of all roadways, driveways, sidewalks, curbs, boulevard trees, street trees, fencing, hydrants, on street parking, street lights, utility boxes, community mailboxes, hydro transformers, telephone pedestals and cable television pedestals. Boulevard trees will be planted by the City at the cost of the developer.  
(City of St. Catharines)

18. That the subdivision agreement include a clause requiring the owner to communicate the approved streetscape plan to the public by both including the plan on the subdivision sign to be posted on site and by attaching a copy of the plan to each agreement of purchase and sale.  
(City of St. Catharines)

**Street Lighting**

19. The Applicant submit to the City a streetlighting design in accordance with the City's Engineering Standards Manual for review and approval.  
(City of St. Catharines)

20. The Applicant construct the proposed streetlighting in accordance with the City's Engineering Standards Manual, as amended.  
(City of St. Catharines)

**Tree Planting**

21. Tree plantings are required on both sides of Street A, as well as the site's frontage along Mackenzie King Avenue and Howland Drive. The applicant is to pay the City the cash payment in lieu of planting the required boulevard trees in accordance with the City's current Schedule of Rates and Fees.  
(City of St. Catharines)

22. To help mitigate the appearance of back-lotting along Welland Canals Parkway, additional tree plantings will be installed along the Welland Canals Parkway frontage.

*(City of St. Catharines)*

### **Fencing**

23. That the Owner be required to construct a 1.8 metre chain link fence to City standards between Blocks 6 – 9 and the Welland Canals Parkway road allowance.

*(City of St. Catharines)*

24. That the Subdivision Agreement include a clause requiring limit of construction fencing between the development and the vegetation along the Welland Canals Parkway road allowance.

*(City of St. Catharines)*

### **Sidewalks**

25. That the owner install concrete sidewalks along both sides of Street A, as well as the site's frontage along Mackenzie King Avenue and Howland Drive. The design and construction of all municipal sidewalks shall be completed to the satisfaction of the City of St. Catharines.

*(City of St. Catharines)*

26. That the applicant pay to the City the cost of a future sidewalk along the Applicant's frontage, according to the City's current Schedule of Rates and Fees.

*(City of St. Catharines)*

### **Lands for Public Purpose**

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

*(City of St. Catharines)*

### **Noise**

28. That the subdivision agreement between the Owner and the City of St. Catharines include a clause requiring the installation of central air conditioning by the builder for all lots/blocks (units), which will allow windows to remain closed in order to meet Ministry of Environment indoor noise criteria.

*(Region of Niagara)*

## Utilities

29. That the owner satisfy all utility companies with respect to the feasibility of and design for providing wire-line communication/telecommunication service, natural gas and electrical distribution services, street lighting, etc., and that the owner enter into any necessary agreements with those private utility companies for the provision of their respective services.

*(Bell Canada or comparable utility, Enbridge Gas Distribution, Horizon Utilities)*

30. That the owner grant any easements necessary for the provision of services to the development by private utility companies. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

*(Bell Canada or comparable utility, Enbridge Gas Distribution, Horizon Utilities)*

31. That the owner confirm that sufficient wire-line communication/telecommunication infrastructure is currently or will be available within the development to provide, at a minimum, communication/telecommunication service for emergency management services (ie: 911 emergency services).

*(Bell Canada or comparable utility)*

32. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

*(Bell Canada or comparable utility)*

## Warning Clauses

33. That the following warning clauses be included in the subdivision agreement between the Owner and the City of St. Catharines and inserted in all offers and agreements of purchase and sale or lease:

“Purchasers are advised that this development is in proximity to existing industrial/commercial facilities and the Welland Canal whose activities may at times be audible”.

“Purchasers are advised that the lands in the plan of subdivision may be exposed to reduced air quality, odour, or dust from nearby industrial/commercial operations that may interfere with some activities of the owners/tenants who occupy these lands.”

“Purchasers are advised that despite the inclusion of noise control features within the building units, noise levels from increasing ship traffic on the Welland Canal may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the noise exposure level may exceed the noise criteria of the Ministry of the Environment”.



