



Town of Niagara-on-the-Lake

1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 www.notl.com

REPORT #: CDS-24-045 **COMMITTEE DATE:** N/A
REPORT TO: Council **DUE IN COUNCIL:** 2024-03-26

SUBJECT: Character Study for Rand Estate and John Street East – Town Initiated Official Plan Amendment (OPA-1-2024)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Official Plan Amendment (File No. OPA-01-2024) known as the Former Rand Estate and John Street East Character Study, be approved as detailed in this report;
- 1.2 The draft Official Plan Amendment, attached as **Appendix IV** to this report, be adopted by Council; and
- 1.3 That the Former Rand Estate and John Street East Character Study report, attached as **Appendix I** to this report, be formally endorsed by Council.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Council regarding an amendment to the Official Plan, which will implement the findings of the Character Study for the former Rand Estate and John Street East (the “Character Study”) study area.
- The Character Study was initiated by Council to comprehensively review the study area to clearly define the character of the area, concisely articulate the specific character considerations, and provide policy to guide future change.
- The study area is bound by John Street East to the north, agricultural lands (vineyards) to the east, the Heritage Trail to the south, and Charlotte Street to the west.
- The Town retained Urban Strategies Inc., supported by GBCA Architects, and the Character Study project commenced in October 2022. Several points of consultation occurred with landowners, the general public, Municipal Heritage Committee and Council over 2023. The Character Study report was presented to Council in December 2023.
- The Official Plan Amendment will implement the principles and policy directions of the Character Study.
- Staff recommends approval of the amendment, as detailed in this report, as it conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional, and Town planning legislation.

3. PURPOSE

The purpose of this report is to provide a recommendation to Council on the Official Plan Amendment for the Town-initiated Character Study for the Former Rand Estate and John Street East area (the “Study”).

The Official Plan Amendment (“OPA”) proposes to add policy to the Official Plan which distills the comprehensive review of the study area to provide guidance and principles to clearly define the character of the area, concisely articulate character considerations, and provide policy to guide future change.

The Amendment includes the following:

Principle 1: Conserve, integrate and maintain significant cultural heritage features.

Principle 2: Protect, enhance and maintain significant natural features and functions.

Principle 3: Ensure cultural and natural heritage features are visible to the public.

Principle 4: Accommodate active transportation connections through the area as part of a system of connected natural and cultural heritage features.

Principle 5: Maintain compatibility and cohesion between distinct places.

Principle 6: Accommodate a mix of housing types and sizes and compatible commercial uses.

Principle 7: Respect the scale and character of existing development in the area and in adjacent neighbourhoods.

The OPA includes these principles and builds on them with policies that recognize the character of the area. The final Character Study report is attached as **Appendix I**.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The Study Area is bound by Charlotte Street, John Street East, and the Heritage Trail. A study area map is included as Map 1 of **Appendix II**.

The study area includes:

- **200 John Street East and 588 Charlotte Street:** Designated under the *Heritage Act* in 2022 (By-laws No. 5389-22 and 5390-22). Prior to the initiation of the Character Study, these properties were subject to applications to redesignate and rezone the lands to facilitate a subdivision, which are now under appeal to the Ontario Land Tribunal.
- **144 and 176 John Street:** Designated under the *Heritage Act* in 2020 (By-laws No. 5284-20 and 5285-20). Rezoned in 2011 to permit a 106-room inn with a restaurant, spa facilities, a conference centre, a special events space and an arts and learning centre.

- **210 John Street East:** A large estate lot currently listed on the Town’s Municipal Register of Properties of Cultural Heritage Value or Interest (the “Municipal Register”).
- **580 Charlotte Street:** A portion of the original Rand Estate containing the original entrance arch and gatehouse, currently listed on the Municipal Register.
- **9 Weatherstone Court:** A portion of the original Rand Estate containing the original Milkhouse and Stables. Designated via Designation By-law No. 1971-88.
- **Weatherstone Court development:** A portion of the original Rand Estate. The subdivision was approved in the mid-1980s. 2 Weatherstone Court is listed on the Municipal Register.
- **Christopher Street development:** A portion of the original Rand Estate. The subdivision was approved in the mid-1970s. 1 and 9 Christopher Street are listed on the Municipal Register.

4.2 Character Study Background

The basis for the study arose from policies in the Town’s adopted but not yet approved Official Plan (OP). The adopted OP provides general policy based on the John Street East Summer Homes Character Area and specific direction for Randwood as a Special Study Area.

