



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-24-096 **COMMITTEE DATE:** 2024-06-11  
**REPORT TO:** COTW-Planning **DUE IN COUNCIL:** 2024-06-25  
**SUBJECT:** 235-253 Taylor Road – Official Plan Amendment and Zoning By-law Amendment Applications (OPA-07-2023 & ZBA-16-2023)

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Official Plan Amendment (File OPA-07-2023) for lands located at 235-253 Taylor Road, and the draft Official Plan Amendment, attached as **Appendix IV** to this report, be adopted by Council; and
- 1.2 The application for Zoning By-law Amendment (File ZBA-17-2023) for lands located at 235-253 Taylor Road, and the draft Zoning By-law Amendment, attached as **Appendix V** to this report, be adopted by Council.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding applications for an Official Plan Amendment and Zoning By-law Amendment (the “Applications”) for lands located at 235-253 Taylor Road, within the Glendale urban settlement area.
- The applications are required to facilitate the development of two new apartment buildings (17 storeys and 21 storeys) containing 390 residential units and two new mixed-use buildings (18 storeys and 25 storeys) containing 420 residential units and 1,515 square metres of ground floor commercial/retail space. A total of 1,318 parking spaces are proposed in a parking garage and in an underground structure.
- The Applications request to redesignate the subject lands from “Village Centre” to site-specific “Village Centre,” and rezone the lands from “Glendale Community Zoning District – Village Commercial (VC-10) Site-Specific Zone” to “Glendale Community Zoning District – Village Commercial (VC-10-H) Site-Specific Holding Zone.”
- The Official Plan Amendment proposes to permit additional commercial and retail uses, establish building heights and siting on the subject lands, including a maximum building height, the use of a podium, and setbacks, and an increased density.
- The Zoning By-law Amendment proposes to permit apartment buildings on the subject lands, as well as a range of site-specific provisions to regulate the building setbacks and heights.
- The subject lands are located within the Glendale Secondary Plan area and are subject to federal height limitations due to proximity to the Niagara District Airport. A Holding (H) provision is proposed to be included in the amending By-law to restrict the height of the

proposed buildings on the subject lands until such time as an exemption to the Airport Zoning Regulations (“AZR”) is issued by Transport Canada. The Holding (H) provision would apply to the proposed height that exceeds the maximum permitted height under the AZR. The Holding (H) provision also applies to the requirement to merge the subject lands in title, submission of the filing of a Record of Site Condition, and confirmation from the Ministry of Transportation Ontario (MTO) to ensure that their interests have been addressed.

- 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 Committee and Council respecting Applications under the *Planning Act* seeking approval of an Official Plan Amendment and Zoning By-law Amendment for the subject lands municipally known as 235 and 253 Taylor Road.

The Applications request that the subject lands be redesignated from “Village Centre” to site-specific “Village Centre,” and revise the existing “Glendale Community Zoning District – Village Commercial (VC-10) Site-Specific Zone” to facilitate the development of two new apartment buildings (17 storeys and 21 storeys) containing 390 residential units and two new mixed-use buildings (18 storeys and 25 storeys) containing 420 residential units and 1,515 square metres of ground floor commercial/retail space. A total of 1,314 parking spaces are proposed in a parking garage and in an underground structure.

The Official Plan Amendment proposes to permit additional commercial and retail uses, establish building heights and siting on the subject lands, including a maximum building height, the use of a podium, and setbacks, and an increased density. The amendment will also include service commercial uses to align with the current zoning.

The Zoning By-law Amendment proposes to permit apartment buildings on the subject lands, as well as a range of site-specific provisions to regulate the building setbacks and heights. A Holding (H) provision has been added to deal with the outstanding requirements for building height exemption from Transport Canada, related to the Airport Zoning Regulations, as well as confirmation that the lands have merged, submission of confirmation of the filing of a Record of Site Condition, and correspondence from the Ministry of Transportation Ontario confirming that all related interests have been addressed.

A site plan showing the proposed development on the subject lands, as well as elevations and renderings, are attached as **Appendix I**.

A future Site Plan Application and/or Draft Plan of Condominium is required to be submitted to the Town to permit the development of the site. Site plan approval is subject to approval by the Director of Community and Development Services.

The Applications were deemed complete on August 29, 2023. The applicant signed a fee refund waiver, to allow for additional time to work with the Town to bring the proposal forward to Council for a recommendation.

## **4. BACKGROUND**

### **4.1 Site Description and Surrounding Lands**

The subject lands are located on the east side of Taylor Road, north of Glendale Avenue and south of the Queen Elizabeth Way (QEW Highway), within the Urban Area of Glendale. The location of the subject lands is shown on **Map 1 of Appendix II** to this report.

The subject lands currently contain a hotel, conference centre, resort, spa and fitness facility, known as White Oaks Resort and Spa. The lands have an area of 14.5 acres (5.85 hectares) with frontage and access on Taylor Road.

Surrounding development includes commercial to the west, institutional (Niagara College) to the southeast, and residential (Niagara-on-the-Green subdivision) to the southwest.

### **4.2 Transport Canada – Airport Zoning Regulations**

The lands are subject to height regulations established through the St. Catharines Airport Zoning Regulations (the “AZR”) and the Obstacle Limitation Surfaces of TP312 – Aerodrome Standards and Recommended Practices. The subject lands are located approximately 3 kilometres to the south of the Niagara District Airport lands. The AZR limits the height of all temporary and permanent buildings to 140 metres above sea level. On the subject lands, the maximum permitted building height within the AZR is approximately 19 metres, or generally 5-6 storeys depending on building design. The Applications propose a maximum building height of 25 storeys, approximately 85.5 metres from grade to peak; accordingly, an exemption to the AZR is required.

To obtain an exemption to the AZR to permit increased height, Transport Canada requires the submission from the Niagara District Airport operator regarding impact and a letter of no objection from the Town of Niagara-on-the-Lake. Transport Canada also requires a letter of “no objection” from NAV Canada. The request for an AZR exemption would follow applicable *Planning Act* decisions for the proposal.

