

## Corporate Report

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

**Date of Report:** April 25, 2013

**Date of Meeting:** May 13, 2013

**Report Number:** PDS-126-2013

**File:** 60.46.378 Vol. 2

**Subject:** Application for Draft Plan of Condominium Approval; Address: 168 Martindale Road; Owner: Glenbrook Homes Ltd.; Agent: Glenn Barr, Barr Associates

### Recommendation

That the report from Planning and Development Services dated April 25, 2012, recommending draft plan of condominium approval to facilitate residential development on lands located at 168 Martindale Road be referred to Council for consideration after the public meeting scheduled for May 27, 2013.

### Staff Recommendation

That approval be granted for Draft Plan of Condominium, as outlined in Appendix 1, for the lands described as Part Lots 3 and 4, Plan 30M-167, known municipally as 168 Martindale Road, subject to the conditions of draft plan of condominium approval, outlined in Appendix 2 of this report; and

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

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

Further, 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 necessary notifications. FORTHWITH

### Summary

The applicant has requested draft plan of condominium approval to create a mixed residential infill development comprised of twelve (12) townhouse dwellings and one (1) apartment building comprising of 24 units, at a density of 74 units per hectare. A total of thirty-six (36) units are proposed. The townhouse dwellings and the apartment building will each have frontage on an existing private road and have vehicular access by way of a new private road. The development will require site plan approval.

## **Background**

The proposed draft plan of condominium represents the fifth phase of implementing the Village on the Twelve development. A previous draft plan approval for this site has lapsed. A new design has now been completed and is the subject of this draft plan of condominium application.

## **Report**

### **Location and Site Description**

The site is located in the West Planning District. The lands are located between Martindale Road (to the west) and Twelve Mile Creek (to the east), immediately north of Vansickle Road North. The lands are accessed by Willow Bank Circle.

The site is irregular in shape. The lands are 0.49 hectares (1.2 acres) in size, with approximately 43 metres (141') of frontage along Willow Bank Circle. A location map is attached as Appendix 3.

The lands are currently vacant. Surrounding lands are currently used as follows:

North: Vacant land, Residential townhouses, and Twelve Mile Creek  
South: Apartment Building, Vacant land  
East: Residential townhouses and Twelve Mile Creek  
West: Residential townhouses

### **Official Plan Designation**

The Garden City Plan designates the lands as Neighborhood Residential which is intended to permit a broad range of residential uses. Schedule E6 provides additional direction for the West Planning District and designates the subject lands as Medium Density Residential (Appendix 4) permitting residential development in the form of detached, semi-detached, duplex, multiple attached, tri-plex and apartment dwellings at a density range between 25 and 99 hectares of land. The proposal is consistent with the policies of the Garden City Plan. Compliance with the Plan is addressed in greater detail in the Planning Analysis section of this report.

### **Zoning**

By-law 64-270 (Zone 4) as amended by By-law 2003-317 zones the lands as Third Density Residential (R3X) which permits both townhouses and apartment buildings. The proposal complies with all provisions of the by-law. No amendments or variances are required.

### **Proposed Development**

The proposed draft plan of condominium (Appendix 1) will create twelve (12) lots for townhouse dwellings and one (1) block will be for an apartment building. The proposal also includes the creation one new private road which will provide vehicular access to the garages for the townhouses, and to underground parking for the apartment building.

## **Circulation Comments**

This application was circulated to all appropriate departments and agencies for their comments and requirements. No objections were received and the following comments were offered:

### **Niagara Region**

The Region has confirmed that the subject lands are located within the Urban Area Boundary for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031/conformity amendment). A full range of residential, commercial, and industrial uses are permitted. The development provides a range of housing types and makes efficient use of existing infrastructure.

The Region notes that the site is in close proximity to the General Motors (GM) Ontario Street facility. Although the plant operations have now ceased, the lands remain zoned and designated for employment / industrial use and, therefore, can be re-used and / or redeveloped in the future for those purposes. Agreements of purchase and sale should, therefore, contain a warning clause regarding potential noise impacts if new industrial operations locate in close proximity. This clause should be included in the site plan agreement.

