



Town of Niagara-on-the-Lake

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REPORT #: CDS-23-192 **COMMITTEE DATE:** 2024-06-11
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2024-06-25
SUBJECT: 325 King Street - Official Plan Amendment and Zoning By-law Amendment (OPA-01-2023 & ZBA-01-2023)

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Official Plan Amendment (File No. OPA-01-2023) for lands municipally known as 325 King Street be approved, and the draft Official Plan Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption; and,
- 1.2 The application for Zoning By-law Amendment (File No. ZBA-01-2023) for lands known municipally as 325 King Street be approved, and the draft Zoning By-law Amendment, attached as **Appendix V** to this report, be forwarded to Council for adoption.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding applications for Official Plan Amendment and Zoning By-law Amendment (the “Applications”) for 325 King Street.
- The Applications are required to facilitate the development of a 19-metre tall, 129-room hotel with a restaurant and patio, spa and personal services, banquet/conference facilities, and associated retail uses.
- The Official Plan Amendment proposes to redesignate the subject lands from “Open Space & Community Facilities” to “General Commercial” with site-specific exemptions related to permitted main and secondary uses, the orientation and siting of the hotel, location of access driveways and loading areas, screening and landscaping, and the requirement for a cultural heritage impact assessment.
- The Zoning By-law Amendment proposes to rezone the subject lands from “Institutional (I) Zone” to “General Commercial (GC) Zone” with site-specific provisions related to the permitted uses, maximum area of the outdoor patio restaurant, lot frontage, lot area, lot coverage, landscaped open space, setbacks (front yard, interior side yard, exterior side yard, rear yard), building height, prohibition of amplified noise, parking and loading spaces, and encroachments.
- Staff recommend approval of the Applications, as detailed in this report, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Policy Statement and conforms to Provincial, Regional and Town planning policies.

3. PURPOSE

This report provides a recommendation to the Committee respecting Applications under the *Planning Act* seeking approval of an Official Plan Amendment and Zoning By-law Amendment for the subject lands known as 325 King Street.

The Applications request that the subject lands be redesignated from “Open Space & Community Facilities” to “General Commercial” with site-specific exemptions related to permitted main and secondary uses, the orientation and siting of the hotel, location of access driveways and loading areas, screening and landscaping, and the requirement for a cultural heritage impact assessment. The Applications also request to rezone the subject lands from “Institutional (I)” to “General Commercial (GC) – Site Specific” with provisions related to the permitted uses, maximum area of the outdoor patio restaurant, lot frontage, lot area, lot coverage, landscaped open space, setbacks (front yard, interior side yard, exterior side yard, rear yard), building height, prohibition of amplified noise, parking and loading spaces, and encroachments.

In accordance with the information submitted, the Applications propose the following uses on the subject lands:

- A 129-room hotel,
- Conference rooms and banquet facilities,
- A restaurant, including an outdoor patio terrace space,
- A spa,
- Landscaped open space at the rear of the hotel,
- Retail use, secondary to a hotel, and
- A personal service establishment, secondary to a hotel.

A site plan showing the proposed development on the subject lands, as well as elevation drawings, are attached as **Appendix I**.

A future Site Plan Application will be submitted to the Town to permit the development of the hotel. Through the Site Plan Application process, items related to servicing, clauses for heritage commemoration and preservation, tree protection and planting, landscaping, as well as traffic recommendations, will be implemented. Site plan approval is subject to approval by the Director of Community and Development Services.

The Applications were deemed complete on March 3, 2023.

4. BACKGROUND

4.1 Site Description and Surrounding Lands

The subject lands comprise an entire block, bound by Regent Street on the west, Gage Street on the north, Centre Street on the south, and King Street on the east, within the Urban Area in Old Town. The location of the subject lands is shown on **Map 1** of **Appendix II** to this report.