### **4.3 Glendale Secondary Plan Update**

The subject lands are located within the Glendale Secondary Plan. The Town and Niagara Region are working together to prepare an update to the Glendale Secondary Plan to align it with the Council-endorsed Glendale District Plan. Throughout the application review process, Staff have engaged with the applicant and landowner on the preparation of the Secondary Plan. Once in force and effect, the lands will be subject to the policies, direction and guidance as contained in the new Glendale Secondary Plan, including comprehensive urban design guidelines.

## **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 “Designated Greenfield 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 “Designated Greenfield Area.”

The Glendale area is identified as a Strategic Growth Area in the NOP. A strategic growth area is intended to accommodate intensification and higher-density mixed uses in a more compact built form. Policies contained in the PPS, Growth Plan and NOP aim to achieve complete communities, through the provision of mixed use and higher density development, supported by appropriate infrastructure and soil conditions, while protecting environmental assets. Such policies also aim to ensure protection of the long-term operation and possible expansion of economic opportunities, including commercial uses and the nearby Niagara District Airport.

Analysis of Provincial and Regional policies is consolidated with local policy analysis and discussed together comprehensively in Section 5.1.4 of this report.

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

The subject lands are identified as “Prestige Industrial” 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 a “Village Centre” 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 Plans identifies building heights on the subject lands ranging from 2 storeys to 16 storeys.

The Official Plan Amendment proposes to redesignate the lands from “Village Centre” to site-specific “Village Centre” to permit additional commercial and retail uses, establish building heights and siting on the subject lands, including a maximum building height, the use of a podium, and setbacks, and an increased density.

Policies contained within the Town's OP aim to achieve land use compatibility, support increased density, enhance the streetscape through urban design, ensure the provision of adequate infrastructure and servicing, and promote enhancements to the public realm.

#### 5.1.3.1 Glendale Secondary Plan

The Town OP directs that growth and development are to be accommodated within 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 policies of the current Glendale Secondary Plan are in force and effect for the subject lands.

As noted, 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. The Applications have been coordinated with the draft technical and background work that has been undertaken to support the Secondary Plan. The Secondary Plan update will include comprehensive urban design guidelines, for which future buildings will be required to adhere to.

#### 5.1.3.1.1 Village Centre

The subject lands are located within the Village Centre of the Glendale Secondary Plan. The Village Centre is intended to accommodate a mix of uses and provide a focal point for commercial and social activities for residents, workers, students and visitors in Glendale. Development in the Village Centre should be oriented to pedestrian-friendly street, including Taylor Road, and potentially a publicly accessible urban square or "village green." A range of commercial and residential uses, through apartment and live/work dwellings, are permitted within the Village Centre. Ground floors of buildings fronting Taylor Road are to be occupied by retail, restaurant, hotel or other commercial service uses. Loading, garbage storage and other service areas are to be located at the rear of buildings and screened from public view. Above-ground parking structures are to be designed to appear as fenestrated buildings with a regular pattern of openings and materials that are compatible in type and quality with surrounding buildings. The Village Centre policies also provide direction regarding the massing of buildings fronting Taylor Road, including requirements for stepping back buildings on upper levels, and utilizing variation in floor height.

The Village Centre designation contains specific policies related to the subject lands and the development of a future Master Plan. The intent of the Master Plan is to ensure that individual phases of development on the site are coordinated with one another and together support the Village Centre concept for the area. The policies contained in the Glendale Secondary Plan for the subject lands recommend that buildings ranging from 3-5 storeys be located fronting Taylor Road, the provision of a publicly-accessible plaza at the intersection of Glendale Avenue and Taylor Road, and permission for one building to have a maximum height of 20 storeys subject to a rezoning. Further design guidance, including rooftop architectural treatment, balconies, and vehicular access is provided for the Village Centre.

Staff are satisfied that the proposal meets the general guidance and intent of the Village Centre. The proposal constitutes a mixed-use development, including residential and commercial/retail space, and achieves the objectives of the Village Centre. Guidance related to the urban design direction will be implemented as part of the future Site Plan Application stage and is discussed later in this report.

Further analysis of applicable Town OP policies is provided in the section below.

#### 5.1.4 Policy Analysis

The following sections provide an analysis of applicable Provincial, Regional and Town policies for the proposed development. As discussed below, Town Staff consider the Applications to be consistent with and conform to the applicable policies of the Province, Region, and Town OP, and do not anticipate any land use compatibility concerns as a result of the proposed Amendments.

A draft Official Plan Amendment is attached as **Appendix IV** to this report.

##### 5.1.4.1 Airport

The subject lands are located approximately 3 kilometres to the south of the Niagara District Airport. The PPS requires that planning for land uses in the vicinity of airports shall be undertaken so that their long-term operation and economic role is protected. Airports and sensitive land uses are to be appropriately designed, buffered and/or separated from one another. Airports shall be protected from incompatible land uses and development by:

- a) Prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;
- b) Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and,
- c) Discouraging land uses which may cause a potential aviation safety hazard.

Further, major facilities, including airports, and sensitive land uses are to be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. If avoidance is not possible, sensitive land uses are only permitted if the following are demonstrated:

- a) There is an identified need for the proposed use;
- b) Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) Adverse effects to the proposed sensitive land use are minimized and mitigated; and,
- d) Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The Niagara District Airport is recognized as a transportation corridor in the Town OP, which is planned to facilitate the movement of people and goods across the Town and to provide

connections with adjacent municipalities. Town OP policies aim to anticipate, designate and protect transportation rights-of-way and areas required for future transportation facilities or optimization or expansion of existing facilities in cooperation with the Province, Region and neighbouring municipalities. Accordingly, planning for sensitive land uses, including higher-density residential uses, must be carefully planned to ensure they benefit from proximity to transportation corridors.

