



## Town of Niagara-on-the-Lake

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**REPORT #:** PBDS-26-006 **COMMITTEE DATE:** 2026-04-14  
**REPORT TO:** COTW-Planning **DUE IN COUNCIL:** 2026-04-28  
**SUBJECT:** 524 York Road – Official Plan Amendment (OPA-01-2025) and Zoning By-law Amendment (ZBA-01-2025) Applications

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Application for Official Plan Amendment (File No. OPA-01-2025) for lands known municipally as 524 York Road **BE APPROVED**, and that the draft Official Plan Amendment, attached as **Appendix V**, be forwarded to Council for adoption; and,
- 1.2 The Application for Zoning By-law Amendment (File No. ZBA-01-2025) for lands known municipally as 524 York Road **BE APPROVED**, and the draft Zoning By-law Amendment, attached as **Appendix VI**, be forwarded to Council for adoption.

### 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 known municipally as 524 York Road.
- The Applications propose to redesignate the lands to a site-specific “Mixed Use II” designation and rezone the lands to a site-specific “Regional Commercial (RC1-H) Site Specific Holding Zone” to facilitate the development of a seven (7) storey hotel consisting of 227 guest rooms, in addition to a one (1) storey restaurant.
- Revisions to the proposal were brought forward through resubmission of materials during the application review process.
- Staff recommend approval of the Applications, as the proposal conforms to *Planning Act* requirements, is consistent with the Provincial Planning Statement and conforms with Provincial and local planning policies.

### 3. PURPOSE

This report has been prepared to provide a recommendation to Committee and Council regarding Applications under the *Planning Act* seeking approval of an Official Plan Amendment and Zoning By-law Amendment on the subject lands, known as 524 York Road.

The Applications propose to facilitate the development of a seven-storey hotel consisting of 227 guest rooms, in addition to a one-storey restaurant, both fronting onto York Road. The

Applications are for the southern portion of the subject lands and represent the second phase of development.

The Official Plan Amendment proposes to redesignate the southern portion of the subject lands from “Environmental Protection Designation” and “Mixed Use II” to site-specific “Mixed Use II” to facilitate the removal of a part of the ‘Other Woodland’ on site, allow for a one (1) storey standalone restaurant, and to permit loading, garbage storage and other service areas to not be enclosed within the building, provided that these areas are located at the rear or side of the building and screened from public view.

The Zoning By-law Amendment proposes to rezone a portion of the subject lands from “Open Space - Key Features (OSF) Zone” and “Regional Commercial (RC1-15) Site Specific Zone” to “Regional Commercial (RC1-H) – Site Specific Holding Zone,” with site specific provisions for building height, permitted yard encroachments, loading and parking space requirements, in addition to implementing a site-specific definition for an outdoor hotel patio. A “Holding (H)” symbol is included to require the submission and approval of a Woodland Enhancement Plan as well as any necessary legal agreements required for off-site environmental restoration and enhancement, to replace the ‘Other Woodland’ proposed for removal on the subject lands.

The Application drawings (site plan and elevations) are attached as **Appendix I** to this report.

## **4. BACKGROUND**

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

The subject lands are municipally known as 524 York Road, located east of Glendale Avenue, north of York Road, west of Counsell Street and south of Queenston Road within the Urban Area of Glendale. The location of the subject lands is shown on **Map 1** of **Appendix II**.

The subject lands have an area of 2.83 hectares, with a total of 179.14 metres of frontage along York Road. The northern portion of the subject lands 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, representing the first phase of development. The surrounding lands include conservation, residential, commercial, industrial, and institutional uses.

The subject lands are within the Glendale Secondary Plan area. The new Secondary Plan was approved by the Ontario Land Tribunal on March 6, 2026, and is therefore in force and effect. However, given that the Applications were deemed complete at a time when the new Secondary Plan was under appeal, the Applications have been evaluated against the policies contained within the former Glendale Secondary Plan.

### **4.2 Public Notice**

The Applications were deemed complete by Town Staff on March 28, 2025. The submitted materials can be found on the Town’s website at the following link:

<https://www.notl.com/business-development/public-planning-notice/524-york-road-phase-2-opa-01-2025-zba-01-2025>

Public Notice of the Applications was provided in accordance with *Planning Act* requirements. Yellow public notice signs were posted on the subject lands, and notice was provided by mail to all property owners within 120 metres of the subject lands. A map of the circulation radius is attached as **Appendix III** to this report.

### **4.3 Application Revisions**

Since the initial submission, the proposal has been revised by the applicant in response to comments from the Town, external Agencies, members of the public, and Town Council.

The initial proposal was for a ten (10) storey hotel building which ran north south along Counsell Street with surface parking along York Road, in addition to two one-storey restaurants located at the southwestern portion of the property.

The applicant has revised the proposal to reduce the height of the proposed hotel building to seven (7) storeys in response to comments provided by the Niagara District Airport. The purpose of the reduction in height is to ensure that the proposal meets the maximum height set out in the Airport Zoning Regulation (“AZR”), which negates the need to apply to Transport Canada for an exemption to the AZR, as the building’s maximum height is at 140 metres above sea level. The applicant has further revised the proposal by removing one of the restaurants proposed and only having one restaurant that is located along York Road.

With respect to the placement of the hotel building, the applicant has made significant changes in response to comments provided by Town Staff and Regional Staff, which were provided from an urban design perspective. The applicant has re-oriented the hotel building to now run east west along the York Road frontage to create a continuous street wall and frame York Road which will contribute to the pedestrian environment through the animation of the public realm. This will also assist in visually screening the surface parking lot along York Road. Further, the applicant has proposed to add an enhanced walkway system through the surface parking lot to allow for safe pedestrian connections throughout the site, including to the existing hotels at the northern portion of the lands. The loading areas for both the hotel and the restaurant have been relocated to not interfere with pedestrian and vehicular traffic and there is also enhanced landscaping to provide visual screening around loading and utility areas, and around outdoor amenity areas and patios. Additionally, one (1) level of underground parking is now proposed for the hotel.