The subject lands currently contain the former Parliament Oak Public School, two historical markers, several mature trees, and a chain link fence along the perimeter. The subject lands have an area of 1.647 hectares (4.07 acres), with a frontage of approximately 138 metres along King Street.

The surrounding lands contain residential and open space (park) uses.

5. DISCUSSION / ANALYSIS

5.1 Policy and Legislative Framework

The Applications have 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.

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 to 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 and Regional Planning Documents*

The subject lands are designated as being within a “settlement area” according to the Provincial Policy Statement, 2020 (the “PPS”), and within the “Delineated Built-up Area” according to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the “Growth Plan”). The Niagara Official Plan, 2022 (the “NOP”), designates the subject lands as “Delineated Built-up Area.”

Provincial and Regional policies permit a range of uses within the Delineated Built-up Area to promote healthy, liveable and safe communities, provided that necessary infrastructure is available to meet current and projected needs. Provincial and Regional interests also relate to providing employment opportunities, promoting access to transportation options, protecting and conserving cultural heritage and archaeological resources, and ensuring environmental conservation and climate change adaptation.

The Applications request permission to establish a hotel, restaurant, outdoor patio restaurant, personal service establishment secondary to a hotel, conference centre, banquet facilities, spa and retail uses secondary to a hotel. The addition of commercial uses to lands designated as Delineated Built-up Area is permitted by Provincial and Regional policies, which aim to achieve complete communities, and provide new employment opportunities. The subject lands are located in proximity to the Queen-Picton Commercial Area, approximately 300 metres to the south. The Queen-Picton Commercial Area, which serves as the downtown area for Old Town, is within a walkable distance of the subject lands thereby contributing to the utilization of active transportation means. According to the information submitted with the applications, the proposed uses on-site will generate approximately 100 new employment opportunities for the Town. These additional employment opportunities will assist the Town in meeting the Regional employment forecast of 17,610 jobs by 2051.

Provincial and Regional policies aim to protect and conserve archaeological resources, through prohibiting development on lands that are deemed to have archaeological potential unless archaeological resources have been evaluated and conserved. A Stage 1-2 Archaeological Assessment has been provided, which concluded that the lands are cleared of archaeological potential. The Ministry of Heritage, Sport, Tourism and Culture Industries (now Ministry of Citizenship and Multiculturalism) acceptance letter for the Stage 1-2 Archaeological Assessment has been provided, confirming that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation standards and guidelines.

Provincial and Regional policies also aim to ensure the conservation of heritage attributes of protected heritage properties with new development. Town Official Plan policies direct that cultural heritage resources are to be conserved, and that contemporary building design should be sympathetic while avoiding copying historic architecture. Good contemporary building design, using sympathetic forms while avoiding copying historic architecture, is encouraged.

In this regard, a Heritage Impact Assessment (“HIA”) was submitted with the Applications and considered by the Town’s Municipal Heritage Committee during the September 6, 2023 meeting. The HIA was prepared as the subject property is a non-designated property listed on the Town’s Municipal Heritage Register and protected under Section 27 of the *Ontario Heritage Act*. The property is also located within the potential Heritage Conservation District Expansion Study Area. In accordance with the information contained in the HIA, the lands may have significant heritage value as the site where the First Parliament of Upper Canada may have held an initial outdoor meeting, under an Oak Tree, in August of 1793.

The Town’s Municipal Heritage Committee provided the following recommendations regarding the Applications, based on applicable Provincial, Regional and Town policies and objectives:

1. Council delegate, to the Director of Community and Development Services, the ability to enter into a temporary Heritage Easement Agreement with the property owner of 325 King Street, for the salvage, storage, and reuse of identified heritage attributes and elements within any new development on the subject property; and,
2. The Municipal Heritage Committee provide input regarding potential impacts on cultural heritage resources and any suggested mitigation measures.

The Town has entered into the Heritage Easement Agreement with the property owner to conserve and commemorate specific attributes, as required in accordance with #1 listed above. At the future Site Plan stage, the clauses of the Heritage Easement Agreement will be carried forward into the Site Plan Agreement.

