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

SUBJECT: Public Meeting – 1544-1546 Four Mile Creek Road
Official Plan Amendment (OPA-01-2026)

DATE: 2026-03-03

REPORT #: CDS-26-027

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DEPARTMENT: Planning, Building & 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 submitted information, and all comments received will be considered through the review of the applications. No recommendations are being made at this time.

An Application for an Official Plan Amendment (the “OPA Application”) has been received for the subject lands, known municipally as 1544-1546 Four Mile Creek Road. The OPA Application was identified as a requirement through the review of the associated Zoning By-law Amendment application, Town File ZBA-04-2025 (the “ZBA Application”).

The OPA Application proposes to redesignate the “Service Commercial” portion of the lands to a site-specific “Service Commercial” designation to permit the proposed residential and commercial development. The existing “Conservation” designation on the lands would be maintained.

Associated Zoning By-law Amendment Application & Proposal Revisions

The information below is intended to provide context for the overall proposal on the subject lands. The ZBA Application is not the subject of the Public Meeting held this evening. The ZBA Application will be reviewed concurrently with this OPA Application, and a combined future recommendation report will be provided to the Committee and Council to ensure a coordinated review of the proposal.

The associated ZBA Application was the subject of a Statutory Public Meeting on September 9, 2025, during the Committee of the Whole-Planning Meeting. Report CDS-25-121, dated September 9, 2025 (Information Report for the Public Meeting of the ZBA Application) describes the initial ZBA Application and can be found here: <https://pub-notl.escribemeetings.com/filestream.ashx?DocumentId=41606>

At the time of the initial ZBA Application submission, the proposal was to facilitate a mixed-use development on the subject lands, including the construction of one (1) two-storey commercial building along the frontage of the property, and one (1) four-storey standalone residential building with 29 residential units at the rear of the property. The initial ZBA Application also proposed 200 parking spaces accommodated on the surface and underground. The ZBA Application proposed to remove the Holding (H) Provision of the “Virgil Community Zoning District – Village Commercial Holding (VC-H) Zone” and establish site-specific provisions for the build-out of the proposal, including provisions for building height, rear yard setbacks, buffering, and permitted yard encroachments.

With the new submission of the OPA Application, some revised ZBA Application materials were submitted to address comments received from Town Departments, Agencies, and the Public, through the ZBA review process. The following changes to the overall proposal have been made since the initial ZBA Application submission:

- The residential building is now proposed to be 5-storeys with 31 residential units and rooftop amenity space.
- Parking count increased through the expansion of the proposed underground parking, increasing the number of spaces from the originally proposed 200 spaces to 241 spaces.
- Reduced the number of outdoor patios from four (4) to three (3).

As a result of the revised proposal, the ZBA Application seeks to facilitate additional site-specific provisions and proposes to rezone the conservation portion of the lands to “Open Space (OS) Zone.” Staff review of the revised ZBA Application is ongoing.

Location

The subject lands are currently comprised of two parcels located on the west side of Four Mile Creek Road, south of Niagara Stone Road, in the urban area of Virgil (see **Figure 1**). The overall property has an area of approximately 1.07 hectares (10,688 square metres) and a frontage of 165 metres along Four Mile Creek Road.

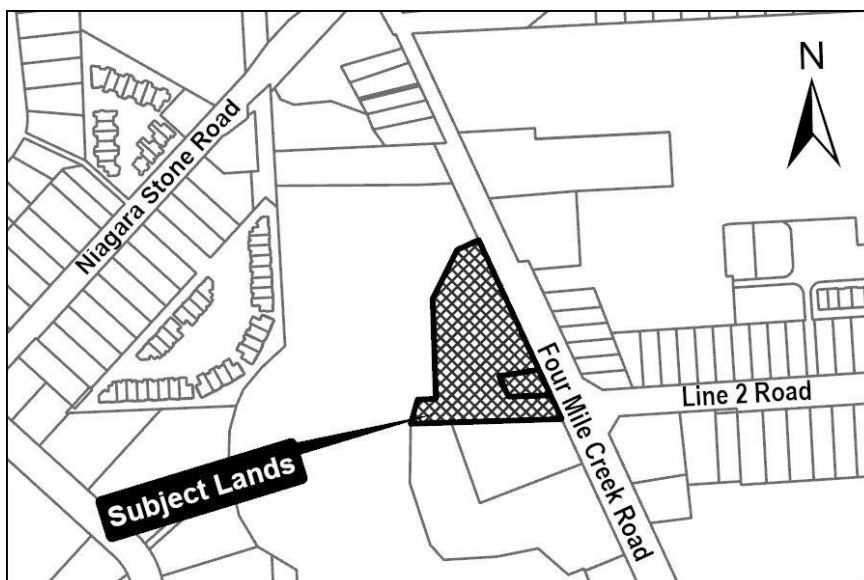


Figure 1: Location of subject lands

The subject lands currently contain an existing single-detached dwelling and detached accessory building. There are several mature trees on the property, as well as a conservation area to the north and west. Surrounding lands are comprised of residential, commercial, institutional, and open space uses. The lands are adjacent to the Lower Virgil Dam and Reservoir, including woodlands and wetlands regulated by the Niagara Peninsula Conservation Authority (NPCA). The southern portion of the subject lands contain ongoing access granted to the Town and NPCA for maintenance of the Reservoir and access to irrigation.

