

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

SUBJECT: Public Meeting – 524 York Road (Phase 2)
Official Plan Amendment Application (OPA-01-2025), Zoning By-law
Amendment Application (ZBA-01-2025)

DATE: 2025-06-03

REPORT #: CDS-25-056

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DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

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

Applications have been received for an Official Plan Amendment and a Zoning By-law Amendment on the subject lands. The applications would permit the development of a ten (10) storey hotel building consisting of 207 hotel suites, and two (2) standalone restaurants on the southern portion of the subject lands. The northern portion of the subject lands is already developed with two hotel buildings and an associated parking lot. The current proposal is for the second phase of development on the subject lands, located on the southern portion of the property.

The Official Plan Amendment proposes to redesignate the southern portion of the subject lands to site-specific “Hospitality Precinct” to permit an increased height for the hotel and to permit surface parking along public streets, being York Road, which shall be screened from public view.

The Zoning By-law Amendment requests to modify the existing “Glendale Community Zoning District – Regional Commercial (RC1-15) – Site Specific Zone” which applies to the northern portion of the subject lands. The amendment proposes to expand the existing site-specific zone to encompass the southern portion of the lands, requesting a range of site-specific provisions. A Holding (H) Provision is proposed which shall not be removed until such time as an exemption to the Airport Zoning Regulation is granted by Transport Canada for building heights greater than 140 metres above sea level on the southern portion of the subject lands.

The lands were previously subject to an Official Plan Amendment and Zoning By-law

Amendment in 2017 to facilitate the development of the two (2) hotel buildings and associated parking area located on the northern portion of the subject lands, known as Phase 1. Additional Official Plan Amendment and Zoning By-law Amendment applications were approved on the subject lands in 2024 to redesignate and rezone a portion of the lands to permit a private roadway connecting to Glendale Avenue.

The subject lands are within the Glendale Secondary Plan area. While the new Secondary Plan was approved by Council in January, it remains under appeal with the Ontario Land Tribunal.

Location

The subject lands are located east of Glendale Avenue, north of York Road, west of Counsell Street and south of Queenston Road in the Urban Area of Glendale (see **Figure 1**).

The subject lands have an area of 2.83 hectares, with a total of 179.14 metres of frontage along York Road.

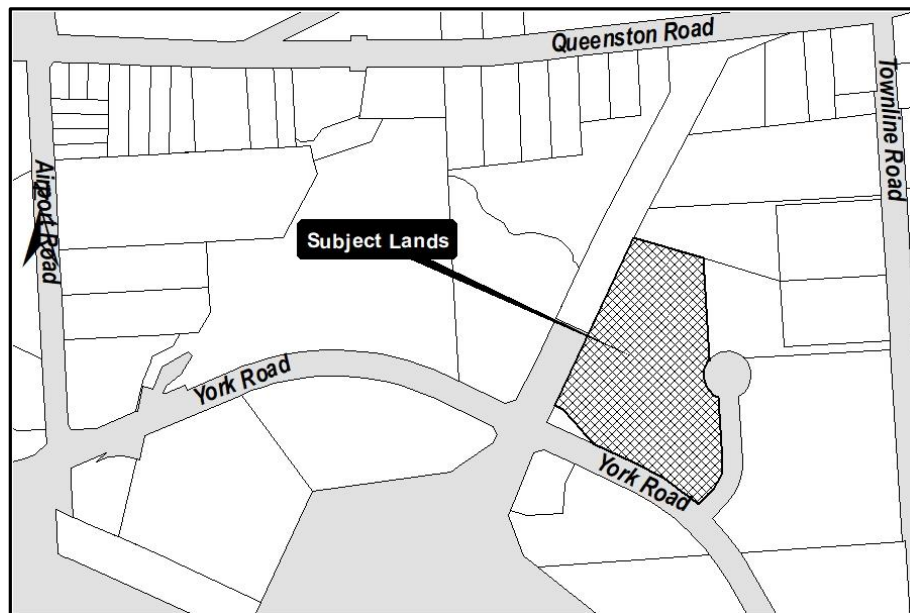


Figure 1: Location of the Subject Lands

The subject land currently contains two hotels (Staybridge Suites and the Holiday Inn Express), a surface parking lot, and a private road which travels east west and connects to Glendale Avenue and Counsell Street. The surrounding lands include conservation, residential, commercial, industrial, and institutional uses.

Development Process

The Applications are in the first phase of the development review process. Should the Official Plan Amendment and Zoning By-law Amendment be approved by Council, the applicant will be required to obtain Site Plan Approval to facilitate the proposal.