### **4.4 Previous Activity and Approvals**

There are former planning approvals which have occurred on the subject lands. A brief overview of these approvals is provided below to provide context for the current proposal.

The northern portion of the subject lands were subject to Official Plan Amendment No. 69, and Zoning By-law Amendment 4316CC-17, which were approved by Town Council in February 2017. These planning instruments implemented a site-specific “Hospitality Precinct” designation and a site-specific “Regional Commercial Zone” to permit the development of the two (2) hotels and the surface parking lot that exists on the northern portion of the property. Subsequently, Official Plan Amendment No. 90 and Zoning By-law Amendment through By-law No. 4316CC(1)-24 were approved on the subject lands on February 27, 2024, to

redesignate and rezone a portion of the lands to permit a private roadway connecting to Glendale Avenue.

#### **4.5 Future Applications & Approvals**

Approval of a Site Plan Application, in addition to the submission and approval of a “Woodland Enhancement Plan” and necessary legal agreements for off-site environmental restoration, will be required to facilitate the development of the proposed hotel and restaurant, as there is a portion of the subject lands identified as “Other Woodland” identified for removal.

Through the Site Plan Application process, items related to detailed building design, servicing, lighting, tree protection, environmental restoration and enhancement, planting, and landscaping, among other matters, will be implemented. Site Plan Applications are subject to approval by the Director of Planning, Building and Development Services, in accordance with the *Planning Act* and as delegated by Town Council through the Town’s Site Plan Control By-law. A list of future Site Plan matters to be addressed is included in **Section 5.5** of this report.

### **5. DISCUSSION / ANALYSIS**

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

The Applications have been evaluated for consistency and conformity with the relevant Provincial and local planning policies and legislation, as discussed in the following report sections. Applicable planning legislation and policies are provided in **Appendix IV**.

##### **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. Sections 22 and 34 of the *Planning Act* permit councils of local municipalities to pass and/or amend official plans and zoning by-laws.

The Applications support the matters of provincial interest and are consistent with policy statements and conform 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 Documents**

The subject lands are designated as being within a “Settlement Area” under the Provincial Planning Statement, 2024 (the “PPS”), and a “Designated Greenfield Area” and “Strategic Growth Area” on Schedule B of the Niagara Official Plan, 2022 (the “NOP”). The subject lands are identified as being “Greenfield” on Schedule I-5 and are designated “Environmental Protection Designation” and “Mixed Use II” on Schedule 1 of the Town Official Plan, 2017 Consolidation (the “Town OP”). The Town OP designation on the subject lands is shown on **Map 2 of Appendix II**.

Policies within these plans promote a range of land uses to create a vibrant public realm, which efficiently uses land and resources, optimizes infrastructure, supports active transportation, and conserving or enhancing natural heritage features.

The subject lands are located within the Glendale Secondary Plan Area 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 designated “Environmental Protection Designation” and “Mixed Use II” on Schedule 1 of the Secondary Plan.

As discussed below, Staff consider the Applications to be consistent with the PPS, and conform with the intent of the NOP and the Town OP.

#### **5.1.2.1 Proposed Use**

The policies of the PPS and NOP permit a range of uses within the Settlement Area and direct higher density, compact development to Strategic Growth Areas. The subject lands are located within the Glendale District Plan area, which has been identified in the NOP as a Strategic Growth Area. The policy direction for Strategic Growth Areas is to support complete communities, a range and mix of housing options, intensification and mixed-use development, accommodate significant population and employment growth, be focal areas for education, commercial, recreational and cultural uses, support the transit network and provide connection points for inter and intra-regional transit.

The proposed hotel and restaurant use are already permitted uses within the Glendale Secondary Plan and Town Zoning By-law. The Applications request permission to establish site-specific permissions for the proposed hotel and restaurant uses, in alignment with the policy direction for higher density, compact development. The proposed hotel and restaurant will allow for additional hotel uses on the lands to employ further Staff, thereby contributing to meeting the Regional employment forecast of 17,610 jobs by 2051. The hotel would also draw further tourism to support the businesses located in the Glendale Secondary Plan area, and the Town more broadly.

As noted in **Section 4.1**, given that the Applications were deemed complete at a time when the new Secondary Plan was under appeal, the Applications have been evaluated against the policies contained within the former Glendale Secondary Plan. The policy direction set out for the Hospitality Precinct is to have a street-oriented focal area for hotels and other commercial uses along York Road catering to the travelling public. Further direction is provided to establish well designed, pedestrian oriented buildings along York Road to develop a village character that is distinguishable from other commercial areas along the QEW. There is also an emphasis to establish a street wall along York Road to frame and define the pedestrian environment and to create a generally consistent edge to development. The Applications are in alignment with this policy direction as the proposed hotel and restaurant are situated such that they frame the pedestrian realm and establish a street wall along York Road, with new sidewalks proposed on York Road and Counsell Street.

The updated Glendale Secondary Plan (approved by the Ontario Land Tribunal on March 6, 2026) provides direction to require that front and exterior side elevations address the streetscape with minimal or no setback, forming a strong and identifiable urban edge and to use window displays or outdoor patios to contribute to a pedestrian friendly street environment, and the proposed development maintains this direction.

### **5.1.2.2 Archaeology**

Provincial and local 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. Stage 1 and 2 Archaeological Assessments have been completed for the subject lands, which concluded that the lands are cleared of archaeological potential.

The Ministry of Citizenship and Multiculturalism acknowledgement letter dated November 19, 2024, has been received for the Assessments completed for 524 York Road. The Ministry letter confirms that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation standards and guidelines.

### **5.1.2.3 Height and Compatibility**

Section 3 of the former Glendale Secondary Plan provides direction for site development, including but not limited to height limits implemented for buildings, which was previously reflected on Schedule F-2 of the Town OP. Most new development in Glendale is not expected to exceed 5 storeys, and in many areas, the height limit is three storeys. Schedule F-2 sets out a maximum height of two (2) to five (5) storeys for the subject lands, and the site-specific zoning provisions which apply to the subject lands set out a maximum height of 17.0 metres.