“This dwelling unit was fitted with a central air conditioning system in order to permit closing of windows for noise control. (Note: locate air cooled condenser unit in a noise insensitive area and ensure that unit has a maximum ARI rating of 7.6 bels)”.  
(Region of Niagara)

### **Archaeological Resources**

34. That the following warning clauses be included in the subdivision agreement between the Owner and the City of St. Catharines:

“Should previously undocumented archaeological resources be discovered on the property during construction activities, construction and alteration of the site shall immediately cease and the owner shall notify the Ministry of Tourism, Culture and Sport (416-314-7143) and engage a licensed consulting archaeologist to carry out archaeological fieldwork in compliance with Section 48 (1) of the Ontario Heritage Act.”

“In the event that human remains are encountered during construction activities, construction shall immediately cease and the proponent shall notify the Niagara Regional Police, the local coroner, the Ministry of Tourism, Culture and Sport, and the Registrar, Cemeteries Regulation Unit of the Ontario Ministry of Consumer Services in Toronto (416-326-8392).”

(Region of Niagara)

### **Subdivision Design**

35. That the final design of the internal public rights of way including on street parking, lighting, road width, parking restrictions, among other matters, be to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

### **Administration**

36. That the owner enter into one or more agreements with the City of St. Catharines agreeing to satisfy all requirements, financial or otherwise, as the City of St. Catharines may consider necessary, including the provision of municipal services, roads, sidewalks, landscaping, grading, drainage, fencing, and all other matters pertaining to the development of the site.

(City of St. Catharines)

37. That the subdivision agreement between the owner and the City of St. Catharines be registered by the municipality against the lands to which it applies as provided for under the Planning Act.

(City of St. Catharines)

38. That if final approval is not given within three years of the approval date, and no extension has been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons

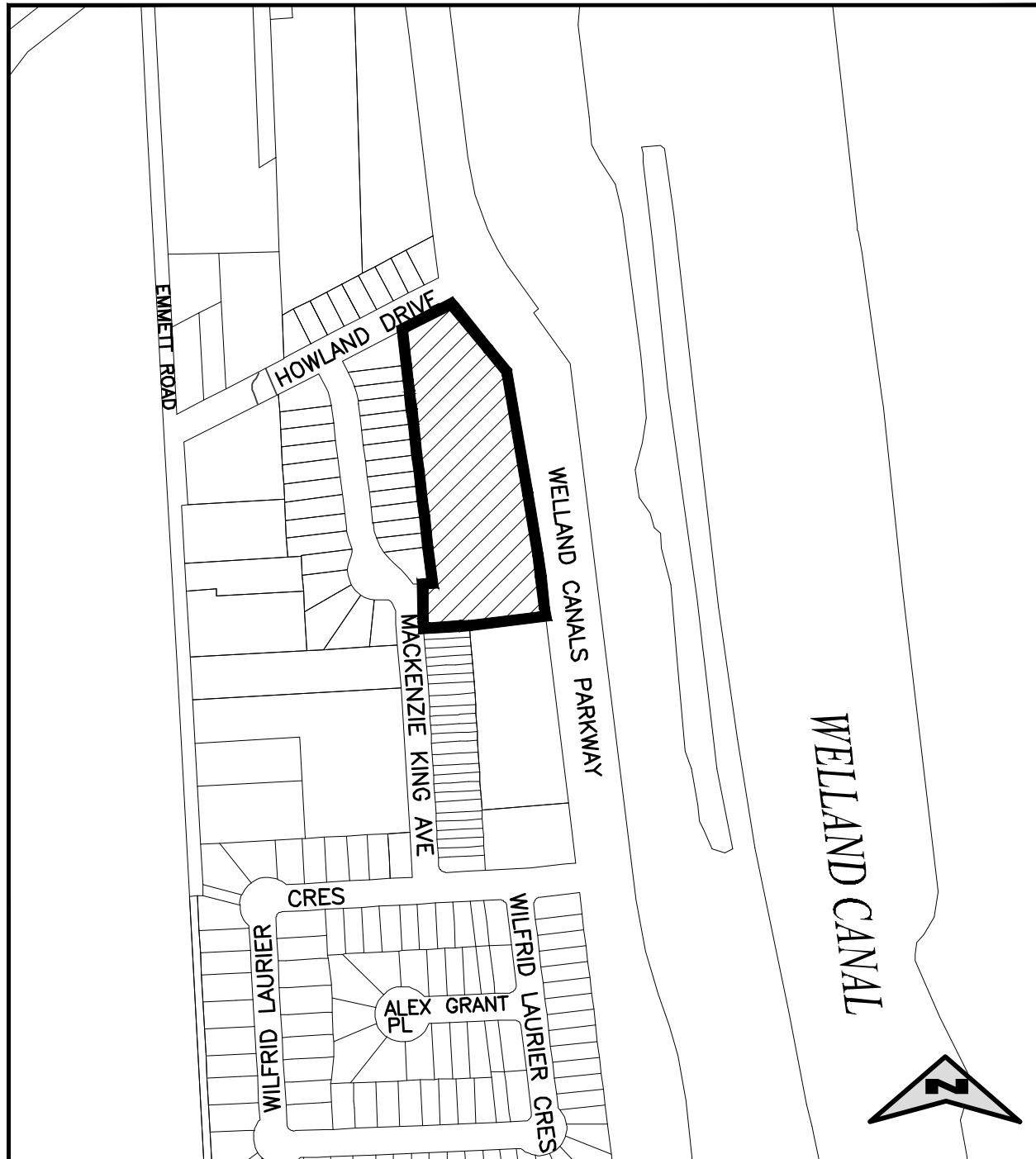
why the extension is required must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

