



Planning and Development Services

Prepared for: Council-in-Committee

Report: PDS-28-2024

Meeting Date: May 13, 2024

File: 350309-0586 / ZBA-04-2024

1. Title

Proposed Zoning By-law Amendment Recommendation Report for 1127 Garrison Road

2. Recommendations

That: Council approves the amendment to the Town's Zoning By-law 129-90 as detailed in Report PDS-28-2024 for the lands known as 1127 Garrison Road, and further

That: Council directs Staff to prepare the necessary by-law.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

TrinityStar Aquila Inc. (Dunstan Peter) – Owner
NPG Planning Solutions Inc. (Asawari Modak and Aaron Butler) – Agent
Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide a recommendation to Council on the proposed Zoning By-law Amendment application for the subject lands municipally known as 1127 Garrison Road. The Agent, Asawari Modak and Aaron Butler of NPG Planning Solutions Inc., submitted the application on behalf of the Owner, TrinityStar Aquila Inc. (Dunstan Peter). A location map showing the subject lands is attached as **Appendix 1**.

The application is proposing to rezone the subject lands to facilitate the development of a 3-storey mixed use building on the northern portion of the subject lands with 340.00 sq m of commercial space on the ground floor and 10 residential dwelling units above on the second and third floors. The applicant is also proposing three blocks of 3-storey stacked townhouses on the southern portion of the subject lands with a total of 72 dwelling units. The existing retail store on the subject lands would be demolished.

The subject lands are currently zoned Environmental Conservation (EC) Overlay Zone, in part, Highway Commercial (C3) Zone, in part, and Neighbourhood Development (ND) Zone, in part, in accordance with the Town's Comprehensive Zoning By-law No. 129-1990, as amended.

This Zoning By-law Amendment application proposes to change the zoning of the front portion of the subject lands from Highway Commercial (C3) Zone to a site-specific Highway Commercial (C3) Zone to permit the proposed mixed-use building. The site-specific C3 Zone proposes special provisions to permit a reduced front yard setback and an increase in the maximum building height.

The Zoning By-law Amendment also proposes to permit the stacked townhouse dwellings and to change the zoning of the rear portion of the subject lands from Neighbourhood Development (ND) Zone to a site-specific Residential Multiple 2 (RM2) Zone. The proposed site-specific provisions in the RM2 Zone would add stacked townhouses as a permitted use and permit reduced minimum lot area per dwelling unit, encroachment of sunken patios into the required rear yard, reduced distance for some driving lanes to a property line, reduced planting strip width between some driving lanes and a Residential Zone, and permit parking between two zones.

The proposed Zoning By-law Amendment also proposes to remove a small area of Environmental Conservation (EC) Overlay Zone along the western boundary of the subject lands. A Holding (H) Zone will also be applied until sanitary sewer capacity at the Alliston Sewage Pump Station to the east can be confirmed to the satisfaction of Town staff and Niagara Region.

Since the Public Meeting, the Agent has revised the site plan and the design of the proposed stacked townhouses to reflect comments that were provided by Staff and Council. The total number of stack townhouse units has been reduced by 8 units providing a total of 72, instead of 80 units as previously proposed. The development now complies with the parking requirements of the Zoning By-law. Further, the number of stacked dwelling units in Blocks B and C have been reduced from four units to three units maximum. The mixed-use building has also been located closer to Garrison Road and the entrance driveway width was reduced to enhance pedestrian safety. Detailed review of the entrance driveway will occur in conjunction with Niagara Region as part of a future draft plan / site plan application. A detailed description of the revised site plan is contained in section 6.2.5 of this report.

A future plan of condominium will be required to create the blocks/units.

6. Analysis

6.1 Nature of the Site

The subject lands are within the Crescent Park neighbourhood, located on the south side of Garrison Road, east of Crescent Road, in the Town of Fort Erie. The subject lands are approximately 1.00 ha in area. There is an existing retail store on the subject lands that would be demolished to facilitate the proposed development.

The future residents of this development can make use of Spears Park, a neighbourhood park, that is located approximately 400 m north of the subject lands in the Spears Estates Subdivision. Ferndale Park, a community park, is located approximately 1.30 km to the southwest in the Crescent Park neighbourhood. A future park is proposed approximately 800 m to the east as part of the Alliston Woods Phase 1 Subdivision.

