



**SPECIAL COUNCIL MEETING, MAY 13<sup>th</sup>, 2003**

**TO CONSIDER A REPORT REFERRED FROM  
THE MAY 6<sup>TH</sup>, 2003 REGULAR COUNCIL MEETING REGARDING  
A PROPOSED PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT -  
RIVERSIDE WEST SUBDIVISION (26T-14-2003 AND 2002-15) – MAC-BRI  
DEVELOPMENTS INC. – WEST SIDE OF RIVERSIDE DRIVE, SOUTH OF LINCOLN  
STREET; AND  
A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW 2667 (MAC-BRI  
DEVELOPMENTS INC. – FILE 2002-15) 224 RIVERSIDE DRIVE**

**CITY HALL, COUNCIL CHAMBERS  
411 EAST MAIN STREET**

Council met in open session at 6:05 p.m. on the above date.

Her Worship Mayor Cindy Forster in the Chair.

**Members Present:** Councillors M. Belcastro, N. Dmytrow Bilboe (6:45 p.m.), M. Dzugan, T. Eybel,  
D. Fortier, J. Irvine, J. Mastroianni, S. O'Dell and J. Spadafora .

**Members of Staff and Others Present:**

City Clerk C.A. Stirtzinger

City Manager T. Fitzpatrick

Manager, Development Planning / Real Estate D. Thorpe

Roy Kirkup and Geoff Yeager, Agents on behalf of Mac-Bri Developments Inc. addressed Council with respect to its Application for Draft Approval for Riverside West Subdivision.

Claire Gerenscer, 204 Riverside Drive addressed Council concerning this application.

**03-80****03-80Z**

Moved by Mastroianni and Dzugan

1. That City of Welland Zoning By-law 2667, as amended, be further amended for lands on the west side of Riverside Drive, south of Lincoln Street (Part of Lots 29 and 30, Concession 6, former Township of Crowland) from R1 and O1 to R2 for proposed Lots 1 through 31 inclusive and Blocks 32 and 33; and to Environmental Protection (EP) for Block 34 as shown on the red-lined revision to the Draft Plan of Subdivision;
2. That the City of Welland hereby grants Draft Approval to the Riverside West Subdivision (File 26T-14-02003) developed by Mac-Bri Developments Inc., being parts of Lots 29 and 30, Concession 6, former Township of Crowland based upon a plan prepared by Kirkup & Ure Surveying Ltd. dated November 21, 2002 consisting of thirty-one (31) single-detached residential lots, two (2) Blocks for walkways and services and an additional Block for open space purposes including a Storm Water Management Facility as red-lined by City Council subject to the following Conditions:
  - a. That the Owner enter into a Subdivider's Agreement with the City of Welland to be registered on Title;
  - b. That no grading or construction work shall commence on the site until such time as the Subdivider's Agreement has been entered into, all financial security is in place and the Plan and all documentation has been registered on Title;
  - c. That all necessary Easements required for utility and servicing purposes be granted to the appropriate Authority free of all encumbrances;
  - d. That Blocks 32 and 33 be transferred to the City of Welland free of all encumbrances for walkway, emergency access and servicing purposes;
  - e. That Blocks 32 and 33 be improved by the Owner, with a 3.0 metre asphalt walkway, fencing and vehicular restriction (i.e. bollards) to the City's standards and satisfaction;
  - f. That Blocks 35, 38 and 40, being 0.3 metre reserves, be transferred to the Regional Municipality of Niagara free of all encumbrances for access control purposes;
  - g. That Block 34 be transferred to the City of Welland free of all encumbrances for storm water management and floodplain purposes only after the Owner has constructed the required Storm Water Management Facility, including any required landscaping to the satisfaction of Community Services and the Owner has improved the remainder of Block 34 to the satisfaction of Community Services;
  - h. The Owner shall provide a one (1) year maintenance period for the Storm Water Management Facility after assumption by the City. Prior to assumption, the Owner shall be responsible for all maintenance;
  - i. That the Owner shall pay Cash-in-Lieu of Parkland Dedication based upon current City requirements;
  - j. The Owner shall prepay for the future installation of a sidewalk across the full frontage of the subject lands on Riverside Drive;
  - k. That all lands located within the floodplain be included within an Environmental Protection Zone where no structural development is permitted;
  - l. That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval;
  - m. That detailed sedimentation and erosion control plans detailing methods proposed for the control of silt and erosion during the construction phase and restoration proposed for the site after construction be submitted to the N.P.C.A. for review and approval;
  - n. That prior to approval of the Final Plan, the Owner submit to the Regional Planning Department for review and approval a detailed Stormwater Management Plan for the Subdivision completed in accordance with the Ministry of Environment documents entitled Stormwater Management Practices, Planning and Design Manual, June 1994, as revised and Stormwater Quality Guidelines for New Development, May 1991, endorsed by a suitably qualified Professional Engineer. A copy of the Stormwater Management Plan and supporting documentation should also be submitted to the Niagara Peninsula Conservation Authority for its review and response to the Regional Planning

Department. Furthermore, that the Owner agree in the Subdivision Agreement to implement the approved Stormwater Management Plan;

- o. That Permit approval be obtained from the N.P.C.A. for any proposed balanced cut and fill measures;

