



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, April 18, 2016  
Council Chambers, City Hall, 6:30 PM**

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

Page

**1. Presentations**

- 1.1 Jennifer Wittig  
Re: Winner of Mayor's Poetry Challenge
- 1.2 **Staff Presentation**  
Jeff Silcox-Childs, Manager of Parks, Cemeteries, Forestry & Horticulture  
Re: Urban Forestry Management Plan Annual Update  
(see [General Committee Agenda, April 18, 2016, Item. 4.3](#))

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

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- 2.1 Planning and Building Services, Planning Services  
Amendment to Zoning By-law 2013-283 to rezone a portion of the property municipally known as 360 Martindale Road, from Conservation/Natural Area (G1) to Low Density Residential – Suburban Neighbourhood (R1), and increase the Maximum lot area and reduce the minimum rear yard setback requirements of the R1 zone

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- 2.2 Planning and Building Services, Planning Services  
Proposed Amendment to the Garden City Plan and Zoning By-law 2013-283, to permit indoor storage; 88 Merritt Street; Owner: 418159 Ontario Limited; Applicant: Stephen Bedford Consulting Inc.

**3. Mayor's Report**

**4. Adoption of the Agendas**

**5. Declarations of Interest**

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

- 6.1 [Regular Meeting of Council, April 4, 2016](#)
- 6.2 [General Committee Minutes, April 4, 2016](#)

## 7. Delegations

- 7.1 Diane Foster, Co-Chair, and Julie Morris, Member, Accessibility Advisory Committee  
Re: 2016-2020 Accessibility Plan  
(see [General Committee Agenda, April 18, 2016, Item 4.5](#))

## 8. Call for Notices of Motion

### 8.1 Controlling Invasive Phragmites

*At the meeting of May 2, 2016, Councillor Phillips will put the following motion on the floor for discussion:*

WHEREAS, Phragmites Australis is an invasive perennial grass that continues to cause severe damage to coastal wetlands and beaches in areas around the Great Lakes; and

WHEREAS, Phragmites Australis grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is an allelopathic plant that secretes toxins from its roots into the soil which impede the growth of neighboring plant species; and

WHEREAS, invasive Phragmites Australis is identified as a priority issue for Great Lakes communities through the Great Lakes St. Lawrence Cities initiative of which the City of St. Catharines is a member; and

WHEREAS, Phragmites Australis results in loss of biodiversity and species richness; loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture; and

WHEREAS, invasive Phragmites Australis should be distinguished from the native species, Phragmites Americanus, which does not require control as it rarely develops into monoculture stands, does not alter habitat, has limited impact on biodiversity and does not deter wildlife; and

WHEREAS, controlling invasive Phragmites before it becomes well established reduces environmental impacts, time, and costs; and

WHEREAS, the Ministry of Natural Resources and Forestry has Developed Best Management Practices to control invasive Phragmites; and

WHEREAS, significant stretches of Provincial Highways are infested with Phragmites which contribute to the continued spread of the plant to ecological areas.

NOW, THEREFORE, BE IT RESOLVED, that the City of St. Catharines call on the Ontario Ministry of Transportation to implement measures to address the increased presence of invasive Phragmites along provincial highways; and

BE IT FURTHER RESOLVED, that a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO), the Region of Niagara and all local municipalities in the Niagara Region for their consideration.

## **9. Motions**

### **9.1 Event of Municipal Significance - Niagara Craft Beer Festival**

That the Council of the City of St. Catharines declare the Niagara Craft Beer Festival, to be held in Rennie Park from Friday, August 5, 2016, to Sunday, August 7, 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 Audit - Burgoyne Bridge Replacement Project**

*Councillor Harris will present the following motion at the meeting of April 18, 2016:*

Whereas the City of St. Catharines is responsible for an estimated amount of \$3.56 million relating to the Burgoyne Bridge Replacement Project; and

Whereas the Niagara Region has established a taskforce to study the Burgoyne Bridge Replacement Project; and

Whereas a Regional Burgoyne Bridge Value-for-Money Audit has identified serious concerns around missing or non-existent project documentation, lack of project controls and oversight, lack of accountabilities, and poor reporting to Regional Council; and

Whereas many independent and unresolved concerns have been identified by the taskforce including references to the Charbonneau Commission, fraud and secret commissions, and incomplete documentation; and

Whereas the taskforce, after consultation with Deloitte, has strongly recommended a follow up Value-for-Money and Forensic Audit;

THEREFORE BE IT RESOLVED THAT the City of St. Catharines  
SUPPORT a Regional forensic audit on the Burgoyne Bridge  
Replacement Project;

THAT the City of St. Catharines OFFER full co-operation should the  
Niagara Region approve a forensic audit and make a request for  
corporate records, while ensuring compliance with all applicable law;  
and

THAT this resolution BE CIRCULATED to the Regional Audit Committee  
and Burgoyne Bridge Replacement Project Taskforce.

**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 the By-laws

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

14.1 Minutes to Receive:

(to view, click on links provided; copies available upon request)

- Cultural Sustainability Committee, [March 23, 2016](#)
- Heritage Advisory Committee, [March 10, 2016](#)
- Arts and Culture Advisory Committee, [March 15, 2016](#)

**15. Adjournment**



CITY OF  
ST. CATHARINES

## Corporate Report

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

**Date of Report:** March 31, 2016

**Date of Meeting:** April 18, 2016

**Report Number:** PBS-094-2016

**File:** 60.35.586 Vol. 2

**Subject:** Amendment to Zoning By-law 2013-283 to rezone a portion of the property municipally known as 360 Martindale Road, from Conservation/Natural Area (G1) to Low Density Residential – Suburban Neighbourhood (R1), and increase the maximum lot area and reduce the minimum rear yard setback requirements of the R1 zone

### Recommendation

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Part of Lot 1, Concession 1, Township of Louth and Part of Road Allowance Between Townships of Gratham and Louth, City of St. Catharines, Regional Municipality of Niagara, and municipally known as 360 Martindale Road, as follows:

- a) That Section 15.1, Schedule A (A6), Zoning Maps, be amended by rezoning Area 1 and Area 2 as outlined in Appendix 5, to site specific Low Density Residential – Suburban Neighbourhood (R1-134) as outlined in Appendix 5.
- b) That Section 15.4, Schedule D (D3), 'Natural Area Extent Line', be amended as outlined in Appendix 6.
- c) That Section 13.1 'List of Special Provisions' be amended by adding an additional special provision, as follows:

Special Provision	Zone	Schedule A	Location	By-law
134	R1	6	360 Martindale Road	
Maximum Lot Area = 620m <sup>2</sup>				
Minimum Rear Yard to a dwelling = 6.1m				

That the City Solicitor be directed to prepare the necessary by-law; and

That the Mayor and City Clerk be authorized to execute the necessary by-law 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 City Clerk be directed to make the necessary notifications. FORTHWITH

## Summary

This zoning by-law amendment application for the property municipally known as 360 Martindale Road, is requesting a portion of the current Conservation/Natural Area (G1) zone lands be rezoned to a site specific Low Density Residential – Suburban Neighbourhood (R1-134) zone. This request is based on the evidence of a recent Geotechnical Report and Environmental Impact Study (EIS) submitted by the applicant and confirmed by the Niagara Peninsula Conservation Authority (NPCA). The amended zone boundary will reflect the confirmed stable top-of-bank. The stable top-of-bank typically establishes the G1 zone boundary line, and accordingly this application requests a zone boundary adjustment.

The request to create a new ‘site specific’ Low Density Residential – Suburban Neighbourhood (R1-134) zone, addresses specific zoning provisions for the maximum lot area and minimum rear yard setback of the property.

This zoning by-law amendment is also requesting that the related ‘Natural Area Extent Line’ reflected in Section 15.4, Schedule D3 of Zoning By-law 2013-283 be re-drawn to match the amended zoning boundary between the Conservation/Natural Area (G1) zone and site specific Low Density Residential – Suburban Neighbourhood (R1-134) zone.

The proposed amendments will facilitate the future development of two (2) new residential lots, whose applications (B-16/16SC & B-17/16SC) are currently being processed through the Committee of Adjustment. Based on the evidence of the Geotechnical Report and EIS and confirmed stable top-of-bank, the amended zoning boundary line and natural extent line, as well as site specific provisions for lot area and rear yard setback are appropriate, represent good planning and are supported by staff.

## Background

### a) Location:

The subject property is municipally known as 360 Martindale Road and is located on the east side of Martindale Road, just north of Brooklyn Court as shown on the attached Property Location/Aerial Photo Plan, Appendix 1. The property extends from Martindale Road to the Martindale Pond shoreline at the bottom of the embankment.

**b) Existing Land Use:**

i. Site: 360 Martindale Road

The property contains an existing detached residential dwelling with accessory garage. An accessory swimming pool shown on Appendix 1, has recently been removed.

ii. Land Use in the Neighbourhood:

North: Low Density (Single Detached) Residential

South: Low Density (Single Detached) Residential & Natural Area and a Provincially Significant Wetland associated with Martindale Pond.

East: Martindale Pond (Natural Area)

West: Low Density (Single Detached) Residential & Martindale Pond Tributary (Natural Area)

**c) Garden City Plan (Official Plan):**

The Garden City Plan (GCP) for the City of St. Catharines designates the property as both Neighbourhood Residential and Natural Area on Schedule D1, as illustrated in Appendix 2.

The land use policy framework is further defined in Schedule E1 the North Planning District. Schedule E1, attached as Appendix 3, designates the site as Low Density Residential (20 to 32 units per hectare), and Natural Area which is intended to reflect the lands below the top of bank. Schedule E1 also outlines the Natural Area Extent Line, the most restrictive limit of all of the lands protected for natural hazard and natural heritage purposes.

Section 8 of the GCP sets out the policies with respect to the City's Neighbourhood Residential designation, specifically the Low Density Residential permissions.

Section 8.1 of the GCP sets out a range of permitted low density residential uses, being; detached, semi-detached, duplex, triplex, quadruplex, fourplex, and townhouse dwellings at a density range generally between 20 and 32 units per hectare. The height of these buildings will generally not exceed 11 metres. The future use of these lands for residential purposes is established in the GCP and accordingly no amendment is necessary.

Section 13.2 of the GCP sets out the policies with respect to the city's Natural Area. The purpose of the Natural Area policies are to promote the long term sustainability of Natural Hazard lands (shorelines, floodplains and significant valleylands) and Natural Heritage lands ( wetlands, woodlots, fish habitats, areas of natural and scientific interest, habitats of endangered or threatened species, wildlife habitats, natural corridors and key hydrologic features) 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, and the Provincial Niagara Escarpment Plan.

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) of the Plan 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.

Part D, Section 13.2.1 4. iv) of the Garden City Plan allows for the modification of the location or extent of Natural Hazard Lands or Natural Heritage Lands as indicated on Schedules F2, F3, F4 and the Natural Area Extent Line shown on Schedule E1 to be updated without an amendment to the Official Plan where more accurate mapping is available. As a result of the evidence provided in the supporting Geotechnical Report and EIS, the NPCA has concluded that the 90 metre contour line shall be deemed the stable top-of-bank for the purposes of mapping and development. This is a minor modification to the Natural Area designation for the site. In this regard, the Natural Area boundary and the Natural Extent Line as indicated on the various schedules to the GCP do not need to be formally amended since it is a minor boundary adjustment supported by technical studies.

The proposed residential development is permitted within the Low Density Residential land use designation. The Natural Area designation, as slightly realigned through the approval of this application, will continue to protect the lands below the top of bank and maintain the purpose and intent of the GCP to protect natural areas.

**d) Zoning:**

The subject property is currently zoned both Low Density Residential – Suburban Neighbourhood (R1) and Conservation/Natural Area (G1) in Zoning By-law 2013-283, as illustrated in Appendix 4.

The Low Density Residential – Suburban Neighbourhood (R1) zone permits a range of low density residential uses including detached, semi-detached, quadruplex, townhouse and private road development dwellings. Single detached dwellings are permitted with lot areas between 400m<sup>2</sup> to 490m<sup>2</sup>.

The Conservation/Natural Area (G1) zone permits limited passive conservation and recreational uses. The G1 zone does not generally permit development. The G1 zone in this location is intended to prevent development from occurring within or negatively impacting the slope and valley lands associated with the Martindale Pond shoreline.