In line with the adopted OP policies, Council directed Staff to undertake the Character Study for Randwood and John Street East through Report No. CDS 21-029 on December 6, 2021 (COTW) and December 20, 2021 (Council).

The Town retained Urban Strategies Inc., supported by GBCA Architects, and the Character Study project commenced in October 2022.

The consultant team undertook a significant amount of research to understand the history of the area. Consideration was also given to the context of abutting established neighbourhoods, natural features, agricultural lands, and existing cultural heritage landscapes and attributes. Further, several points of engagement occurred throughout the study process. Additional detail related to engagement is provided in the consultation section of this report.

The report summarizes the findings of the consultant team, reflects the input received through engagement activities, presents an evaluation of the character of the area through extensive cultural heritage review and character analysis, and provides direction for principles and policies for the Official Plan Amendment.

The report was initially received by Council in December 2023.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Amendment has been evaluated for consistency and conformity with relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix III** to this report. The Character Study report also contains a review of Provincial, Regional and Local planning policy in Section 3.0.

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

The Applications support the matters of provincial interest, are consistent with policy statements and conform with provincial plans and upper-tier and lower-tier Official Plans, as demonstrated in the analysis provided in the following sections of this report.

5.1.2 Provincial Planning Documents

The subject lands are located primarily within a "Settlement Area" and "Delineated Built-up Area" under the Provincial Policy Statement ("PPS") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). Urban growth must be focused in settlement areas.

The Character Study report and amendment built upon and will implement the following policy themes that are found throughout Provincial and Regional policies and plans:

- Conservation of cultural heritage
- Environmental conservation
- Protection of agricultural lands
- Housing diversity

The urban 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.

Both the PPS and Growth Plan state that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix of uses to meet long-term needs. The amendment continues to recognize a mix of uses within the study area, including residential, commercial and recreational. Policies within Principle 6 encourage a mix of housing types and sizes, and permit compatible commercial uses.

The PPS contains policy that encourages a sense of place through conserving character defining features, including built heritage resources and cultural heritage landscapes. Provincial policy and plans also state significant built heritage resources and significant cultural heritage landscapes shall be conserved. The amendment is based on extensive review of various heritage reports dating back to the 1980s. Principle 1 and the associated policies recognize the significant cultural heritage features, as well as the interconnectedness of these features.

In terms of natural heritage and environmental features, both Provincial and Regional policies require that development adjacent to features must be evaluated and demonstrate that no negative impacts to the feature will occur. Policies within Principle 2 ensure the protection of natural heritage and environmental features, in alignment with Provincial and Regional policies.

The east 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.

The east portion of the subject lands outside of the urban boundary are designated Protected Countryside with the “Natural Heritage System” overlay. This portion is additionally designated as “Niagara Peninsula Tender Fruit and Grape Specialty Crop Area” within the Greenbelt Plan. The lands outside of the urban area boundary shall not be redesignated for non-agricultural uses and Towns/Villages are not permitted to expand into Specialty Crop Areas. The amendment does not propose any urban uses outside of the urban boundary and recognizes these lands for long-term agricultural use. The amendment also provides direction for an appropriate transition between these lands and future development on the lands within the settlement area.

It is Staff’s position that the amendment is consistent and in conformity with Provincial policy and plans.

Niagara Official Plan, 2022

The new Niagara Official Plan (the “NOP”) was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and applies to the proposal. The subject lands are identified as being within the "Delineated Built-Up Area" on Schedule B for lands within the urban area boundary and “Specialty Crop Area” on Schedule F for lands outside of the urban area boundary in the NOP.

Within the Built-up Area, emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The Region has assigned an intensification target of 25% to the Town’s Built-up Area. The amendment provides direction for future development to assist in achieving this target, while also ensuring the overall community design and built environment is attractive, walkable, accessible, diverse, and functional. Integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place are promoted and contribute to an enhanced public realm. Principles 4, 5, 6 and 7 and their policies address items related to intensification, infill, and compatibility.

The NOP includes policies in Chapter 6 – Vibrant Region – which support the identification, conservation, wise use and management of cultural heritage resources. Heritage resources, including buildings, structures, monuments, and installations, contribute to a property’s cultural heritage value or interest. Cultural heritage landscapes refer to geographical areas or a collection of resources which are identified as having cultural heritage value or interest and are valued together for their interrelationship, meaning or association. Policies within Principle 1 provide direction for protecting, enhancing and adaptively re-using heritage features, and policies within Principle 3 ensure that cultural and natural heritage features are visible to the public.

