



The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, May 2, 2016
Council Chambers, City Hall, 6:30 PM

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

Page

1. Presentations

2. Public Meetings Pursuant to Planning Act

4 - 19

2.1 Planning and Building Services, Planning Services
Application for Draft Plan of Condominium (Vacant Land) for 10-Unit
Townhouse Development, 65 Broadway Avenue; Owner: Grey Forest
Homes; Agent: J. Vida

20 - 34

2.2 Planning and Building Services, Planning Services
Application for Draft Plan of Condominium (Vacant Land) for 12-Unit
Townhouse Development, 6 Tanner Circle; Owner: 1473941 Ontario
Ltd. o/a Premium Building Group

35 - 71

2.3 Planning and Building Services, Planning Services
Proposed Draft Plan of Subdivision, Draft Plan of Condominium; Zoning
By-law Amendment, 63 Cecil Street; Owner: 1891121 Ontario Inc.
Agent: Upper Canada Consultants

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 18, 2016](#)

6.2 [General Committee Minutes, April 18, 2016](#)

6.3 [Special General Committee Minutes, April 11, 2016](#)

7. Delegations

7.1 Gary Oblinsky, St. Catharines & District Retirees Association
Re: Project P13-180, New Administration Building for the Victoria Lawn
Cemetery - Award of Design and Contract Administration Services (See
[General Committee Agenda, May 2, 2016, Item 4.3](#))

8. Call for Notices of Motion

9. Motions

9.1 Controlling Invasive Phragmites

Notice was provided at the meeting of April 18, 2016. Councillor Phillips will present the motion at the meeting of May 2, 2016.

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. FORTHWITH

9.2 Issuance of Debentures

Whereas it is deemed desirable to issue debentures in the amount of \$11,459,500 in accordance with the terms of the various authorizing by-laws applicable to such expenditures;

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

That the City Clerk be and is hereby directed to request the Council of the Regional Municipality of Niagara to issue debentures, on behalf of the said City, in the amount of \$11,459,500; and

That the City Clerk and Treasurer be and they are hereby directed to make available to the said Regional Municipality of Niagara certified copies of all By-laws and Orders of the Ontario Municipal Board applicable and all other information required in this connection, to ensure the issue of the said debentures in the amount of \$11,459,500. 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

Minutes to Receive:

- Environmental Sustainability Committee, [April 6, 2016](#)
- Active Transportation Advisory Committee, [December 3, 2015](#), and [February 11, 2016](#)
- St. Catharines Museum Advisory Committee, [February 23, 2016](#)
- Public Art Advisory Committee, [March 4, 2016](#)
- Clean City Advisory Committee, [March 15, 2016](#)
- St. Catharines Heritage Permit Advisory Committee, [March 31, 2016](#)
- Master Fire Planning Committee, [April 7, 2016](#)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: April 12, 2016

Date of Meeting: May 2, 2016

Report Number: PBS-109-2016

File: 60.46.413

Subject: Application for Draft Plan of Condominium (Vacant Land) for 10-Unit Townhouse Development, 65 Broadway Avenue; Owner: Grey Forest Homes; Agent: J. Vida

Recommendation

That the report from the Planning and Building Services, dated April 12, 2016, concerning a draft plan of condominium approval be referred to Council for consideration at the Council meeting of May 16th, 2016, after the Public Meeting scheduled for May 2nd, 2016. FORTHWITH

Staff Recommendation

That approval be granted for a draft plan of vacant land condominium for the lands described as Part of Lot 35, CP 5, municipally known as 65 Broadway, as illustrated on Appendix 1 of this report, subject to the Conditions of Draft Plan of Condominium Approval, as outlined in Appendix 2 of this report; and

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

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

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

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

Summary

The purpose of the application is to request approval of a draft plan of condominium (vacant land) for ten (10) townhouse dwelling units situated on a common private road, as illustrated on Appendix 1. The plan of condominium will allow each of the units to be sold individually. Staff is recommending approval of this draft plan of condominium, subject to the conditions of draft plan approval outlined in Appendix 2. The proposal conforms to Provincial, Regional and local Official Plan policies.

This application is for unit and common element configuration and tenure/ownership only. The details of the development are regulated through the site plan approval process, a delegated authority to the Director of Planning and Building Services.

Report

Location and Site Description

The site is located in the North Planning District of the city, on the west side of Broadway, north of Watkins Street. A location map is attached as Appendix 3.

The subject lands are vacant with a site area of 0.49 hectares. A single detached home was demolished earlier this year. The property is an irregular shape, has a frontage of approximately 13.7 metres on Broadway and a depth of approximately 135 metres.

Surrounding land uses include:

North:	Residential (single-detached dwellings)
South:	Residential (single-detached dwellings)
East:	Residential (single-detached dwellings)
West:	Welland Canal

Proposed Development

The applicant proposes to construct 10 townhouse dwellings, as illustrated in Appendix 1. All 10 units will have frontage on the private road. Parking is to be provided within private driveways, attached garages and in a separate visitors parking area. Two visitor parking spaces are proposed. Two of the units will be bungalows, the remaining eight will be two-storey homes. The applicant has requested draft plan of vacant land condominium approval so that each of the 10 units can be sold individually. A site plan for the development is included in Appendix 4.

Official Plan Designation

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential (refer to Appendix 5). Schedule E2 of the GCP (refer to Appendix 6) provides additional direction for the North Planning District and designates the lands as Low Density Residential. No amendment to the GCP is required.

Zoning

By-law 2013-283 zones the lands as Low Density Residential – Traditional Neighbourhood (R2) (refer to Appendix 7). The proposed townhouse development is a permitted use under the property's existing R2 zoning; no amendment is required. The proposal is currently undergoing site plan review, this is further discussed in the Planning Analysis section of the report.

Circulation Comments

This application for draft plan of condominium approval was circulated to all appropriate departments and agencies for their comments and requirements. There were no objections received. Most departments and agencies confirmed that their technical requirements will be addressed through site plan approval. These comments are discussed in further detail below.

Niagara Region

The following comments are provided below from a Regional and Provincial perspective.

Regional and Provincial Policies

The subject lands are located within the St. Catharines Urban Area, as defined by the Regional Official Plan (ROP). The St. Catharines Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

The ROP, 2014 PPS and 2006 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of uses, are active-transportation and transit supportive, and have high quality public open spaces. The subject lands are located within the provincially designated Built Boundary for the City of St. Catharines, and therefore the proposed development is considered Intensification. The proposed development will count towards the City's annual intensification target of 95%, as set by the Regional Official Plan.

Regional staff have included conditions to the condominium agreement that address archaeological resources, noise impacts, and waste management. It is not the practice of the City of St. Catharines to enter into a condominium agreement after draft plan approval but rather a condominium assumption agreement. Planning staff will therefore include the necessary conditions in the site plan agreement instead.

Development Section, Planning and Building Services

The Development Engineering Section have no comment or objection with respect to this application, as detailed engineering and grading designs, plus conditions regarding development constraints have been addressed through the current Site Plan Agreement process.

Parks, Recreation and Culture Services

Parks, Recreation and Culture Services does not require any conditions of draft approval beyond the standard conditions related to site plan agreement. All landscaping within the common element will be approved and secured through the site plan agreement.

Open House

An open house was hosted by Planning and Building Services on March 31st, 2016. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. The applicant and their consultant were in attendance along with approximately 12 residents. The residents did not object to the draft plan of condominium application. They did have questions about the site plan and expressed concerns relating to the development. These concerns will be further discuss in the Planning Analysis section of the 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 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 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. The Sustainable Community Policies establish a residential intensification target of 95% for the St. Catharines built-up area.

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 City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential (refer to Appendix 5). The Neighbourhood Residential designation provides for a range of housing opportunities, types, forms, and densities. Schedule E2 of the GCP (refer to Appendix 6) provides additional direction for the North Planning District and designates the lands as Low Density Residential. The Low Density

Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

At a proposed density of 20.42 units per hectare, this development complies with the density policies of the GCP. The proposed private road townhouse development is permitted within the Low Density Designation, will support a wider variety of housing, and help accommodate projected growth in a sustainable manner.

The GCP supports residential development and emphasizes the provision of a variety of housing types. It provides that growth will be accommodated through, among other means, the efficient use of underutilized lands, and more compact building form and densities (2.3.3). The GCP provides that all development and redevelopment within the urban area be evaluated having regard for urban design principals and policies set out in the Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands (7.1).

Staff is satisfied that the built form - that is the height and massing of the proposed townhouse dwellings - will be compatible with adjacent detached dwellings. Building setbacks are proposed to meet the requirements of the City's Zoning By-law and will provide adequate amenity space for residents of the development. The urban design of the development has been reviewed through the site plan approval process.

Zoning By-law

By-law 2013-283 zones the lands as Low Density Residential – Traditional Neighbourhood (R2) (refer to Appendix 7). The R2 zone permits a range of residential uses, including detached, semi-detached, duplex, triplex, fourplex, quadruplex and townhouse units, and private road developments comprising any of the preceding housing forms. Private road developments have a minimum density of 20 units per hectare. The development proposes 20.42 units per hectare. The proposed townhouse development is a permitted use under the property's existing R2 zoning.

As mentioned, the proposal is currently being reviewed through the site plan approval process. The applicant has since revised their proposal to meet all of the provisions in the zoning by-law. No variances are proposed.

Staff consider the proposal to be in accordance with the zoning by-law, and no further amendment to the zoning by-law is required.

Open House

A public open house was hosted by Planning Services on March 31st, 2016. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before decisions are made by City staff. Residents that attended the meeting were not opposed to the development. They did express some concerns relating to the site plan application.

Below is a list of concerns expressed by the attendees:

Fencing

Comment: The residents were concerned with what would happen to their existing fencing since the applicant is required to fence the perimeter of the site.

Response: Staff commented that the applicant could work in conjunction with the neighbours to come to an agreement with respect to what the best solution to fencing was. One option would be to have existing fencing removed and replaced with a 1.8 metre wood board fence by the applicant. A second option was not to have a fence erected by the applicant but instead leave the existing fences as they currently are. A third option would be to leave the existing fences and construct a new wood board fence, resulting in a double line of fencing. Since the fence is a requirement of site plan approval staff will ensure that this issue is dealt with in the site plan approval process. A clause will be put into the site plan agreement to reflect this issue.

Drainage

Comment: Residents noted that there are current drainage issues along the perimeter of the site, there are many instances of pooling water.

Response: Staff assured residents that drainage, grading, and stormwater management are all reviewed as a part of site plan approval to ensure that there will be no detrimental effects on neighboring properties as a result of this development. It should be noted that additional development has the potential to alleviate the flooding issues current residents are experiencing.

Fire Hydrants

Comment: Residents inquired whether the site would be providing a fire hydrant for the development.

Response: Staff noted that the proposal did include a private hydrant. It should also be noted that all of the units are required to be sprinklered because of their location east of the Canal and the potential of a delay in fire services response when the bridges are up.

Parking

Comment: Residents inquired whether the two visitors' parking spaces were sufficient and if this could lead to spillover of parking into the neighbouring streets.

Response: Staff commented that the proposal met all of the parking provisions in the zoning by-law. The neighbouring streets seem to be too far for visitors to practically use them as parking. However, as public roads they can be used for parking by anyone and are not the exclusive use of the people residing on that particular street. Visitor parking is provided on site.

Draft Plan of Condominium

The application proposes vacant land condominium tenure – a form of property ownership - for 10 townhouse dwelling units, plus common element areas, which include a private road, visitor parking, landscaped areas and access for maintenance. Upon assumption, the condominium corporation will be responsible for all the terms of the site plan agreement and the ongoing maintenance of all of the common elements. The application for draft plan of condominium approval deals with the configuration of the units and common elements and the type of ownership and not the details of development, nor the details of the site design.

The Planning Act (51[24]) guides staff in assessing plans of condominium and outlines certain criteria to be considered. 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 development. The existing utilities and services are adequate to support the development. The size, elevation, grading and adequacy of the private road has been reviewed by staff and is acceptable. Appropriate draft plan conditions for development have been included in Appendix 2, as well as being addressed through the site plan approval process. 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 Approval and Condominium Assumption

The City's site plan control by-law, as amended, requires that all residential development of four or more units be subject to site plan control. Site plan control is the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. Site plan control also ensures that developments are designed to meet minimum municipal standards. The site plan approval process addresses building elevations, landscaping, tree preservation, access, parking, lighting, site servicing, grading and drainage, stormwater management, waste collection, and similar site details. Once these designs are found to be acceptable, the applicant will be required to enter into a site plan agreement with the City and post securities to ensure the required works are satisfactorily completed.

To bind the future condominium corporation to the terms of the site plan agreement, the applicant and future condominium corporation will also be required to enter into a condominium assumption agreement with the City. Additional securities for incomplete primary services within common elements may be required.

Staff recommend that the requirement to enter into the site plan agreement and condominium assumption agreement be included as conditions of draft plan of condominium approval (refer to Appendix 2). Staff will include the conditions that the

Region has outlined with regards to archeological resources, noise impacts, and waste management in the site plan agreement.

The applicant is currently in the plans review stages of site plan approval. When all revisions are made and once staff and the applicant are satisfied with the terms in the agreement, and securities are paid, the agreement will be executed and registered on title along with the approved plans.

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 10 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 supportive of the application for draft plan of vacant land condominium approval, subject to the conditions of draft plan approval outlined in this report and included as Appendix 2. A plan of condominium will allow each of the proposed townhouse dwellings to be sold individually. 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 local Official Plan policies.

Notification

It is in order to advise Jennifer Vida, Upper Canada Consultants, 1 – 261 Martindale Road, St. Catharines, ON L2W 1A1.

Prepared by:

Margaret Josipovic
Planner I

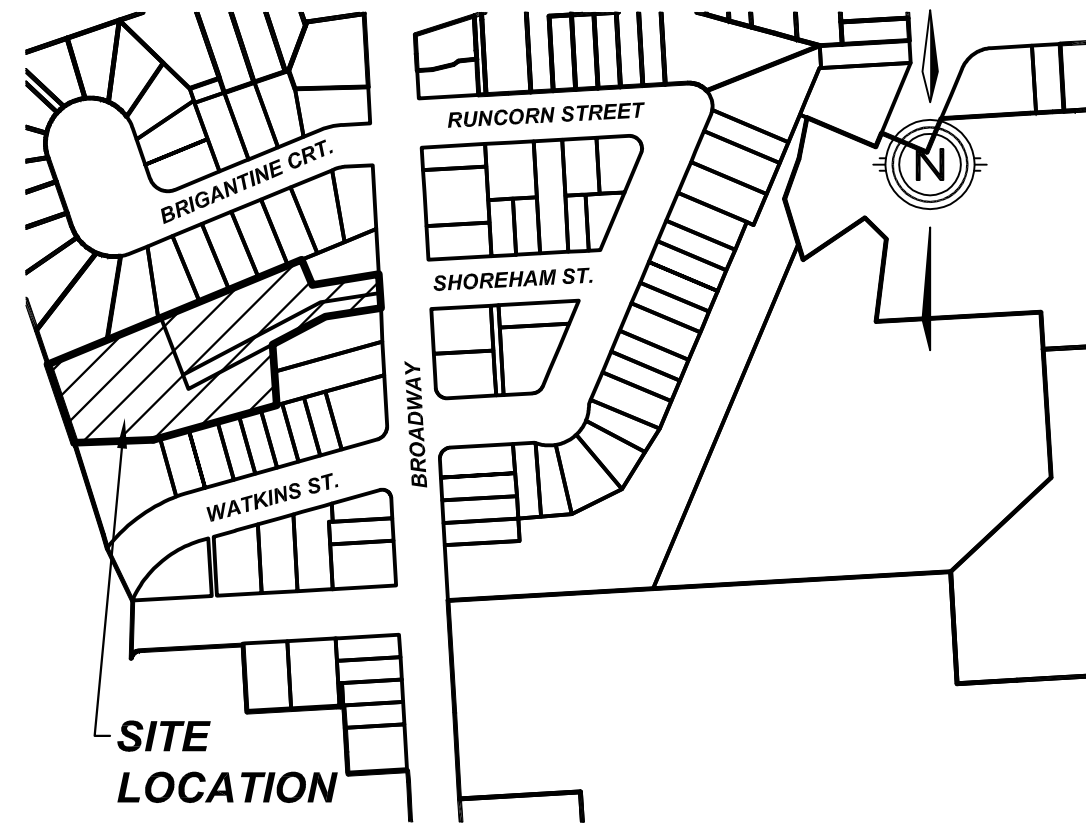
Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

Approved by:

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

PIERPORT COURT ST. CATHARINES



KEY PLAN N.T.S.

DRAFT PLAN OF VACANT LAND CONDOMINIUM

LEGAL DESCRIPTION

PART OF LOT 35,
CORPORATION PLAN No. 5
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS VACANT LAND
CONDOMINIUM TO THE CITY OF
ST. CATHARINES FOR APPROVAL.

Grey Forest Homes Ltd.
GREY FOREST HOMES LTD. NOVEMBER 1, 2015
DATE

SURVEYOR'S CERTIFICATE

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

Matthews Cameron Heywood
MATTHEWS CAMERON HEYWOOD NOV. 11/15
KERRY T. HOWE SURVEYING DATE
FILE 15-783

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

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

SITE STATISTICS 10 UNIT CONDO SITE

AREA = PIERPORT COURT	m ²	% COVERAGE
BUILDING	1396.96	28.53
ROAD/DRIVEWAY/PARKING	1383.38	28.26
LANDSCAPING	2115.62	43.21
TOTAL	4895.96	100.0
DEVELOPABLE AREA	4895.96	
UNITS		10
DENSITY (UNITS / DEVELOPABLE AREA)		20.42Units/ha
PARKING SPACES - DRIVEWAY/GARAGE		20
PARKING SPACES - GUESTS		2

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

**UPPER CANADA
CONSULTANTS**
ENGINEERS / PLANNERS

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

DRAWING TITLE	DRAFTING		M.C.
<i>DRAFT PLAN OF VACANT LAND CONDOMINIUM</i>	DATE		NOVEMBER 2, 2015
	PRINTED		APRIL 12, 2016
	SCALE		1:200
	DWG No.	REV.	
	<i>1191-DP</i>	<i>0</i>	

UNIT #	LOT AREA	EXCLUSIVE USE AREA-DRIVEWAYS
1	243.74m ²	11.90m ²
2	165.42m ²	8.59m ²
3	265.74m ²	12.80m ²
4	242.01m ²	17.77m ²
5	234.24m ²	17.77m ²
6	234.24m ²	11.91m ²
7	240.93m ²	21.25m ²
8	278.08m ²	10.57m ²
9	251.58m ²	10.57m ²
10	232.23m ²	10.41m ²
TOTAL LOT AREA	2379.21m ²	
TOTAL EXCLUSIVE USE (TOTAL DRIVEWAY AREA)	133.53m ²	
TOTAL COMMON ELEMENT AREA	2383.22m ²	
TOTAL AREA	4895.96m ²	

Conditions of Draft Approval
65 Broadway
File No. 60.46.413
Submission No. 26CD—10-15006

General Approval

1. That this approval applies to lands described as Part of Lot 35, CP 5, City of St. Catharines, municipally known as 65 Broadway, for 10 townhouse units, and common element areas for a private road, servicing, parking, landscaping, access for maintenance, etc., as illustrated on the plan prepared by Mathews Cameron Heywood Kerry T. Howe Surveying (Alan Heywood), and dated November 1, 2015.

Site Plan Agreement

2. That prior to final approval of the plan of condominium, the owner shall enter into a Site Plan Agreement with the City of St. Catharines, which shall be registered against the title of the lands. The Site Plan Agreement shall address certain matters including, but not limited to landscaping, fencing, parking, lighting, waste collection, and tree preservation.