The following land uses surround the subject lands:

- North:** Garrison Public School and commercial and residential uses along Garrison Road.
South: Vacant residential land associated with the draft-approved Crescent Acres Subdivision.
East: Existing residential uses along Garrison Road. The parcel immediately adjacent to the subject lands is zoned for a mixed-use building and an apartment building at the rear.
West: Existing commercial uses along Garrison Road.

6.2 Planning Context

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

The *Planning Act* provides legislative authority to municipalities for all land use planning matters. Sections 2 and 3 of the *Planning Act* require municipal Council to carry out and have regard for decisions in accordance with matters of Provincial Interest, such as orderly development of safe healthy communities, adequate provision of a full range of housing, location of growth and development, efficient use of infrastructure, and to be consistent with Provincial and municipal policies and plans regulated under the *Planning Act*.

This proposal conforms to Provincial planning policy, the Niagara Official Plan and the Town's Official Plan. The development is appropriate for the subject lands, represents efficient use of infrastructure and underutilized urban land and provides additional housing variety.

6.2.2 Provincial Policy Statement, 2020

The subject lands are located within a Settlement Area under the Provincial Policy Statement, 2020 (PPS). The policies of the PPS direct growth to settlement areas and encourage intensification where local infrastructure is planned or available. The PPS also encourages building strong communities by efficiently using land and resources, adding housing options and promoting active transportation.

This proposal is consistent with the policies of the PPS. The proposed development represents intensification of an underutilized parcel inside of a Settlement Area and the Urban Boundary that has access to municipal services. The proposed development will add housing options to the area and is well-suited for active transportation with Garrison Public School and commercial amenities along Garrison Road located nearby.

6.2.3 Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan) designates the subject lands as being within a Delineated Built-Up Area. The Growth Plan requires 50% of new development in the Niagara Region to occur within Built-up Areas and directs residential growth to delineated Built-Up Areas. The Growth Plan also generally encourages opportunities for intensification, efficient use of urban land and promotes alternative housing options.

The proposed development is consistent with the policies of the Growth Plan. The proposed development is located within a Settlement Area and is identified as Delineated Built Up-Area. The proposal will assist the Town in achieving its intensification target. The proposed development represents efficient use of urban land and intensification of an underutilized parcel and provides additional housing options to the Town.

6.2.4 Niagara Official Plan, 2022

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within a Delineated Built-Up Area. The NOP directs that development in urban areas shall integrate land use and infrastructure planning to manage growth responsibly. The NOP supports intensification, compact built form and a diverse range and mix of housing types. The NOP also established a minimum residential intensification target of 50% for the Town of Fort Erie.

This proposal conforms with the policies of the NOP. The proposed development will intensify underutilized land, feature a compact built form and provide additional housing types. This proposal will assist the Town in achieving the minimum residential intensification target of 50% of new residential dwelling units within the Built-up Area.

6.2.5 Revised Site Design

Following the Public Meeting, the Applicant has revised the preliminary site plan and design of the stacked townhouses to address the comments received from Staff and Council. The following notable changes have occurred:

- The mixed-use building has been moved closer to Garrison Road (from 9.6 m to 3.0 m) to improve access for pedestrians;
- The entrance driveway has been narrowed to slow ingress and egress and to improve pedestrian safety;
- The number of stacked townhouses has been reduced from 80 to 72 dwelling units;
- The maximum number of stacked dwelling units in Blocks B and C was lowered from 4 to 3 stacked units;
- The reduction in stacked units and redesign of the blocks has facilitated the removal of the rear staircases from the exterior of the building;
- Landscaped area has increased from 30.88% to 34.55%;
- Eight of the ground-level dwelling units in the stacked townhouses are suitable as accessible dwelling units and are marked on the site plan with hatching; further, accessible parking spaces have been located in proximity to these units.

The proposed development features a 3-storey mixed-use building on the northern portion of the subject lands with 340.00 sq m of commercial use on the ground floor. The second and third storeys contain a total of 10 residential dwelling units. The commercial units front directly onto Garrison Road with access to the residential dwelling units located at the rear of the building. Parking for the commercial uses and the residential dwelling units is also located to the rear of the mixed-use building.

