



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, March 20, 2017
Council Chambers, City Hall, 6:30 PM**

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

Page

- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Adoption of the Minutes (Council and General Committee)**

3.1 [Regular Meeting of Council, Minutes of February 27, 2017](#)

3.2 [General Committee, Minutes of February 27, 2017](#)

- 4. Declarations of Interest**

- 5. Public Meetings Pursuant to Planning Act**

- | | |
|---------|--|
| 5 - 30 | 5.1 Planning and Building Services, Planning Services
Applications for Zoning By-law Amendment and Draft Plan of
Subdivision, 4 Berkley Drive; Owner: 2071380 Ontario Inc.; Agent:
Upper Canada Consultants |
| 31 - 45 | 5.2 Planning and Building Services, Planning Services
Proposed Amendment to Zoning By-law 2013-283, 115 Martindale Rd,
117 Martindale Road, and 14 Grapeview Drive; Sante Aceti, Owner;
Chris Millar, Agent |

- 6. Delegations**

- 6.1 Chris Bittle, MP
Re: Centennial Gardens Revitalization Plan Update, 2010 - 2017
([see General Agenda, March 20, 2017, Item 3.2](#))

- 7. Presentations**

- 8. Call for Notices of Motion**

9. Motions

9.1 Supporting 1,400 Jobs in Niagara

(Councillor Britton provided notice of the following motion at the meeting of March 6, 2017)

WHEREAS Niagara's Casinos are the largest employer within the Niagara region employing over 4,000 people.

WHEREAS a third-party external report conducted by HLT Advisory indicates that OLG's modernization plans for the Niagara Casinos will result in a loss of 1,400 jobs for hard-working Niagara families.

WHEREAS Niagara's unemployment rate of 6.6% is already above the provincial average of 6.4%.

WHEREAS Niagara Regional Chair Alan Caslin and Niagara Falls Mayor Jim Diodati have written an open letter to Ontario Finance Minister Charles Sousa outlining their concerns regarding the potential loss of jobs in Niagara.

WHEREAS UNIFOR Local 199 President Greg Brady representing affected workers has indicated he shares the concerns outlined in the Regional Chair and Niagara Falls Mayor's open letter.

WHEREAS Many of these affected employees and their families live within the City of St. Catharines.

WHEREAS The St. Catharines economy is closely linked to the Niagara economy at large.

THEREFORE BE IT RESOLVED THAT this motion be circulated to our City's Member of Provincial Parliament, the Honourable Jim Bradley, and that St. Catharines Council request MPP Bradley provide a letter of support for the Regional Chair and Niagara Falls Mayor's open letter in defense of 1,400 jobs in Niagara and St. Catharines; and

THAT this resolution be circulated to the Regional Chair and the Mayor of the City of Niagara Falls; and

THAT this resolution be circulated to all Niagara municipalities requesting their support of jobs in our Niagara community by passage of a similar resolution. FORTHWITH

9.2 Provincial Auditor General's Offer to NPCA - Third Party Audit
(Councillor Garcia will present the following motion)

WHEREAS with an annual contribution of approximately \$1.7 million, the residents of the City of St. Catharines are the largest Niagara Region contributors of public funds to the Niagara Peninsula Conservation Authority's funding; and

WHEREAS at its January 18, 2017 meeting, the Board of the NPCA responded to requests by this Council, the majority of Niagara municipalities, the City of Hamilton and all Niagara MPPs, and voted unanimously to "immediately initiate an independent and thorough third party operational review and performance assessment of NPCA operations from 2011 through 2016"; and

WHEREAS the Province's Auditor General, Ms. Bonnie Lysyk has recently offered to perform the independent, third party operational review/audit at her office's expense but the NPCA has not accepted her offer; and

WHEREAS on March 8, 2017, the NPCA Board held a special meeting and approved a Request for Proposal (RFP) for the operational review/audit that the mover of their January 18 motion strongly argued "watered down" and did not "follow closely the intent" of his motion for an independent, third party approach;

THEREFORE, be it resolved, that Council urges the NPCA board to do everything required in order to ensure they accept the Auditor General's offer to perform an independent, third party operational review/audit, as approved by the board on January 18, 2017, at no direct cost to property taxpayers in St. Catharines and the other NPCA-funding municipalities; and

THEREFORE BE IT FURTHER RESOLVED, that the NPCA, all Niagara Municipalities and MPPs, the City of Hamilton and Haldimand County, the Premier, the Minister of Natural Resources and Forestry, the Auditor General and the Ombudsman be notified. FORTHWITH

- 10. Resolve into General Committee**
- 11. Motion Arising from In-Camera Session**
- 12. Motion to Ratify Forthwith Recommendations**
- 13. By-laws**

13.1 Reading of By-laws

14. Agencies, Boards, Committee Reports

14.1 Minutes to Receive:

- Town & Gown Advisory Committee, [September 28, 2016](#), and [February 23, 2017 draft](#)
- St. Catharines Heritage Advisory Committee, [February 9, 2017](#)
- Fire Master Planning Committee, [February 23, 2017](#)

15. Adjournment

CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: February 24, 2017

Date of Meeting: March 20, 2017

Report Number: PBS-068-2017

File: 60.35.1021, 60.46.424

Subject: Applications for Zoning By-law Amendment and Draft Plan of Subdivision, 4 Berkley Drive; Owner: 2071380 Ontario Inc.; Agent: Upper Canada Consultants

Recommendation

Zoning By-law Amendment

That Council approve an amendment to Zoning By-law 2013-283 for the lands described as Plan 626 Part of Block D, municipally known as 4 Berkley Drive, as follows:

- a) That Section 15.1, Schedule A (A10), Zoning Maps, be amended by changing the zoning of the subject lands from Low Density Residential – Suburban Neighbourhood (R1), to Low Density Residential – Traditional Neighbourhood (R2-139), as outlined in Appendix 1 of this report.
- b) That Section 13.1, List of Special Provisions, be amended by adding a special provision, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
139	R2	10		4 Berkley Drive	
The following provisions shall apply for a detached dwelling:					
1.	Maximum lot area for a corner lot			595 m ²	
2.	Minimum lot frontage			12 m	
3.	Minimum front yard			4.5 m to dwelling / 6 m to garage	
4.	Minimum interior side yard			1.2 m to one side of dwelling / 1.0 m to the other side of dwelling	

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

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

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

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

Draft Plan of Subdivision

That Council refer the report for Draft Plan of Subdivision to a meeting of Council on April 10, 2017, at least 14 days after the Public Meeting of March 20, 2017, pursuant to Section 51(20) of the Planning Act. FORTHWITH

Recommendation for Draft Plan of Subdivision for Consideration April 10, 2017

That Council approve a Draft Plan of Subdivision for the lands described as Plan 626 Part of Block D, municipally known as 4 Berkley Drive, prepared by Upper Canada Consultants, revised January 24, 2017, showing Lots 1 to 30 (detached dwellings), Block 1 (0.3 m reserve) and a new public street (Street 'A'), as outlined in Appendix 2, subject to the conditions outlined in Appendix 3; and

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

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

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

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

Summary

Approval of the subject applications would facilitate a plan of subdivision development consisting of 30 detached dwellings fronting on a new public road. The subject property, which is 1.6 ha (4.0 ac) in size, is located on the south side of Berkley Drive, east of Bunting Road and directly west of E.I. McCulley Public School. The proposed development has a net density of 26.15 units/ha. The gross density (including the municipal road allowance and 0.3m reserve) is 18.54 units/ha. Staff are recommending approval of the proposed Zoning By-law Amendment (illustrated in Appendix 1) as well as the Draft Plan of Subdivision (Appendix 2), subject to conditions (Appendix 3).

Report

Proposed Development

The Draft Plan of Subdivision application proposes 30 lots for detached dwellings on a new public road, having a net density of 26.15 units/ha. The public road allowance abuts City-owned Berkley Park lands to the south as well as District School Board of Niagara (DSBN) lands to the east. The public road allowance is 20.0 m wide and will accommodate sidewalks and large trees on both sides of the street. Staff is recommending approval of the proposed Draft Plan Subdivision (attached as Appendix 2) subject to the conditions contained in Appendix 3.

A concurrent application to amend the City's Zoning By-law is also being considered. The application proposes to change the zoning on the subject property from 'Low Density Residential – Suburban Neighbourhood (R1)' to 'Low Density Residential – Traditional Neighbourhood (R2)' (as illustrated in Appendix 1) with Special Provisions. The applicant proposes to increase the minimum lot frontage in this R2 Zone from 9.0 m to 12.2 m, increase the minimum front yard from 3.0 m to 4.5 m, increase the maximum lot area for a corner lot from 465 m² to 595 m², and decrease the minimum interior side yard from 1.2 m to 1.0 m (for one side of a dwelling only). Staff is recommending approval of the proposed Zoning By-law Amendment subject to provisions included in the recommendations of this report.

Location and Site Description

The subject lands are located in the City's North Planning District, on the south side of Berkley Drive, west of Bunting Road. The site is approximately 1.6 ha in size and is relatively flat. The site was formerly owned by the Niagara Catholic District School board, containing soccer fields used in conjunction with Berkley Park to the south.

The neighbourhood consists of a mix of low density (detached and semi-detached dwellings) and medium density (townhouse dwellings) residential developments, as well as a commercial plaza. A Location Map and Aerial Photograph are attached as Appendices 4 and 5, respectively.

Surrounding land uses include:

North:	Medium Density Residential (townhouse dwellings) Community Commercial (Bunting/Carlton plaza)
South:	Parkland (Berkley Park)
East:	Institutional (E.I. McCulley Public School) Medium Density Residential (townhouse dwellings) Low Density Residential (detached and semi-detached dwellings)
West:	Low Density Residential (detached dwellings)

Circulation of Application

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. Overall, there were no objections received.

Recommended conditions of Draft Plan of Subdivision approval address City and agency comments. Further detail regarding circulation comments is provided in the Planning Analysis section of this report.

Planning Analysis

Provincial and Regional Policy Context

The subject lands are within a settlement area under the 2014 Provincial Policy Statement (PPS) and within the Built-Up Area for St. Catharines as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2006. The PPS and Growth Plan contain policies that direct 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.

Similarly to the Growth Plan, the Regional Official Plan (ROP) directs development to take place in urban areas and supports intensification where appropriate servicing and infrastructure exists. The ROP establishes a residential intensification target of 95% for the St. Catharines Built-Up Area. The subject Zoning By-law Amendment and Draft Plan of Subdivision applications are consistent with Provincial and Regional policy and plans.

Official Plan (Garden City Plan)

The City's Official Plan, The Garden City Plan (GCP) designates the lands as Neighbourhood Residential (see Appendix 6), providing for a range of housing opportunities, types, forms and densities. Schedule E3 of the GCP (see Appendix 7) provides additional direction for the East Planning District and designates the lands as Low Density Residential.

The Low Density Residential designation permits a variety of residential uses, including detached, semi-detached, duplex, quadruplex, fourplex and townhouse dwellings generally at a density range between 20 and 32 units/ha. The proposed development has a gross density of 18.54 units/ha. The density policies of the Official Plan provide flexibility in calculating density, in that consideration may be given to excluding certain lands from the total area of the site (e.g., public roads, parkland dedication, natural areas). The proposed development has a density of 26.15 units/ha with the public road allowance and 0.3 m reserve excluded from the calculation. Generally, the proposed development meets the density policies of the Official Plan, which calls for a density range between 20 and 32 units/ha on the lands.

