



## Town of Niagara-on-the-Lake

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**REPORT #:** PBDS-26-002      **COMMITTEE DATE:** 2026-04-14  
**REPORT TO:** COTW-Planning      **DUE IN COUNCIL:** 2026-04-28  
**SUBJECT:** 1743 Four Mile Creek Road and 15 Elden Street Zoning By-law Amendment (ZBA-27-2025) Recommendation Report

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Zoning By-law Amendment (File No. ZBA-27-2025) for lands known municipally as 1743 Four Mile Creek Road and 15 Elden Street, **BE APPROVED** as detailed in this report and the draft Zoning By-law Amendment, attached as **Appendix IV** to this report, be forwarded to Council for adoption.

### 2. EXECUTIVE SUMMARY

- This report provides a Staff recommendation to Committee and Council regarding an application for a Zoning By-law Amendment (the “Application”) for 1743 Four Mile Creek Road and 15 Elden Street (Pleasant Manor).
- The Application proposes to permit a Day Care Centre as an additional use within the existing seniors’ apartment building on the subject lands.
- The Application requests to rezone the subject lands from “Virgil Community Zoning District – Residential Multiple (RM2) Zone” to “Virgil Community Zoning District – Residential Multiple Village Commercial (RM2-51) Site-Specific Zone.”
- The proposed site-specific provisions would allow for the use of the Day Care Centre.
- Staff recommend approval of the Application, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement, and conforms to Provincial and local planning policies.

### 3. PURPOSE

This report provides a recommendation to the Committee and Council respecting an Application under the *Planning Act* seeking approval of a Zoning By-law Amendment for the subject lands known as 1743 Four Mile Creek Road and 15 Elden Street.

The Applicant proposes to introduce a Day Care Centre within the basement level of the existing building located at 1743 Four Mile Creek Road. The facility will operate as a licensed Day Care Centre with a maximum capacity of 96 children. An outdoor play area is proposed within the site’s existing courtyard.

To facilitate the proposed use, the applicant has submitted a Zoning By-law Amendment request to modify the current “Residential Multiple (RM2) Zone” under Town Zoning By-law 4316-09, as amended. The amendment seeks to add site-specific provisions permitting a Day Care Centre as an additional use on the subject lands.

The associated drawing set is attached as **Appendix I** to this report.

## **4. BACKGROUND**

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

The subject lands are known municipally as 1743 Four Mile Creek Road and 15 Elden Street, located on the east side of Four Mile Creek Road, with frontage on Elden Street. The lands are north of Penner Street in the urban area of Virgil. The property has an area of approximately 5.21 hectares and has two separate frontages on Four Mile Creek Road, measuring 65 metres and 20 metres respectively. The subject lands also have 104 metres of frontage on Elden Street. The location of the subject lands is shown on **Map 1** of **Appendix II**.

The subject property includes several buildings, including townhomes, apartments for independent and supportive senior living, and a recently built 160-bed long-term care facility.

### **4.2 Public Notice**

The Zoning By-law Amendment Application was deemed complete by Town Staff on January 14, 2026. The Application materials can be found at the following link:

**<https://www.notl.com/business-development/public-planning-notices/1743-four-mile-creek-road-15-elden-street-zba-27-2025>**

Public Notice of the Application was provided in accordance with *Planning Act* requirements. Yellow public notice signs were posted on the lands on each respective frontage, and notice was provided in the local newspapers.

### **4.3 Previous Approvals**

In 2023, Site Plan Approval was granted for the construction of a 160-bed long-term care facility, the conversion of the existing 40-bed long-term care facility to 20 apartment units, and the provision of 96 additional surface parking spaces.

## **5. DISCUSSION / ANALYSIS**

### **5.1 Policy and Legislative Framework**

The Application has been evaluated for consistency and conformity with relevant Provincial 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**

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard for 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.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws. By-laws passed by Council shall conform to official plans that are in effect. The Application supports the matters of provincial interest, is consistent with policy statements and conforms to provincial plans and Official Plans, as demonstrated in the analysis provided in the following sections of this report.

### 5.1.2 Provincial and Local Planning Policy

The subject lands are identified as being within a “Settlement Area” under the Provincial Planning Statement, 2024 (“PPS”). The PPS sets the overall policy direction for regulating land use in Ontario. The PPS states 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, as well as promoting sustainable land use patterns that are appropriate for the existing infrastructure. The PPS is supportive of achieving complete communities that support opportunities for equitable access to daily living needs for people of all ages.