During the September 6, 2023 meeting, the Municipal Heritage Committee also reviewed the information submitted with the Notice of Intent to Demolish the existing school building. Recommendations from the Committee included that the Notice of Intention to Demolish be received, the recommendations of the HIA be endorsed, and that the commemorative approach and recommendations of the Commemoration Plan be implemented. Further, all documents associated with the salvage, removal, storage and waste management

components be endorsed. The applicant will be required return to the Municipal Heritage Committee once any future Site Plan application has been submitted, for review of revised plans and commemorative plan details. The demolition permit for the school building has been released.

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

The subject lands are designated "Open Space & Community Facilities" on Schedule B and "Built-up Area" on Schedule I-1 in the Town's Official Plan (the "Town OP"). The Town OP designation on the subject lands is shown on **Map 2 of Appendix II** to this report.

The Official Plan Amendment proposes the redesignation of the subject lands to "General Commercial" with site-specific exemptions related to permitted main and secondary uses, the orientation and siting of the hotel, location of access driveways and loading areas, screening and landscaping, and the requirement for a cultural heritage impact assessment. Redevelopment of lands designated Open Space & Community Facilities may be permitted subject to an Official Plan Amendment.

The Town OP contains policy direction regarding height, the development of non-residential uses, parking and loading facilities, servicing, tree preservation, and growth management.

Section 6 of the Town OP notes that the Town consists of low-rise structures, generally with a building height that has not exceeded 11 metres. For the most part, this low-rise character is to be maintained and zoning should be used to limit the building height. The proposal requests a maximum building height of 19.0 metres. The maximum building height of the surrounding Established Residential (RD) zoned lands is 10.0 metres, and the maximum permitted building height within the General Commercial (GC) zone is 10.5 metres. While the proposed building exceeds the maximum building heights of the surrounding lands, as well as that of the standard General Commercial (GC) Zone, Staff are of the opinion that the increased height will not result in impacts to surrounding uses due to the significant setbacks from all yards. Additional information regarding height is provided in the following section, regarding Zoning By-law 4316-09, as amended.

Within the Commercial designation, tourist commercial uses, including hotels and associated uses, may be restricted through site specific provisions in an associated Zoning By-law Amendment. In general, policies in the Town OP aim to ensure that new non-residential uses, including commercial uses, are compatible with existing residential uses in the area. This may be achieved by increasing required setbacks, implementing planting strips, screening and fencing, deflecting lighting, and regulating parking and loading areas. Additional information on these matters is provided in the following section, regarding Zoning By-law 4316-09, as amended.

Parking and loading facilities to support the proposed uses are required and will be implemented through the draft Zoning By-law. Within the Built-up area, parking for new commercial development is to be located at the rear of the building, with the principal entrance fronting onto the street and a secondary entrance at either side or to the rear of the building. The site proposes two driveway entrances along King Street, to access the entrance of the

hotel, two small surface parking lots to provide 8 surface parking spaces in front of the hotel, and to access the underground parking. The majority of traffic to the site will access the property from King Street. One driveway is proposed along each Centre Street and Gate Street, to be limited to service and delivery vehicles. No driveways or entrances are proposed along the Regent Street frontage. While the preferred travel route for larger commercial vehicles is along King Street to reduce the requirement for such vehicles to travel through residential neighbourhoods, landscaping will be implemented to adequately screen the proposed entrances on Centre Street and Gate Street. Further, based on the information provided with the Applications, ingress and egress through the Gate Street and Centre Street entrances will be limited to occasional vehicles, and deliveries will be intermittent to minimize impact on the neighbouring properties.