**e) Requested Zoning**

The applicant is requesting a boundary adjustment to slightly increase the portion of the site within the Low Density Residential –Suburban Neighbourhood (R1) zone and reduce that portion of the site within the Conservation/Natural Area (G1) zone.

Secondly the applicant is requesting two site specific provisions for these lands that would increase the minimum lot area (from 490m<sup>2</sup> to 621m<sup>2</sup>) and decrease the minimum rear yard (from 7.5m to 6.1m). These site specific provisions will amend the zoning from R1 to R1-134. (Appendix 5)

Finally, an amendment to the 'Natural Area Extent Line' as reflected in Section 15.4, Schedule D3 of Zoning By-law 2013-283 is also being requested (Appendix 6). The amendment will see the Natural Area Extent Line appropriately re-drawn to match the amended zoning boundary between the Conservation/Natural Area (G1) zone and Low Density Residential – Suburban Neighbourhood (R1) zone. This proposed line will reflect the NPCA conclusions based on the supporting Geotechnical Report and EIS.

**f) Pending Committee of Adjustment Applications:**

The applicant has recently submitted Committee of Adjustment consent applications B-16/16SC & B-17/16SC to sever two (2) new residential lots (Appendix 7). Lots 2 and 3, outlined in Appendix 7, are the proposed new lots and Lot 1 is to be retained with the existing dwelling.

The Committee of Adjustment's consideration of the severance applications is premature until such time as the lands are rezoned to address the revised boundary line between the R1 and G1 zones. The proposed residential lots include the lands to be rezoned to R1 as requested by this application. Once a decision is made on the rezoning application and the required appeal period has lapsed, the Committee of Adjustment will consider the pending severance applications.

Council is only requested to consider the rezoning. The Committee of Adjustment has jurisdiction over the severance applications.

**g) Previous Approvals (in the surrounding area):**

Council should be aware of a similar application in the area which modified the zoning of the natural area along Martindale Pond based on technical studies reviewed and approved as conditions of development.

An application for a zoning by-law amendment and a respective consent application were submitted in 2000 to sever four (4) residential lots (now known as 358A, 358C, 358D, 358E Martindale Road) on the lands immediately south of the subject property (Appendix 1). This zoning amendment and respective consents were refused by Council and the Committee of Adjustment at that time, and appealed to the Ontario Municipal Board (OMB) by the applicant. After consideration, the OMB approved the zoning amendment and consents in 2001 subject to parkland

dedication, a road widening and a development agreement to protect the slope and Martindale Pond shoreline. As part of the OMB decision, the stable top-of-bank on this property was confirmed at the 90 metre contour line. The current zoning amendment application for 360 Martindale Road maintains the same 90m contour elevation as the stable top-of-bank, as confirmed by the NPCA and OMB decision from 2001.

## **Report Circulation Comments**

The application was circulated to various city departments and external agencies. No concerns or objections to the proposal were received: comments were offered as follows:

### **Niagara Region – Planning and Development Services (Provincial and Regional Policies)**

No objections subject to:

- NPCA's comments regarding the determination of stable top-of-bank and respective Natural Area, and
- That the City be satisfied that any noise mitigation measures and archeological interests will be adequately addressed through a subsequent planning approval process (i.e. consent).

Concerns noted by the Regional staff regarding archeological and noise mitigation will be addressed through the pending consent and subsequent building permit process, since these concerns are more appropriately addressed during the physical development of the site.

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

The NPCA have confirmed through the submitted Geotechnical Report and Environmental Impact Study (EIS), that the stable top-of-bank on this property is the 90 metre contour line. This 90 metre contour line reflects the proposed zone boundary amendment, and as a result is supported by the NPCA.

Furthermore, the NPCA offers no objection to the proposed increase in maximum lot area and reduced rear yard setback, since no negative impacts were identified during their review of the supporting Geotechnical Report and EIS.

Finally, any concerns in regards to Natural Area lands, building envelope, environmental mitigation measures, restoration and planting of the slope/valley and confirmation of the final building structure will be addressed through the pending consent process or through the required Ontario Regulation 155/06 Conservation Development Permit that must be obtained by the owner prior to any site alteration or development.

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

No concerns or objection,

Any development concerns will be addressed through the pending consent process.

### **Planning & Building Services – Development Section**

No objection to the amendment to the zoning to reflect the zone boundary adjustment.

However should the rezoning application be approved, reconfiguration of the existing driveway width and driveway coverage on the retained lot (Lot 1, Appendix 7) will be required. Confirmation of the existing driveway's reconfiguration and issuance of the required Conservation Development Permit by the NPCA for new lot development will be done through the pending Committee of Adjustment applications.

### **The Following Departments & Agencies have no objection to the Zoning By-law Amendment application:**

- Enbridge Gas Distribution Inc.
- Cogeco
- City Fire Services
- City Transportation Services
- City Environmental Services
- City Development Engineering Services

### **Public Open House**

Planning staff hosted an Open House meeting pertaining to the rezoning application on February 23, 2016. The purpose of the open house was to present the application and provide information, answer questions, and note any concerns. The owner and his agent, as well as two (2) neighbours were in attendance at the meeting. Although clarification of the planning process and subsequent consent applications for the property were discussed, no objections to the proposed zoning amendment were raised.

No additional public comments or issues were raised subsequent to the Open House meeting.

### **Planning Analysis**

#### **Provincial Policy Statement (2014)**

The subject property municipally known as 360 Martindale Road is located within a settlement area under the Provincial Policy Statement and within the Built-up Area as identified by the Province's Growth Plan for the Greater Golden Horseshoe.

These documents contain policies that support all forms of residential intensification and urban area regeneration, directing growth to Built-up Areas.

The Provincial Policy Statement also requires that land use patterns within settlement areas be based on densities and a mix of land uses which support active transportation,

are transit-supportive, and which efficiently use land, resources, infrastructure and public service facilities which may be planned or are already available.

The approval of this application would conform to Provincial land use policies.

### **Region of Niagara Policy Plan**

The subject property is located within the City's Urban Area boundary and within a Built-up Area as defined by the Regional Official Plan. The Region's Official Plan establishes a residential intensification target at 95% for the City of St. Catharines Built-up Area.

The subject property is also located within 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.

The approval of this application would conform to the Regional Official Plan.

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

The subject property is designated as '**Neighbourhood Low Density Residential**' and '**Natural Area**' on Schedule D1 in the Garden City Plan (GCP) as outlined in Appendix 2.

The **Neighbourhood Low Density Residential designation** permits a range of uses including detached dwellings between 20 and 32 units per hectare. The height of buildings will generally not exceed 11 metres. The applicant is proposing to create two (2) new residential lots through pending Committee of Adjustment consent applications B-16/16SC & B-17/16SC. If approved, the resulting density of the lots/site will be 20 units per hectare, and therefore meets the intent of the GCP in this respect.

The **Natural Area designation** promotes the long term sustainability of Natural Hazard and Natural Heritage lands. The proposed rezoning of a portion of the subject lands to more accurately define the Natural Area boundary does not compromise the preservation or environmental integrity of the Natural Area lands. Furthermore, the NPCA has confirmed that the 90m contour line is the stable top-of-bank, as supported by a Geotechnical Report and EIS, and therefore is the appropriate divide between the two zones.

Similarly, a portion of the subject property is identified as being within the Natural Area Extent Line as identified on Schedule E1 of the GCP, as illustrated in Appendix 3. 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. iv) of the GCP allows for the modification of the location or extent of Natural Hazard Lands, Natural Heritage, and the Natural Area Extent Line to be more accurately defined in the zoning by-law, without an amendment to the Official Plan. The NPCA's confirmation of the 90m contour line as the stable top-of-bank, as supported by

a Geotechnical Report and EIS, supports the minor modification. The amendment to the zoning by-law is appropriate without a corresponding amendment to the GCP.

In staff's opinion, the approval of this zoning amendment application conforms to the City's Garden City Plan (Official Plan).

## **Zoning By-law**

### **Amendment to By-law 2013-283**

By-law 2013-283 zones the subject property as Low Density Residential – Suburban Neighbourhood (R1) and Conservation Area/Natural Area (G1), as outlined in Appendix 4.

The G1 zone permits limited passive conservation and recreational uses. The G1 zone in this location is intended to prevent development from occurring within or negatively impacting the slope and valley lands associated with the Martindale Pond shoreline. The G1 zone permits limited passive conservation and recreational uses.

Through the evidence provided in the supporting Geotechnical Report and EIS, the NPCA has determined that the 90 metre contour line shall be the stable top-of-bank for the purposes of natural area mapping and establishing the limits to future development. Amending the G1 zone to reflect the confirmed stable top-of-bank as determined by the NPCA through updated information is appropriate and desirable

The R1 zone permits a range of low density residential uses including detached dwellings with lot areas between 400m<sup>2</sup> to 490m<sup>2</sup>. The applicant is requesting a site specific zoning provision to increase the maximum lot area from 490m<sup>2</sup> to 621m<sup>2</sup>. The proposed increase to lot area reflects the alteration in the portion of the lot proposed to be zoned R1 and will be realized should the pending severance applications be approved by the Committee of Adjustment. In staff's opinion the proposed increased lot areas will have no impact on the character of the existing dwellings along Martindale Road. There is a wide variety of lot sizes in the area, many are much larger than what is being proposed and some whose size is similar to proposed lots for this site.

Similarly, the applicant is also requesting approval of a site specific zoning provision to reduce the minimum required rear yard setback from 7.5m to 6.1m. This reduction enables greater flexibility in the design of the proposed dwellings and does not compromise abutting lots. There is no immediate neighbor to the rear so a reduced rear yard generates no privacy issues for a rear neighbor. The NPCA, through their review of the supporting Geotechnical Report and EIS offers no objection to a reduced rear yard. Any development within this area will require a Conservation Development Permit. Furthermore, the increase in developable area of the property resulting from the approval of this application, and the reduction in rear yard setback for these lands has no impact on the residential character of the area nor does it unreasonably impact abutting residential properties to the north or south.

Staff recommend a site specific provision (R1-134) be approved for these lands to recognize the increase in maximum lot area and decrease in minimum rear yard requirements. (Appendix 5)

Staff are recommending the zoning by-law be further amended so that Schedule D3 Natural Area Extent Line is amended to reflect the recommended revised zone boundary between the R1 and G1 zones on this property. (Appendix 6)

## **Second Planning Opinion Advisory**

Should Council consider not supporting the Staff Recommendation, 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.

## **Financial Implications**

There are no financial implications as a result of the proposed amendment.

## **Relationship to Strategic Plan**

The proposed amendment to rezone a portion of the existing Conservation/Natural Area (G1) zone to site specific Low Density Residential – Suburban Neighbourhood (R1-134) at 360 Martindale Road, supports the Environmental Sustainability goals and objectives focused on environmental protection, conservation and preservation of natural resources.

## **Conclusion**

Staff supports the requested zoning by-law amendment for the property municipally known as 360 Martindale Road.

The requested amendment to rezone a portion of the Conservation/Natural Area (G1) zone to Low Density Residential – Suburban Neighbourhood (R1) zone is a technical exercise to recognize more up-to-date information relating to the stable top-of-bank, and will allow for a more efficient and practical use of the land.

Similarly, the proposed site specific amendments to rezone the R1 portion of the lands to R1-134, to increase the maximum lot area and decrease the required rear yard setback and facilitate the pending consent applications are minor changes. These changes reflect the recommended realignment of the R1/G1 boundary and assist in providing increased design options for the proposed dwellings.

In addition, the proposed zoning amendment conforms to the Provincial policies, the Regional Official Plan, and the Garden City Plan, and is generally supported by all commenting agencies. As well, no public comments opposing the application were received.

Given the level of conformity and minor nature of the proposed zoning amendment, and considering past approval of a comparable rezoning for lots to the south of the subject lands, staff recommend approval of the application as outlined in the Recommendation. The proposed zoning by-law amendment is appropriate, desirable and represents good planning.

## **Notification**

It is in order to advise J. Vida, Upper Canada Consultants, 261 Martindale Road, St. Catharines ON, L2W 1A1, of Council's decision.