The NOP also includes policy direction for Urban Design in Chapter 6. The objectives of this section promote a commitment to excellence in urban design and enhancing the public realm, as well as promoting active transportation. Principles 3, 4 and 5 support good urban design direction and building high-quality communities through pedestrian pathways, incorporation of common open space areas, and integration of cultural and natural features.

Lands outside of the urban area boundary will remain protected for agricultural purposes. Both the Greenbelt Plan and NOP state that, where agricultural uses and urban uses interface, appropriate transition should be considered to avoid or minimize impacts between uses. The amendment includes policy to ensure that landscaping and planting along the boundary assist with this transition.

The amendment is in conformity with the Region's Niagara Official Plan.

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

The subject lands are designated "Low Density Residential," "Medium Density Residential," "Conservation," "Agricultural" and "General Commercial - Randwood Estate (OPA 51)" on Schedule B and "Built-up Area" on Schedule I-1 of the Town's Official Plan. The existing designations are shown on Map 2 of **Appendix II**.

The Town has active planning application for an Official Plan Amendment for 200 John Street East to redesignate a sliver of the subject property from Agricultural to Low Density Residential. The lands are currently located within the urban area boundary, and the Amendment is requested to amend the plan for consistency with the existing designation that applies to urban portion of property. The application is under appeal at the Ontario Land Tribunal and subject to an upcoming hearing.

Growth and development are to be accommodated within existing urban boundaries. The Official Plan policies support the development of compact, vibrant, sustainable, integrated and complete communities. The use of municipal infrastructure should be maximized. Development patterns that support active transportation and public transit are encouraged. Principles 4, 5, 6, and 7 and the associated policies are proposed to address growth and development within the urban lands of the study area.

Section 18 of the Official Plan provides policy which supports heritage conservation and provides goal, objectives and criteria for cultural heritage buildings, properties, districts and archaeology. The subject lands contain cultural heritage value, with several properties listed or designated under Part IV of the *Ontario Heritage Act* as noted in Section 4.1 of this report. The policies contained within Principle 1 ensure continued protection of the cultural heritage value of these properties.

Lands outside the urban area boundary shall remain for agricultural purposes.

The Official Plan Amendment proposes to add policy to the Official Plan to provide future guidance and principles to articulate the Study area's specific character and design considerations over the long term.

The amendment is consistent with the policies of the Town's Official Plan.

Town of Niagara-on-the-Lake Proposed Official Plan, 2019

Council adopted a proposed new Official Plan in November 2019. The adopted Official Plan has not been approved and is therefore not in effect but represents Council's intent. The subject lands are designated as "Protected Countryside" and "Specialty Crop Area" on Schedule B1 for the lands outside of the urban area boundary and "Residential," "Commercial" and "Conservation" on Schedule B2 for the lands inside the urban area boundary of the adopted Official Plan. The urban lands are also shown as "Built-Up Area" on Schedule B7.

The lands are also subject to two special policy areas S4-4 and S4-24.

Policy S4-4 carries forward the site-specific direction for 144 and 176 John Street East.

Special Policy Area S4-24 provides the direction to undertake the Character Study and states:

That the lands designated "Special Study Area" shall not be developed until such time as a study has been completed by the Town and released for public review and comment which determines the appropriate land use designation for this Special Study Area. Following completion of the study, the Official Plan shall be amended to apply the appropriate designation and the subject lands may develop in accordance with the applicable land use policies of that designation.

The results of the Character Study meet the intent of S4-24. The Amendment will also carry forward the policies of S4-4. A copy of the Amendment will be submitted with the adopted Official Plan for Regional approval when the Plan goes forward.

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

The current zoning of the study area is shown on Map 3 of **Appendix II**. The study area lands are not subject to rezoning at this time.

5.2 Consultation

The Town held a Public Information Centre (PIC) meeting on April 27, 2023, to engage the general public. Approximately 28 members of the public participated in the PIC and provided feedback on the background summary and draft principles and input on the overall study. The discussion focused on heritage features and the connection between features, building materials/style, housing mix and scale, buffering, and landscaping.

Following this PIC, a survey was released on the Town's Join the Conversation webpage to gather additional input from the community on the Character Study. A summary of the survey is included as an appendix within the Character Study report.

Further, the consulting team and staff engaged with members of SORE's team (a public interest group) and Solmar's team (as the major landowners within the study area) on the initial study exploration and the draft principles/policy directions.