Proposal

Applications have been received to facilitate the development of a ten (10) storey hotel building consisting of 207 hotel suites in addition to two (2) standalone restaurants, each being one (1) storey in height on the southern portion of the lands.

The Official Plan Amendment proposes to redesignate the southern portion of the subject lands to site-specific “Hospitality Precinct” to permit an increased height of ten (10) storeys for the proposed hotel and to permit surface parking along public streets, being York Road, which shall be screened from public view.

The Zoning By-law Amendment requests to modify the existing “Glendale Community Zoning District – Regional Commercial (RC1-15) – Site Specific Zone” which applies to the northern portion of the subject lands. The amendment proposes to expand the existing site-specific zone to encompass the southern portion of the lands, requesting site-specific provisions for height, the number and location of loading and parking spaces, and setbacks to an outdoor patio restaurant, loading area, internal road, driveway or parking area. A Holding (H) Provision is proposed which shall not be removed until such time as an exemption to the Airport Zoning Regulation is granted by Transport Canada for building heights greater than 140 metres above sea level on the southern portion of the subject lands.

A draft site plan, elevations and renderings are attached as **Appendix I** to this report.

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

- Application Form (Official Plan Amendment and Zoning By-law Amendment) – February 20, 2025.
- Cover Letter – February 27, 2025.
- Stage 1-2 Archaeological Assessment – September 13, 2024.
- Ministry Clearance Letter (MCM) – November 19, 2024.
- Site Plan, Floor Plans, Elevations – January 27, 2025.
- Draft Official Plan Amendment – February, 2025.
- Draft Zoning By-law Amendment – February, 2025.
- Environmental Impact Study – January, 2025.
- Exemption Request from Airport Zoning Regulation – February 18, 2025.
- NAV Canada Acknowledgement Letter – December 4, 2024.
- Functional Servicing Report – February 7, 2025.
- Geotechnical Investigation – May 15, 2015.
- Letter of Reliance and Seismic Design Comments – January 17, 2025.
- Landscape Plan – February 20, 2025.
- Noise Impact Study – February 18, 2025.
- Pedestrian Wind Assessment – February 18, 2025.
- Planning Rationale Report – February, 2025.
- Property Index Map and Parcel Register – March 12, 2025.
- Stormwater Management Report – February, 2025.
- Transportation Impact Study – February, 2025.
- Transportation Impact Study Synchro Modelling
- Tree Inventory and Preservation Plan – January 23, 2025.
- Urban Design Brief – February 2025.

The application materials can be found on the Town’s website here: [524 York Road \(Phase 2\) - OPA-01-2025, ZBA-01-2025 | Town of Niagara-on-the-Lake](#)

The Applications were deemed complete by Town Staff on March 28, 2025.

Policy Review

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

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

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

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

Provincial Planning Statement, 2024

The subject lands are identified as a “Settlement Area” under the Provincial Planning Statement (“PPS”). The PPS sets the overall policy direction for regulating land use in Ontario.

The PPS indicates that growth and development are intended to be directed primarily to settlement areas, and further where applicable to strategic growth areas. Strategic growth areas are intended to accommodate significant population and employment growth and are identified by municipalities to be the focus for accommodating intensification to support the achievement of complete communities. Strategic growth areas are focal areas for education, commercial, recreational and cultural uses and higher density, compact development.

Niagara Official Plan, 2022

As of March 31, 2025, pursuant to Bill 185 the *Cutting Red Tape to Build More Home Act, 2024*, the *Planning Act* was amended to recognize the Regional Municipality of Niagara as an upper-tier municipality without planning responsibilities. Accordingly, the Niagara Official Plan (“NOP”) has been downloaded to the Town of Niagara-on-the-Lake and other local area municipalities across the Region to implement the policy direction contained therein.

The subject lands are identified as being within the “Designated Greenfield Area”, as well as a “Strategic Growth Area” in the NOP.

The NOP directs that designated greenfield areas be planned as complete communities by ensuring that development is sequential, orderly, and contiguous with existing built-up areas, ensuring infrastructure capacity is available and supporting active transportation.

The subject lands are located within the Glendale District Plan area. The District Plan promotes a range of land uses and built form, promotes sustainability and resiliency through development and encourages high-quality public and private realm through strong urban design direction. According to the Demonstration Plan included in the Glendale District Plan, the subject lands are intended to be used for hospitality and environmental conservation purposes.