The proposal meets the Growth and Housing policies of the Official Plan as the development will provide new housing stock into the area on currently vacant lands. The proposed detached dwellings contribute to the well-balanced stock of dwelling types in this neighbourhood (i.e., detached, semi-detached and townhouse dwellings) and will

serve to help sustain this stock. The proposed dwellings will enhance the character of Berkley Drive and the neighbourhood as a whole.

The proposed development conforms to 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 By-law

Zoning By-law 2013-283 zones the lands as Low Density Residential – Suburban Neighbourhood (R1) (see Appendix 8). Uses permitted in the R1 Zone include detached, semi-detached, quadruplex and townhouse dwellings, as well as private road developments.

The applicant has requested an amendment to the Zoning By-law to change the zoning to Low Density Residential – Traditional Neighbourhood (R2). The R2 Zone allows a wider range of uses than the R1 Zone (i.e., duplex, triplex and fourplex are permitted). The R2 Zone allows smaller lots than the R1 Zone with lesser building setbacks. However, the applicant is proposing to add Special Provisions to this site-specific R2 Zone, which increases the minimum required lot frontage as well as some yard setbacks. The applicant's Zoning provisions are somewhat of a hybrid between the City's standard R1 and R2 Zones. The table below outlines the zoning requirements for the standard R1 Zone, the standard R2 Zone and the proposed R2 Zone.

Provision	R1 Zone Requirement	R2 Zone Requirement	Proposed R2 Requirement
<i>Detached Dwelling</i>			
Min. lot area	400 m ²	300 m ²	300 m ²
Max. lot area	490 m ²	465 m ²	465 m ² 595 m ² for corner lots
Min. lot frontage	15 m	9 m	12 m
Min. front yard	6 m to dwelling 7 m to garage	3 m to dwelling 6 m to garage	4.5 m to dwelling 6 m to garage
Min. rear yard	7.5 m	6 m	6 m
Min. interior side yard	1.2 m	1.2 m	1.2 m to one side 1.0 m to other side
Min. exterior side yard	4 m to dwelling 6 m to garage	3 m to dwelling 6 m to garage	3 m to dwelling 6 m to garage
Max. building height	11 m	11 m	11 m
Min. landscaped open space	25 %	25%	25 %

In general, the proposed zone change from R1 to R2 is supported by the City's Official Plan policies. The property is surrounded by low and medium density residential land uses. The proposed changes to lot areas, frontages and setbacks will achieve development that is compatible with the surrounding land uses.

Proposed Lot Area & Frontage

The proposed minimum lot area of 300 m² is consistent with existing requirements of the R2 Zone. The requested minimum lot frontage of 12 m is greater than the existing requirements of the R2 Zone and will be compatible with residential developments in the area. There are a number of R2 properties in the vicinity of the development (e.g., Dorchester Boulevard, Jennifer Crescent, Meredith Drive) with the standard R2 requirements. While the proposed zoning would permit lots that are smaller than existing lots to the west along Bunting Road, this does not present issues with regard to compatibility. The resulting building form, scale, massing, height, setbacks, spacing, siting and orientation will integrate well with the existing properties in the surrounding neighbourhood. The proposal is in keeping with the low density residential character of neighbourhood. The proposed lot area and frontage are appropriate for the proposed detached dwellings.

Proposed Minimum Yards

The proposed Zoning By-law Amendment increases the minimum front yard setback in the R2 Zone from 3 m to 4.5 m to the dwelling. For comparative purposes, the dwellings along Jennifer Crescent (to the northwest of the subject property) have a front yard setback of approximately 4.5 m to the dwelling. The garage setback will be maintained at 6 m.

The applicant initially proposed an interior side yard setback of 1.0 m for 25% of the dwelling, and 1.2 m for the remainder. The intention of this provision was to allow the attached garage to be located 1.0 m from the interior lot line, which would provide for additional space on the interior of the dwelling and add flexibility with regard to potential building footprint. Staff was supportive of this provision, but noted that 25% of the length of the dwelling would not equate to a dimension that is long enough for a garage (i.e., the garage is greater in length than 25% of the length of the dwelling).

Through the circulation period, the applicant made a revision to the proposed Special Provisions to allow a 1.0 m interior side yard setback for the entire length of one side of the dwelling, and 1.2 m for the other side. This provision would better achieve the developer's intended design. Staff does not oppose this provision, however it is noted that the Building Code would not allow unprotected openings (i.e., standard windows) where the building is located 1.0 m from the property line. A builder may choose to "step" the dwelling to a 1.2 m side yard setback for the portion of the dwelling behind the garage, to allow for standard windows to be built on this wall. A builder may also choose to place the entire length of the dwelling 1.2 m or greater from the property line. Building setbacks of 1.0 m are not uncommon in the north end of the City. There are several subdivisions in the area that were built with a 1.0 m minimum setback requirement in place (e.g., Carlton Street, Dunkeld Avenue, Dunblane Avenue, Woodelm Drive, Patricia Drive). There are no practical issues with this size interior side yard.

Interim Control By-law

On December 5, 2016 Council passed an Interim Control By-law (ICB) to prohibit new development in the R1 Zone, while a review of residential infill and intensification policies, standards and process occurs. The subject applications were filed with the City and considered to be complete on November 23, 2016, prior to the passage of the ICB. As such, the ICB does not apply to the subject applications.

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 lots are of appropriate size and shape, and adequate for the development of detached dwellings in accordance with the Zoning By-law and proposed amendment.
- 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 conditions of Draft Plan of Subdivision approval, addressing various agency and departmental comments, have been included in Appendix 3. Staff recommends approval of the Draft Plan of Subdivision, subject to these conditions.

Parkland Dedication

The subject lands are part of a block on a previous Plan of Subdivision, for which parkland dedication was collected in the form of the Berkley Park lands to the south. As such, this proposed development is not eligible for further parkland dedication under the Planning Act. The applicant's initial proposal did include a block for parkland purposes, however, it was removed from the plan when it was determined that parkland dedication had already occurred for the original Plan of Subdivision.

Temporary Easement

The proposed Plan of Subdivision includes a new public road allowance which runs perpendicular from Berkley Drive to the southerly boundary of the site, abutting Berkley Park. The road allowance turns to the east and abuts the E.I. McCulley Public School lands to the east (with a 0.3 m reserve to prohibit access). The design of the road allowance in this manner allows an option for the road to extend to the south or east, if needed. There is currently no planned extension of this road, however, it is good planning to leave this available as an option in the future.

In the meantime, the road will terminate in a turning circle which abuts Berkley Park to the south and the school lands to the east. To accommodate the turning circle, an

easement is proposed over the front yard of Lot 17. The turning circle and easement would be removed from the lot if the road were to be extended. Appendix 9 illustrates the placement of the turning circle on Lot 17. The lot is larger than others in the Plan, allowing for a dwelling to be built even with the easement in place. The front of the dwelling on Lot 17 would be a minimum of 2.0 m from the back of curb. There are no special zoning provisions associated with this Lot, other than the allowance for an increased maximum lot area for corner lots.

Fencing

Conditions of approval are being recommended relating to fencing along the south and east property lines. The south property line, shared with Berkley Park, is required to have a 1.8 m (6 ft) high chain link fence, except for the area behind the existing soccer goal posts, which is required to have a height of 5.5 m (18 ft). There will be an opening in the fence to allow the new sidewalk from the subdivision to extend into the park. The developer will also be required to install a 1.8 m (6 ft) high chain link fence along the entire easterly property line adjacent to the E.I. McCulley Public School property.

There is no requirement for fencing along the westerly property line of the development, however the developer may choose to install a fence in this location. It is not common for the City to require a developer to install a new fence along a property line where the same residential land uses abut each other (e.g., detached dwellings backing onto detached dwellings). However, the developer may choose to install a new fence along the entire length of this property line. The developer has informed Staff that this option is currently being considered.

There are a number of fences that currently exist along this property line and several of them encroach onto the subject lands. A property owner may choose to remove a fence that has been built on their property. This is a civil matter that would not involve the City. The owner of the subject lands has recently gone through the process to enter the lands into the Ontario Land Titles System. Through this process the owner must provide a 40 year title search and a current survey of the property to the local Land Registry Office, who reviews the application. Notices are served to adjoining owners of land. There were no title disputes or adverse claims received through this process and the owner has been confirmed as having absolute title of the subject lands.

Grading & Stormwater Management

The original subdivision design accounted for this site in the drainage area plan. Stormwater from the property will be conveyed into a new storm sewer under the new street, then to the existing sewer under Berkley Drive. Site grading will follow the existing topography and there will not be any significant change in grade on the subject lands. Grading and stormwater management will be subject to the review and approval of the City.

Public Open House

Planning and Building Services hosted a public open house on Tuesday, January 10, 2017 at City Hall. The purpose of the meeting was to present the applicant's proposal

and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. There were six members of the public in attendance. Public comments received at the Open House and subsequent to the Open House are summarized below, with corresponding Staff responses.

Traffic Study

Comment: Has a traffic study been completed?

Response: The additional traffic generated by a 30 unit development would be 30 trips in the peak hour, which wouldn't warrant a formal traffic study. Typically a minimum of 100 units is required before a formal traffic study would be undertaken.

Pedestrian Safety

Comment: Concern regarding safety of children walk to school.

Response: The City could undertake a crossing guard study as it is based on gaps in the traffic. However, a crossing guard wouldn't be warranted for pedestrians who are on Berkley Drive crossing the new 'Street A', because traffic on 'Street A' would be required to stop.

Traffic at intersection of Bunting Road & Berkley Drive

Comment: How will traffic be managed at the Berkley/Bunting intersection?

Response: The traffic generated by this development wouldn't trigger improvements to the intersection of Bunting Road/Berkley Drive (i.e., signalization). At this time there is no consideration being given to signalizing the intersection. A crossing guard is currently location at this intersection and outside of school times, there are no significant pedestrian generators on the west side of the street in the immediate vicinity of the intersection that would justify the need for a pedestrian signal.

On-street parking

Comment: Concern with potential increase of on-street parking on surrounding streets.

Response: On-street parking would be accommodated on the new street within the development. The City has not determined at this time whether parking would be permitted on one or both sides of the new street. While the City would endeavor to have parking on one side of any street, an 8.5 m wide street (as proposed) is of sufficient width to allow parking on both sides of the street. Any prohibition of parking on one side of the street would be a decision of Council. Each lot could accommodate two to four on-site parking spaces.

Property Values

Comment: Has a study been completed assessing impact on surrounding property values?

Response: A study of this nature is not required as part of a development application as Planning Staff do not evaluate monetary impacts. The new properties will be evaluated by the Municipal Property Assessment Corporation (MPAC) to determine assessment values. The developer has informed Staff that the approximate starting price for a dwelling will be \$400,000.

Noise

Comment: Has a noise study been completed to understand the noise generated by the construction process as well as the ongoing additional traffic?

Response: A noise study was not requested as part of the submission of these applications. Construction noise is a temporary component of any development. City staff can work with the developer and builder to attempt to minimize any disruptions. The City of St. Catharines Noise By-law restricts construction noise between the hours of 11:00 PM and 7:00 AM.

Existing Overhead Services

Comment: How will existing overhead service lines along the westerly property boundary be impacted?

Response: A title search has been completed for the subject lands and there are no utility easements present. The survey of the property indicates that the poles are directly on the property line, and in one instance, 0.19 m onto the subject property. The poles and overhead lines will not be impacted by this development. If easements are required on the subject lands, they can be registered through the subdivision agreement process.

Trees

Comment: Will existing trees be removed? Some trees provide privacy for the rear yards of the dwellings to the west.