(City of St. Catharines)

Condominium Assumption Agreement

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

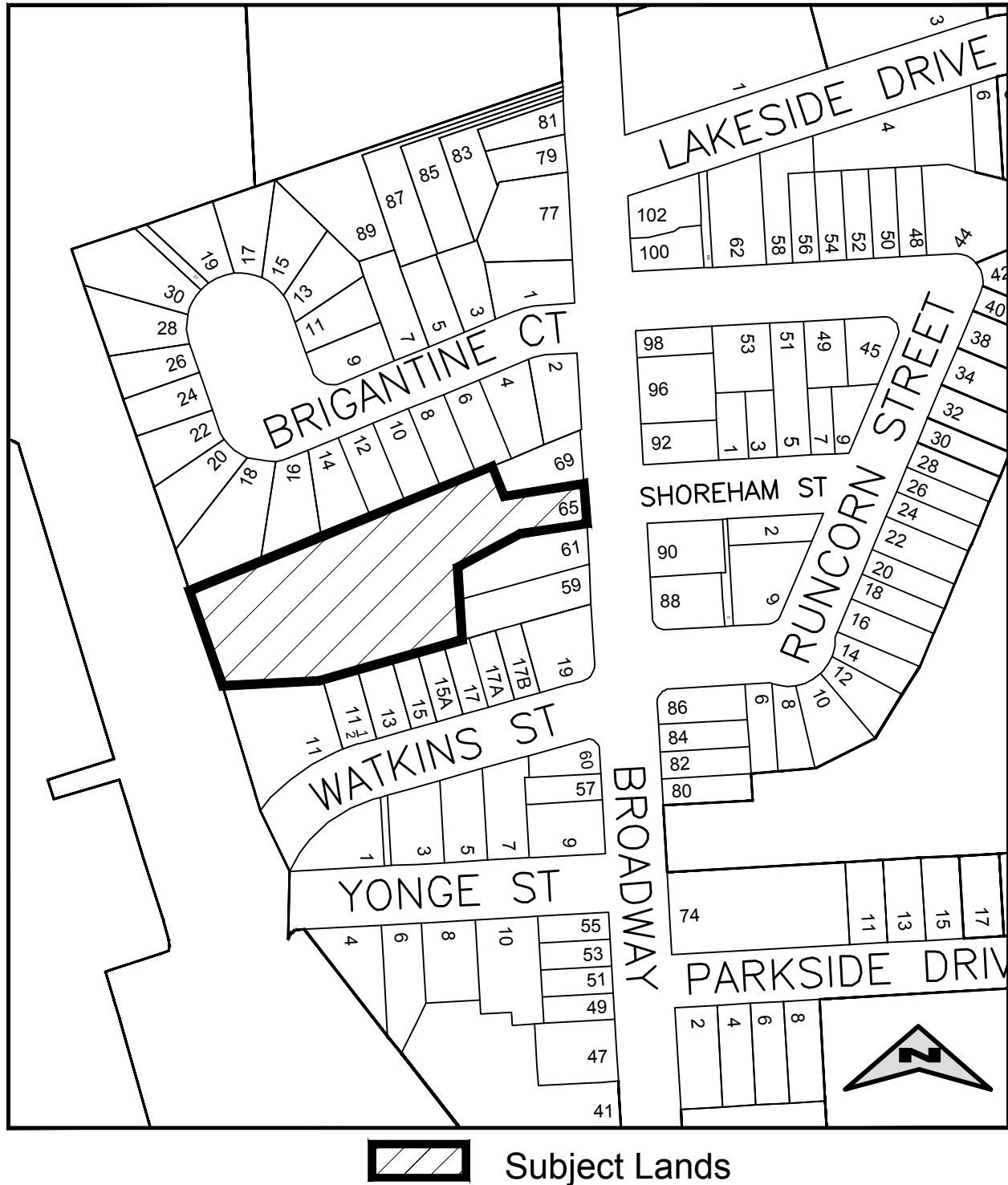
(City of St. Catharines)

Administration

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

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

Location Map



 Subject Lands

65 Broadway
File: 60.46.413

SUBJECT LANDS

SEAWAY LANDS

LAKESIDE DR

BRANTINE CT

WELLAND CANAL

BROADWAY AVENUE

YOUNG ST

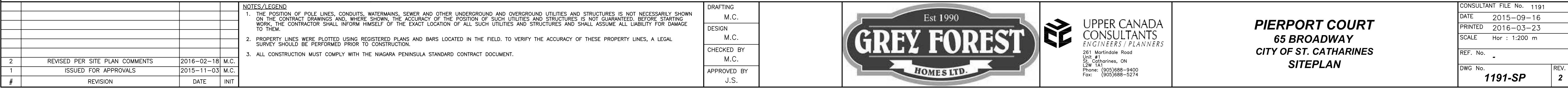
WATKINS ST

RIVINGTON ST

KEY PLAN

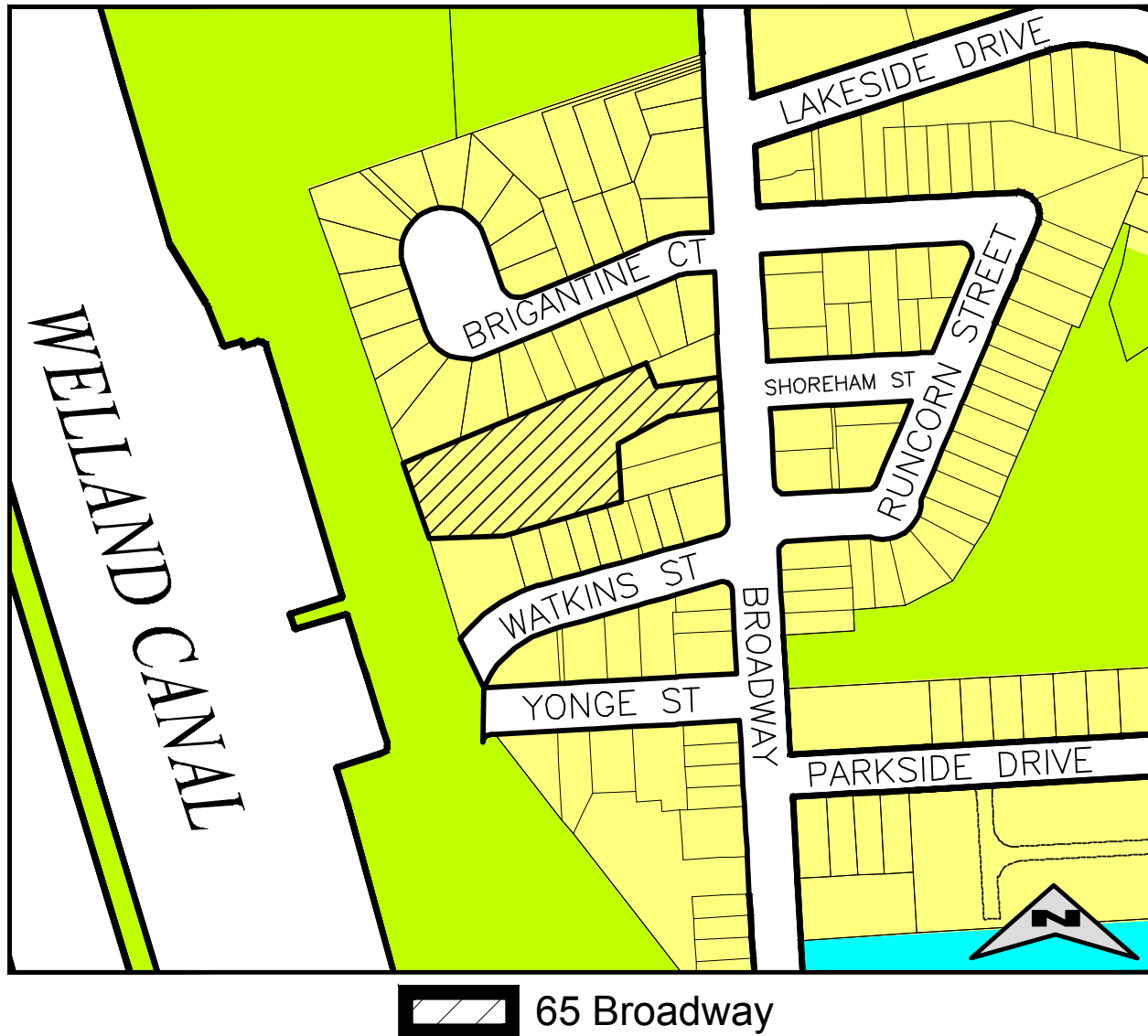
LEGAL DESCRIPTION

PIN 46300 - 1113 LT PT LT 35 CP PL 5
 GRANTHAM, PTS 1, 2 & 3,
 30R-13916; CITY OF ST. CATHARINES
 65 BROADWAY AVENUE, ST. CATHARINES



Existing Land Use Designation

(General Land Use Plan D1 - Garden City Plan)

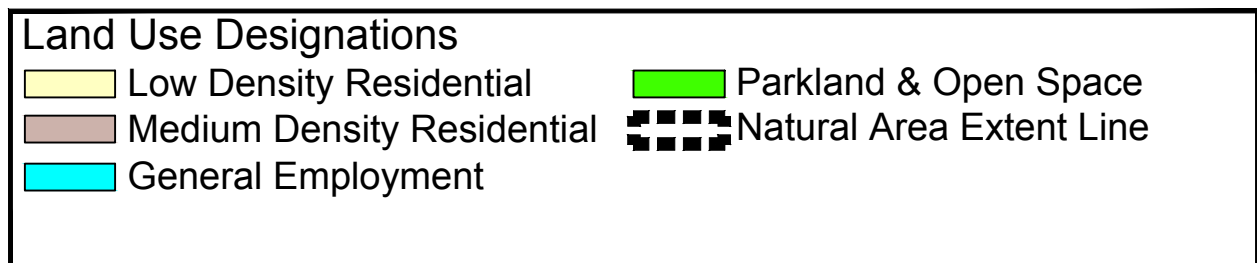
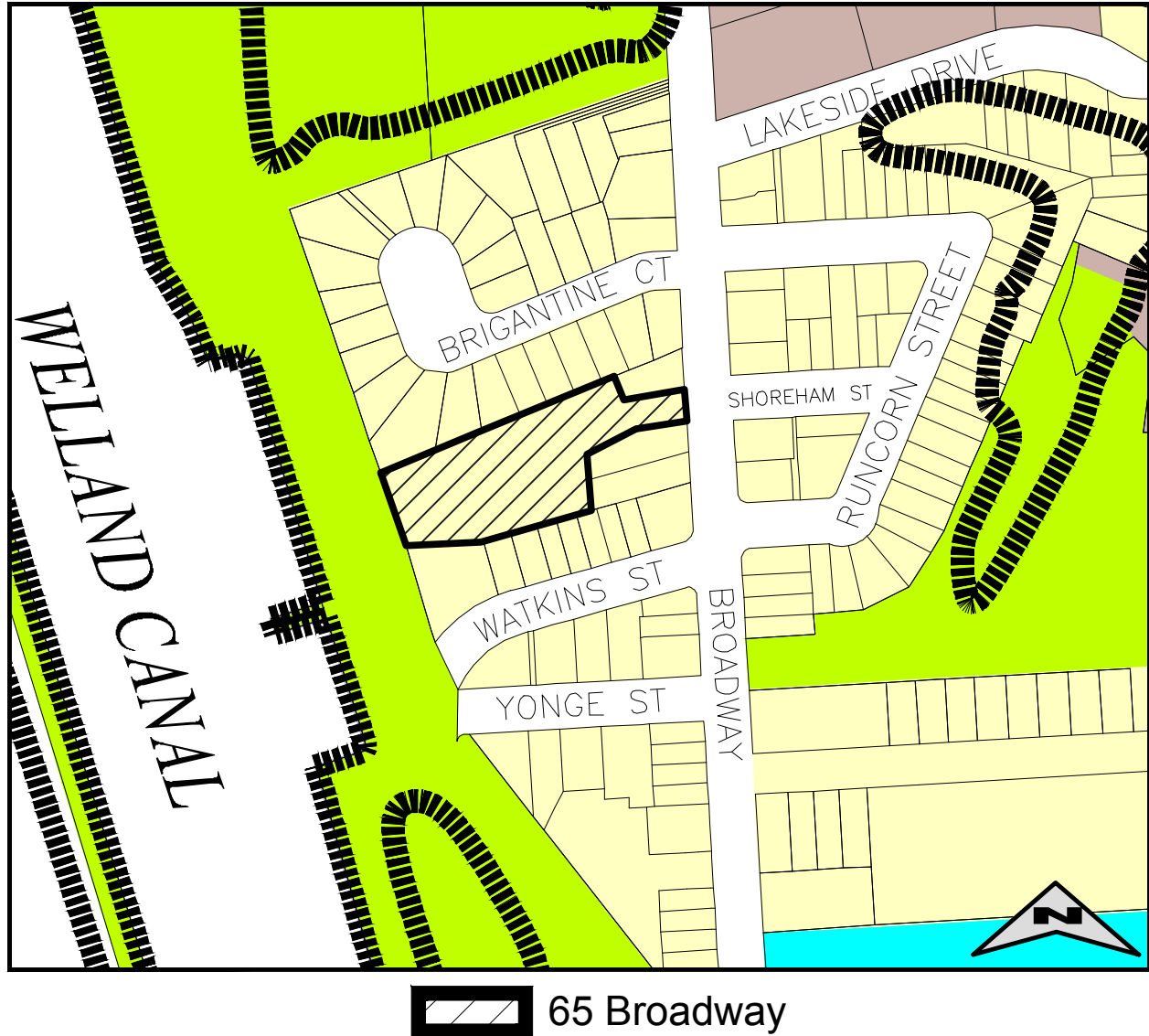


Land Use Designations

- Neighbourhood Residential
- Parkland & Open Space
- Employment

File: 60.46.413

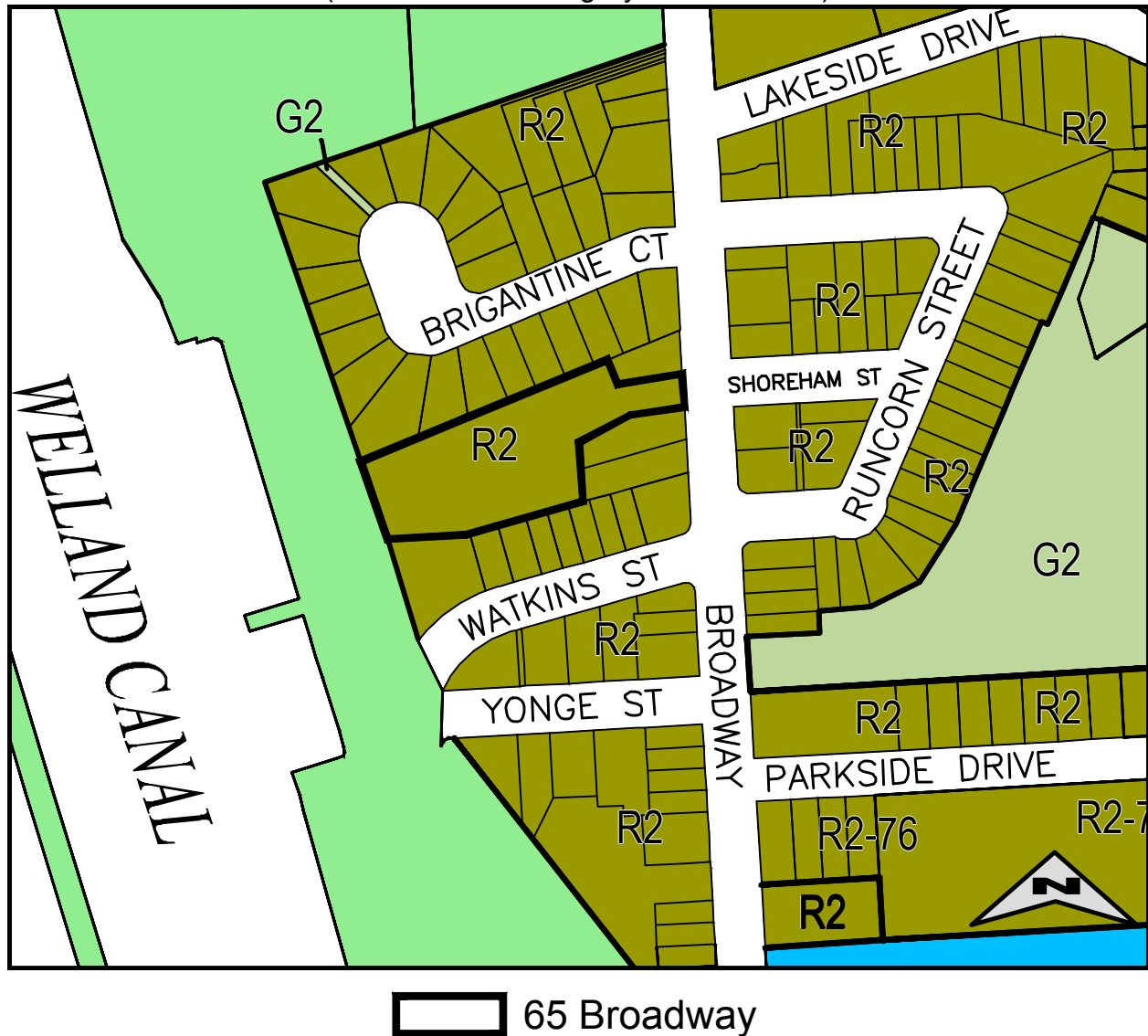
Existing Land Use Designation (North Planning District - Garden City Plan)



Files: 60.46.413

Existing Zoning

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



65 Broadway

Zones

- R2 Low Density Residential
- Traditional Neighbourhood
- E2 General Employment

- G2 Minor Green Space
- G3 Major Green Space

Files: 60.46.413



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: April 11, 2016

Date of Meeting: May 2, 2016

Report Number: PBS-110-2016

File: 60.46.415

Subject: Application for Draft Plan of Condominium (Vacant Land) for 12-Unit Townhouse Development, 6 Tanner Circle; Owner: 1473941 Ontario Ltd. o/a Premium Building Group

Recommendation

That the report from the Planning and Building Services, dated April 11, 2016, concerning a draft plan of condominium approval be referred to Council for consideration at the Council meeting of May 16, 2016, after the Public Meeting scheduled for May 2, 2016. FORTHWITH

Staff Recommendation

That approval be granted for a draft plan of vacant land condominium for the lands described as Lot 6 Plan 559, Part of Lot 4 & 5 Plan 559, municipally known as 6 Tanner Circle, as illustrated on Appendix 1 of this report, subject to the Conditions of Draft Plan of Condominium Approval, as outlined in Appendix 2 of this report; and

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

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

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

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

Summary

The purpose of the application is to request approval of a draft plan of condominium (vacant land) for 12 townhouse dwelling units situated on a common private road, as illustrated on Appendix 1. The plan of condominium will allow each of the units to be sold individually. Staff is recommending approval of this draft plan of condominium, subject to the conditions of draft plan approval outlined in Appendix 2. The proposal conforms to Provincial, Regional and local Official Plan policies.

This application is for unit and common element configuration and tenure/ownership only. The details of the development are regulated through the site plan approval process, a delegated authority to the Director of Planning and Building Services.

Report

Location and Site Description

The site is located in the North Planning District of the city, on the east side of Tanner Circle, north of Lakeshore Boulevard. A location map is attached as Appendix 3.

The subject lands are vacant with a site area of 0.79 hectares. The property has been assembled for development through two recent severances. A portion of the backyard of 4 Tanner Circle, as well as the backyard of 2 King's Grant Court were severed off and merged with 6 Tanner Circle. A single family home was demolished at 6 Tanner Circle earlier this year. The property is an irregular shape, and has a frontage of approximately 20.1 metres on Tanner Circle.