As the subject lands are comprised of two parcels, the lots must merge in title in order to facilitate the proposal.

Development Process

The proposal is still in the first phase of the development review process, being the review of the ZBA and OPA applications. Should the ZBA and OPA applications be approved by Council, the applicant will be required to obtain Site Plan Approval in order to facilitate the build-out of the proposal.

Proposal

An application for an Official Plan Amendment has been received for the subject lands, to facilitate a mixed-use development on the lands, including a 2-storey commercial building with associated outdoor patios, a stand-alone 5-storey residential building with 31 units and associated amenity spaces, as well as 241 parking spaces in total proposed at both surface level and underground.

Staff note that the proposal continues to include the Line 2 Road allowance as part of the development, including several parking spaces proposed in this area. Town Staff and the applicant are continuing discussions on this matter.

The OPA Application proposes to redesignate the “Service Commercial” portion of the lands to a site-specific “Service Commercial” designation to permit the proposed residential building, residential net density, and to address parking located in front of the residential building. The existing “Conservation” designation on the lands would be maintained.

The architectural drawings (site plan, underground parking layout, elevations, and building sections) are attached as **Appendix I** to this report.

The following documents have been submitted in support of the OPA submission and ZBA resubmission, and are being considered during the review of the proposal:

- Official Plan Amendment Application Form
- Architectural Drawing Set
- Landscape Plan
- Planning Justification Addendum
- Draft Zoning By-law Amendment
- Draft Official Plan Amendment
- Urban Design Brief
- Land Use Compatibility Study
- Screening Level Air Quality Assessment
- Phase 2 Environmental Site Assessment

- Retail Market Study
- Noise Study
- Functional Servicing Brief
- Stormwater Management Report
- Transportation Impact Study

The submitted materials can be found at the following link: <https://www.notl.com/business-development/public-planning-notice/1544-1546-four-mile-creek-road-zba-04-2025-opa-01-2026>

The OPA Application was deemed complete by Town Staff on January 29, 2026.

Policy Review

The following provides a general overview of the policy framework regarding the OPA Application. A full policy review will be completed and included in a future 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* permits individuals to request amendments to a municipal official plan and/or zoning by-law.

Provincial Planning Statement, 2024

The subject lands are identified as being within 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. The policies provide direction for managing and directing efficient use of land, resources and services, supporting active transportation, as well as promoting sustainable land use patterns that are appropriate for the existing infrastructure. A range and mix of housing options and general intensification and redevelopment is encouraged to support the achievement of complete communities.

Niagara Official Plan, 2022

The subject lands are within a “Delineated Built-Up Area” in the Niagara Official Plan (the “NOP”).

The NOP outlines that forecasted growth shall be directed to settlement areas, including built-up areas. The objectives of facilitating development in settlement areas include accommodating growth through strategic intensification, planning for orderly implementation of infrastructure and services, and supporting the overall health of the community. Development in urban areas should support intensification targets, compact built form, a range of housing types, overall quality of life, and the efficient use of existing services and infrastructure.

The NOP allocates a minimum residential intensification target of 25% to the Town. To support the achievement of this target, the NOP directs that a mix of housing options should be provided to address current and future needs. Further, residential intensification is encouraged to be planned to mitigate and adapt to the changing climate through facilitating compact built form.

The NOP regulates lands within the Natural Environment System (NES), including features such as woodlands and wetlands in conservation areas. The objectives within the NES lands are to ensure the ongoing protection of the features and maintain their ecological functions.

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

The subject lands are designated “Service Commercial” and “Conservation” on Schedule C and “Built Up Area” on Schedule I-2 of the Town of Niagara-on-the-Lake Official Plan (the “Town OP”).

The Town OP provides growth management policies under Section 6A and outlines intensification policy direction to accommodate additional growth within the Built-up Areas and land use compatibility criteria to ensure compatibility with surrounding lands and existing municipal infrastructure and services. The Built-up Area policies further encourage mixed-use development within the commercial areas, with a preferred built form of a minimum two-storey commercial building with commercial uses on the ground floor and with residential units or office uses located above. The policies also require parking for new mixed-use development to be located at the rear of the building. Minimum and maximum residential net densities are established in the Town OP.