The Applications propose a maximum building height of 23.5 metres (seven storeys). The applicant, as noted, has reduced the proposed building height from ten storeys to ensure that the proposal meets the maximum height requirements set out in the AZR, which is 140 metres above sea level. The Niagara District Airport has confirmed that the proposed seven-storey building height does not exceed the maximum height set out in the AZR, and an exception is no longer warranted. As such, Town Staff consider the proposed height of seven storeys appropriate for the subject lands, and it is noted that the proposed height aligns with the recently-approved in force Glendale Secondary Plan.

The PPS and NOP state that major facilities (including transportation corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate potential adverse effects from odour, noise and other contaminants. The proposed development is subject to aircraft noise from the Niagara District Airport, traffic-related noise from York Road and the QEW, and stationary noise from nearby commercial uses. The NPC-300 Guidelines classify hotel/motel uses as a noise-sensitive commercial purpose building, which qualifies as a noise-sensitive land use.

The applicant submitted a Noise Impact Study with the initial submission, in addition a subsequent Environmental Noise Addendum (the "Addendum") given the changes to the layout of the site. The Addendum concludes that with the re-orientation of the building along York Road, façade construction meeting the minimum requirements of the Ontario Building Code are sufficient to mitigate potential noise impacts. The ventilation (mandatory air conditioning) and warning clauses (Type D) from the initial Noise Impact Study are applicable to the south façade hotel suites.

The required mitigation measures and warning clauses related to noise impacts will be implemented through the Site Plan Agreement to ensure compatibility with surrounding land uses and roads.

#### **5.1.2.4 Servicing**

The policies of the Town OP require that all urban development shall be serviced with full municipal services, including sanitary sewers, watermains, and storm sewers. During the development approval process, consideration is given with respect to the capacity of existing infrastructure, including utilities and any improvements which may be necessary. A Functional Servicing Report (“FSR”) was submitted in support of the Applications, which demonstrates that the proposal can be developed in accordance with the Town’s and Region’s guidelines from a functional servicing and stormwater management perspective.

The water service for the proposed development (“Phase 2”) seeks to utilize the existing stubbed 200mm water service extending from the Phase 1 limits to provide domestic water supply and fire protection. The FSR discusses the fire flow requirements for the existing Phase 1 lands as well as the proposed Phase 2 hotel and restaurant. The FSR proposes a 200mm water service providing flows to the proposed hotel, a 100mm service for the proposed restaurant, as well as one on-site fire hydrant. The FSR concludes that the existing municipal water supply can support the proposed development. Town Public Works and Infrastructure Staff are satisfied with these findings for the purposes of the Applications, with further detailed review to take place at the Site Plan application stage.

The sanitary service for Phase 2 is proposed to utilize the existing stubbed 250mm sanitary service extending from the Phase 1 limits to receive sanitary flows from the proposed development. The revised FSR proposes to utilize a 150mm sanitary connection to the restaurant and a 250mm sanitary connection to the proposed hotel. The FSR concludes that the receiving Townline Road sanitary sewer has adequate capacity for the proposed development. Town Public Works and Infrastructure Staff are satisfied with these findings for the purposes of the Applications, with further detailed review to take place at the Site Plan application stage.

Town Public Works and Infrastructure Staff have advised that the proposed development will be required to control post-development stormwater flows up to and including the 100-year storm to the pre-development 5-year storm flows. The FSR identifies that the proposed stormwater management design will continue utilizing the existing drainage outlet installed as part of the development of the Phase 1 lands, and that stormwater quantity controls will be required to restrict post-development flows. Water quality control requirements will be met via an existing oil-grit separator (“OGS”) installed during the servicing work as part of the Phase 1 development. This OGS was installed on the 450mm storm sewer stubbed for the future Phase 2 lands, effectively isolating it from Phase 1 flows. Given a slight reduction in the impervious area proposed within the Phase 2 lands, this OGS is sufficient to treat the proposed Phase 2 flows. Town Public Works and Infrastructure Staff are satisfied that the stormwater management design meets the Town’s requirements and is acceptable for the purpose of the Applications. Further detailed review of the proposed stormwater management system will occur at the Site Plan application stage.

As noted, the proposal has been revised to include one (1) level of underground parking for the proposed hotel building. The applicant has provided a Groundwater Comment Letter to summarize existing groundwater conditions and whether the proposed underground parking will be impacted by the groundwater level. The Letter evaluates groundwater depths of properties in the surrounding area based on well records and data collected by the applicants consultant, which all demonstrate that the groundwater level will be well below the proposed basement depth of the proposed hotel/underground parking. The Town's consultant, Terra-Dynamics Inc. have reviewed the Letter and have completed a Preliminary Hydrogeological Review and advised that no groundwater impediments to proceeding with construction as proposed have been identified. As such, a Hydrogeological Study is not required for the proposed one (1) level of underground parking.

#### **5.1.2.5 Parking and Transportation**

Parking and loading facilities required to support the proposed use will be implemented through the draft Zoning By-law. The former Glendale Secondary Plan directs that off-street parking shall be buffered from the street and located at the rear or side of buildings, and further that parking lots should be buffered by landscaping and divided by islands lined with trees. Shared parking facilities to maximize efficiency are encouraged, and loading areas shall be located at the rear of the building and screened from public view.

As noted, in response to comments from Staff, the applicant has re-oriented the proposed hotel building and restaurant to run east-west along York Road. This change to the proposal allows for the parking spaces to be screened from public view from York Road, as they are located behind the buildings. Parking that would be visible from Counsell Street is proposed to be screened from public view via a landscape buffer, the details of which will be determined at the Site Plan application stage. Further, the loading areas have been relocated to not interfere with pedestrian and vehicular traffic, in addition to being screened from public view via landscape buffers, maintaining the direction set out in the former Glendale Secondary Plan.