Surrounding land uses include:

North:	Spring Garden Creek, Residential (single-detached dwellings)
South:	Residential (single-detached dwellings)
East:	Residential (single-detached dwellings)
West:	Residential (single-detached dwellings)

Proposed Development

The applicant proposes to construct 12 townhouse dwellings on four blocks, as illustrated in Appendix 1. All 12 units will have frontage on the private road. All units are bungalows. Some of the units have walkout basements and accordingly are two stories from grade at the rear of the dwelling. Parking is to be provided within private driveways, attached garages and in a separate visitors parking area. Four visitor parking spaces are proposed. The applicant has requested draft plan of vacant land condominium approval so that each of the 12 units can be sold individually. A site plan for the development is included in Appendix 4.

Official Plan Designation

The City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential and Natural Area, for a small rear corner of the lot (refer to Appendix 5). Schedule E2 of the GCP (refer to Appendix 6) provides additional direction for the North Planning District and designates the lands as Low Density Residential, and Natural Area.

Zoning

By-law 2013-283 zones the lands as Low Density Residential – Suburban Neighbourhood (R1) and Conservation/Natural Area (G1) (refer to Appendix 7). The proposed townhouse development is a permitted use under the property's existing R1

zoning; no amendment is required. The proposal is currently undergoing site plan review, this is further discussed in the Planning Analysis section of the report.

Circulation Comments

This application for draft plan of condominium approval was circulated to all appropriate departments and agencies for their comments and requirements. There were no objections received. Most departments and agencies confirmed that their technical requirements will be addressed through the site plan approval. These processes are discussed in further detail below.

Niagara Region

The following comments are provided below from a Regional and Provincial perspective.

Regional and Provincial Policies

The subject lands are located within the St. Catharines Urban Area, as defined by the Regional Official Plan (ROP). The St. Catharines Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

The ROP, 2014 PPS and 2006 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of uses, are active-transportation and transit supportive, and have high quality public open spaces.

As the subject lands are located within of the Built-up Area of the City of St. Catharines, the proposed development will count towards the City's residential intensification target of 95%, as set by the Regional Official Plan.

Regional staff have included conditions to the condominium agreement that address archaeological resources, and waste management. It is not the practice of the City of St. Catharines to enter into a condominium agreement after draft plan approval but rather a condominium assumption agreement. Planning staff will therefore include the necessary conditions in the site plan agreement instead.

Niagara Peninsula Conservation Authority (NPCA)

The NPCA has no further concerns/issues with the associated site plan control application. Since the draft plan of condominium application will only result in a permission of ownership, NPCA staff have no concerns with the application and do not have any conditions for the application.

Planning and Building Services

Detailed engineering and grading designs, along with conditions regarding development constraints have been addressed through the site plan agreement process.

Parks, Recreation and Culture Services

All landscaping within the common element will be approved and secured through the site plan agreement.

Open House

An open house was hosted by Planning and Building Services on March 24, 2016. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. The applicant's representative was in attendance along with approximately 12 residents. The attendees did not object to the draft plan of condominium application. There were questions about the site plan application and the current construction activities on site. The applicant has obtained a plumbing only permit and has started to service the site. Residents noted that there was a large amount of mud on Tanner Circle as a result of these activities. Following the open house staff contacted the applicant and the road was cleaned promptly.

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 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 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. The Sustainable Community Policies establish a residential intensification target of 95% for the St. Catharines built-up area.

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 City's Official Plan, The Garden City Plan (GCP), designates the lands as Neighbourhood Residential and Natural Area, for a small rear corner of the lot (refer to Appendix 5). The Neighbourhood Residential designation provides for a range of housing opportunities, types, forms, and densities. The Natural Area designation does not permit residential development. Schedule E2 of the GCP (refer to Appendix 6) provides additional direction for the North Planning District and designates the lands as Low Density Residential, and Natural Area. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres. The Natural Area designation does not permit residential development.

At a proposed density of 16.4 units per hectare, this development complies with the density policies of the GCP. The GCP specifically uses the term "generally" when referencing density to allow for some flexibility. The purpose of the density requirements in the GCP and zoning by-law is to ensure that provincial mandates for intensification set out in the Provincial Growth Plan are being implemented. This subject property is quite unique with an unusual shape, several easements, a required 15 metre NPCA buffer from Spring Garden Creek, and changing topography throughout. The proposed private road townhouse development is permitted within the Low 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.

As well, the applicant has obtained minor variance approval, without appeal, for a reduction of the density per hectare from 20 to 16.44 units per hectare. The decrease in density was deemed appropriate and desirable given the lot configuration and related constraints to development, and resulted in a design that better suits the surrounding neighbourhood.

The GCP supports residential development and emphasizes the provision of a variety of housing types. It provides that growth will be accommodated through, among other means, the efficient use of underutilized lands, and more compact building form and densities (2.3.3). The GCP provides that all development and redevelopment within the urban area be evaluated having regard for urban design principals and policies set out in the Plan to ensure building, site and streetscape design will support compatible and context sensitive development with adjacent properties and those in close proximity to the subject lands (7.1).

Staff is satisfied that the built form - that is the height and massing of the proposed townhouse dwellings - will be compatible with adjacent detached dwellings. Building setbacks are proposed to meet the requirements of the zoning by-law and will provide

adequate amenity space for residents of the development. The urban design of the development has been reviewed through the site plan approval process.

Zoning By-law

By-law 2013-283 zones the lands as Low Density Residential – Suburban Neighbourhood (R1) and Conservation/Natural Area (G1) (refer to Appendix 7). The R1 zone permits a range of residential uses, including detached, semi-detached, quadruplex, townhouse units, and private road developments comprising any of the preceding housing forms. The G1 zone does not permit residential development. The applicant is not proposing any development in the G1 zone.

The proposed townhouse development is a permitted use under the property's existing R1 zoning. As previously mentioned the applicant has obtained a variance for a reduction in density from 20 units/ha to 16.4 unit/ha. 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 Condominium

The application proposes vacant land condominium tenure – a form of property ownership - for 12 townhouse dwelling units, plus common element areas, which include a private road, visitor parking, landscaped areas and access for maintenance. Upon assumption, the condominium corporation will be responsible for all the terms of the site plan agreement and the ongoing maintenance of all of the common elements. The application for draft plan of condominium approval deals with the configuration of the units and common elements and the type of ownership and not the details of development, nor the details of the site design.

The Planning Act (51[24]) guides staff in assessing plans of condominium and outlines certain criteria to be considered. 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 development. The existing utilities and services are adequate to support the development. The size, elevation, grading and adequacy of the private 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 Approval and Condominium Assumption

The City's site plan control by-law, as amended, requires that all residential development of four or more units be subject to site plan control. Site plan control is the City's principal tool through which staff can implement design considerations to

maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. Site plan control also ensures that developments are designed to meet minimum municipal standards. The site plan approval process addresses building elevations, landscaping, tree preservation, access, parking, lighting, site servicing, grading and drainage, stormwater management, waste collection, and similar site details. Once these designs are found to be acceptable, the applicant will be required to enter into a site plan agreement with the City and post securities to ensure the required works are satisfactorily completed.

To bind the future condominium corporation to the terms of the site plan agreement, the applicant and future condominium corporation will also be required to enter into a condominium assumption agreement with the City. Additional securities for incomplete primary services within common elements may be required.

Staff recommend that the requirement to enter into the site plan agreement and condominium assumption agreement be included as conditions of draft plan of condominium approval (refer to Appendix 2).

Council previously directed that the neighbours be involved in the site plan process. Staff have had several meetings with the public during the course of the site plan process to ensure that residents' concerns are being addressed and that the proposal is appropriate in height and setback to the existing homes. Additional landscaping was included at the request of the residents.

The applicant is currently in the final stages of site plan approval. Staff are satisfied with the plans submitted and the agreement is being drafted. Once staff and the applicant are satisfied with the terms in the agreement, and securities are paid, the agreement will be executed and registered on title along with the approved plans.

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 12 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 supportive of the application for draft plan of vacant land condominium approval, subject to the conditions of draft plan approval outlined in this report and included as Appendix 2. A plan of condominium will allow each of the proposed townhouse dwellings to be sold individually. 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 local Official Plan policies.

Notification

It is in order to advise Anthony Continelli, 1473941 Ontario Ltd. o/a Premium Building Group, 275 Fourth Avenue, PO Box 30087, St. Catharines, ON L2S 4A1.

Prepared by:

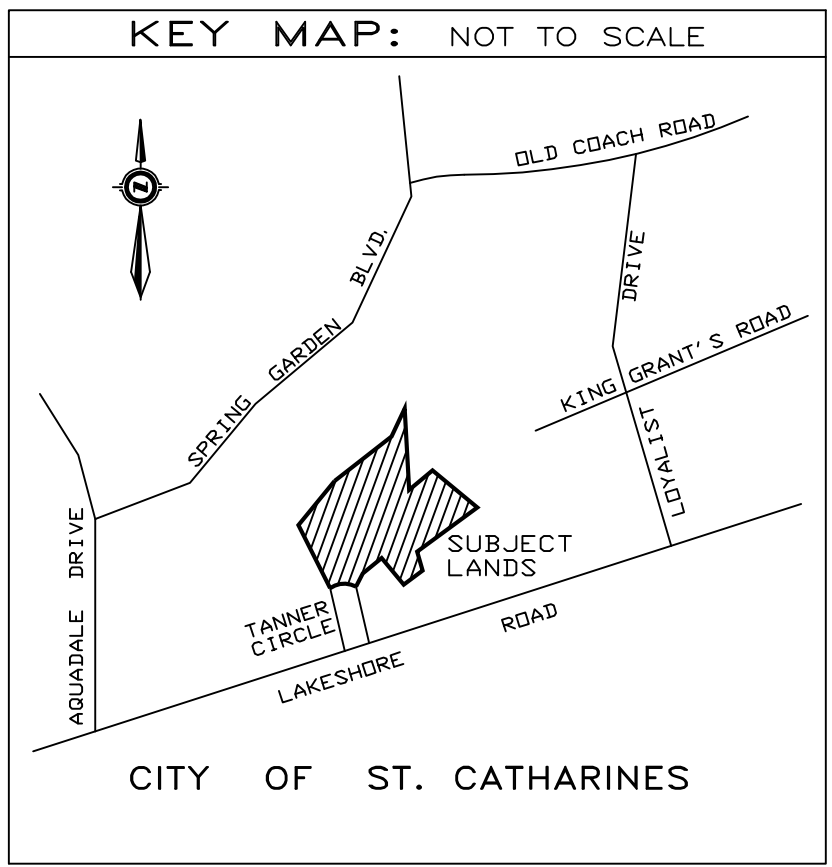
Margaret Josipovic
Planner I

Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

Approved by:

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



TANNER CIRCLE CONDOMINIUM
DRAFT PLAN OF CONDOMINIUM OF
LOT 6, PLAN 559
PART OF LOT 5, PLAN 559
PART OF LOT 4, PLAN 556
IN THE
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA
SCALE: 1 : 200
METRES

SECTION 51 (17), PLANNING ACT
ADDITIONAL INFORMATION
A) AS SHOWN ON DRAFT PLAN
B) AS SHOWN ON DRAFT PLAN
C) AS SHOWN ON DRAFT PLAN
D) CONDOMINIUM WITH A TOTAL OF 10 RESIDENTIAL UNITS
E) AS SHOWN ON DRAFT PLAN
F) AS SHOWN ON DRAFT PLAN
G) AS SHOWN ON DRAFT PLAN
H) MUNICIPAL WATER IS AVAILABLE
I) SEPT
J) LAND GENERALLY FLAT
K) SANITARY AND STORM SEWERS, WATER, HYDRO, TELEPHONE, GARBAGE COLLECTION, GAS, FIRE PROTECTION & SMOKE
L) NONE

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.
PHILIP S. SUDA
DATE
DEPUTY LAND SURVEYOR

OWNER'S CERTIFICATE
I, ANTHONY CONTINELLI, BEING THE REGISTERED OWNER OF THE SUBJECT LANDS, HEREBY AUTHORIZE PHILIP S. SUDA OF SUDA & MALESZYK SURVEYING INC. TO PREPARE AND SUBMIT A DRAFT PLAN OF CONDOMINIUM TO THE CORPORATION OF THE CITY OF ST. CATHARINES FOR APPROVAL.
FBI PROPERTIES INC.
ANTHONY CONTINELLI, PRESIDENT
DATE

METRIC NOTE
DISTANCES SHOWN ON THIS PLAN ARE IN METRIC AND CAN BE CONVERTED TO IMPERIAL, BY DIVIDING BY 0.3048

LAND USE ANALYSIS
BENEFITS BOUNDARY OF SITE
7947.30 SQ. M. - AREA OF SITE
18 UNITS
TOTAL NUMBER OF PROPOSED PARKING SPACES=16
PARKING SPACES PER UNIT - TOTAL OF 16
DENSITY = 15.1 UNITS PER HECTARE

COVERAGE TABLE		
TOTAL AREA OF SITE - 7,947.30 SQ. M.	METRES SQUARED	PERCENTAGE OF LOT AREA
TOTAL BUILDING COVERAGE	2334	29.4 %
TOTAL PARKING COVERAGE (INCLUDING DRIVEWAYS)	1884	15.4 %
TOTAL LANDSCAPE COVERAGE	4389.36	55.2 %

SUDA & MALESZYK SURVEYING INC.
26 EAST MAIN STREET, WELAND, ONTARIO, L3B 3M3
TEL: (905) 732-7051
FILE NO: 16-02
JOB NO: 5136DP

**Conditions of Draft Approval
6 Tanner Circle
File No. 60.46.415
Submission No. 26CD—10-16001**

General Approval

1. That this approval applies to lands described as Lot 6 Plan 559, Part of Lot 4 & 5 Plan 559, City of St. Catharines, municipally known as 6 Tanner Circle, for 12 townhouse units, and common element areas for a private road, servicing, parking, landscaping, access for maintenance, etc., as illustrated on the plan prepared by Philip S. Suda, and dated February 18, 2016.

Site Plan Agreement

2. That prior to final approval of the plan of condominium, the owner shall enter into a Site Plan Agreement with the City of St. Catharines, which shall be registered against the title of the lands. The Site Plan Agreement shall address certain matters including, but not limited to landscaping, fencing, parking, lighting, waste collection, and tree preservation.

(City of St. Catharines)

Condominium Assumption Agreement

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

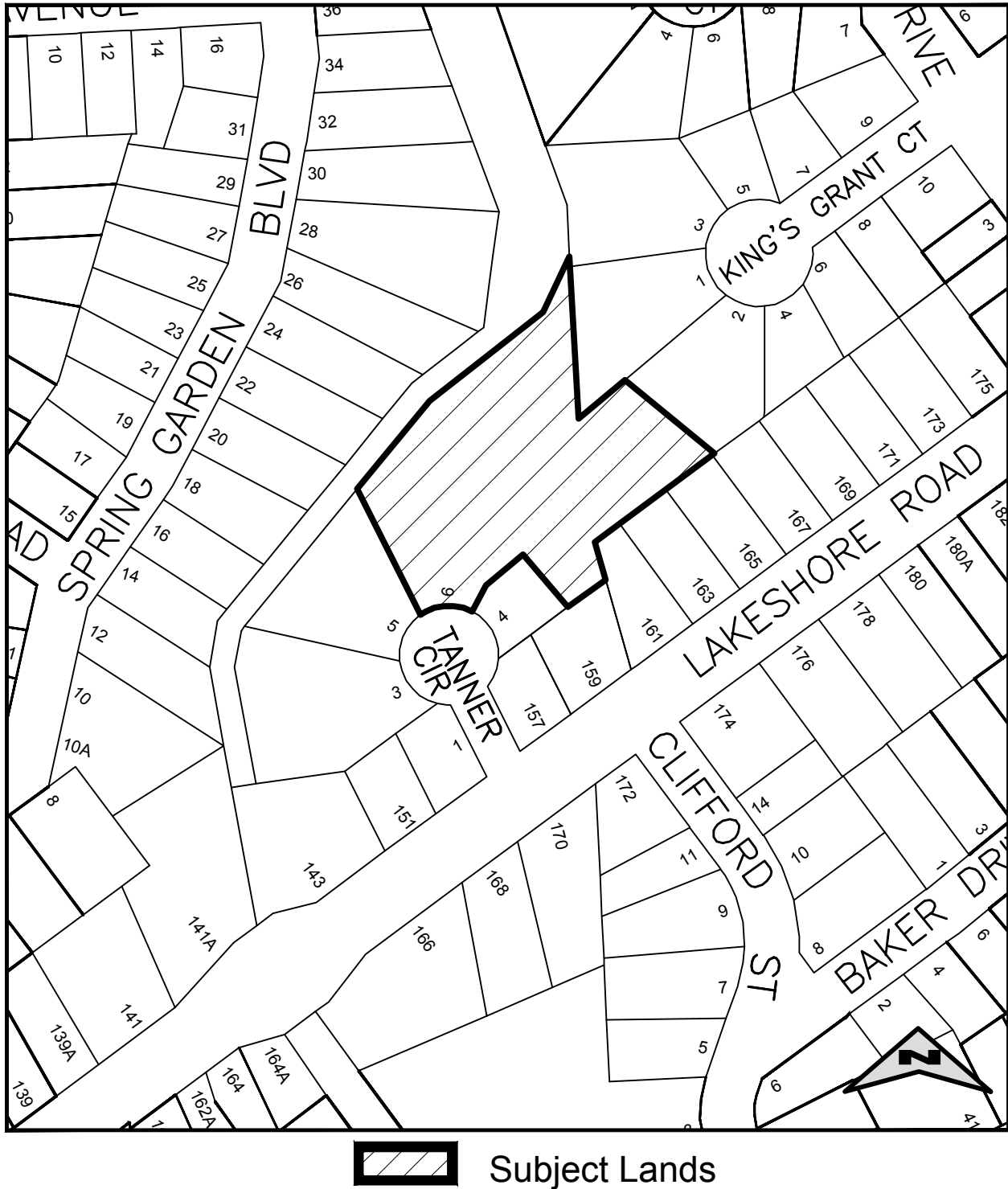
(City of St. Catharines)

Administration

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

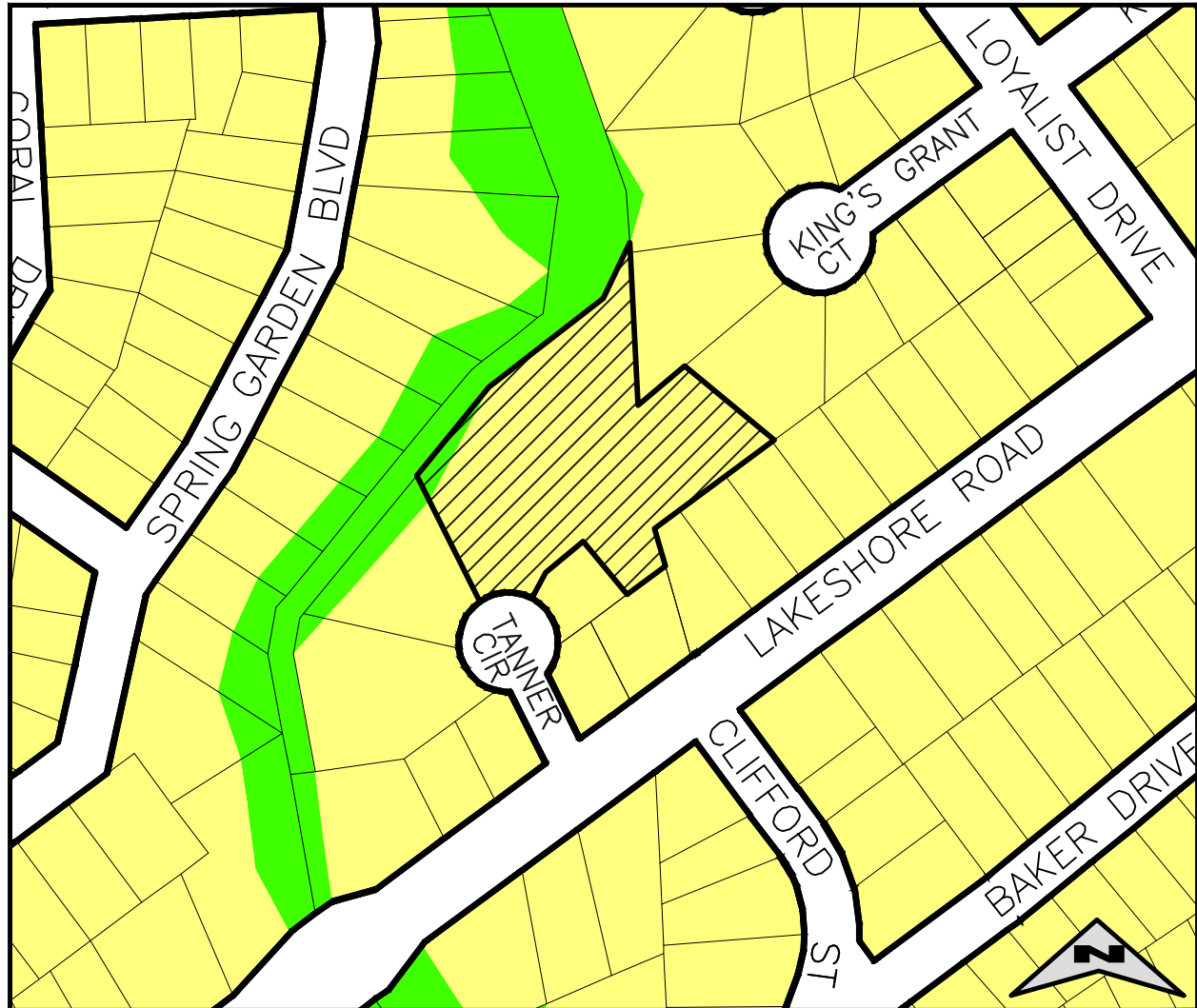
Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.