The Town OP recognizes that the AZR registered throughout the Town may cause some restrictions to development near the airport. The Niagara District Airport has noted that any building heights beyond 140 metres above sea level (greater than approximately 5-6 storeys on the subject lands) is in contravention of the AZR protecting airspace surrounding the airport for aeronautical safety. Development within the height permissions of the AZR up to 140 metres above sea level is permitted without an exemption to the AZR.

An Airport Zoning Regulations Review and Airport Compatibility Review, both prepared by HM Aero Aviation Consulting, were submitted with the Applications. The Airport Zoning Regulations Review confirmed that the subject lands are located within AZR Outer Surface and provided an overview of the process to obtain an exemption from Transport Canada to permit for the requested building height on the subject lands. The Airport Compatibility Review was prepared to analyse height limits associated with regulatory and operational considerations, potential interference related to flight procedures, bird hazards, noise considerations, restrictions to visibility, and to provide preliminary commentary on the merit of pursuing an AZR exemption. The Airport Compatibility Review provides support for the proposed development and building heights, citing no concerns or impacts to flight procedures, bird hazards, or visibility.

Given the above, Town Staff recommend approval of a maximum building height up to 140 metres above sea level (approximately 5-6 storeys depending on building design), which is within the height limits of the AZR. In order to address the requirements to permit additional height on-site, Town Staff recommend the implementation of a Holding (H) provision in the amending By-law to require the submission of an exemption from Transport Canada to allow buildings to be up to 206.5 metres above sea level (maximum of 25 storeys or 85.5 metres).

#### 5.1.4.2 Building Height

The Town OP contains a building height policy which indicates that building heights have generally not exceeded 11 metres (36 feet) and that, for the most part, this low-rise character should be maintained. Further, the policy states that the implementing zoning by-law should limit building height accordingly. Schedule F2, which is a Height Map for the Glendale Secondary Plan area, identifies building heights ranging from 2 to 16 storeys on the subject lands. The site-specific Village Centre policies for the subject lands permits one building up to 20 storeys in height. The subject lands are not located adjacent to other sensitive land uses, as the lands comprise an “island” parcel that is wholly separated from other lands by a highway and municipal roads.

The proposal includes four buildings ranging from 17 storeys to 25 storeys, 58.0 metres to 85.5 metres respectively, with two buildings being used for residential purposes and two for mixed-

use (commercial and residential) purposes. As discussed in Section 5.1.4.1 of this report, increases to the permitted maximum height on the subject lands requires approval from Transport Canada and an exemption to the AZR and will be restricted through use of a Holding provision until this exemption is provided.

In order to assess potential impacts from height, the applicant submitted an Urban Design Brief including Sun/Shadow Studies, a Pedestrian Level Wind Study, and a Viewshed Analysis.

The Town utilizes the Niagara Region Sun/Shadow Study Terms of Reference to assess the study. The following table outlines the requirements of the Regional Terms of Reference, and the shadow impacts from the proposed development. Based on the information provided below, Staff do not anticipate any shadow impacts as a result of the proposed development.

<b>Private Realm</b>		
	<b>Terms of Reference Criteria</b>	<b>Proposed Development</b>
Outdoor Amenity Spaces on Adjacent Properties	Adjacent residential amenity areas should receive a minimum of 6 hours of sunlight between 10am and 6pm (Spring to Fall)	The residential subdivision located to the southwest of the subject lands will be in full sunlight from 9am to after 6pm.
Outdoor Residential Amenity Spaces Within the Proposed Development	Amenity areas should receive at least 4 hours of sunlight between 10am and 6pm (Spring to Fall)	The outdoor amenity space provided along Glendale Avenue and Taylor Road will receive sunlight from 9am until 2pm, and noon until after 6pm, respectively. The central gardens are within shade throughout most times in the day; however, the lands offer unshaded residential amenity area.
<b>Public Realm</b>		
Public Outdoor Amenity Spaces	Shadows from proposed buildings should allow for 5 hours of full sun between 10am and 6pm (Spring)	The public outdoor amenity areas associated with the commercial use to the west of the subject lands will receive full sunlight from 11am onwards, exceeding the minimum 5 hours of sunlight.
Sidewalk Areas and Boulevards Along the Frontage of the Development	Streets with residential and mixed-uses, patio spaces, trees, and where significant numbers walk, cycle, or ride transit should receive a minimum of 4 hours of sunlight between 10am and 6pm (Spring)	The sidewalks along Taylor Road as well as the intersection of Taylor Road and Glendale Avenue will receive full sunlight from noon onwards, exceeding the minimum 4 hours of sunlight.
Parks, Open Spaces, and	Shadows from proposed buildings should not exceed	There are no parks, open spaces or natural heritage areas surrounding the



Natural Heritage Areas	3 hours in duration on surrounding parks and open space between 10am and 6pm (Spring and Fall)	subject lands which are impacted by shadows.
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The Pedestrian Level Wind Study found that the proposed development will result in some increase to wind on the site which may impact pedestrian comfort. The Study recommends the implementation of a number of mitigation measures, including enhanced landscaping and porous windbreaks. The ultimate mitigation measures are dependent on the final design of the proposed buildings and will be addressed at the time of the future Site Plan application to ensure pedestrian comfort and the implementation of any necessary wind mitigation measures. Based on the findings of the Pedestrian Level Wind Study, Town Staff are satisfied that, through the implementation of appropriate mitigation measures at the future Site Plan stage, the taller buildings will provide for pleasant leisurely walking throughout all months of the year.