A Multi-Development Transportation Impact Study (the "TIS") was submitted with the Applications per the requirements set out by the Ministry of Transportation ("MTO"). The TIS provides an analysis of several proposed developments in the vicinity of the Glendale Diverging Diamond Interchange to study primary and secondary impacts and to determine any improvements to the transportation network as required. A TIS Addendum was also provided at the request of Niagara Region to provide an understanding of the potential impacts of the proposed development only. Town Public Works and Infrastructure Staff did not have any comment on the TIS, as the transportation corridors anticipated to be impacted are under the jurisdiction of the Niagara Region and the MTO.

Staff from Niagara Region have reviewed the TIS Addendum and have confirmed that no upgrades to Regional road infrastructure is required, and that the study findings are acceptable. The MTO is continuing to review the TIS but has indicated to Town Staff that the MTO is supportive of the Applications under review, as the proposed development should not have a negative impact on the Provincial Highway Network. Any outstanding comments related to the proposed development will be provided by the MTO at the Site Plan Approval stage. The MTO has advised that permits should not be applied for until MTO is satisfied with all components of the submission and has cleared the site.

### **5.1.2.6 Design**

Town Staff collaborated with the Regional Urban Design team to review this proposal with respect to building and site design, including matters such as orientation of the building and its relationship with York Road, activation of the public realm, pedestrian connectivity and safety throughout the parking lot, connectivity and transition to the northern portion of the property, visual screening of parking and loading areas, height, setbacks, and landscaping.

As noted, the applicant has made several revisions to the initial proposal in response to comments provided by Town Staff, the public and external agencies respecting urban design and the public realm. In summary, these revisions include re-orienting the hotel and restaurant building to provide a consistent street wall along York Road to frame the public realm and activate the streetscape and visually screen the parking area, in addition to lowering the height of the proposed hotel building from ten (10) to seven (7) storeys. The applicant has also provided a dedicated pedestrian walkway through the proposed parking lot to enhance pedestrian connectivity and safety, in addition to providing enhanced landscaping bays and screening for loading areas and for the parking area from Counsell Street. The applicant is also proposing to construct sidewalks along the site's frontage, along York Road and Counsell Street to further enhance pedestrian connectivity and beautify the public realm.

Town Staff are of the opinion that the proposed site design and layout of the proposal align with the policy direction set out in the former Glendale Secondary Plan related to place making and beauty, providing a variety of employment opportunities within a high-quality built form, creating a street wall to frame the pedestrian realm, and walkable streets.

All details related to the above comments will be addressed through detailed site design and subsequent urban design review, as part of the Site Plan application process.

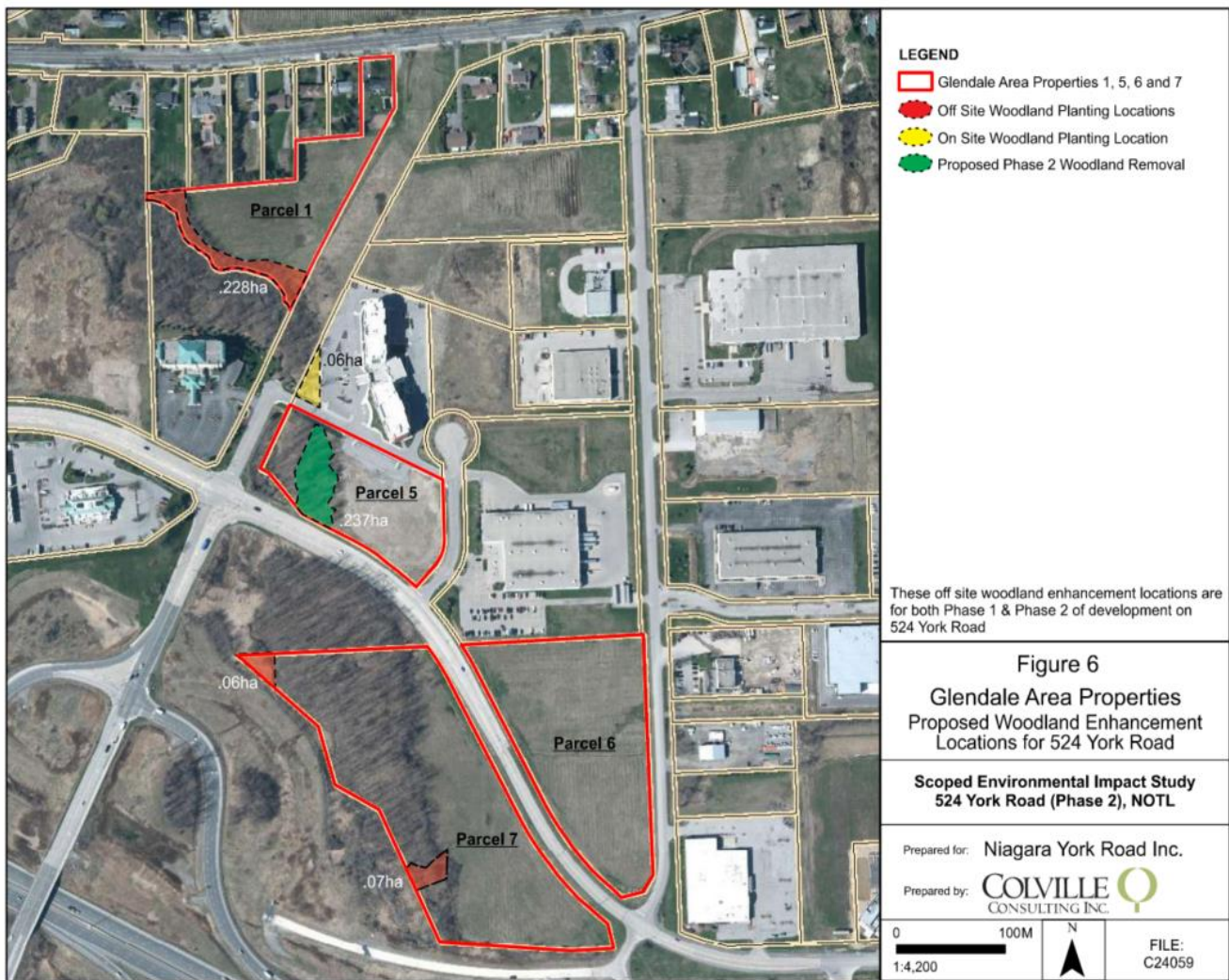
### **5.1.2.7 Natural Heritage System**

A portion of the subject lands are proposed to be redesignated from "Environmental Protection Designation" to site-specific "Mixed Use II."