Response: The property survey indicates that there are two existing trees on the subject property near the westerly property line. One hedge exists wholly on the subject property, near the westerly boundary. The two trees and one hedge on the subject lands will likely be removed as grading will be occurring in these areas. One other hedge exists at the rear of an adjacent property to the west, directly on the property line. Any tree or hedge along a shared property line must have the consent of each land owner before removal.

Fences

Comment: A number of fences encroach onto the subject property, over the westerly property line. How will the development impact this situation?

Response: A property owner may choose to remove a fence that has been built on their property. This is a civil matter that would not involve the City. It is not common for the City to require a developer to install a new fence along a property line where the same residential land uses abut each other (e.g., detached dwellings adjacent to detached dwellings). However, the developer may choose to install a new fence along the entire length of this property line. The developer has informed Staff that this option is currently being considered.

Existing Residential Character

Comment: How will the development fit with the character of the existing area?

Response: While the proposed lots will be smaller than existing lots to the west of the subject lands, along Bunting Road and beyond, the proposed detached dwellings will be in keeping with the low density character of this neighbourhood. The proposed residential development will also be compatible with the character of residential development to the east, along Berkley Drive and Dorchester Boulevard.

Conditions of approval are being recommended relating to architectural control of dwellings on corner lots, to ensure that building design appropriately addresses both street frontages.

The proposed Zoning By-law Amendment and Draft Plan of Subdivision will achieve building and streetscape context sensitive design, and ensure that building form, scale, massing, height, setbacks, spacing, orientation, facades and architectural materials will be compatible with adjacent buildings.

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

There are no direct costs to the City by approving these applications. Any costs incurred by this development are the responsibility of the developer.

Relationship to Strategic Plan

Economic Sustainability

The approval of this Zoning By-law amendment will serve to support the goals for economic sustainability by:

- Facilitating private investment through development in the City (Goal 1).

Conclusion

In summary, staff is supportive of the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications. The subject applications would facilitate a plan of subdivision development consisting of 30 detached dwellings fronting on a new public road. The proposal makes efficient use of vacant lands and will be compatible with the surrounding uses. The proposed housing will serve to enhance the character of Berkley Drive and the neighbourhood as a whole. The applications are consistent with provincial, regional and municipal planning policies.

Notification

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

Prepared by:

Aaron Butler, MCIP, RPP
Planner I

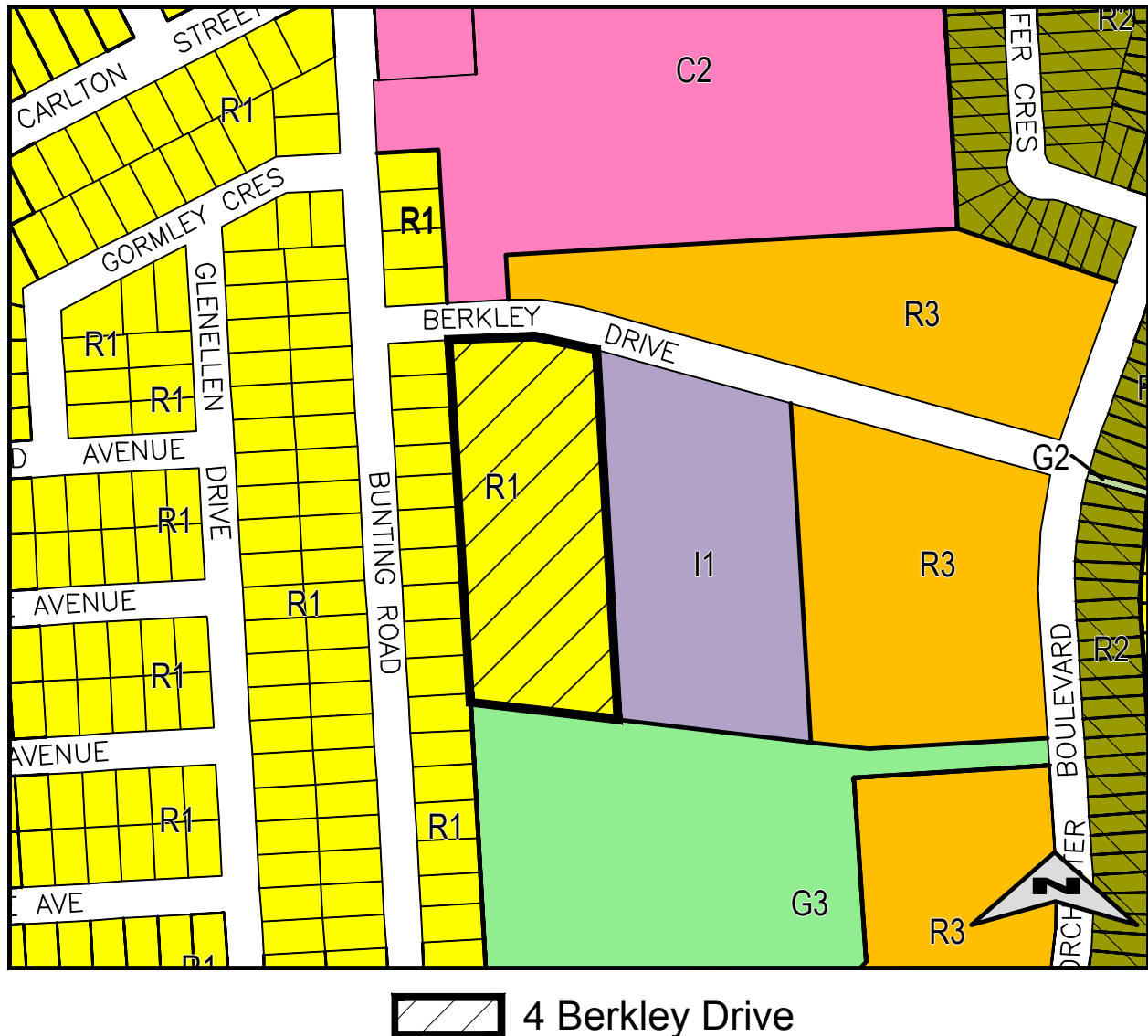
Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

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




Proposed Amendment to Zoning By-Law 2013 - 283



 4 Berkley Drive

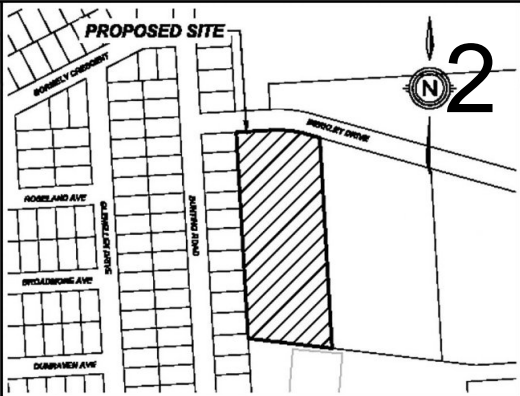
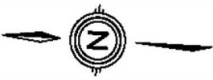
Subject lands to be re-zoned from
 Low Density Residential - Suburban Neighbourhood (R1) to
 Low Density Residential - Suburban Neighbourhood (R2-139)

Zones

-  R1 Low Density Residential
- Suburban Neighbourhood
-  R2 Low Density Residential
- Traditional Neighbourhood
-  R3 Medium Density Residential

-  C2 Community Commercial
-  G3 Major Green Space
-  I1 Local Neighbourhood
Institutional

DRAFT PLAN OF SUBDIVISION - 4 BERKLEY DRIVE
ST. CATHARINES



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISON

LEGAL DESCRIPTION

PART OF BLOCK D
REGISTERED PLAN 028
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 DRAFT PLAN OF
SUBDIVISION TO THE CITY OF ST. CATHARINES
FOR APPROVAL.



NOVEMBER 9, 2016
DATE

SURVEYOR'S CERTIFICATE

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

William E. Mascoe

NOVEMBER 10, 2016
DATE

ONTARIO LAND SURVEYOR
KIRKUP MASCOE URE SURVEYING LTD

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) SILTY SAND
j) SEE PLAN
k) FULL SERVICE
l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE FAMILY RESIDENTIAL	LOT 1-30	30	1.1474	70.9
0.3m RESERVE	BLOCK 1		0.0008	0.01
ROADWAY			0.470	29
TOTAL		30	1.618	100.00

GROSS DENSITY =18.54 units/ha
NET DENSITY w/o R.O.W. = 26.15 units/ha

#	ISSUED PER JAN. 20 COMMENTS	2017-01-24	WH
0	ISSUED FOR APPROVAL	2016-11-09	TA
#	REVISION	DATE	INIT



UPPER CANADA
CONSULTANTS
ENGINEERS / PLANNERS

261 Mortindale Road
Unit #1
St. Catharines, ON
L2W 1A1
Phone: (905) 688-8400
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DRAWING TITLE

DRAFT PLAN
4 BERKLEY DRIVE

DRAFTING T.A./W.H.

DATE JANUARY 24, 2016

PRINTED JANUARY 26, 2017

SCALE 1:500

DWG No.

1658-DP

REV

0

EXISTING RESIDENTIAL

EXISTING SCHOOL

EXISTING OPEN SPACE

STREET 'A'

EXISTING RESIDENTIAL

BUNTING ROAD

**4 Berkley Drive
Conditions of Draft Approval
File No. 60.46.424**

General Approval

1. That this approval applies to the Draft Plan of Subdivision of the lands described as Plan 626 Pt Blk D, municipally known as 4 Berkley Drive, prepared by Upper Canada Consultants, revised January 24, 2017, showing Lots 1 to 30 (detached dwellings), Block 1 (0.3 m reserve) and a new public street (Street 'A'), as outlined in Appendix 2.

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)

Trees

3. That the owner pay for the City to supply, plant and warranty the trees identified in the approved Streetscape Plan in accordance with the Schedule of Rates and Fees at the time the Subdivision Agreement is registered.

(City of St. Catharines)

Fencing

4. That the owner agrees to install a chain link fence along the southerly boundary of the subject lands, abutting Berkley Park. This fence will be 5.5 m (18.0 ft) high from the south-east corner of the subject lands, to a point 39.5 m westerly along the lot line. The remaining portion of the fence will be 1.8 m (6.0 ft) high, with an opening allowing for pedestrian access.

(City of St. Catharines)

5. That the owner agrees to install a 1.8 m (6.0 ft) high chain link fence along the entire length of the easterly boundary of the subject lands that directly abuts District School Board of Niagara lands. The fence shall be located entirely on the subdivision lands and not along the lot line or on School Board property.

(District School Board of Niagara)

6. That a clause be included within the subdivision agreement advising the future property owner that, provided the District School Board of Niagara owns the school property to the east, the owner is responsible for ensuring the 6-foot high chain link fence is maintained, and shall not remove the fence or any part of the fence, nor add any gates or opening that would allow access to the school property.

(District School Board of Niagara)

Nuisance

7. That the owner agrees to include the following warning clause in the subdivision agreement as well as all offers of purchase and sale or lease:

A number of City operations and events occur in and around Berkley Park that may be viewed as a disturbance or nuisance. These include, but are not limited to, general park maintenance and soccer games, practices and tournaments. These activities occur throughout the day and on weekends, including during the early morning and evening hours, and often require the use of lights and utilize on-street parking.

(City of St. Catharines)

Geotechnical Report

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

(City of St. Catharines)

Servicing, Grading, and Stormwater Management

9. The water distribution system designed by a Professional 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)

10. The sanitary sewer system shall be designed by a Professional Engineer in compliance with the Ministry of Environment's "Design Guidelines for Sewage Works" and in accordance with the City of St. Catharines Engineering Manual, as amended.