New development within the Town will be limited by the available capacity of services. During the development approval process, consideration is given with respect to capacity of existing infrastructure including utilities and any necessary improvements which may be necessary to serve the Built-up Area. A Site Servicing and Stormwater Management Report was submitted, which confirms that the proposed uses on-site can be accommodated with existing water, sanitary and stormwater capacity. The Report indicates that a 100mm domestic water service is to be provided from the main 150mm fire service that connects to the existing watermain on Gage Street. The proposed 150mm sanitary lateral connection is to the existing 450mm sanitary sewer on Gage Street. The proposed 300mm storm service connection is to the existing 525mm storm sewer located at the intersection of Gage Street and Regent Street. A stormwater detention tank and orifice tube are proposed to control peak stormwater runoff to the required discharge rate; further, the implementation of an Oil-Grit Separator is proposed to ensure that the stormwater quality control requirement is met.

The Town OP provides policies to ensure that trees are not unnecessarily removed, and that, wherever possible, existing trees should be preserved and protected. Where it is unavoidable that trees are to be removed, it shall be required as a condition of any redevelopment that the proponent shall plant trees of a similar or comparable species on the site. Based on the submitted Arborist Report: Tree Inventory and Preservation Plan, a total of 47 trees, including 1 dead tree, exist on the subject property. As part of the redevelopment proposal, 26 trees are proposed to be preserved, and 19 are proposed to be removed. One existing red oak tree (identified as tree 28 in the Report) on the subject property, is identified to be over 300 years old. The red oak tree is proposed to be maintained on the subject property, and will be protected during construction through a number of measures to be implemented through the future Site Plan. Replanting, including numerous trees to be planted around the perimeter of the property, on the site will be reflected in a Landscape Plan, to be provided and implemented through the future Site Plan.

Growth management policies contained in the Town OP encourage the development of compact, complete communities that include a diverse mix of land uses, including a range of local employment opportunities, and easy access to local stores and services via active transportation. Growth should provide for the efficient use of infrastructure and be directed to the Town's existing urban areas. A portion of these jobs are to occur within the Employment Area designation; however, the remainder of employment is to be located in community areas

through local services and commercial related jobs. As provided in the Provincial and Regional Planning Documents section above, the proposed uses on-site will generate approximately 100 new employment opportunities for the Town. These additional employment opportunities will assist the Town in meeting the Regional employment forecast. The subject property is also located approximately 300 metres to the south of the Queen-Picton Commercial Area, which encourages active transportation methods to access local stores.

The urban design and land use compatibility policies of the Town OP generally direct for intensification proposals to be compatible with surrounding lands and uses. In determining compatibility, consideration should be given to surrounding setbacks, connection to existing pedestrian and bicycle networks, and consistency to existing and/or planned development in the surrounding area. Further discussion regarding surrounding setbacks and consistency with existing and/or planned development in the surrounding area is provided in the Zoning By-law 4316-09, as amended. Sidewalks along the periphery of the subject property are to be upgraded or installed, as applicable, with a width of 1.5 metres. King Street is also designated as part of the Niagara Region Bicycling Network. The proposal will include connections to existing pedestrian and bicycle networks in the surrounding area.

Intensification is to be directed to Built-up Areas, provided such development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or surrounding area. New development should be consistent with the built form and heritage of the property and surrounding neighbourhood. Based on the recommendations of the Town's Municipal Heritage Committee, and review of the proposal by Town Heritage Staff, cultural heritage components of the site will be protected as part of the development of the proposed hotel and associated uses.

Compatibility with surrounding lands can be ensured by providing a transition in built form to act as a buffer between the proposed development and existing uses. This may include appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space. The proposed development is to be located in the centre of the subject lands, with general setbacks to all applicable yards and screening to mitigate views from surrounding lands and Town-owned roads. Most of the parking is proposed to be located underground, and will not be visible, and a significant amount of landscaped open space for private use is proposed (approximately 60% of the site).