The proposed stacked townhouses are located at the rear of the subject lands and are organized into three blocks, B, C and D. All three blocks have 24 residential dwelling units.

The C3 Zone also contains enough parking spaces to accommodate the parking requirements for the commercial units and the 10 residential dwelling units above. There are 63 parking spaces provided in the C3 Zone portion of the subject lands. The mixed-use building requires 22 parking spaces under the Zoning By-law.

Overall there are 131 parking spaces provided on the subject lands, 22 for the commercial units and dwelling units in the mixed-use building and 108 for the stacked townhouses. There are

now a sufficient number of parking spaces on the subject lands for all of the uses proposed as part of this Zoning By-law Amendment application.

Pedestrian connections are provided via a series of internal sidewalks and marked pedestrian crossings. The site will integrate with the sidewalk along Garrison Road and the crosswalks at the signalized intersection north of the subject lands. The proposed commercial units can be accessed by pedestrians directly from the sidewalk along Garrison Road.

Amenity area for the residential dwellings is provided via patios/balconies that are adjacent to each unit including some rooftop patios.

The original site plan is attached as **Appendix 2**. The revised site plan is attached as **Appendix 3**.

6.2.6 Town of Fort Erie Official Plan, 2021 Consolidation, as Amended

The subject lands are designated Commercial, in part, Environmental Conservation, in part, and Urban Residential, in part, in the Town's Official Plan. The proposed mixed-use building will be contained in the portion of the subject lands that is designated Commercial. In this instance, the Commercial portion of the subject lands is considered to be Highway Commercial as it is located along Garrison Road. Lands designated Highway Commercial are intended to serve the travelling public. that the Official Plan permits residential units on lands designated Highway Commercial, preferably above the ground floor. The proposed mixed-use building conforms to the Highway Commercial policies of the Official Plan.

The proposed stacked townhouse dwellings will be contained in the portion of the subject lands that is designated Urban Residential. The Urban Residential designation permits a variety of housing forms, including townhouses and multiple-unit dwellings. The proposed stacked townhouses generally conform to the Urban Residential policies of the Official Plan. There is no established density limit in the Commercial or Urban Residential land use designations. The overall density of the proposed development is 82 units per hectare. An Official Plan Amendment is not required for this proposal.

There are no significant natural heritage or natural hazard areas located on the subject lands as identified in Schedule C and C1 of the Town's Official Plan. A very smaller sliver of land along the western property line is identified as Significant Natural Area on Schedule C. This corresponds with the Environmental Conservation designation.

The subject lands are within a zone of archaeological potential according to Schedule D of the Town's Official Plan. A Stage 1 and 2 Archaeological Assessment was completed for the site by Detritus Consulting Ltd. (dated January 25, 2023) and concluded that no further archaeological assessment is required.

Urban Residential Policies Regarding Redevelopment

In considering high density residential uses, including redevelopment, Section 4.7.4.1 of the Official Plan states that regard shall be given to the following:

- a. *The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower*

density residential uses;

The proposed mixed-use building and stacked townhouse dwellings are relatively low-rise being 3-storeys in height. The Agent has modified the design of the stacked townhouse dwellings to remove a level of dwelling units from Buildings B and C. All of the townhouses now have a maximum of three dwellings stacked above one another. The site is arranged with the mixed-use building near Garrison Road with parking and the stacked townhouse dwellings in the rear, providing screening from the street. The development integrates with the surrounding area by having direct access to an existing signalized intersection and connection to sidewalks and pedestrian crossings on Garrison Road. The development is compatible with the area. There is a mix of uses existing or proposed in the area, including commercial uses, a mixed-use building and apartment to the east and the draft-approved Crescent Acres subdivision to the south, which also includes a number of townhouses. Other than the parcel to the east which is approved for redevelopment, the subject lands is not located near any existing lower-density residential uses and is not anticipated to have negative impacts.

b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

The proposed development will have an appropriate amount of open space and landscaping. Each dwelling will have a privacy area adjacent to each unit, either in the form of sunken patios, balconies, or rooftop patios. Amenity area is available at the rear of the stacked townhouse dwellings ranging from 8.19 m (west side), 7.50 m (east side) and 5.61 m (south side). The landscape plan submitted with the application proposes board-on-board fencing along the perimeter of the site with use of trees and hedging to provide additional screening and protection of privacy on adjacent parcels. The proposal complies with the landscaped area requirements of the Zoning By-law with approximately 34.55% of the site being comprised of landscaped area.