Location Map



6 Tanner Circle
File: 60.46.415

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



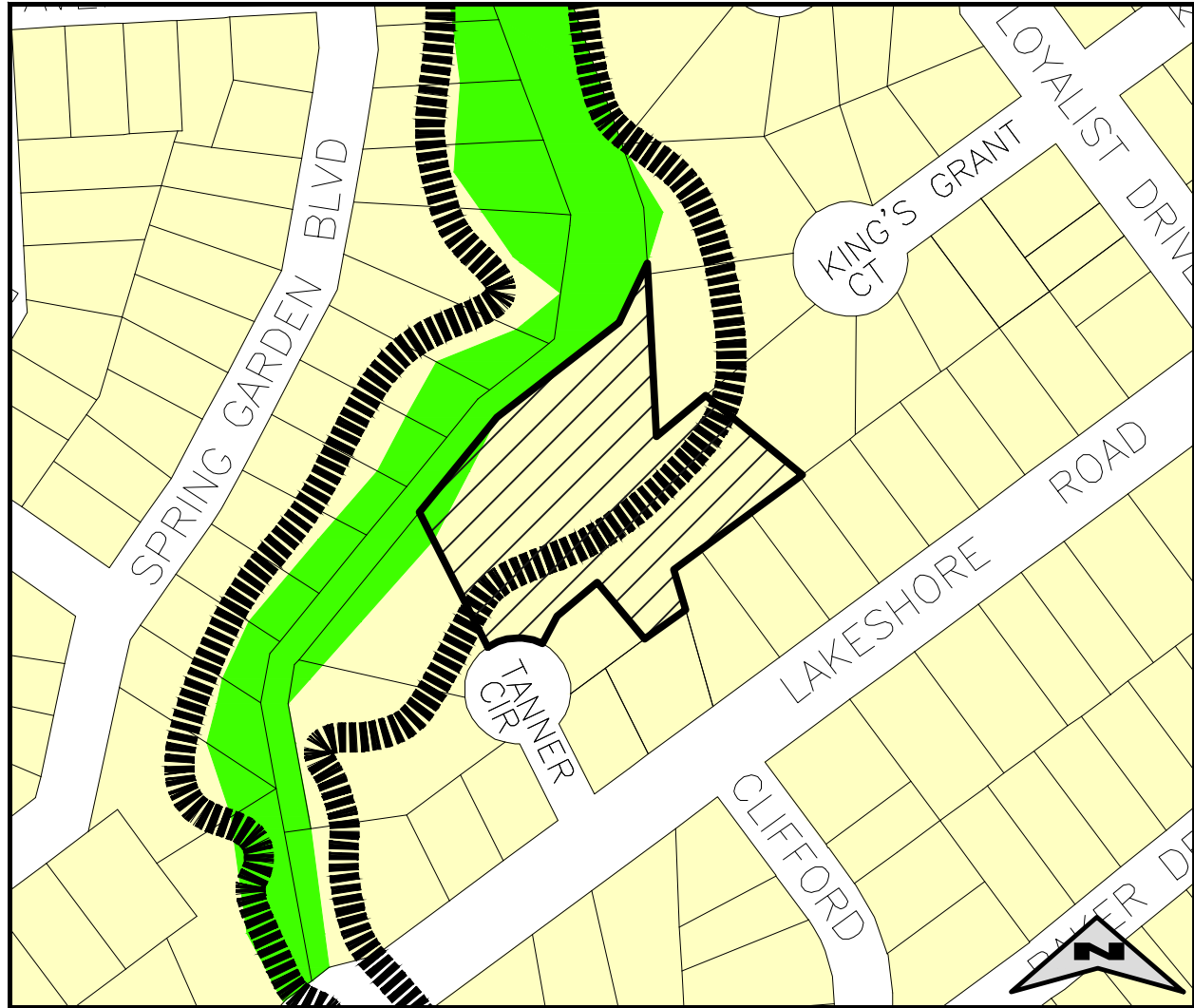
 6 Tanner Circle

Land Use Designations

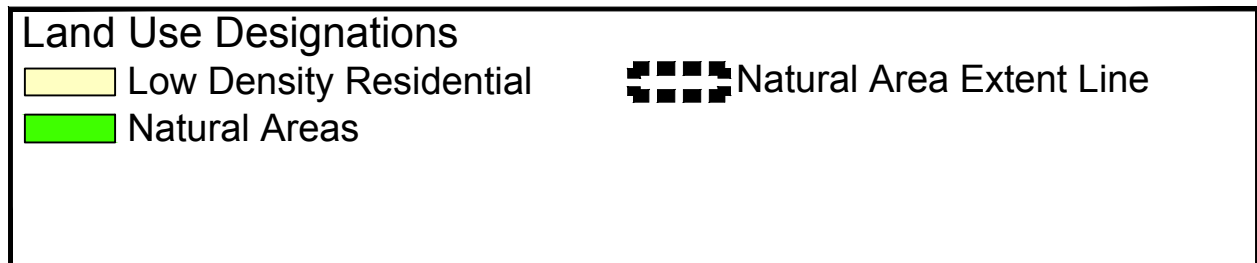
 Neighbourhood Residential  Natural Areas

File: 60.46.415

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



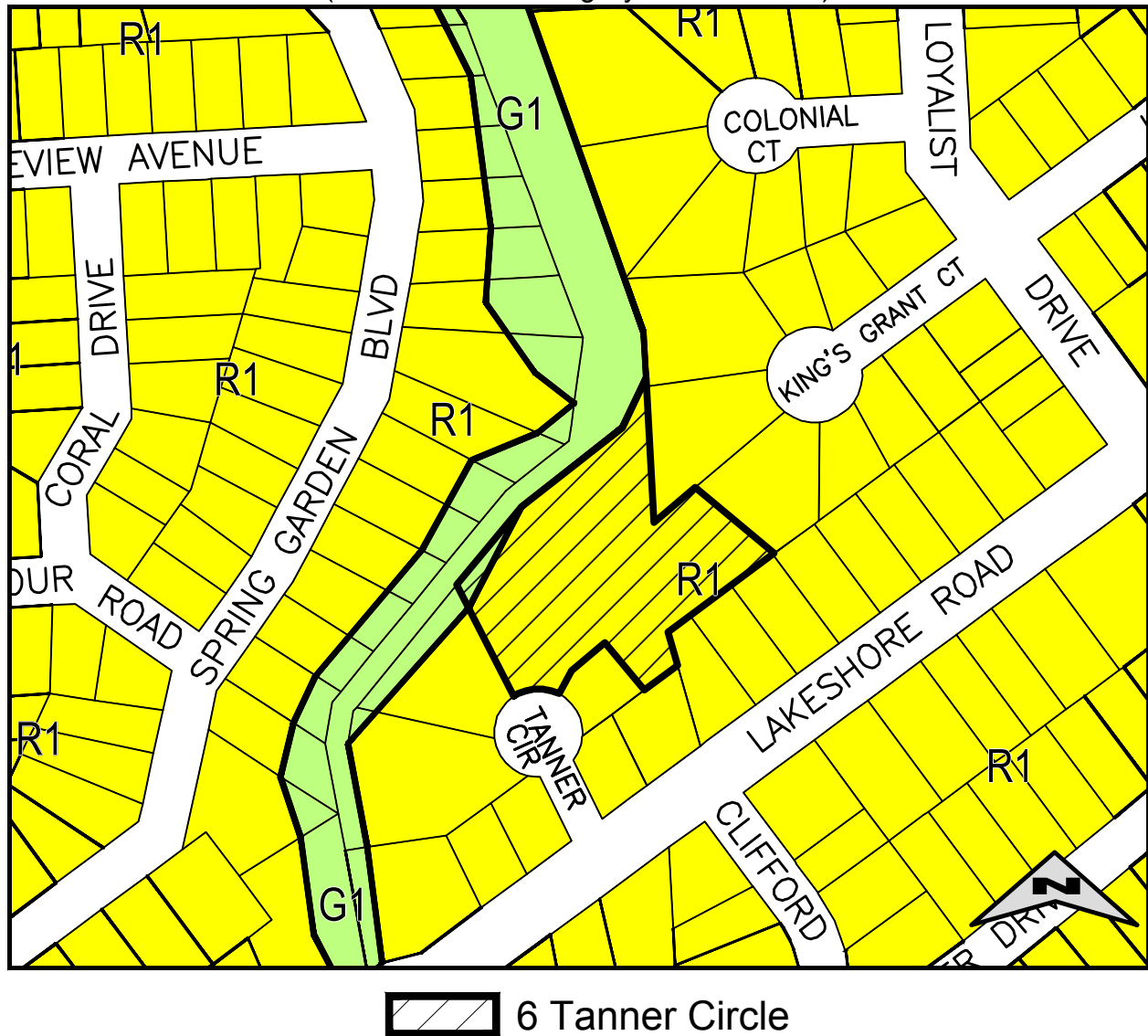
 6 Tanner Circle



Files: 60.46.415

Existing Zoning

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



 6 Tanner Circle

Zones

 Low Density Residential
- Suburban Neighbourhood

 Conservation / Natural Area

Files: 60.46.415



SITE PLAN

SCALE 1:200

OWNER'S NAME

SIGNATURE

THE CORPORATION OF
THE CITY OF ST. CATHARINES

DIRECTOR OF PLANNING & DEVELOPMENT SERVICES
DATE: , 20

NOTE: The dimensions, areas and locations shown on this plan are approximate and may be slightly altered in the final design, providing the intent and purpose of the original plan is maintained and all relevant zoning provisions complied with. Further and notwithstanding anything shown on this plan to the contrary, all site servicing, grading and drainage shall be in accordance with plans approved by the engineer.

PRIVATE ROAD DEVELOPMENT PARKING		
REQ'D PARKING (15 CARS PER 12 UNITS)	1.25 CARS PER UNIT	
PROV'D PARKING (16 CARS PER 12 UNIT)	1.33 CARS PER UNIT	

LOW DENSITY RESIDENTIAL ZONE - R1		
TOTAL LOT AREA	7,944 M2	
TOTAL EASEMENT AREA	1,031 M2	
CREEK BUFFER	546 M2	
REQ'D LOT DENSITY (15.9 UNITS PER 0.79HA)	20.0 UNITS PER 1HA	
PROV'D LOT DENSITY (12 UNITS PER 0.79HA)	15.1 UNITS PER 1HA	

LOT AREA (EXCLUDING CREEK BUFFER)	7,398 M2	100.0 %
BUILDING COVERAGE	2,334 M2	31.5 %
ASPHALTED AREA (INCLUDING DRIVEWAYS)	1,224 M2	16.9 %
LANDSCAPED AREA	3,815 M2	51.6 %
REQ'D LOT DENSITY (14.8 UNITS PER 0.74HA)	20.0 UNITS PER 1HA	
PROV'D LOT DENSITY (12 UNITS PER 0.74HA)	16.2 UNITS PER 1HA	

LOW DENSITY RESIDENTIAL ZONE - R1		
LOT AREA	REQ'D 315 M2 (MN)	PROV'D 7,944 M2
LOT AREA (EXCLUDING CREEK BUFFER)	315 M2 (MN)	7,943 M2
LOT FRONTAGE	12.0 M (MN)	19.1 M
FRONT YARD TO DWELLING	6.0 M (MN)	6.1 M
FRONT YARD TO GARAGE	7.0 M (MN)	N/A
INTERIOR SIDE YARD FROM END WALL	3.0 M (MN)	3.0 M
INTERIOR SIDE YARD FROM REAR WALL	6.0 M (MN)	N/A
REAR YARD FROM END WALL	3.0 M (MN)	N/A
REAR YARD FROM REAR WALL	6.0 M (MN)	6.1 M
YARD BETWEEN END WALLS	3.0 M (MN)	3.0 M
YARD BETWEEN REAR WALLS	7.5 M (MN)	N/A
YARD BETWEEN END AND REAR WALL	6.0 M (MN)	N/A
DISTANCE FROM PRIVATE ROAD TO GARAGE	6.0 M (MN)	6.0 M
DISTANCE FROM PRIVATE ROAD TO UNIT	3.0 M (MN)	3.0 M
UNIT DRIVEWAY WIDTH	50 % (MAX)	50%
BUILDING HEIGHT	11.0 M (MAX)	11.0 M
No. of ATTACHED DWELLING	4 UNITS (MAX)	4 UNITS
DENSITY PER HECTARE	20.0 UNITS (MN)	16.2 UNITS
LANDSCAPED OPEN SPACE	25.0 % (MN)	51.6 %

PROPERTY DESCRIPTION

PIN 46241 - 0034 LT
LT 6, PL 559; S/T R035149 ST. CATHARINES
6 TANNER CIRCLE, ST. CATHARINES

PIN 46241 - 0197 LT
LT 5, PL 559; S/T R035149;
PT LT 4 PL 556 PTS 3,4,5,6,7,8&9, 30R14390;
S/T R0109527, R0109528, R045226 ST. CATHARINES
4 TANNER CIRCLE, ST. CATHARINES

2M architects inc.
115 Lake Street
St. Catharines, ON
Canada L2R 5X7
Tel: 905-687-9777
Fax: 905-687-9997
2Marchitects@cogeo.net
www.2marchitects.ca

2M architects

drawn by: EH
checked by: LJM
approved by: MRM
date: OCT 29, 2015

12 UNIT
PRIVATE ROAD DEVELOPMENT
6 TANNER CIRCLE
ST. CATHARINES, ON

14-105
signature
A1



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: April 7, 2016

Date of Meeting: May 2, 2016

Report Number: PBS-108-2016

File: 60.35.1014, 60.46.411, 60.46.412

Subject: Proposed Draft Plan of Subdivision, Draft Plan of Condominium; Zoning By-law Amendment, 63 Cecil Street; Owner: 1891121 Ontario Inc.
Agent: Upper Canada Consultants

Recommendation

A. Zoning By-law Amendment (60.35.1014)

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Part of Lots 5 & 6 Registered Plan No. TP146 Parts of Lot 20 & 21, Concession 3 Part of the Road Allowance between Concession 3, municipally known as 63 Cecil Street, as follows:

- a) That Section 15.1, Schedule A (A7), Zoning Maps, be amended by rezoning a portion of the subject lands identified on Area 1 from Local Neighborhood Institutional (I1- 136) to Conservation/Natural Area (G1) as outlined in Appendix 3.
- b) That Section 15.1, Schedule A (A7), Zoning Maps, be amended by rezoning a portion of the subject lands identified on Area 2 from Conservation/Natural Area (G1) to Local Neighborhood Institutional (I1- 136) as outlined in Appendix 3.
- c) That Section 15.1, Schedule A (A7), Zoning Maps, be amended by rezoning a portion of the subject lands identified as Area 3 from Local Neighborhood Institutional (I1) to Minor Green Space (G2) as outlined in Appendix 3.
- d) That Section 15.1, Schedule A (A7), Zoning Maps, be amended by rezoning the subject lands identified as Area 5 from Local Neighborhood Institutional (I1) to Local Neighborhood Institutional (I1-136) as outlined in Appendix 3.
- e) That Section 13.1 'List of Special Provisions' be amended by adding an additional special provision, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
136	I1	7	32	63 Cecil Street	
<p>For single detached dwellings, the following shall apply: Minimum lot area per dwelling unit - 372m Maximum lot area per dwelling unit - 1216m² Minimum lot frontage - 9m Minimum front yard setback - 4.5m to dwelling</p> <p>For lands located within Area 4, as identified on Schedule B32, no buildings, accessory structures, platform structures or pools shall be permitted.</p> <p>For private road development, the following shall apply: Minimum landscape strip adjacent to a parking area – 1.3m</p>					

- f) That Schedule B, Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map (Schedule B32), as illustrated in Appendix 10 attached to this report.

B. Draft Plan of Subdivision (60.46.412)

That Council refer the report for draft plan of subdivision to a meeting of Council May 16, 2016, 14 days after the Public Meeting of May 2, 2016, pursuant to Section 51(20) of the Planning Act.

C. Draft Plan of Condominium (60.46.411)

That Council defer approval of the application for Condominium Draft Plan Approval for 24 townhouse units for the lands described as Part of Lots 3 and 6 Registered Plan No. TP146, Parts of Lot 20 & 21, Concession 3 Part of the Road Allowance between Lots 20 & 21, Concession 3, City of St. Catharines, municipally known as 63 Cecil Street, as illustrated in Appendix 2 of this report, until such time as an application for site plan approval has been received and reviewed; and

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

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

For the Zoning By-law amendment, that the Mayor and City Clerk be authorized to execute the necessary By-law to give effect to Council's decisions once the required survey has been submitted; and

That upon expiration of the appeal period, staff be directed to forward an application to the Ontario Municipal Board, if any appeals are received; and

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

Staff Recommendation

That approval be granted for a draft plan of subdivision for Lots 1-20, (single dwellings), Blocks 21 (public walkway), Block 22 (townhouses), Blocks 23, 24, 25 (0.3m reserves) and a new public street (Street A), as outlined in Appendix 1, for the lands described Part of Lots 5 & 6 Registered Plan No. TP146 Parts of Lot 20 & 21, Concession 3 Part of the Road Allowance between Concession 3, municipally known as 63 Cecil Street, as amended by Planning and Building Services April 12, 2016, subject to the conditions of draft plan of subdivision approval, as outlined in Appendix 9 of this report; and

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

Summary

A zoning amendment and draft plan of subdivision and condominium approval have been submitted to facilitate residential development for the former Meadowvale school site at 63 Cecil Street.

The Zoning By-law amendment application seeks to recognize the extent of the regulated floodplain and proposed grading in the north west corner of the property, as shown in Appendix 3, and requests relief from certain residential zone regulations. Staff are recommending approval of this zoning by-law amendment request subject to provisions included in the recommendation section of this report.

The draft plan of subdivision application requests draft plan approval for a new public road (Street A), 20 lots for single detached dwellings, one block for a pedestrian connection, 0.3m various reserve blocks and one block for condominium townhouses. The new public street joins Cecil Street. The proposed draft plan of subdivision is attached as Appendix 1.

A concurrent application for Draft Plan of Condominium proposes 24 townhouse condominium units (private road development) and is attached as Appendix 2. Staff are recommending approval of this draft plan of condominium once an associated site plan application is submitted, reviewed and considered to be satisfactory.

