



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, June 28, 2021  
Electronic Participation, 5:00 PM**

As part of the City's commitment to safety during the COVID-19 pandemic, this meeting of Council will be held electronically.

This Meeting may be viewed online at [www.stcatharines.ca/youtube](http://www.stcatharines.ca/youtube)

*Public Comments: The public may submit comments regarding agenda matters to the Office of the City Clerk by contacting [clerks@stcatharines.ca](mailto:clerks@stcatharines.ca) by Monday, June 28, 2021 before Noon. Comments submitted will be considered as public information and entered into public record.*

*Electronic Delegations: Those wishing to speak to an item on the agenda must complete the [City's Electronic Delegation Form](#) by Sunday, June 27, 2021 before 11:59 p.m. and attend a test session with City staff on Monday, June 28, 2021 at 10 a.m.*

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

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- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Declarations of Interest**
- 4. Adoption of the Minutes (Council and General Committee)**
  - 4.1 Special Council, Minutes of [June 7, 2021](#)  
[Addenda]
  - 4.2 Regular Council, Minutes of [June 14, 2021](#)  
[Addenda]
  - 4.3 General Committee, Minutes of [June 14, 2021](#)  
[Addenda]
- 5. Resolve into General Committee**

*Council will proceed to General Committee Agenda Item 1 - Motion to Move Reports on Consent*

**6. Public Meetings Pursuant to Planning Act and Public Notice By-Law**

- 6.1 Planning and Building Services, Planning Services  
Planning Act Public Meeting – Recommendation Report  
Applications to Amend the City’s Official Plan (the Garden City Plan)  
and Zoning By-law 2013-283  
Subject Lands: 93 and 95 Lakeport Road, and 9 John Street  
Owner: Lakeport Properties Inc.

**7. Special Presentations**

**8. Resolve into General Committee**

*Council will proceed to General Committee Agenda Item 3 - Discussion Reports*

**9. Motion to Ratify Forthwith Recommendations**

**10. Motions**

**10.1 Special Start Time for June 28, July 12 and August 9, 2021 Council Meetings**

*Councillor Sorrento will present the following motion:*

That Council approve a change for the June 28, 2021; July 12, 2021;  
and August 9, 2021 meetings of Council to begin at 5:00 p.m.; and

That the City Clerk be directed to make the necessary notifications.

**10.2 Special Council Meeting**

*Councillor Sorrento will present the following motion:*

That should Council not complete the business of its meeting on Monday,  
June 28, 2021, that Council hold a special Council Meeting on  
Wednesday, June 30 at 6 p.m. to complete the outstanding business; and

That the meeting be held electronically; and

That the City Clerk be directed to make the necessary notifications.

**10.3 Benches on Port Dalhousie Piers**

*Councillor Garcia will present the following motion:*

WHEREAS the federal government has invested over \$26 million in  
rehabilitating the Port Dalhousie Piers; and

WHEREAS community consultation in advance of the rehabilitation made it clear the residents wanted the piers to be restored to the way they were before they were closed for safety issues in 2015; and

WHEREAS before they were closed, there were numerous benches on both sides and only a limited number have been replaced due to concerns about damage from exposure at certain locations and resulting operational and replacement costs; and

WHEREAS many of the benches that have not been replaced were Memorial benches and Staff spoke to all the families concerned and obtained their approval to relocate the benches in question; and

WHEREAS the benches now being installed are of man-made materials so they are resistant to the weather but benches have only been replaced at the south end in the area opposite the parking lot yet, previously, there were benches all along the piers; and

WHEREAS we strive for an accessible community and many residents and visitors, some of them with mobility concerns or limitations, come to walk the Piers, and there are no benches at the end or halfway for resting and enjoying the view;

THEREFORE BE IT RESOLVED that staff be directed to install at least four benches at the end and four halfway on the West Pier, and that the benches, which can cost as much as \$3,500 each, be funded from the Civic Project Fund; and

BE IT FURTHER RESOLVED that staff be directed to develop a plan to address any bench needs on the east pier.

## **11. Call for Notices of Motion**

## **12. Report Requests**

## **13. Agencies, Boards, Committee Reports**

### **13.1 Minutes to Receive:**

- Anti-Racism Advisory Committee, meeting of [June 15, 2021](#) (draft)
- Development Studies Task Force, meetings of [March 10, 2021](#) and [April 27, 2021](#) (draft)

[Addenda]

## **14. Resolve into General Committee**

*Council will proceed to General Committee Agenda Item 4 - In-Camera Session*

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

**16. By-laws**

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16.1 Reading of By-laws  
[Addenda]

**17. Adjournment**



## Corporate Report City Council

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

**Report Date:** June 18, 2021

**Meeting Date:** June 28, 2021

**Report Number:** PBS-102-2021

**File:** 20 116149 00 OP and 20 116148 00 ZA

**Subject:** *Planning Act Public Meeting – Recommendation Report*

Applications to Amend the City's Official Plan (the Garden City Plan) and Zoning By-law 2013-283 Subject Lands: 93 and 95 Lakeport Road, and 9 John Street Owner: Lakeport Properties Inc.

**Strategic Pillar:** This report aligns with the following St. Catharines Strategic Plan pillar: Economic



## Recommendation Official Plan

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Lots 32 and 46, and Part of lot 31, Registrar's Compiled Plan 642, City of St. Catharines, Region of Niagara, municipally known as 93 Lakeport Road and 9 John Street, as follows:

- a) That Schedule D1 of the Garden City Plan be amended by changing the land use designation of 93 Lakeport Road and 9 John Street from Neighbourhood Residential (D1) and Low Density Residential (E1) to Commercial (D1) and Community Commercial (E1) as identified in Appendices 6 and 7 of this report; and
- b) That Schedule E1, North Planning District, be amended by changing the land use designation of 93 Lakeport Road and 9 John Street from Low Density Residential to Community Commercial as identified in Appendices 6 and 7 of this report.

## Zoning By-Law

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as described as Lots 32, 33, 46 and 47, and Part of Lot 31, Registrar's Compiled Plan 642, City of St. Catharines, Region of Niagara, municipally known as 93 and 95 Lakeport Road and 9 John Street, as follows:

- a) That Section 15.1, Schedule A (A7), Zoning Maps, be amended by changing the zoning of 93 Lakeport Road and 9 John Street from Low Density Residential – Traditional Neighbourhood (R2) to Community Commercial with Special Provision 162 (C2-162) as outlined in Appendix 10; and
- b) That Section 15.1, Schedule A (A7), Zoning Maps, be amended by changing the zoning of 95 Lakeport Road from Community Commercial to Community Commercial with Special Provision 162 (C2-162) as outlined in Appendix 10; and
- c) That Section 13.1 'List of Special Provisions', be amended by adding Special Provision 162, as outlined in Appendix 11; and

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

That the Notices 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 Land Tribunal for consideration and final approval; and

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

## **Summary**

Staff are recommending approval of the subject applications. The approval of these amendments supports the continued operation and proposed expansion of the existing dental office on Lakeport Road.

The applications are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan.

## **Relationship to Strategic Plan**

**Economic Sustainability:** The proposed development supports private investment through expansion of an existing medical commercial use on an arterial road.

## **Report**

### **Proposed Development**

The proposal is for the extension of an existing dental office located at 95 Lakeport Road, onto the adjacent lands formerly known as 93 Lakeport Road and 9 John Street. The single-storey expansion of the office is proposed along Lakeport Road, with a new parking area having an entrance accessed by John Street. Appendix 2 outlines the proposed site layout.

### **Location and Site Description**

The application applies to a parcel formerly made up of 3 separate properties which have now merged on title. A location map is attached as Appendix 1.

The lands are located at the north corner of the intersection of Lakeport Road and Old Lakeshore Boulevard, with frontage along John Street. The properties together have an area of approximately 2480 square metres (0.248 hectares). The combined properties have approximately 44 metres of frontage along Lakeport Road, 43 metres of frontage along Old Lakeshore Boulevard, and 60 metres of frontage along John Street.

Surrounding land uses include:

- North: Residential dwellings
- East: Commercial plaza
- South: Vacant lands (future medium density residential development)
- West: Residential dwellings

The subject lands contain an existing dental office and parking area containing 14 parking spaces. Two residential dwellings formerly located on 93 Lakeport Road and 9 John Street have been demolished and the westerly portion of the lands is currently vacant.

## **Planning Policy Context**

Provincial planning legislation requires Council's decision on a planning application to be consistent with the Provincial Policy Statement (2020), and to conform to Provincial plans, upper-tier Official Plans and lower-tier Official Plans. Accordingly, planning staff have evaluated the applications to amend the City's Official Plan and Zoning By-law against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application, and the staff recommendations have been formulated accordingly.

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 3.

## **Provincial Policy Statement (2020)**

The Provincial Policy Statement, 2020 (the PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council "shall be consistent" with the PPS.

The subject lands are located within a Settlement Area under the PPS. Sections of the PPS, which are particularly relevant to the subject proposal, are summarized below.

## **Settlement Areas**

The PPS requires settlement areas to be the focus of growth and development, with land use patterns based on densities and a mix of land uses that efficiently use land, resources, and infrastructure, and which are transit supportive, among other matters. A range of uses and opportunities for intensification and redevelopment are to be provided, with planning authorities having the ability to identify suitable locations for growth, subject to appropriate development standards. The subject lands are located within a settlement area.

In this instance, the subject applications facilitate the growth of an existing dental practice in keeping with appropriate development standards. The location is suitable for the expansion of the use, and of the Community Commercial Centre of which these lands are a part. The development maintains the opportunity for future redevelopment of the site for a variety of Community Commercial uses.

### **Implementation and Interpretation**

The PPS indicates the importance of Official Plans and Zoning By-laws in implementing the policies of the Province. Land use designations and policies of Official Plans, along with development standards of Zoning By-laws, are important tools to protect and advance provincial interests and direct development to suitable areas.

### **PPS Summary Opinion**

Staff are of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the policies of the Provincial Policy Statement in that the policies related to land use compatibility and growth are upheld.