The Applications were brought to the Town's Urban Design Committee (the "UDC") for review and input on urban design matters during the June 28, 2023 meeting. Staff sought feedback on matters including massing, scale and height, setbacks, landscaping, and parking and circulation. The recommendations from the UDC included general objections to the proposal, and requests for additional studies unrelated to urban design matters. All four (4) recommendations from the UDC on the Applications were rejected by Town Council during the July 25, 2023 meeting; accordingly, no direction with regard to design components has been received from the UDC for the purposes of the Applications. However, Staff note that comments related to the requested feedback are highlighted in this report.

With regard to heritage and archaeological matters, the Applications were considered by the Town’s Municipal Heritage Committee during the September 6, 2023 meeting; additional information regarding the Committee review can be found in the Provincial and Regional Planning Documents section above.

Staff consider the Applications to conform to the applicable policies of the Town OP, as the proposal aligns with applicable policies related to heritage, servicing, growth management, tree preservation, active transportation, and design and land use compatibility. A draft Official Plan Amendment is attached as **Appendix IV** to this report.

5.1.4 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’s intent. The subject lands are designated “Community Facilities” on Schedule B2, and “Built Up Area” on Schedule B7, in the proposed Town of Niagara-on-the-Lake Official Plan (the “proposed Town OP”).

If the proposed Town OP were to be in effect, the conversion of lands designated Community Facilities would require the submission of an Official Plan Amendment, subject to compatibility criteria and demonstration that other community facilities are not able to be established on the site.

5.2 Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended

The subject lands are zoned “Old Town Community Zoning District – Institutional (I) Zone” in the Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3 to Appendix II** to this report.

The Zoning By-law Amendment application proposes to rezone the subject lands to “General Commercial (GC) Zone” with site-specific provisions to facilitate the development of the hotel. Permitted uses on-site are proposed to be limited to a hotel, restaurant, outdoor patio restaurant as a secondary use to an existing restaurant with limited area and relief from provisions related to location, cooking equipment, fencing and surface height, personal service establishment as a secondary use to a hotel, conference centre, banquet facilities, spa, and retail use as a secondary use to a hotel.

The following chart illustrates the standard GC Zone provisions and the site-specific zoning provisions recommended by Staff:

Zone Requirement	GC Zone	Site-Specific GC Zone
Minimum lot frontage	15.0 metres	125.0 metres
Minimum lot area	464 square metres	16,000 square metres
Maximum lot coverage	50%	25%
Minimum landscaped open space	20%	65%
Minimum front yard setback	4.5 metres	24.0 metres (to King Street)

Minimum interior side yard setback	1.2 metres	N/A
Minimum exterior side yard setback	4.5 metres	20.0 metres (to Gage Street and Centre Street)
Minimum rear yard setback	7.5 metres	45.0 metres (to Regent Street)
Maximum building height	10.5 metres	19.0 metres
Maximum gross floor area	N/A	13,500 square metres

The site-specific zoning provisions would establish increases in minimum landscaped area, increases to all required yard setbacks, and a reduction in the maximum lot coverage; this would contribute to siting the proposed building in the centre of the site, surrounded by significant landscaping, to reduce potential impacts to surrounding land uses. It is also acknowledged that the subject property comprises an entire block of land on its own, and presents a unique opportunity for redevelopment and siting with respect to ensuring compatibility.

While the proposed height (19.0 metres) exceeds the maximum building height of the 'General Commercial (GC) Zone,' the proposed site-specific measures to restrict the location of the building will be sufficient to mitigate impacts caused by the increased height. As a planning principle, increasing setbacks can assist with mitigating potential impacts on lower profile buildings from newer buildings with greater height. Further, the submitted Shadow Study indicates that, during the months of March, June and September, shadows do not leave the boundaries of the property. In December, shadows are anticipated to reach the lands at 287 King Street in the late afternoon. Based on the submitted information, Staff do not anticipate substantial impacts to surrounding existing dwellings, lots or uses, as a result of the height of the proposed building on the subject lands, or as a result of the shadows. The height of the proposed building is 18.24 metres according to the submitted elevations. In accordance with Zoning By-law 4316-09, as amended, the proposed parapets, which measure approximately 1.5 metres, are exempt from the height calculation of the building.