### **Prepared by:**

Terrance Glover, MCIP, RPP, CPT  
Senior Planner (II)

### **Submitted and Approved by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

# Property Location / Aerial Photo Plan

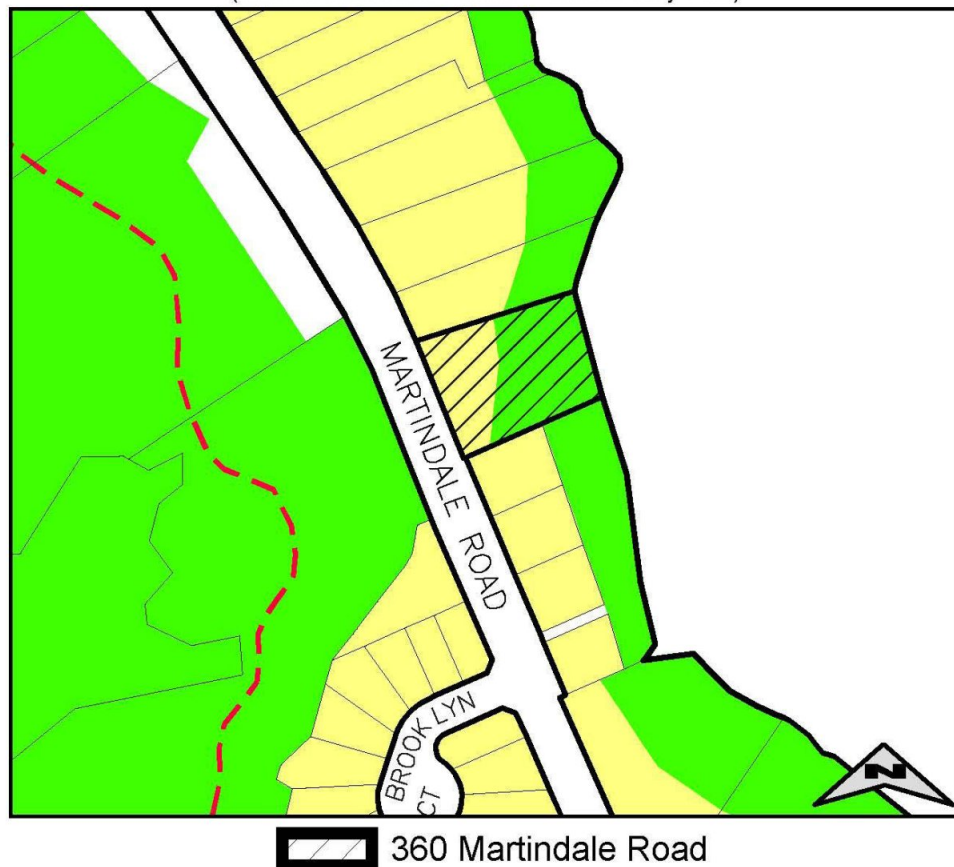


 360 Martindale Road



# Existing Land Use Designation

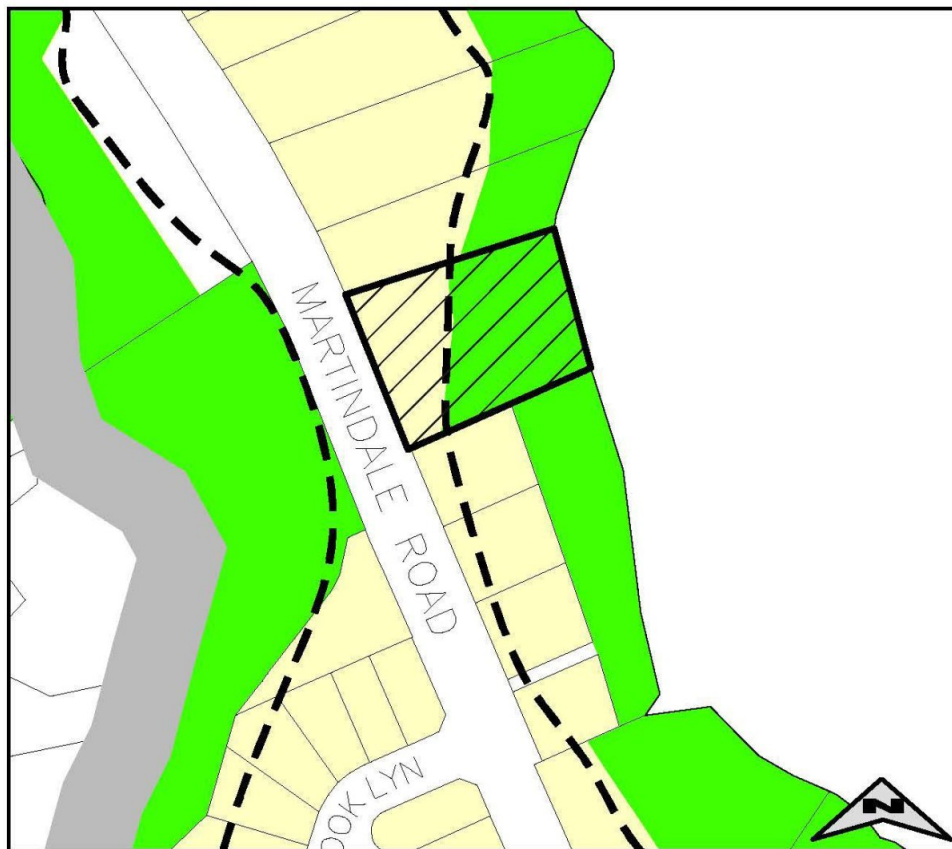
(General Land Use Plan D1 - Garden City Plan)



File: 60.35.586 Vol. 2


## Existing Land Use Designation


(North Planning District E1 - Garden City Plan)