Provincial and local planning documents direct that environmental and natural heritage features are to be protected and wisely managed in accordance with applicable policies. Natural features and areas should be protected for the long term, and the diversity and connectivity of natural features and ecosystem function should be maintained, restored or, where possible, improved. The applicant submitted an Environmental Impact Study with the initial submission and subsequently submitted a Revised Scoped Environmental Impact Study ("EIS") in December 2025.

The subject property is affected by the NOP Natural Environment System ("NES"), which includes a Permanent/Intermittent Watercourse and an 'Other Woodland.' Town Staff, Regional Environmental Planning Staff and the applicant's environmental consultant Colville Consulting Inc. conducted site visits on July 31, September 30, and December 2, 2025, to confirm the woodland dripline and assess potential locations for woodland restoration. Regional Environmental Planning Staff also reviewed the EIS submitted in response to regional comments provided as part of the initial submission.

Based on the assessment set out in the EIS, the removal of approximately 0.24 hectares of woodland from the property is required to accommodate the proposed development. There were also portions of the woodland removed during the first phase of development, which required the applicant to provide off-site restoration to offset. A total area of approximately 0.12 hectares of woodland was removed as part of Phase 1, with approximately 0.05 hectares attributed to the driveway extension and 0.06 hectares attributed to the expansion of the hotel parking lot. To-date, no off-site restoration has been completed. Applicant-owned lands have been identified for off-site restoration, which are in proximity to the subject lands, illustrated in **Figure 1** below (extracted from Figure 6 of the EIS). In total, the applicant is proposing to restore or enhance 0.36 hectares of land to offset the woodland removals proposed for the subject lands, during Phase 1 and planned for Phase 2.



**Figure 1: Proposed Woodland Enhancement Locations**

Based on the supplemental information provided, Regional Staff are satisfied that the EIS adequately supports classifying the woodland as an 'Other Woodland.' Furthermore, Regional Staff find that, consistent with NOP policies, the EIS demonstrates that the proposed woodland removals will not result in negative environmental impacts. In accordance with

NOP requirements, when an applicant proposes to remove a portion of a woodland, a Woodland Enhancement Plan must be prepared to offset the proposed removals, with the objective of establishing native woodland habitat of equal or greater area.

Regional and Town Planning staff worked collaboratively with the applicant's team to identify appropriate woodland enhancement areas. As shown in Figure 6 of the EIS, woodland enhancements are proposed to occur on applicant-owned lands immediately north of the subject property (425 Queenston Road, Niagara-on-the-Lake) and on additional applicant-owned lands located south of York Road and west of Townline Road. Regional Staff are satisfied that the area identified for enhancement is sufficient to meet the minimum requirements for the Woodland Enhancement Plan and that specific details relating to planting densities and species composition can be provided through the review at the Site Plan application stage.

Regional Staff offer no objections to the applications, subject to the inclusion of a "Holding (H)" provision until such time as a Woodland Enhancement Plan has been implemented at the locations identified in Figure 6 of the EIS. Accordingly, Town Staff have implemented a "Holding (H)" provision to this effect to ensure that the off-site environmental restoration to compensate for the removal of 'Other Woodland' on the subject lands is addressed prior to development proceeding.

The Niagara Peninsula Conservation Authority ("NPCA") has reviewed the Applications and, based on the mandated review responsibilities, has interest in the site. The NPCA regulations are applicable to the proposal due to the valley area and watercourse (Six Mile Creek) located in the southwestern portion of the property. NPCA Staff have reviewed the submitted Geotechnical Reports (dated May 2015 and addendum letter dated December 23, 2025, both prepared by Soil-Mat Engineers) and note that they are satisfied with the identified location of stable top of slope as noted within the reports and shown on the site plans. The NPCA is satisfied with the future development and site alteration setback of 7.5 metres from the stable top of slope. It has also been confirmed that future stormwater outfalls for Phase 2 will use the existing outfall within Phase 1; this is satisfactory to the NPCA. The NPCA has noted for reference that the NPCA's policies do not permit new outlets into the valley that would concentrate drainage over the slope or constitute works below top of stable slope, on the valley walls. The NPCA offers no objections to the Applications and will provide further detailed comments at the Site Plan application stage.

### **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 Niagara-on-the-Lake Official Plan (the "proposed Town OP"), the subject lands are designated "Conservation," "Commercial" and "Commercial Site Specific (S4-20)" on Schedule B6. The lands are also designated as "Greenfield Areas" on Schedule B7.

If the proposed Town OP were to be in effect, the conversion of lands designated as Conservation would require the submission of an Official Plan Amendment.

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

The subject lands are zoned “Glendale Community Zoning District – Regional Commercial (RC1-15) Site Specific Zone,” “Glendale Community Zoning District – Regional Commercial (RC1-15A) – Site Specific Zone,” and “Glendale Community Zoning District – Open Space - Key Features (OSF) Zone” in the Town of Niagara-on-the-Lake Zoning By-law 4316-09, as amended. The existing zoning on the lands is shown on **Map 3 to Appendix II** to this report.

### 5.3 Proposed Amendments

The Applications are seeking amendments to the Town OP and Zoning By-law 4316-09, as amended. The draft Official Plan Amendment and draft Zoning By-law Amendment, as recommended by Staff, are attached as **Appendix V** and **Appendix VI**, respectively.