The setbacks proposed are greater than those in the surrounding area; however, as these setbacks are requested to ensure compatibility amongst proposed and existing uses, Staff are satisfied that land use compatibility will be achieved given the building siting on the subject property. The increased setbacks have been included in the zoning regulations for the future development.

According to the site plan submitted with the Applications, the previous Parliament Oak School, which most recently occupied the subject lands, provided 17.9% lot coverage (2,496.51 square metre building); whereas the proposed hotel and associated uses will result in 22.0% lot coverage (3,588.82 square metre building). The proposed built form will cover slightly more lands on the subject property and will be significantly screened through landscaping. The maximum lot coverage for a GC zone is 50%. Staff recommend the inclusion of only 25% maximum lot coverage in line with the proposed site plan. In addition, the minimum landscaped area is 20% in the GC zone. Staff recommend a minimum of 65% of

landscaped open space to be maintained. The massing of the proposed building is anticipated to be compatible with the surrounding existing lands uses, including the range of open space, residential and commercial uses.

In addition to the above site-specific provisions, the draft Zoning By-law Amendment also contains wording to ensure that no amplified music or public address system will be used outdoors. Further, all uses on the subject property will be required to adhere to the Town's Noise By-law (By-law 4588-12). Should any events be proposed outside of the proposed building and patio, the issuance of a Special Occasion Permit from the Town would be required.

The draft Zoning By-law also requests site-specific provisions related to loading space requirements (Section 6.27) and parking space requirements (Sections 6.39, 6.40 and 6.42). Due to the proposed maximum gross floor area of the building/uses, six (6) loading spaces are required per the provisions of Section 6.27 of Zoning By-law 4316-09, as amended. Such loading spaces are to be located in the interior side yard, or to the rear of the main front wall and exterior side wall of the main building, provided such spaces are setback a minimum of 24.4 metres from the street line. A total of two (2) loading spaces are proposed, to be located 15.0 metres from the street line, accessed from Gage Street and/or Centre Street. The information submitted with the Applications indicates that the use of such loading spaces will be infrequent and planned to minimize impact to surrounding uses. Access to the loading areas will also be screened through the use of landscaping as required in By-law.

Parking space requirements for the site include the provision of a total of 316 parking spaces, 8 of which are required to be accessible parking spaces. The proposal requests a reduction to the required number of parking spaces, for a total of 248 parking spaces including 7 accessible parking spaces. The subject lands are located in close proximity to the Queen-Picton Commercial (QPC) area, and Town Staff are satisfied with applying the QPC parking requirements to the subject lands, which calculates the required parking at approximately 230 spaces. Lands within the QPC area utilize a parking rate of 1 space per 18.5 square metres of floor area for commercial uses, as supported by a previous Town-initiated parking study. The proposed development includes 248 parking spaces, with 240 spaces provided in an underground structure and 8 surface parking spaces. Town Staff also consider that not all uses within the proposed development will be accessed individually, in that an individual staying at the hotel may also access the personal service uses and restaurant uses within the property. Staff acknowledge that there will be shared uses of the property, which will also contribute to a reduction in the number of required parking spaces on-site. Town Staff are satisfied with the proposed on-site parking, and do not anticipate any impacts to Town-owned roads adjacent to the subject lands as a result of this development.

The proposal also requests permission for a Porte Cochere to encroach into the front yard up to 12.0 metres from the lot line. The proposed front yard setback exceeds the setback requirement of the 'General Commercial (GC) Zone' (standard of 4.5 metres, setback requested of 24.0 metres). The proposed encroachment of the Porte Cochere would continue to exceed the front yard setback standard of the GC zone by 7.5 metres. Further, the Porte

Cochere contains no liveable space for visitors, and solely provides an overhang for vehicular drop-off traffic purposes.