(City of St. Catharines)

11. A Stormwater Management Report shall be prepared for this development by a Professional Engineer in compliance with the Ministry of Environment's "Stormwater

Management Planning & Design Manual” March 2003, and be submitted for review and approval by the City of St. Catharines.

(City of St. Catharines)

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

(City of St. Catharines)

13. An overland flow route shall be incorporated into the design of the stormwater management of the site and constructed to Municipal standards.

(City of St. Catharines)

14. The owner agrees that all dwelling units proposed in this subdivision will be installed with sump pumps designed and constructed to discharge dwelling weeping tile flows to the proposed storm sewer via storm lateral.

(City of St. Catharines)

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

(City of St. Catharines)

Roads

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

(City of St. Catharines)

17. That the proposed Street ‘A’ be dedicated as a public road and named to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

Street Cleaning

18. That the owner agrees in the subdivision agreement to make a cash deposit to the City for road cleaning.

(City of St. Catharines)

Subdivision Design

19. 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)

Architectural Design

20. The owner agrees that prior to the issuance of a building permit, elevation plans for corner lots be submitted for approval by the Director of Planning and Building Services. The elevation plans for dwellings on corner lots will demonstrate implementation of the following design matters:

- a. Both street-facing elevations will feature the same exterior materials and detailing.
- b. Both street-facing elevations will include appropriately proportioned windows on each floor of the dwelling.
- c. A large bay window or appropriate alternative feature will be incorporated into the street-facing façade that does not include the principle entrance.
- d. The principle building entrance or a covered front porch shall be provided in a location that is visible from both street frontages.
- e. Attached garages shall not be located on the portion of the dwelling closest to the exterior lot line and shall be accessed from the front lot line. Detached garages may be accessed from the exterior side lot line.

(City of St. Catharines)

Streetscape Plan

21. 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. Sidewalks and boulevard trees are required on both sides of the street.

(City of St. Catharines)

22. That the subdivision agreement include a clause requiring the owner to communicate the approved streetscape plan to the prospective purchasers 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

23. That the owner installs concrete sidewalks along the both sides of Street A constructed in accordance with the City of St. Catharines Engineering Manual. A sidewalk shall extend into Berkley Park to the south.

(City of St. Catharines)

Street Lighting

24. That the owner submit to the City a street lighting design in accordance with the City's Engineering Manual, as amended, for review and approval.

(City of St. Catharines)

25. The owner shall construct the proposed street lighting in accordance with the City's Engineering Manual, as amended.

(City of St. Catharines)

Land Dedication and Easements

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

(City of St. Catharines)

27. The Owner shall dedicate Block 1 as a 0.3 m reserve.

(City of St. Catharines)

Utilities

28. 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)

29. 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)

30. 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)

Canada Post

31. That the owner agrees to install a single, two-module Community Mailbox in the Berkley Drive boulevard, at the rear of Lot 1, facing the sidewalk. The Community Mailbox location must be identified on all required servicing plans.

(Canada Post and the City of St. Catharines)

Administration

32. 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)

33. 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)

34. 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)

Location Map



 4 Berkley Drive

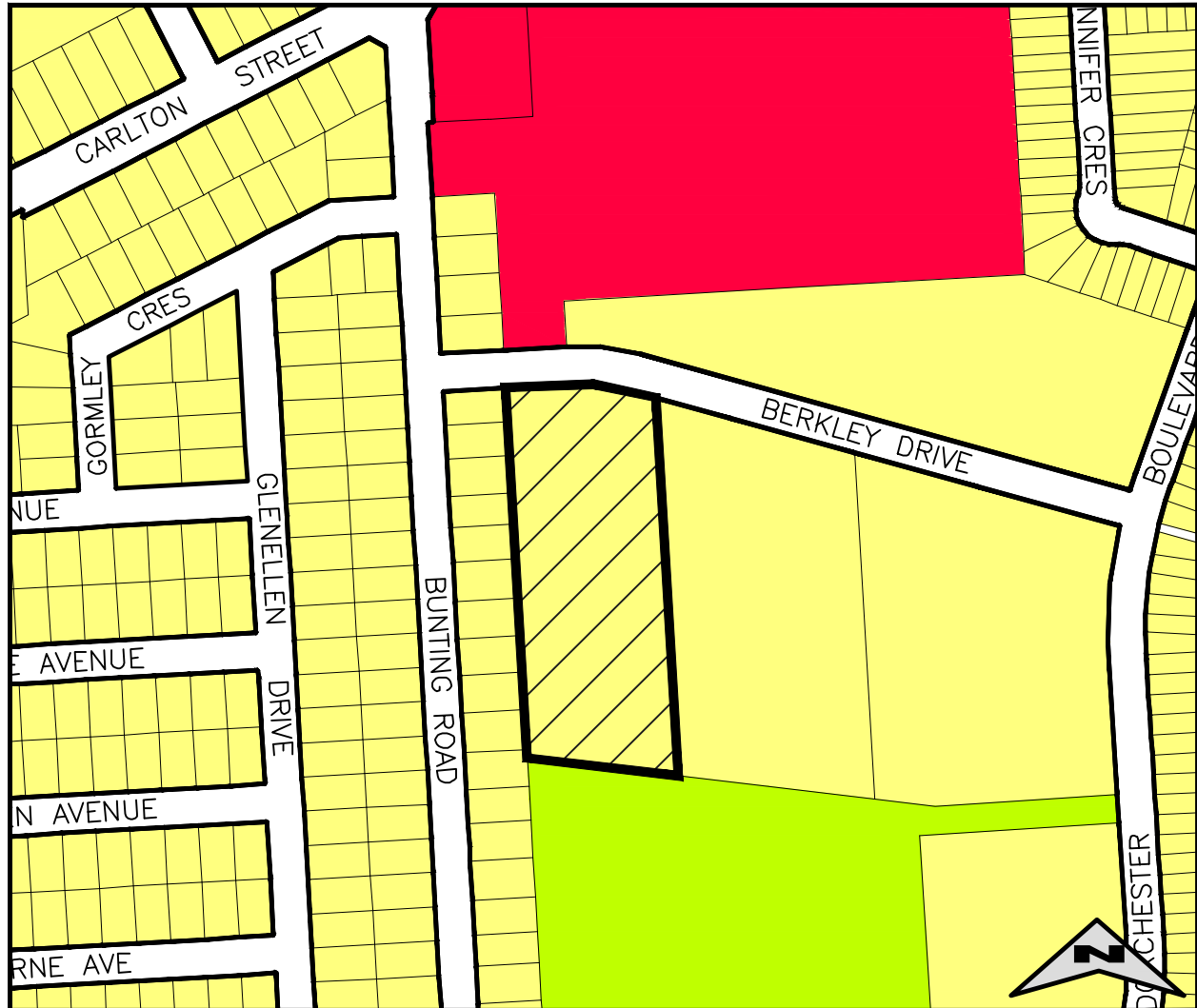
Aerial Photo of Subject Lands



4 Berkley Drive

Existing Land Use Designation

(General Land Use Plan D1 - Garden City Plan)



4 Berkley Drive

Land Use Designations

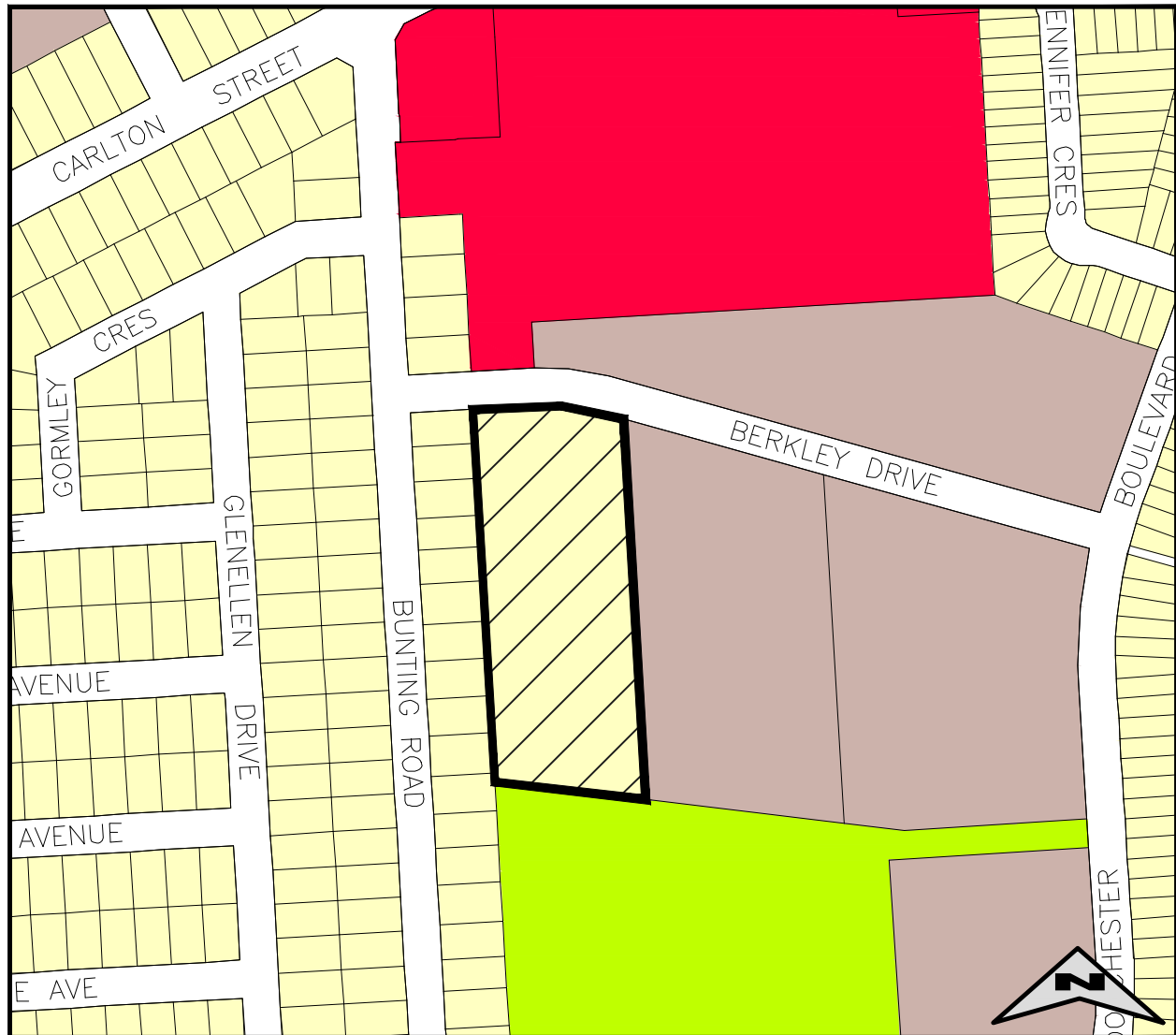
Neighbourhood Residential

Commercial

Parkland & Open Space

File: 60.35.1021

Existing Land Use Designation (North Planning District E3 - Garden City Plan)