c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

The parking areas proposed for this development now comply with the parking requirements of the Zoning By-law following the revision of the site plan and the removal of 8 dwelling units from the stacked townhouses. There are enough parking spaces on-site to accommodate the proposed commercial units and residential dwelling units in the mixed-use building in addition to parking for the stacked townhouse dwellings at a rate of 1.5 parking spaces per dwelling unit. Part of this Zoning By-law Amendment will include a site-specific provision to permit some parking for the stacked townhouses in the Highway Commercial (C3) Zone portion of the subject lands.

d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

Region staff have reviewed the site plan and acknowledge that the development is proposing to utilize in-ground Molok waste containers. This method of waste storage is not eligible for Regional collection. Waste and recycling collection for the subject lands will be the responsibility of the Owner through a private waste collection contractor and not the Niagara Region.

e. Driveway access, internal roadways and pedestrian walkways that are safe and properly

designed;

Driveway access occurs from an existing signalized intersection at Garrison Road. The internal roadways are designed to connect to the intersection and the layout includes several turnaround areas to facilitate movement of vehicles throughout the site. The location of the proposed mixed-use building has been revised to be located closer to the sidewalk along Garrison Road, easing access to the commercial units by pedestrians. The site plan contains a network of sidewalks and marked pedestrian crossings to ensure safe pedestrian movement. The entrance to the site has also been significantly narrowed to slow vehicle movements in and out of the site and to make it easier for pedestrians to traverse the entrance. The sidewalk network on the subject lands will also connect directly to the existing pedestrian crosswalk on Garrison Road.

f. Convenient access to a collector or arterial road;

The subject lands front directly onto Garrison Road, a Regional road, by way of a signalized intersection.

g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

The subject lands connect directly to an intersection with a pedestrian crosswalk. A public elementary school, Garrison Public School, is located across Garrison Road. A variety of amenities, including commercial uses and public parks are within walking distance from the subject lands and are accessible via the existing sidewalk network in the area.

h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street”; and

The mixed-use building faces Garrison Road and provides visibility on the public street. The stacked townhouse dwellings are arranged to face internally, providing ‘eyes on the street’ for the internal sidewalks and parking areas.

i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

Planning and Development Engineering staff will perform a detailed review of the site plan as part of the future Plan of Condominium application if this Zoning By-law Amendment is approved. Staff note that the preliminary site plan includes sidewalks, marked pedestrian crossings and bicycle storage areas. The revised site plan also improved the proposed plan by moving the mixed-use building closer to the public street and narrowing the entrance to make it easier for pedestrians to cross the entrance driveway.

Other Policies

Section 5.3 of the Official Plan provides some policies for Staff and Council to consider to facilitate the provision of affordable housing, including encouraging a mix of housing types, residential units as components of commercial development and intensification. This supports the introduction of a new housing form, specifically in this location.

Section 5.6.2 III. of the Official Plan notes that where appropriate with the existing urban character new development should be sited close to the street and aligned with it to enclose the

street space. Section 5.6.3 IX. also states that development should be orientated to ensure that main entrances face the streetscape with strong pedestrian connections and landscape treatments that connect the buildings to the street.

6.2.7 Comprehensive Zoning By-law 129-1990, as Amended

The subject lands are currently zoned Environmental Conservation (EC) Overlay Zone, in part, Highway Commercial (C3) Zone, in part, and Neighbourhood Development (ND) Zone, in part, in the Town's Comprehensive Zoning By-law 129-1990, as amended.