The Town OP identifies that retail commercial uses catering to travellers who rely heavily upon vehicular traffic for their business are the main uses of the Service Commercial designation. Dwelling units are permitted as a secondary use, and business offices are permitted independent of a main use. The goals and objectives of the commercial designation are to meet the shopping and service needs of residents and tourists, control orderly growth within the commercial designation areas, minimize the impacts of commercial development on the traffic carrying capacity of adjacent roads, and promote compact forms of commercial development.

The Town OP sets out that vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effects of turning movements on adjoining roadways, and joint access will be designed to serve multiple commercial uses. Further, off-street parking areas for commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not negatively impact on abutting or nearby residential uses.

The Town OP further states that dwelling units permitted in the commercial designation may be restricted in the implementing Zoning By-law to the upper floors of a building so as not to detract from the prime function of the commercial designation.

The Town OP notes that, in considering an application to amend the Zoning By-law to permit new commercial development with a floor area greater than 900 square metres, a Market/Impact Study is required with the application to demonstrate that the proposal is warranted and that it will not negatively impact the planned function of the commercial structure in the Town.

The Town OP specifies that all new commercial development/redevelopment shall require the protection of adjoining residential areas through building setbacks, landscaping, buffers, and other privacy screening to enhance the “greening” of commercial areas. The Town OP also directs that existing trees must not be unnecessarily removed and that, wherever possible, existing trees should be preserved and protected. In urban areas, where it is unavoidable that trees be removed, the proponent shall plant trees of a similar or comparable species.

The Town OP further directs that lands within the Conservation designation shall be preserved, protected, and enhanced where possible. Main uses in this designation include, but are not limited to: wildlife management, environmental protection, and public/private parks.

The Town OP contains building height restrictions, stating that building heights in the Town do not generally exceed 11 metres. Ornamental features on the roof of a building are exempt from height measurements, provided they are recognized in the implementing zoning by-law.

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 adopted and is therefore not in effect but represents Council intent. The subject lands are designated “Commercial” and “Conservation” in the proposed Official Plan. The goals and objectives of the Commercial designation are similar to those in the current Town OP, providing for an orderly distribution of commercial areas that meet the shopping and service needs of residents and tourists, promoting compact forms of development, and minimizing impacts to adjacent land uses and traffic capacity of adjacent roads. The Conservation designation defers to the policies of the Natural Heritage System in the proposed Official Plan and similarly directs that lands within such designation are to be preserved, protected, and enhanced.

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

The subject lands are zoned “Virgil Community Zoning District – Village Commercial Holding (VC-H) Zone” in Zoning By-law 4316-09, as amended. Given the Holding (H) provision, only existing uses are currently permitted. The subject lands currently include a single-detached dwelling and detached accessory structure, both being uses permitted to continue on the property. The Holding (H) symbol states that no land shall be used and no building or structure shall be used, altered or erected except for existing uses (at the time of passage of the By-law). The Holding provision can only be lifted through a Zoning By-law Amendment. The standard “Village Commercial (VC) Zone” permits a wide variety of commercial, retail, and office uses.

Proposed Official Plan Amendment

The Official Plan Amendment requests to redesignate the lands from “Service Commercial” to a site-specific “Service Commercial” designation. The site-specific designation would permit the proposed residential building, residential net density (proposed at 41 units per hectare), and address parking located in front of the residential building. The existing “Conservation” designation on the lands is proposed to be maintained.

Consultation

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

To date, the following comments have been received for the OPA Application:

Town Departments

Building – No objections.

Finance – No objections.

Fire & Emergency Services – No comments on the OPA application. Previous Site Plan comments provided as part of the initial ZBA review are to be addressed at the Site Plan Approval stage.

Heritage – No objections.

External Agencies

District School Board of Niagara (DSBN) – No objections. DSBN staff request that sidewalks be constructed within the development to facilitate student travel to the school/bus stop locations.

Enbridge Gas – No objections.

Joint Accessibility Committee – Comments are provided with respect to the number of van and car accessible parking spaces to be provided on-site, both above and underground.

Mississaugas of the Credit First Nation (MCFN) – The proposed development is not subject to the completion of an archaeological assessment. Should any archaeological potential be identified during ground-disturbing activities, all work must cease immediately.

Niagara Peninsula Conservation Authority – No objections. Items requested to be addressed through detailed design.

Public

An electronic Open House is scheduled for Monday, February 23, 2026 (after the completion of this report). Staff will provide any public comments received during the Open House or in writing at the time of the Public Meeting.

NEXT STEP / CONCLUSION

Following the Statutory Public Meeting for the OPA Application, all comments received will be considered through the review of the OPA and ZBA applications. The applicant will have an opportunity to respond to comments and may submit revised application materials. Any revised materials will be made publicly available. Once the review process is concluded, a staff recommendation report, including a full review of all applicable policies, will be prepared and presented at a future Committee of the Whole meeting. The future staff recommendation report will reflect the ZBA and OPA applications to ensure a coordinated review of the proposed development.

ATTACHMENTS

- **Appendix I** – Architectural Drawings