A Viewshed Analysis was conducted to assess views of the proposal from Taylor Road, Mountain Road, Warner Road, Garner Road, and Bruce Trail and Woodend Conservation Area locations. The proposed development will largely be visible from Taylor Road, Mountain Road, and along the Bruce Trail within the Woodend Conservation Area. Niagara Escarpment Commission (the “NEC”) has reviewed the Viewshed Analysis with respect to impacts of the proposed towers on scenery within the Niagara Escarpment Plan area. The subject lands are located outside of the Niagara Escarpment Area of Development Control as well as the Niagara Escarpment Plan (NEP) area and, accordingly, the policies of the NEP do not apply to the subject lands. The NEC has advised that the intrusion of built form above the skyline may not be harmonious with the open landscape character and natural scenery of the Escarpment, and recommended that measures be taken to reduce this impact including a potential height reduction and using building finishes and colours that would allow the buildings to fade into the background when viewed from the Escarpment. In response to this, the applicant has confirmed that the exterior treatment of the towers will allow the buildings to blend into the natural environment through the utilization of mitigative building finishes and colours. Building design will be addressed as part of the future Site Plan application process.

Given the above, the proposed building height on the subject lands is not anticipated to result in impacts to the surrounding lands. A maximum building height of 140 metres above sea level (approximately 19 metres in height) for all buildings on-site within the current requirements. A maximum building height of approximately 206.5 metres above sea level (approximately 85.5 metres in height for one building) would be permitted for the lands provided that an exemption to the AZR is issued by Transport Canada.

#### 5.1.4.3 Density

Policies in Provincial and Regional plans encourage the achievement of complete communities by providing a range and mix of housing options and encourage intensification that more efficiently uses existing municipal infrastructure. The Growth Plan and NOP state that a minimum density target applicable to the Designated Greenfield Area is not less than 50 residents and jobs combined per hectare. Since the NOP identifies Glendale as a strategic growth area, the minimum density target of 100 people and jobs per hectare is applicable to

the subject lands. The proposal, if permitted to a maximum height of 25 storeys, will significantly exceed the minimum people and jobs per hectare requirement. While this density is greater than the minimum density target for the strategic growth area, it is important to note that density target for the strategic growth area is measured across the entirety of the Glendale area.

The Growth Plan and NOP states that strategic growth areas should be the focus for accommodating intensification and higher-density mixed uses in a compact built form. These areas are the highest priority for development and intensification. The proposal will support and contribute to adding to the mix of housing types and supply within the Town, through providing apartment units. Continued growth within Glendale will also support future transit and active transportation opportunities and expansions. The Glendale District Plan Land Use Concept Plan also indicates that the subject lands may accommodate future medium and high density mixed-uses. The area of the proposed mixed-use and residential development is identified as an area for high density mixed-use development on the Land Use Concept Plan.

Similar to the policies of the PPS, Growth Plan and NOP, the Town OP supports the development of compact, vibrant, sustainable, integrated and complete communities. The Applications would allow for the development of up to 810 residential units; accordingly, the proposal results in a net density of approximately 56 units per acre (138 units per hectare).

Staff are satisfied that the proposal should be compatible with the surrounding area and existing development. The proposal would provide additional housing options and contribute to the Town's residential intensification target. The Applications would also facilitate a more efficient use of land and services, further contributing to the commercial and residential goals as set out in the Provincial and Regional policies, as well as the Town OP.

#### 5.1.4.4 Commercial Space

The Town OP requires the submission of a market study for development which propose new or expanded retail spaces with a commercial floor area greater than 900 square metres. The intent of the market study is to demonstrate that the proposed development is warranted, and that the planned function of the commercial structure of the Town and its communities will not be prejudiced over the long-term. The proposal requests an additional 1,515 square metres (approximately 15,000 square feet) of ground floor commercial space.

A Commercial Market Assessment, dated March 3, 2023, was submitted with the Applications. The Assessment notes that the Regional Glendale District Plan forecasts a total population of up to 15,000 residents in Glendale, at full build out. With a growing population, there is a need to provide additional commercial uses in the area, including neighbourhood-specific uses. In the area, the Outlet Collection at Niagara occupies the majority of the total commercial inventory; however, the Assessment acknowledges that there are limited local-serving retail opportunities, including grocery stores, health care and/or personal care stores, and banks/financial institutions. With the full build out of Glendale, the Assessment surmises that more than 27,800 square metres (300,000 square feet) of commercial space may be warranted. The Assessment states that the subject lands could support approximately 1,765 square metres (19,000 square feet) of commercial space, and the proposed 1,515 square

metres of additional commercial space proposed on the subject lands is not anticipated to impede or alter the broader trajectory of the Glendale community or Town itself. The commercial space proposed is anticipated to complement the existing commercial uses in the area, and deliver local-serving retail to support the vision of Glendale as a complete community and mixed use area. The permitted and proposed on-site uses are reflective of local-serving retail and commercial, and align with the analysis provided in the Commercial Market Assessment.

#### 5.1.4.5 Site Condition

Provincial and Regional policies address potential environmental contamination issues in accordance with O. Reg. 153/04, as amended. Since the subject lands have been utilized for commercial purposes and are proposed to accommodate mixed use and residential buildings, the applicant is required to file a Record of Site Condition (“RSC”) on the Ministry of the Environment, Conservation and Parks Brownfields Environmental Site Registry prior to a change in land use to a more sensitive use (i.e., commercial to residential). The applicant has submitted a Phase One Environmental Site Assessment with the Applications.

The Phase One Environmental Site Assessment identified one area of potential environmental concern (APEC), which requires further investigation, and two potentially contaminating activities (PCAs). The APEC is associated with fill that was brought into the site to build up the landscaped areas around the existing buildings and to raise the parking lot on the south side of the lands. Potential traces of various metals and inorganics were identified in the soil. The PCAs identified on the property include a 910-litre diesel generator on the 9<sup>th</sup> floor of the taller hotel tower and a hydraulic tank located within the base to operate the elevator. Based on the location, condition and secondary containment of the diesel tank for the back-up generator and the hydraulic oil tank, no further investigation of the PCAs is recommended.

