

DATE: March 31st, 2021

REPORT NO: COA-009-21

SUBJECT: **Recommendation Report**
Application for Consent
by Jared Marcus, IBI Group (Agent) on behalf of
the Greek Association of Niagara
File No. B02/2021WL

CONTACT: Gerrit Boerema, Planner II
Brian Treble, Director of Planning and Building

OVERVIEW:

- An application for a minor boundary adjustment in the form of a lot addition to Marz Homes Lands' current draft plan of subdivision application, has been submitted by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara. The Marz Homes' current draft plan of subdivision application is currently under consideration by the Township.
- The Greek Association of Niagara own an Institutional 'I' zoned property that is ± 1.959 hectares (± 4.840 acres) in size with the Roll Number 260203001232200, municipally know as 6659 Regional Road 20, and are proposing to sever off ± 0.560 hectares (± 1.384 acres) and retain ± 1.399 hectares (± 3.456 acres) of land.
- In late 2020, the Greek Association of Niagara's property at 6659 Regional Road 20 was rezoned to Institutional 'I' from Development 'D'.
- The Marz Homes' property abuts to the northwest and southwest boundary of Greek Association of Niagara's property at 6659 Regional Road 20.
- The Greek Association of Niagara are proposing to undergo the minor boundary adjustment with the Marz Homes' property.
- The Marz Homes' property is ± 10.35 hectares (± 25.57 acres) in size. Completing the proposed minor boundary adjustment would increase the Marz Homes' property to ± 11.01 hectares (± 26.954 acres) in size.
- The portion of land proposed to be severed will allow Marz Homes to develop approximately 16 additional freehold single detached lots that front onto a proposed internal Street 'B' of their proposed mixed-use development application.
- If this application is approved, a Zoning By-law Amendment and Official Plan Amendment application will be required to rezone the land proposed to be severed from 'I' to Residential Low Density 'R3'. These applications are currently being proceed with the public meeting held on March 8, 2021.

OVERVIEW CONTINUED:

- **The application has been reviewed in accordance with Section 51(24) of the Planning Act, Provincial, Regional and Township Policy and has been deemed to meet these criteria. Staff recommend approving this application. Subject to a number of conditions.**

RECOMMENDATION:

That, report COA-009-21, regarding an application for Consent made by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara, BE APPROVED; subject to the following conditions:

1. That the approval applies to the transaction as applied for.
2. That all municipal requirements be met to the satisfaction of the municipality including servicing connections if required, cash-in-lieu of park land dedication, property maintenance, compliance with Zoning By-Law provisions for structures, and any related requirements, financial or otherwise.
3. That the subject parcel being Part 1 of the survey sketch prepared by A.J. Clarke and Associates Ltd. and dated January 13, 2021 be conveyed to Marz Homes Lands, being the owner of the property to the north and west, being legally described as PIN No. 46055-0152(LT) and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
4. That the applicant provide the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
5. The applicant applies for, pay the prescribed fee and obtain an amendment to the Zoning By-law with respect to the lot to be severed, such that it be rezoned from Institutional 'I' to Residential Low Density 'R3' to recognize the proposed residential units for the area and that the By-law be in full force and effect.
6. That an Official Plan Amendment is applied for and approved, to re-designate the lands from Institutional to low density residential.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.

8. That all conditions shall be fulfilled within a period of one year after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the *Planning Act*, failing which this consent shall be deemed to be refused.

ALIGNMENT TO STRATEGIC PLAN

- **Theme #3**
 - Strategic, responsible growth

BACKGROUND:

A consent application has been submitted on behalf by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara for their Institutional 'I' zoned property that is ± 1.96 hectares (± 4.84 acres) in size. This application proposes to sever ± 0.56 hectares (± 1.384 acres) of Institutional 'I' land from the subject property. The portion of land proposed to be severed is currently vacant and underutilized by the Greek Association. The retained Institutional 'I' land will be ± 1.399 hectares (± 3.456 acres) in size.

The subject land to be severed is known municipally as 6659 Regional Road 20. The land is legally described as Concession 9, Part Lot 10, Plan M98 Lot 8 in the former Township of South Grimsby, now in the Township of West Lincoln, Roll Number 260203001232200. The subject land is located to the north of Regional Road 20, west of South Grimsby Road 5, and east of South Grimsby Road 6. (See attachment 1)

The Greek Association of Niagara, through their agent, are proposing to perform a minor boundary adjustment which will result in a lot addition to the Marz Homes Lands' adjacent property. The Marz Homes' property abuts the northwest and southwest boundary of the Greek Association of Niagara's north and west and is legally described as Concession 9, Part Lot 10, Plan M98 Lot 9, Roll Number 260203001231800. The property is ± 10.35 hectares (± 25.57 acres) in size. With the lot addition the Marz Homes' property will become ± 11.01 hectares (± 26.954 acres) in size.