### **Provincial Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, while being sensitive to adjacent areas. The City's Official Plan and Zoning By-law implement this framework for the City of St. Catharines.

Guiding principles within the Growth Plan direct compact and well-designed development to prioritize intensification. The subject lands are located within a Provincially designated Built Up Area. Growth and development should be directed to established built-up areas to avoid expanding existing urban boundaries where possible by encouraging intensification.

The subject application is supported by the vision outlined in the Growth Plan to achieve complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime. The proposed dental office expansion will contribute to a diverse mixed-use neighbourhood and it will help to serve the needs of the local public. The proposed policy amendments facilitate appropriate development within an established area in a manner that is compatible with surrounding uses. The policies of the Growth Plan are upheld.

### **Regional Official Plan**

The Regional Official Plan (ROP) designates the property as within the Urban Area Boundary for the City of St. Catharines, and specifically within the Built Boundary.



The ROP include policies that support intensification of land uses in urban areas where appropriate servicing and infrastructure exist, provide for a diverse mix and range of compatible land uses, and support the achievement of complete communities. Accordingly, staff are satisfied that the proposed amendments align with the intent of Regional policies for intensification and providing a range of land uses within the settlement area. The amendments are consistent with and conform to the ROP.

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

The subject lands are designated as follows (see Appendices 4 and 5):

95 Lakeport Road is designated Community Commercial as per Schedules D1 and E1 of the Garden City Plan. The Community Commercial designation is primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the local surrounding community population. The existing dental office is permitted in the Community Commercial Designation.

93 Lakeport Road and 9 John Street are both designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) and further designated Low Density Residential as per Schedule E1 of the GCP. The Low Density Residential designation permits a variety of residential dwelling types at a density of 20 to 32 units per hectare of land. The proposed expansion of the existing dental office onto 93 Lakeport Road and 9 John Street is not permitted in the current residential designation.

The Official Plan Amendment application seeks to change the land use designation for 93 Lakeport Road and 9 John Street (currently Neighbourhood Residential) to Community Commercial to allow for the expansion of the existing dental office at 95 Lakeport Road.

### **Section 16.1**

Section 16.1 of the Garden City Plan outlines general policies to be considered in evaluating an Official Plan Amendment application. This application for amendment to the Plan has been evaluated on the basis of those prescribed considerations, as follows:

<b>Garden City Plan Policy (16.1)</b>	<b>Planning Comment</b>
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change and achieving a sustainable community. It states that growth will be accommodated by: <ul style="list-style-type: none"> <li>i) the efficient usability of vacant and occupied lands;</li> <li>ii) more compact built form and density of development;</li> </ul>

	<p>iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;</p> <p>iv) redevelopment and build out of underutilized properties</p> <p>v) a more integrated, interactive mix of uses, activity and functions.</p> <p>vii) design initiatives to support compatible, innovative, efficient and sustainable building, site, streetscape, neighbourhood and community design; and greening.</p> <p>The proposed dental office expansion contributes the redevelopment of the lands while maintaining compatibility with surrounding uses. Through the site plan approval process for the proposed building expansion, land use compatibility will be realized, with consideration for site, streetscape, neighbourhood and community design, and for maximizing opportunities for greening and landscaping.</p>
ii) Consistency with Provincial and upper tier government plans, policies and legislation	<p>As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal is consistent with and/or complies with Provincial and Regional land use policies.</p>
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use	<p>The proposed expansion of the existing dental office is facilitating the growth of an established local practice. The redesignation of two low density residential lots (93 Lakeport Road and 9 John Street) from Neighbourhood Residential land use designation to Community Commercial does not compromise the residential opportunities in the general neighbourhood. The expansion of the existing use is beneficial to employment in the City, and to the economic growth of a local business. The expansion appears feasible and desirable.</p>

<p>iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses</p>	<p>The proposed Official Plan Amendment to permit the expansion of the existing dental office onto adjacent residentially designated lands is able to achieve compatibility with land uses in the vicinity via site design standards that will be implemented via a registered site plan agreement.</p> <p>The proposed site-specific provisions for the site, including a reduced side yard setback along the existing residential uses and reduced landscape buffering, will not compromise the compatibility of the use provided the design details are reviewed and approved by the City through the site plan review process.</p> <p>Measures will be implemented through the site plan process to ensure any potential impacts of the development on the adjacent residential properties are mitigated. Such measures may include limiting the size/number/location of windows facing existing residential and ensuring that the landscape buffers are adequately planted to appropriately buffer the new parking lot and dental office addition.</p>
<p>v) The potential of the proposal to cause instability within an area intended to remain stable</p>	<p>Staff do not consider the approval of these applications to trigger instability within the area. The proposed building expansion is an extension of a dental office that has been part of the area for many years.</p>
<p>vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City</p>	<p>Staff are satisfied that the existing capacity of services is sufficient for the proposed building addition and parking lot.</p>
<p>vii) The financial implications, both cost and revenues, to the City</p>	<p>The approval of this application does not incur costs to the City.</p>

viii) The degree to which approval of the amendment would establish an undesirable precedent	The approval of this application does not establish an undesirable precedent. The review is based on the individual context and circumstances of the area. It facilitates the growth of an established business, in a manner which will have minimal impact on surrounding uses. The development is context sensitive and appropriate given the established mix of uses in the area. The proposed dental office expansion is not undesirable.
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## Section 9 – Commercial Policies

Section 9.1 of the GCP outlines policies specific to the Commercial designation and provides direction for the use, and intent of Commercial centres. It outlines that the commercial areas designated in this Plan are expected to be sufficient in number, size, and location to serve the commercial needs of area residents throughout the Plan time horizon. The expansion of commercial designations is generally discouraged. Intensification, redevelopment, and reuse of existing commercial designations is intended to be the primary means of accommodating new or expanded commercial facilities. The City may require a commercial market study and other studies as set out in Part F, Section 16.16 of this Plan in consideration to expand or establish new commercial designations. In this case, no commercial market study is required. The increase in the provision of commercial land in this commercial centre is minimal. The addition of 0.1 ha of land to the commercial designation for the expansion of an established use will not significantly increase the overall size of the Commercial Centre, nor its capacity for commercial GLFA.

The proposal to expand the existing dental office does involve the expansion of the existing Commercial Centre within which this property is located. The original commercial property is not of sufficient size to appropriately accommodate the proposed expansion. Notwithstanding Section 9.1, Section 9.2 of the GCP outlines policies specific to the Community Commercial designation, and provides direction for the use, establishment and expansion of Community Commercial centres.

Section 9.2.2 c) states that the permitted size of centres shall generally range between 2 hectares and 12 hectares of land. The existing Community Commercial Centre is approximately 3.9 hectares in size. The proposed expansion would add approximately 0.1 ha of land bringing the total Centre to 4 ha, which is in keeping with the direction of Sections 9.2.2 C) of the GCP. This increase represents a small percentage of land added to the Centre to facilitate the expansion of an established use.

### Community Commercial Centre Expansion and Special Study Area

In conformity with Section 9.1, Section 9.2.2 d) states that any application to expand an established community commercial centre beyond existing property limits, as proposed in this case, will require an amendment to the Official Plan, and may be subject to

studies as set out in Part F, Section 16.16 of this Plan including, but not limited to, market analysis, land use compatibility, and traffic. Additionally, the subject property is included in the identified Mixed Use Intensification 'Special Study Area' as set out in Part F, Section 16.22 which encompasses a number of properties along Lakeshore Road between Ontario Street and Geneva Street. The primary basis/focus for the future study is to establish an appropriate range of transit supportive medium and higher density housing opportunities with a mix of commercial, employment, institutional and recreation uses, pursuant to Part D, Section 12 of the Plan; and to establish urban design strategies to guide redevelopment and intensification. Section 16.22.4 states that the Special Study will commence at such time as a major Official Plan Amendment, Zoning By-law Amendment or development application is brought forward affecting any lands within the Special Study Area.

The addition of 0.1 ha of land to facilitate the expansion of an established use will not significantly increase the overall size of the Commercial Centre. It is not considered a major development application for the purpose of interpreting Section 16.22.4. The expansion of an established business will have little impact on the overall provision of commercial services and the area traffic. Land use compatibility will be addressed through the recommended Zoning provisions, and the future Site Plan approval process. As such, no special studies have been required for the subject applications.

### **Summary Official Plan Opinion**

Based on the matters outlined above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the GCP policies for considering Official Plan Amendments and recommend approval.

### **Zoning By-law**

Zoning By-law 2013-283 zones the lands as follows (see Appendix 9):

95 Lakeport Road is currently zoned Community Commercial (C2). The C2 zone permits a variety of commercial and non-commercial uses. Non-commercial uses, including office uses, are permitted to occupy up to a maximum 40% of the Gross Leasable Floor Area (GLFA) of the building. The existing dental office was approved via Site Plan Approval and constructed prior to the adoption of the current Zoning By-law. It is recognized as a non-complying use.

93 Lakeport Road and 9 John Street are currently zone Low Density Residential – Traditional Neighbourhood (R2). The R2 zone permits a variety of residential dwelling types at a density of 20-32 units per hectare of land. The proposed expansion of the dental office onto these properties is not permitted in the R2 zone.

The proposal is for the following:

1. To amend the zoning of 95 Lakeport road from Community Commercial (C2) to Community Commercial with a new special provision (C2-162).
2. To amend the zoning of 93 Lakeport Road and 9 John Street from Low Density Residential – Traditional Neighbourhood (R2) to Community Commercial with a new special provision.

The special provision is requested to include a standalone dental office as a permitted use together with site specific zoning provisions for setbacks, parking requirements, landscape buffers, and non-commercial GLFA.

Staff note that the applicant has also proposed to incorporate a site-specific provision into the re-zoning to prevent the construction of automobile-related uses typically permitted in the C2 zone including a car wash, commercial parking structure, motor vehicle gas station and motor vehicle repair garage. Staff do not consider this provision necessary. The site-specific provisions recommended in this report should apply only to the proposed dental office. As such, should the property redevelop in the future for any of the aforementioned automobile uses, compatibility will be addressed through the C2 Zoning Provisions as well as any other applicable zoning provisions for said uses, and the Site Plan Approval process will further address the site design to ensure compatibility. At this time, these uses do not need to be removed from the permitted commercial development types of the subject lands.