The submitted Phase One Environmental Site Assessment was not prepared to support the submission of a Record of Site Condition and, accordingly, Staff will require the submission of a revised Phase One Environmental Site Assessment and a Phase Two Environmental Site Assessment as part of the future Site Plan application. Such Assessments will be provided to support the filing of a Record of Site Condition.

The filing of a Record of Site Condition is required based on O. Reg. 153/04. A Holding (H) Provision has been included in the amending Zoning By-law to ensure that the Record of Site Condition is filed prior to any site alteration on the subject lands and confirm that the lands are suitable for the proposed uses.

#### 5.1.4.6 Land Use Compatibility

Provincial Environmental Noise Guideline – Stationary and Transportation Sources NPC-300 (the “guideline”) aims to ensure that land use compatibility is achieved as a result of new development. The guideline requires the implementation of mitigation measures to ensure that proposed sensitive land uses are not negatively impacted by surrounding land uses, including noise, air quality and odour. The subject lands are located in close proximity to the Queen Elizabeth Way (QEW) and two Regional Roads (Taylor Road and Glendale Avenue), as well as commercial uses (Niagara Outlet Collection), and the Niagara District Airport.

A Noise Impact Study, dated July 5, 2023, was submitted with the Applications to address potential noise impacts on the subject lands from transportation and stationary sources, as well as the development onto itself. The Study indicates that five (5) outdoor living areas are anticipated to exceed the Ministry of the Environment, Conservation and Parks (the “MECP”) guideline for daytime noise levels due to road traffic. These spaces include the amenity gardens located to the interior of the proposed 17-storey building, as well as the shared elevated outdoor amenity spaces located on the podiums of the buildings. Mitigation is required to address ambient noise levels associated with road traffic, including acoustic barriers, ventilation requirements, upgraded building façade components, and warning clauses. Seven (7) acoustic noise barriers are recommended based on the predicted future traffic noise levels for the outdoor living areas. The Noise Impact Study has also recommended the inclusion of two warning clauses in future agreements for all units on the subject lands.

The Noise Impact Study identified stationary noise sources as those from HVAC equipment from nearby fast food restaurants and the existing buildings on the site which utilize roof-mounted heating, ventilation and HVAC equipment. Predicted stationary noise levels on-site were found to be within the MECP guideline and, as such, no mitigation measures are required for stationary sources.

Niagara Region staff have noted that the Niagara District Airport does not currently have Noise Exposure Forecast (NEF) values and, accordingly, the Noise Study did not consider noise generated from the Niagara District Airport. The applicant has advised that future evaluation of noise impacts identified through the Transport Canada AZR exemption process will be undertaken to implement any additional recommended noise mitigation measures.

The recommendations of the Noise Impact Study will be implemented through the future Site Plan Application, through the final site design components. The clauses related to traffic noise will also be implemented through the future Site Plan Agreement.

#### 5.1.4.7 Urban Design

Niagara Region has an interest in urban design as it relates to Taylor Road (Regional Road 70) and Glendale Avenue (Regional Road 89). Regional Staff has reviewed the information submitted with the Applications, including the Urban Design Brief, Streetscape Study, and Pedestrian Level Wind Study. The Region has noted that the streetscape and interface between the development and Regional Roads will be addressed at the future Site Plan stage in collaboration with the applicant and Town. The Pedestrian Level Wind Study, as discussed in Section 5.1.4.2, recommends a number of mitigation features within the Region’s right-of-way; Regional Staff have indicated that no wind mitigation features may be located within the Region’s right-of-way. At the time of the future Site Plan Application, the Region will require that the Urban Design Brief be updated to consider ways in which the wind mitigation features can be integrated into the design of the site.

The Town OP and current Glendale Secondary Plan contain design guidance for the subject lands. The Glendale Secondary Plan identifies planning principles for good urban design that are aimed at establishing an identity and sense of place for Glendale that is distinct yet true to

the overall identity of the Town. Section 7.4 of the Glendale Secondary Plan sets out circumstances where the Town shall seek and have regard for the advice of the Urban Design Committee in reviewing significant development applications in Glendale. Accordingly, the proposal was presented to the Town's Urban Design Committee on January 31, 2024, for review and feedback. The Urban Design Committee has requested that the applicant return for a further review as part of the Site Plan Application process; however, provided the following recommendations:

- Enhance landscaping, provide more planters within the greenspace being expanded for more of a vegetation pathway to the pedestrian gardens;
- Consider sustainability with green roofs, adding more trees and shrubs, stormwater designs to be reviewed in more detail, and parking spots to be provided with charging stations; and,
- Cell towers on top of the building should be incorporated and visually masked using design elements, look into the loading/moving docking station to provide more room, wind study, and aircraft warning lights.

In response to the above comments from Niagara Region and the Town's Urban Design Committee, the applicant has noted that items related to landscaping, sustainability, stormwater management, and the design of the buildings will be addressed as part of the future Site Plan application. The applicant has committed to returning to the Committee with the Site Plan drawings for their consideration and response. The Town will require the submission of a detailed landscape plan with the Site Plan application, as well as detailed stormwater management plans, and building designs. All of these items will be reviewed by Town and Agency Staff, as well as the Town's Urban Design Committee.

#### 5.1.4.8 Traffic, Access & Parking

Given that Taylor Road and Glendale Avenue are Regionals Roads, Niagara Region has jurisdiction over the applicable road width and traffic requirements. The subject lands are currently accessed through three (3) entrances from Taylor Road; the proposal removes one of the access points, to provide only two (2) accesses to Taylor Road. No new entrances or access points are proposed or required to facilitate the development. A Transportation Impact & Parking Study, dated July 2023, and a revised Transportation & Parking Study, dated February 2024, were submitted with the Applications and reviewed by Niagara Region staff.