 360 Martindale Road

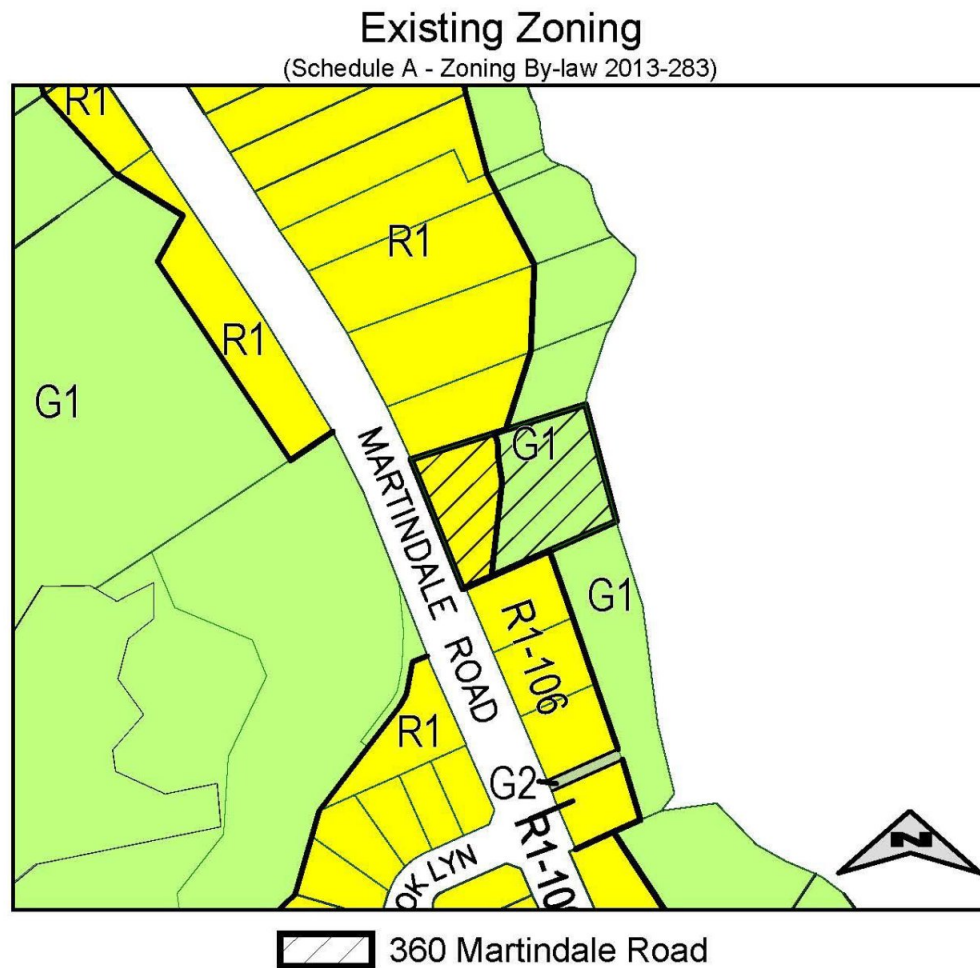
### Land Use Designations

 Low Density Residential

 Natural Areas

 Natural Area Extent Line

File: 60.35.586 Vol. 2



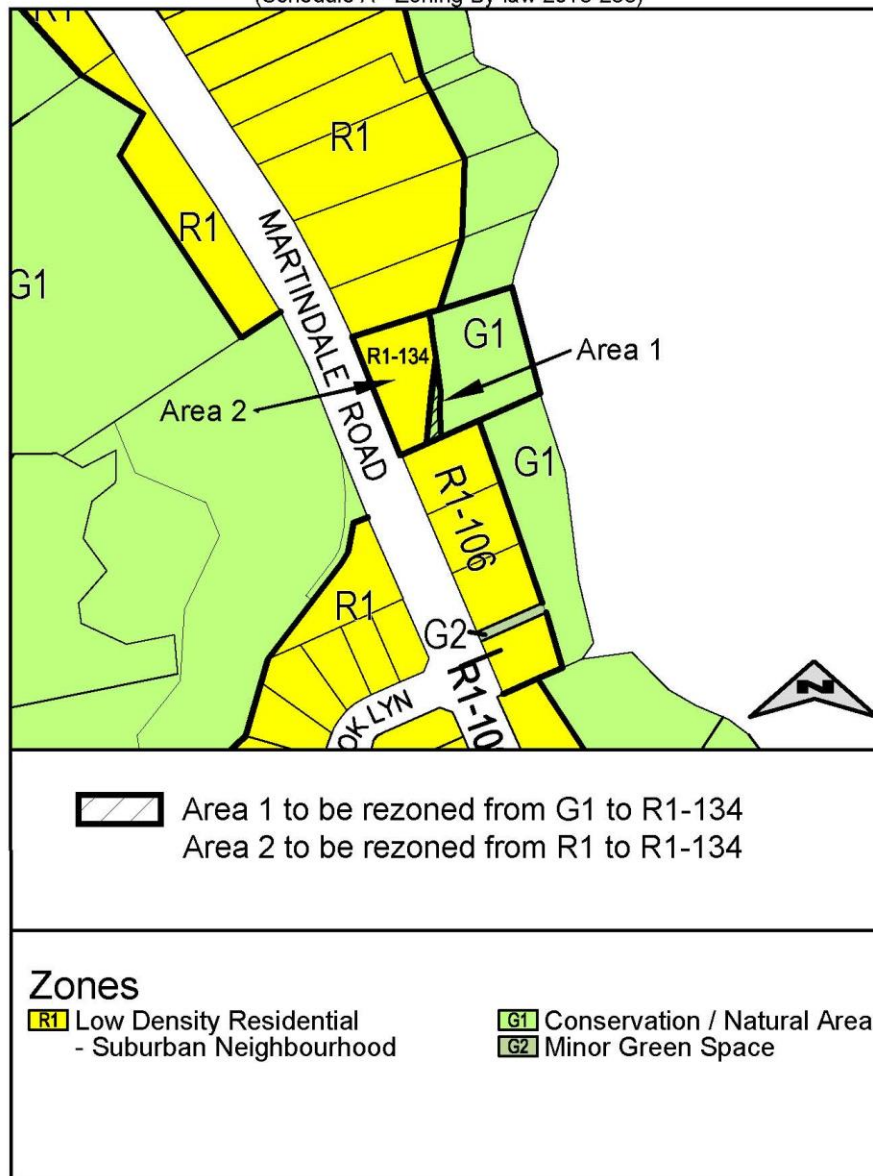
### Zones

**R1** Low Density Residential  
- Suburban Neighbourhood

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

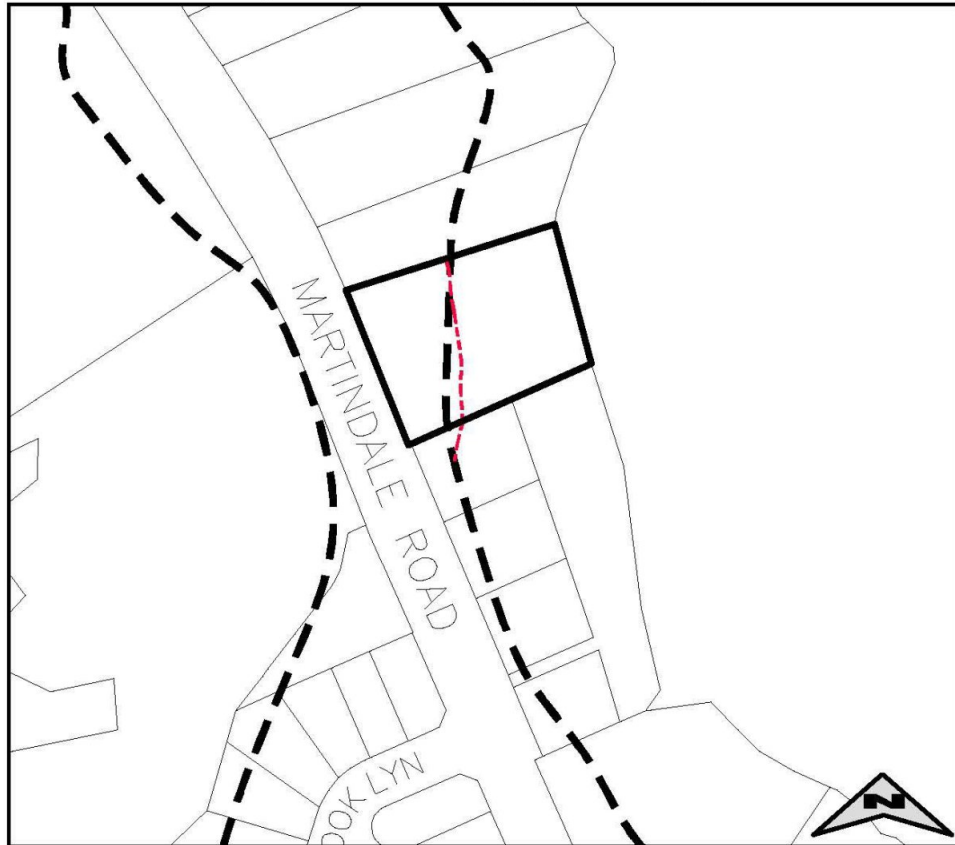
Files: 60.35.586 Vol. 2

# Proposed Amendment to Zoning By-Law 2013 - 283 (Schedule A - Zoning By-law 2013-283)



Files: 60.35.586 Vol. 2

# Proposed Amendment to the Natural Area Extent Line (Schedule D3 - Zoning By-Law 2013-283)

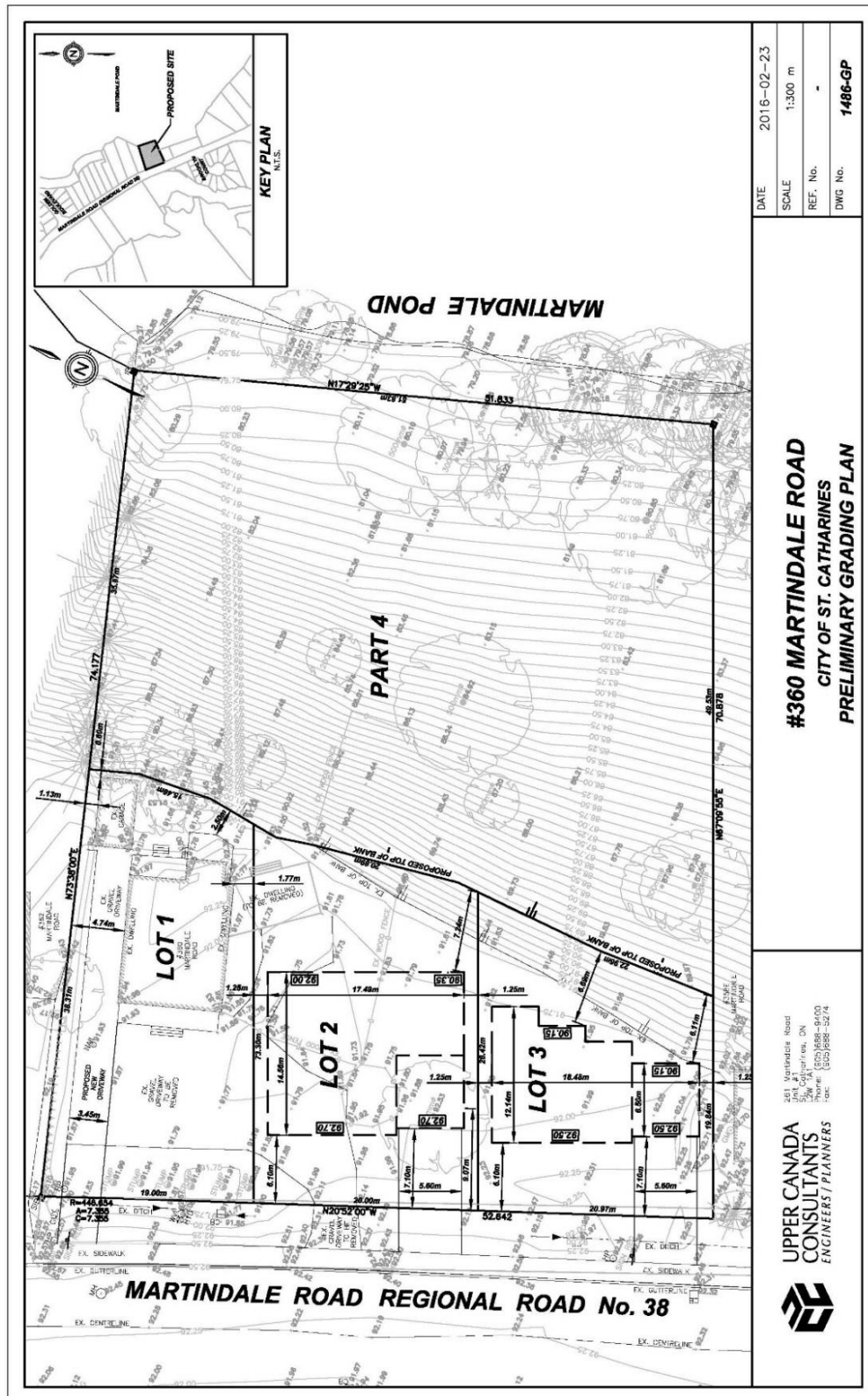


 360 Martindale Road



File: 60.35.586 Vol. 2

# Proposed Consent (Severance) Application (B16/16SC & B17/16SC)







CITY OF  
ST. CATHARINES

## Corporate Report

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

**Date of Report:** March 24, 2016

**Date of Meeting:** April 18, 2016

**Report Number:** PBS-101-2016

**File:** 60.35.1975 Vol. 3, 60.30.310 Vol. 3

**Subject:** Proposed Amendment to the Garden City Plan and Zoning By-law 2013-283, to permit indoor storage; 88 Merritt Street: Owner: 418159 Ontario Limited; Applicant: Stephen Bedford Consulting Inc.

## Recommendation

A. Official Plan Amendment (File 60.30.310 Vol. 3)

That Council approve an amendment to the Garden City Plan as follows;

- a) That Section 15.5.1(h) be removed and replaced with the following;
  - i. Notwithstanding Section 12.1, an indoor storage facility shall be permitted as an additional permitted use on lands designated Mixed Use at 88 Merritt Street. This use shall be subject to a Zoning By-law Amendment, and a Site Plan Agreement.

B. Zoning By-law Amendment (File 60.35.975 Vol. 3)

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as PT Lot 485 CP No. 6 Part 1 on 30R-6008, City of St. Catharines, municipally known as 88 Merritt Street, as follows:

- a) That Special Provision 108 of By-law No. 2013-283 is hereby deleted in its entirety and replaced with the following;

Special Provision	Zone	Schedule			Location	By-law
		A	B	C		
108	M1	22			88 Merritt Street	2016-____
<p>In addition to the M1 uses already permitted an indoor storage facility shall be permitted, without the removal of the H1 provision, subject to the provisions of the M1 zone and the following;</p> <ol style="list-style-type: none"> <li>1. Maximum lot area -6,931 square metres</li> <li>2. Maximum lot frontage – 218 metres</li> <li>3. Minimum landscaping area within the M1 zone – 25%</li> <li>4. Minimum landscape buffer adjacent to a parking area – 0.7m</li> </ol>						

- |   |
|---|
| <ul style="list-style-type: none"> <li>5. Maximum front yard setback – 28.2m</li> <li>6. Minimum west side yard setback – 0m</li> <li>7. No outdoor storage shall be permitted</li> </ul> |
| <p>Note: Special Provision 112 and Holding Provision H1 also applies.</p>   |

a) That Section 15.2 Schedule B of By-law No. 2013-283 be amended to remove Schedule B14 in its entirety.

C. That in addition to standard site plan requirements, the required site plan approval shall place particular attention to the following;

- i. A year round, enhanced, visual landscaped buffer to be located along the frontage of the subject lands.
- ii. Additional landscaping plantings along the municipal boulevard, in front of the subject lands.

That the City Solicitor be directed to prepare the necessary by-laws; and

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

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

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

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

## Summary

The above noted applications propose to permit stand-alone indoor storage on the subject lands.

An Official Plan and Zoning By-law amendment are required to permit the proposed 1,122 square metre indoor storage facility. The eastern corner of the property is to remain in a natural state, with the existing zone and land use designation. A concept plan for development is attached as Appendix 4 and a Landscaping Plan is attached in Appendix 5.

## Background

a) Location:

The site is located in the City's East Planning District. More specifically, the property is located on the north side of Merritt Street, east of Sun Collision and west of Ball Avenue (see Appendix 1).



b) Existing Land Use:

Site: The site is irregular in shape with a lot area of approximately 0.69 hectares (1.7 acres); a lot frontage of approximately 217m (711.94') on north side of Merritt Street and a lot depth of approximately 67.23m (219.82').

In recent years, the site has been occupied with outdoor storage (sea container units and vehicles) on the majority of the site. This use is not permitted in the existing Mixed Use (M1) zone, nor would it be permitted by the proposed amendment. The site has been graded and is relatively flat. Only the far-east edge of the site contains vegetation.

ii) Land Use in the Neighbourhood:

North: Trillium Railway (former railway, no longer in operation), Valleyview Municipal Park, single and semi-detached dwellings

South: Automotive repair, industrial uses, office space on the south side of Merritt Street

East: Trillium Railway, single and semi-detached dwellings

West: Sun Collision (adjacent commercial automotive repair use at 186 Merritt Street)

c) Garden City Plan:

The Garden City Plan designates the subject lands as Mixed Use and Natural Areas (Appendix 2). The Mixed Use designation permits a variety of commercial and residential land uses. Section 15.5.1 (h) permits limited outdoor storage on 88 Merritt Street only as an accessory use for the auto related service facility on adjacent lands at 186 Merritt Street. The Natural Areas designation permits the conservation of land.

An Official Plan amendment is required to permit an indoor storage facility with the Mixed Use Designation. Compliance with the Garden City Plan, and the requested amendment is addressed in the Planning Analysis section of this report.

d) Zoning:

By-law 2013-283 zones the lands Medium Density Mixed Use (M1-108-112-H1-H17) and Conservation Area/Natural Area (G1), as outlined in Appendix 3. The M1 zone permits a variety of residential and commercial uses. Special Provision 112 restricts building height to 18m. Special Provision 108 currently permits limited outdoor storage on a small portion of the property, only as an accessory use to the automotive repair use on abutting lands. Holding (H-1) requires an Environmental Site Assessment prior to development, and Holding (H-17) requires that building with a height above 13.5m be subject to a visual impact assessment, to the satisfaction of the Niagara Escarpment Commission.