The northern portion of the subject lands is zoned C3 Zone and is approximately 0.35 ha in area. The existing retail store is located in the C3 Zone. This Zoning By-law Amendment application is proposing to change the zoning of this area to a site-specific Highway Commercial (C3) Zone to permit a 3-storey mixed use building with ground floor commercial units and 10 dwelling units located on the second and third storeys. The following site-specific provisions are proposed in the C3 Zone to implement the development proposal:

Table 1: Proposed Regulations for the Site-specific Highway Commercial (C3) Zone			
Regulation	C3 Zone Requirement	Proposed	Staff Comments
22.3 - Minimum Front Yard	15.00 m	3.00 m	Support. The reduced setback improves pedestrian access to the commercial units from Garrison Road, is consistent with streetscape and urban design policies in the Official Plan and allows for increased landscaped area in the remainder of the site.
22.3 - Maximum Building Height	i) 2.5 storeys ii) 12.00 m	i) 3 storeys ii) 12.00 m	Support. The proposed increase in the number of storeys is relatively minor and is similar to the zoning on the parcel to the east that is approved for a 3.5 storey mixed-use building in the front and a 4 storey apartment at the rear. Even with the increase in the number of storeys, the proposal complies with the maximum height requirement of the zoning by-law.

The southern portion of the subject lands is currently zoned ND Zone and is approximately 0.65 ha in area. The ND Zone only permits existing single detached dwellings and accessory uses on site. This Zoning By-law Amendment application is proposing to change the zoning of this area to a site-specific Residential Multiple 2 (RM2) Zone to permit the proposed 3-storey stacked townhouses to implement the development proposal. The following site-specific provisions are proposed in the RM2 Zone:

Table 2: Proposed Regulations for the Site-specific Residential Multiple 2 (RM2) Zone			
Regulation	RM2 Zone Requirement	Proposed	Staff Comments
15.2 - Permitted Uses	N/A	Add Stacked Townhouses as a permitted use	Support. The proposed stacked townhouse dwellings will add additional housing options for the area. The built form is appropriate for the area with the subject lands being located in the Urban Boundary along a major road corridor of the Town with proximity to nearby commercial uses, municipal parks and Garrison Public School. The proposed use is similar to other permitted forms in the area such as the apartment building on the parcel to the east.
22.3 - Minimum Lot Area	115.00 sq m per unit	85.00 sq m per unit	Support. The minimum lot area per dwelling unit is calculated by dividing the total lot area by the total number of proposed units. The minimum lot area per dwelling unit is not the same as the minimum floor area per dwelling unit. The proposal complies with the minimum floor area requirements per dwelling unit of the Zoning By-law. The subject lands are of sufficient area to accommodate the number of dwelling units proposed via the revised plan and complies with the rear and

Table 2: Proposed Regulations for the Site-specific Residential Multiple 2 (RM2) Zone

Regulation	RM2 Zone Requirement	Proposed	Staff Comments
			side yard building setbacks parking and landscaped area requirements of the Zoning By-law for all of the proposed uses.
22.3 - Maximum Building Height	9 storeys or 26.00 m whichever is greater	3 storeys and 12.00 m maximum	Support. Planning staff will implement a site-specific regulation that limits the maximum height to 3 storeys and 12 m as proposed by this Zoning By-law Amendment application.
6.15 (b) - Lots with More Than One Use or Zone	Where a lot is divided into two or more zones, each such portion of the said lot shall be considered separately and shall be used in accordance with the regulations of this By-law which are applicable to the zone wherein such portion of the said lot is located.	Notwithstanding 6.15 (b), 40 parking spaces required for the RM2 Zone are to be provided in the C3 portion of the subject lands.	Support. The location of the zone boundary is an existing situation and excess space is available in the C3 portion of the subject lands to accommodate parking for the proposed stacked townhouse dwellings. The revised development now fully complies with the parking requirements of the Zoning By-law. The subject lands are one whole parcel and will remain so. Planning staff do not object to considering the two zones as one for the purposes of providing parking for the stacked townhouses.
6.20 (l) - Parking Area Location on Lot	C3 - 3.00 m setback to any street line or to any Residential Zone.	C3 - 2.60 m setback to a Residential Zone.	Support. The reduced setback from a parking area to a Residential Zone only occurs in a few select locations along the east and west property lines. The majority of the parking areas on-site meet or exceed the minimum 3.00 m setback requirement. The landscape plan proposes to enhance the area between parking areas and the Residential Zones to

Table 2: Proposed Regulations for the Site-specific Residential Multiple 2 (RM2) Zone