With regard to waste collection, the Region has advised that all materials will be collected at the curb side of the private road for both the townhomes and the apartment building. Although the region requested certain conditions of draft plan of condominium regarding servicing, staff have not included these conditions since they would have been addressed years ago as part of the original draft plan of subdivision approval. These lands are a block within the original registered plan of subdivision. The Region has been advised.

### **Other Comments**

The Development Division of Planning and Development Services, the Traffic Division of Transportation and Environmental Services, Recreation and Community Services, and Hydro One, all advised that they offered no concerns or objections.

### **Public Open House**

A public open house was hosted by Planning and Development Services April 4, 2013, to present the applicant's proposal and provide an opportunity for questions and information sharing. Approximately 20 members of the public were in attendance. Their comments are summarized below;

- Parking is a problem in the neighbourhood. More parking should be provided.
- Traffic is a concern. Will the Region be signaling the entrance at Martindale Road?

## **Other Correspondence**

Staff received one letter regarding the proposed draft plan of condominium from a nearby resident. This letter noted that additional units would make public transit more viable in the future and that a signalized intersection at Martindale Road is necessary.

These comments and concerns are address in the Planning Analysis Section of the Report.

## **Planning Analysis**

### **Provincial Policy**

The subject property is within a settlement area under the 2005 Provincial Policy Statement and designated as a built up area in the Places to Grown Plan for the Greater Golden Horseshoe. These documents contain policies that direct major growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities. The proposed development provides a mix of housing types, and provides for intensification within a built up area. The proposal complies with provincial policy.

### **Regional Policy Plan**

The subject lands are within the City's Urban Area defined by the Regional Policy Plan and within a Built-up Area under Amendment 2-2009. A full range of residential, commercial, and industrial uses are permitted. The proposal complies with the Regional Policy Plan.

### **Official Plan**

The Garden City Plan designates the site as Neighbourhood Residential. Schedule E6 Provides addition direction for the West Planning District and designates the land as Medium Density Residential, which permits a mix of dwelling types at a density of 25 to 99 units per hectare with building heights generally not exceeding 20 metres. A residential density of 74 units per hectare is proposed. Staff are of the opinion that the proposed development constitutes medium density housing and conforms to the policies of the Garden City Plan.

### **Zoning By-law**

The subject lands are zoned Third Density Residential (R3X) (Zone 4). The proposed development complies with all provisions of the By-law.

### **Proposed Draft Plan of Condominium**

The Draft Plan of Condominium proposes ownership tenure for 12 townhouse units and one block for an apartment of approximately 24 units, along with common element lands including a private road. After construction, the condominium corporation will be responsible for the ongoing maintenance of these common elements, including the lighting, fencing, servicing, stormwater management facilities, and upkeep of the front and perimeter landscaping.

Section 50.1(24) of the Planning Act guides staff in assessing applications for draft plan of condominium approval and staff are satisfied that the proposal fulfills these criteria. The lands can be serviced with municipal services.

### **Site Plan Control**

Site Plan Control applies to all residential development with five or more dwelling units, including the proposed development. Elevation drawings for all building facades will be required, as will plans and details for all landscaping, fencing, lighting, parking layout and design, stormwater management, servicing, garbage pick-up, and similar site details. The applicant will be required to enter into a Site Plan Agreement with the City and to post securities for approved site engineering and landscaping works. The future condominium corporation will assume this agreement and all ongoing maintenance responsibilities.

This site plan review and agreement process is the principal tool through which Staff will implement design considerations to maximize compatibility with the surrounding neighbourhood and to ensure long term functionality.

An application for Site Plan Approval has been submitted and is currently under review.

### **Open House Comments**

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

*Comment :* Parking is a problem in the neighbourhood. More parking should be provided.