### Proposed Zoning By-law Amendment

The lands are proposed to be rezoned to permit the existing dental office expansion, while maintaining other Community Commercial land use permissions. This would allow for the lands redevelop at some point in the future. Staff therefore recommend the lands be zoned to Community Commercial with a special provision (C2-162) as outlined below and in Appendices 10 and 11.

Provisions regarding setbacks, parking requirements, landscape buffers, and non-commercial GLFA are established in Special Provision 162, outlined below, and the building setback and buffering provisions are highlighted in Appendix 8.

Special Provision	Zone	Schedule A	Location	By-law
162	C2	7	93 and 95 Lakeport Road 9 John Street	
Additional permitted use - A dental office subject to the following site-specific provisions:				
1.	Minimum Exterior Side Yard		2.0 metres	
2.	Minimum Yard Abutting a Residential Zone		3.0 Metres	
3.	Minimum Landscape Buffer Abutting a Residential Zone		2.0 metres	
4.	Maximum percentage of total GLFA for non-commercial uses		100%	
5.	Minimum Number of Parking Spaces		1 space per 33 square metres of GLFA	

6.	Parking Area: Minimum Width of Landscape Buffer along a Residential Property	2.0 metres
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Section 7.1 (c) of the GCP states that development and redevelopment within the Urban Area shall be evaluated having regard for building, site, streetscape, and neighbourhood context sensitive design to ensure:

- i) integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;
- ii) Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards.
- iii) Possible negative impacts such as noise, odour, and emissions are not excessive in relation to the predominant land use character and function of the area;
- iv) Adequate and appropriate lot size, shape and configuration, access, on-site facilities and outdoor amenity areas to accommodate use;
- v) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.

The proposed site specific provisions have been evaluated below against these priorities and directions from the GCP:

### **Building Setbacks and Buffering**

The front lot line of the property is technically Old Lakeshore Boulevard. As such, the requested setback to the exterior side yard is for the setback from Lakeport Road. The applicant proposes a reduced exterior side yard setback from 3 metres to 2 metres, which is in line with the setback of the existing building. The setback takes into account an anticipated Regional road widening which is to be applied at the Site Plan stage and is discussed in greater detail in the "Circulation of Applications" Section later in this report.

The building setback of the new addition from the neighbouring residential property is proposed to be 3.0 metres, reduced from the required 7.5 metres. Additionally, the required landscape buffer along the neighbouring residential properties is proposed to be reduced from 3 metres to 2 metres along the parking area. These reductions are located along the westerly lot line, as highlighted in Appendix 8.

The required 7.5 metre building setback is generally to avoid potential nuisance impacts from community commercial uses on neighbouring residential and keep the uses appropriately distances. The dental office use is not likely to negatively impact neighbouring residential uses by being located 3.0 metres from the lot line. The use is

generally quiet and the typical hours of operation of such a use do not conflict with the enjoyment of residential property. Additionally, there are no privacy concerns on the neighbouring residential property to the west. The Site Plan process will ensure that the window size and placement along the westerly building wall of the addition is appropriate given its proximity to the neighbouring lot.

The proposed 2.0 metre landscape buffer is considered appropriate for the proposed development. The setback represents pinch-points between the parking area and the lot line, and the actual landscape buffer varies in width from 2.0 metres to 3.0 metres. The Site Plan process will ensure that the landscaping in the buffer is sufficient to screen the adjacent uses, and a privacy fence will be required to further mitigate any impacts the reduced landscape buffer may have on the neighbouring residential. Staff are in support of the proposed reductions in exterior side yard setback, and the yard and landscape buffers long the residential uses.

### **Non-commercial GLFA**

The existing dental office is considered a non-commercial use. In the C2 zone, non-commercial uses (including office uses) are permitted to occupy a maximum of 40% of the gross leasable floor area (GLFA) of any C2 development. The existing dental office was approved and constructed prior to the adoption of the current Zoning By-law. The 100% non-commercial GLFA is an established use in this location, despite not being in compliance with the current Zoning By-law.

The expansion of the existing dental office will not negatively impact or reduce the commercial GLFA in the overall Community Commercial Centre. The increase in non-commercial GLFA for the dental office does not preclude the future use of the site for commercial uses. Overall, the proposal to recognize and expand the dental office does not detract commercial focus of the Centre. Staff support the requested increase in maximum non-commercial GLFA at this location.

### **Parking**

Office uses require a parking ratio of 1 space for every 28 square metres of GLFA. The GLFA of the dental office including the proposed addition is 1070 sq m, requiring 39 parking spaces. The proposed development has 14 existing and 18 proposed parking spaces, totaling 32 spaces. This represents a parking ratio of 1 space for each 33 sq m GLFA. Staff note that the existing dental office was approved and constructed with a reduced parking requirement of 14 spaces where 27 spaces were required under the former Zoning By-law. The overall development, which was previously approved with a reduction of 13 parking spaces, will now have a reduction of only 7 spaces.

Additional parking spaces would compromise the amount and location of the landscaping on the property, as well as reduce or eliminate the building addition which would render the application much less feasible. It is considered appropriate for the property to increase the number of available parking spaces while facilitating the expansion of the dental office. Staff support the proposed parking reduction, recognizing that the parking is to be provided at a higher ratio than it is currently provided.



## **Landscape Buffers Adjacent to Parking Areas**

The 2.0 metre landscape buffer between the proposed parking area and the adjacent westerly residential properties is requested for a couple of pinch-points between corners of the proposed parking area and the lot line, as seen in Appendix 2 and Highlighted in Appendix 8. In this case, the buffer required along the parking area is essentially the same as the buffer required between any C2 use and adjacent residential, as discussed previously in this report. As noted previously, the proposed landscape buffer varies in width from 2.0 metres to 3.0 metres. The Site Plan process will ensure that the landscaping in the buffer is sufficient to screen the adjacent uses, and a privacy fence will be required to further mitigate any impacts the reduced landscape buffer may have on the neighbouring residential.

## **Site Plan Control**

Should the requested amendments to the Official Plan and Zoning By-law be approved, an application for Site Plan approval will be required for the expansion of the dental office.

Site plan control is the City's primary tool for implementing City standards and urban design guidelines; it regulates the placement of buildings, architectural elevations, access, parking, site servicing, grading, drainage, lighting, landscaping, fencing, storage of waste and other details of site design. Appendix 2 provides the proposed conceptual site design.

A public information session relating to the detailed designs of the sites will be hosted by City staff as part of the site plan processes. Through that forum, Planning Services staff and the Applicant will present the refined designs to the public for information purposes. A site plan includes the registration against the title of the lands that will be legally binding upon the existing and future property owners. The Applicant will be required to post securities to ensure the terms of the agreements are carried out.

## **Circulation of Applications**

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed Official Plan and/or Zoning By-law Amendments. The feedback that has been received is outlined below and has been considered in the recommendation of this report.

## **Niagara Region**

No objection to the proposed Official Plan and Zoning By-law Amendments. The Region has noted that this section of Lakeport Road has a substandard road allowance, as the designated road allowance is 26.2 meters as identified in the ROP. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- A widening across the frontage of the subject property of 3.038 metres. This is required in order to achieve 13.1 meters from the original centerline of this road section.
- A daylight triangle of 3 metres by 3 metres will also be required at the corner of Lakeport Road and Old Lakeshore Boulevard.

The required widening and daylight triangle have been shown on the conceptual site plan (Appendix 2). Regional staff will request the above land conveyances to be completed with the future site plan approval.

### **Community, Recreation and Culture Services (CRCS)**

No objection to the proposed Official Plan and Zoning By-law Amendments, provided that the landscape strips shall be no smaller than those shown on the plan. Tree protection of both private and public trees will be further reviewed through the application for site plan agreement. The applicant has been made aware that all grading and swales will need to be located outside of the tree protection zones. Additionally, there is an existing, mature boulevard tree on John Street that is required to be retained as proposed in the submitted plan. Tree hoarding and securities will be required through the site plan agreement.

### **Development Section of Planning and Building Services**

Development staff have no objection to the application for Official Plan Amendment and Zoning By-law Amendment. Detailed drainage design and servicing drawings will be required through the Site Plan process.

### **Traffic**

No objections to the proposed Official Plan and Zoning By-law Amendments.

### **Public Consultation**

A digital public open house was held by Planning and Building Services over the Zoom platform on January 14, 2021. The purpose of the open house was to present the applicant's proposed Official Plan Amendment, Zoning By-law Amendment and conceptual site plan and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. Three members of the public registered to attend the Open House. All those registered to attend and speak at the Open House also submitted written correspondence. No other written correspondence was received. There were concerns raised regarding the site design and function. The concerns are outlined below with staff responses:

**Concern:** The combined lot coverage of the building and parking is high. How will stormwater runoff be managed?

**Response:** Through the Site Plan process, the stormwater management of the development will be reviewed by the City. No additional runoff onto adjacent properties is permitted. Stormwater runoff will not increase from the site.

**Concern:** The parking lot should be setback further from John Street and the width of the entrance should be narrower to reduce visual impact on the street. The landscape buffering of the building and parking area from the Street should be significant.

**Response:** Since the Open House was held, one parking space parking space has been removed to increase the landscape buffering area between the new parking area and John Street. The on-site buffer is now over 3.0 metres

(the minimum requirement). The Site Plan process will ensure that this area is planted in a manner that adequately screens the use and contributes to a visually appealing streetscape. The entrance width will also be reviewed through the site plan process and staff favour and entrance wide enough for function but now wider than necessary.

**Concern:** One of the parking areas servicing these dental offices should include a drop off area for deliveries and patients. Couriers and patients often park on John Street opposite our house, making it difficult for us to back out of our driveway.

**Response:** The new parking area cannot accommodate a turnaround or through-way for delivery vehicles. However, the vehicles could pull into the existing or new parking areas and complete deliveries from the parking spaces or the drive aisles, if necessary. If they choose, these vehicles could also utilize legal street parking spaces along John Street or Old Lakeshore Boulevard.

