



Town of Niagara-on-the-Lake

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

REPORT #: CDS-25-005 **COMMITTEE DATE:** 2025-01-14
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2025-01-28
SUBJECT: 2203 Niagara Stone Road (Second Mile) Draft Plan of Condominium
(26CD-18-24-05) - Extension to Draft Plan Approval

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **APPROVE** an extension to draft plan approval for the 2203 Niagara Stone Road (Second Mile) Draft Plan of Vacant Land Condominium (26CD-18-24-05), attached as **Appendix III** to this report, for a period of two (2) years, subject to the existing conditions of final approval contained in **Appendix IV** to this report.

2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council for an application to extend the existing draft plan approval for the 2203 Niagara Stone Road (Second Mile) Draft Plan of Vacant Land Condominium.
- The application requests a two-year extension to November 22, 2026, to allow additional time to finalize the remaining conditions of approval for the development.
- Per Town Policy PDS-PLG-005, a 3-month approval has been granted by the Director of Community and Development Services from November 22, 2024, until February 21, 2025.
- Staff recommend approval of the extension request.

3. PURPOSE

The Town has received an application requesting the extension of draft plan approval granted under the *Planning Act* for the 2203 Niagara Stone Road (Second Mile) Draft Plan of Vacant Land Condominium (26CD-18-24-05). The request letter is attached as **Appendix I** to this report. The *Planning Act* allows for the approval authority (Council) to provide such an extension for a specified time period. The extension to draft plan approval will allow the owner to complete all conditions of final approval and registration of the Draft Plan of Vacant Land Condominium.

4. BACKGROUND

The subject lands are located on the southeast side of Niagara Stone Road, north of Garrison Village Drive in the Old Town urban area of the Town. The subject lands are irregularly shaped and have an area of 0.77 hectares (1.9 acres), with 105.18 metres of frontage on Niagara Stone Road. There is existing driveway access from Niagara Stone Road, as well as a watercourse and natural area along the southeast portion of the subject property.

Surrounding lands include the Community Centre, Public Library, District 1 Fire Station, and a mix of residential, commercial and agricultural land uses (see the Location Map in **Appendix IV** to this report).

The Draft Plan of Vacant Land Condominium approval was initially granted in November 2021 for a period of three years until November 22, 2024. The draft plan approval was granted subject to the satisfaction of conditions in order to obtain final approval. The draft plan conditions are attached as **Appendix II** to this report.

Pursuant to Town Policy PDS-PLG-005, the Director of Community & Development Services authorized a temporary extension of 3 months (until February 21, 2025) to facilitate circulations, receiving of comments, and prepare a Staff report for Council consideration.

5. DISCUSSION / ANALYSIS

Subsection 9(2) of the *Condominium Act*, 1998 directs that Section 51 of the *Planning Act* applies with necessary modifications to a condominium.

Subsection 51(24) of the *Planning Act* provides criteria for evaluating a proposed draft plan of subdivision (and condominium). Section 51(33) provides that the Town may extend the approval of a draft plan of subdivision/condominium for a time period specified by the Town and that further extension is permissible, but no extension is permissible if the approval lapses before the extension is given.

Town Policy PDS-PLG-005 provides the following standard basis for considering requests to extend draft plan approval:

It is a policy of the Council for the Town of Niagara-on-the-Lake that extensions of Subdivision and Condominium Draft Plan Approval may be granted for up to a maximum of 3 (three) years based on the following guidelines:

- 1. That the subdivision (condominium) continues to satisfy the criteria contained in Section 51 (24) of the Planning Act.*
- 2. That all municipal services required continue to be available.*
- 3. That the conditions of draft approval continue to be relevant and up-to-date.*
- 4. That the subject development is progressing satisfactorily in the opinion of the approval authority.*

Draft Plan Approval of the development is subject to the satisfaction of 52 conditions imposed by Town and/or Agency Staff. Approval of the draft plan would facilitate the construction of six (6) townhouse dwelling units. Additional time has been requested due to the past (related to the pandemic) and current market conditions. The majority of the conditions of Draft Plan Approval have been addressed, subject to the execution of the Condominium Agreement.

As confirmed by the circulation of the extension request documents, Town Staff, Niagara Region and Niagara Peninsula Conservation Authority staff have no objections to the requested extension.

Staff is satisfied that the Draft Plan continues to conform with the criteria of Section 51(24) of the *Planning Act*. Municipal services are available to the subject lands. Town Staff and agencies have been circulated and are satisfied that the conditions of final approval address current requirements for development.

6. STRATEGIC PLAN

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

Pillar

1. Vibrant & Complete Community

Priority

1.1 Planning for Progress

Action

1.1 b) Planning for Progress Initiatives

7. OPTIONS

Council may:

- 7.1 Approve the request (***Recommended***);
- 7.2 Approve an extension for an alternate period of time or,
- 7.3 Refuse the application (***Not recommended***). Per Section 51 (43) of the *Planning Act*, a draft plan approval may be appealed to the Ontario Land Tribunal any time before final approval.

8. FINANCIAL IMPLICATIONS

The owner is responsible for all costs associated with the development of the Draft Plan of Vacant Land Condominium including payment of cash-in-lieu of parkland dedication. The Town will collect Development Charges at the time of Building Permit issuance.

9. ENVIRONMENTAL IMPLICATIONS

The existing conditions of draft plan approval address environmental requirements from the Niagara Region and Niagara Peninsula Conservation Authority; these agencies have cleared all environmental conditions of Draft Plan Approval.

10. COMMUNICATIONS

The owner and agencies will be advised of the Council's decision on the request for the extension to draft plan approval.

11. CONCLUSION

Community and Development Services Staff recommend approval of the application to extend draft plan approval to the 2203 Niagara Stone Road (Second Mile) Draft Plan of Vacant Land Condominium (26CD-18-24-05) for a two-year period. The applicant has satisfied the majority of the conditions of Draft Plan Approval and continues to work with Town Staff towards final approval and execution of the Condominium Agreement. The existing conditions are appropriate, and the Draft Plan meets *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms with the Niagara Official Plan and Town Official Plan.

12. PREVIOUS REPORTS

- **CDS-21-027** (November 8, 2021) - Southeast Side of Niagara Stone Road - South of Anderson Lane Official Plan Amendment (OPA-03-2020) Draft Plan of Vacant Land Condominium (26CD-18-20-02) Zoning By-law Amendment (ZBA-15-2020)

13. APPENDICES

- **Appendix I** – Extension Request Letter (from Applicant)
- **Appendix II** – Conditions of Final Approval
- **Appendix III** – Draft Plan of Condominium
- **Appendix IV** – Location Map

Respectfully submitted:

Prepared by:



Faegheh Farokhizad, B.ARCH, M.ARCH, MBA
Development Coordinator

Recommended by:



Aimee Alderman, MCIP, RPP
Manager of Development Planning

Recommended by:



Kirsten McCauley, MCIP, RPP
Director, Community & Development
Services

Submitted by:



Bruce Zvaniga
Chief Administrative Officer (Interim)