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The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Public Meeting – Concession 7 Road (West Side) – North of York Road
Official Plan Amendment (OPA-02-2022), Zoning By-law Amendment
(ZBA-07-2022) & Modero Estates Draft Plan of Subdivision (26T-18-22-01)

DATE: 2023-12-05

REPORT #: CDS-23-251

PREPARED BY: Rick Wilson, MCIP, RPP, Manager of Planning

DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

Executive Summary

Public engagement is an important part of the planning process. The Town is holding a Public Meeting in accordance with the requirements of the *Planning Act* to receive input from the public and Council. Staff is reviewing the information submitted and collecting comments. No recommendation is being made at this time.

Applications have been submitted for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision. The applications were deemed complete by Town Staff on May 26, 2022, and the processing and review of the applications is being coordinated with the Town's update of the Glendale Secondary Plan.

The applications would facilitate the development of 55 single-detached dwellings, 121 on-street townhouses, 204 block townhouses, a commercial building with apartment units above, and blocks of land for stormwater management and parkland. The portions of the land containing environmental features are to be protected.

The Official Plan Amendment application requests to redesignate the lands from "Prestige Industrial" and "Conservation" to site-specific "Low Density Residential", "Medium Density Residential" and "Open Space & Community Facilities" to facilitate residential and commercial uses. The proposal would refine the boundaries of the lands designated as "Conservation".

The Zoning By-law Amendment proposes to rezone the subject lands from "Light Industrial Zone" and "Prestige Industrial Zone" to "Residential (R1) Site Specific Zone", "Residential Multiple (RM5) Site Specific Zone" and "Village Commercial (VC) Site Specific Zone" based on the subdivision layout. The application also proposes to rezone portions of the site as "Open Space (OS) Zone", refine the boundaries of the existing "Open Space Key Features (OSF)

Zone” and change the portion of the subject lands outside of the Urban Boundary from “Rural (A) Zone” to “Open Space (OS) Zone”.

The Draft Plan of Subdivision proposes to establish a public street network with lots and blocks for residential development, one mixed-use block, as well as a stormwater management pond and a public park.

Location

The subject lands are located on the west side of Concession 7 Road, north of York Road and south of Queenston Road (see **Figure 1**). Six Mile Creek and a tributary are located on the east and west portions of the subject lands. The watercourse to the east follows the urban boundary of Glendale. The development portions of the land are located within the Urban Area of Glendale. There is no development proposed outside the Urban Area Boundary.

The subject lands consist of two irregularly shaped parcels, with 339 metres of frontage along Concession 7 Road and a total area of 23 hectares (56.83 acres). The proposed subdivision land for development is 15.4 hectares (38.1 acres) in area. The lands are currently vacant. The surrounding lands include residential, commercial, and agricultural uses.