**Concern:** Precedent for the introduction of commercial uses in our residential area.

**Response:** This specific expansion of a Commercial Centre is carefully considered on its own merit. The approval of these applications for Official Plan and Zoning By-law Amendment does not provide any indication of approval for future commercial expansion. This is a modest expansion of a local business with minimal impact. The Residential neighbourhood is still predominantly residential and is expected to remain this way.

**Concern:** The location of the entrance to the new parking area will cause an increase in traffic on John Street. Access to new parking should be from Lakeport Road, not John Street.

**Response:** Lakeport Road is a Regional Arterial Road. The Region of Niagara does not support any access from the new parking area to Lakeport Road. The applicant has put in effort to ensure access and adequate parking while limiting the impact on John Street. The access to the new parking area is located approximately 40-45 metres from Old Lakeshore Boulevard. This is the direction that the majority of staff and clients are likely to arrive from in vehicles. As a result of the new parking area location, some vehicles may come around 40-45 metres down the street to access the new parking area, but this is not expected to have added traffic impact on the area.

**Concern:** Trees on the property should be maintained as part of the landscape plan.

**Response:** The City does not currently have a By-law addressing the removal of trees on private property. It is understood that most of the existing trees on these lands have been removed already. The Site Plan process will require the protection of any trees on or within 4 metres of the property line that could be impacted by development. However, no private trees can be required to be protected. At the site plan stage, staff will ensure that adequate landscaping features are provided at the appropriate locations.

**Concern:** Higher fencing should be provided between the new parking area and adjacent houses.

**Response:** Any fence provided in this location should be in compliance with the City's Fence By-law. The By-law does allow for fences on non-residential properties to have a maximum height of 3 metres. However, fence height does not increase privacy from a parking area. The material of the fence is required to be board-on-board to prevent light trespass. Given the height of vehicles and the modest height of the proposed building addition, a fence of 1.8-2 metres is considered appropriate for the use. This requirement will be ensured through the Site Plan Process.

## **Public Notice**

In accordance with established procedures, notice for the public meeting has 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 external 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 Land Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing.

## **Financial Implications**

There are no financial implications associated with this report.

## **Environmental Sustainability Implications**

There are no Environmental Sustainability implications associated with this report.

## **Conclusion**

In summary, staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment to permit the expansion of the existing dental office, subject to the recommendations set out in this report.

These Applications for Official Plan Amendment and Zoning By-law Amendment have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan, subject to the staff recommendations herein.

## **Notifications**

It is in order to advise Mary Lou Tanner, Niagara Planning Group (NPG) Inc., 4999 Victoria Avenue, Niagara Falls, ON L2E 4C9, the owner's agent.

**Prepared by**

Charlotte McEwan, MCIP, RPP  
Planner I

**Submitted by**

Margaret Josipovic, BES, MPA  
Manager, Planning Services

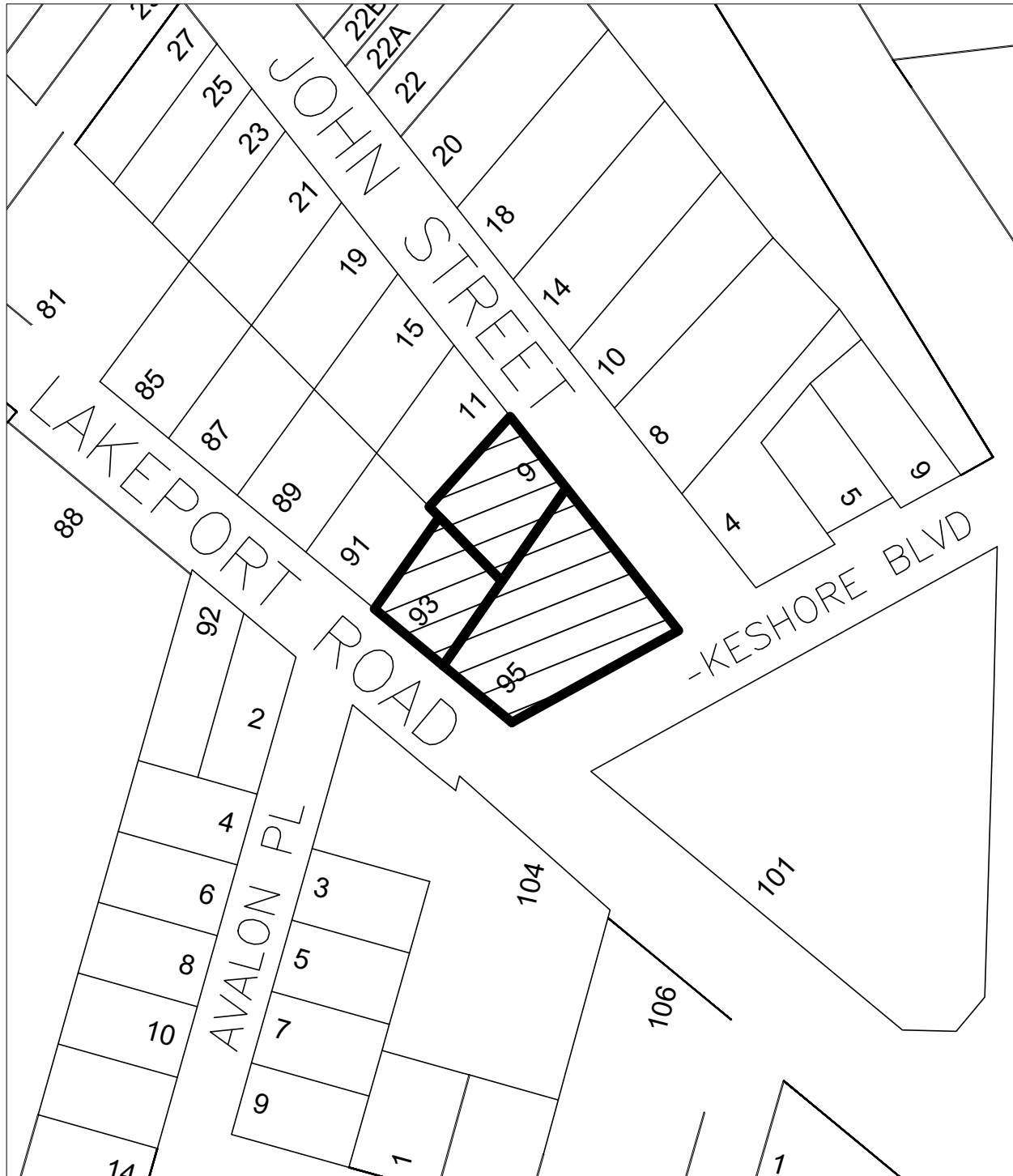
**Approved by**

Tami Kitay, MPA, MCIP, RPP  
Director, Planning and Building Services

## **Appendices**

- Appendix 1 – Location Map
- Appendix 2 – Conceptual Site Plan
- Appendix 3 – Ontario Planning Framework
- Appendix 4 – Official Plan Schedule D1
- Appendix 5 – Official Plan Schedule E1
- Appendix 6 – Proposed Official Plan Schedule D1
- Appendix 7 – Proposed Official Plan Schedule E1
- Appendix 8 – Location of Reduced Building Setbacks and Landscape Buffers
- Appendix 9 – Existing Zoning
- Appendix 10 – Proposed Zoning
- Appendix 11 – Zoning Amendment – Special Provision