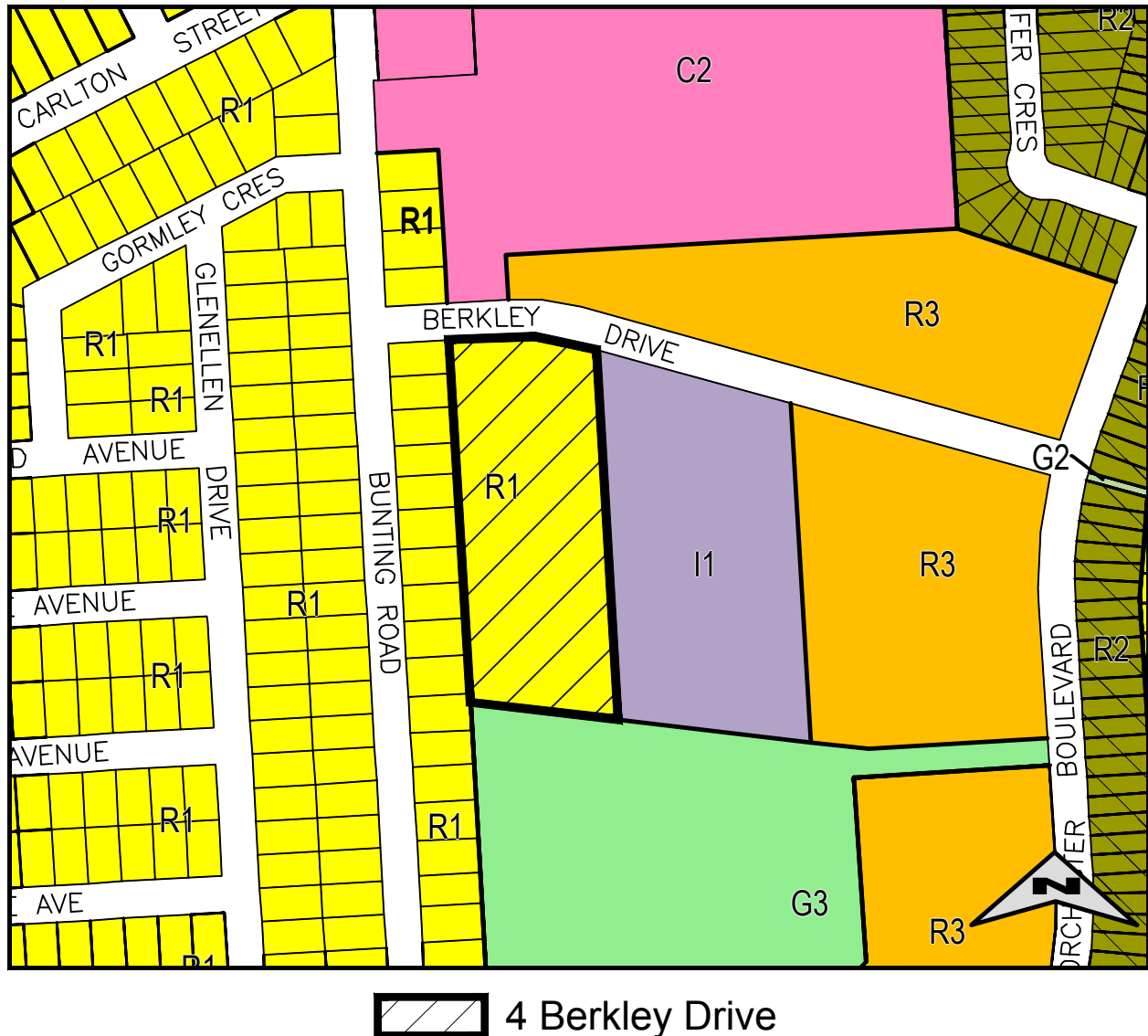
 4 Berkley Drive

Zones

- | | |
|--|---|
|  Low Density Residential |  Community Commercial |
|  Medium Density Residential |  Parkland & Open Space |

Existing Zoning

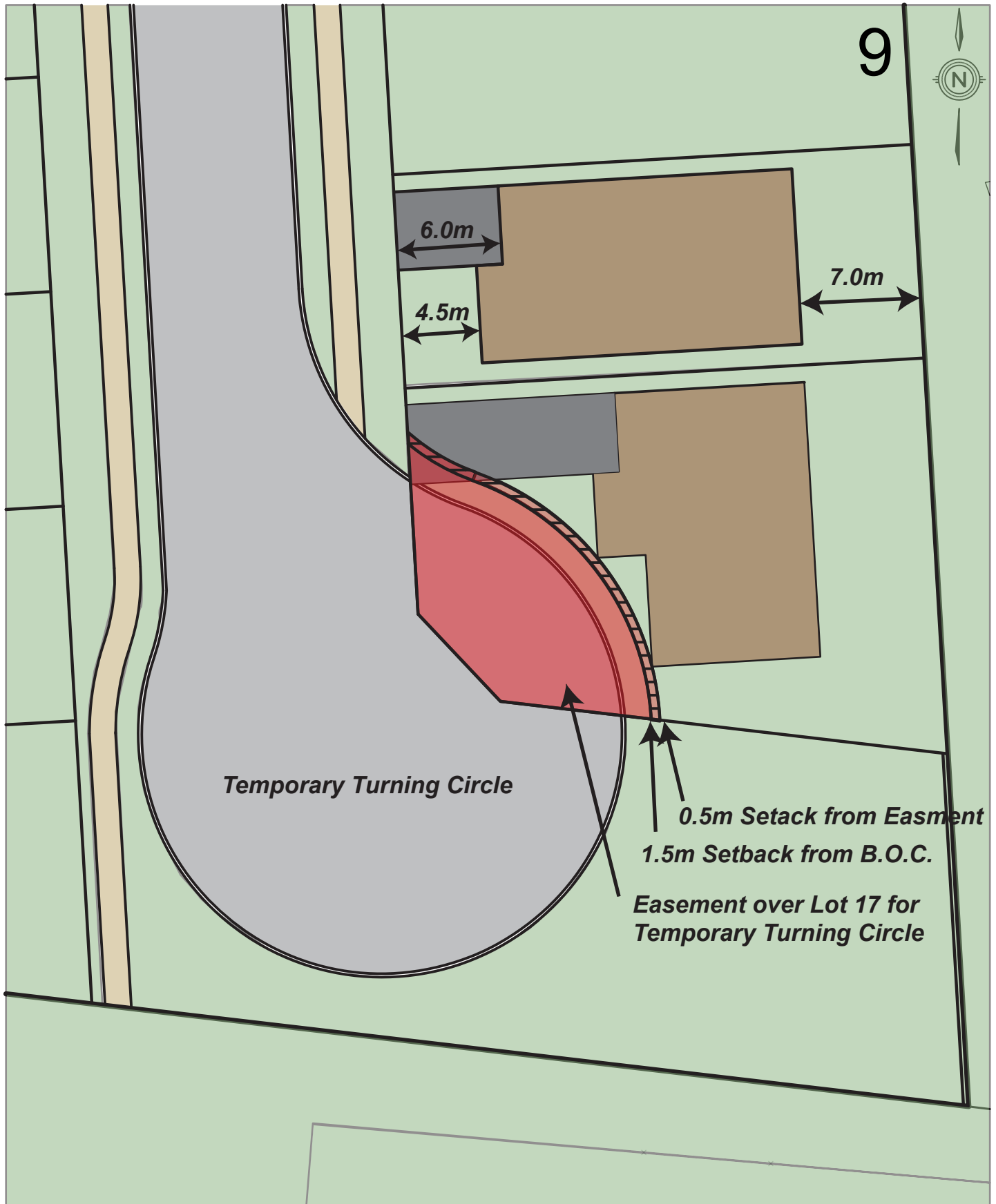
(Schedule A - Zoning By-law 2013-283)



Zones

- R1** Low Density Residential
- Suburban Neighbourhood
- R2** Low Density Residential
- Traditional Neighbourhood
- R3** Medium Density Residential

- C2** Community Commercial
- G3** Major Green Space
- I1** Local Neighbourhood
Institutional



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**4 BERKLEY DRIVE
LOT 17 DEMOISTRATION**
ST. CATHARINES

DATE	2017-01-27
SCALE	1:300 m
REF No.	.
DWG No.	1658



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: March 2, 2017

Date of Meeting: March 20, 2017

Report Number: PBS-071-2017

File: 60.35.1019

Subject: Proposed Amendment to Zoning By-law 2013-283, 115 Martindale Rd, 117 Martindale Road, and 14 Grapeview Drive; Sante Aceti, Owner; Chris Millar, Agent

Recommendation

That Council approve an amendment to Zoning By-law 2013-283 for the lands municipally known as 115 Martindale Road, 117 Martindale Road, and 14 Grapeview Drive, as follows:

- a) That Section 15.1, Schedule A13, Zone Maps, be amended by changing the zoning of the subject lands from Low Density Residential (R1) to Local Convenience Commercial (C1), as identified in Appendix 6 of this report.

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

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

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

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

Summary

The purpose of the application is to change the zoning of the subject properties from Low Density Residential (R1) to Local Convenience Commercial (C1). Approval of the application would permit the construction of a mixed use commercial/residential development. Staff is recommending approval of this Zoning By-law amendment. The proposal conforms to Provincial, Regional and local Official Plan policies.

Report

Proposed Development

The applicant proposes to construct a commercial/residential development consisting of two buildings with a total of about 700 square metres of ground floor commercial space,

and 700 square metres of second floor residential space. There are seven (7) commercial units and seven (7) residential apartment units proposed. The applicant has requested to change the Zoning By-law designation from Low Density Residential – Suburban Neighbourhood (R1) to Local Convenience Commercial (C1) to permit the mix of commercial and residential uses on the site. The C1 designation permits a variety of commercial uses, animal care establishments, cultural facilities, day cares, gas stations, service commercial uses, restaurants, retail stores, social service facilities, indoor recreation facilities, offices, places of worship, and apartment dwelling units. A conceptual site plan for the development is included in Appendix 7.

Location and Site Description

The subject lands are located in the West Planning District on the northwest corner of Martindale Road and Grapeview Drive (Appendix 1). The subject lands have a frontage of 38.08 metres along Martindale Road, and 40.22 metres along Grapeview Drive. The size of the site is approximately 3422 m². The lands are currently vacant (Appendix 2).

Surrounding land uses include:

- North: Residential (detached dwellings)
- South: Commercial/Office (dental and retail)
- East: Commercial/Indoor Recreation (salon, karate gym)
- West: Residential (detached dwellings)

Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. There were no objections to the development. No concerns were raised, except for the matters addressed in the Planning Analysis section of this report.

Planning Analysis

The Provincial Policy Statement (2014)

The subject lands are located within a settlement area under the Provincial Policy Statement (2014) and within the Built-up Area as identified by the Province's Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2006). These documents contain policies that support all forms of residential intensification and urban area regeneration, directing growth to Built-up Areas. The Provincial Policy Statement requires that land use patterns within settlement areas be based on densities and a mix of land uses which support active transportation, are transit-supportive, and which efficiently use land, resources, infrastructure and public service facilities which may be planned or are already available.

The approval of this application conforms to Provincial land use policy.

Regional Official Plan

The subject lands are within the Urban Area Boundary for the City of St. Catharines and within a Built-up Area according to the Regional Official Plan. The Regional Sustainable Community Policies establish a residential intensification target of 95% for the St.

Catharines built-up area. The subject lands are located in the City's built-up area and within an established neighbourhood where infrastructure and services are available. Municipalities are encouraged to develop a diverse mix of land uses within urban areas to support the complete community concept.

The proposed zoning amendment will facilitate the use of these lands for mixed use residential/commercial development, and support the complete community concept. Therefore, these applications are consistent with the Regional Official Plan.

Local Official Plan (Garden City Plan)

The lands are designated Neighbourhood Residential on the General Land Use Plan (Appendix 3), and further designated Low Density Residential in the West Planning District (Appendix 4). 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.

Local Neighbourhood Convenience Commercial Centres cater to the day to day convenience needs of nearby local residents and may include small scale retail and service commercial, office, institutional and indoor recreation uses, and residential dwelling units.