Report

Location and Site Description

The site is located in North Planning District on the north side of Cecil Street. A location map is attached as Appendix 4.

The subject lands were formerly the location of Meadowvale Public School, however the site is currently vacant with a site area of 2.12 hectares. The property has a frontage of 74.84 metres on the north side of Cecil Street.

Surrounding land uses include:

North:	Residential (single-detached dwellings)
South:	Residential (single-detached dwellings)
East:	Residential (single-detached dwellings)
West:	Natural Area and Residential (single-detached dwellings)

Official Plan Designation

The Garden City Plan designates the lands as Neighbourhood Residential and Natural Area on Schedule D1 (see Appendix 5), providing for a range of housing opportunities, types, forms and densities as well as the conservation of land. Schedule E1 (see Appendix 6) provides further land use direction within the North Planning District, where the site is located, and designates the lands as Low Density Residential and Natural Area. The Low Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse dwellings and apartment buildings at a density range of 20-32 units per hectare. The height of buildings shall generally not exceed 11 metres. The Natural Areas designation which permits the conservation of land, corresponds to an existing floodplain which is located along the north western portion of the property.

The proposed development conforms with the residential land use permissions of the Garden City Plan. An official plan amendment is not required in order to permit the residential development.

Zoning

Existing Zoning

Zoning By-law 2013-283 zones the lands as Local Neighborhood Institutional (I1) (Appendix 7). The I1 zone permits a range of institutional uses including the former school, long term care facilities, cultural facilities and recreation facilities. The I1 zone additionally permits uses permitted in the Low Density Suburban Residential (R1) zone. These uses include single detached dwellings, townhouses, and private road development.

The Conservation / Natural Area G1 zone located on the north western edge 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.

Proposed Zoning

An amendment to the Zoning By-law is proposed to refine the boundary between the G1 and I1 zone and recognize the placement of fill to even out the proposed lots. This is illustrated in Appendix 8. The amendment additionally proposes changes to recognize the proposed lot area, lot frontage, and front yard setbacks within the proposed draft plan of subdivision. The applicant has requested the following changes to the existing setback requirements:

Provision	Zoning By Requirement	Requested Amendment
Minimum lot area per dwelling unit	400 m ²	372m ²
Maximum lot area per dwelling unit	490m ²	1216m ²
Minimum lot frontage	15m	12m
Minimum front yard setback	6m to dwelling 7m to garage	4.5m to dwelling 6m to front face of garage

Proposed Development

An application for a zoning by-law amendment seeks to recognize the extent of the regulated floodplain in the north-west corner of the property and seek relief from certain residential zone regulations. Staff are recommending approval of this zoning by-law amendment subject to provisions included in the recommendation section of this report.

In addition, a draft plan of subdivision approval has been submitted for the approval of a new public road (Street A), 20 lots for single detached dwellings, one block for a pedestrian connection, 0.3m reserve blocks and one block for private road development in the form of 24 condominium townhouse units. The proposed single detached dwellings and private road development all front onto the proposed new public street which joins the north side of Cecil Street, between Ontario Street and Ernest Street. The proposed block for a pedestrian connection will connect the new public road to the existing pedestrian connection to Juliana Crescent. A former pedestrian connection to Centennial Drive is proposed to be closed. 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 9.

For Block 22 of the draft plan of subdivision, a concurrent application for Draft Plan of Condominium Approval proposes ownership tenure for a private road development of 24 townhouse units accessed by way of a private road extending off of the new public road proposed in the Draft Plan of Subdivision. This proposal is attached in Appendix 2. Staff are recommending deferral of the application pending the submission and review of an application for Site Plan Approval.

Circulation Comments

The applications were circulated to all appropriate departments and agencies for their comments and requirements. Overall, there were no objections received. The conditions of draft plan of subdivision approval reflect the requirements of commenting agencies and departments. The comments are as follows:

Niagara Region

Regional and Provincial Policies

The subject lands are located within the St Catharines Urban Area, as defined by the Regional Official Plan (ROP). The St. Catharines Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

The ROP, 2014 PPS and 2006 Growth Plan for the Greater Golden Horseshoe (Growth Plan) all direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of uses and are active-transportation and transit supportive, as well as to reduce the need for urban boundary expansion.

The subject lands are located within the Built Boundary of the City of St. Catharines, and accordingly the planned growth will count towards the City's intensification target of 95%. The school lands represent urban land that can contribute to the intensified residential development of the City.

Natural Heritage

The Region's Core Natural Heritage (CNH) Mapping identifies a watercourse and associated floodplain on a portion of the subject lands (northwest corner). During pre-consultation, it was noted that the floodplain associated with this feature may have impacts on the development potential of lots 7 and 9. The applicant has submitted plans for a "cut-and-fill" approach to reduce the floodplain impact on the proposed development.

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. Council is directed to the detailed comments of the NPCA regarding any environmental issues associated with these applications.

Archaeological Resources

As noted above, there is a watercourse on the subject lands. In accordance with the Province's Criteria for Evaluating Archaeological Potential, lands within 300m of historic watercourses have a high potential for yielding archaeological resources. Accordingly, Regional staff requests that Stage 1 and 2 Archaeological Assessments, prepared by a qualified consultant, be completed for the subject lands and circulated to the Region and the Ministry of Tourism, Culture and Sport (MTCS) for review. A letter of acknowledgment from the MTCS is required confirming archaeological resource interests have been satisfied.

A Geotechnical investigation was completed and a subsequent report was submitted by Amec Foster Wheeler (dated September 2015) with these applications. The report notes that 2 of the 3 test boreholes encountered soil that may be considered as "fill". Regional staff notes that this fill may be associated with the recent demolition of the school. As noted in the findings of the report, Borehole number 3, which is closest to the watercourse, did not encounter any fill. As such, Regional staff is of the opinion that a Stage 1 and 2 Archaeological Assessment is still appropriate as there does not appear to be any disturbance near the watercourse. Additionally, as a "cut and fill" exercise is

planned to realign the watercourse, it is important that the subject lands be examined for potential artifacts before the landscape is changed.

Typically, Regional staff would request that a Holding (H) provision be applied to the subject lands to ensure the necessary archaeological studies be completed prior to final approval of the zoning amendment. Given that concurrent applications for Draft Plan of Subdivision, Draft Plan of Condominium and Zoning approval have been made, Regional staff would have no objection to the Archaeological Assessment being completed for the subject lands as a Condition of Draft Approval for the Subdivision.

Additionally, Regional staff recommends that the Subdivision Agreement and future Site Plan Agreement contain standard clauses relating to deeply buried archaeological materials that may be encountered during construction activities.

Noise and Vibration

The subject lands are located approximately 470 metres from the QEW. Typically, Regional staff would require a noise study for distances under 500 metres. Given the existing noise barriers and intervening land uses between the subject lands and the QEW, Regional staff suggest a warning clause be included in the subdivision and condominium agreements and purchase and sale agreements advising future owners and tenants that the subject lands may be exposed to noise from nearby traffic that may interfere with the enjoyment of their property at times.

Waste Management

Regional staff notes that the proposed development is eligible for Regional waste collection service. However, waste collection pads are required for Units 11 and 15 within the townhouse condominium block. Staff notes that waste collection pads shown on the draft site plan drawing appear to be in accordance with Appendix 3 of Regional Niagara Policy C3.C17 "Collection of Waste by Way of Entry on Private Property". In this regard, Regional staff is satisfied that the proposed development is eligible and designed for Regional waste collection service.

Regional Development Services staff has no objection to the approval of this application from a Provincial or Regional perspective, subject to the above noted conditions, which are included in Appendix 9.

Niagara Peninsula Conservation Authority (NPCA)

NPCA Policies

The subject land is affected by Juliana Creek and its associated 100 year flood plain. NPCA staff have reviewed the flood plain cut-fill assessment prepared by Upper Canada Consultants, dated December 14, 2015, and have no objections to the proposal to fill in portions of the flood plain. Since the total volume of fill is less than 25 m³, it is considered to be minor works under NPCA policy and a NPCA Work Permit is not required.

It is noted that the remainder of the flood plain will be within Lot 8 (predominantly) and Block 21. Sections 4.1 and 4.2 of the NPCA's policy document entitled *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155106 and Land Use Planning Policy Document* (NPCA policies) require that, where possible, natural hazards within a development should be transferred to public ownership. City staff have advised the NPCA that the City is unable to take the flood plain beyond Block 21 since the land is not connected to any other municipal land. Given that there appears to be a large enough building envelope outside of the flood plain, keeping the remainder of the flood plain within Lot 8 can be entertained under NPCA policies so long as additional measures are taken to ensure that no development or site alteration occurs within the flood plain. Therefore, NPCA staff recommends that the portion of the flood plain in Lot 8 and Block 21 be rezoned to G1 and a warning clause to this effect be placed in the subdivision agreement relating to Lot 8.

With respect to the walkway in Block 21, the NPCA will not require a Work Permit if the walkway is designed and constructed through the subdivision registration process.

Given the above, the NPCA has no concerns with the applications based on NPCA policies, subject to the recommended Conditions of Draft Plan of Subdivision Approval. These conditions have been included in Appendix 9.

Regional Official Plan - Chapter 7 (Natural Environment)

Under the terms of the Memorandum of Understanding between Niagara Region, the local municipalities and the NPCA, the NPCA reviews all planning applications for conformity with Chapter 7 (Natural Environment) of the Regional Official Plan (ROP). As noted previously, the subject land contains portions of the 100 year flood plain for Juliana Creek.

The applicant has designed the subdivision to ensure that Lots 7 and 9 are entirely out of the flood plain. This will be achieved through the proposed fill. Lot 8 is designed to contain most of the flood plain, except the portion within Block 21, which is to be a walkway owned by the City.

Policy 7.A.6.4 of the ROP permits development and site alteration within flood plains where the NPCA is satisfied it is in accordance with *Ontario Regulation 155106*. As noted previously, there are no concerns with the application as they relate to NPCA policy. Section 3.1.2 (d) of the Provincial Policy Statement (PPS) normally prohibits development (as defined in the PPS) within a flood way (flood plain). However, section 3.1.4 (b) of the PPS allows development and site alteration within a flood plain for passive non-structural uses that do not affect flood flows.

Since Block 21 bisects the flood plain, it is considered development within the flood plain. NPCA staff have carefully considered this issue and determined that since Block 21 is intended to be a walkway to be owned by the City, the creation of Block 21 is consistent with section 3.1.4 (b) of the PPS. Lot 8 will contain all remaining floodplain. Portions of Lot 8 and Block 21 that are impacted by the floodplain will be zoned G1.

Based on the above, NPCA staff consider the applications to conform to Chapter 7 of the ROP and to be consistent with the Section 3.1 of the PPS.

Stormwater Management

The NPCA has reviewed the 'Functional Servicing Report, Olde School Estates, City of St. Catharines' (dated August 2015) by Upper Canada Consultants. The NPCA offers the following comments:

1. Due to the location in the watershed, the NPCA will not require that stormwater quantity controls be implanted.
2. The NPCA will require that stormwater quality controls be implemented to treat stormwater runoff to a normal standard prior to discharge from the site. The NPCA has no objection to the proposal to install an adequately sized oil/grit separator in order to achieve this criteria.
3. Prior to construction, the NPCA will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be circulated to them for review and approval.

These conditions are included in Appendix 9.

Planning and Building Services

Draft Plan of Subdivision

From an urban design perspective, conditions requiring a streetscape plan will identify the proposed locations for all driveways, sidewalks, street trees, street lights, utility boxes, and the pedestrian connection to Juliana Crescent. The streetscape plan will include both Street A and the Cecil Street frontage. Sidewalks should be installed along both sides of Street A, from Cecil Street to the northwest pathway connection.

The proposed road is shown as 20.0m in width, meeting the City's current standard as identified in the City's Official Plan for local road designations. In an attempt to restrict access from Cecil Street, the City will be requesting that 0.30m (1') reserve blocks be dedicated along the property frontages of Lots 1 and 20 on the submitted Draft Plan of Subdivision, inclusive of the day-lighting triangle frontages. The City also requests a 0.30m (1') reserve block be dedicated along the proposed municipal frontage of Street 'A' in order to restrict access from to the rear of #57 Cecil Street.

All sidewalks must be constructed in accordance with the City of St. Catharines Engineering Standards Manual, as amended. Mountable curbs are no longer acceptable to the City and therefore standard curb and gutter will be required for this development. A section of sidewalk along the north side of Cecil Street will be required to be removed by the Owner at the connection of 'Street A'.

A soils investigation report shall be prepared by a qualified Soil Engineering Consultant that will detail the existing soil conditions and identify any service construction restraints that may be encountered during construction which may vary from the standard or

typical construction process. It shall also recommend a design for the road section and provide comments as it relates to the Municipal road section standards.

The water supply within the Subdivision shall be designed and constructed to Municipal standards, including connections to the existing 150mm (6") watermain on Cecil Street.

The sanitary outlet proposed for this development is the existing 250mm (10") sewer along Cecil Street. Confirmation that there is adequate capacity within the existing sewer will be required for the proposed number of units, through the submission of a Functional Servicing Report.

The westerly limit of the site is traversed by a 1350mm (54") trunk storm sewer that outlets north of the property to an upstream tributary of Juliana Creek. The City currently occupies a 6.09m (20') easement for perpetual maintenance over this sewer on the subject lands, along the proposed rear yards of Lots 1-6, and side yards of Lots 9 and 10 of the submitted Draft Plan of Subdivision. To reflect the existing restrictions on these lands, staff recommend an additional zoning provision to prohibit the construction of decks, pools, and accessory structures within the easement. To further ensure that purchasers are aware of the restrictions, staff additionally recommend that a warning clause indicating these restrictions be registered on the title of these properties.

The Owner shall submit a Stormwater Management Report.

The grading control concept for this development shall comply with Municipal Standards and in accordance with the City of St. Catharines Engineering Standards Manual, as amended.

The design concept for the subject lands may necessitate the conveyance of easements by the Owner to the Municipality and/or Public Utilities, as well as the City relinquishing/releasing existing easements over the subject lands.

In accordance with the City of St. Catharines current practice, the Owner shall accommodate for the provision of boulevard trees along the right-of-way of Street 'A' and Cecil Street, and pay to the City the cash payment in lieu of planting, in accordance with the City's Schedule of Rates & Fees.

The Owner shall have a street lighting design, prepared by a Professional Electrical Engineer ensuring that the boulevards and roadways are lit in accordance with the City of St. Catharines Engineering Standards Manual, as amended.

The conditions outlined in Appendix 9 include these various comments and requests.

Parks, Recreation, and Culture Services

Zoning By-law Amendment

The reduced front yard setback requested by the applicant maintains an adequate distance between the standard street tree planting location and the front of the dwellings and will have minimal impact on the selection of street trees.

Draft Plan of Subdivision

Parkland Dedication

As a condition of the Draft Plan of Subdivision, the applicant will be required to pay an amount equal to 5% of the value of the subject lands in lieu of parkland dedication, in accordance with the Planning Act, and that the owner submit a report prepared by a qualified real estate appraiser to establish this amount.

This subdivision will be served by Elma Street Park (102 Dorothy St.) which is within a 500 metre walk and which includes playground equipment and a basketball court.

Street Tree Planting

As a condition of the Draft Plan of Subdivision approval, the applicant will be required to submit a Streetscape Plan for Street A that identifies, among items identified by other departments and agencies, the location of boulevard trees, utilities, streetlights, sidewalks, driveways, curbs, and hydrants. The applicant will be required to pay for the planting of these boulevard trees in accordance with the Schedule of Rates and Fees at the time the Subdivision Agreement is registered. This will ensure that street trees are planned as part of the subdivision and paid for by the applicant.

Tree Preservation Plan and Report

As a condition of the Draft Plan of Subdivision, the applicant will be required to submit a Tree Preservation Plan and Report and that the recommendations be implemented through the Subdivision Agreement.

The conditions outlined in Appendix 9 include these various comments and requests.

Draft Plan of Condominium

The urban design guidelines for townhouses on a private street require that one shade tree be planted for at least every two abutting units. These trees are typically required in the front yard, however if that cannot be accommodated for this development the landscape plan will need to identify additional tree planting elsewhere on site, such as at the rear of the units. If the tree planting needs to be included in spaces of exclusive use the condominium documents and agreements of purchase and sale for individual units will specify that maintenance of these trees is the responsibility of the condo corporation.

Traffic Services

Traffic advises 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 that the residents in the area are concerned with traffic and parking 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 9 to address utilities.

Open House

An open house was hosted by Planning Services on March 3, 2016. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and raise concerns before decisions are made by Council. Thirty-eight members of the public signed in to the public meeting, however staff estimate that there were approximately 45-50 people in attendance. The applicant's agents were also in attendance.

Below is a list of concerns expressed by the public:

Parking

- There is a parking problem on Cecil Street, Ernest Street, and Dorothy Street. Residents are concerned that this problem will extend to Julianna Crescent and Centennial Drive.
- The condominium townhouse development proposes insufficient parking.

Traffic

- Why was no traffic study requested?
- Turning onto Ontario Street is a problem.

Trees

- How will existing Trees be preserved?
- Will new trees be planted?

Parks

- Why is parkland not being taken in the form of land? A parkette should be included in the development plans.
- If cash is taken in lieu of parkland, can it be spent locally? The local parks need upgrades.

Site Design

- The pedestrian walkways should remain open.
- The pedestrian walkways should close.
- Larger lots would be more compatible with the existing neighbourhood.
- How will the lots drain, what will the impact be on neighbouring properties?

Property Maintenance and Construction

- The property is overgrown, the lawn has not been cut and the sidewalks have not been plowed.
- Residents are concerned about construction noise, dust and disruptions.

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 settlement 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 development including a townhouse block, expands the offering of townhouse units within this neighbourhood. 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 residential density of 26 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 and Natural Areas (see Appendix 5), providing for a range of housing opportunities, types, forms and density. Schedule E1 (see Appendix 6) provides additional direction for land uses which are located within the North Planning District and designates the lands as Low Density Residential, permitting detached, semi-detached, townhouse dwelling, and private road development at density range generally between 20 and 32 units per hectare of land. The Natural Areas designation permits the conservation of land.

At a proposed density of 26 units per hectare, this development complies with the density policies of the Garden City Plan. The proposed single detached dwellings and

private road development are permitted within the Low 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 Natural Area designation is assigned to lands comprised of a natural feature or hazard that is environmentally significant, such as: rivers, streams, valleylands, wetlands, shoreline, woodlots, forests, floodplains, habitats and corridors. The purpose of the Natural Area designation on these lands is to prevent development in the floodplain. Section 13.2 of the GCP sets out the policies with respect to the City's Natural Area. The subject lands are identified as being within the Natural Area Extent Line. Section 13.2.1.2 of the GCP (Natural Area Extent Line) provides that development, redevelopment, site alteration, and use of lands within and adjacent to the Natural Area Extent Line is subject to the policies set out in Section 13.2 of the Plan. Section 13.2.2.9 states that these lands and associated setbacks are to be retained within one parcel of land, no new lot lines are to extend into the Natural Area. Section 13.2.1.4 (Interpretation) states that Natural Area mapping set out on the Schedules of the Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and that these lands may be defined more precisely through Watershed, Environmental Planning Studies, Environmental Impact Studies (EIS), the NPCA, or other government or regulatory authority and mapping.

Further to the City's Natural Area mapping set out in the GCP, the NPCA establishes a Niagara Natural Environmental Screening Layer. As noted in the Circulation Comments section of this report the NPCA has reviewed these applications under the Memorandum of Understanding (MOU) between Niagara Region, the local municipalities and the NPCA and offers no objections.

Part D, Section 13.2.1 4. iv) of the Official Plan allows for the modification of the location or extent of Natural Hazard Lands or Natural Heritage, Schedules F2, F3, F4 and the Natural Area Extent Line shown on District Plans in Part E, to be updated without an amendment to the Official Plan where more accurate mapping is available. In consultation with the NPCA the applicant has mapped the existing floodplain and proposed minor modifications (Appendix 8) which facilitates the development of the lands and contain the regulated floodplain within Lot 8.