*(City of St. Catharines)*

39. Prior to granting final approval, the City of St. Catharines must be in receipt of written confirmation that the requirements of each condition from the following agencies that their respective requirements have been met satisfactorily and that all fees have been paid:

- City of St. Catharines: 2-5, 9-11, 27, 36-38
- Region of Niagara: 6, 28, 33, 34
- Niagara Peninsula Conservation Authority: 7, 8
- Bell Canada or comparable utility for conditions: 29-32
- Horizon Utilities Corporation for conditions: 29, 30
- Enbridge Gas Distribution Inc. for conditions: 29, 30

## Location Map

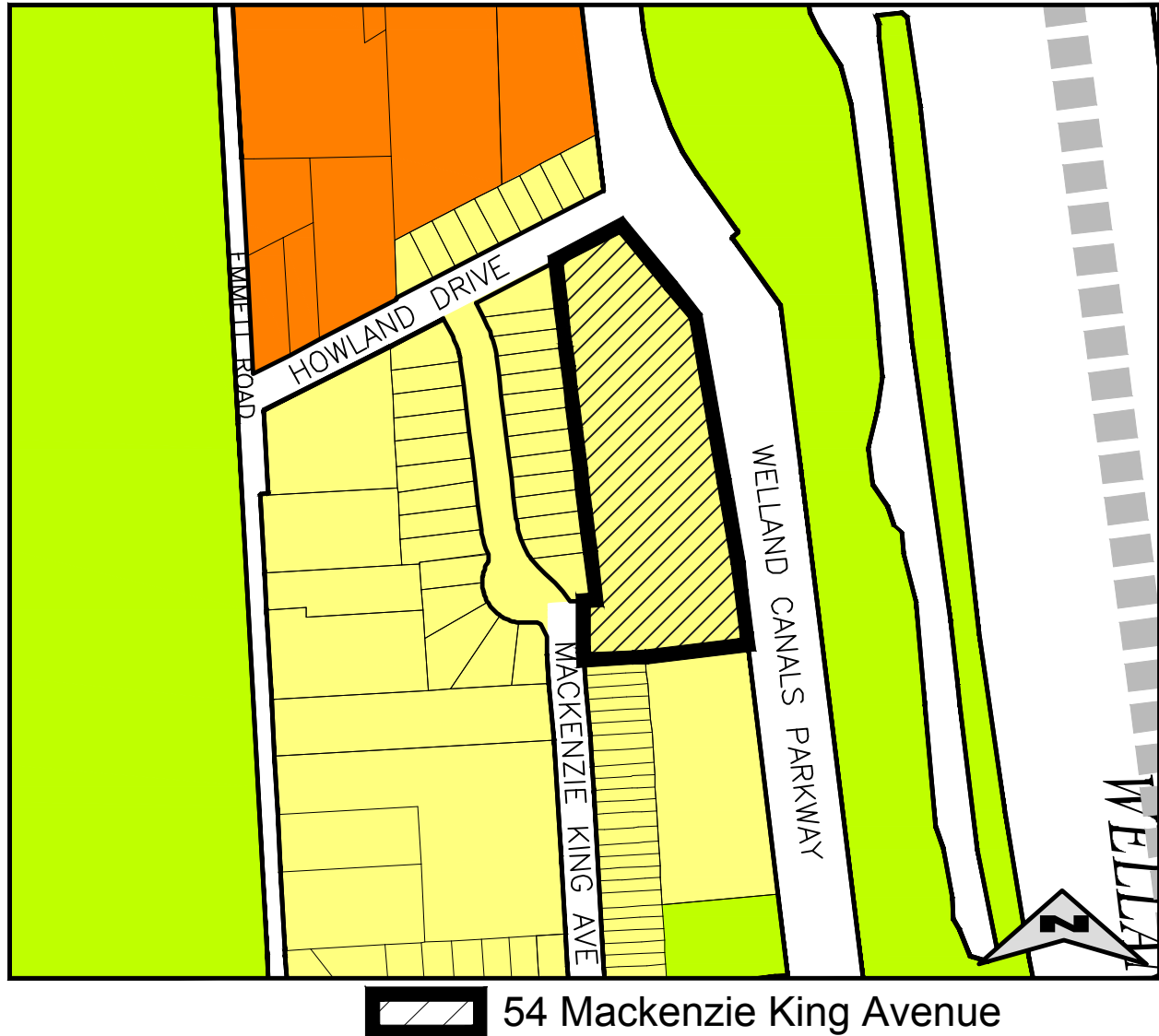





Subject Lands

54 Mackenzie King Avenue

File: 60.46.410

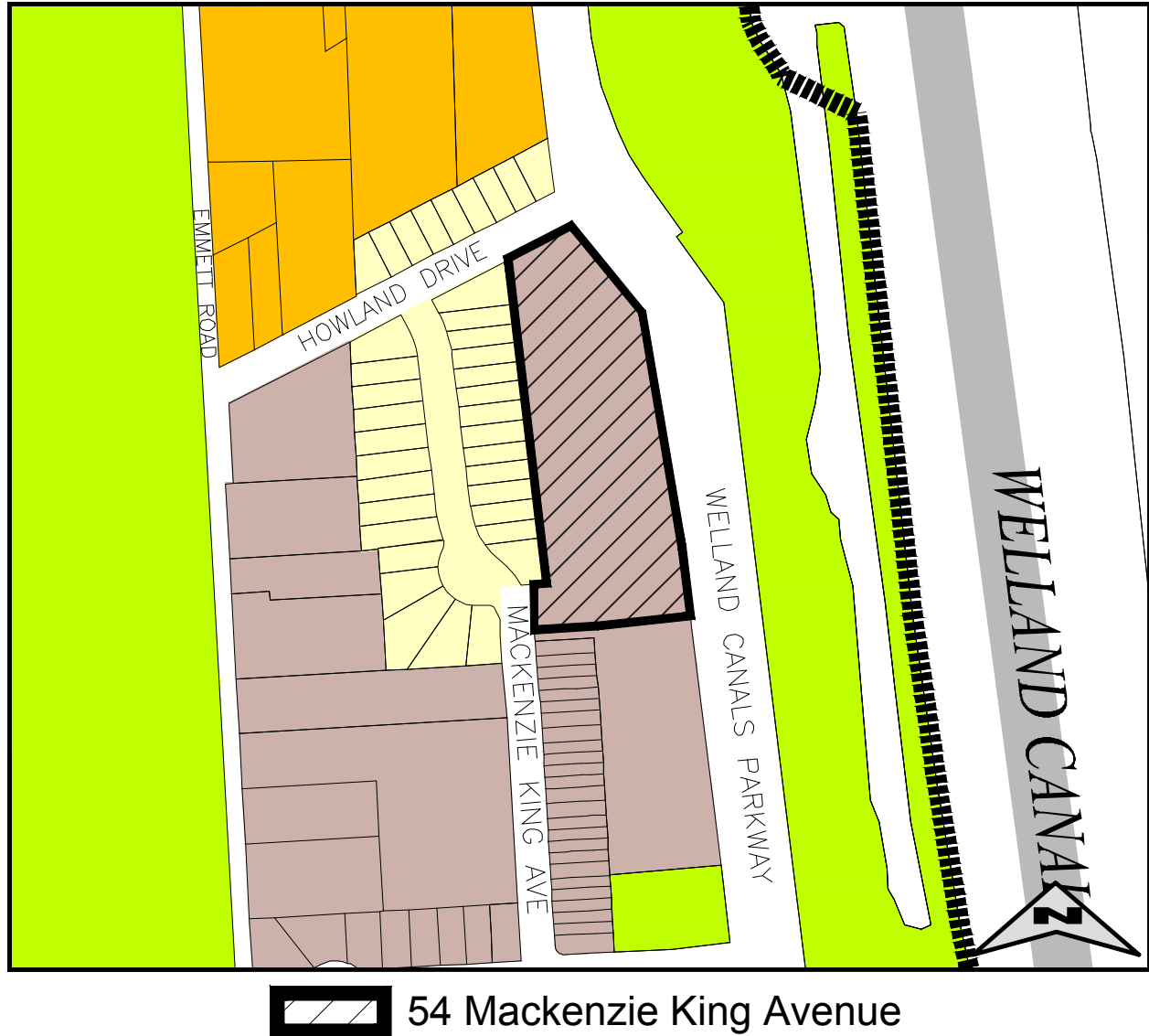
## Existing Land Use Designation (General Land Use Plan D1 - Garden City Plan)







Land Use Designations	
 Neighbourhood Residential	 Parkland & Open Space
 Mixed Use	