The revised Transportation Impact & Parking Study notes that, at full build-out, the development would generate 253 new trips in the AM peak hour, 333 new trips in the PM peak hour, and 365 new trips in the Saturday peak hour. The Study notes that existing capacity issues at two intersections and two highway ramps will be exacerbated as a result of the proposed development, including QEW west to Glendale Avenue and Taylor Road at the Niagara Outlet Collection, and the QEW west to Glendale Avenue south ramp and QEW east to Glendale Avenue north ramp. The Study recommends that the Region, Town and Ministry of Transportation Ontario (the "MTO") monitor the future traffic volumes at these intersections to determine if improvements to traffic control are necessary, and/or adjustment of signal timing. The Study further recommends that additional directional signage be provided to note alternative access points to the Niagara Outlet Collection, as well as signage to ensure that all

driveways and intersections internal to the site remain clear. Niagara Region Staff require the submission of an updated Transportation Study with the future Site Plan Application, with updated traffic counts for the peak summer hours.

The MTO reviewed the initial Transportation Impact & Parking Study, and advised that some of the proposed development is located within the MTO's required 14 metres setback from their right-of-way. Necessary permanent development, such as the proposed buildings, are not permitted within this setback. The MTO has also advised that updated trip counts are required. The MTO had requested the submission of an updated Transportation Study to incorporate their comments and feedback. The applicant submitted the revised Transportation Impact & Parking Study, and provided a number of responses to MTO. This information was circulated to MTO in February and Staff have followed up repeatedly to seek their comments. To-date, the MTO has not provided comments on the revised Transportation Impact & Parking Study. With regard to the 14 metre setback requirement, it is understood that the MTO and Region are engaging in discussions associated with future property limits within the general vicinity of the Glendale Avenue interchange, including the current limits of MTO-owned land which extends down Glendale Avenue to the Taylor Road intersection. The applicant has advised that they have reached out to the MTO to participate in such discussions. To ensure that the MTO's interests are addressed, a Holding (H) provision is included in the amending By-law to require the submission of correspondence from the MTO on matters including, but not limited to, traffic, prior to any development on the site.

No road widenings are required along Taylor Road or Glendale Avenue to accommodate the proposed development. The Region has various easements along Taylor Road, a portion of the easements include parking for the subject lands. Such parking is required to be removed from the Region's easement, otherwise an encroachment/lease agreement will be required. Additional details will be required at the time of the future Site Plan stage with respect to easements in comparison to the proposed development.

With regard to parking, the revised Transportation Impact & Parking Study notes that, in accordance with Town Zoning By-law 4316-09, as amended, the proposed development would require a total of 892 parking spaces. The applicant is proposing a supply of 754 parking spaces, a rate of 0.93 spaces per residential unit, to accommodate the proposed new mixed-use and residential buildings. These parking spaces are proposed to be provided within a two-level underground parking structure, located under the proposed buildings. The Study estimates that the proposal would have a peak parking demand of 614 parking spaces and, therefore, the proposed 754 parking spaces for the new development would be adequate to serve the parking demands. A new above-grade parking structure is proposed at the rear of the existing hotel to accommodate the hotel's parking demand. This parking structure and the reconfigured surface parking will provide at least 564 parking spaces for the hotel.

The Town's Zoning By-law requires one (1) parking space per apartment dwelling units, and applies parking rates based on floor areas for commercial spaces (generally 1 space per 18.5 square metres of gross leasable floor area). The applicant is proposing to reduce the parking requirements based on the pedestrian accessed space provided within the development and trip reduction incentives. The site design incorporates functional building entrances oriented to

public spaces and locations where pedestrians, cyclists and transit users can arrive from the street or public space. The applicant is also proposing to charge for parking as a separate cost to occupants, and the Parking Study anticipates that this will reduce the need for parking spaces by up to 10%. The applicant is further exploring additional opportunities to reduce vehicle reliance, including, but not limited to, ample bicycle parking spaces and associated amenity spaces (i.e., shower facility), and car/ride share.

The current Glendale Secondary Plan, ongoing Glendale Secondary Plan Review, and the Regional Glendale District Plan, envision for Glendale to function as a complete and walkable community, where there are active transportation options, greater connectivity, and opportunities to reduce parking requirements for new developments. Town Staff consider the proposed parking count for the new development to align with the vision and direction contained within the Glendale Secondary Plan work and the approved Regional Glendale District Plan.

With regard to sidewalks, Town Staff will require, as part of the future Site Plan process, that sidewalks be installed with a width of 1.8 metres along the frontage of the property, from the existing Taylor Road entrance to the site southwards (towards the Taylor Road and Glendale Avenue intersection). The installation of this sidewalk will provide further connectivity to the existing sidewalk and multi-use path network.

#### 5.1.4.9 Servicing

A Functional Servicing & Stormwater Management Report, dated July 14, 2023, and a revised Functional Servicing & Stormwater Management Report, dated February 27, 2024, were submitted with the Applications.

The Region reviews stormwater management with respect to impacts to Regional roads, and the MTO reviews stormwater management with respect to impacts to their lands and right-of-way. The Functional Servicing & Stormwater Management Report indicates that the imperviousness of the site will increase by 2%. In order to attenuate flows directed towards the existing drainage ditch along the eastern portion of the site, it is proposed that an underground concrete tank be utilized to provide storage, to ultimately discharge to the drainage ditches on the east side of the lands.

At the time of the future Site Plan application, the Region will ensure that the development will not negatively affect Taylor Road, Glendale Avenue, and the downstream receiving creek. The Region typically reviews matters related to stormwater management once the detailed site and engineering drawings are prepared and submitted, which occurs at the Site Plan stage. Approaches to address stormwater management are dependent on the final build-out design of the site, as well as site and surface treatments. The Region has recommended that Low Impact Development measures be considered to mitigate the development runoff volume impact to the receiving creek, located along Glendale Avenue.

The MTO reviewed the initial Functional Servicing & Stormwater Management Report and advised that post- to pre-development control be assessed for the 5 to 100 year storm events. The MTO also advised that all stormwater and servicing-related infrastructure must be

maintained outside of the 14 metre setback from the highway right-of-way limit, and requested further details related to the proposed underground storage approach through a chamber system.