The subject lands are within a “Delineated Built-Up Area” on Schedule B of the Niagara Official Plan (the “NOP”). The NOP states that forecasted growth shall be directed to settlement areas, and that urban areas are intended to support a range and mix of land uses, including residential, institutional, and recreational uses, to support the creation of a complete community. Development in urban areas should support compact built form, overall quality of life, and the efficient use of existing services and infrastructure to achieve complete communities.

The development as proposed, will make efficient use of urban lands and existing infrastructure. The addition of the day care centre will assist in achieving a complete community to help meet the needs of people of all ages. The addition of the day care centre will allow for intergenerational use of the space and provide for a well-located institutional use.

The subject lands are designated “Medium Density Residential” on Schedule C and “Built Up Area” on Schedule I-2 of the Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended (the “Town OP”).

Within the Medium Density Residential designation, main uses include multi-unit residential houses. Across all residential land use designations, minor open space and community facilities uses, including Day Care Centres, are permitted without amendment to this plan, subject to location criteria set out in Section 15.3.1.3 of the Town OP. The criteria and Staff analysis are provided in the table below:

<b>Criterion</b>	<b>Analysis</b>
a) Direct or convenient access to an arterial or collector street as indicated on the Land Use schedules of this Plan.	The subject lands do not have direct frontage on an arterial or collector road as identified on Schedule G “Transportation Plan” of the Town OP. While Four Mile Creek Road is an arterial road south of the intersection with Niagara Stone Road, this portion is a local road. The nearest collector road is Penner Street and Line 1 Road, which Staff consider to be convenient access given the closer proximity of approximately 120 metres from the entrance on Four Mile Creek Road.
b) Design which is compatible with surrounding land uses, maintaining the scale, density and character of the area.	The proposal will be confined to the existing building, and the outdoor play area will be contained within an existing courtyard. Recognizing the reuse of existing buildings, it is Staff’s opinion that the proposal is compatible with the surrounding lands.

Criterion	Analysis
c) Provision of adequate buffering and transition to protect surrounding existing development.	Given the location within the existing building, Staff recognize the impacts of the proposal are naturally less than a new building. The applicant provided additional details specifically in response to the adequacy of the existing buffer and transition being appropriate for the proposed day care. Staff recognize the drop-off area will likely see an increase in use with the proposed use. The applicant has communicated that the day care will be used by staff members who have separate designated parking areas, further decreasing the use of the pick-up and drop-off area fronting Four Mile Creek Road. Additionally, the applicant has noted that pick-up and drop-off times will be conducted in a staggered manner given the variety of ages and respective scheduling patterns. Town Staff are satisfied that the existing facility is adequately buffered and provides sufficient transition to accommodate the proposed day care centre. Further, Public Works & Infrastructure Staff offer no concern with the proposal with respect to potential traffic increases.
d) Provision of adequate off-street parking to serve the particular use, while retaining sufficient usable yard space to maintain the existing visual characteristics of the area.	The subject lands contain 347 parking spaces, whereas the Zoning By-law requires a minimum of 146 parking spaces for all uses on the subject lands, including the proposed day care centre. No changes to the existing parking areas are proposed as a part of the proposal. Town staff are satisfied that there is sufficient parking and that the existing visual character will be maintained as no exterior site changes are proposed.
e) On those streets which have been designated "no stopping" areas, provisions shall be made for off-street locations to accommodate drop-off and pick-up of the users of such facilities.	The existing building contains a designated drop-off and pick-up area, located on the western portion of the lands fronting Four Mile Creek Road, which will be used to accommodate the day care centre.

### 5.1.3 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. Town staff are undertaking a review of the proposed Official Plan for conformity and consistency with applicable policies.

Within the proposed Official Plan, the subject lands are designated "Residential." Small-scale community facilities may be permitted within the residential designation, subject to locational criteria, which remain the same as the Official Plan in effect, as discussed in Section 5.1.2 of this report.

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

The subject lands are zoned “Virgil Community Zoning District – Residential Multiple (RM2) Zone” in Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3 of Appendix II** to this report. Permitted residential uses include apartment buildings, group homes, nursing homes, including secondary dwelling units, senior citizen apartment buildings, including secondary dwelling units, as well as accessory buildings and structures.

The Zoning By-law Amendment Application proposes to modify the existing “Residential Multiple (RM2) Zone” to add site-specific provisions to permit a day care centre as an additional use. As the proposed use is to be located within an existing building, no further amendments to the provisions of the Zoning By-law are required. The day care use makes efficient use of an existing facility and will assist in achieving a complete community which better serves the varied needs of residents. By utilizing existing infrastructure and services, the proposal represents a form of gentle intensification that supports long-term community sustainability, while maintaining compatibility with the existing neighbourhood.