The Official Plan Amendment proposes to redesignate the southern portion of the subject lands from “Environmental Protection Designation” and “Mixed Use II” to site-specific “Mixed Use II” to facilitate the removal of a part of the ‘Other Woodland’ on site, allow for a one (1) storey standalone restaurant, and to permit loading, garbage storage and other service areas to not be enclosed within the building, provided that these areas are located at the rear or side of the building and screened from public view.

The Zoning By-law Amendment proposes to rezone a portion of the subject lands from “Open Space - Key Features (OSF) Zone” and “Regional Commercial (RC1-15) Site Specific Zone” to “Regional Commercial (RC1-H) – Site Specific Holding Zone,” with site specific provisions for building height, permitted yard encroachments, loading and parking space requirements, in addition to implementing a site-specific definition for an outdoor hotel patio. A “Holding (H)” symbol is included to require the submission and approval of a “Woodland Enhancement Plan” as well as any necessary legal agreements required for off-site environmental restoration and enhancement, to replace the “Other Woodland” proposed for removal on the subject lands.

The following chart illustrates the standard RC1 Zone provisions and the site-specific zoning provisions recommended by Staff:

Zone Requirement	Existing RC1 Site-Specific Zone	Proposed Site-Specific RC1 Zone
Maximum building height	17.0 metres	23.5 metres

The following chart illustrates the general provisions and the site-specific zoning provisions recommended by Staff:

General Provision	Requirement	Site-Specific RC1 Zone
Loading Space Requirements (Table 6-2)	Gross floor area exceeding 4,645 square metres – 3 loading spaces plus 1 for each additional	In lieu of the provisions of Subsection 6.27(a), a non-

General Provision	Requirement	Site-Specific RC1 Zone
	<p>4,645 square meters or portion thereof</p> <p>Requirement for 5 loading spaces total</p>	<p>residential building that has a gross floor area of 465 square metres or greater shall require one (1) loading space</p> <p>Requirement for 2 loading spaces total</p>
Loading Space Requirements (Location)	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	In lieu of Subsection 6.27 (e), loading spaces shall be permitted in the interior side yard 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 2.0 metres from the lot line. A 2.0 metre wide landscape buffer shall be maintained between a loading space and a lot line to provide a visual screen
Parking, Bicycle Requirements	<p>Commercial – 1 space per 200 square metres of gross floor area.</p> <p>Restaurant – 2 spaces per 100 square metres of gross floor area</p> <p>Requirement for 66 bicycle parking spaces total</p>	<p>In lieu of the provisions of Subsection 6.41, Table 6-7, the following bicycle parking requirements shall apply:</p> <p>Hotel – 1 space per 650 square metres of gross floor area</p> <p>Restaurant – 2 spaces per 100 square metres of gross floor area</p> <p>Requirement for 26 bicycle parking spaces total</p>
Permitted Yard Projections and Encroachments (Table 6-10)	<p>Unenclosed and uncovered porch, deck, balcony, patio or steps may encroach:</p> <p>1.5 metres – front or rear yard</p> <p>0.6 metres – side yard</p>	In addition to the provisions of Subsection 6.44, Table 6-10, an unenclosed and uncovered <i>Outdoor Hotel Patio</i> may encroach 1.4 metres into an exterior side yard. In lieu of the corresponding provisions of Subsection 6.44, Table 6-10, steps may encroach 3.0 metres into an exterior side yard

General Provision	Requirement	Site-Specific RC1 Zone
<p>Parking Space Requirements (Table 6-3)</p>	<p>Minimum parking space dimensions for a 90 degree parking alignment:</p> <p>Width – 2.75 metres</p> <p>Length – 6.0 metres</p> <p>Minimum Driveways and Aisle Widths – 6.0 metres</p>	<p>In lieu of the corresponding provisions of Subsection 6.38 (e), Table 6-3, a maximum of ten (10) vehicular parking spaces may be provided for compact vehicles with the following dimensions:</p> <p>Width – 2.75 metres</p> <p>Length – 4.8 metres</p> <p>Minimum Driveways and Aisle Widths – 6.0 metres</p>
<p>Parking Space Requirements (Table 6-4, Table 6-6)</p>	<p>Hotel – 1 space per guest room in addition to other uses identified herein</p> <p>Restaurant – 1 space per 9 square metres of gross floor area</p> <p>Conference Rooms or Areas used in Conjunction with Other Uses Herein – 1 space per 18.5 square metres of gross floor area</p> <p>Requirement of 292 parking spaces total</p>	<p>Hotel - 1 parking space per guest room. Parking space requirements shall not apply to any accessory uses located within the hotel</p> <p>Restaurant - 1 parking space per 14.0 square metres of gross floor area. Parking space requirements shall not apply to gross floor area located below grade or in a basement</p> <p>Requirement of 257 parking spaces total</p>
<p>Parking Space Requirements, Additional Provisions</p>	<p>A driveway shall be setback a minimum of 8.0 m (26.25 ft) from an exterior property line and 1.0 m (3.28 ft) from an interior property line.</p>	<p>In lieu of the corresponding provisions of Subsection 6.40 (j), a driveway shall be setback a minimum of 4.5 metres from an exterior property line, provided that such driveway is visually screened by a 1.5 metre wide landscape buffer.</p>
<p>Bus Parking Requirements (Table 6-9)</p>	<p>Hotel (greater than 250 rooms) – 2 spaces</p>	<p>In lieu of the corresponding provisions of Subsection 6.43, Table 6-9, passenger bus parking spaces shall not be required.</p>
<p>Outdoor Restaurant Patio Provisions</p>	<p>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;</p>	<p>In lieu of Subsection 6.36 (c), an Outdoor Patio Restaurant shall be located a minimum of 1.5 metres from any loading area, parking spaces, internal road or driveway located on the lot. A 1.5 metre wide landscape buffer shall be</p>

General Provision	Requirement	Site-Specific RC1 Zone
		maintained between a loading area, parking area, internal road or driveway.