Town Operations Staff have offered direction regarding the future submission of detailed design drawings related to stormwater management, to ensure appropriate controls are in place. As mentioned with the Regional purview for stormwater management, the Town will require the submission of detailed site and engineering drawings, as well as a detailed Stormwater Management Report with the future Site Plan application, with respect to control matters.

The proposal seeks to connect to a Town-owned water main and wastewater main, both located along Taylor Road. The property is currently serviced by a 200mm watermain and a 500mm sanitary main. While there are two Town-owned watermains located along Taylor Road, the Town requires that only one connection to Town water infrastructure be used for the entirety of the site, and that all flows via that connection be metered through a water meter chamber at the property line. A detailed Servicing Report will be provided at the future Site Plan stage to detail all projected water demands of the site, as well as fire flow calculations. With regard to sanitary, there is sufficient capacity within the Town's sanitary system to accommodate the proposal. The detailed Servicing Report will also provide projected sanitary sewer flows from the site, including flows generated by the anticipated employee count for the proposed uses.

#### 5.1.4.10 Waste Management

Niagara Region is responsible for providing waste collection services. Based on the size and nature of the proposed development, the subject lands would be unable to comply with Regional curbside waste collection limits and, as such, waste collection for the site will be the responsibility of the owner through a private contractor. Details related to waste collection will be addressed during the future Site Plan Application stage.

#### 5.1.4.11 Archaeology

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. The subject lands are identified as having archaeological potential based on the NOP; however, the Town's Archaeological Master Plan does not identify the lands as having archaeological potential. The area of proposed development has further been subjected to site disturbance. Accordingly, an archaeological assessment is not required to support the proposed development. At the time of the future Site Plan application, an archaeological warning clause will be implemented in the Site Plan Agreement respecting any resources or remains should they be encountered during construction activities.

#### 5.1.4.12 Tree Preservation

The Town OP requires that existing trees shall not be unnecessarily removed and that, wherever possible, existing trees should be preserved and protected. Where trees are required to be removed, the replanting of trees is required. An Arborist Report, dated June 7, 2023, and



Tree Inventory & Preservation Plan, dated February 2024, were submitted with the Applications to assess the existing trees on the subject lands and address any necessary tree removals to accommodate the proposal. Of the 136 trees assessed on the subject property, 87 trees are proposed for removal and 39 trees are proposed to be retained. Additional trees and a variety of landscaping is proposed throughout the subject lands. A detailed Landscape Plan, as well as the implementation of the Tree Preservation Plan, will be addressed at the time of the future Site Plan Application. As discussed in Section 5.1.4.7, the Town’s Urban Design Committee will also review the Site Plan submission information with respect to landscaping, to ensure, among other interests, that native species are provided throughout. All trees outside of the immediate areas of development are proposed to be retained.

**5.1.5 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 “Commercial” on Schedule B6 of the proposed Town Official Plan. The proposed Official Plan also carried forward the existing Glendale Secondary Plan.

An Official Plan Amendment would be required to permit residential uses and increased building height under the proposed Official Plan.

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

The subject lands are zoned “Glendale Community Zoning District – Village Commercial (VC-10) Site-Specific Zone” under Zoning By-law 4316-09, as amended.

The application for Zoning By-law Amendment requests to amend the “Village Commercial (VC-10) Site-Specific Zone” to add an apartment building as a permitted use, as well as refine the zone requirements for items such as setbacks, height and distance between buildings.

The current site-specific VC zoning on the property permits the existing uses on the subject lands. The proposal is seeking to permit all uses within the parent Village Commercial (VC) zone, which are largely service-commercial and local-serving uses, in addition to apartment buildings. The VC zone permits to residential dwelling units above and/or behind any commercial use, and the proposed apartment use would allow for residential dwellings on the main floor. The proposed 17- and 21-storey building located along Glendale Avenue would function as an apartment building, with a total of seven (7) main floor residential units, and all other residential units on the second storey or higher.

The Zoning By-law Amendment requests entirely site-specific zoning in terms of zone requirements. The following chart outlines the “Village Commercial (VC) Zone” standards in comparison to the recommended “VC-10 Site-Specific Zone,” as shown on Figure 1 of the draft Zoning By-law Amendment in **Appendix V**.

<b>Zone Requirement</b>	<b>VC Zone</b>	<b>VC-10 Site-Specific Zone</b>
Minimum lot frontage	30.0m	273.0m (Glendale Avenue)
Minimum front yard setback	2.0m	2.0m
Maximum front yard setback	3.0m	2.0m

<b>Zone Requirement</b>	<b>VC Zone</b>	<b>VC-10 Site-Specific Zone</b>
Minimum interior side yard setback	0.0m	N/A
Minimum exterior side yard setback	3.0m	2.0m
Minimum rear yard setback	15.0m	N/A
Minimum landscaped open space	10%	31%
Maximum building height	15.0m	140 metres above sea level (19.0m)
Loading, servicing and garbage areas	Where loading, service and garbage areas are provided in an interior side yard, they shall be located a minimum of 20.0m front the front wall of the building	Loading Spaces will be located greater than 20.0m from the front wall of the building

The subject lands comply with some of the standard VC Zone Requirements, with the exception of the maximum front yard setback, minimum exterior side yard setback and maximum building height. The reduced minimum front yard setback will allow the proposed buildings to be located closer to Taylor Road, which will assist with enhancing the public realm and pedestrian access to the subject lands.

The recommended maximum building height, to 140 metres above sea level, aligns with the requirements of the AZR, and ensures that no impacts will be faced by the Niagara District Airport as a result of the proposed development. Staff have recommended the inclusion of a Holding (H) Provision related to increased height (above 140 metres above sea level) on the site, which would warrant an exemption to the AZR by Transport Canada and require approval from a number of Provincial and Federal agencies. The Airport has advised that they have no concerns related to building heights which are below the AZR restriction. The proposed maximum building height, from grade, is 85.5 metres. Regional and Town policies encourage the use of the subject lands for growth and increased density and Staff are supportive of the proposed building heights.