*Response:* The proposal meets all the existing zoning by-law requirements which require one parking space per unit. The townhouse units provide either one or two garage spaces per unit and the apartment building will provide 36 space for the 24 units (1.5 spaces per unit). Visitor parking is provided on the private streets (Black Walnut Common and Tulip Tree Common).

*Comment:* Traffic is a concern. Will the Region be signalizing the entrance at Martindale Road?

*Response:* Regional Transportation staff have indicated that the Region is nearing completion of the Martindale Road Environmental Assessment study in which a traffic signal is being recommended for the Willow Bank intersection because of safety reasons resulting from the existing high rise development and the bend in Martindale Road affecting sightlines. This report is to be finalized in the next couple of months. Timing for the first phase of the road works is in 2017.

### **Public Notice**

In accordance with established procedures, the date for the public meeting is provided in the Recommendation and 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 before the Ontario Municipal Board.

**Financial Implications**

Not Applicable.

**Conclusion**

In summary, the proposed Draft Plan of Condominium is consistent with the Garden City Plan policies for the Medium Density Residential designation. The proposed draft plan of condominium represents the fifth phase of implementing the Village on the Twelve development. Staff is satisfied that the conditions of draft plan of condominium approval are appropriate for the successful development of this proposal.

**Notification**

In is in order to notify Glenn Barr, Barr Associates

**Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

**Prepared by:**

Jessica Button, MCIP, RPP  
Planner 1

**Approved by:**

James N. Riddell, MPI, MCIP, RPP  
Director of Planning and Development Services

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## **Appendix 2 – Draft Plan Conditions**

### **Condition of Draft Plan of Condominium 168 Martindale Road FILE No. 60.46.378 Vol. 2**

#### **General Approval**

1. That this approval applies to lands known as Part of Lots 3 & 4, Plan 30M-167, in the City of St. Catharines, designated as parts 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 24, 26, 32 on reference plan 30R-11396, known municipally as 168 Martindale Road, prepared by William A. Mascoe, O.L.S., dated January 18, 2013, identifying Lots 1-12 (townhouse units), Lot 13 (apartment building) and a common private road.

#### **Site Plan Agreement**

2. That prior to final registration of the plan of condominium, the owner enter into a Site Plan Agreement with the City of St. Catharines, to be registered against the lands.

The site plan agreement shall include but not be limited to the following Regional concerns:

- i) That the Site Plan Agreement include the following warning clause and that the owner agree in the Site Plan Agreement to include in all offers and agreements of purchase and sale or lease for each unit the following warning clause:

“Prospective purchasers/tenants are advised that due to the proximity of existing or potential future industrial uses to the east, including the General Motors of Canada Limited plant that is currently idle, resulting noise, odour, dust and/or vibration may have adverse effects and occasionally interfere with some activities of the dwelling occupants”.

- i) That the owner shall agree in the Site Plan Agreement to enter into an Indemnity Agreement with the Regional Municipality of Niagara regarding the provision of garbage/waste/recycling collection service in accordance with Regional policy C3.C17, Collection of Material By Way of Entry on Private Property and by-laws relating to the curbside collection of waste and that the following clause be included in the Site Plan Agreement:

“To be eligible for the provision of collection service by way of entry on private property, the private roadways must be designed to meet the requirements of Regional Municipality of Niagara policy C3.C17, Collection of Material By Way of Entry on Private Property and by-



laws relating to the curbside collection of waste (i.e. providing through passage, minimum roadway width/curb radius, private roadways must be designed to permit unobstructed access to the location of the material to be collected, etc.) so that collection vehicles can access collection locations without the need to reverse. Developments unable to meet these requirements will not be eligible for Regional collection service by way of entry on private property and will, therefore, be required to obtain private waste collection services”.

(City of St. Catharines,  
Niagara Region)

### **Condominium Assumption Agreement**

3. That the applicant enter into a Condominium Assumption Agreement with the City of St. Catharines.

*(City of St. Catharines)*

### **Administration**

4. That if final approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the Owner wished 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 lapsing date. An updated review and revision to the conditions of approval may be necessary at that time.