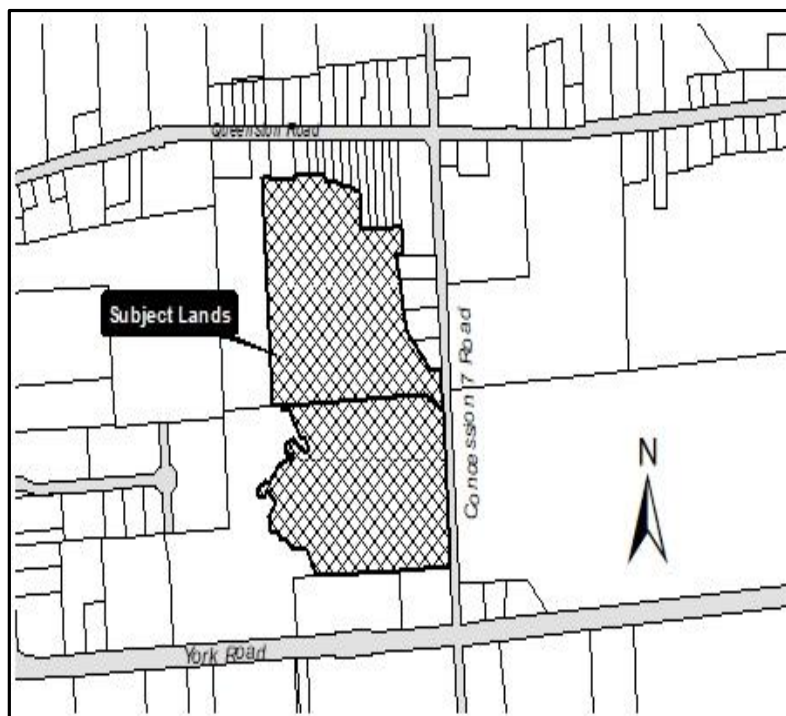
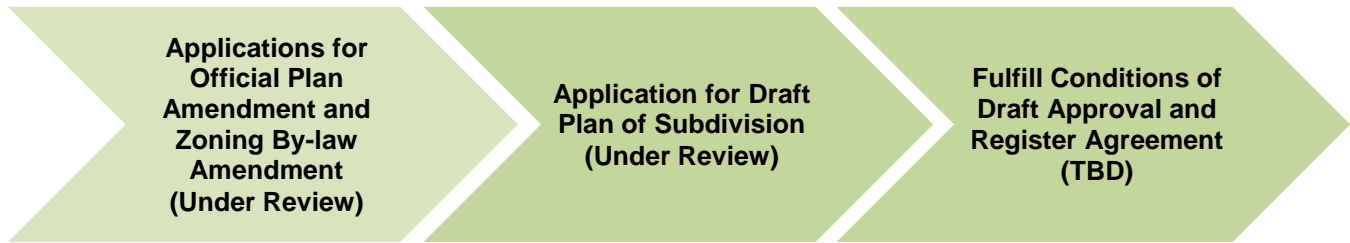


Figure 1: Location of the subject lands.

Development Process

The Applications are in the first phase of the development review process for the lands:



Proposal

Applications have been submitted for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision. The applications would facilitate the development of 55 single-detached dwellings, 121 on-street townhouses, 204 block townhouses, a commercial building with apartment units above, and blocks of land for stormwater management and parkland. The portions of the land containing environmental features are to be protected.

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The Draft Plan of Subdivision proposes to establish a public street network with lots and blocks for residential development, one mixed-use block, as well as a stormwater management pond and a public park. The draft plan of subdivision is attached as **Appendix I** to this report.

The following documents have been submitted and are being considered during the review of these Applications:

- Application Form (Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision), May 6, 2022
- Planning Rationale Report, April 2022
- Transportation Impact Study, March 2022
- Noise and Land Use Compatibility Study, April 1, 2022
- Stage 1-2 Archaeological Assessment, September 2020
- Environmental Impact Study, March 2022
- Phase 1 Environmental Site Assessment, November 2017 & September 21, 2020
- Functional Servicing Report, March 2022
- Stormwater Management Plan, March 2022
- General Servicing Plan, Grading Plan, Streetscape Plan, May 2021
- Draft Plan of Subdivision, December 2021
- Geotechnical Slope Stability Assessment, December 2020
- Urban Design Guidelines, March 2022

- Conceptual Site Plan, April 2021

Policy Review

The following provides a general overview of the policy framework regarding these Applications. A full policy review will be completed and included in the future recommendation report.

Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

The *Planning Act* provides individuals the right to request amendments to a municipal official plan and/or zoning by-law.

Provincial Policy Statement, 2020

The subject lands are located primarily within a "Settlement Area" under the Provincial Policy Statement (the "PPS").

The PPS indicates growth and development are intended to be directed to Settlement Areas. The Town is encouraged to develop healthy, livable, and safe communities by:

- accommodating an appropriate range and mix of uses;
- efficiently using land and public infrastructure;
- promoting the integration of land use planning, growth management, intensification, and infrastructure planning to achieve cost-effective development patterns;
- supporting active transportation; and
- preparing for climate change.