The proposed development complies with the policies of the Garden City Plan and no amendment is required.

Zoning By-law

Zoning By-law 2013-283 zones the lands as Local Neighborhood Institutional (I1). The I1 zone permits a range of institutional uses including the former school, long term care facilities, cultural facilities and recreation facilities. The I1 zone additionally permits uses permitted in the Low Density Suburban Residential (R1) zone. These uses include single detached dwellings, townhouses, and private road development.

The Conservation / Natural Area (G1) zone located on the north western edge 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.

Amendments to the Zoning By-law are required to recognize the boundary adjustment between the G1 and I1 zones, and recognize the proposed pedestrian connection, as illustrated in Appendix 8. This amendment is consistent with the policies of the GCP and supported by the NPCA. Staff are supportive of this amendment.

Additional variances from the residential zone are requested as follows;

Provision	Zoning By Requirement	Requested Amendment
Minimum lot area per dwelling unit	400 m ²	372m ²
Maximum lot area per dwelling unit	490m ²	1216m ²
Minimum lot frontage	15m	12m
Minimum front yard setback	6m to dwelling 7m to garage	4.5m to dwelling 6m to front face of garage

Lot Area and Frontage

Changes to both the minimum and maximum lot area are requested to account for the larger lots located directly on the cul-de-sac as well as Lot 8 which is significantly larger to accommodate the floodplain. Smaller lots are located closer to Cecil Street. Overall the development achieves a density of 26 units per hectare, consistent with the Garden City Plan's Low Density Residential designation. The proposed reduced lot frontages within the subdivision are consistent with the established lot frontages along Cecil Street which generally vary between 9.0m and 23.0m. Staff have identified a further reduction to a 9.0m frontage that is only required to account for the daylight triangles at the corner of Cecil Street and Street A.

Front Yard Setback

With respect to the request for a reduction in front yard setbacks, staff note that the existing dwellings along Cecil Street have front yard setbacks generally varying between 3.0m and 6.0m, however there are a few dwellings with significantly larger setbacks. Garages within 7.0m of the front yard are not the norm in this neighbourhood. Many dwellings have detached garages located behind the dwelling, while other garages are typically a minimum of 7.0m back from the front lot line. For this reason, and in the absence of any justification for moving the garage closer to the street, staff are supportive of the reduced front yard setback to the dwelling only.

Townhouse block

In addition to the requested variances, staff note that the preliminary site plan submitted with the Draft Plan of Condominium shows a 1.30m pinch point in the required 3.0m landscape strip on the south side of the entrance to the complex. Staff are

recommending that this additional pinch point be approved and note that the required 3.0m landscape strip will be required elsewhere though the required Site Plan approval.

Strom Sewer Restrictions

As noted in the above comments, the westerly limit of the site is traversed by a 1350mm (54") trunk storm sewer that outlets north of the property to an upstream tributary of Juliana Creek. The City occupies a 6.09m (20') easement for perpetual maintenance over this sewer on the subject lands, along the proposed rear yards of Lots 1-6, and side yards of Lots 9 and 10 of the submitted Draft Plan of Subdivision. To reflect the existing restrictions on these lands, staff recommend an additional zoning provision to prohibit the construction of decks, pools, and accessory structures within the easement area of these residential lots.

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 single detached dwellings and townhouses in accordance with the Zoning By-law. The proposed development is compatible with the surrounding residential neighbourhood. 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 9. 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 9, staff are recommending approval of the application.

Site Plan Control

In accordance with the City's site plan control by-law, the applicant will be required to enter into a site plan agreement with the City prior to the issuance of a building permit for the condominium townhouse units on proposed Block 22. The site plan agreement will address issues related to access and parking, lighting, buffering, servicing, storm water management, tree preservation, façade finishes and treatments, among other matters. The applicant will be required to post securities to ensure the terms of the agreement are carried out. Upon approval, the site plan agreement will be registered against the title of the lands and be legally binding upon the existing and future property owners.

Condominium Draft Plan Approval

The applicant has requested condominium draft plan approval so that each of the townhouse dwelling units may be sold individually (refer to Appendix 2). While staff is generally supportive of condominium tenure for this development, staff is recommending that approval of the draft plan of condominium be held in abeyance pending the receipt and review of an application for site plan approval. The detailed

designs for site elements such as parking, landscape buffering, fencing, site servicing, stormwater management, tree preservation and lighting will be further refined through the site plan approval process. This refinement will address necessary changes to the site layout, as described above, and provide a clearer picture of the extent of common element and exclusive use areas, defined by the draft plan of condominium. Since the principle of the land use is established by the proposed official plan and zoning by-law amendments, and the draft plan of condominium addresses tenure only, staff is recommending the public meeting be closed for all three applications, but that Council defer its approval of the draft plan of condominium until a site plan application is submitted and reviewed.

Open House Comments

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

Parking

Comment: There is currently a parking problem on Cecil Street, Ernest Street, and Dorothy Street. Residents are concerned that this problem will extend to Julianna Crescent and Centennial Drive.

Response: The Traffic Division of Transportation and Environmental Services advises that there is a high demand for on-street parking because of Henley House, located on Ernest Street. The proposed development meets all zoning requirements with respect to parking.

Comment: The condominium townhouse development proposes insufficient parking.

Response: The Traffic Division of Transportation and Environmental Services advises that the condominium townhouses meet the zoning by-law requirement of 1.25 parking spaces per unit. This is a standard requirement throughout the city. Staff are not aware of any complains with respect to similar developments. Usually the parking demand is far less than the parking provided.

Traffic

Comment: Why was no traffic study requested?

Response: The Traffic Division of Transportation and Environmental Services advises that there aren't enough units to warrant a traffic study. Typically a traffic impact study is requested when there is a minimum of 100 units being developed. There isn't a capacity issue on the street. There is a 2008 study that showed the average daily volume just under 1,100 vehicles a day, well below the capacity of a local road. The traffic study wouldn't assess/predict the parking demand. Overall the development will generate more traffic, but the peak demand will be less than a school. A school generates a significant amount of traffic during very short durations in the morning and afternoon. Outside of these times, the traffic generation is low. The proposed residential use will generate more total traffic, but it will be spread out over a greater period of time. In staff's experience, schools are far more problematic.

Comment: Turning onto Ontario Street is a problem.

Response: Ontario Street is a Regional road, additional controls would be the discretion of the Region. The Region did provide comment on this application and had no concerns or requirements with respect to traffic. With respect to the impact of this development, it's not likely to be noticeable.

Trees

Comment: How will existing Trees be preserved?

Response: As a condition of the Draft Plan of Subdivision, the applicant will be required to submit a Tree Preservation Plan and Report and that the recommendations be implemented through the Subdivision Agreement.

Comment: Will new trees be planted?

Response: As a condition of the subdivision the developer will be required to pay for tree planting along the municipal boulevards. The tree species planted on the boulevard will be selected at the time of planting based on the approved tree planting list at that time in consultation with the abutting resident and City arborist.

Parks

Comment: Why is parkland not being taken in the form of land? A parkette should be included in the development plans.

Response: The Parks Policy Plan recommends a neighbourhood park service radius of 800 metres without the need to cross an arterial road or major physical barrier. This benchmark was based on comparable municipalities and represents a realistic service radius that allows the City to focus its attention on areas where there is a genuine need for parkland while responding to the need for fiscal responsibility. This neighbourhood, including the proposed development, is served by Elma Street Park (102 Dorothy St.) which includes playground equipment and a basketball court and is within a 500 metre walk of the proposed development. The Parks Policy Plan, which did not include school properties when calculating the supply of parkland, did not identify a parkland gap in this neighbourhood. As such, the acquisition of land through parkland dedication is not recommended.

Comment: If cash is taken in lieu of parkland, can it be spend locally? The local parks need upgrades.

Response: Parks Recreation and Community Services Staff advise that funds collected in lieu of parkland dedication must be spent in accordance with the Planning Act which allows for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes. This permission is flexible to reflect the varying needs of Ontario's municipalities, including those that experience significant growth and increasing property values that result in substantial balances of their parkland dedication fund; this is not the situation in St. Catharines.

PRCS staff are of the opinion that the parkland dedication fund should not be used to fund projects that can be prioritized, forecast and financed through the capital or operating budget process, such as park upgrades. Given the relatively small size of the parkland dedication fund and its limited growth potential the use of the fund should be limited to the acquisition priorities identified in the Garden City Plan and Parks Policy Plan. These acquisition opportunities come up spontaneously and depleting the fund on park upgrades will jeopardize our ability to acquire these properties when they are available. Another important consideration is the future financial value of what the City is obtaining from the parkland dedication fund. For example, if the fund is used to purchase land that land will be available for the public to use indefinitely and the value of that land will increase annually. If, however the fund is used to purchase equipment, such as a playground, the value of that equipment depreciates each year and at the end of the lifecycle needs to be replaced at a greater cost than what it was originally purchased for and ultimately there is no long-term net gain of the fund's use. The original intent of cash-in-lieu of parkland dedication was to purchase land for parks and other recreation purposes. Until the City has acquired the parkland acquisition priorities the fund should not be spent on park upgrades.

Comment: The townhouse complex should include a playground.

Response: The majority of townhouse developments do not have playgrounds. Those that do tend to be co-ops with a greater number of units (e.g. Sheridan Village at 151 Linwell with 76 units, Century Village at 242 Lakeport with 84 units) or facilities operated by Niagara Regional Housing (e.g. 45 Manchester Ave. with 110 units, including 5 bedroom units resulting in a substantial child population). Recently, townhouse condominiums have not been required to include a playground, and there are no known related complaints from the residents of these condominiums. The scale of the proposed development and the proximity to Elma St. Park negate the need for the developer to provide a playground onsite.

Site Design

Comment: The pedestrian walkways should remain open. / The pedestrian walkways should close.

Response: Part C, Section 4.4.3 of the Garden City Plan states that, where feasible, new developments should support connections to the City's pedestrian network. The two existing pedestrian connections were in place to service the school site. With the closure of the school, they no longer serve their original purpose. The retention of the pedestrian connection to Julianna Crescent will facilitate access to Ontario Street. The pedestrian connection to Centennial Drive is to be closed as a condition of Draft Plan of Subdivision approval.

Comment: Larger lots would be more compatible with the existing neighbourhood.

Response: The Low Density Designation of the GCP requires a density range of 20-32 units per hectare for the subject lands. The proposed density is 26 units

per hectare which is consistent with these policies. Larger lots would result in a density below the minimum of 20 units per hectare.

Comment: How will the lots drain, and what will the impact be on neighbouring properties?

Response: One of the major components of Development is Stormwater Management. The developer must design the storm water plan not to impact abutting properties. The Developer will be required to construct the roads to a standard curb and gutter with storm sewers, and propose to outlet the road flows to the ultimate outlet of the creek, however controlled to the allowable pre-development rates of quantity, and quality controls in place.

Property Maintenance and Construction

Comment: The property is overgrown, the lawn has not been cut and the sidewalks have not been plowed.

Response: The City has by-laws regulating the removal of snow from sidewalks as well as tall weeds and grass. Complaints may be filed through Citizens First.

Comment: Residents are concerned about construction noise, dust and disruptions.

Response: Construction is a temporary component of any development. City staff can work with the builder to try to minimize any disruptions.

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

All costs associated with this development are at the expense of the developer. No financial impacts to the City are triggered by these approvals.

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.

Environmental Sustainability

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

- Preserving natural areas with Conservation / Natural Areas zoning.

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 Upper Canada Consultants, 261 Martindale Road, Unit 1, St. Catharines, ON, L2W 1A1.

Prepared by:

Jessica Button, MCIP, RPP
Planner

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

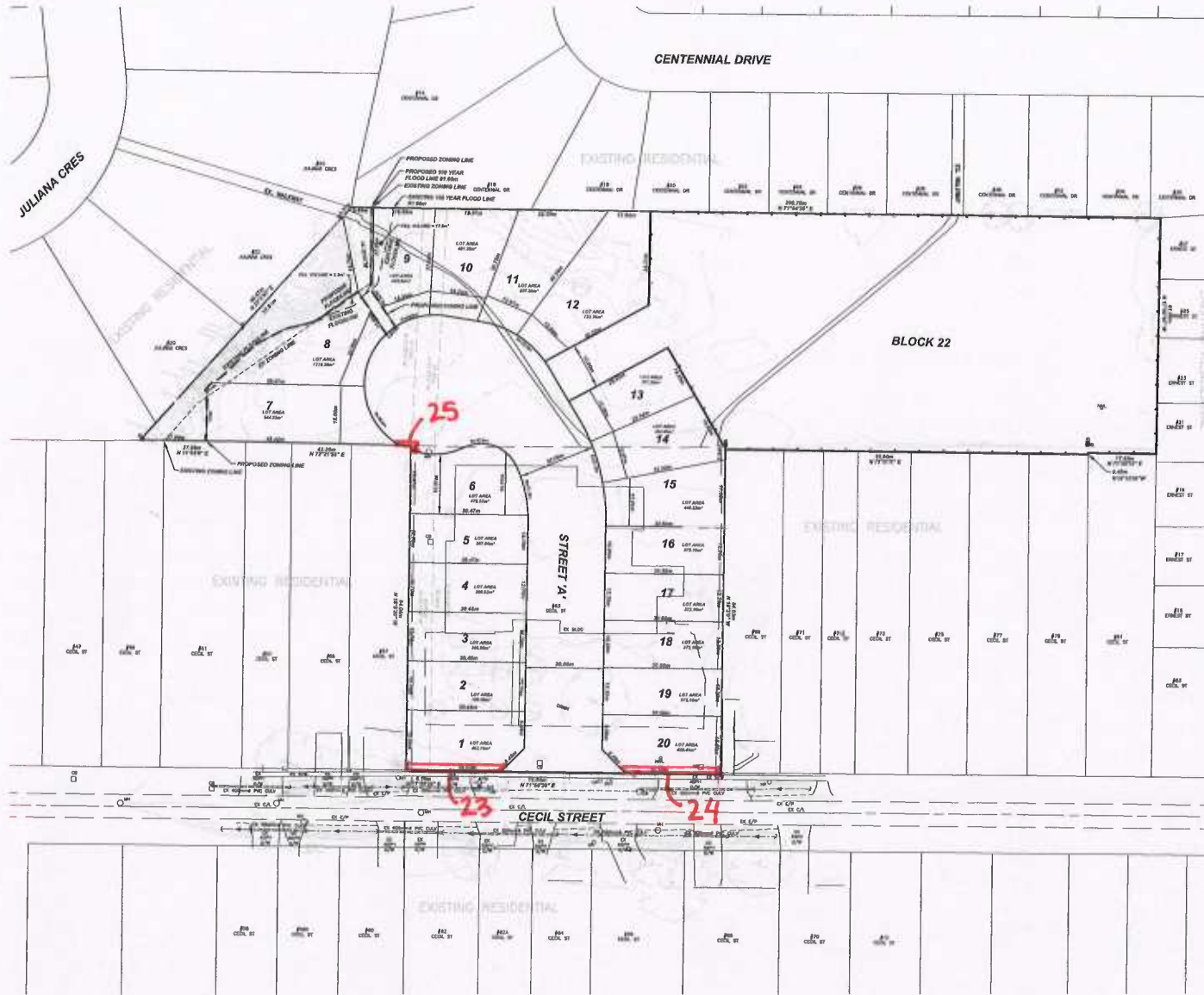
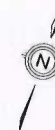
Approved by:

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

As revised by PBS April 12, 2016

1

OLDE SCHOOL ESTATES CITY OF ST. CATHARINES



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOTS 5 & 6
REGISTERED PLAN NO. TPI46
PARTS OF LOT 20 & 21, CONCESSION 3
PART OF THE ROAD ALLOWANCE
BETWEEN LOTS 20 & 21, CONCESSION 3
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF ST. CATHARINES

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF ST. CATHARINES
FOR APPROVAL.

1891121 ONTARIO INC. DATE

SURVEYOR'S CERTIFICATE

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

MATTHEW, CATHARINES, NEWCOO-KTH SURVEYING DATE
FILE 15-730

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

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

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(AC)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-20	20	0.972	43.81
MULTIPLE FAMILY RESIDENTIAL	BLOCK 22	24	0.807	36.03
MULFORD	BLOCK 21		0.016	0.73
POLYMER			0.327	15.41
TOTAL		44	2.122	100.00