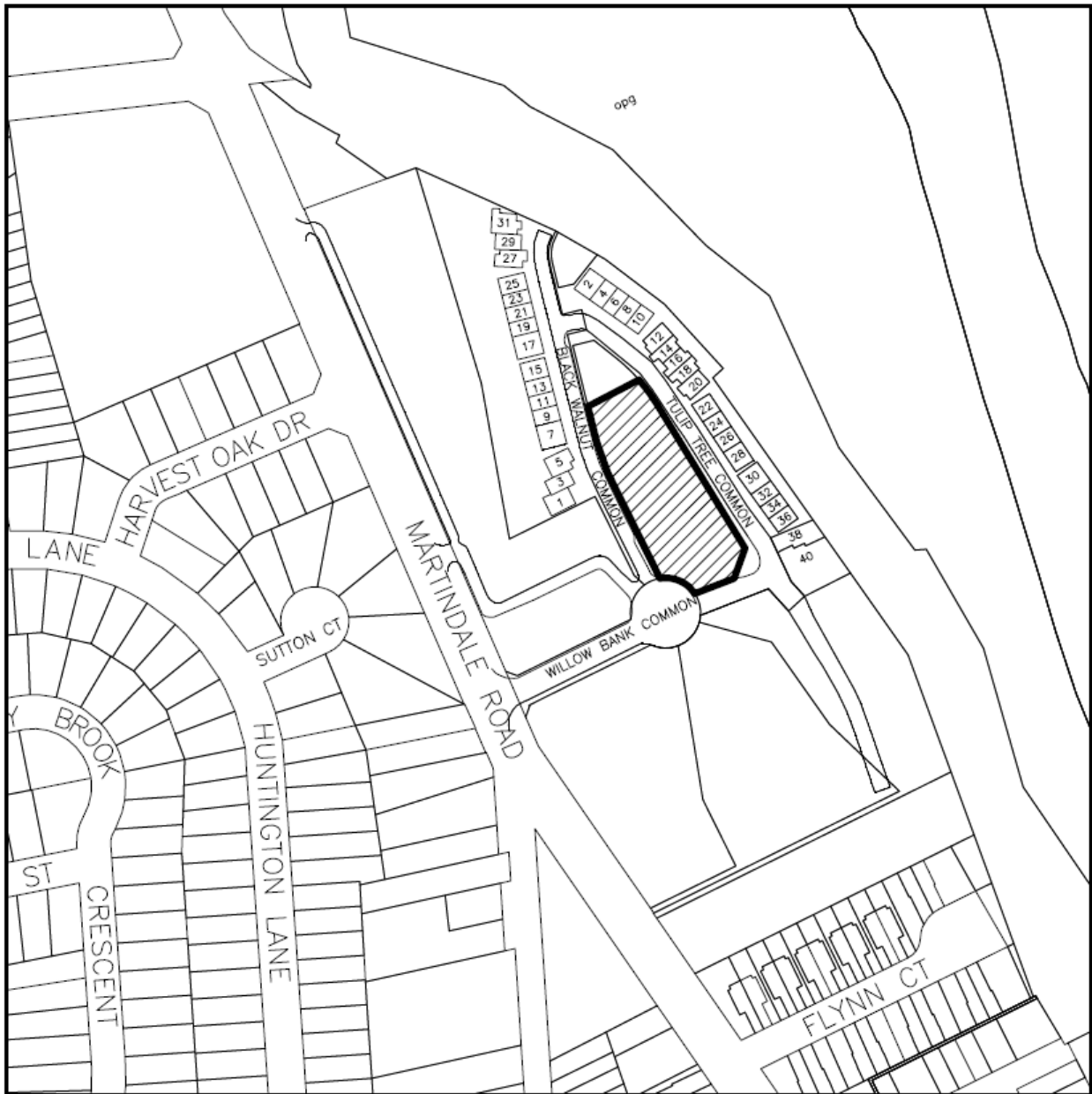
*(City of St. Catharines)*

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

### **Clearance of Conditions**

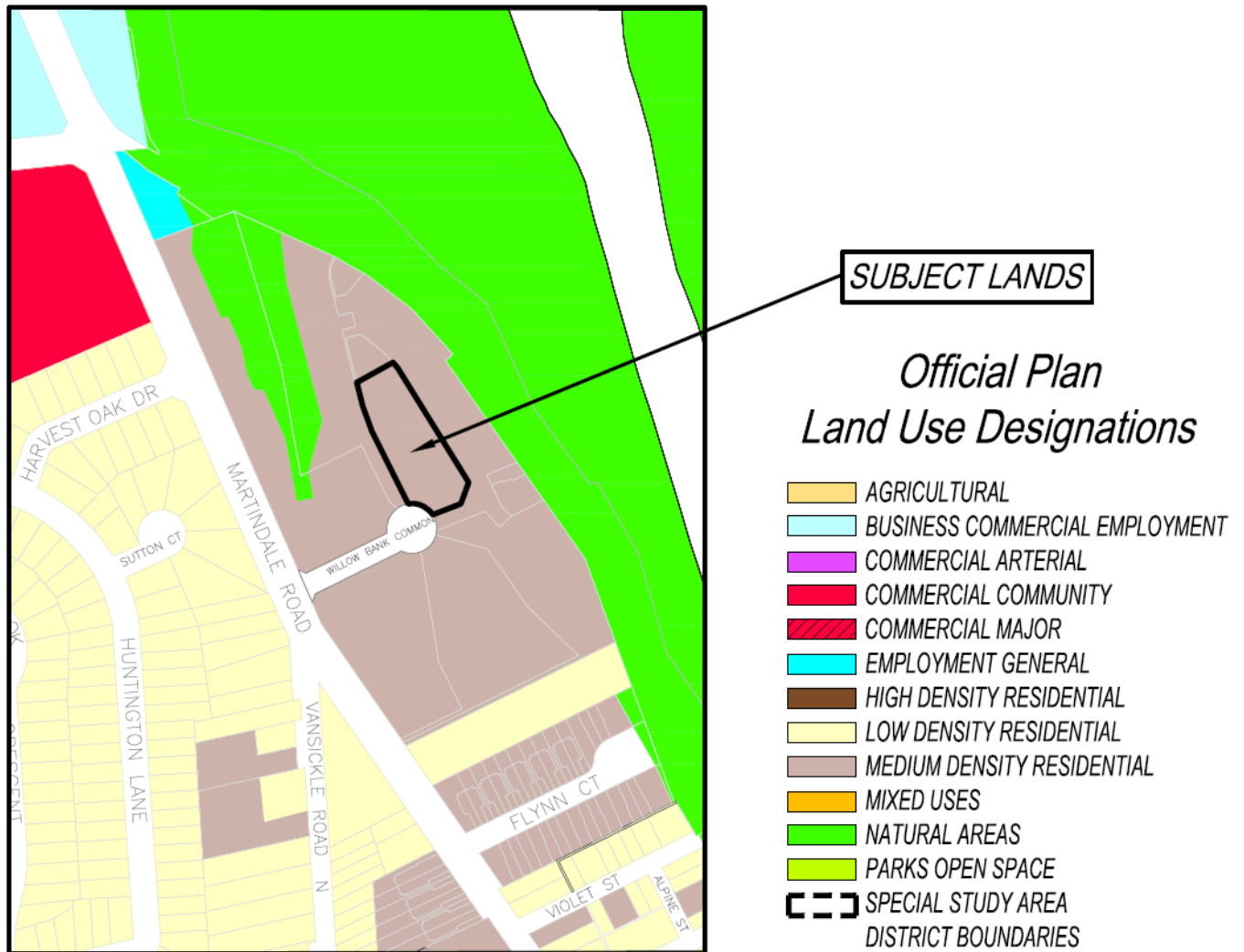
**Prior to granting final plan approval, the City of St. Catharines must be in receipt of written confirmation that these requirements have been met satisfactorily:**