Staff consider the proposed increase in lot coverage, lot area, landscaped open space, front yard setback, exterior side yard setback, rear yard setback and building height to be appropriate and not impact the use of or compatibility with surrounding lands. Further, Staff consider the proposed reduction in maximum lot coverage to be beneficial in terms of ensuring that the scale of the proposed hotel is appropriate and in alignment with the submitted information. The proposed uses on the property will be maintained within one (1) building, with an outdoor patio restaurant to be screened by robust landscaping. Provisions in the draft By-law will ensure that no noise impacts will affect surrounding lands, and that the uses on the site, including the associated loading areas, will be sufficiently screened. The requested setback provisions ensure that the building will be located in nearly the centre of the site, with main visitor accesses to be provided along King Street to avoid increased traffic through the surrounding Centre, Gage and Regent Streets. Entrances along King Street encourage active transportation and connectivity to existing and nearby pedestrian sidewalks. Based on the provisions, as recommended, Staff do not anticipate any land use compatibility concerns as a result of the proposed Amendment.

Staff are supportive of the draft Zoning By-law Amendment, attached as **Appendix V** to this report.

5.3 Consultation

The Applications were circulated to Town departments and external Agencies. Notice of the Applications were provided as required by the *Planning Act*. Comments received from external Agencies are attached as **Appendix VI** to this report with overall comments summarized below.

Town Comments

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection.

Heritage – No objection. The property has been cleared of archaeological potential. A heritage conservation agreement has been undertaken for conservation works. Further heritage conservation efforts and requirements will be implemented through the future Site Plan Approval process.

Operations – No objection. The proposal can be serviced by existing municipal infrastructure. Items to be addressed through the future Site Plan Application process include the implementation of a monitoring plan for the King Street and Mary Street intersection, implementation of servicing and stormwater management works, lighting works, and installation or upgrading of existing sidewalks along the periphery of the site.

Parks and Recreation – No objection.

Agency Comments

Canada Post – No objection.

Enbridge Gas – No objection.

Niagara Region – No objection. The proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conform to Provincial Plans and the Niagara Official Plan from a Regional perspective.

Public Comments

An electronic Open House was held on April 18, 2023, with 37 members of the public in attendance. The statutory Public Meeting was held on May 9, 2023. Sixteen (16) residents provided comments in opposition to the proposal. Town Staff has received 34 items of correspondence on the proposed Applications. Comments received from members of the public are attached as **Appendix VII** to this report.

Comments provided by the public in support of the Applications are summarized as follows:

- The landscaping and building are attractive.
- There is a need for more hotel rooms and related facilities.

The comments received in objection to the proposal, as well as Staff’s responses are provided in the table below:

Public Comment	Response
No need for additional hotels/hotel rooms.	The hotel will support NOTL’s tourism economy.
The character and economic future of the Town and King Street will be impacted.	The proposal will be subject to further review from the Town’s Municipal Heritage Committee at the time of the future Site Plan application. Existing commercial uses are located along King Street, including the Pillar & Post and towards Queen Street.
The jobs being created will pay minimum wage and employees would not be able to afford to live in the area and walk to work.	Town Staff are supportive of the proposed job creation.
Delivery trucks and guests would be cutting through a residential neighbourhood to access the hotel.	The loading spaces are located along Gage Street and/or Centre Street and are positioned centrally on the site. It is not anticipated that such delivery trucks will be driving throughout the surrounding residential area, but rather accessing the site via the loading space area from King Street.
The hotel is incompatible with	As discussed throughout the report, Town Staff consider