DEVELOPABLE AREA = 1.795ha (EXCLUDING ROW)
DEVELOPABLE DENSITY = 24.51 units/ha

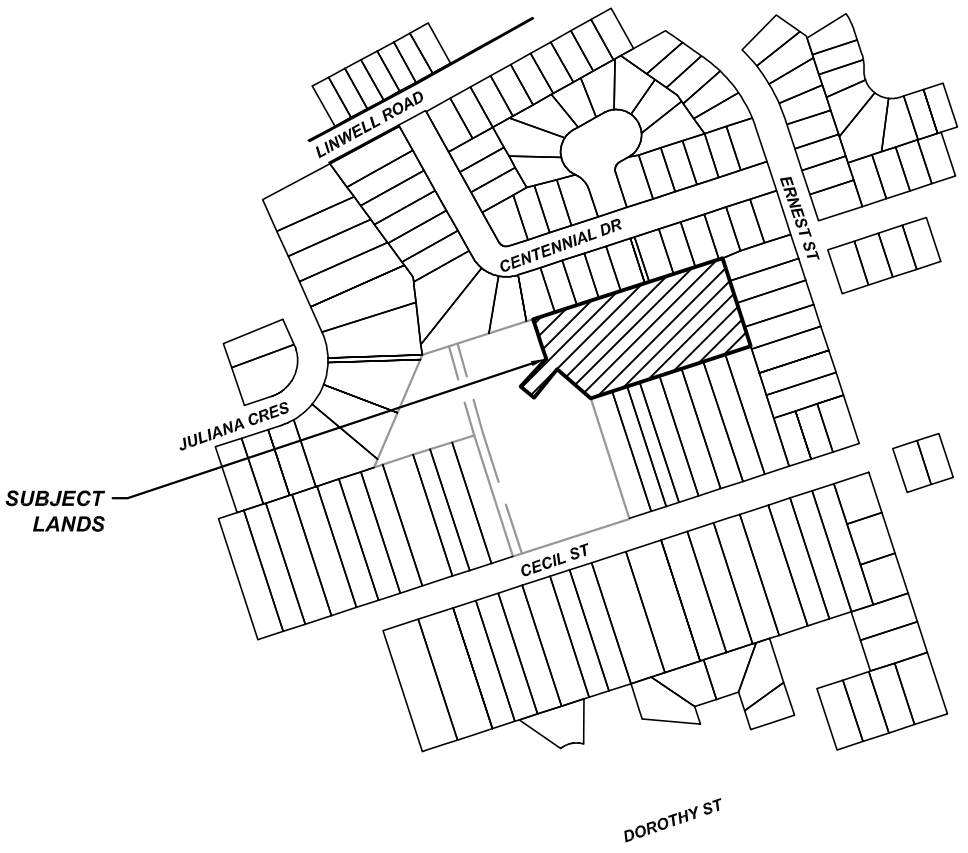
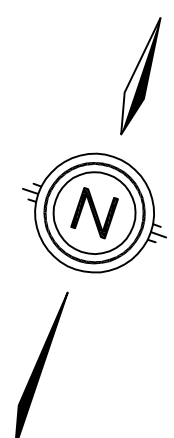
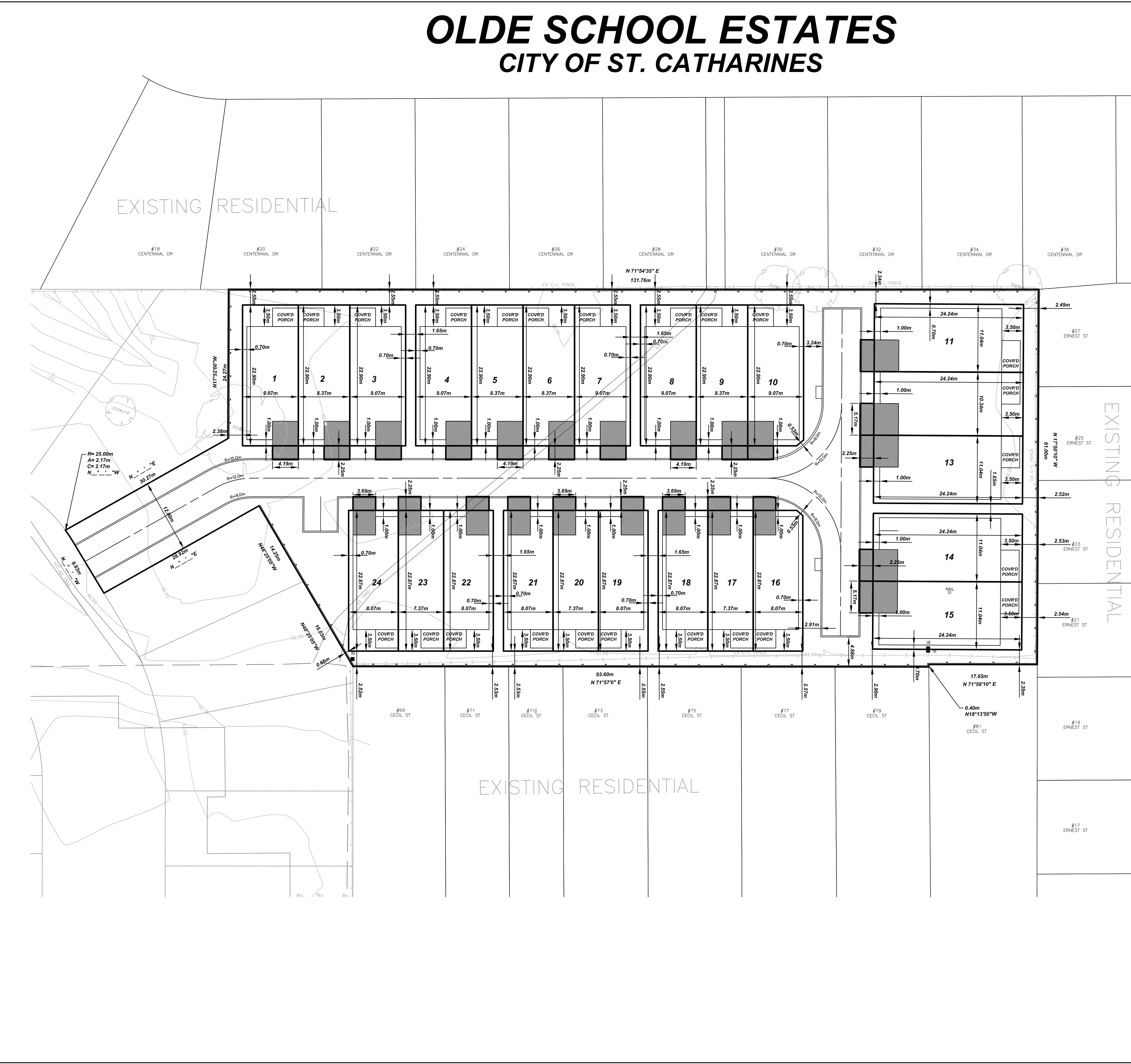
#	ADDED FLOODLINES	2015-11-23	#
1	REVISED ROW	2015-11-12	#
2	ISSUED FOR REVIEW	2015-11-12	#
3	REVISION	DATE	#

UPPER CANADA
CONSULTANTS
ENGINEERS/PLANNERS

261 Monticello Road
St. Catharines, ON
Phone: (905) 688-5400
Fax: (905) 688-5274

DRAWING TITLE	DRAFTING	DATE	NOVEMBER 26, 2015
DRAFT PLAN OF SUBDIVISION	PRINTED	DECEMBER 1, 2015	
	SCALE	1:500	
DWG No.	REV.		
1545-DP1	2		

Blocks 23, 24, 25 - 0.3m reserves



KEY PLAN
N.T.S.

DRAFT PLAN OF VACANT LAND CONDOMINIUM

LEGAL DESCRIPTION

PART OF LOTS 5 & 6
REGISTERED PLAN No. TP146
PARTS OF LOT 20 & 21, CONCESSION 3
PART OF THE ROAD ALLOWANCE
BETWEEN LOTS 20 & 21, CONCESSION 3
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF ST. CATHARINES

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BEING THE REGISTERED OWNER, I HEREBY
AUTHORIZE UPPER CANADA CONSULTANTS TO
PREPARE AND SUBMIT THIS DRAFT PLAN OF
SUBDIVISION TO THE CITY OF ST. CATHARINES
FOR APPROVAL.

1891121 ONTARIO INC. DATE

SURVEYOR'S CERTIFICATE

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

MATTHEW, CAMERON, HEYWOOD- KTH SURVEYING DATE

**REQUIREMENTS OF SECTION 51(17)
OF THE PLANNING ACT**

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

LAND USE SCHEDULE				
LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
CONDO BLOCK(PART B)				
BUILDING		24	0.348	43.12
ROADWAY			0.114	14.13
LANDSCAPE			0.345	42.75
TOTAL		24	.807	100.00
DEVELOPABLE AREA = 0.807ha				
DEVELOPABLE DENSITY = 29.74 units/ha				

ISSUED FOR	REVISION	DATE	INIT
0			

UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS

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

DRAWING TITLE

**DRAFT PLAN OF
VACANT LAND
CONDOMINIUM**

DRAFTING IW

DATE SEPTEMBER 9, 2015

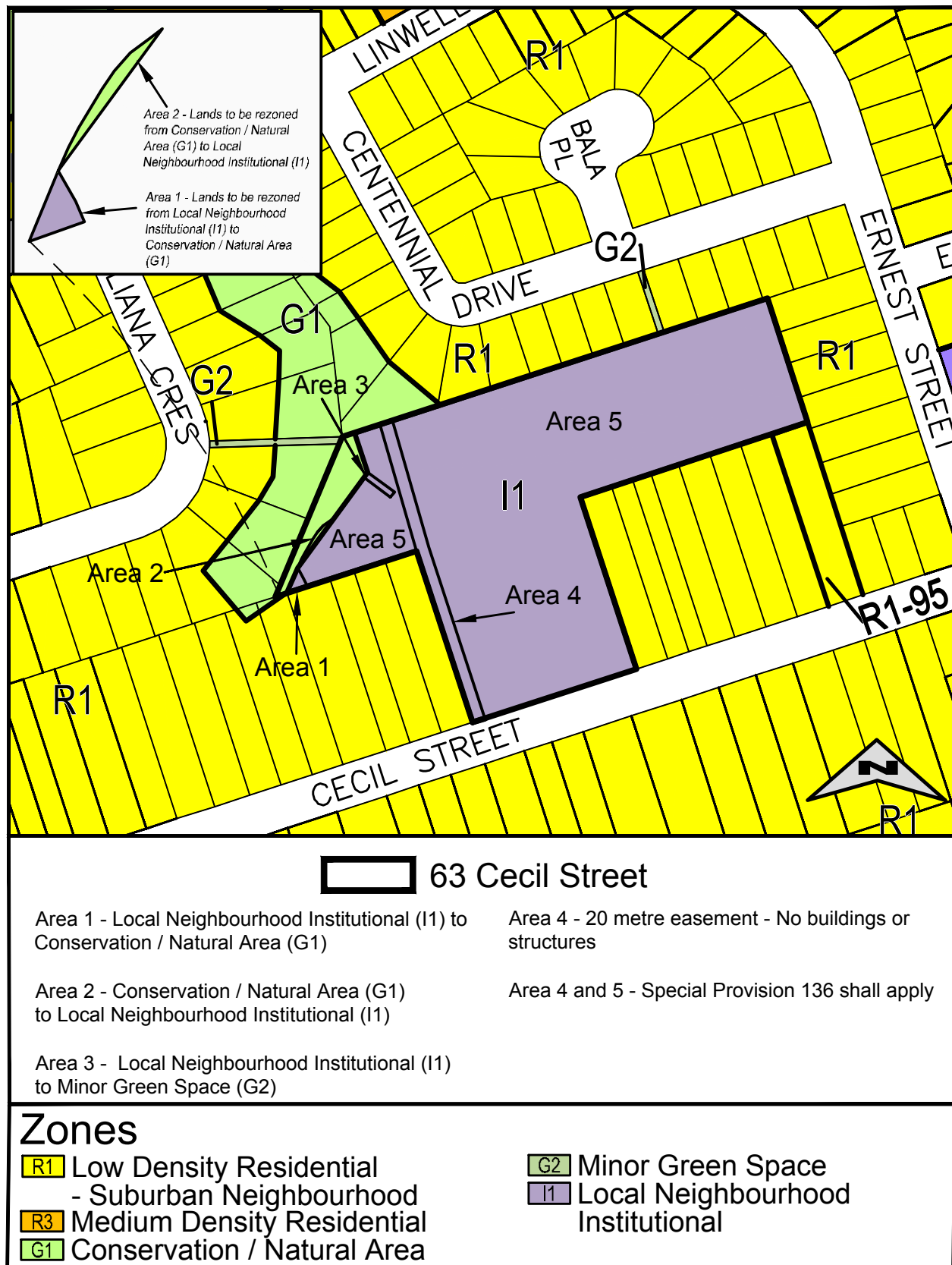
PRINTED NOVEMBER 13, 2015

SCALE 1:300

DWG No. **1545-DP**

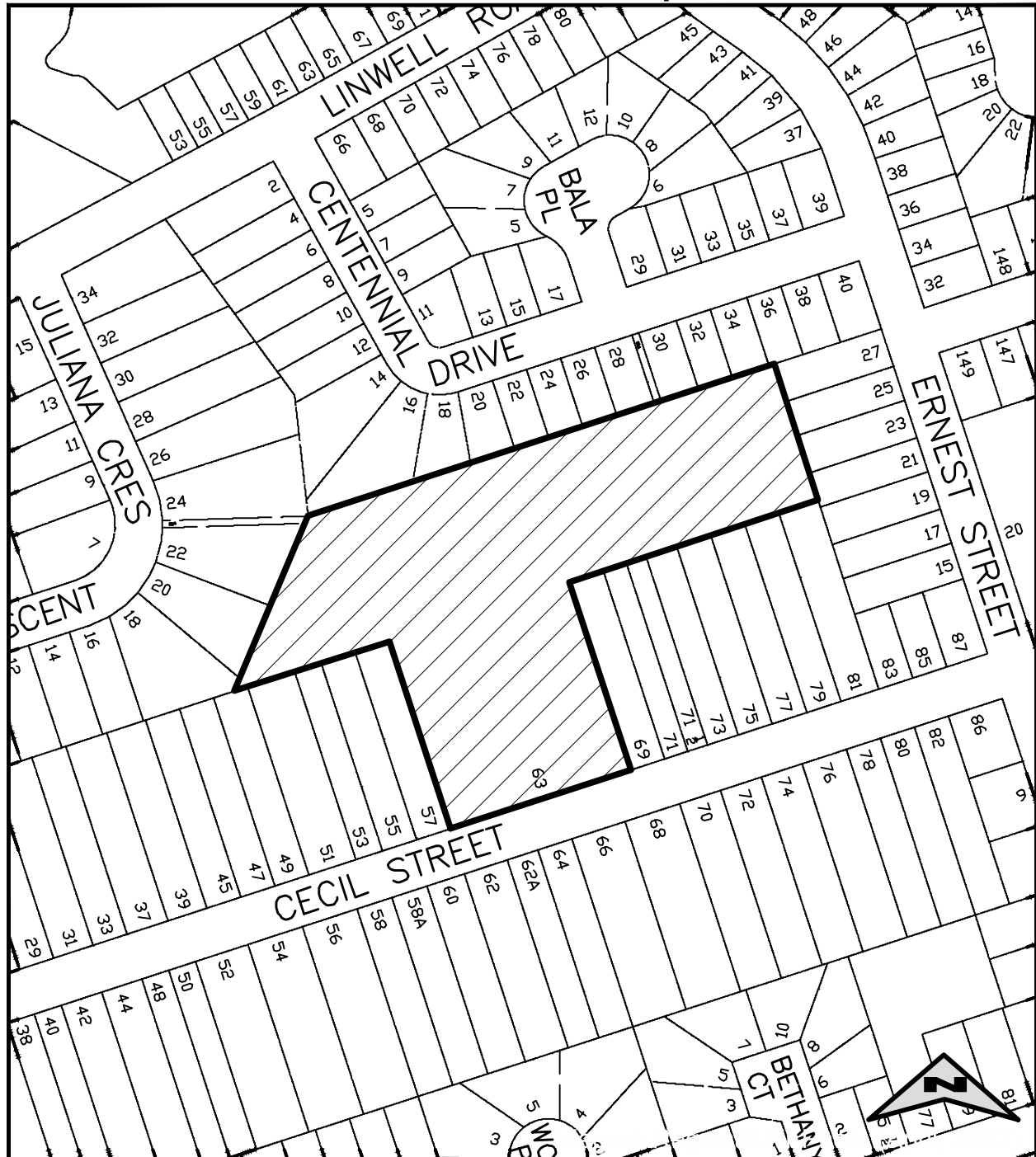
REV. **0**

Proposed Amendment to Zoning By-Law 2013 - 283



Files: 60.46.411, 60.46.412 & 60.35.1014

Location Map



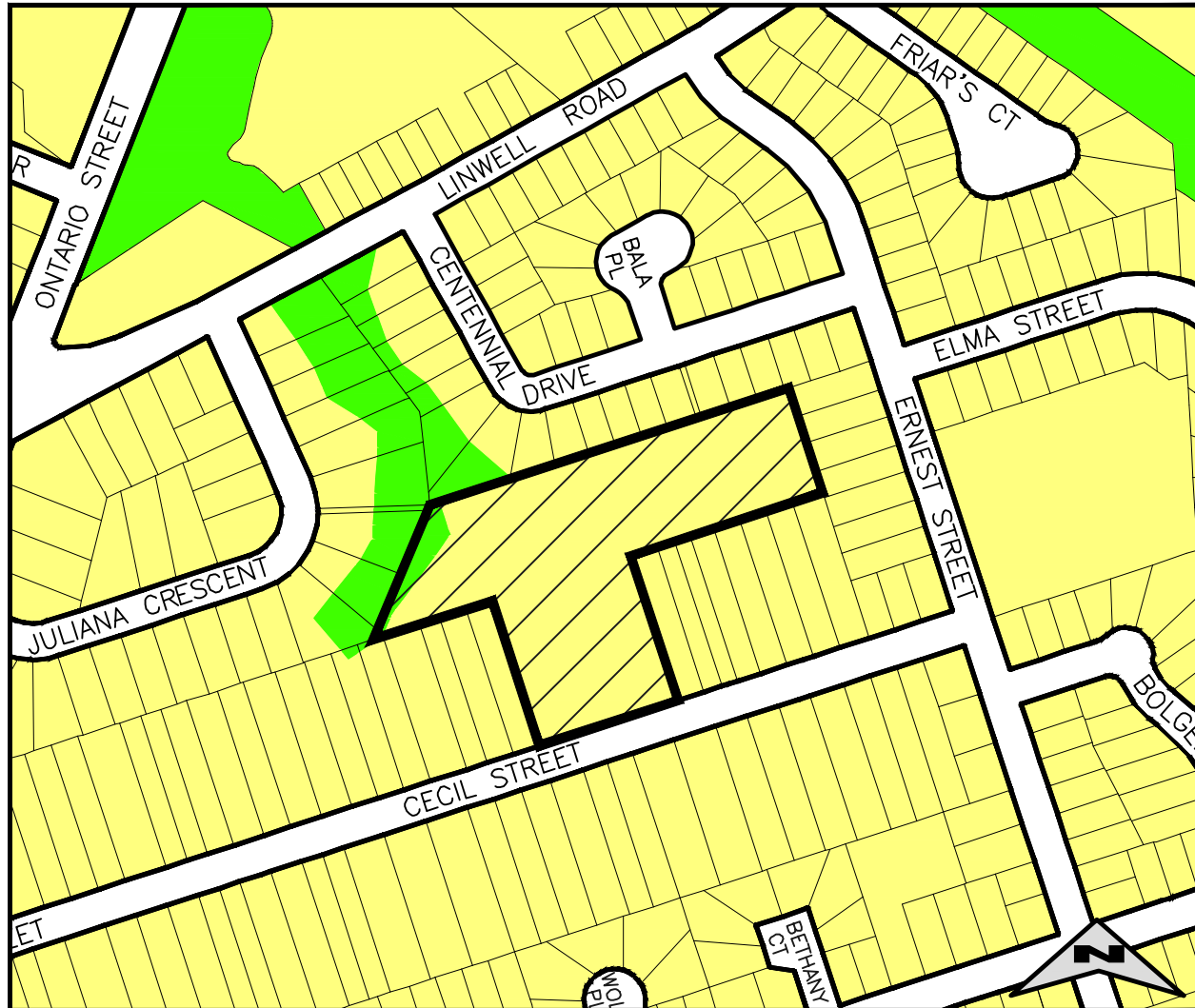
Subject Lands

63 Cecil Street

File: 60.46.411, 60.46, 412, 60.35.1014

Existing Land Use Designation

(General Land Use Plan D1 - Garden City Plan)