The Character Study was presented to the Town's Municipal Heritage Committee on June 7, 2023 to obtain feedback. The Committee offered similar comments to those received at the PIC regarding the preservation of heritage resources, connection throughout the study area and visibility of resources, incentives for maintenance, and building massing and scale. The feedback from the Town's Municipal Heritage Committee has been considered throughout the Amendment, with particular focus on Principles 1 and 3.

The Character Study report was released on the December 5, 2023 Committee of the Whole-Planning agenda. At this meeting, the consultant provided an overview of the background research, governing policy framework and the principles and policies to define the area's character and guide change over time.

The draft amendment was circulated to Town departments and external agencies in January, 2024 for review and comment. Public notice of the Application was provided as required by the *Planning Act*. An electronic Open House was held on January 29, 2024 and the statutory Public Meeting was held on February 6, 2024.

Comments submitted by the public and agencies are included in **Appendix V** to this report, and summarized as follows:

5.3.1 Town Departments

Accessibility – No comments.

Heritage – No objection. Staff participated in and provided input throughout the process.

Operations – Requested clarity on wording related to sidewalks and public access.

5.3.2 External Agencies

Enbridge Gas – No objection.

Bell – No objection.

Niagara Parks – No comments or concerns.

Niagara Region – No objection. Staff have reviewed the draft amendment and have confirmed that the amendment is exempt from Regional approval.

5.3.3 Public

Thirteen (13) residents registered for, and eight (8) residents attended the electronic Open House. Comments included:

- Need for enhanced landscaping
- Discussion on housing mix, scale, massing and architectural mix
- Design guidelines
- Road cross sections to avoid tress, re-think direction for curb and gutter
- Direction for carbon neutral policies

Eleven (11) residents attended the statutory Public Meeting. Comments at the public meeting reflected those provided at the Open House, as well as the following:

- Discussion on the multi-unit permissions – to be considered in the existing heritage buildings

- Repair and ownership of the wall
- Public access
- Desire to see future character area studies
- General support for the amendment
- Request to defer approval of the amendment until a decision is rendered on the applications before the OLT

In general, comments provided by the public were positive and in support of the amendment. Many of the items raised were already considered in the draft amendment.

Following the public meeting, several comments were received from landowners' representatives and the general public. Many of the comments echo the comments provided at the Public Meeting.

Comments provided on behalf of the major landowner group, Solmar/Two Sisters, indicated that, in their opinion, there was no need for the Character Study since development applications have already been submitted and appealed. It was requested that a decision on the amendment be deferred until after the active planning applications have been dealt with by the OLT. Should the amendment proceed, they requested several changes. In reviewing these changes, staff adjusted wording related to the townhouse blocks, the landscape transition area, and the front yard setback.

Comments provided on behalf of SORE were in support of the amendment with minor clarifications. Adjustments were made to both the Character Study report and the amendment.

All comments submitted have been considered through the review of the amendment, and changes have been made as required.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

Council may approve, refuse, or modify the Official Plan Amendment.

As requested by SGL on behalf of Solmar, Council may wish to defer approval of this amendment until after the Ontario Land Tribunal hearing concludes for the 200 John Street East and 588 Charlotte Street development applications and a decision is rendered. The hearing is expected to run from April 8 to May 16.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

Several environmental features have been identified on lands within the study area. Principle 2 provides direction to protect, enhance and maintain significant natural features and functions, including policy for tree preservation and planting plans, landscape management, and direction for review through future development applications. Additional discussion on environmental features is provided through this report.

10. COMMUNICATIONS

Once Council has made a decision on the amendment, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

11. CONCLUSION

Community and Development Services Staff recommend approval of Official Plan Amendment Application OPA-01-2024 as detailed in this report, since the amendment meets *Planning Act* requirements, is consistent with the Provincial Policy Statement, and conforms with the Growth Plan, Regional Official Plan, and Town Official Plan.

12. PREVIOUS REPORTS

- CDS-24-029 – Information Report for Town Initiated Official Plan Amendment (OPA-1-2024) (February 6, 2024)
- CDS 21-029 – Character Study – Randwood and John Street East Initiation (December 6, 2021)

13. APPENDICES

- Appendix I – Former Rand Estate and John Street East Character Study – Final Report
- Appendix II – Maps
- Appendix III – Planning Legislation and Policies
- Appendix IV – Official Plan Amendment
- Appendix V – Correspondence

Respectfully submitted:

Prepared and Recommended by:



**Kirsten McCauley, MCIP, RPP
Director, Community and Development Services**

Submitted by:



**Bruce Zvaniga, P. Eng.
Chief Administrative Officer (Interim)**