CURRENT SITUATION:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The PPS promotes building and sustaining strong, healthy communities through efficient development and land use patterns. This includes providing a mix and range of housing, employment, institutional, recreational, park, and open space land uses to meet the long-term needs of residents in the province. The PPS states that development should generally take place where municipal infrastructure and services currently exist, or are planned and to avoid the unnecessary expansion of services. Development should be planned to protect and preserve natural and cultural heritage features, and should avoid natural and man-made hazards.

The proposed development focuses development away from significant or sensitive resources – specifically the Township’s Agricultural land – and areas that may pose a risk to public health and safety. Additionally, the proposed development is aiming to provide 16 single detached residential dwellings that will make more efficient use of the existing lands through intensification and redevelopment, further contributing to meeting the long-term needs of residents by providing more housing opportunities. The exact lot fabric and number of lots will be determined through the ongoing draft Plan of Subdivision. Lastly, the proposed development is located within an existing Settlement Area where municipal infrastructure and services are planned and away from natural and cultural heritage features. As such, the proposed development is consistent with the PPS, 2020.

A Place to Grow (2019)

A Place to Grow Plan (P2G), 2019 provides policies to guide future growth and development in the Greater Golden Horseshoe (the “GGH”) to a time horizon to the year 2051. The P2G projects a population of 674,000 residents and 272,000 jobs by 2051 for the Region of Niagara. The 2051 projections are required to be updated within the Region and Township’s Official Plan through a Municipal Comprehensive Review (“MCR”). In the interim, the existing projections of the Region of Niagara and Town of West Lincoln Official Plans’ apply.

The current Region of Niagara Official Plan and Township of West Lincoln population projections are based on the Growth Plan, 2006. The Growth Plan, 2006 provided population forecasting through to 2031. The 2006 Growth Plan projected a population of 511,000 residents and 218,000 jobs for the Region of Niagara by 2031.

Building upon the policy direction of the PPS, the P2G provides policy direction to municipalities within the GGH on how and where to grow. The P2G directs development and growth to the existing Settlement Areas, where municipal services and infrastructure exist or are planned. Similar to the PPS, the Growth Plan does not permit the expansion of existing, or creation of new, Settlement Areas outside of the Municipal Comprehensive Review, and only provided it is demonstrated that sufficient opportunities to accommodate the forecasted growth to the horizon of the plan are not available through intensification and in the designated Greenfield areas.

Development in the GGH should promote complete communities that offer and support opportunities for people of all ages and abilities to conveniently access the necessities of daily living, including an appropriate mix of jobs, local stores and services, a full range of housing, transportation options and public services. The P2G provides municipalities with intensification targets for Urban Growth Centres (downtown areas), Transit Corridors and Station Areas, and Greenfield Areas. The Plan also provides policy direction that a minimum density target of 50 residents and jobs combined per hectare shall be applicable to the designated Greenfield areas in the Niagara Region. These targets are to be implemented through the local Official Plan.

As previously discussed, the proposed development includes residential growth in an existing Settlement Area where municipal services and infrastructure are planned. Further, the subject lands are a designated Greenfield area and the proposed development comprises roughly 16 single detached dwellings that will contribute to meeting the minimum density target of 50 persons and jobs combined per hectare allocated to the Greenfield area through the P2G, 2019. Lastly, the proposed development will function as part of a complete community that caters to people of all ages and abilities, further contributing to ensuring that the full range and mix of housing opportunities available. As such, the proposed development conforms to the P2G, 2019.

Greenbelt Plan (2017)

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

Regional Official Plan

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The proposed planning application conforms to the ROP as it facilitates residential development within a designated Greenfield area. The proposed residential development further encourages a compact complete community within the designated Greenfield area by providing an additional single detached housing component to the planned 224 residential units (45 single detached dwellings, 147 townhouses & 32 mixed-use residential units), mixed-use commercial/residential building, park, and a stormwater management pond to be established on the Marz Homes. This plan is still under review for a proposed Plan of Subdivision application. Moreover, the proposed additional residential units will further contribute to achieving the minimum combined gross density target of 50 people and jobs per hectare within the designated Greenfield area.