## Location Map



**Subject Lands**

**ADDRESS:** 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

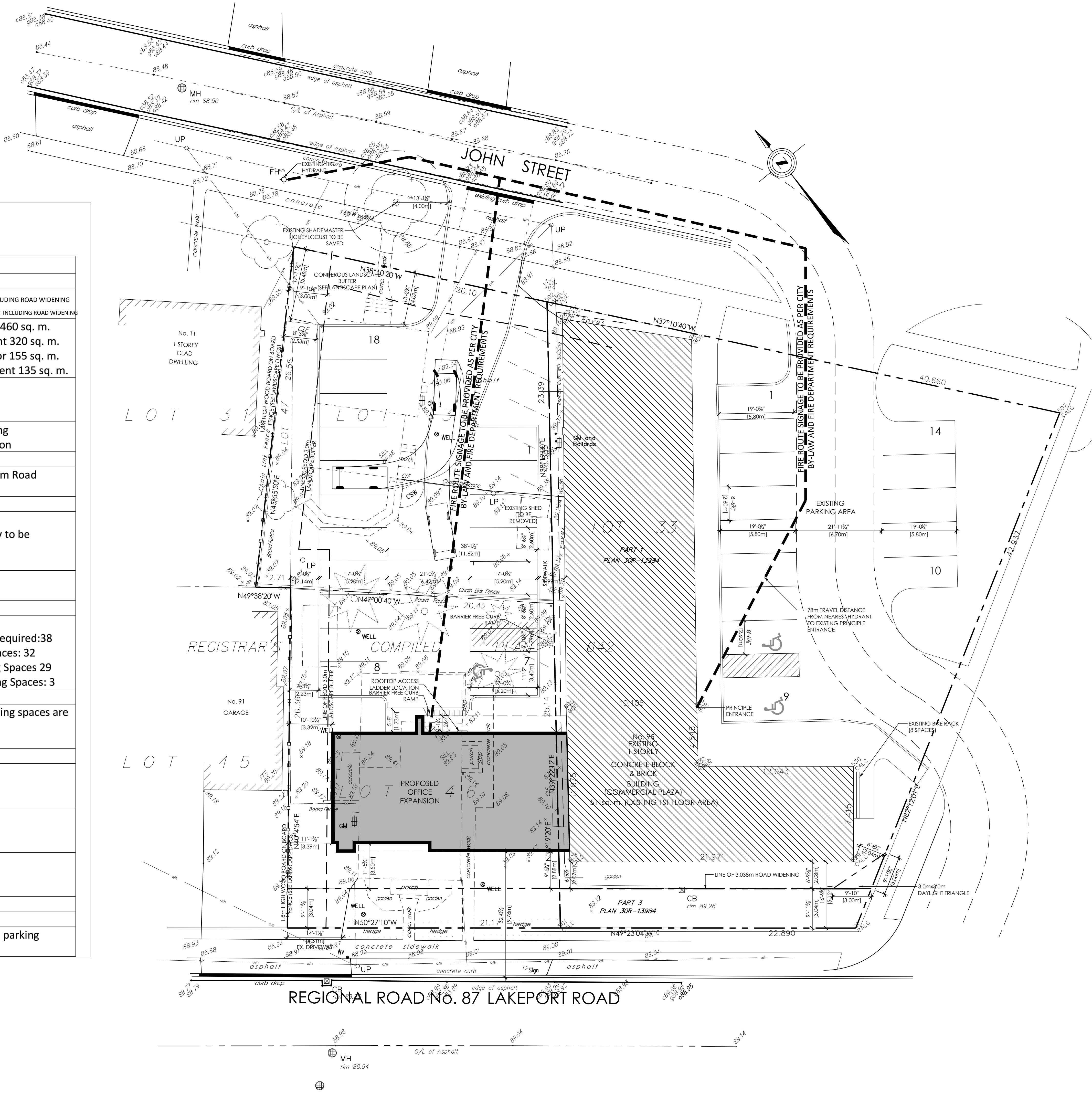
**File:** 20 116148 ZA & 20 116149 OP



**Zoning Matrix – 95 Lakeport Road, 93 Lakeport Road, 9 John Street  
Community Commercial (C2) Zone**

Zoning Provision	Required	Proposed
<b>Section 6.4 Provisions for Community Commercial (C2) Zones</b>		
Maximum Lot Area	N/A	2477.22 sq m INCLUDING ROAD WIDENING 2345.19 sq m NOT INCLUDING ROAD WIDENING
Maximum Non-Residential GLFA	5,000 sq m	Existing 1 <sup>st</sup> Floor 460 sq. m. Existing Basement 320 sq. m. Proposed 1 <sup>st</sup> Floor 155 sq. m. Proposed Basement 135 sq. m.
Minimum Yard Abutting a Residential Zone	7.5 m or ½ height of the building whichever is greater	3.32 m
Minimum Front Yard	3 m	2.07 m for existing 2.88 m for addition
Maximum Front Yard	24 m	N/A
Minimum Exterior Side Yard	3 m	2.04m Meas. From Road Widening
Maximum Exterior Side Yard	24 m	N/A
Maximum Building Height	N/A	Addition: 7.5 m Existing: 1-Storey to be maintained
Minimum Landscape Buffer Abutting a Residential Zone	3 m	2.14m
<b>Section 3.12.2 Non-Residential Uses</b>		
Parking Provisions for Office Use	Minimum 1 parking space per 28 sq m of gross leasable floor area or as otherwise noted	1,070 sq. m. Parking Spaces Required:38 Total Parking Spaces: 32 Standard Parking Spaces 29 Accessible Parking Spaces: 3
<b>3.8 Accessible Parking</b>		
Number of Accessible Parking Spaces for 13-100 Standard Spaces	4% of the required parking	3 accessible parking spaces are provided
<b>3.13 Landscape Provisions for Parking Areas</b>		
Lot Line Abutting a Public Road with 20-100 parking spaces	3 m	>3m
Lot Line Not Abutting a Public Road with 20-100 parking spaces	3 m	N/A
Lot Line Abutting a Residential or Institutional Zone	3 m	2.14m
<b>Section 3.15.1 Required Bicycle Parking</b>		
Office Use	1 space per 1,000 m2 of glfa	8 existing bicycle parking spaces

**PROPOSED SITE PLAN**  
SCALE: 1:150



GENERAL NOTES

2

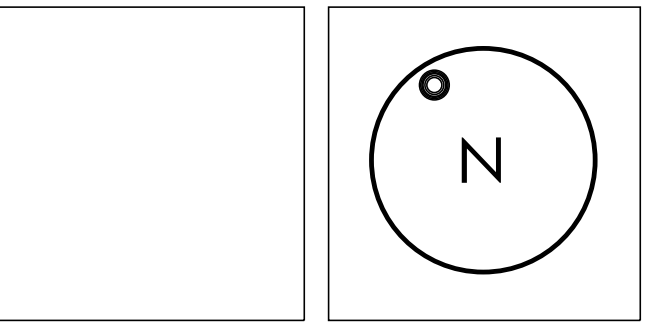
All contractors and/or trades shall verify all dimensions, notes, site and report any discrepancies prior to commencement of the work. This drawing not to be scaled, all drawings, prints and related documents are the property of the architect and must be returned upon request. Reproduction of drawings and related documents in part or in whole is strictly forbidden without written consent. Drawings to be for the purpose for which they are issued.

NO.	DATE:	REVISION:	BY:

COMMISSION:

**LAKEPORT DENTAL  
ADDITION AND  
RENOVATIONS**

95 LAKEPORT ROAD, ST. CATHARINES



**A | C | K**  
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F 416.462.1554  
www.ack.com  
m4a 153

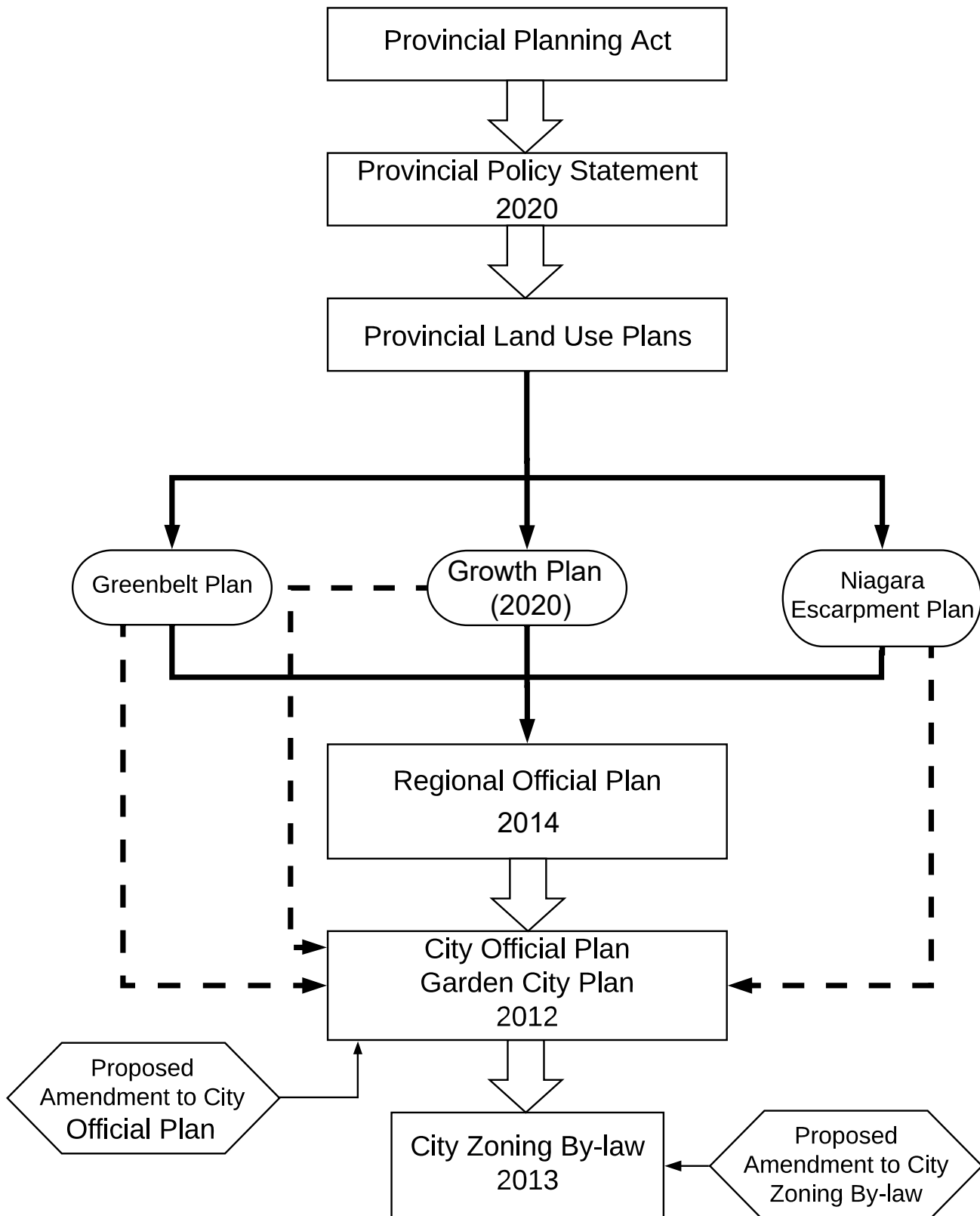
SHEET TITLE:

**SITE PLAN**

Issued for Re-Zoning		
Issued for Site Plan Agreement:		
Issued for Permit:		
Issued for Tender:		
Issued for Construction:		
DRAWN BY:	JR / JV	DWG. No.
CHECKED BY:	MA	<b>A1</b>
DATE:	AUG. 2019	
SCALE:	AS SHOWN	
PROJECT No.:	2018-191	