The Glendale area is identified as a strategic growth area intended to accommodate intensification and higher density mixed uses in a more compact built form. The Glendale area is identified in the NOP as having a minimum density target of 100 people and jobs per hectare, to be confirmed through creation of the Secondary Plan.

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

The subject lands are identified as “Prestige Industrial” and “Conservation” on Schedule F, and “Greenfield Area” on Schedule I-5 of the Town’s Official Plan (“Town OP”). The subject lands are located within the Glendale Secondary Plan Area (Special Policy Area A-7) and were subject to Official Plan Amendment No. 69, which designated the northern portion of the lands “Hospitality Precinct (EX-HP-01) Site Specific”, with the remainder of the subject lands considered a “Hospitality Precinct” with “Environmental Conservation Area” on Schedule F1 of the Secondary Plan. Schedule F2 of the Secondary Plans identifies maximum applicable building heights on the subject lands ranging from two (2) storeys to five (5) storeys.

The Town OP directs that growth, and development is to be accommodated within the existing urban boundaries. The Official Plan policies support the development of compact, vibrant, sustainable, integrated, and complete communities.

Town Staff acknowledge that the Glendale Secondary Plan update was recently approved by Town Council but was subsequently appealed to the Ontario Land Tribunal. Accordingly, the policies of the existing Glendale Secondary Plan are in force and effect for the subject lands and are applicable to the Applications.

The Glendale Urban Design Guidelines (“UDG”), which accompanied the Official Plan Amendment for the Secondary Plan update, were endorsed by Town Council in January 2025. The UDG provides design direction for community design, streetscape elements, natural heritage system, parks and open spaces, active transportation, in addition to guidelines for the private realm. The subject lands are identified under the mixed-use areas guidelines and the guidelines contained in this section will be considered during the review of the Applications, in addition to applicable guidance on community design and streetscape elements.

The Glendale Secondary Plan that is currently in effect intends to establish an area that achieves a unified, holistic view of a distinct “walkable” community that attracts employment uses and establishes a 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 Secondary Plan also directs street-oriented hotels and other commercial uses be provided within the Hospitality Precinct along York Road.

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

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan is currently being reviewed and updated, but has not been adopted and is therefore not in effect, but represents Council’s intent. The northern portion of the subject lands are designated “Commercial (S4-20) Site Specific”, while the southern portion of the lands subject to the development proposal are designated “Commercial”. Permitted uses within the Commercial designation include retail, business, and office spaces/shops, hotels and restaurants.

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

The northern portion of the subject lands are zoned “Glendale Community Zoning District – Regional Commercial (RC1-15) Site Specific Zone”, with the southern and western portions of the subject lands respectively zoned “Glendale Community Zoning District – Regional Commercial (RC1) Zone” and “Glendale Community Zoning District – Open Space Feature (OSF) Zone”.

Requested Amendments

The Official Plan Amendment proposes to redesignate the southern portion of the subject lands to site-specific “Hospitality Precinct” to permit an increased height of ten (10) storeys for the proposed hotel and to permit surface parking along public streets, being York Road, which shall be screened from public view.

The Zoning By-law Amendment requests to modify the existing “Glendale Community Zoning District – Regional Commercial (RC1-15) – Site Specific Zone” which applies to the northern portion of the subject lands. The amendment proposes to expand the existing site-specific zone to the southern portion of the lands requesting site-specific provisions for height, the number and location of loading and parking spaces, and setbacks to an outdoor patio restaurant, loading area, internal road, driveway or parking area. A Holding (H) Provision is proposed which shall not be removed until such time as an exemption to the Airport Zoning Regulation is granted by Transport Canada for building heights greater than 140 metres above sea level on the southern portion of the subject lands.

The following chart outlines the existing “Regional Commercial (RC1) Zone” standards in comparison to the requested “Site Specific Holding RC1-H Zone”:

Zone Requirement	RC1 Zone	Site Specific RC1 Holding Zone
Maximum Building Height	12.0 metres	33.0 metres

Additional site-specific general provisions are requested as follows:

Provision	Requirement	Site Specific RC1 Holding Zone
Loading Space Requirements	All off-street loading spaces shall be located in the interior side or rear 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 m (80.05 ft) from the street line;	Notwithstanding Subsection 6.27(e), on the lands identified as RC1-15, loading spaces shall be permitted in the interior side or rear 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 3.0 m (9.84 ft) from the street line.
Outdoor Patio Restaurant	An outdoor patio restaurant shall be located a minimum of 3.0 m (9.84 ft) from any loading area, parking spaces, internal road or driveway located on the lot;	Notwithstanding Subsection 6.36(c), an outdoor patio restaurant shall be located a minimum of 1.5 m (4.92 ft) from any loading area, parking spaces, internal road or driveway located on the lot;
Parking Space Requirements	Hotel - 1 per guest room in addition to other uses identified herein Restaurant - 1 per 9 square metres of ground floor area Restaurant, Outdoor Patio - 1 per 30 square metres of ground floor area of outdoor patio area in addition to the requirements for a restaurant or take out restaurant	Notwithstanding the provisions of Subsection 6.39, the following parking requirements shall apply to the lands identified as RC1-15: Hotel - 1 parking space per guest room including any accessory uses Restaurant - 1 per 22.5 square metres of ground floor area and no parking shall be required for a patio space associated with a restaurant.

Consultation

The applications were circulated to Town Departments and external agencies for review and comment. Public Notice of the proposal was provided as required by the *Planning Act*.

To date, the following comments have been received:

Town Comments

Building – No objection.

Finance – No objection.

Fire and Emergency Services – No objection.

Heritage – The Town is in receipt of a Stage 1 and 2 Archeological Assessment dated September 13, 2024. The applicant is required to send in the Ministry clearance letter for the assessment once it is received prior to any ground disturbance occurring.

Operations – Town Operations Staff require an updated Functional Servicing Report and Stormwater Management Report which addresses comments related to water servicing, as well as the ability to control stormwater flows on the subject lands. Town Operations Staff note that the Town will require that the owner install, at its own expense, a new sidewalk being 1.5 metres in width along the full property frontages of Glendale Avenue, York Road, and Counsell Street. Additionally, the Town will require that the owner improve Counsell Street to an urban curb and gutter cross section.

Forestry – Tree removals will not be permitted in areas that are part of the Natural Environment System if a portion of the property is classified as a Significant Woodland. Town Forestry Staff reserve comments until such time as an Environmental Impact Study Addendum is received.

Agency Comments

Enbridge – No objection.

Niagara Peninsula Conservation Authority (NPCA) – The NPCA requires an updated Geotechnical Report to confirm whether the conclusions and recommendations of the original report submitted for the Phase 1 lands are still valid.

The Niagara District Airport objects to the applications, given the height of the proposed development. The applications are in contravention of the Federal Airport Zoning Regulations. Those regulations were put in place to ensure the safety of aircrafts, protection of current airport operations and the future use and configuration of the airfield. Niagara District Airport highlights that the airport itself is only a commenting agency, and the regulations themselves are Federal regulations of Transport Canada

Niagara-on-the-Lake (NOTL) Hydro - NOTL Hydro expects to supply power to this proposed development by extending the three-phase primary underground infrastructure that was previously installed up to the transformer at the Holiday Inn during Phase 1.

Niagara Region – Regional staff is unable to complete the review of these applications from an environmental perspective, as additional information is requested to confirm that the proposal will not have negative impacts on the Regional Natural Environment System. Based on staff

observations and the findings of the Phase 1 Environmental Impact Study (“EIS”), the woodland appears to meet the criteria for classification as a Significant Woodland. Consistent with NOP Policy 3.1.9.5.1, Significant Woodlands are to be fully protected, and removals are not permitted. An EIS Addendum (with changes clearly identified to facilitate review) is requested to address the concerns outlined in the comment letter. An updated Transportation Impact Study is also required to address the technical comments provided. Regional Staff recommend the inclusion of a clause in the future site plan agreement pertaining to the implementation of the recommended noise mitigation measures, in addition to final architectural drawings being stamped by an acoustical engineer to ensure noise control measures are incorporated. Regional Staff is satisfied with the conceptual landscape design but suggest that more trees be added along the surface parking areas to provide visual screening. Based on the Pedestrian Wind Assessment submitted, the proposed hotel building appears to create gusts that may exceed the safety criterion in the area at the corner of the site and York Road. The design of the building and site should include mitigative elements that will reduce wind speeds.

TransCanada Pipelines Limited – No objection.

Public Comments

An electronic Open House was held on April 16, 2025, attended by one (1) member of the public. The Open House attendee asked questions of clarification regarding the height of the proposed hotel and the Airport Zoning Regulation exemption process. At the time of report preparation, Town Staff has not received any comments from residents.

NEXT STEP / CONCLUSION

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

ATTACHMENTS

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