The PPS also states that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and a broad mix of uses to meet long-term needs. Opportunities should be provided for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The northeast portion of the subject lands is located outside of the Settlement Area and is designated as "Prime Agricultural Area". The PPS specifies that Prime Agricultural Areas shall be protected for long-term use for agriculture. These lands are not proposed for development.

Greenbelt Plan, 2017

The development portion of the subject lands are identified as being "Towns/Villages" within the "Protected Countryside" in the Greenbelt Plan. Section 3.4.3(1) of the Greenbelt Plan provides that Towns/Villages are subject to the policies of the Growth Plan.

The northeast portion of the subject lands are within the "Natural Heritage System" within the Protected Countryside. This portion is additionally designated as "Niagara Peninsula Tender Fruit and Grape Specialty Crop Area". The Greenbelt Plan specifies that land within Specialty

Crop Areas shall not be redesignated in official plans for non-agricultural uses and Towns/Villages are not permitted to expand into Specialty Crop Areas. Additionally, the Greenbelt Plan states that Towns/Villages are not permitted to expand into the Natural Heritage System. No development is proposed for the portion of the subject lands designated as Specialty Crop Area and Natural Heritage System.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The development portions of the subject lands are within a “Settlement Area” and “Designated Greenfield Area” with respect to the policies of the Growth Plan. The Growth Plan sets out policies and direction for managing growth in the Designated Greenfield Area, which supports the achievement of complete communities, supports active transportation, and encourages the integration and sustained viability of transit services.

The Growth Plan states that municipalities should be supporting the achievement of “complete communities” that:

- feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- improve social equity and quality of life;
- provide convenient access to transportation options, public services, open spaces/parks, and food options;
- provide for a compact built form and vibrant public realm; and
- mitigate climate change.

The Growth Plan states that the minimum density target applicable to the Designated Greenfield Areas of the Niagara Region is not less than 50 residents and jobs combined per hectare.

The Growth Plan provides direction for municipalities to designate and preserve lands within Settlement Areas located adjacent to or near major goods movement facilities and corridors for manufacturing, warehousing and logistics, and appropriate associated uses. The development of sensitive land uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment. On lands outside of employment areas, as defined by Provincial and Regional policies, the redevelopment of any employment lands will be required to retain space for a similar number of jobs to remain accommodated on site.

The northeast portion of the subject lands falls outside of the Settlement Area boundary. This portion of land is within the “Natural Heritage System” and is designated as “Specialty Crop Area” with respect to the policies of the Growth Plan. This portion of land has been excluded from the proposed development.

Regional Official Plan, 2014 Consolidation, as amended

The new Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. Transition policies within the NOP state that development applications deemed complete prior to the date of the NOP’s approval shall be permitted to be processed, and a decision be made under the Local and Regional Official Plan policies that existed when the application was deemed complete. As such, the policies of the Regional Official Plan (2014 Consolidation) (ROP) are applicable to the proposed development.

The development portions of the subject lands are identified as “Urban (Designated Greenfield) Area” in the ROP. A full range of residential and commercial uses are permitted within the Urban Area Designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups. The ROP directs that a minimum combined gross density target of 50 people and jobs per hectare is required across all Designated Greenfield Areas in the region.

The ROP supports local and regional efforts to develop clusters of associated economic activities and requires a constraints analysis when new sensitive land uses are proposed adjacent to or in proximity to employment. The assessment should identify any constraints that the new sensitive use(s) will have on the types of uses which could locate within all or portions of the employment area and/or on any existing employment lands. The ROP aims to ensure economic competitiveness by providing an appropriate mix of employment uses, including industrial, commercial, and institutional uses to meet long-term needs.

The northeast portion of the subject lands is designated as ‘Unique Agricultural Areas’ within the ROP. The ROP also identifies “Environmental Protection Area” and “Greenbelt Natural Heritage System” in this area. No development is proposed on the portions of the site designated Unique Agricultural Areas, Environmental Protection Areas and Greenbelt Natural Heritage, which fall outside of the urban area boundary.