The G1 zone located on the eastern corner of the site does not permit development. The uses permitted in the G1 zone are as follows: boat ramp, essential operations for Service Infrastructure and Utilities, picnic area and shelter, and trails. No changes are proposed for this area.

## Proposed Zoning

An amendment to the Zoning By-law is required to permit the proposed indoor storage within the existing M1 zone. A concept plan and landscape plan for the proposed development are included in Appendix 4 and 5.

## Report

### Circulation Comments

The applications for an Official Plan and Zoning By-law amendment were circulated to all appropriate City departments and agencies for comments and requirements. No objections were received, however, several comments were offered.

## Niagara Region – Planning and Development Services

### Provincial and Regional Policies

The subject property is within a settlement area under the 2014 Provincial Policy Statement (PPS) and the built-up area as identified in the Places to Grow Growth Plan for the Greater Golden Horseshoe (Growth Plan). The subject lands are within the Urban Area Boundary for the City of St Catharines according to the Regional Official Plan and within the Built Boundary 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. A full range and mix of urban land uses are permitted generally within the Urban Areas where appropriate levels of services and infrastructure exist, including residential, commercial and industrial uses.

The property is also situated within the Niagara Escarpment Plan Area and is designated by the Escarpment Plan as Urban Area; however, the site is located outside of the NEC Development Control Area.

The subject lands are designated Mixed Use and Natural Area on Schedule D1 of the Garden City Plan as well as the East District Plan (Schedule E9). The proposed amendments will assist the City in achieving the Garden City Plan's density target of 100 people and jobs per hectare of land for Mixed Use areas and the intensification targets as indicated in the Growth Plan and Regional Policy Plan.

The proposed amendments will also facilitate the use of these lands for development within the approved mixed use designation, which municipalities are encouraged to develop a mix of land uses within urban areas to support the complete community concept. Therefore, these applications are appropriate from a Provincial and Regional perspective.

### Archaeological Resources

Based on Provincial screening criteria the subject lands exhibit a high potential for the discovery of archaeological resources (i.e. proximity to a registered archaeological site and presence of a nearby watercourse). A Planning Justification Report prepared by Stephen Bedford Consulting (dated July 2015) and an Executive Summary of a

Remedial Activities report prepared by Oakhill Environmental Incorporated (dated June 2010) has been submitted as part of these applications.

The Planning Justification Report and Remedial Activities Executive Summary details the history of site disturbance as it relates to remedial activities. The submitted reports confirm the completion of 21 test pits on-site at a depth of 3 m (i.e. below topsoil). The materials encountered for the test pits included soil, gravel, brick, pieces of concrete, concrete with rebar, asphalt and vegetation.

Given the past site disturbance of these lands for remedial activities an archaeological assessment will not be required. However, in lieu of an assessment Development Services staff would request that the future Site Plan Agreement for this development include a clause stating:

*“That should deeply buried archaeological remains be found during construction activities, the Ministry of Tourism, Culture and Sport be notified immediately. Should human remains be encountered during construction, the contractor should immediately notify the police or coroner and the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services.”*

### **Core Natural Heritage**

The Region’s Core Natural Heritage (CNH) Mapping identifies an Environmental Conservation Area (Significant Woodlands) on the easterly portion of the subject property. In accordance with the Memorandum of Understanding and the protocol between the Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA is responsible for the review and comment on all planning applications for impacts on the natural environment.

Regional Development Services staff has no objection to these applications from a Provincial and Regional perspective.

## **Niagara Peninsula Conservation Authority**

The subject property does not contain any NPCA regulated lands.

### **Core Natural Heritage**

In addition to commenting on proposals with respect to the Conservation Authority's regulations noted above, this agency has entered into a Memorandum of Understanding (MOU) with the Region of Niagara. In accordance with this MOU, the Conservation Authority has a responsibility to review and provide comments on planning applications as they relate to the Natural Environment on the Region's behalf. As such, the following comments pertain to the Core Natural Heritage System Policies within the Regional Policy Plan.

Regional Core Natural Heritage mapping identifies an Environmental Conservation Area (ECA) for Significant Woodland. In accordance with Policy 7.B.1.11, development may be permitted within an ECA or adjacent to (within 50 metres) an ECA if it has been

demonstrated that there will be no negative impact on the Core Natural Heritage system or adjacent lands. There is no change to the lands designated Natural Area and zoned Conservation/Natural Area proposed as part of this application.

As such, the NPCA is satisfied that there will be no significant negative impact to the Core Natural Heritage system as a result of the proposed additional use within the existing Mixed Use Zone and Designation.

### **Parks Recreation and Community Services (PRCS)**

PRCS Staff recommend that a landscape buffer be required along the property frontage. The intent of this buffer would be to provide a visual separation between the public realm (the street) and the storage, loading, and drive aisles uses associated with mini/self storage. It is recommended that the landscape buffer be a minimum of 3 metres, which is the same size as the landscape buffer required between M1 and residential zones. Similar landscaping has been required through site plan agreements for mini-self storage facilities elsewhere in the City.

The landscape plan provided as part of this application (Appendix 5) illustrates that a variety of attractive landscaping can be accommodated in a 3m landscape buffer along the property frontage. The landscaping will improve the aesthetics of the site and will visually soften the view from the roadway. Due to the increased elevation of Merritt Street, the landscaping will not completely obstruct views into the site from the street and the storage facility will be visible from Merritt Street.

### **Traffic Division, Transportation and Environmental Services**

Staff advise that existing sightlines to the south are limited. As such, it would be desirable that any proposed uses on the site be lower traffic generators so as to minimize the number of vehicles accessing/egressing the site. The proposed self-storage facility would be considered a lower traffic generator when compared to the potential uses that are currently permitted within the existing M1 zone, such as a residential apartment building, retail space, or office use.

### **Trillium Railway**

Trillium Railway was circulated the application but did not provide any comments. They will be circulated future applications for Site Plan Approval for comment.

### **Niagara Escarpment Commission**

The Niagara Escarpment Commission reviewed the application and advised that they have no concerns with the proposal.

### **Public Open House**

Planning and Building Services hosted a public open house on September 24, 2015. The owner's agents, one (1) Councillor, and one (1) member of the public were in attendance. The purpose of the meeting was to present the applicant's proposal and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. The resident was concerned about drainage

problems along Pinecrest Avenue and Ker Street. These comments and concerns will be addressed in the Planning Analysis section of this report.

No letters were received by staff regarding this application.

## **Planning Analysis**

### **The Provincial Policy Statement (2014)**

The subject property is within a settlement area under the 2014 Provincial Policy Statement (PPS) and the built-up area as identified in the Places to Grow Growth Plan for the Greater Golden Horseshoe (Growth Plan). The approval of this application would conform to Provincial land use policy.

### **Region of Niagara Policy Plan**

The subject lands are within the Urban Area Boundary for the City of St. Catharines according to the Regional Official Plan and within the Built Boundary 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. A full range and mix of urban land uses are permitted generally within the Urban Areas where appropriate levels of services and infrastructure exist, including residential, commercial and industrial uses.

Regional staff have confirmed that the proposal is consistent with the Regional Plan.

### **Garden City Plan (GCP)**

The Official Plan (The Garden City Plan) designates the subject lands as Mixed Use and Natural Areas (Appendix 2).

The Mixed Use designation is intended to provide a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation, and cultural uses. This designation recognizes areas that have evolved as mixed use corridors over time, or where significant opportunities for development, re-development, or intensification have been identified. Indoor storage is not permitted and accordingly an amendment is required.

The Natural Areas designation is located at the east end of the property. No changes to this area are proposed.

The Mixed Use designation on the bulk of the site permits a variety of commercial and residential uses. Section 12 of the GCP notes that throughout the city, Mixed Use designations are all different, and generally are designed to recognize areas or street neighborhoods that have evolved as mixed use corridors or nodes over time. As such, the range and scale of uses within this designation may be more precisely set out in the District Plans, and through Zoning By-law regulations.

The subject lands are located on a stretch of Merritt Street located south of Glendale Avenue. The stretch of Merritt Street located north of Glendale Avenue, historically

function as a mixed use area and has shown re-development in accordance with the Mixed Use designation. Likewise, the stretch of Glendale Avenue, a Regional Arterial, extending to the east, has seen extensive commercial re-development. Those lands south of Glendale Avenue, where the subject lands are located, have historically been used for a mix of industrial uses, most have environmental constraints, and have less visibility and accessibility from Glendale Avenue. This site in particular is hampered by physical constraints that compromise access and street visibility. Additional permitted uses in the form of indoor storage may be appropriate given the site constraints, without significantly compromising the mixed use intentions for Merritt Street.

Section 12.1 of the GCP provides additional urban design direction for development within the Mixed Use designation. Section 12.1.v restricts height to recognize the character of the surrounding neighborhood, and recommends a general maximum of 20.0m. The proposed storage facility will have a maximum height of 7.7m, well within the 20.0m limit. Section 12.1 additionally encourages minimization of street front parking areas (12.1vi) and greening initiatives (12.1.vii). The submitted development proposal (Appendix 4) and Landscape Plan (Appendix 5) locate parking areas at the rear of the site, not visible from Merritt Street. As noted by PRCS, the landscape plan provided as part of this application illustrates that a variety of attractive landscaping can be accommodated in a 3m landscape buffer along the property frontage. The landscaping will improve the aesthetics of the site and will visually soften the view from the roadway. The recommended reduction to 0.7m will account for a pinch point at the rear of the property to accommodate a fire route. All other areas will have a minimum 3.0m landscape buffer. The landscaping will not completely obstruct views into the site and the storage facility will be visible from Merritt Street. The east side of the storage facility is additionally buffered from Merritt Street with a substantial boulevard and grade change.

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. The proposed amendment will add an additional permitted use and not detract from the uses currently permitted by the plan. The subject property is constrained by access and visibility, requiring the consideration for other uses.

<p>ii) Consistency with Provincial and upper tier government plans, policies and legislation</p>	<p>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>
<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>The proposed storage facility is located adjacent to the existing Sun Collision operation. While both sites are separate properties, they are under the same ownership. The sites will share an access. It is the intent of the owner that the two sites function together, with the indoor storage facility providing space for classic car storage, albeit not exclusively. For this reason, other properties within the municipality which are already designated for the proposed use do not offer the same benefit of proximity to Sun Collision.</p>
<p>iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses</p>	<p>As noted by the Traffic Division of Transportation and Environmental Services, the site is constrained by limited access. The grade changes between the site and Merritt Street limit visibility along Merritt Street. For these reasons, the site is physically compromised and therefore there is limited market interest in developing for the permitted uses. Indoor storage may not be an ideal use within a mixed use zone, but is acceptable given the site constraints.</p> <p>The applicant has provided a design that is compatible with neighbouring uses. The height of the building is well within the permissions for the Mixed Use designation. The proposed setbacks are compatible with the surrounding uses and existing Mixed Use zone. Extensive landscaping softens the impact of a larger facility on the Merritt Street Streetscape. The proposed use is not anticipated to conflict with surrounding commercial, residential, or industrial uses. To further ensure compatibility with the established</p>

	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 generous landscape buffers, fencing, grading and drainage, storm water management, lighting, etc.
v) The potential of the proposal to cause instability within an area intended to remain stable	The Applicant's concept designs demonstrates a compatible fit with the neighbourhood. The proposal is a suitable use that does not compromise future mixed use development in the area and will not trigger instability.
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	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.
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.
viii) The degree to which approval of the amendment would establish an undesirable precedent	Given the abutting Trillium Railway lands, and extensive grade changes along Merritt Street, the subject lands are relatively isolated from other uses along Merritt Street. Staff note that approval of this application is not precedent setting as each site and proposal is evaluated based on its own merits. This site is compromised for commercial and residential uses due to constrained access and poor visibility, particularly for commercial uses. Indoor storage is an acceptable use, subject to urban design standards. The use is partially screened from traffic along Merritt Street by the grade of the street and vegetation along the boulevard. As a result the subject lands are not a good location for uses that require good visibility and frequent access.



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. The site is recommended to retain its Mixed Use designation but include an additional provision to permit indoor storage.