File: 60.46.410

## Existing Land Use Designation (East Planning District - Garden City Plan)

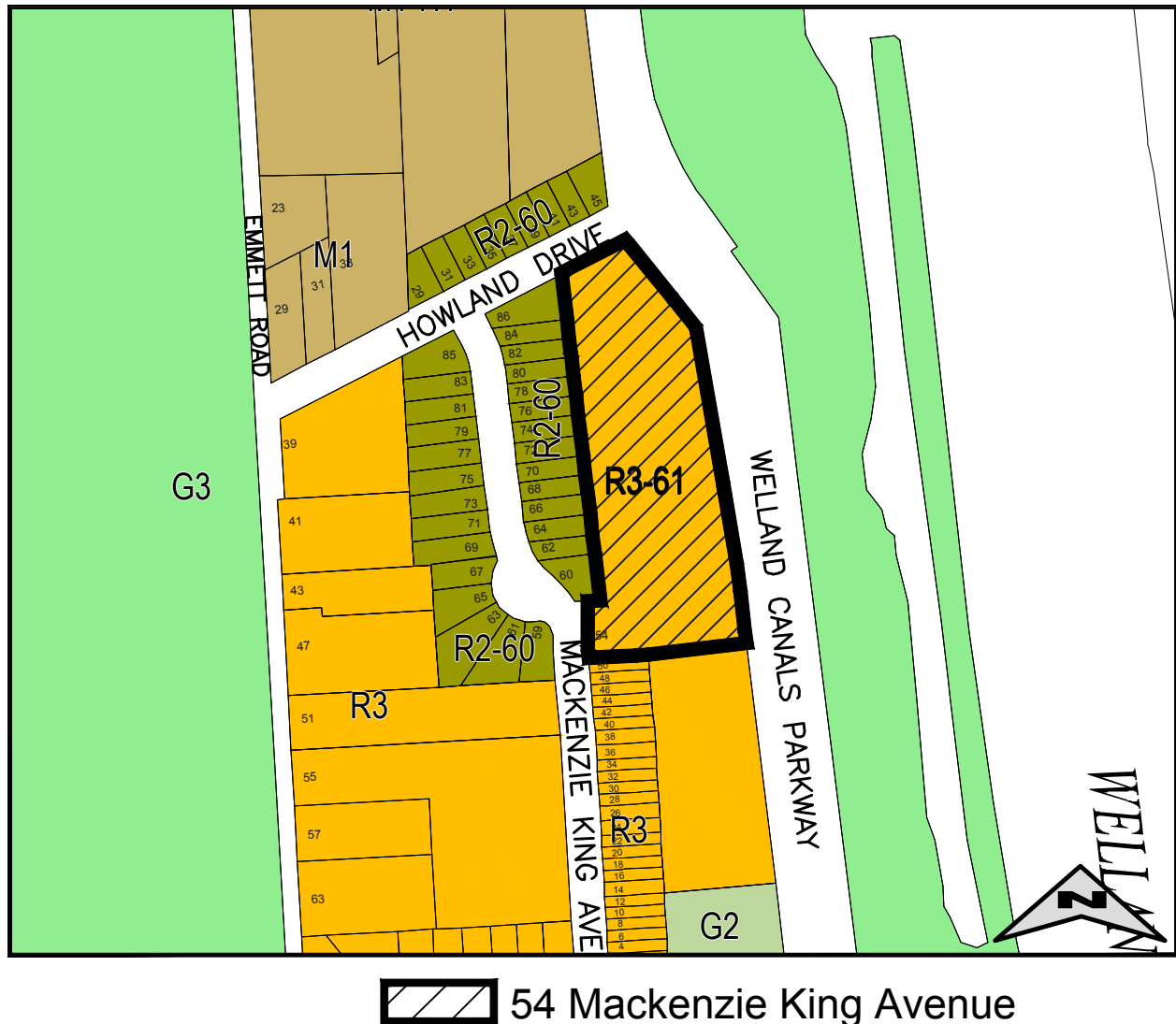


Land Use Designations			
	Low Density Residential		Mixed Use
	Medium Density Residential		Parkland & Open Space

Files: 60.46.410

## Existing Zoning

(Schedule A - Zoning By-law 2013-283)



### Zones

- R2** Low Density Residential  
- Traditional Neighbourhood
- R3** Medium Density Residential
- M1** Medium Density Mixed Use

- G1** Conservation / Natural Area
- G2** Minor Green Space

## **By-laws to be considered Monday, January 25, 2016**

- (a) A By-law to authorize a renewal of license agreement with Canadian National Railway Company. (One reading – with respect to access to the railway line at Moffatt Street for maintenance purposes. Delegation By-law 2004-277, as amended.)
- (b) A By-law to authorize an Agreement with 2348346 Ontario Inc. operating as Subaru of Niagara. (One reading – with respect to lands adjacent 375 Lake Street. Council, December 14, 2015, Item No. 11.2.)
- (c) A By-law to authorize an Agreement with Clayton Haigh. (One reading – with respect to design for St. Catharines Arts Award. To be considered by General Committee, January 25, 2016.)
- (d) A By-law to authorize an Agreement to Extend the Guarantee of a Line of Credit for The Niagara Symphony Association. (Three readings – with respect to The Niagara Symphony Association's operating line of credit. To be considered by General Committee, January 25, 2016.)
- (e) A By-law to confirm the proceedings of council at its meeting held on the 25th day of January, 2016. (One reading – with respect to ratification and adoption of City Council Minutes of January 25, 2016 and General Committee Minutes of January 25, 2016.)