The ROP identifies “Environmental Conservation Areas’ and “Fish Habitat” along the Six Mile Creek tributary on the northern edge of the subject lands and along the Six Mile Creek on the western side of the subject lands. The ROP requires that development and site alteration shall only be permitted in these areas if it can be demonstrated through preparation of an Environmental Impact Study (EIS) that there will be no significant negative impact to the core natural heritage system features.

The subject lands are located within the Glendale District Plan area identified in the Regional Official Plan. The District Plan promotes a range and mix of housing in terms of built form and affordability, promotes sustainability and resiliency through development, and encourages high-quality public and private realm through strong urban design direction. The Demonstration Plan included in the Glendale District Plan identifies the anticipated use of the subject lands as a mix of Medium Density Residential, Low Density Residential, and Parks/Open Space; the lands to the north and west of the proposed development envelope are identified as Environmental Conservation. The subject lands are identified as “East Glendale” in the District Plan, which recommends that the lands be redesignated from employment to a low-medium density residential area.

Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are identified as “Prestige Industrial” and “Conservation” on Schedule F, and “Greenfield Area” on Schedule I-5 of the Town’s Official Plan (the “Town OP”). The subject lands are located within the Glendale Secondary Plan Area (Special Policy Area A-7) and are considered “Prestige Employment” and “Industrial Park” with “Environmental Conservation Area” on Schedule F1 of the Secondary Plan. Accordingly, the policies of the Glendale Secondary Plan are in force and effect for the subject lands. Schedule F2 of the Secondary Plan identifies building heights on the subject lands ranging from one (1) to three (3) storeys.

The Official Plan Amendment proposes to redesignate the lands to site-specific “Low Density Residential”, “Medium Density Residential” and “Open Space & Community Facilities”. The application also proposes to refine the boundaries of the lands designated as “Conservation”.

The Town OP directs that growth and development are to be accommodated within the existing urban boundaries. The current Glendale Secondary Plan intends to establish an area that achieves a unified, holistic view of a distinct “walkable” community that attracts employment uses and establishes a remarkable gateway to the Town. Broad objectives for development within the Secondary Plan area include placemaking and beauty, mixed uses, diversity in housing types, built-form variety, and efficiency.

The Town and Niagara Region are working to prepare an update to the Glendale Secondary Plan to align it with the Glendale District Plan. Staff continue to engage with the applicant and landowner on the preparation of the Secondary Plan and encourage the coordination of approvals of this development with the approval of the Glendale Secondary Plan. Once in force and effect, the lands will be subject to the policies, directions, and guidance contained in the new Glendale Secondary Plan. The Secondary Plan update will include comprehensive urban design guidelines.

Town of Niagara-on-the-Lake Proposed Official Plan (2019)

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved and is therefore not in effect but represents Council intent. The subject lands are designated “Employment” and “Conservation” in the proposed Official Plan. The lands retain the Glendale Secondary Plan designation of the current Official Plan as well.

Niagara-on-the-Lake Zoning By-law 4316-09, as amended.

The development portion of the subject lands are zoned “Glendale Community Zoning District – Light Industrial (LI), Prestige Industrial (PI), and Open Space Key Feature (OSF) Zones” under Zoning By-law 4316-09, as amended. The northern portion of the subject lands, where development has not been proposed, is zoned “Rural (A) Zone” under Zoning By-law 500A-74, as amended.

The application for Zoning By-law Amendment requests to rezone the urban lands for development to “Residential (R1) Site Specific Zone”, “Residential Multiple (RM5) Site Specific Zone”, “Village Commercial (VC) Site Specific Zone” and “Open Space (OS) Zone”. The application also proposes to refine the boundaries of the existing “Open Space Key Features (OSF) Zone” and rezone the lands outside the urban area containing environmental features to the “Open Space (OS) Zone”. The proposed uses within the subdivision are a mix of single-detached dwellings, on-street townhouses, block townhouses (back-to-back units and stacked townhouses) and a commercial building with apartments above. The application requests that Short Term Rental uses be prohibited in the amending Zoning By-law.