## **Zoning By-law**

### **Amendment to By-law 2013-283**

By-law 2013-283 zones the lands Medium Density Mixed Use (M1-108-112-H1-H17) and Conservation Area/Natural Area (G1), as outlined in Appendix 3. The M1 zone permits a variety of residential and commercial uses. Special Provision 112 restricts building height to 18m. Special Provision 108 currently permits limited outdoor storage on a small portion of the property, only as an accessory use to the automotive repair use on abutting lands. Holding Provision 1 requires an Environmental Site Assessment prior to development, and Holding Provision 17 requires that building with a height above 13.5m be subject to a visual impact assessment, to the satisfaction of the Niagara Escarpment Commission.

The G1 zone does not permit development. The uses permitted in the G1 zone are as follows: boat ramp, essential operations for Service Infrastructure and Utilities, picnic area and shelter, and trails. No changes to this zone are proposed.

The applicant is proposing to permit the storage facility as an additional permitted use within the existing M1 zone. This amendment would remove and replace the current permissions for limited outdoor storage at the rear of the lot. The proposed storage facility has been designed to meet the majority of the commercial provisions of the M1 zone. Site specific provisions are recommended to recognize the existing lot area and frontage as the subject lands consist of an irregular shaped lot. To ensure adequate landscaping on site, including extensive landscaping in the front yard, staff are additionally recommending a minimum landscaping area of 25% of the developable area. The Zoning By-law requires that all parking areas have 3.0m buffer. The proposed storage facility meets or surpasses this requirement in all areas except in the north-eastern corner of the property where a 0.7m pinch point is required to maintain a sufficient fire route.

The front setback at the west end of the proposed building exceeds the 24m maximum, as such staff are recommending a maximum setback of 28m to recognize the setback. Staff note that the majority of the building complies with the setback requirement, but the discrepancy is necessary to facilitate the development of the irregular shaped lot and facilitate the extensive front yard landscaping.

While the storage facility is proposed to be located a minimum of 5.7m from the west lot line, the wall extensions and architectural detail at the west end of the proposed building still form a part of the structure and encroach into the 1.2m setback requirement from the west property line. A 0m side yard setback is recommended in this location since the site will function in coordination with the Sun Collision operation to the immediate west of the site.

As the proposed storage facility is not considered to be a more sensitive use than the previous outdoor storage use, a record of site condition and removal of the H1 provision is not required. Building height is proposed to be 7.7m, as such no visual impact assessment is required by the Niagara Escarpment Commission.

Staff is recommending the M1 zoning be retained with an addition use in the form of indoor storage, subject to certain conditions, as outlined in the recommendation.

### **Site Plan Approval**

Development of this site is subject to site plan approval. In order to maintain the integrity of the Mixed Use official plan land use designation and mixed use zoning applicable to surrounding lands, staff recommend landscaping along the Merritt Street boulevard and within the front yard of this site be of particular attention during site plan review and approval.

### **Open House Comments**

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

*Comment:* There are drainage problems along Pinecrest Avenue and Ker Street which are caused by the grading on the subject lands and the development of other properties in the area.

*Response:* Staff have determined that complaints regarding drainage in this area are largely because of seasonal snow melt and heavy rain conditions. Transportation and Environmental Services has advised that no complaints regarding flooding in the area have been received since 2012. Site plan approval required for any future development will insure new development does not impact abutting properties.

### **Second Planning Opinion Advisory**

Should Council consider not supporting the Staff Recommendation, 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

### **Financial Implications**

There are no financial implications.

## **Conclusion**

In summary, the proposed amendments are appropriate for the development of this site only, and do not imply that site in this areas will be subject to similar approvals. Staff is satisfied that the recommended amendments do not compromise the purpose and intent of the Mixed Use designation in the GCP, nor M1 zoning. Mixed Use permissions are retained for the site. Indoor storage is recommended as an additional permitted use.

## **Notification**

It is in order to advise Stephen Bedford Consulting Inc., PO Box 244, Niagara-on-the-Lake, ON, L0S 1J0.

### **Prepared by:**

Jessica Button, MCIP, RPP  
Planner I

### **Submitted and Approved by:**

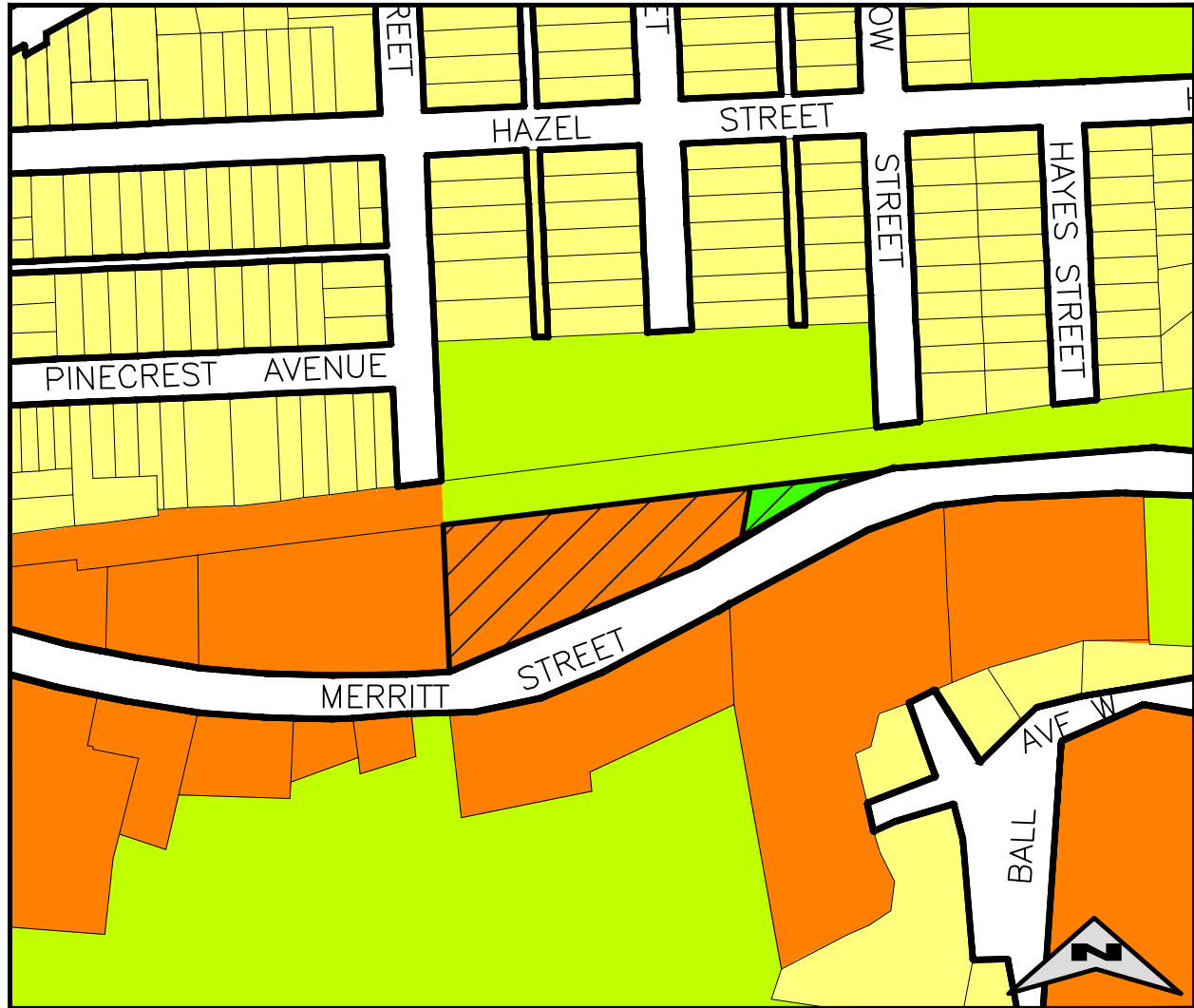
Judy Pihach, MCIP, RPP  
Manager of Planning and Building Services



SUBJECT LANDS KNOWN AS  
88 MERRITT STREET  
FILE: 60.30.310 VOL 2 AND 60.35.975 VOL 2



## Existing Land Use Designation


(General Land Use Plan D1 - Garden City Plan)