The site-specific zoning provisions would establish an increased maximum height to control the scale of the building, in addition to reduced loading, parking and bicycle parking requirements and allowing for an outdoor hotel patio to encroach on the ground floor into the exterior side yard, fronting York Road. A “Holding (H)” Provision is recommended to prohibit development until such time as a Woodland Enhancement Plan and necessary legal agreements are entered into for off-site environmental restoration and enhancement to offset the ‘Other Woodland’ proposed for removal on the subject lands, which is discussed in detail within Section 5.1.2.7 of this report.

As noted, the maximum proposed building height has been reduced from the initial proposal from a ten (10) storey hotel building to a seven (7) storey hotel building in response to the comments provided by the Niagara District Airport. The applicant has revised the proposal and is seeking a maximum building height of 23.5 metres to conform with the applicable maximum height set out in the Airport Zoning Regulation (“AZR”), which is 140 metres above sea level. Staff do not anticipate any impacts from a shadowing perspective as the adjacent properties are used for commercial uses and warehousing. Given that the maximum building height meets the AZR and that Staff do not anticipate any impacts to adjacent properties resulting from an increased height, Staff are supportive of the increased maximum building height.

The application also seeks to amend several general provisions within the Town Zoning By-law 4316-09, as amended, related to loading spaces, vehicle and bus parking and bicycle parking. With respect to loading, the site-specific provisions would allow for the number of loading spaces required to be reduced from five (5) loading spaces to two (2) loading spaces, with one dedicated to the hotel and one to the restaurant. The applicant has advised that they have developed and operate several hotels across the province and that one (1) loading space is sufficient for the operations of the hotel. In addition, the applicant has indicated that the hotel buildings at the northern portion of the property each only operate with one loading space with no known issues. Regarding the location of the loading spaces, the site-specific provisions proposed will permit loading spaces in the interior side yard 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 2.0 metres from the lot line. A 2.0-metre-wide landscape buffer shall be maintained between a loading space and a lot line to provide a visual screen. Staff are supportive of the site-specific provisions related to the number and location of loading spaces proposed given that the applicant operates the hotels at the northern portion of the property with one loading space with no known issues, and further the applicant has proposed to visually screen the loading spaces from the public roadway via a landscape buffer to ensure that there is an enhanced streetscape character.

The applicant is seeking site-specific permission to reduce the number of vehicle parking spaces required from 292 spaces to 257 spaces, through having parking requirements only apply to the primary hotel use and not to accessory uses within the hotel, in addition to reducing the parking rate applied to the proposed restaurant use. Staff are supportive of the

parking reductions proposed for the subject lands, as it is anticipated that the patrons of the hotel will be the primary users of the accessory uses (such as the gym or conference spaces within the hotel, for example). As such, additional parking would not be necessary to accommodate accessory uses, as additional parking demand would not be generated by these uses. This argument also applies to the proposed restaurant on site, as the primary users of the restaurant on site are anticipated to be visitors to the proposed hotel and existing hotels located at the northern portion of the property. The applicant is also seeking reduced parking requirements with respect to the size of parking spaces, for a maximum of ten (10) compact vehicle spaces utilizing a minimum length of 4.8 metres, as these spaces will be located underground. Staff are supportive of permitting reduced standards for compact vehicles as the minimum drive aisles to access those spaces are 6.0 metres wide, and it is not anticipated that the compact spaces will impact the traffic flow for the remainder of the underground parking garage.

The applicant is seeking relief from the standard bicycle parking requirements, which apply to the subject lands, from 66 bicycle parking spaces to 26 bicycle parking spaces. The applicant has advised that there is little to no demand for bicycle parking for hotels, given that the majority of people using the hotel come from further away and therefore use cars or transit to access them. Further, the applicant has completed an analysis of zoning by-laws in surrounding municipalities (Hamilton, Burlington, Grimsby, Niagara Falls) and have determined that these by-laws would require between 12 to 25 bicycle parking spaces if applied to the proposal. Accordingly, Staff are supportive of the reduced bicycle parking requirements proposed.

The site-specific provisions propose removing the requirement for two (2) bus parking spaces. There is already a bus drop-off area adjacent to the private road that runs east-west through the middle of the site. Staff are supportive of reducing the bus parking requirements for the southern portion of the site, as there is already a designated bus drop-off area along the private road, which can be used by all hotels on the subject lands.

Staff have proposed a site-specific definition for an Outdoor Hotel Patio, which is proposed along York Road and will project into the exterior side yard of the hotel. The primary purpose of the site-specific definition is to differentiate between an Outdoor Patio Restaurant, as this is proposed to be an outdoor area for leisure, and to allow for this patio to encroach into the exterior side yard to animate the public realm and enhance the streetscape on York Road. The site-specific definition clarifies that no commercial cooking equipment is permitted, that parking requirements do not apply and that the patio is for leisure activities only. Staff are supportive of allowing the Outdoor Hotel Patio and its encroachment into the exterior side yard, as this will assist in animating the streetscape and public realm on York Road.

Based on the analysis above, Staff recommend approval of the amendments. The draft Official Plan Amendment and draft Zoning By-law Amendment are attached as **Appendix V** and **Appendix VI**, respectively.

## 5.4 Consultation

The Applications were circulated to Town departments and external agencies for review and comment. Public notice of the Applications was provided as required by the *Planning Act*, as discussed in **Section 4.2** of this report.

Comments received by Town Departments and external Agencies are attached as **Appendix VII** and **Appendix VIII**, respectively. No written public comments were received.