The following chart outlines the existing “Residential (R1) Zone” standards in comparison to the requested “Site-Specific R1 Zone”:

Zone Requirement	R1 Zone	Site-Specific R1 Zone
Minimum Lot Area - Single Dwelling (12 metre frontage)	390 metres ²	360 metres ²
Minimum Lot Area - Single Dwelling (15 metre frontage)	500 metres ²	450 metres ²

The following chart outlines the existing “Residential Multiple (RM5) Zone” standards in comparison to the requested “Site-Specific RM5 Zone”:

Zone Requirement	RM5 Zone	Site-Specific RM5 Zone
Minimum Lot Area for On-street Townhouse	190 metres ²	155 metres ²
Maximum Lot Coverage for On-street Townhouse	50%	60%
Minimum Amenity Area for Block Townhouse	30 metres ² minimum with no dimension less than 4.5 metres	4 metres ² in the form of a balcony for back-to-back and stacked townhouses
Minimum Setback from Dwellings to a Private Road for Block Townhouse	5.0 metres to garage 4.0 metres to unit	2.75 metres
Maximum Building Height for Block Townhouse	10.0 metres	12.0 metres

The following chart outlines the existing “Village Commercial (VC) Zone” in comparison to the requested “Site-Specific VC Zone”:

Zone Requirement	VC Zone	Site-Specific VC Zone
Maximum Front Yard Setback (Concession 7 Road)	3.0 metres	6.0 metres

All other applicable policies of the Zoning By-law 4316-09, as amended, would continue to apply to the subject lands.

Consultation

The Applications were circulated to Town Departments and external agencies for review and comment. Public Notice was provided as required by the *Planning Act*. To date, the following comments have been received:

Town Comments

Heritage – No objections, a Ministry acknowledgement letter is required to ensure archaeological requirements are addressed.

Fire – No objections.

Parks – Comments regarding drainage, construction site staging area, turf seeding and maintenance and park design considerations.

Building – No objections.

Public Works – Preliminary comments on requirements for water, sanitary, roads, sidewalks, lot grading and stormwater management. Further discussion with the applicant is to occur.

Agency Comments

Bell – No objections.

Canada Post – No objections.

Hydro One – No objections.

NOTL Hydro – No objections.

Enbridge Gas – No objections.

Niagara Catholic District School Board – No objections.

District School Board of Niagara – No objections. Sidewalks requested within the subdivision. Students from the development can be accommodated at schools serving the area (St. Davids Public School and A.N. Myer Secondary School).

Niagara Peninsula Conservation Authority – No objections to conclusions of Slope Stability Assessment. Based on review of Environmental Impact Study, request revisions to recommended management of Buckhorn on site and to address NPCA policy on Watercourse Alterations.

Niagara Region – Comments provided on applications, including employment land conversion, site contamination, archaeological assessment, natural heritage, noise impacts, agricultural compatibility, site servicing, urban design, waste collection, stormwater management and regional infrastructure. Additional and updated information is requested.

Public Comments

An electronic Open House was held on May 2, 2023 that was attended by five residents that provided comments and asked questions of the applicant representatives and Staff. In addition, at the time of preparation of this report, an email and a petition have been submitted by area residents outlining several concerns. The comments are summarized as follows:

- concerns for the compatibility of the proposed development with existing homes on Concession 7 Road
- preference for bungalows and lower height dwellings
- density and housing transition concerns
- reduce speed limit on Concession 7 Road
- traffic impacts on surrounding roads
- concern for possible student housing
- potential parking problems
- protection of abutting environmental lands
- stormwater management pond requirements

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting, all comments received will be considered through the review of the applications. The applicant will have an opportunity to respond to comments and submit revised application materials. Any revised materials will be made publicly available. Once the review process has concluded, a staff recommendation report will be prepared and presented at a future Committee of the Whole meeting.

ATTACHMENTS

- **Appendix I** – Draft Plan of Subdivision