 88 Merritt Street

### Land Use Designations

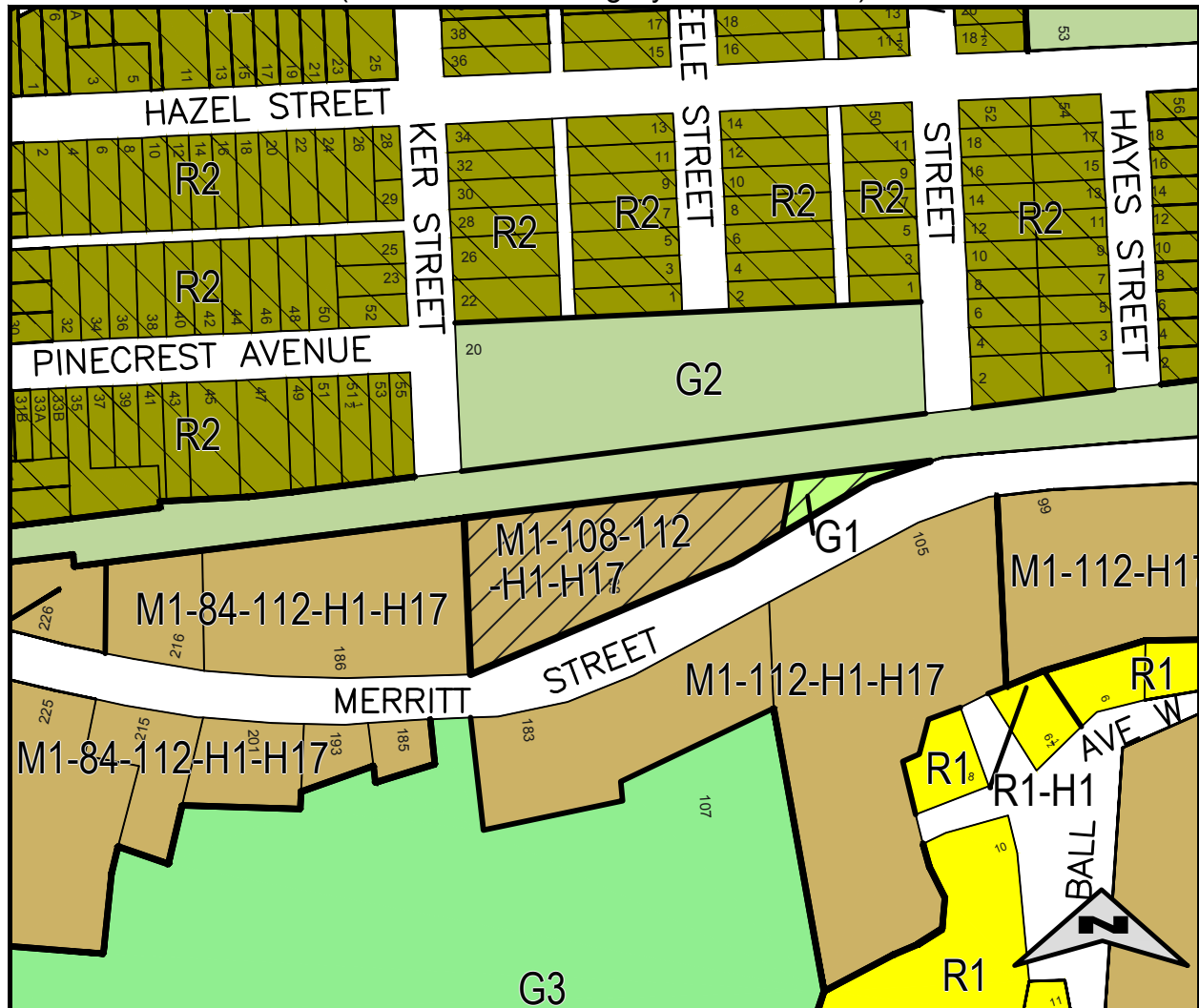
 Neighbourhood Residential  
 Mixed Use

 Parkland & Open Space

File: 60.35.975 Vol. 3, 60.30.310 Vol. 3

## Existing Zoning

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



 88 Merritt Street

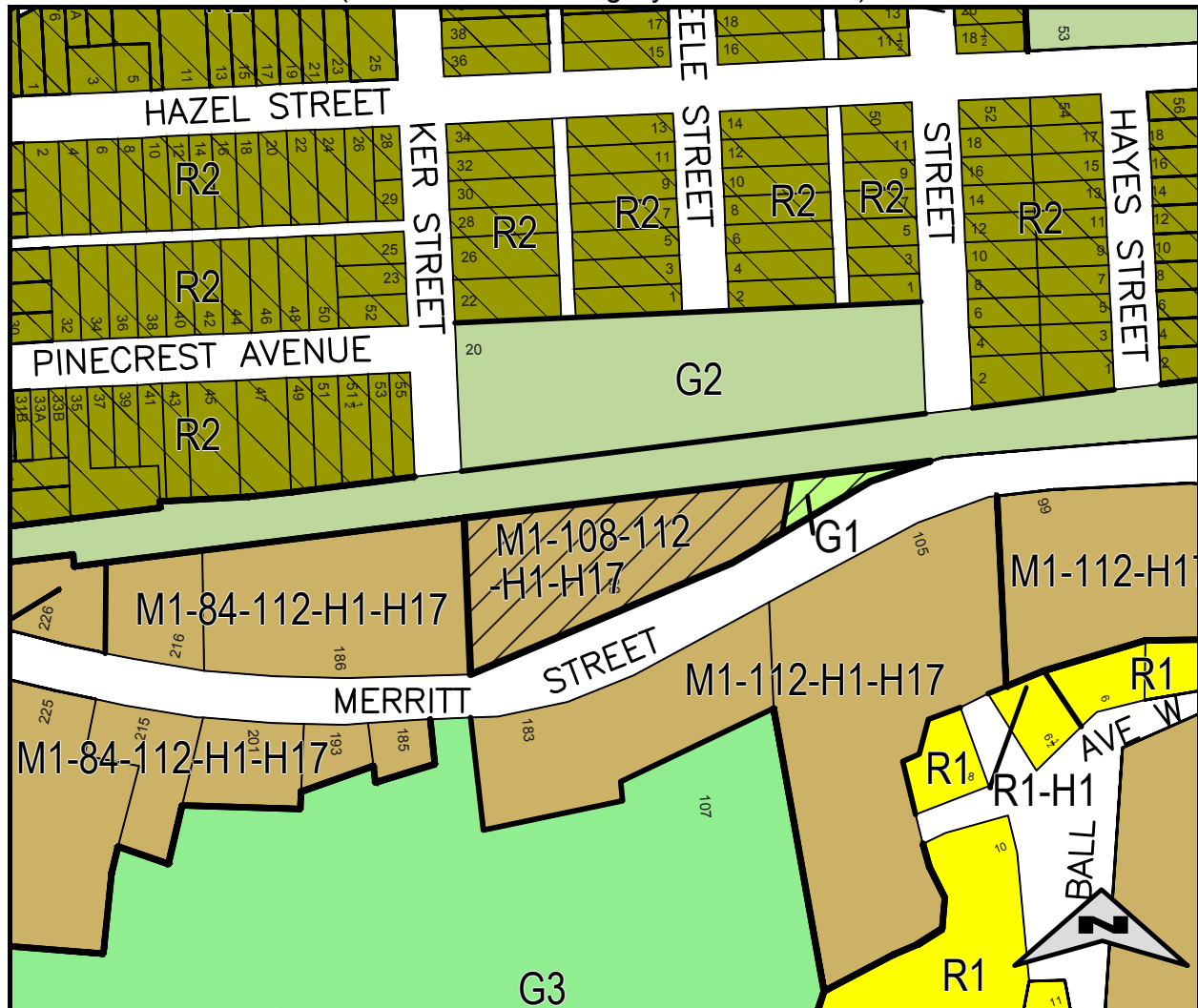
### Zones

- R1** Low Density Residential  
- Suburban Neighbourhood
- R2** Low Density Residential  
- Traditional Neighbourhood
- M1** Medium Density Mixed Use

- G1** Conservation / Natural Area
- G2** Minor Green Space
- G3** Major Green Space

## Existing Zoning

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

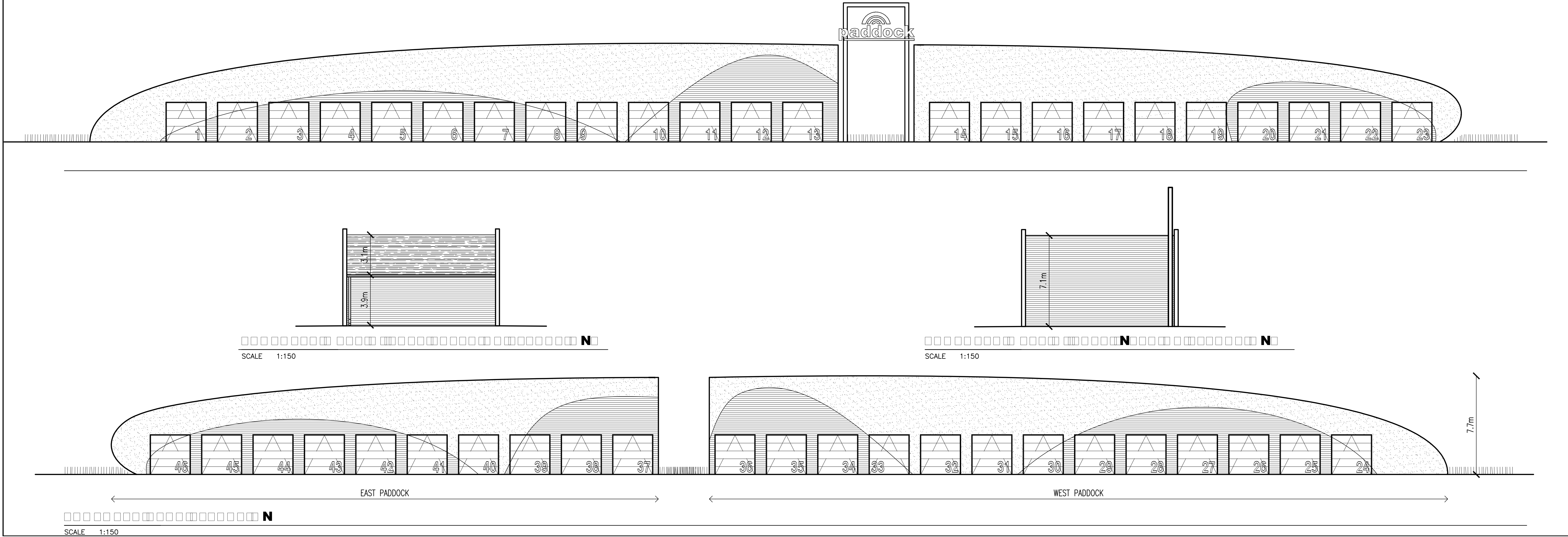


 88 Merritt Street

### Zones

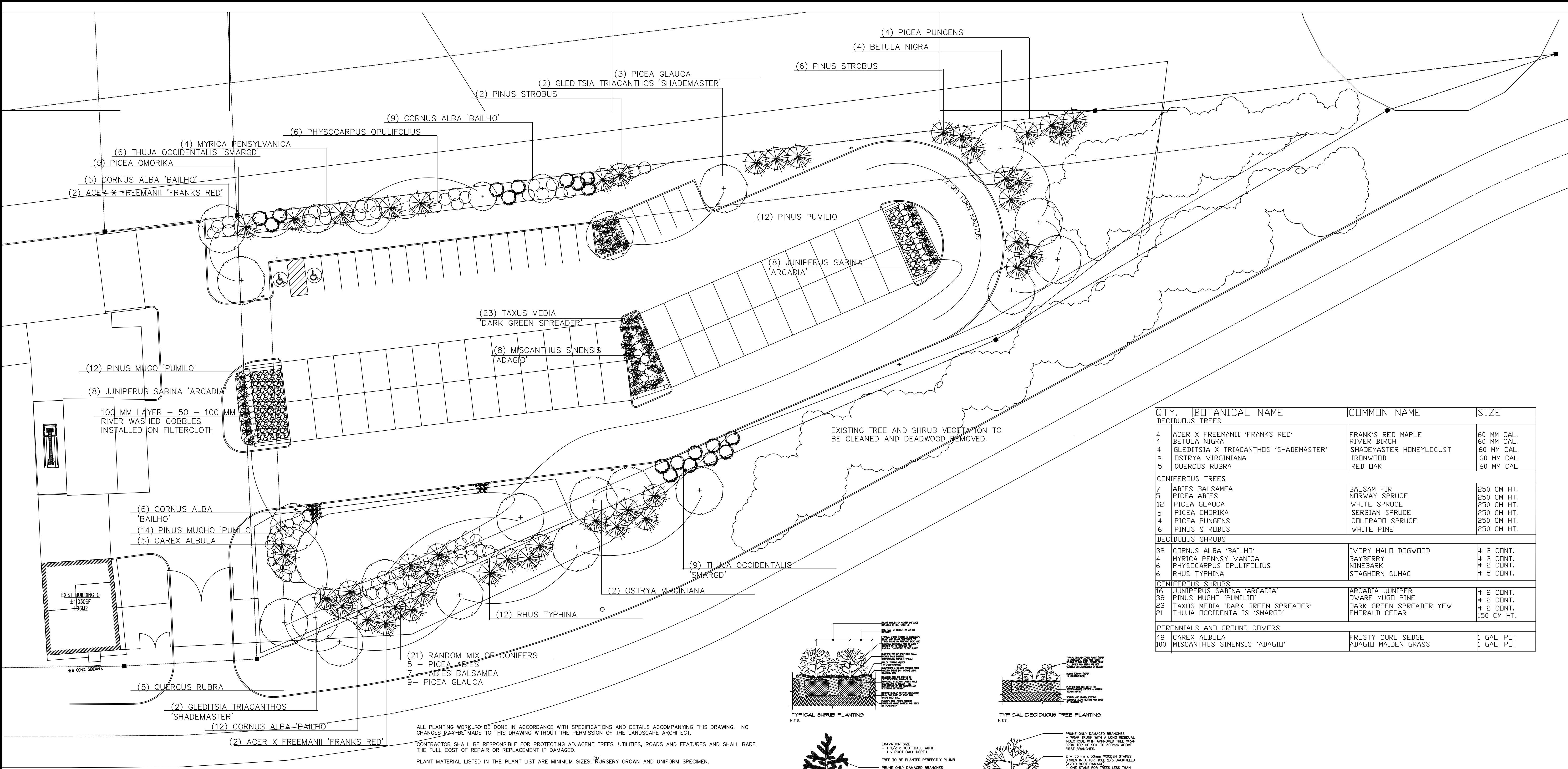
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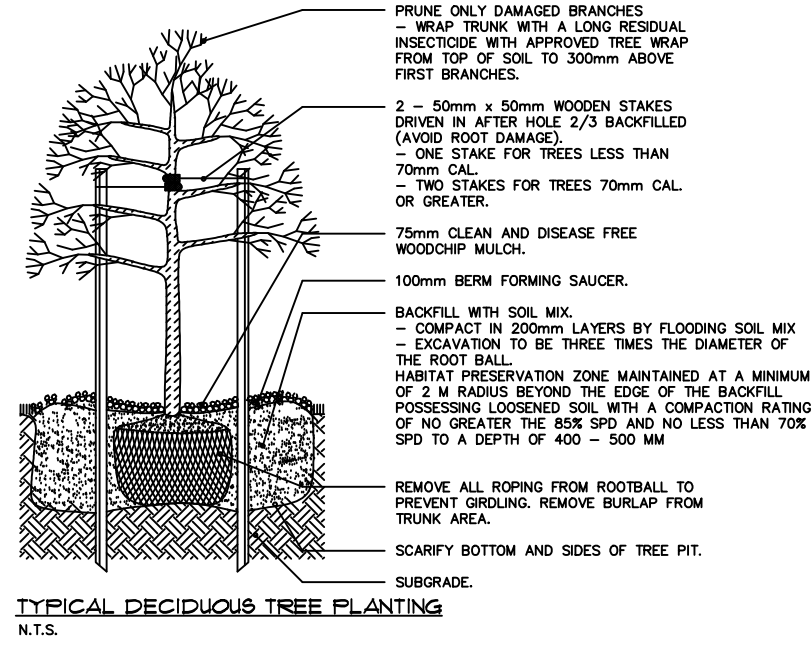
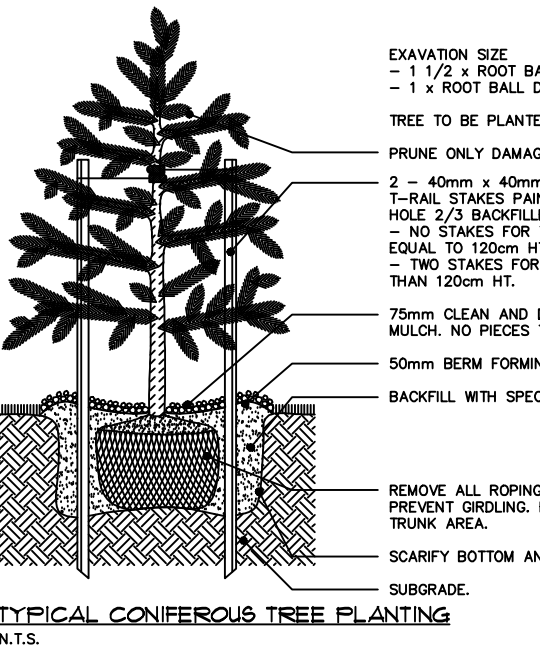
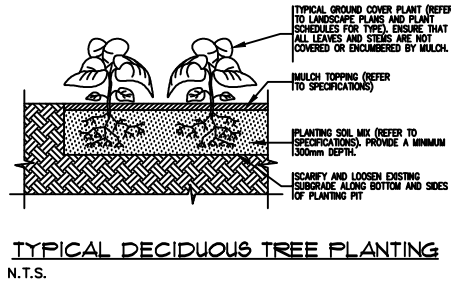
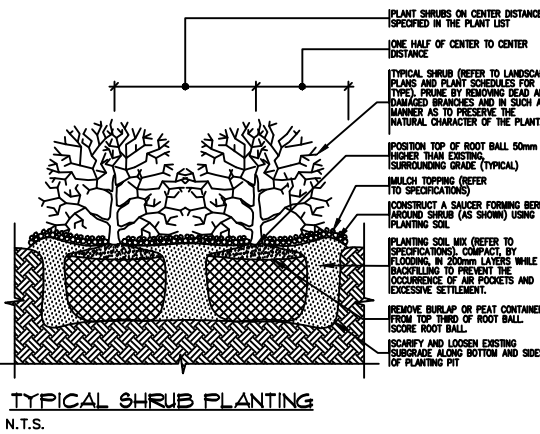