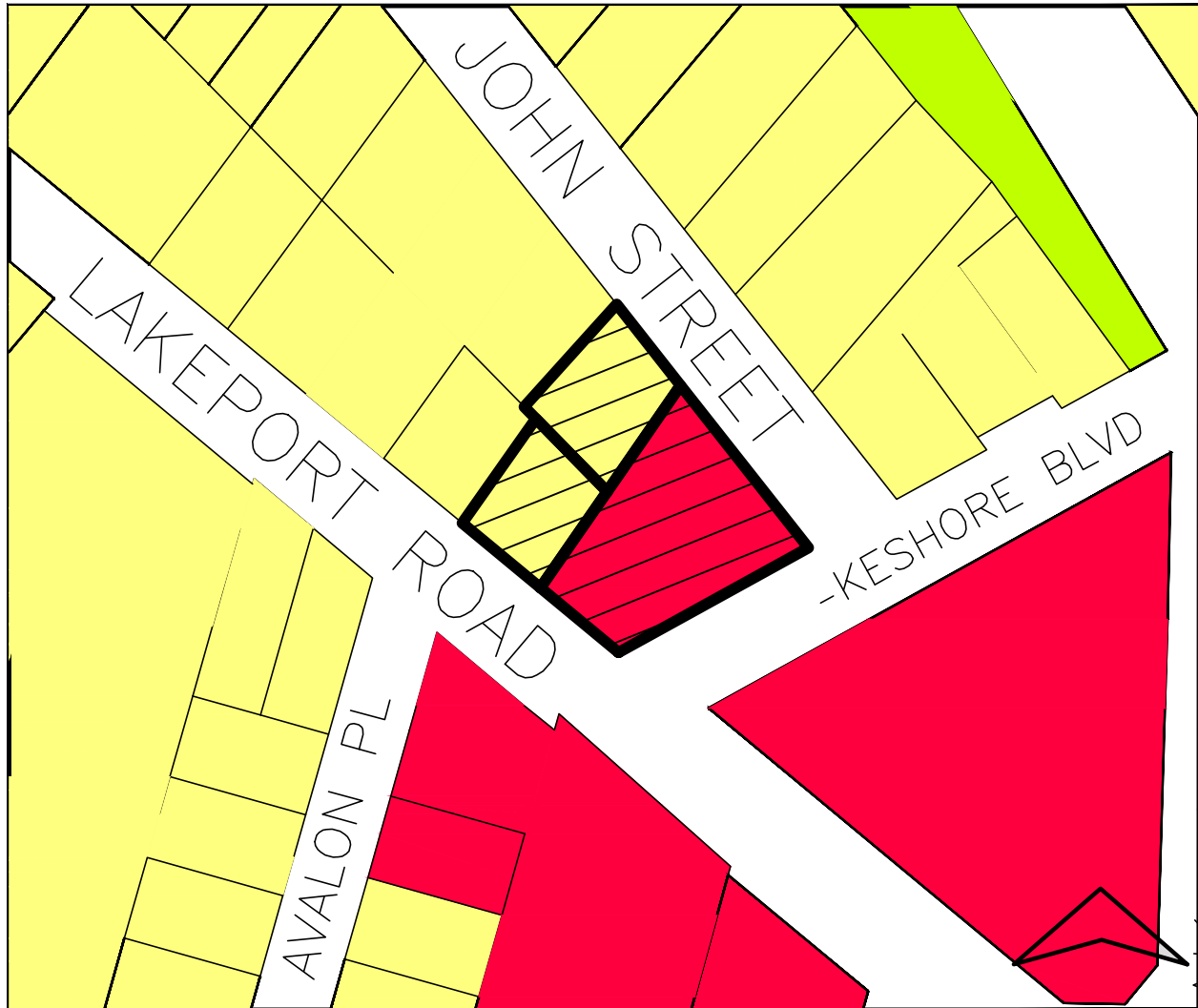
# Ontario Land Use Planning Framework





## Existing Land Use Designation

(The Garden City Plan - General Land Use Plan, Schedule D1)



Subject Lands

ADDRESS: 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

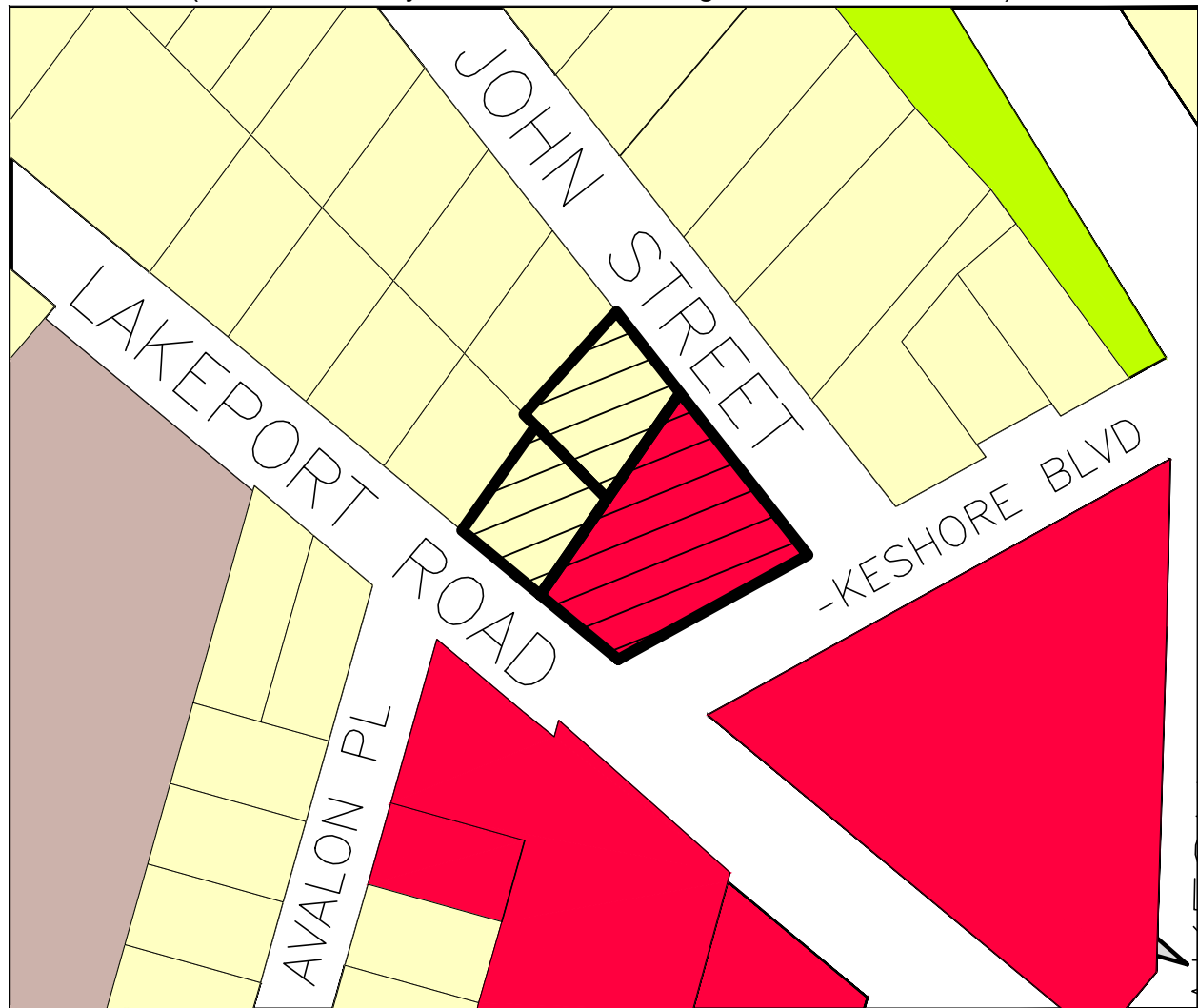
### Land Use Designations

- Neighbourhood Residential
- Commercial
- Parkland & Open Space

File: 20 116148 ZA & 20 116149 OP

## Existing Land Use Designation





(The Garden City Plan - North Planning District, Schedule E1)



 Subject Lands

ADDRESS: 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

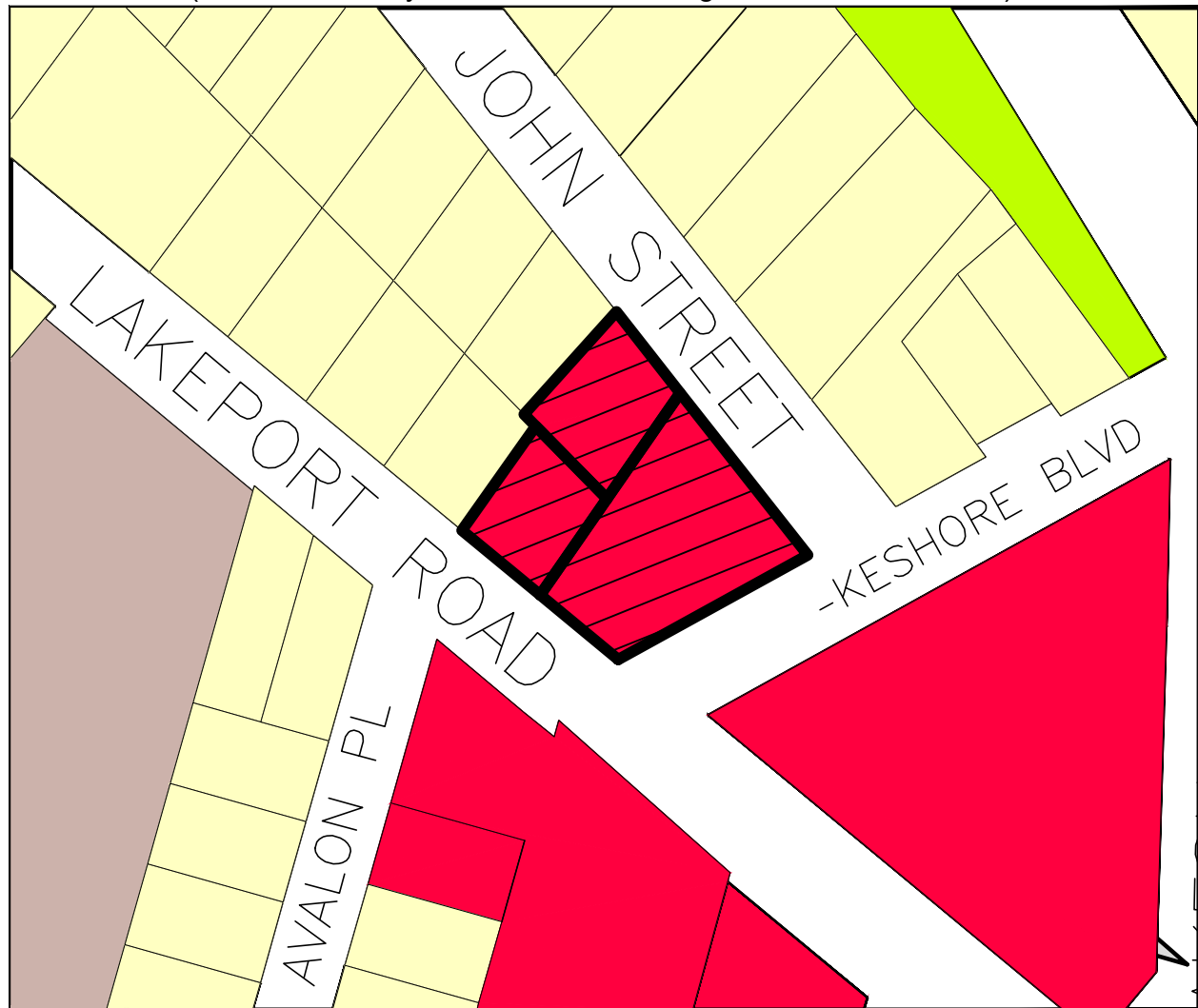
### Land Use Designations

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

File: 20 116148 ZA & 20 116149 OP

## Proposed Official Plan Amendment





(The Garden City Plan - North Planning District, Schedule E1)