 63 Cecil Street

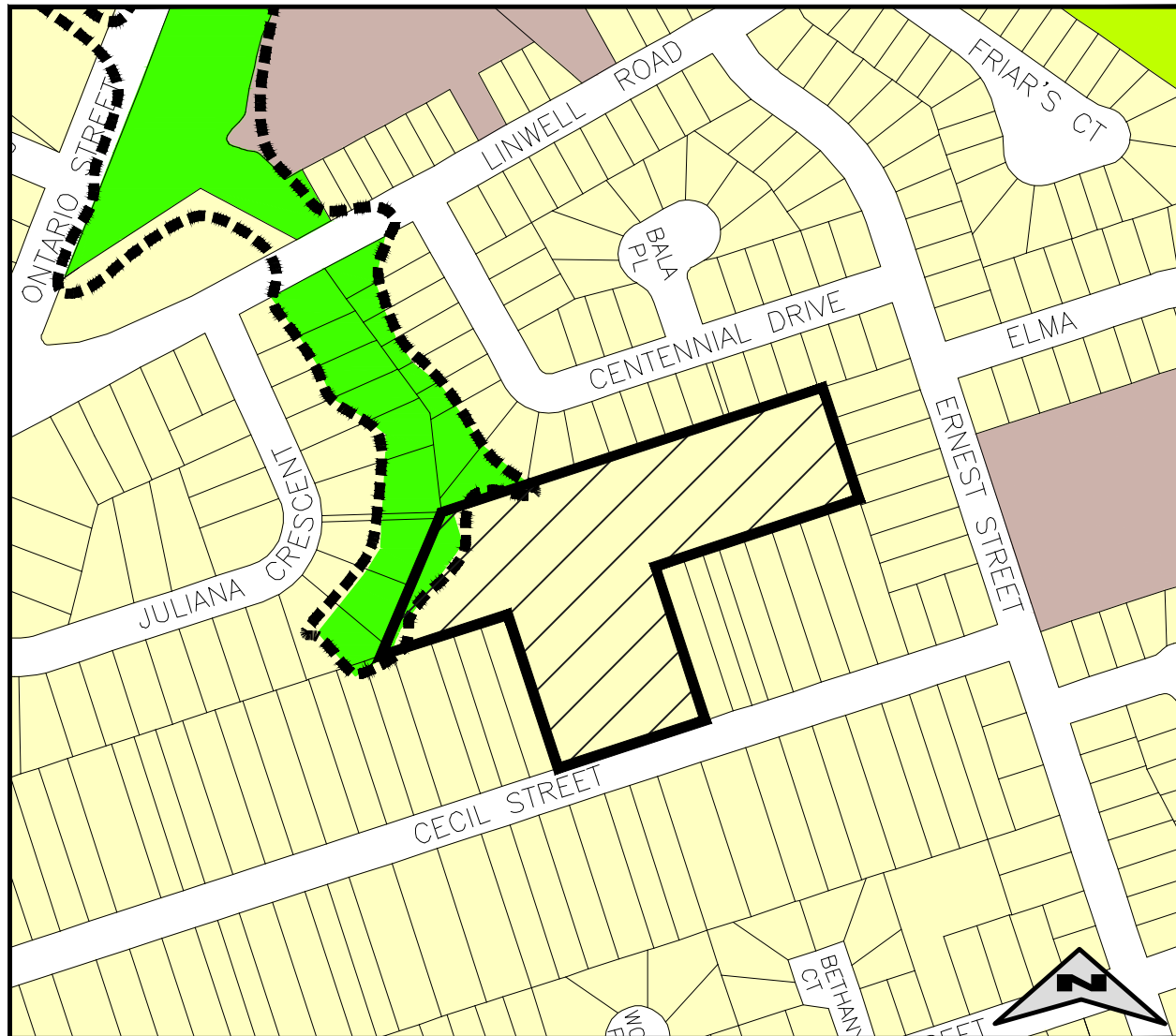
Land Use Designations

 Neighbourhood Residential

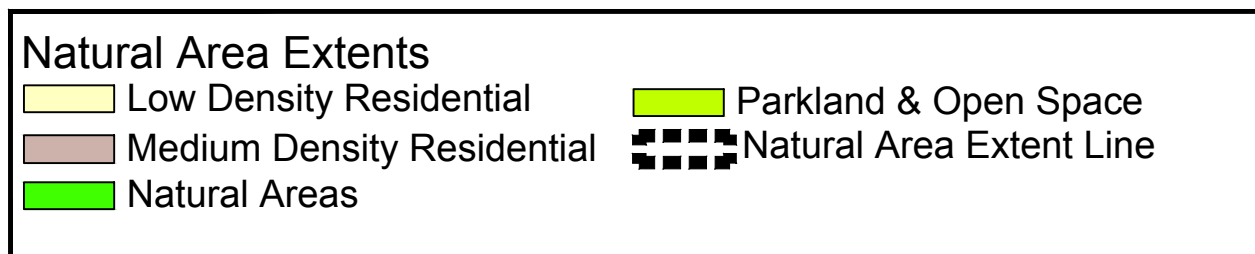
 Natural Heritage Areas

File: 60.46.411, 60.46.412 & 60.35.1014

Existing Land Use Designation (North Planning District E1 - Garden City Plan)



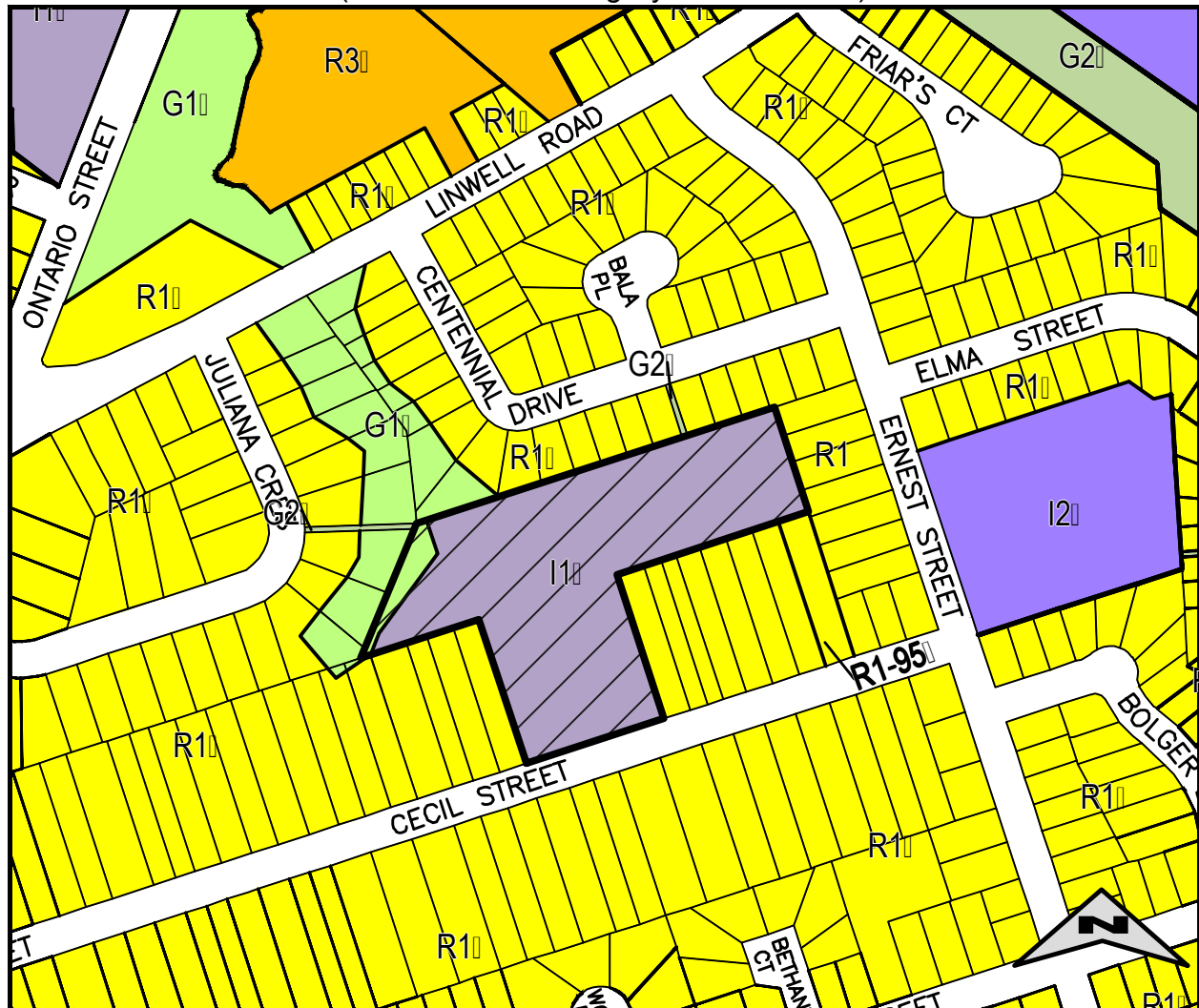
 63 Cecil Street



File: 60.46.411, 60.46.412 & 60.35.1014

Existing Zoning

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



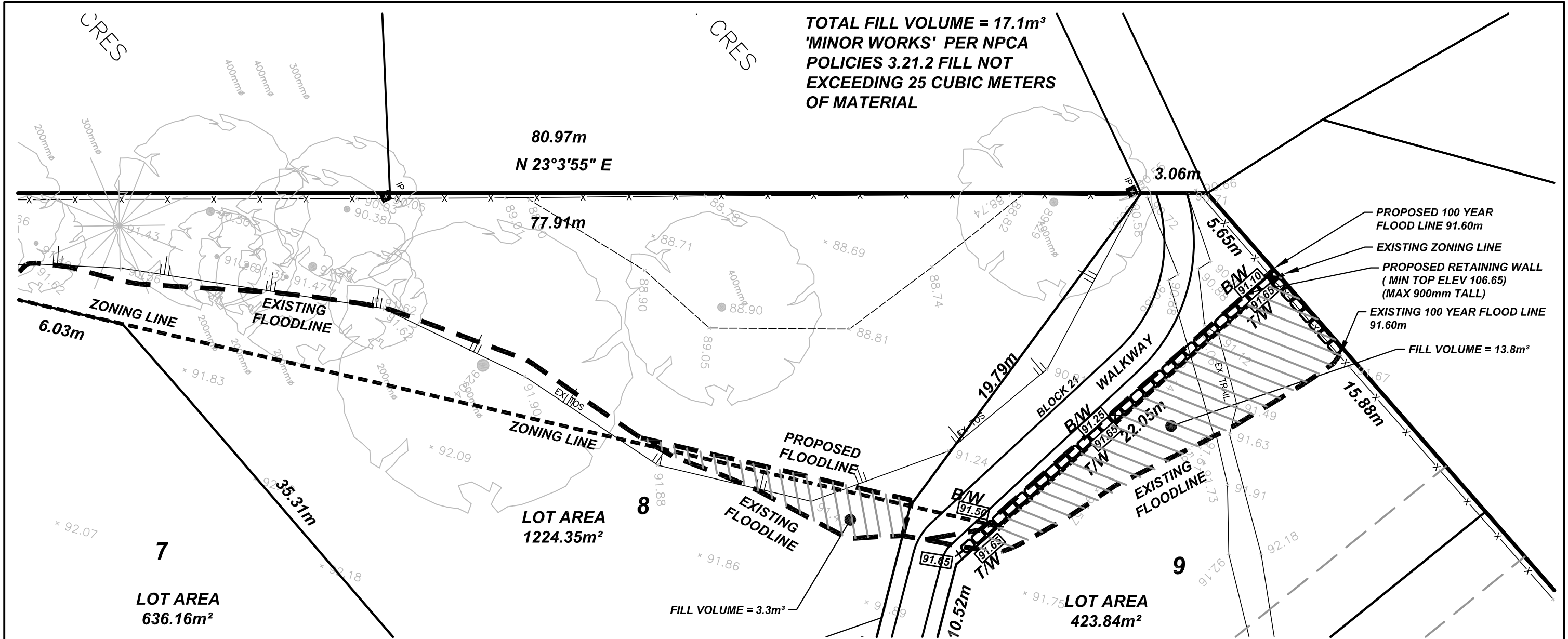
 63 Cecil Street

Zones

-  R1 Low Density Residential
- Suburban Neighbourhood
-  R3 Medium Density Residential
-  G1 Conservation / Natural Area

-  G2 Minor Green Space
-  I1 Local Neighbourhood
Institutional
-  I2 Community Institutional

Files: 60.46.411, 60.46.412 & 60.35.1014



Nov 26 2015 9.41AM; Base Surface:EG; Finish Surface:FG							
Area#	tot_Area	topsoil	cut	fill	net	stripping	pregrade
ID	m2	m3	m3	m3	m3	depth	depth
SUB1	66	0	0	13.8	-13.8	0	0
SUB2	20	0	0	3.3	-3.3	0	0
totals:	86	0.0	0.0	17.1	-17.1		



UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS

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

CECIL STREET
CUT + FILL

DATE	2015-12-14
SCALE	HOR: 1:200 m
REF. No.	-
DWG No.	1545

Conditions of Draft Approval File No. 60.46.412

General Approval

1. That this approval applies to the Draft Plan of Subdivision of the lands described as Part of Lots 5 & 6 Registered Plan No. TP146 Parts of Lot 20 & 21, Concession 3 Part of the Road Allowance between Concession 3, municipally known as 63 Cecil Street, prepared by Mathew Caneron, Heywood – Kth Surveying, dated August 26, 2015, showing Lots 1-20, (single dwellings), Blocks 21 (public walkway), Block 22 (townhouses), Blocks 23, 24, 25 (0.3m reserves) and inclusive and a new public street (Street A), as outlined in Appendix '1', for the lands described Part of Lots 5 & 6 Registered Plan No. TP146 Parts of Lot 20 & 21, Concession 3 Part of the Road Allowance between Concession 3, municipally known as 63 Cecil Street, as amended by Planning and Building Services April 12, 2016.

Zoning

2. That prior to approval of the final plan, any necessary Zoning By-law Amendments be approved and finalized by the Council.
(City of St. Catharines)
3. That the lands located within the existing 6.09m (20') storm sewer easement be zoned to prohibit any structures, accessory structures, platform structures, or pools.
(City of St. Catharines)
4. That the portions of the 100 year flood plain of Juliana Creek within Lot 8 and Block 21 (walkway) be rezoned G1 to prohibit the erection of any structures, to the satisfaction of the Niagara Peninsula Conservation Authority.

(NPCA)

5% for Parks

5. That the owner pay an amount equal to 5% of the appraised value of the subject lands in lieu of parkland dedication in accordance with the Planning Act, and that the owner submit a report prepared by a qualified real estate appraiser to establish this amount.
(City of St. Catharines)

Trees

6. That the applicant submit a Streetscape Plan for Street A that identifies, among items identified by other departments and agencies, the location of boulevard trees, utilities, streetlights, sidewalks, driveways, curbs, and hydrants. The applicant will be

required to pay for the planting of these boulevard trees in accordance with the Schedule of Rates and Fees at the time the Subdivision Agreement is registered.

(City of St. Catharines)

7. That the applicant submit a Tree Preservation Plan and Report and that the recommendations be implemented through the Subdivision Agreement.
(City of St. Catharines)

Archaeological Resources

8. That the owner submits an archaeological assessment of the subject lands by a licensed archaeologist to the Ministry of Tourism, Culture and Sport for review and approval with a copy provided to the Niagara Region Planning and Development Services Department and that adverse impacts to any significant archaeological resources found on the site be mitigated through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport through the Niagara Region Planning and Development Services Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

(Region of Niagara)

9. That the following clause be included in the subdivision agreement:

"Should archaeological resources be discovered during construction, the owner shall agree to immediately cease construction and undertake an archaeological assessment by a licensed archaeologist and adverse impacts to any significant archaeological resources found on the site shall be mitigated through preservation or resource removal and documentation. No further demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport through the Niagara Region Planning and Development Services Department, confirming that all archaeological resource concerns have met licensing and resource conservation requirements. Note: A copy of the archaeological assessment report is to be submitted to the Niagara Region Planning and Development Services Department."

(Region of Niagara)

10. That the following clause be included in the subdivision agreement:

"Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport in London (519-675-7742) and

[owner's archaeology consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner should immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services in Toronto (416-326-8392), the Ministry of Tourism, Culture and Sport and the owner's archaeology consultant."

(Region of Niagara)

Geotechnical Report

11. The owner submit a Geotechnical Report prepared by a qualified Soils Consultant to the City for review and approval.

(City of St. Catharines)

Land Use Compatibility / Noise Impacts

12. That the following warning clause(s) be included in the subdivision agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling unit:

"The lands in the plan of subdivision may be exposed to noise from nearby traffic that may interfere with some activities of the owners/tenants who occupy these lands."

(Region of Niagara)

Servicing, Grading and Stormwater Management

13. The Owner shall have the water distribution system designed by a Professional Civil Engineer in compliance with Municipal standards and the City of St. Catharines Engineering Standards Manual, as amended, for review and acceptance by the City Engineer.

(City of St. Catharines)

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

(City of St. Catharines)

15. The storm system servicing the development shall be designed by a Professional Civil Engineer in compliance with the Ministry of Environment's "Design Guidelines for Sewage Works" and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and submitted for review and acceptance by the City Engineer.

(City of St. Catharines)

16. A Stormwater Management Report shall be prepared for this development by a Professional Civil Engineer in compliance with the Ministry of Environment's "Stormwater Management Planning & Design Manual" March 2003, and be submitted for review and acceptance by the City Engineer.

(City of St. Catharines)

17. An overland flow route shall be incorporated into the design of the stormwater management of the site and constructed to Municipal standards, identifying a suitable outlet for the major storm (> 5-year) event.

(City of St. Catharines)

18. The Owner shall ensure that the storm system is designed to accommodate foundation weeping tile flows of all units via sump pump, and be discharged via a storm lateral to the proposed storm sewer.

(City of St. Catharines)

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

(City of St. Catharines)

20. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading, storm servicing, stormwater management, and construction sediment control plans, to form part of the Subdivision Agreement.

(NPCA)

21. That the Subdivision Agreement between the Developer and the City of St. Catharines contain the following warning clause:

"That all future purchase and sale agreements for the sale of Lot 8 advise potential owners that a portion of the property is within the 100 year flood plain for Juliana Creek, which is an area regulated under Ontario Regulation 155/06. The extent of the 100 year flood plain can be obtained from the Niagara Peninsula Conservation Authority. Any site alteration or erection of buildings and structures requires approval from the Niagara Peninsula Conservation Authority."

(NPCA)

Roads

22. That the design for all roads 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)

23. That the proposed streets be dedicated as public roads and named to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

Subdivision Design

24. 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)

Streetscape Plan

25. 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, pedestrian connections, curbs, boulevard trees, street trees, fencing, hydrants, on street parking, street lights, utility boxes, community mailboxes, hydro transformers, telephone pedestals and cable television pedestals.

(City of St. Catharines)

26. 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)

Sidewalks

27. That the owner installs concrete sidewalks along the both sides of Street A, from Cecil Street up to and including the northwest pathway connection (Block 21).

(City of St. Catharines)

28. The design and construction of all municipal sidewalks shall be completed to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

Street Lighting

29. The Owner shall submit to the City a street lighting design in accordance with the City's Engineering Standards Manual, as amended, for review and acceptance to the satisfaction of the City Engineer.

(City of St. Catharines)

30. The Owner shall construct the proposed street lighting in accordance with the City's Engineering Standards Manual, as amended, and the Electrical Safety Authority's standards.

(City of St. Catharines)

Easements

31. The Owner shall grant to the appropriate authority all easements as required for Municipal and Utility needs.

(City of St. Catharines)

32. That the following warning clause(s) be included in the subdivision agreement and inserted in all Agreements of Purchase and Sale or Lease for lots 1-6, 9 and 11:

“The lands are traversed by a 1350mm (54”) trunk storm sewer. The City currently occupies a 6.09m (20’) easement for perpetual maintenance over this sewer on the subject lands. The construction of any structures, decks, pools, and accessory structures is prohibited within the easement.”

(City of St. Catharines)

Dedication of Lands

33. That the proposed streets be dedicated as public road with a minimum width of 20.0 metres and named to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

34. The Owner shall dedicate a walkway connection from the existing walkway from Juliana Crescent to Street ‘A’ and constructed to the satisfaction of the City.

(City of St. Catharines)

35. The Owner shall dedicate Blocks 23, 24, and 25 as 0.3m reserves.

(City of St. Catharines)

Utilities

36. 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)

37. That the owner grants any easements necessary for the provision of services to the development by private utility companies.

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

38. 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)

Administration

39. 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)

40. 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)

41. 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)

By-laws to be considered Monday, May 2, 2016

- (a) A By-law to authorize a contract with Brennan Paving Limited. (One reading - with respect to 2016 Resurfacing Program - Part 1, under Project No. P16-080. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with CSL Group Ltd. (One reading - with respect to Montebello Park Pergola, Fencing and Walkway, under Project No. P11-130. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a contract with Peters Excavating Inc. (One reading - with respect to Lake/Russell, under Project No. P15-103. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers." (One reading - with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize an Agreement for Professional Services with Dillon Consulting Limited. (One reading - with respect to preparation of a fire response modelling assessment. Delegation By-law No. 2004-277, as amended.)
- (f) 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 proposed development at 63 Cecil Street. To be considered by Council, May 2, 2016.)
- (g) 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 2, under Project No. P16-164. To be considered by General Committee, May 2, 2016.)
- (h) A By-law to provide for the setting and levying of rates of taxation for City purposes for the year 2016, and to provide for the payment of taxes after interim taxes. (One reading - with respect to the 2016 Tax Rates. To be considered by General Committee, May 2, 2016.)
- (i) A By-law to authorize an Agreement with Raimondo + Associates Architects Inc. (One reading - with respect to Design and Construction Administration Services for Project No. P13-180 - New Administration Building for the Victoria Lawn Cemetery. To be considered by General Committee, May 2, 2016.)
- (j) A By-law to confirm the proceedings of council at its meeting held on the 2nd day of May, 2016. (One reading - with respect to confirming the proceedings of the meeting held on May 2, 2016, and the special meeting held on April 11, 2016.)