The By-law amendment also proposes a minimum number of parking spaces for the entirety of the site, with a minimum of 1,318 parking spaces to be provided on the subject lands. This parking minimum is reflective of the existing 564 parking spaces provided on site, in combination with the proposed 754 parking spaces for the new development. Town Staff are supportive of the proposed number of parking spaces on the subject lands.

As discussed through the report, a Holding (H) provision is recommended to address the exemption to the AZR, and require the submission of information to confirm that the lands have merged in title, that a Record of Site Condition has been filed with the Ministry, and that the MTO is satisfied that their interests including, but not limited to, stormwater management, traffic, light trespass, and setbacks, have been addressed.

All other provisions of Zoning By-law 4316-09, as amended, will continue to apply to the subject lands. 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, further comments will be provided at the future Site Plan stage.

Finance – No objection.

Fire and Emergency Services – No objection, further comments will be provided at the future Site Plan stage.

Heritage – No objection, an archaeological warning clause will be required with the future Site Plan Agreement.

Operations – No objection, a detailed servicing review and comments will be provided at the future Site Plan stage.

#### Agency Comments

District School Board of Niagara – No objection, future students of the development can be accommodated at St. Davids Public School and A.N. Meyer Secondary School.

Enbridge Gas – No objection.

Ministry of Transportation Ontario (MTO) – A Holding (H) provision has been added to ensure that all MTO interests are satisfied prior to any development on the subject lands. The MTO has been circulated all information provided with the Applications to date.

Niagara Catholic District School Board – No objection, future students of the development will be accommodated at St. Michael Catholic Elementary School and Holy Cross Secondary School.

Niagara District Airport – No objections to building heights within the AZR permissions. Additional height requires an exemption to the AZR from Transport Canada.

Niagara Escarpment Commission – No objection, the lands are not within the Niagara Escarpment Commission Development Area of Control. Comments related to height provided and a request that the design of the buildings is considered to ensure that they blend in the naturalized Escarpment.

Niagara Region – No objection, subject to the implementation of a Holding (H) provision related to the AZR and submission of a Record of Site Condition. A detailed servicing review will be completed at the future Site Plan stage.

Niagara Peninsula Conservation Authority – No objection.

Public Comments

An electronic Open House was held on September 19, 2023. Three (3) members of the public were in attendance, and no questions or comments were offered. Two (2) members of the public attended the statutory Public Meeting on October 3, 2023. Following the Public Meeting, five (5) letters of objection to the proposal were submitted, alongside a resident petition containing 140 signatures and an online petition containing 498 signatures, both in objection to the proposed building height. Comments from the public are provided in **Appendix VII** of this report and are summarized as follows:

Public Comment	Response
Increased Traffic and Pedestrian Safety (Glendale Avenue & Taylor Road Intersection)	Addressed in Section 5.1.4.8  Additional traffic and access-related work will be required as part of the future Site Plan Application, to ensure adherence to MTO and Regional requirements.
Environmental Sustainability/Ecological Concerns related to: energy use, bird collisions, waste management, fire response, loss of trees, overall climate change concerns	Addressed in Sections 5.1.4.7, 5.1.4.10, 5.1.4.12 and 5.3  The Town’s Urban Design Committee has recommended that the applicant consider sustainable practices and building features. The design of the building can assist with reducing potential bird collisions.
Not enough parking on-site	Addressed in Section 5.1.4.8
Buildings are too tall and do not maintain the Town’s historical feel and charm	Addressed in Sections 5.1.4.1, 5.1.4.2, and 5.1.4.7
No local service areas for future residents (e.g., grocery store, medical offices, schools, etc.)	Addressed in Section 5.1.4.4  The proposed commercial uses on the subject lands include local services.
The proposal does not provide any greenspace	Addressed in Section 5.1.4.7  The subject lands will provide for over 31% landscaped open space.
Taller buildings should be located closer to the centre of the lands	Addressed in Sections 5.1.4.1, 5.1.4.2, and 5.1.4.7  The location of the buildings close to Taylor Road and Glendale Avenue will assist with

	animating the street and creating an enhanced public realm.
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**5.4 Future Site Plan Requirements**

As noted throughout the report, there are a number of site plan requirements to be addressed as part of a future site plan application, including but not limited to:

- Urban Design Brief to address wind mitigation measures and building details
- Landscaping Plan
- Update to the Noise Study
- Update to the Transportation Study
- Tree Preservation Report
- Site Servicing Report, including water and sanitary, and stormwater management specifics. Additional studies may be required to support the proposed underground parking structure.
- Updated Phase One Environmental Site Assessment, and Phase Two Environmental Site Assessment
- 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**

The owner will be responsible for all costs associated with the development, including future application fees and securities for Site Plan Approval and/or Draft Plan of Condominium.

**9. ENVIRONMENTAL IMPLICATIONS**

The proposal will require removal of 87 of the existing 136 trees that were assessed on the subject lands. The assessed trees are located within the general proximity of the area of development, and the subject lands contain additional vegetation and canopy throughout. The proposal will accommodate the planting of new trees at the time of the future Site Plan application, alongside robust plantings throughout public amenity spaces. Town Staff and the Town’s Urban Design Committee will review the future detailed Landscape Plan, and implement the Tree Preservation Plan, to ensure that additional landscaping and trees are

provided throughout the site in alignment with the Town’s approved tree list and native species.

**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 OPA-07-2023 and Zoning By-law Amendment ZBA-16-2023, 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-23-193** – Public Meeting – 253 Taylor Road – Information Report, October 3, 2023

**13. APPENDICES**

- **Appendix I** – Site Plan, Elevations and Renderings
- **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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