### Appendix 3 – Location Map

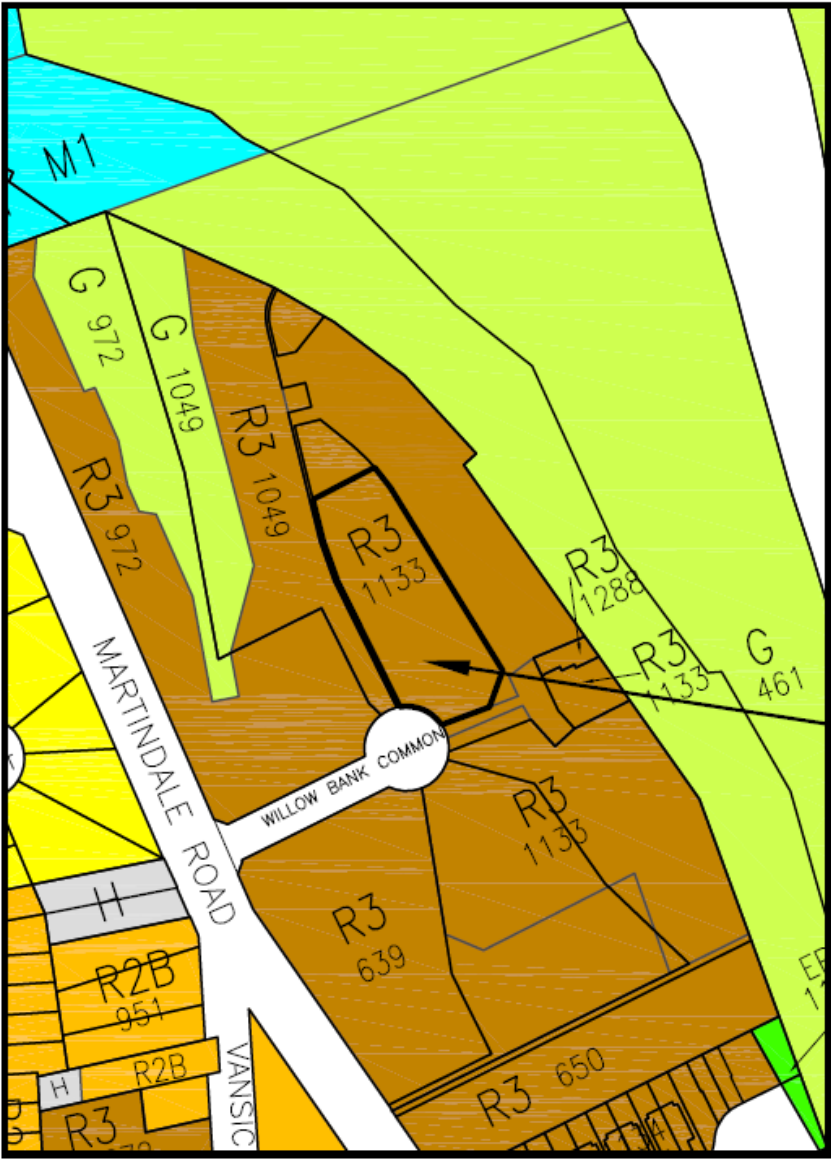


SUBJECT LANDS KNOWN AS  
168 MARTINDALE ROAD  
FILE: 60.46.378 VOL 2

## Appendix 4 – Garden City Plan Designation



Appendix 5 – Zoning By-law



**SUBJECT LANDS**

*Zoning Designations*

- R1B FIRST DENSITY RESIDENTIAL
- R2B SECOND DENSITY RESIDENTIAL
- R3 THIRD DENSITY RESIDENTIAL
- G GREENBELT
- EPA ENVIRONMENTAL PROTECTION
- H HOLDING
- M1 INDUSTRIAL
- SI SERVICE INDUSTRIAL