Regulation	RM2 Zone Requirement	Proposed	Staff Comments
			the east and west via board-on-board fencing and landscaping elements to screen parking areas from adjacent parcels.
6.20 (l) - Parking Area Location on Lot	RM2 - 3.00 m setback to any street line and any lot line.	RM2 - 2.60 m setback to a lot line.	See above.
6.21 (b) - Landscaping and Planting Strips Width	3.00 m width to a lot line adjacent to a Residential Zone.	2.60 m width to a lot line adjacent to a Residential Zone.	Support. The reduced planting strip widths only occur in a few select locations along the east and west property lines. The majority of the planting strips along the east and west side yards meet or exceed the minimum 3.00 m width requirement. The landscape plan proposes enhancements to the planting strips along the periphery of the subject lands including board-on-board fencing and landscaping elements which will adequately mitigate impacts of a reduced planting strip in the areas where they exist.
6.40 (a) - Permitted Projection of Platforms into Required Yards	N/A	1.90 m projection for a below-grade sunken patio into the required rear yard.	Support. This regulation is required as the General Provisions of the Zoning By-law do not contain regulations permitting encroachments into a required rear yard for patios below grade. Staff are satisfied that sufficient space will remain in the rear yard for amenity area and the patios will serve as additional amenity area for residents of Block D.

Table 2: Proposed Regulations for the Site-specific Residential Multiple 2 (RM2) Zone

Regulation	RM2 Zone Requirement	Proposed	Staff Comments

Planning staff support the Zoning By-law Amendment application for 1127 Garrison Road and the site-specific provisions that are requested as part of the amendment.

Resident and visitor parking is proposed on site at a rate of 1.5 parking spaces per dwelling unit for the stacked townhouse dwellings (108 parking spaces total). 68 parking spaces are located in the proposed RM2 Zone portion of the subject lands. The remaining 40 parking spaces are proposed in the site-specific C3 Zone and will require a site-specific provision to permit parking for the stacked townhouse dwellings in multiple zones.

This Zoning By-law Amendment is proposing to remove a small strip of Environmental Conservation (EC) Overlay Zone along the western property boundary. Planning staff have no objection to this as there are no significant natural heritage features on the subject lands.

As noted in [Information Report PDS-13-2024](#), the [Peer Review of the Functional Servicing Report](#) identified a sanitary capacity issue at the Alliston Sewage Pump Station to the east. Planning staff therefore recommend that a Holding (H) Zone be applied as part of the Zoning By-law Amendment for the subject lands to be removed when the sanitary capacity issue is resolved to the satisfaction of Town staff and Niagara Region.

6.2.8 Studies

The following studies and plans were submitted with this application:

- [Environmental Site Assessment and Letter of Reliance](#)
- [Functional Servicing Report](#)
- [Functional Servicing Report Peer Review](#)
- [Landscape Plan](#)
- [Noise Feasibility Study](#)
- [Site Grading Plan](#)
- [Site Servicing Plan](#)
- [Stage 1 and 2 Archaeological Assessment](#)
- [Traffic Impact Study](#)

Staff and External Agency comments on these documents were provided in [Information Report PDS-13-2024](#). No additional studies or plans other than a revised site plan were submitted since the Public Meeting and Information Report.

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the subject lands is

the responsibility of the Owner.

Development charges will be collected at the time of building permit application. Cash-in-lieu of parkland dedication will be required as a condition of the future draft plan of condominium application.

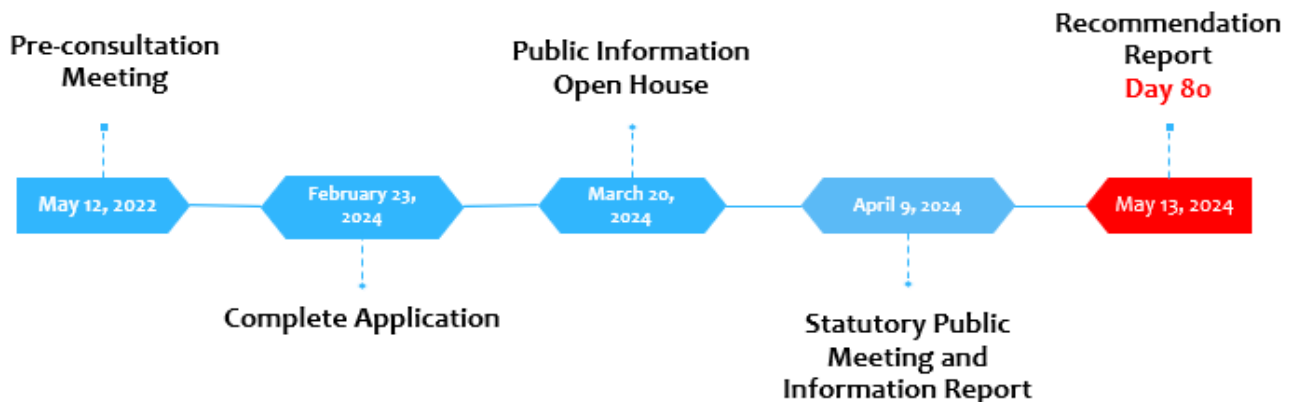
No impediments to the AODA legislation are expected to be developed through the proposed amendment.