The proposed day care centre generates a requirement for 15 additional parking spaces, based on the Zoning By-law’s requirement of 1 parking space per 18.5m<sup>2</sup> of gross leasable floor area. The site currently provides 347 parking spaces which include 16 accessible parking spaces. 146 parking spaces and 5 accessible parking space are required under the Zoning By-law, resulting in a surplus in parking on site of 185 parking spaces.

Based on the analysis above, staff recommend approval of the Zoning By-law Amendment. The draft Zoning By-law Amendment is attached as **Appendix IV** to this report.

#### **5.2 Consultation**

The application was circulated to Town departments and external agencies for review and comment. Public notice of the application was provided as required by the *Planning Act*.

Comments submitted by Town departments and external agencies are included in **Appendix V** and **Appendix VI**, respectively.

##### **5.2.1 Town Comments**

Building – No objections. A building permit will be required for the proposed renovations and a change of use permit is required for the day care area. Approval from the Ministry of Education will be required at building permit stage, and development charges may be applicable for the proposal.

Finance – No objections.

Fire and Emergency Services – No objections. Comments related to the future building permit, the location and the path to the Fire Department Connection, and fire route were highlighted.

Heritage – No objections.

Public Works – No objections.

### 5.2.2 External Agencies

Enbridge Gas - No objections.

Joint Accessibility Advisory – No objections.

Niagara Region – No objections.

### 5.2.3 Public

An electronic Open House was held on Monday February 2, 2026. Three (3) residents were in attendance to provide comments and ask questions. A statutory Public Meeting was held on March 3, 2026, where two (2) members of the public spoke on the application. One (1) was in opposition to the proposal, and one (1) was in general support of the proposal. In addition to the verbal comments received during the public meeting, staff received one (1) letter of support and (1) letter of opposition to the proposal, included in **Appendix VII** to this report.

The concerns raised through the public forums and written correspondence are summarized and addressed in the table below:

<b>Public Comment</b>	<b>Response</b>
Concern over noise from drop-off of children and increased automobile traffic	<p>In response to this concern, the applicant submitted an additional planning letter addressing buffering and how the day care will operate and how impacts will be managed. The day care centre is expected to be used by some staff members who have a designated parking area located north of the newly constructed long-term care facility and will not need to use the drop-off and pick-up area fronting Four Mile Creek Road. A degree of carpooling is anticipated, and staggered drop-off and pick-up times for children aged 2–9 will help distribute traffic over a longer period, minimizing peak traffic and associated noise impacts. On this basis, staff are of the opinion that the proposal is compatible within the residential neighbourhood.</p> <p>Staff also note that Provincial and Local policies support a mix of compatible uses, including residential and institutional to help create a complete community. The day care will also be subject to the Town’s Noise By-law, which is in place to regulate noise that may disturb residents</p>
Concern over accessibility to the basement	The facility has an elevator to accommodate access to the basement.

## **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

## **7. OPTIONS**

The Committee and Council may approve, refuse, or modify the proposed Zoning By-law Amendment.

## **8. FINANCIAL IMPLICATIONS**

The applicant will be responsible for all costs associated with the proposal. Development Charges, if applicable, will be collected at the Building Permit stage; however, applicability cannot be confirmed at this time as it depends on the final determination of occupancy classification and floor area. If required, additional Development Charges may apply due to the reclassification from residential (flat rate) to institutional (based on floor area).

The Town will collect development charges if applicable at the time of Building Permit.

Based on a change of occupancy type and affected floor areas, there may be additional Development Charges due for the reclassification of use from residential, which is calculated at a flat rate, to institutional, which is calculated based on the SF area of the space.

## **9. ENVIRONMENTAL IMPLICATIONS**

There are no anticipated environmental implications associated with the proposal, as the Day Care Centre will be confined to existing buildings. No trees are anticipated to be removed as a part of the proposal.

## **10. COMMUNICATIONS**

Once Council has made a decision on the Application, 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 Council decision is final.

Recent changes to provincial legislation have been made through Bill 185, and third-party appeals are restricted.

## **11. CONCLUSION**

Planning, Building and Development Services Staff recommend approval of the Zoning By-law Amendment (ZBA-27-2025), as the Application meets *Planning Act* requirements, is consistent with the Provincial Planning Statement and conforms with the Niagara Official Plan and the Town Official Plan.

**12. PREVIOUS REPORTS**

- **CDS-26-030** – Public Meeting – 1743 Four Mile Creek Road and 15 Elden Street (March 3, 2026)

**13. APPENDICES**

- Appendix I – Drawing Set
- Appendix II – Maps
- Appendix III – Planning Legislation and Policies
- Appendix IV – Draft Zoning By-law Amendment 4316GC-26
- Appendix V – Town Comments
- Appendix VI – Agency Comments
- Appendix VII – Public Comments

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