job number: <b>10-32</b>	revision number:
drawing number:	





QTY.	BOTANICAL NAME	COMMON NAME	SIZE
DECIDUOUS TREES			
4	ACER X FREEMANII 'FRANKS RED'	FRANK'S RED MAPLE	60 MM CAL.
4	BETULA NIGRA	RIVER BIRCH	60 MM CAL.
4	GLEDITSIA X TRIACANTHOS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	60 MM CAL.
2	OSTRYA VIRGINIANA	IRONWOOD	60 MM CAL.
5	QUERCUS RUBRA	RED OAK	60 MM CAL.
CONIFEROUS TREES			
7	ABIES BALSAMEA	BALSAM FIR	250 CM HT.
5	PICEA ABIES	NORWAY SPRUCE	250 CM HT.
12	PICEA GLAUCA	WHITE SPRUCE	250 CM HT.
5	PICEA OMORIKA	SERBIAN SPRUCE	250 CM HT.
4	PICEA PUNGENS	COLORADO SPRUCE	250 CM HT.
6	PINUS STROBUS	WHITE PINE	250 CM HT.
DECIDUOUS SHRUBS			
32	CORNUS ALBA 'BAILHO'	IVORY HALL DOGWOOD	# 2 CONT.
4	MYRICA PENNSYLVANICA	BAYBERRY	# 2 CONT.
6	PHYSOCARPUS OPULIFOLIUS	NINEBARK	# 2 CONT.
6	RHUS TYPHINA	STAGHORN SUMAC	# 5 CONT.
CONIFEROUS SHRUBS			
16	JUNIPERUS SABINA 'ARCADIA'	ARCADIA JUNIPER	# 2 CONT.
38	PINUS MUGO 'PUMILO'	DWARF MUGO PINE	# 2 CONT.
23	TAXUS MEDIA 'DARK GREEN SPREADER'	DARK GREEN SPREADER YEW	# 2 CONT.
21	THUJA OCCIDENTALIS 'SMARGD'	EMERALD CEDAR	150 CM HT.
PERENNIALS AND GROUND COVERS			
48	CAREX ALBULA	FROSTY CURL SEDGE	1 GAL. POT
100	MISCANTHUS SINENSIS 'ADAGIO'	ADAGIO MAIDEN GRASS	1 GAL. POT



ALL PLANTING WORK TO BE DONE IN ACCORDANCE WITH SPECIFICATIONS AND DETAILS ACCOMPANYING THIS DRAWING. NO CHANGES MAY BE MADE TO THIS DRAWING WITHOUT THE PERMISSION OF THE LANDSCAPE ARCHITECT.

CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ADJACENT TREES, UTILITIES, ROADS AND FEATURES AND SHALL BARE THE FULL COST OF REPAIR OR REPLACEMENT IF DAMAGED.

PLANT MATERIAL LISTED IN THE PLANT LIST ARE MINIMUM SIZES, NURSERY GROWN AND UNIFORM SPECIMEN.

ALL PLANTING SHALL CONFORM TO THE CURRENT STANDARDS AND PRACTICES OF THE CANADIAN NURSERY TRADES

ANY TREE OR SHRUB WHICH COMES OVER OR UNDER ANY UTILITY WILL BE RELOCATED AT THE DIRECTION OF THE LANDSCAPE ARCHITECT. NOTE LOCATIONS OF ALL SUBDRAINAGE SYSTEMS.

CHECK ALL LOCATIONS OF ABOVE AND BELOW GROUND UTILITIES AND ASSURE NO INTERFERENCE WITH PLANTING.

ALL PLANTED AREAS SHALL BE FREE OF WEEDS. REMOVE ROCKS, ROOTS, DEBRIS OR LUMPS OF CLAY GREATER THAN 10

MULCH ALL PLANTINGS BEDS AND TREE WELLS AS PER PLANTING DETAIL. MULCH SHALL BE A SHREDDED HARDWOOD MULCH WITH NO PIECES EXCEEDING 50 MM IN LENGTH. MULCH TO MINIMUM 10 CM DEPTH.

REFER TO ENGINEERING DRAWINGS FOR ALL SPECIFIC GRADING AND INFRASTRUCTURE INFORMATION.

SOIL MIX TO BE ONE PART ON SITE TOPSOIL, ONE PART WELL-ROTTED MANURE, ONE PART WEED FREE COMPOST.

ALL OPEN AREAS TO BE HYDROSEEDDED. PREVENT OVERSPRAY INTO TREE WELLS OR PLANTING BEDS.

WARRANTY ALL MATERIALS AND WORKMANSHIP FOR TWO YEARS.

SCALE - 1:50

LANDSCAPE NOTES

DETAILS

PLANT SCHEDULE

REV #	DATE	REVISION/ISSUE	BY	DRAWING TITLE	PROJECT	SCALE	DATE	DRAWN BY	CHECKED BY	STAMP	PAGE
1	18-03-15	ISSUED FOR REVIEW	PJB	LANDSCAPE PLAN SITE PLAN	SUN COLLECTION	1:250	2015-03-17	PJB	PJB		1
2	18-03-15	REVISED SITE PLAN	PJB	LANDSCAPE PLAN SITE PLAN	SUN COLLECTION	1:250	2015-03-17	PJB	PJB		1
3	15-11-15	LAND PLAN FOR SITE PLAN	PJB	LANDSCAPE PLAN SITE PLAN	SUN COLLECTION	1:250	2015-03-17	PJB	PJB		1

## **By-laws to be considered Monday, April 18, 2016**

- (a) A By-law to authorize a contract with 2090716 Ontario Inc. o/a Pec Roof Maintenance. (One reading – with respect to the roof replacement of the St. Catharines Museum and Welland Canals Centre, Project No. P14-174. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a renewal of the Lease of certain lands with Niagara Olympic Club of St. Catharines – The Track Field and Cross-Country Club. (One reading – with respect to the use of the Track and Field Facility located at 130 Louth Street. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to assume and declare certain lands to be a highway and to be known as Francesco Crescent. (One reading – with respect to Westmount Subdivision. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize an Encroachment Agreement with 406765 Ontario Ltd. (One reading – with respect to 393-401 St. Paul Street. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize an amendment to the Participant Agreement with The Regional Municipality of Niagara. (One reading – with respect to 2015 Digital Orthoimagery and other Digital Mapping Products. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to authorize the construction and issuing of debentures for Catherine Street. (One reading - with respect to Project No. P14-001. General Committee, June 9, 2014, Item No. 3.1.)
- (g) A By-law to authorize the construction and issuing of debentures for Lakeshore Road – Phase 1. (One reading - with respect to Project No. RN12-07. General Committee, June 11, 2012, Item No. 340.)
- (h) A By-law to authorize the construction and issuing of debentures for Lorne Street. (One reading - with respect to Project No. P14-067. General Committee, June 9, 2014, Item No. 3.1.)
- (i) A By-law to amend By-law 2016-6 entitled “A By-law to regulate the sale and setting off of fireworks and pyrotechnic special effects within the City of St. Catharines.” (One reading - with respect to permitting the sale of Consumer Fireworks from a tent, with the use of a commercial cube van as the temporary site storage. Council, April 4, 2016, Item No. 7.4.)
- (j) 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 360 Martindale Road. To be considered by Council, April 18, 2016.)

- (k) 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 88 Merritt Street. To be considered by Council, April 18, 2016.)
- (l) 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 88 Merritt Street. To be considered by Council, April 18, 2016.)
- (m) A By-law to authorize a Tiered Response Agreement with The Regional Municipality of Niagara. (One reading – with respect to activation of Emergency Medical Tiered Response calls within the City of St. Catharines. To be considered by General Committee, April 18, 2016.)
- (n) A By-law to authorize an amendment to the Licence and Operating Agreement with District School Board of Niagara. (One reading – with respect to the use of Catharine Street Park and 185 Carlton Street. To be considered by General Committee, April 18, 2016.)
- (o) A By-law to authorize a contract with Macaulay Shiomi Howson Ltd. (One reading – with respect to the Port Dalhousie Secondary Plan and Heritage District Guidelines Update Studies. To be considered by General Committee, April 18, 2016.)
- (p) A By-law to authorize a contract with Vic Vatr Contracting Limited. (One reading – with respect to the Lakeshore Road/Broadway Street, Project No. P15-101. To be considered by General Committee, April 18, 2016.)
- (q) A By-law to authorize a contract with Schilthuis Construction Inc. (One reading – with respect to Seymour Hannah Sports and Entertainment Centre – Ice Pad Replacement and Associated Mechanical Modifications - Phase 1, Project P16-164. To be considered by General Committee, April 18, 2016.)
- (r) A By-law to close temporarily part of James Street. (One reading – with respect to a three-day community event, "In the Soil" Arts Festival, to be held on April 29, 2016 to May 1, 2016. To be considered by General Committee, April 18, 2016.)
- (s) A By-law to authorize a Licence Agreement with Suitcase in Point Arts Performances. (One reading – with respect to a three-day community event, "In the Soil" Arts Festival, to be held on April 29, 2016 to May 1, 2016. To be considered by General Committee, April 18, 2016.)
- (t) A By-law to close temporarily part of St. Paul Street. (One reading – with respect to a three-day community event, Niagara Folk Arts Festival, to be held on May 27, 2016 to May 29, 2016. To be considered by General Committee, April 18, 2016.)

- (u) A By-law to authorize a License Agreement with Folk Arts Council of St. Catharines. (One reading – with respect to a three-day community event, Niagara Folk Arts Festival, to be held on May 27, 2016 to May 29, 2016. To be considered by General Committee, April 18, 2016.)
- (v) A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its meeting held on the 18<sup>th</sup> day of April, 2016. (One reading – with respect to ratification and adoption of City Council Minutes of April 18, 2016, and General Committee Minutes of April 18, 2016, and Special Council Minutes of April 11, 2016.)