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**03-80Z..Cont'd...**

- p. That the Owner agrees in the executed Subdivision Agreement to:
  - i) include all lands located within the floodplain within an Environmental Protection Zone where no standard development is permitted;
  - ii) implement the lot grading and drainage plans, sedimentation and erosion control plans and stormwater management plans;
  - iii) not place or dump material of any kind, whether originating on site or off-site, in the Welland River floodplain unless a Permit from the N.P.C.A. has been issued;
  - iv) obtain proper Permit approvals for any balanced cut and fill measures
  - v) revegetate or otherwise stabilize all disturbed areas immediately following the completion of construction.
- q. That the Owner acknowledge promptly to the Regional Planning Department that the Draft Approval of this Subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara. Servicing allocation will be assigned instead at the time of Final Approval of this Subdivision for registration purposes;
- r. That immediately following Notice of Draft Plan Approval, the Owner shall provide the Regional Planning Department with a written undertaking that all Offers and Agreements of Purchase and Sale that may be negotiated prior to registration of the Subdivision shall contain a clause clearly indicating that a servicing allocation for the Subdivision will not be assigned until the Plan is granted Final Approval for registration;
- s. That the detailed design drawings for the watermain system, the sanitary sewer and the stormwater drainage system required to service this proposal be submitted to the Regional Public Works Department for its review and approval. NOTE: For all three systems, it may be necessary to include the required downstream servicing improvements as part of the submission. In addition, the stormwater drainage system shall be sized to accommodate a possible future storm sewer on Riverside Drive;
- t. That the Ministry of the Environment Certificate of Approval be obtained for the necessary servicing (water, sanitary sewer and stormwater drainage) for the development prior to Final Approval for registration. NOTE: Where a quality/quantity facility or a new outlet to a receiving stream is being proposed, the design for the stormwater management system should be submitted directly to the Ministry of the Environment (Attention: M. Dhalla, P. Eng.) for approval and the issuance of a Certificate of Approval;
- u. That a road widening across the entire frontage of the subject lands (Block 39) with a width sufficient to provide a 26 metre width for the Riverside Drive road allowance and the 5 metre x 5 metre daylighting triangle being Blocks 36 and 37, be conveyed to Regional Niagara free and clear of all encumbrances;
- v. That the lot grading plans for those lots abutting Regional Road 27 (Riverside Drive) and Regional Road 29 (Lincoln Street) be submitted to the Regional Public Works Department for its review;
- w. That in the Subdivision Agreement with the City of Welland, the Owner agrees to protect and ensure access to the Regional 900 mm sewage forcemain through the following measures:
  - i. Verify the location of the pipe within the existing Easement prior to any site alteration;
  - ii. Provide cut and fill plans affecting the Easement to the Regional Pubic Works Department for its review;
  - iii. Not plant large trees nor allow any development within the Easement;
  - iv. Install a fence between the Easement and the residential lots;
  - v. Maintain an access for heavy equipment to the Easement for maintenance purposes;
  - vi. Adjust, at the Developer's cost, any existing manholes to any new grade changes resulting from site alteration; and

- vii. Provide plans showing final grade elevations and manhole elevations along the Easement to the Regional Public Works Department;
- x. That the Owner carry out an archaeological assessment of the subject property and mitigate any adverse impacts to any significant archaeological resources found through preservation or resource removal and documentation. Furthermore, that no grading or other soil disturbances take place on the subject property prior to the Regional Planning Department and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements;

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**03-80Z.Cont'd...**

- y. That prior to the granting of Approval for the Final Plan, City of Welland Planning and Development Services will require **written notice** from the following upon their respective Conditions having been met satisfactorily:
  - Regional Niagara Planning and Development Department for Conditions n, q, r, x;
  - Regional Niagara Public Works Department for Condition c, f, s, t, u, v, w;
  - Niagara Peninsula Conservation Authority for Conditions k-p;
  - Ministry of the Environment for Condition t;
  - Ministry of Culture for Condition x;
- z. That if Final Approval is not given to this Plan within **three (3) years** of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request an extension to Draft Approval, a written request, with reasons why the extension is required, must be received by the City prior to the lapsing date;
- 3. That the Mayor be authorized to sign Draft Approval and Final Approval Plan for the Riverside West Subdivision once all Conditions have been satisfied; and
- 4. That City of Welland Zoning By-law 2667, as amended, be further amended for lands on the west side of Riverside Drive, south of Lincoln Street (Part of Lots 29 and 30, Concession 6, former Township of Crowland) from the existing R1 and O1 to R2 and EP.

**NOTES:**

1. Land required to be registered under the Land Titles Act.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the *Occupational Health and Safety act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

**CARRIED**

***(Councillors Eybel and O'Dell asked to be recorded as opposed to this Resolution.)***

**BY-LAWS**

**BY-LAW PRESENTED FOR FIRST READING:**

1. Moved by Mastroianni and Dzugan that leave now be given to introduce the following proposed

By-law entitled:

**03-80**

**03-80Z**

BYL 2003-75

A By-law to amend City of Welland Zoning By-law 2667 (Mac-Bri Developments Inc.

- File 2002-15) 224 Riverside Drive.

And that the same be now read a first time.

**CARRIED**

**BY-LAW PRESENTED FOR SECOND AND THIRD READING:**

2. Moved by Mastroianni and Dzugan that the By-law listed in the foregoing motion for first reading, having been read a first time and considered, be now read a second and third time and do pass, and the Mayor and Clerk to sign and seal the same.

**CARRIED**

Council adjourned at 7:15 p.m.

These Minutes approved and adopted by Motion of Council this 20th day of May, 2003.

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**MAYOR**

**CLERK**