### 5.4.1 Town Departments

Public Works and Infrastructure – No objections. Staff are satisfied with the findings of the FSR submitted with the Applications with respect to proposed water, sanitary and stormwater servicing. Further detailed review of the proposed servicing strategy will occur at the Site Plan Approval stage. With respect to sidewalks and roads, Staff will require that the owner install a new sidewalk at a minimum of 1.5 metres in width across the site's full frontage (Glendale Avenue, York Road, west side of Counsell Street) and will be responsible for 100% of costs associated with this work. Further, Staff require that the owner reconstruct the full width of Counsell Street to an urban curb and gutter cross-section. The Town agrees to cost-share this reconstruction work, subject to the total costs and related materials being included as part of the future Site Plan Approval application.

Urban Forestry – No objections.

Building – No objections.

Finance – No objections.

Parks – No objections. The applicant has submitted a Concept Landscape Plan; however, the Plan does not include information such as species selection. Additional comments will be provided in response to the submission of a detailed Landscape Plan is provided at the Site Plan Approval stage.

Accessibility – No objections. Comments provided for the Site Plan Approval stage related to accessible parking spaces, pool washroom, entrances to the buildings, and laundry room.

Fire and Emergency Services – No objections. At the Site Plan Approval stage, Staff request that the fire route continue in a loop back to the existing fire route near the restaurant building. In addition, a Building Code Matrix for each building showing the fire protection systems will be required at the Site Plan Approval stage.

Heritage – No objections. The subject lands have been cleared of having archaeological potential, and the Town is in receipt of a Stage 1 and 2 Archaeological Assessment and the Ministry clearance letter.

### 5.4.2 External Agencies

Niagara Region – No objections. Regional Staff recommend the inclusion of a "Holding (H)" provision over the entirety of the mapped 'Other Woodland.' This Holding provision should remain in effect until such time as the Woodland Enhancement Plan has been implemented at

the locations identified in Figure 6 of the revised Environmental Impact Study. Matters related to noise impacts and urban design have been addressed by the applicant. From a Regional infrastructure perspective, there are no objections to the Applications. Further review and comment will be provided at the time of the future site plan application.

Niagara District Airport – No objections. The hotel building, as proposed, is fully compliant with the Airport Zoning Regulations in that location.

Ministry of Transportation (“MTO”) – No objections. The MTO continues to review the Multi-Development Transportation Impact Study, but is supportive of the processing of the Official Plan Amendment and Zoning By-law Amendment applications, as the proposed development should not have an impact on the Provincial Highway Network. MTO permits should not be applied for until MTO is satisfied with all components of the submission and has cleared the site.

Niagara Peninsula Conservation Authority (“NPCA”) – No objections. NPCA has reviewed the Geotechnical Reports submitted with the Applications and are satisfied with the identified location of the stable top of slope noted, and is also satisfied with the future development and site alteration setbacks proposed from the stable top of slope. It should be noted for reference that the NPCA policies do not permit new outlets into the valley that would concentrate drainage over the slope or constitute works below the top of the slope, on the valley walls. Detailed comments will be provided at the Site Plan Approval stage.

Enbridge Gas – No objections.

#### **5.4.3 Public**

An electronic Open House was held on April 16, 2025, and the statutory Public Meeting was held on June 3, 2025. One (1) member of the public attended the Open House, and zero (0) members of the public registered to attend the Public Meeting. Staff have not received any written comments from residents.

The Open House attendee asked questions of clarification regarding the height of the proposed hotel and the Airport Zoning Regulation exemption process. The member of the public who attended the Open House has been notified by Town Staff that this recommendation report was being presented to Committee of the Whole – Planning.

#### **5.5 Future Site Plan Matters**

As noted throughout the report, there are several items to be addressed through the Site Plan Application process, including but not limited to:

- Woodland Enhancement Plan, off-site environmental enhancement and restoration
- Implementation of detailed servicing requirements
- Warning clauses related to potential noise impacts
- Public sidewalk and road improvement details
- Landscaping and fencing details
- Detailed design of the hotel, restaurant and underground parking garage
- Waste collection requirements

## 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

1.2 Economic Development & Community Partnerships

### Action

1.1 b) Planning for Progress Initiatives

1.2 a) Economic Development

## 7. OPTIONS

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

## 8. FINANCIAL IMPLICATIONS

The owner will be responsible for all costs associated with the proposal. The Town will collect all applicable Development Charges at the time building permits are issued. Securities and deposits will be collected and released in accordance with the terms of a future Site Plan Agreement.

## 9. ENVIRONMENTAL IMPLICATIONS

As identified in **Section 5.1.2.7**, the removal of approximately 0.24 hectares of 'Other Woodland' from the subject lands is required to accommodate the proposed development. There were also portions of the woodland removed during the first phase of development, which the applicant was to provide off-site restoration for, but has not yet done so. Accordingly, applicant owned lands have been identified for off-site restoration, which are in proximity to the subject lands, illustrated in Figure 6 of the EIS. In total, the applicant is proposing to restore or enhance 0.36 hectares of land to offset the former woodland removals and the proposed removals for the subject lands.

A "Holding (H)" symbol is included within the proposed Zoning By-law Amendment to require the submission and approval of a "Woodland Enhancement Plan" as well as any necessary legal agreements required for off-site environmental restoration and enhancement, to replace the "Other Woodland" proposed for removal on the subject lands.

## 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.

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 Official Plan Amendment (OPA-01-2025) and Zoning By-law Amendment (ZBA-01-2025), as the Applications meet *Planning Act* requirements, are consistent with the Provincial Planning Statement and conform with the Niagara Official Plan and Town Official Plan.

## 12. PREVIOUS REPORTS

- **CDS-25-056** – Public Meeting – Information Report - 524 York Road, Phase 2 (June 3, 2025)

## 13. APPENDICES

- **Appendix I** – Application Drawings
- **Appendix II** – Maps
- **Appendix III** – Public Notice Circulation Radius
- **Appendix IV** – Planning Legislation and Policies
- **Appendix V** – Draft Official Plan Amendment
- **Appendix VI** – Draft Zoning By-law Amendment
- **Appendix VII** – Town Comments
- **Appendix VIII** – Agency Comments

Respectfully submitted:

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