Public Comment	Response
surrounding uses, including single-detached dwellings.	the proposed hotel to be compatible with surrounding uses.
The hotel is too tall, use is too dense.	The requested site-specific provisions to restrict the location of the building will be sufficient to mitigate impacts caused by the increased height. The submitted Shadow Study provide that shadows may only reach lands external to the site in the late afternoon in December; for the remainder of the months, shadows cast by the proposed building will remain within the boundaries of the site. Staff do not anticipate substantial impacts to surrounding existing dwellings, lots or uses, as a result of the height of the proposed building on the subject lands, or as a result of the shadows it may cast. The height of the proposed building is 18.24 metres according to the submitted elevations. In accordance with Zoning By-law 4316-09, as amended, the proposed parapets, which measure approximately 1.5 metres, are exempt from the height calculation of the building. Based on the proposed increased setbacks, submitted Shadow Study, Staff are satisfied that the proposed height of the building will not impact surrounding lands.
Concerns regarding traffic and safety from vehicles and lack of sidewalks. Too much traffic and not enough parking provided.	Traffic, parking and sidewalks have been discussed throughout the report.
Lack of benefit to residents.	While the proposed uses on the site do not provide for public amenity space, residents with dwellings surrounding the subject lands are in close proximity to Veterans Memorial Park. The proposal also offers additional commercial uses, including restaurant and event space.
Concerns with underground parking, flooding.	A Stormwater Management Report was submitted with the proposal, which indicates that stormwater can be adequately managed in accordance with Town and Ministry standards. A hydrogeological study and dewatering plan will be required as part of the future Site Plan application process to ensure that the underground parking structure will not be susceptible to flooding.
Residential use, or a retirement or seniors' residence would be a better use of land. Institutional land should be retained.	The proposed land use is Commercial and, to date and since the Parliament Oak School ceased operation, no proposals have been submitted to the Town for institutional uses on the subject property. Town Staff has also confirmed that the lands are not required for parks and recreation purposes. A previous proposal for a

Public Comment	Response
	residential use was submitted to the Town. Town Staff are required to review all applications as submitted.
Front façade of the existing school should be retained.	Comments from the Town’s Municipal Heritage Committee did not require that the front façade of the Parliament Oak school be retained for this development.

Staff has advised residents that spoke at the Public Meeting or submitted written comments of the Committee’s consideration of the Applications this evening.

5.4 Future Site Plan Matters

As noted throughout the report, there are number of items to be addressed through the future Site Plan Application process, including but not limited to:

- Servicing (detailed review), including the submission of a hydrogeological assessment and dewatering plan for the proposed underground parking structure
- Heritage matters, including the implementation of clauses for heritage commemoration and preservation and further Committee review
- Implementation of the Tree Inventory and Preservation Plan, to ensure appropriate tree protection and replanting
- Detailed landscape plan
- Traffic monitoring
- Matters such as sidewalks, lighting, waste management, and all other site works.

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

The Committee may approve, refuse or modify the proposed Official Plan Amendment and/or Zoning By-law Amendment applications.

8. FINANCIAL IMPLICATIONS

Not applicable.

9. ENVIRONMENTAL IMPLICATIONS

Should the Applications be approved, the removal of 19 of the existing 47 trees is required to facilitate the proposed development. Tree 28 (300+ year old Red Oak Tree) is proposed to be retained, in situ, with its health protected through a number of conservation efforts as part of

future site alteration works. Replanting efforts will be implemented through the future Site Plan Application process, including through the implementation of a Landscape Plan. Robust tree plantings are proposed along the property boundaries of the site.

10. COMMUNICATIONS

Once Council has made a decision on the Applications, 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-01-2023 and Zoning By-law Amendment ZBA-01-2023 as detailed in this report, since the Applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement, and conform with the Growth Plan, Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-23-086** – Public Meeting – 325 King Street, Information Report – May 9, 2023

13. APPENDICES

- Appendix I – Draft Site Plan, Floor Plans and Building Elevations
- Appendix II – Maps
- Appendix III – Planning Legislation and Policies
- Appendix IV – Draft Official Plan Amendment
- Appendix V – Draft Zoning By-law Amendment
- Appendix VI – Agency Comments
- Appendix VII – Public Comments

Respectfully submitted:

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