Part D Section 8.3.3 of the Garden City Plan permits the creation and expansion of Local Convenience Commercial Centres within the Neighbourhood Residential designation by way of a Zoning By-law Amendment, and will be evaluated based on the following criteria as outlined in section 8.3.3 a):

- i) **Compatible with the surrounding residential environment;**
Compatible is defined by the Official Plan as "development or redevelopment of uses which may not necessarily be the same as, or similar to, existing development, but can coexist with the surrounding area without adverse impact." The concept site plan (Appendix 7) shows that the site provides adequate buffering to surrounding residential properties; strategic placement of the buildings closer to the intersection than to neighbouring dwellings; and that every provision of the C1 zone is met. Having reviewed this concept plan, staff is satisfied that the lands are able to support a development that is compatible with the surrounding residential environment.

Additionally, the proposal will be required to go through the site plan control process before any new buildings are constructed. Through this process, staff will ensure that adequate setbacks, buffers, and any necessary mitigation measures are in place to maximize the compatibility of any new development with both the residential and commercial uses in the surrounding area.

- ii) **Total size of the centre should not exceed 0.4 hectares of land**
 The subject lands represent an increase to the existing centre on the northwest corner of the intersection of Martindale Road and Grapeview Drive. The centre is currently comprised of one property with an area of approximately 0.07 hectares. The lands to be added have an area of 0.34 hectares. Combined, the site would be 0.41 hectares. Part D Section 8.3.3 b) states that any application to increase the size of a centre beyond 0.4 hectares of land will only be considered where such application includes the development of residential units.

The conceptual proposal includes seven (7) second floor residential apartment units. The proposal also includes 700 square metres of commercial gross leasable floor area (GLFA). The provisions of the proposed C1 zone state that where the GLFA exceeds 370 square metres, the C1 zone requires residential units to be provided at a density between 20 and 32 units per hectare. The proposed 7 residential units satisfy the density requirements with a density of 20.4 units per hectare.

- iii) **Total gross leasable floor area (GLFA) for commercial uses should not exceed 930 square metres;**
 The proposal includes about 700 square metres of commercial GLFA. The existing C1 property has approximately 140 square metres of commercial GLFA. Altogether, this Local Neighbourhood Convenience Commercial Centre would have approximately 840 square metres of commercial GLFA, which meets the above requirement. Furthermore, the provisions for the C1 zone do not permit development which exceeds 930 square metres of commercial GLFA.

- iv) **Total gross leasable floor area per individual commercial use should not exceed 370 square metres.**
 The provisions for the proposed C1 zone do not permit the development of commercial units on the site which exceed 370 square metres of GLFA. The concept plan does not indicate individual commercial unit sizes, but states that commercial units will not exceed the maximum GLFA of 370 square metres.

- v) **The centre shall be located at the intersection of arterial or arterial and collector roads, central to its intended service area, have an intended service radius of not more than 0.8 kilometres and should not be located within this distance from a Commercial land use designation.**

The centre is located at the intersection of Martindale Road, a Regional arterial road, and Grapeview Drive, a City collector road. Within a 0.8 kilometre radius (excluding lands east of Twelve Mile Creek), there is one commercial property. The property is located approximately 0.64 kilometres north of the subject lands, and is municipally known as 211

Martindale Road. The property is designated Community Commercial and contains a plaza with a number of commercial uses intended to serve the local surrounding community. Staff recognizes the proximity of this property to the subject lands, and does not anticipate that the proposed development will significantly detract from, nor compete with, the existing commercial land use. Since the Local Neighbourhood Convenience Commercial Centre already exists, staff is not concerned that commercial uses in this particular location will negatively impact existing commercial uses in the broader community.

- vi) **Residential units should be provided where gross leasable commercial floor area exceeds 370 square metres, and in a manner not to detract from the primary convenience commercial function of the centre.**

Where the GLFA exceeds 370 square metres, the C1 zone requires residential units to be provided at a density between 20 and 32 units per hectare. The proposed gross leasable floor area of 700 square metres exceeds the 370 square metre maximum. Therefore, seven (7) residential units are proposed, resulting in a density of 20.4 units per hectare.

- vii) **Auto related uses, excluding a gas bar, are not permitted.**
The proposal does not include any auto-related uses. The provisions of the C1 zone do not permit the construction of any such use, except for gas bars.

Based on the evaluation against these criteria, staff are satisfied that the proposal is in keeping with the intent and purpose of the Official Plan. No Official Plan Amendment is required.

Zoning By-law

Amendment to By-law 2013-283

By law 2013-283 zones the lands as Low Density Residential – Suburban Neighbourhood (R1) (Appendix 5). The R1 zone does not permit a mixed use development. A rezoning to the C1 zone is required. The C1 designation permits a variety of commercial uses, animal care establishments, cultural facilities, day cares, gas stations, service commercial uses, restaurants, retail stores, social service facilities, indoor recreation facilities, offices, places of worship, and apartment dwelling units.

The C1 zone is intended to serve the day-to-day convenience needs of nearby local residents. The existing centre on the northeast corner of the intersection is well below the maximum area of 0.4 ha, and contains a dental office. The proposed amendment will increase the area of the centre, providing the opportunity and space for a greater variety of uses to serve the surrounding neighbourhood. The C1 zone also requires that residential units be provided at density of 20 to 32 units per hectare in developments with greater than 370 square metres of commercial GLFA. As a result, the residential density of the subject lands is not reduced by the proposed amendment. Appendix 6

outlines the requested map change to the zoning by-law. As proposed on the conceptual site plan, no special provisions or variances to the Zoning By-law are required to facilitate the proposed development.

Site Plan Approval

The City's site plan control by-law, as amended, requires that all commercial development, and 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 development 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.

Circulation Comments

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

Niagara Region – Planning and Development Services

Regional concerns include noise from the adjacent roadways, and waste collection. Both of these matters will be addressed through the site plan process.

Development Engineering Division

A 0.9 metre road widening is requested across the Grapeview Drive frontage. The widening will be addressed through the site plan process.

Public Open House

Planning and Building Services hosted a public open house on December 14, 2016. The purpose of the meeting was to present the applicant's proposal and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. The owner, two consultants and five (5) members of the public were in attendance. The residents did not object to the proposed change to the Zoning By-law. They did have questions about the site plan and expressed concerns relating to the development. Below is a list of concerns expressed by the attendees:

Compatibility

Comment: The primary concern was compatibility of the proposed zone and proposed development with surrounding land uses. Compatibility concerns included the interface of the subject lands with the adjacent residential lot to the west and the north in terms of landscaping, and waste storage and collection.

Response: As seen on the conceptual site plan (Appendix 7) the interface with the adjacent residential uses will primarily be landscaped buffer. The proposed buildings and potential garbage enclosure are all located at a distance from existing dwellings, mitigating any potential nuisance on surrounding properties. The mixed-use buildings are situated closer to the intersection and existing commercial properties than the residential lands to avoid physical impacts on existing detached dwellings. A proposed private walkway with landscaping provides a buffer between the proposed development and the existing commercial use on the corner. A board fence is proposed along all lot lines shared with abutting properties.

The proposal will go through the site plan approval process before any new buildings are constructed. Through this process, staff will ensure that adequate setbacks, buffers, and any necessary mitigation measures are in place to maximize the compatibility of any new development with both the residential and commercial uses in the surrounding area.

Future Uses

Comment: Residents questioned what could be constructed if the land was zoned C1, and the potential for loud uses on the site.

Response: The chart of permitted uses in the C1 zone was distributed and includes the following uses, as listed earlier in this report: a variety of commercial uses, animal care establishments, cultural facilities, day cares, gas stations, service commercial uses, restaurants, retail stores, social service facilities, indoor recreation facilities, offices, places of worship, and apartment dwelling units. Excessive noise is not anticipated with any of the permitted uses, particularly since commercial units are capped at 370 square metres, limiting the potential for large scale commercial tenants. Additionally, St. Catharines By-law 95-198 prohibits and regulates noise. The by-law outlines certain types of noise that are likely to disturb inhabitants of the city, particularly between 11:00PM and 7:00AM. Any person who causes or a noise listed in the by-law is guilty of an offence, and subject to a penalty.

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, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the

planner who has provided the second opinion shall be retained for the purpose of a hearing.

Financial Implications

Any improvements triggered by the proposed development will be at the cost of the developer.

Relationship to Strategic Plan

Economic Sustainability

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

- Prioritizing redevelopment initiatives consistent with provincial planning legislation and the City's Official Plan to intensify mixed-use residential developments and ultimately enhance the property tax base and support job creation.

Conclusion

In summary, the proposed Zoning By-law Amendment conforms to Provincial and Regional planning policies, and meets the criteria and intent of the Official Plan to permit the expansion of existing Local Neighbourhood Convenience Commercial Centres. The proposed amendment will allow a reasonable and desirable expansion of the existing commercial area without negatively impacting abutting residential uses. The proposed amendment represents good planning and is supported by staff.

Notification

It is in order to advise Mr. Chris Millar, InSite Land Use Planning, of Council's decision.

Prepared by:

Charlotte McEwan
Planner I

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

James N. Riddell, M.PL., MCIP, RPP
Director

Location Map



Subject Lands

115 & 117 Martindale Road & 14 Grapeview Drive

File: 60.35.1019

Context Map



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



 115 & 117 Martindale Road & 14 Grapeview Drive

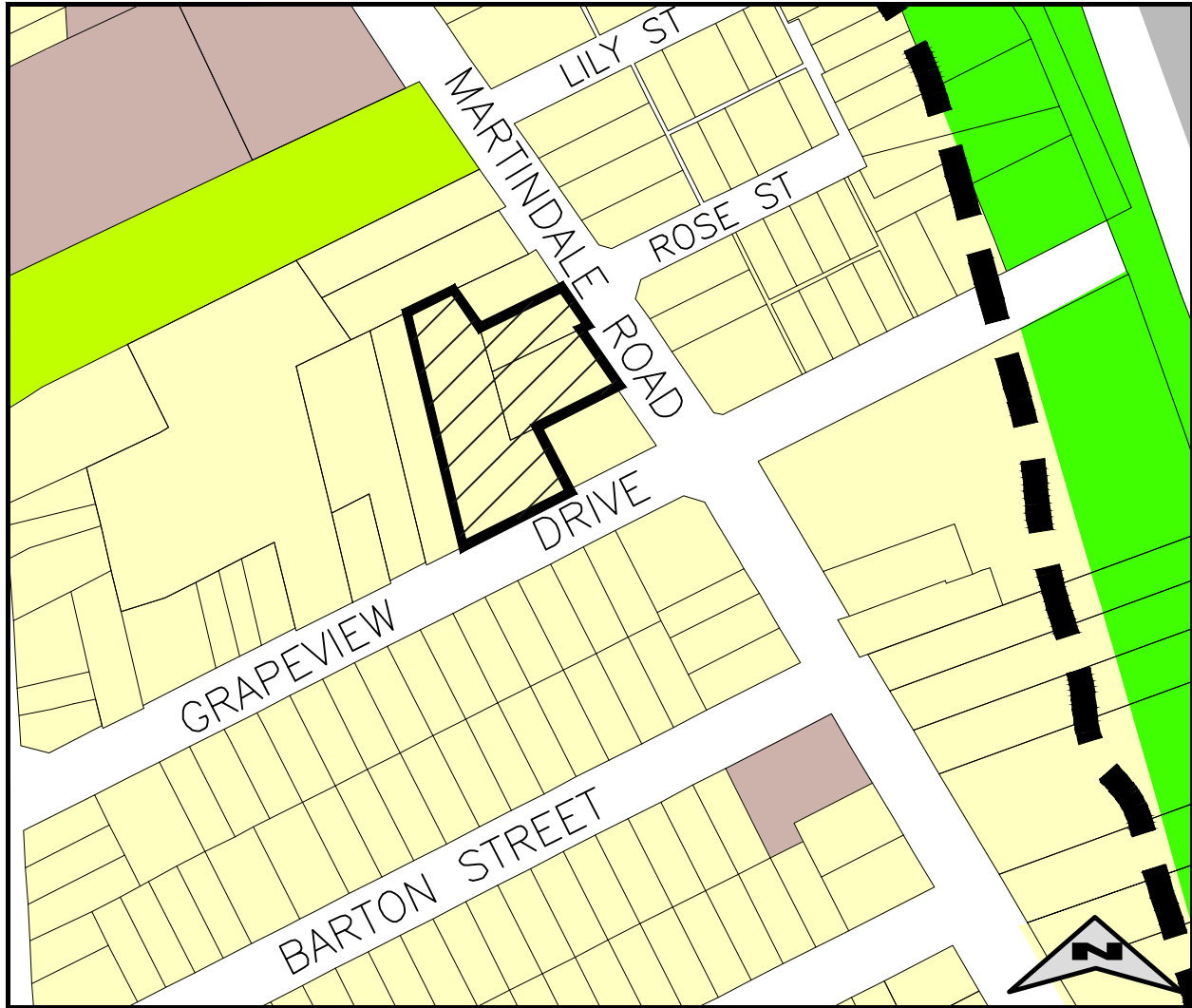
Land Use Designations

 Neighbourhood Residential

 Natural Areas

Existing Land Use Designation

(West Planning District - Garden City Plan)



 115 & 117 Martindale Road & 14 Grapeview Drive

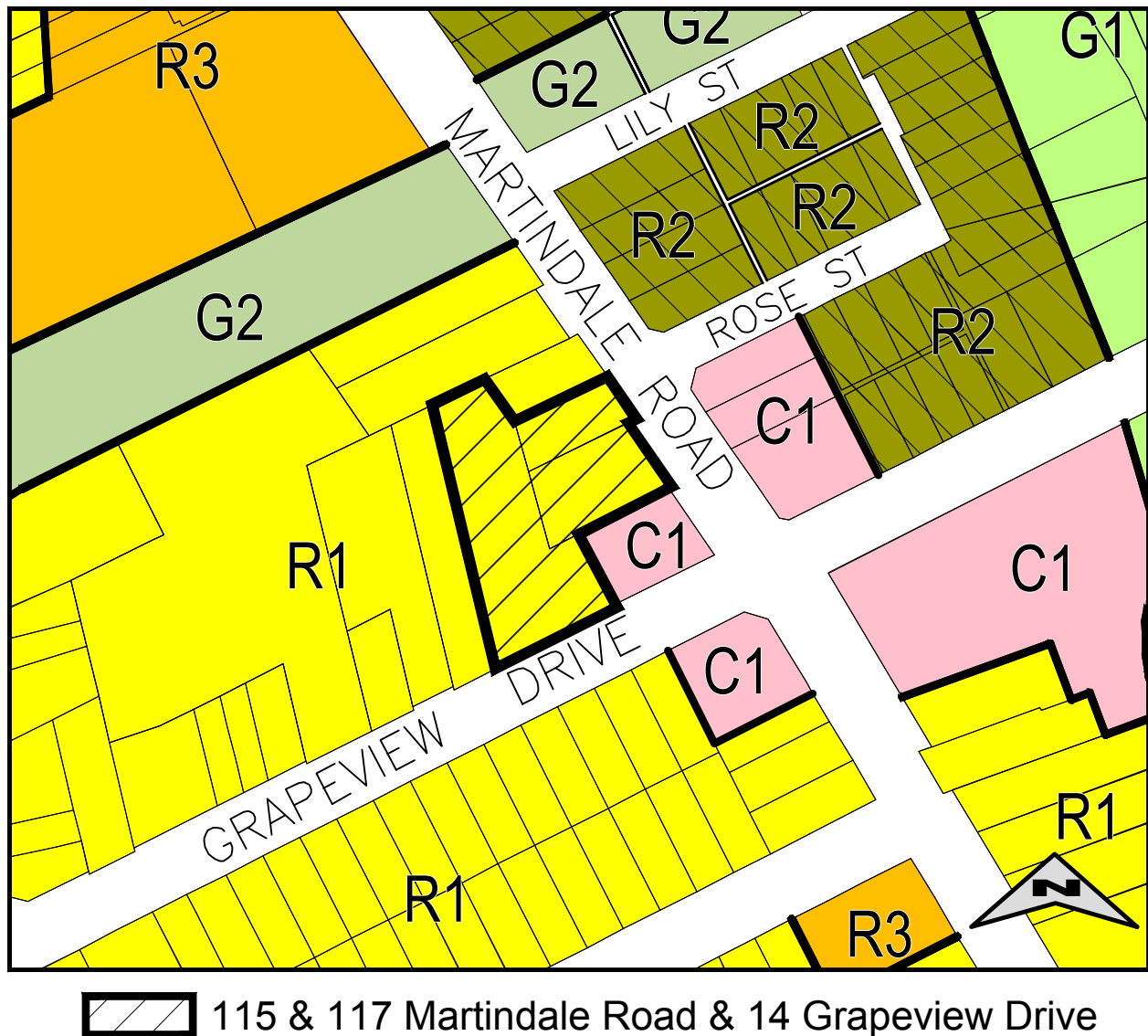
Land Use Designations

- | | |
|--|--|
|  Low Density Residential |  Natural Areas |
|  Medium Density Residential |  Natural Area Extent Line |

Files: 60.35.1019

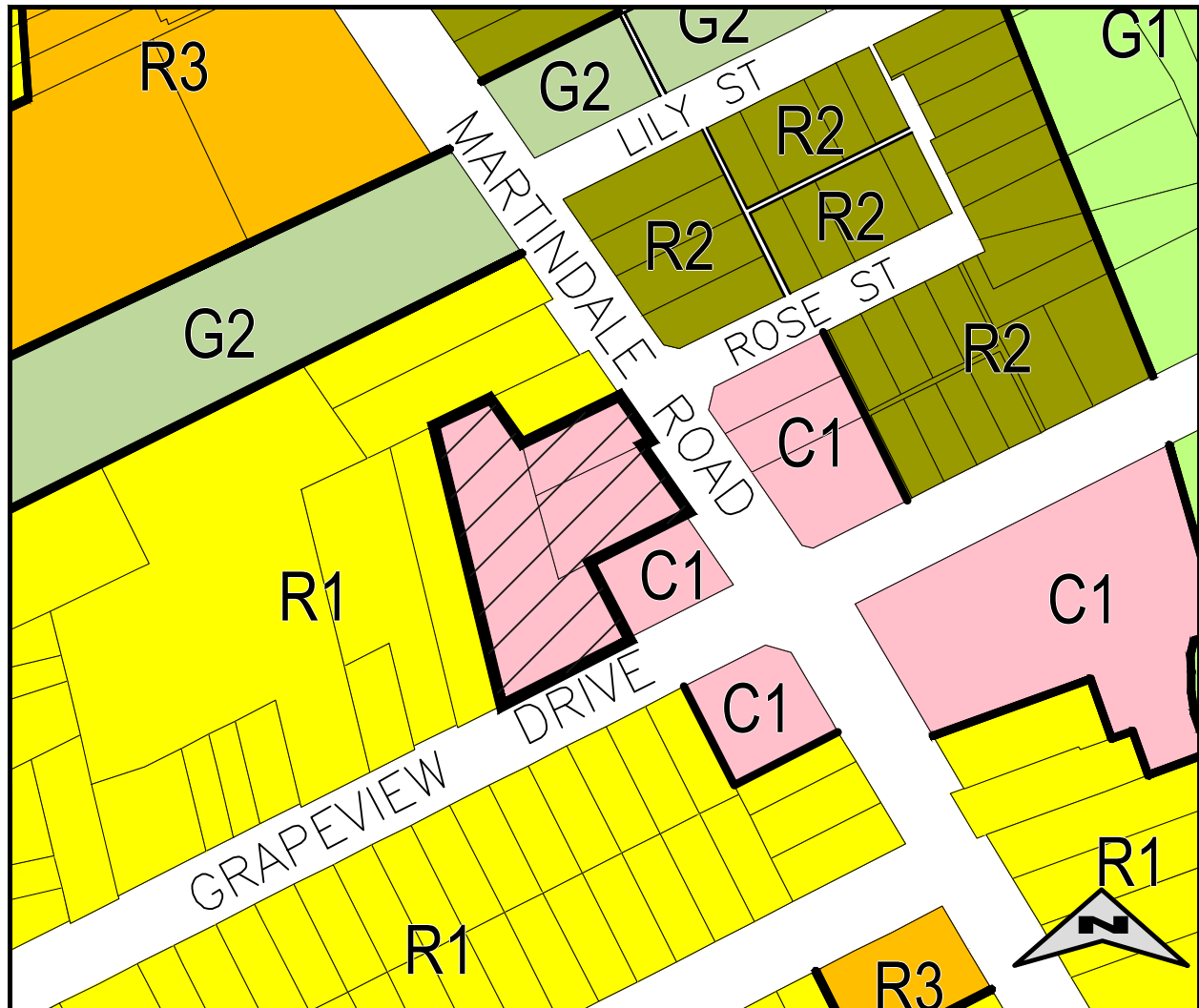
Existing Zoning

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



Zones	
R1 Low Density Residential - Suburban Neighbourhood	C1 Local Convenience Commercial
R2 Low Density Residential - Traditional Neighbourhood	G1 Conservation / Natural Area
R3 Medium Density Residential	G2 Minor Green Space