 Subject Lands

ADDRESS: 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

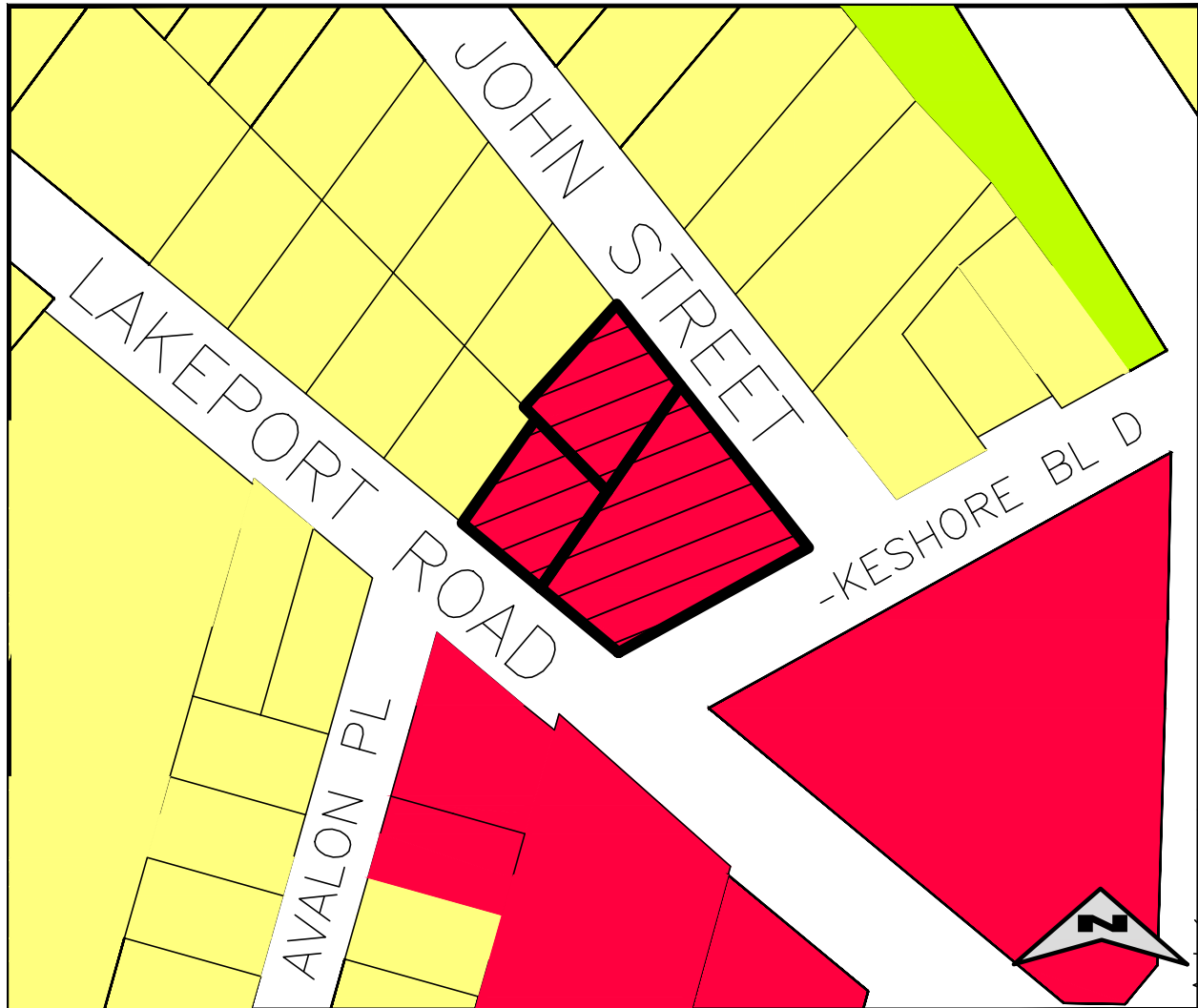
### Land Use Designations

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

File: 20 116148 ZA & 20 116149 OP

## Existing Land Use Designation

(The Garden City Plan - General Land Use Plan, Schedule D1)



**Subject Lands**

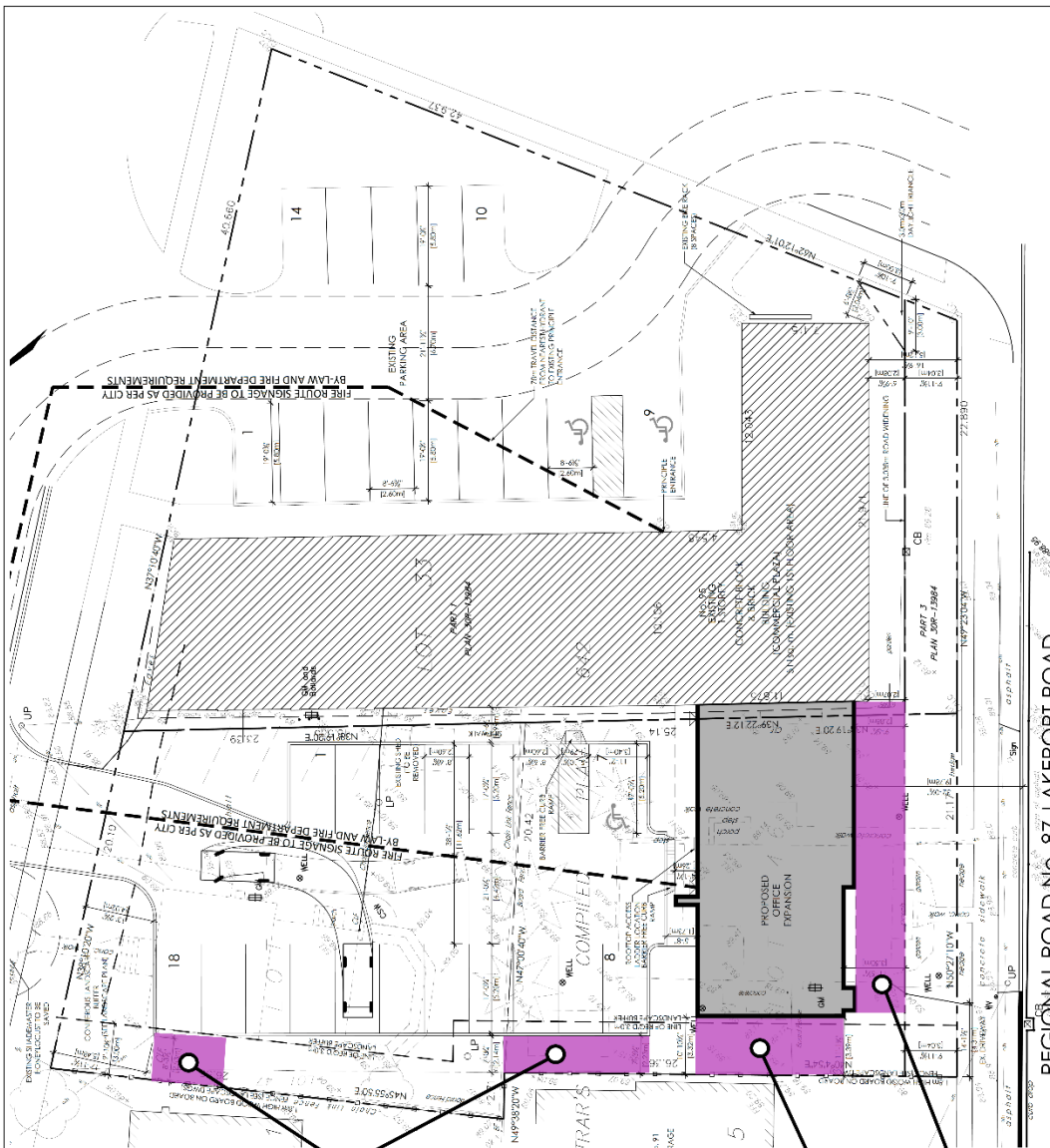
ADDRESS: 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