8. Policies Affecting Proposal

The application was submitted on December 19, 2023 and was initially deemed incomplete to complete a peer review of the functional servicing report. The application was deemed complete on February 23, 2024.

In accordance with Bill 109, the proposed Zoning By-law Amendment application is subject to a 90-day processing and review timeline. A Council decision will be required for this application by May 23, 2024 to meet the 90-day deadline. If a decision is not obtained by May 23, 2024, the Town will be required to refund a portion of the application fee and the Applicant may appeal the application to the Ontario Land Tribunal (OLT).

This application is currently on **Day 80** of the 90-day timeframe as illustrated below:



Notice of the statutory Public Meeting was provided in accordance with the *Planning Act* by placing a sign on the subject lands and circulating a Notice of Complete Application and Public Meeting by mail on March 19, 2024 to all property owners within 120 m of the subject lands.

Land use policies for the subject lands are contained in the PPS, Growth Plan, NOP, and Town Official Plan.

9. Comments from Departments, Community and Corporate Partners

9.1 Staff and Agency Comments

A request for comments regarding this Zoning By-law Amendment application was circulated to relevant Departments and Community and Corporate partners. Comments received for this application are contained in [Information Report PDS-13-2024](#). No additional comments were

received from Town Staff or external agencies following the Public Meeting and Information Report.

9.2 Public Comments

A Public Information Open House Meeting was held in the Atrium of Town Hall on March 20, 2024. All property owners within 120 metres of the subject lands were notified of the meeting via a notice mailed by Staff on March 6, 2024. Town planning staff and a representative from the Agent were in attendance. Two members of the public attended the Public Information Open House Meeting and were in support. No concerns or objections were raised. No written comments were received with respect to this application.

A statutory Public Meeting was held on April 9, 2024 for the proposed Zoning By-law Amendment application in Council Chambers of Town Hall. No members of the public provided verbal comments and the Public Meeting was declared closed.

9.3 Comments from Town Council

Council provided several comments in regard to this application at the Public Meeting stating that apartments were a preferable built form. Council noted concerns with the stacked townhouse dwellings including the accessibility of the dwelling units, the architectural design, the appearance of the fire escapes on the exterior of the stacked townhouse buildings and the number of dwelling units stacked above one another.

10. Alternatives

Council may decide to deny the proposed Zoning By-law Amendment application. Planning staff do not recommend this as the proposal is consistent with Provincial, Regional and Town planning policies.

11. Communicating Results

Notice of Council's decision will be circulated as required in the *Planning Act*. The application is subject to a 20-day appeal period. If no appeals are received during the appeal period, Council's decision is final.

12. Conclusion

Planning Staff support the proposed Zoning By-law Amendment application as it represents good land-use planning and meets the requirements of the *Planning Act*, is consistent with the PPS, and conforms to the Growth Plan, Niagara Official Plan and Town Official Plan. The application will facilitate development of 340 sq m of commercial uses and 82 dwelling units that represent a compact form of development and will provide additional housing choices to the Town.

13. Report Approval

Prepared by:

Daryl Vander Veen
Intermediate Development Planner

Reviewed by:
Mark Iamarino, MCIP, RPP
Manager, Development Approvals

Submitted by:
Anamika Dilwaria, M.A., M.Pl., MCIP, RPP, Dipl.M.M
Director, Planning and Development Services

Approved by:
Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

Appendix 1 – Location Plan
Appendix 2 – Original Site Plan
Appendix 3 – Revised Site Plan