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

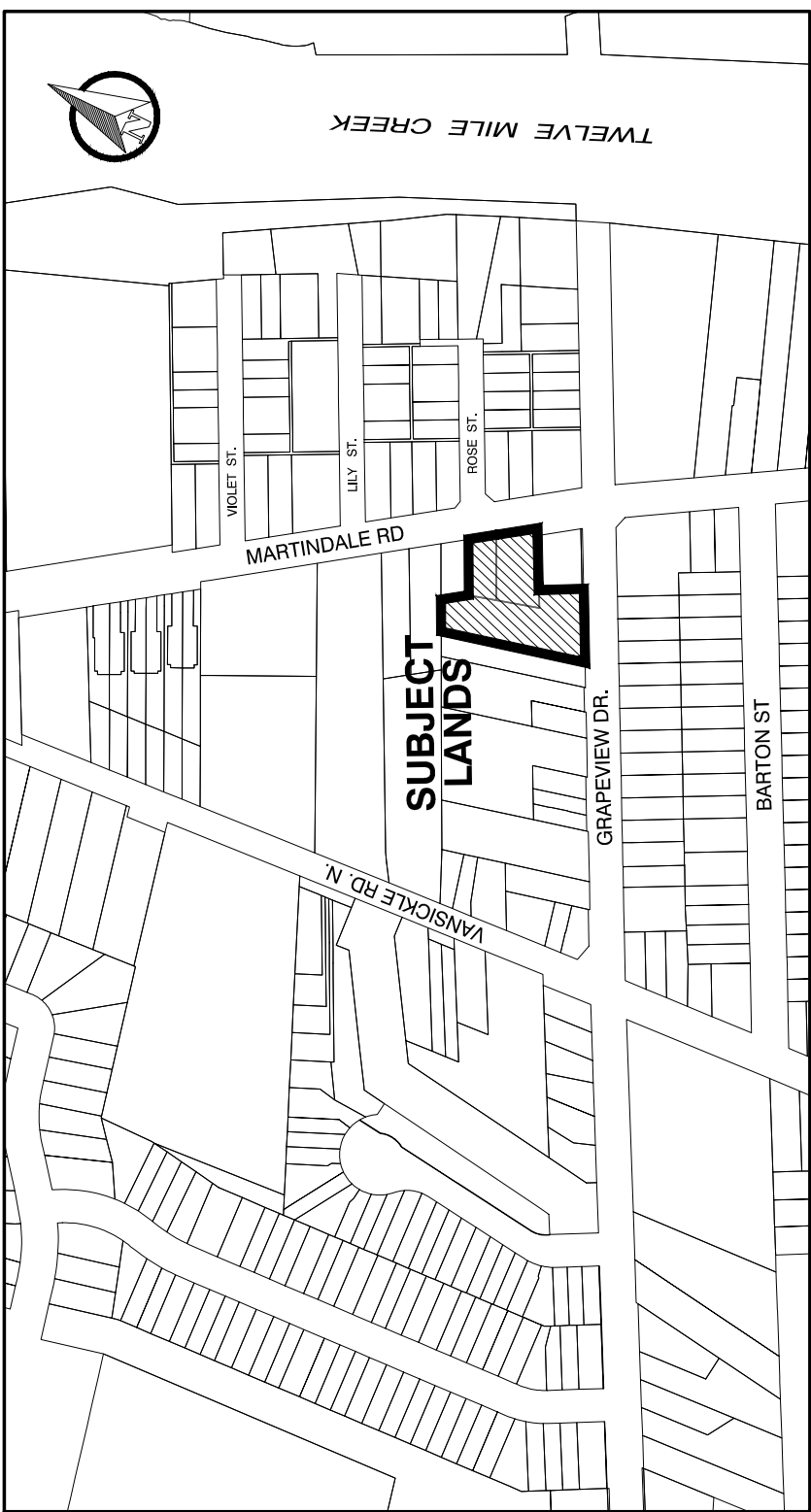
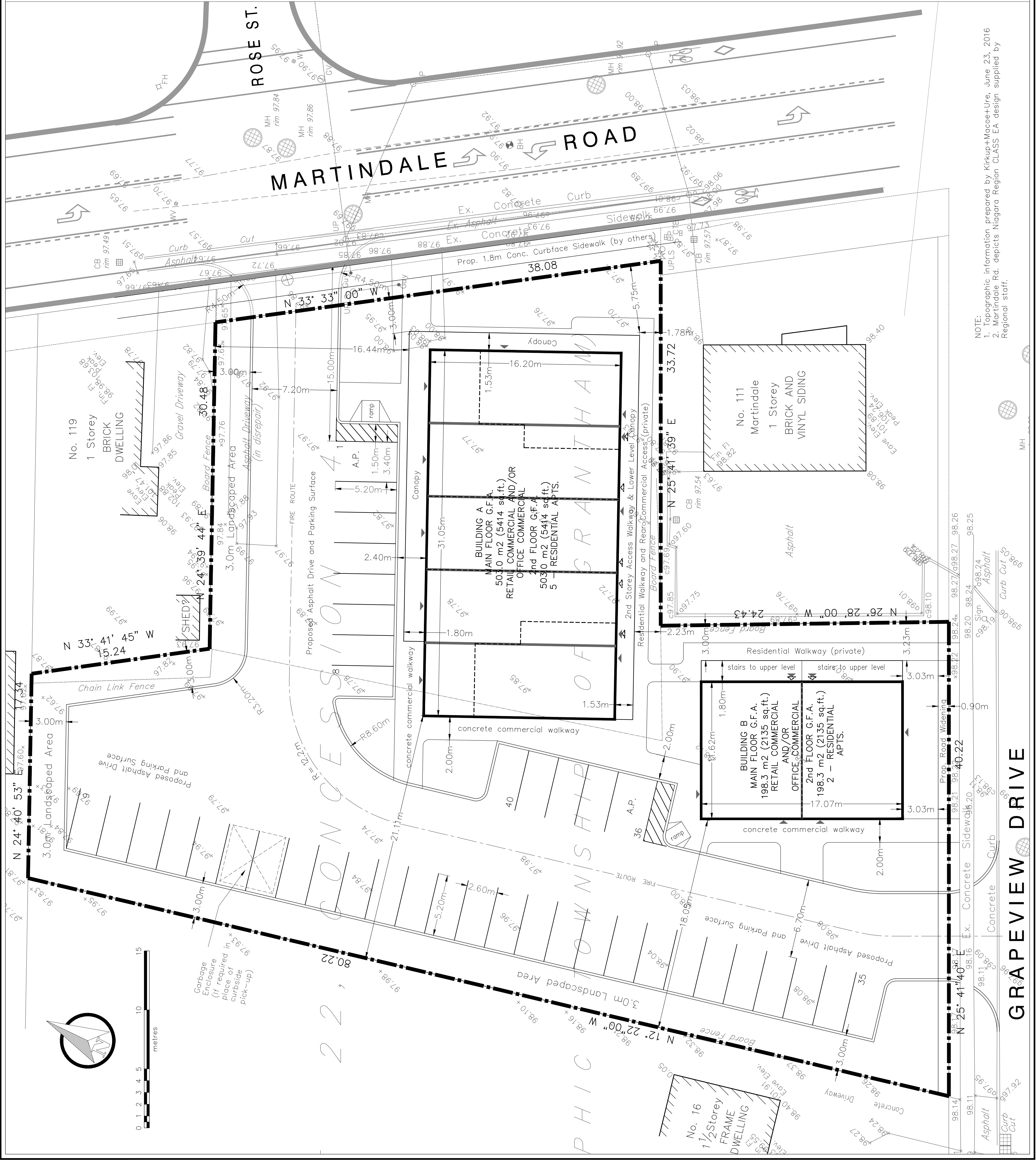


 115 & 117 Martindale Road & 14 Grapeview Drive

Subject lands to be re-zoned from
Low Density Residential - Suburban Neighbourhood (R1) to
Local Convenience Commercial (C1)

Zones

 R1 Low Density Residential - Suburban Neighbourhood	 C1 Local Convenience Commercial
 R2 Low Density Residential - Traditional Neighbourhood	 G1 Conservation / Natural Area
 R3 Medium Density Residential	 G2 Minor Green Space



CONCEPTUAL DEVELOPMENT PLAN

Proposal to Rezone from Residential R1 Zone to Convenience Commercial C1 Zone

115 & 117 MARTINDALE ROAD and 14 GRAPEVIEW DRIVE

CITY FILE No. 15 114987 000 00

	AREA	PERCENTAGE
TOTAL LOT AREA	3422 m ²	100%
SITE		
LOT FRONTAGE	Martindale Rd. = 38.08m Grapeview Dr. = 40.22m	
BUILDING COVERAGE	854 m ²	25%
HARD SURFACE	1450 m ²	43%
On-site Walkways	290 m ²	9%
LANDSCAPE COVERAGE	791 m ²	23%
BUILDINGS		
FLOOR SPACE	Building A Ground Level Retail / Office Commercial 503.0 m ² (5414 ft ²) Second Level Residential (5 Units) 503.0 m ² (5414 ft ²) Building B Ground Level Retail / Office Commercial 198.3 m ² (2135 ft ²) Second Level Residential (2 Units) 198.3 m ² (2135 ft ²)	Individual Commercial Unit Spaces will not exceed current by-law maximum of 370 m ²
MAXIMUM BUILDING HEIGHT	Max. Permitted = 14m Max. Proposed = 7m +/-	Will not exceed current by-law maximum

SETBACKS		
MIN. YARD ABUTTING RESIDENTIAL ZONE	C1 Zone Min. / Max.	Proposed on Plan
EXTERIOR SIDE YARD	Min. Permitted = 7.5m Min. = 3m Max. = 3m	Min. Provided = 16.4m Min. Provided = 3m
FRONT YARD	Min. = 24m Max. = 24m	Max. = n/a Min. Provided = 3m Max. = n/a
LANDSCAPE BUFFER		
MIN. LANDSCAPE BUFFER ABUTTING RESIDENTIAL ZONE	Min. = 3m	Min. Provided = 3m
PARKING		
If 100% Office	1 spc. / 28m ² GFA	25 spaces
If 100% Retail	1 spc. / 20m ² GFA	35 spaces
7 Residential Apartment	1 spc. /Unit (first 4 spaces exempt)	3 spaces
Highest Requirement		38 spaces
Spaces Provided (Including 2 Accessible)		40 spaces

InSite Land Use Planning
1 Renforth Square
St. Catharines, Ontario L2M 6X3
Tel: 289-968-5544
E-mail: Chris.MillarPP@gmail.com

Prepared for: The Aceti Family

CONCEPTUAL DEVELOPMENT PLAN

ILLUSTRATION FOR ZONING BY-LAW AMENDMENT APPLICATION

14-001

14-001_Z1-CDP1

October 15, 2016

NOTE:
1. Topographic information prepared by Kirkup+Macoe+Ure, June 23, 2016
2. Martindale Rd. depicts Niagara Region CLASS EA design supplied by Regional staff.

By-laws to be considered Monday, March 20, 2017

- (a) A By-law to authorize a contract with Demar Construction Inc. (One reading – with respect to Duncan Drive Watermain, under Project No. P17-102. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with O'Hara Trucking & Excavating Inc. (One reading – with respect to Lorne Street Project No. P14-067. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a contract with Brouwer Construction (1981) Ltd. (One reading – with respect to the Renovations and Alterations to Lake Street Service Centre, under Project No. P15-142. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to designate all lands within the City of St. Catharines as a Site Plan Control Area and to repeal By-law No. 85-534, as amended. (One reading – with respect to adoption of a new Site Plan Control By-law. General Committee, December 5, 2016, Item No. 4.9.)
- (e) A By-law to authorize an Agreement with Penn Terra Group Limited. (One reading – with respect to Brownfield Tax Increment Based Incentive Grant Agreement for the development at 136 James Street. To be considered by General Committee, March 20, 2017.)
- (f) A By-law to authorize an Agreement with Penn Terra Group Limited. (One reading – with respect to Brownfield Tax Increment Based Incentive Grant Agreement for the development at 51 Lake Street. To be considered by General Committee, March 20, 2017.)
- (g) A By-law to authorize a Development Agreement with Peter McDonald and Sharon McDonald. (One reading – with respect to 189 Riverview Boulevard. To be considered by General Committee, March 20, 2017.)
- (h) A By-law to authorize a contract with AVERTEX Utility Solutions Inc. (One reading – with respect to Sanitary Sewer Repairs – Strada Boulevard Easement, under Project No. P17-004. To be considered by General Committee, March 20, 2017.)
- (i) A By-law to authorize a contract with Peters Excavating Inc. (One reading – with respect to watermain replacement on Broadway, under Project No. P16-100. To be considered by General Committee, March 20, 2017.)
- (j) A By-law to amend By-law No. 2013-283, entitled "A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines." (One reading – with respect to 4 Berkley Drive. To be considered by Council, March 20, 2017.)

- (k) 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 115 Martindale Road, 117 Martindale Road, and 14 Grapeview Drive. To be considered by Council, March 20, 2017.)
- (l) A By-law to confirm the proceedings of council at its meeting held on the 20th day of March, 2017. (One reading – with respect to confirming the proceedings of the meeting held on March 20, 2017.)