With respect to road access, currently the Greek Association Lands have access onto Highway 20, which is a Regional Road. The proposed development land area is proposed to be severed from the Greek Association Lands and merged with the Marz Homes; therefore, the proposed development will have access onto Street “B” of the draft Marz Homes Plan of Subdivision and will not have a significant impact to the Regional Road function (i.e. active transportation network, access, etc.).

Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan contains goals, objectives and policies that ensure that future growth preserves and enhances the irreplaceable attributes of the Township. The policies outlined in the Official Plan implement the broader policies of the Regional Official Plan.

The Greek Association Lands are located within the Greenfield area of the Smithville Urban Boundary, where residential growth shall be focused. The proposed development will contribute to meeting the Township’s forecast of an average gross density of 50 jobs and persons per hectare within the designated Greenfield area. The proposed

development is included as part of an overall vision that will be phased and implemented in an efficient manner with the entire Secondary Plan area to balance both intensification and development. The proposed complete community on the Marz Homes creates a more compact, multi-modal, mixed-use community that comprises a wide range of housing types and tenures to develop lands efficiently. The proposed development will further contribute to the mix of housing opportunities within the community.

The Greek Association Lands and Marz Homes are identified on Schedule B-4 as being within the Northwest Quadrant Secondary Plan area. The Northwest Quadrant area is proposed to be developed as a complete community by incorporating residential uses, local servicing commercial uses, and an integrated parks and open space system. The proposed development on the Greek Association Lands will further contribute to accommodating the minimum of 570 new residential units by 2031 and achieving the minimum density of 50 people and jobs per hectare within the designated Greenfield area.

The Greek Association Lands are designated as Institutional on the Community Structure Plan. The current use on the Greek Association Lands is planned to continue. The proposed development includes residential uses, as intended by the Northwest Quadrant Secondary Plan in the long-term for the Greek Association Lands if the existing use ceases to exist. Any future redevelopment of the Greek Association Lands will require an OPA. The proposed development will not change the identified road patterns on Schedule A or Schedule E-4 of Township Official Plan for that matter. A TWOP amendment is required to permit the proposed development on the Greek Association Lands. The Low Density Residential designation is most suitable to apply on the proposed development land area of the Greek Association Lands. The proposed low density residential development would permit the proposed single detached dwelling type and would result in 29 units per net residential hectare, in accordance with the Low Density Residential designation of the Northwest Quadrant Secondary Plan.

Moreover, the proposed development strives to conserve energy and achieves sustainability by encouraging a compact development and efficient built form by using planned municipal services and infrastructure and developing Greenfield land. Moreover, as already confirmed by the Development Report prepared by IBI Group in July 2020, the proposed development on the Marz Homes is transit supportive encourages active modes of transportation, implements environmentally responsible design and construction practices, protects natural features, and results in the reduction of resource consumption. Overall, the proposed development maintains the intent of the TWOP and associated Northwest Quadrant Secondary Plan, provided that the applicant applies for and gets approval for an Official Plan amendment to change the designation from Institution to Low Density Residential.

Township Zoning By-law

The property is currently zoned Institutional 'I'. Single detached dwellings are not a permitted use within the Institutional ("I") zone; therefore, a Zoning By-law Amendment

is required to change the zone and implement the appropriate dwelling typology. The retained 'I' land is required to retain its 'I' zoning. The parcel of land that is being severed is required to merge with the Marz Homes' property and is required to be rezoned to Residential Low Density 'R3'.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this application.

INTER-DEPARTMENTAL COMMENTS

Circulation was provided to interested agencies on March 12th 2021, by way of mail and e-mail.

The Township Public Works Department and Septic Inspector have no objections for this application.

The Niagara Region staff have no comments to provide as Regional interests for the subject lands are being addressed through the concurrent Official Plan & Zoning By-law Amendment applications

The Niagara Peninsula Conservation Authority (NPCA) does not object to the severance, as there are no NPCA regulated features or hazards located on the subject property.

Bell Canada's engineering department have determined that there are no concerns or issues with the application.

No other comments were received from agencies for this application at the time of this report.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 120m radius of the subject lands March 12th 2021. A notice was posted to the Township's website on the same day, and a Yellow sign was posted on the property a minimum of 14 days before the hearing.

No public comments have been received as of March 24th, during the preparation of this report.

CONCLUSION


Planning Staff have reviewed all applicable Provincial, Regional and Township policies as they relate to the proposed application and conclude that the proposal meets the intent of these policies. Accordingly, we recommend approval of the consent application, which has been submitted by Jared Marcus, IBI Group (Agent) on behalf of the Greek Association of Niagara, to sever a ±0.56 hectares (±1.384 acres) portion of their Institutional 'I' land from Roll Number 260203001232200 as a minor boundary

adjustment. Township Staff are satisfied that the application meets all criteria and can thus recommend approval of this application, with the appropriate conditions.