### Land Use Designations

- Neighbourhood Residential
- Commercial
- Parkland & Open Space

File: 20 116148 ZA & 20 116149 OP

## Locations of Reduced Building Setbacks and Landscape Buffers



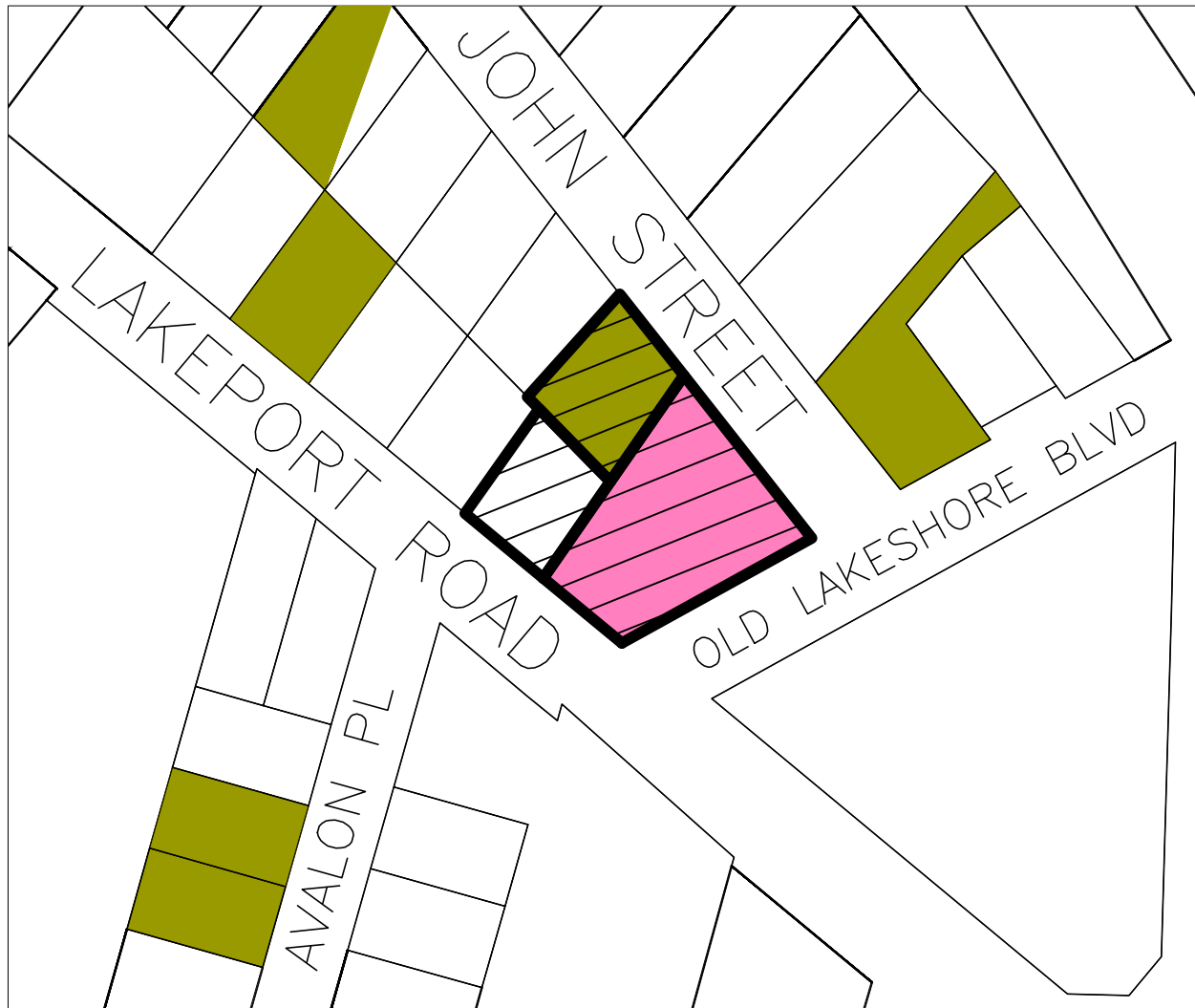
Reduction of a landscape buffer for a parking area along a Residential Use **and** Reduction of a landscape buffer for a Community Commercial Use abutting a Residential Use

Reduction in required building setback between a Community Commercial Use and a Residential Use

Reduction in required exterior side yard setback

## Existing Zoning





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



 Subject Lands

ADDRESS: 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

### Zones

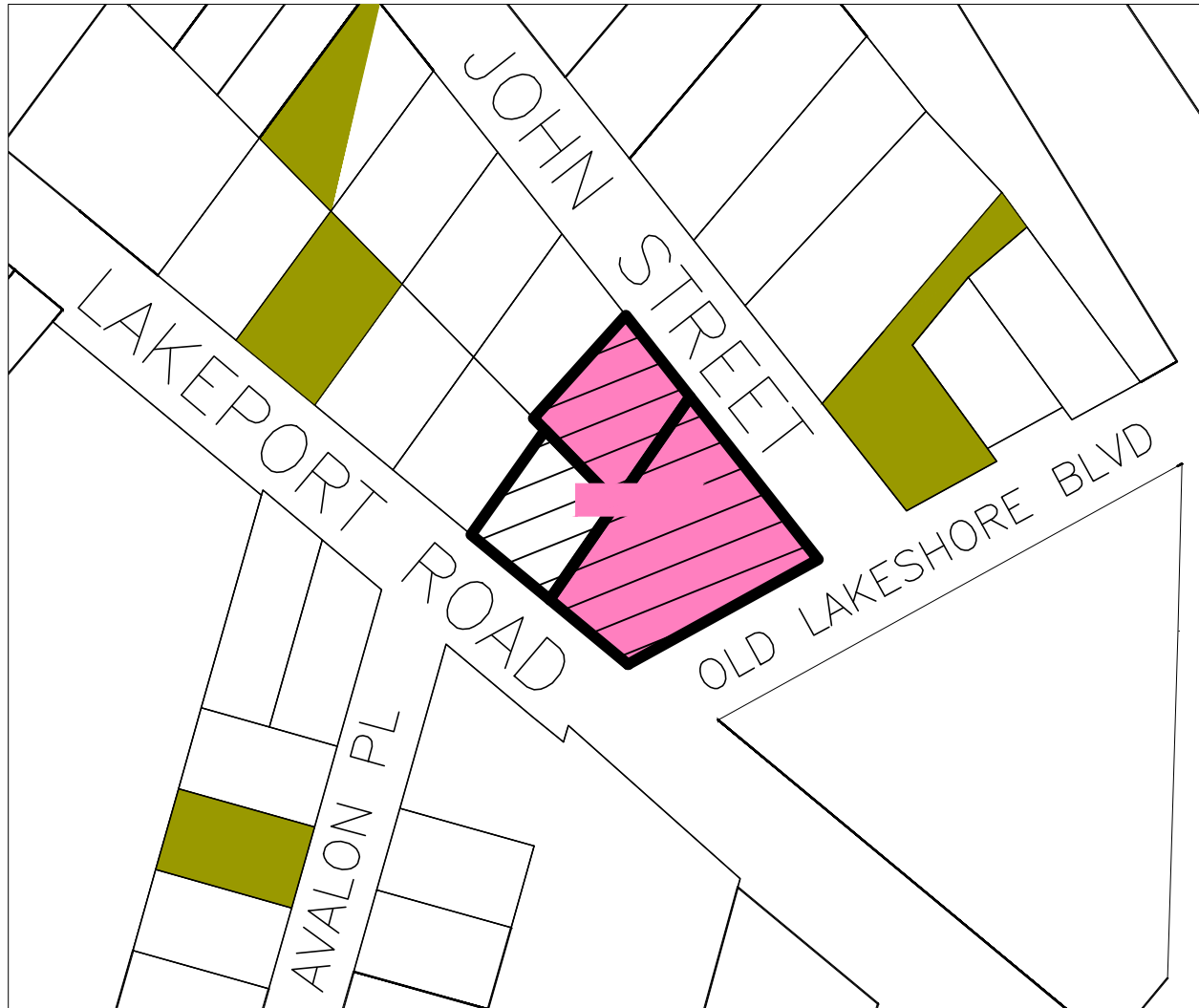
-  Low Density Residential  
- Traditional Neighbourhood
-  Medium Density Residential
-  Local Convenience Commercial
-  Community Commercial

-  Major Green Space
-  Community Institutional

File: 20 116148 ZA & 20 116149 OP

# Proposed Amendment to Zoning By-Law 2013-283

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



Subject Lands

ADDRESS: 93 Lakeport Road, 95 Lakeport Road, & 9 John Street

## Zones

- R2 Low Density Residential  
- Traditional Neighbourhood
- R3 Medium Density Residential
- C1 Local Convenience Commercial
- C2 Community Commercial

- G3 Major Green Space
- I2 Community Institutional

File: 20 116148 ZA & 20 116149 OP

### Proposed Special Provision 162

Special Provision	Zone	Schedule A	Location	By-law
162	C2	7	93 and 95 Lakeport Road 9 John Street	
Additional permitted use - A dental office subject to the following site-specific provisions:				
1.	Minimum Exterior Side Yard		2.0 metres	
2.	Minimum Yard Abutting a Residential Zone		3.0 Metres	
3.	Minimum Landscape Buffer Abutting a Residential Zone		2.0 metres	
4.	Maximum percentage of total GLFA for non-commercial uses		100%	
5.	Minimum Number of Parking Spaces		1 space per 33 square metres of GLFA	
6.	Parking Area: Minimum Width of Landscape Buffer along a Residential Property		2.0 metres	





## By-laws to be considered Monday, June 28, 2021

- (a) A By-law to amend By-law No. 2014-169 entitled "A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992." (One reading – with respect to change in personnel. Delegation of Powers and Duties By-law No. 2020-156.)
- (b) A By-law to assume and declare certain lands to be a highway and to be known as Michigan Avenue and to repeal By-law No. 91-413. (One reading – with respect to lands municipally known as 23 Michigan Avenue. Delegation of Powers and Duties By-law No. 2020-156.)
- (c) A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters. (One reading – with respect to 2022 Schedule of Rates and Fees. Council, June 14, 2021, Item No.6.1.)
- (d) A By-law to authorize a Grant Agreement with Federation of Canadian Municipalities. (One reading – with respect to Enhanced Climate Change Assessment for a Corporate Asset Management Plan. General Committee, July 27, 2020, Item No. 2.1.)
- (e) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading – with respect to 93 and 95 Lakeport Road, and 9 John Street. To be considered by Council, June 28, 2021.)
- (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 93 and 95 Lakeport Road, and 9 John Street. To be considered by Council, June 28, 2021.)
- (g) A By-law to authorize a contract with Steed and Evans Limited. (One reading – with respect to 2021 New Sidewalks, Walkways, and Sidewalk Repair, under Project No. P21-042/P21-040. To be considered by General Committee, June 28, 2021.)
- (h) A By-law to confirm the proceedings of council at its meeting held on the 28th day of June 2021. (One reading - with respect to confirming the proceedings of the meeting held on June 28, 2021.)