ATTACHMENTS

1. Severance Sketch
2. Authorization Letter
3. Agency comments

Prepared by:



Gerrit Boerema
Planner II



Brian Treble, RPP, MCIP
Director of Planning and Building



NOTE:
THE ABOVE NOTED LANDS ARE COMPRISED OF
BLOCK 8
REGISTERED PLAN M-98

METRIC:
DISTANCES SHOWN ON THIS SKETCH ARE IN METRES AND
CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES:
THIS SKETCH IS COMPILED FROM PLANS AND RECORDS
ON FILE IN THIS OFFICE AND IS NOT BASED ON AN
ACTUAL FIELD SURVEY.

THIS SKETCH IS PREPARED TO ACCOMPANY AN APPLICATION
TO THE LAND DIVISION COMMITTEE REQUESTING A GRANT OF
SEVERANCE AND IS NOT INTENDED FOR REGISTRATION

THIS SKETCH IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL
COPY OR CERTIFIED DIGITAL COPY ISSUED BY THE SURVEYOR

CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED
EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK

JANUARY 13, 2021
DATE

INDICATED IN THE TITLE BLOCK

ASSOCIATION OF ONTARIO LAND SURVEYORS
N. P. MUTH
2038
NICHOLAS P. MUTH
ONTARIO LAND SURVEYOR

AJC *A. J. Clarke and Associates Ltd.*
SURVEYORS • PLANNERS • ENGINEERS
25 MAIN STREET WEST, SUITE 300
HAMILTON, ONTARIO, L8P 1H1
TEL. 905-528-8761 FAX 905-528-2289
email: ajc@ajclarke.com

LETTER OF AUTHORIZATION BY OWNER

GREEK ASSOCIATION 'AGIOS
I/We, HARALABOS' OF NIAGARA, am/are the owner(s) of 6659 Highway
No. 20, in the Township of West Lincoln, and we hereby authorize IBI Group and Marz
Homes (Smithville West) Inc. to act as our agents to prepare, submit and act on the
Official Plan Amendment, Zoning By-law Amendment and Severance applications for
the above noted property.

GREEK ASSOCIATION 'AGIOS HARALABOS' OF NIAGARA
PER:

B. Makris
Signature

January 15, 2021
Date

Bill Makris, President, A.S.O.
I have authority to bind
the corporation.

Meghan Birbeck

From: Lyle Killins [REDACTED]
Sent: March 19, 2021 11:38 AM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - B022021WL - Greek Association of Niagara

Hi Meghan

Please be advised the application as proposed conforms with the requirements of Part 8 (Septic Systems), Ontario Building Code.

Thus, this Department has no objection to the proposal as presented at this time.

Lyle Killins C.P.H.I.(c)

Inspector Part 8, Ontario Building Code

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: March 16, 2021 1:49 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

Please find attached the above mentioned notice for a Consent application for **B02/2021WL – Greek Association of Niagara**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck



Meghan Birbeck

Planner I

Tel: 905-957-3346 ext. 5140
Email: mbirbeck@westlincoln.ca
Web: www.westlincoln.ca


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COVID Update Feb 26, 2021 – The Provincial Government has stated starting Monday, March 1, 2021 the Region of Niagara will move to Red - Control stage. In compliance with these regulations, the Township Office

Memo

To: Meghan Birbeck, Planner I
From: Jennifer Bernard, Coordinator of Engineering Services
Date: March 22, 2021
Re: File B02/2021WL – Greek Association of Niagara (6659 RR20)

A review has been completed of this application for consent for a lot addition to the Marz Homes current draft plan of subdivision application. The Greek Association is proposing to sever off ± 0.56 hectares and retain ± 1.399 hectares. The land to be severed will be developed by Marz Homes.

Public Works has no objections or comments to provide on this application and would review the addition as part of the Marz Homes draft plan of subdivision application.

Meghan Birbeck

From: Nikolas Wensing <nwensing@npca.ca>
Sent: March 17, 2021 12:03 PM
To: Meghan Birbeck
Subject: Re: Notice of Hearing - B022021WL - Greek Association of Niagara

Hello Meghan,

I would just like to re-iterate the comments that the NPCA made at the pre-con stage for this application, with a few slight modifications.

The NPCA does not object to the proposed severance, as there are no NPCA regulated features or hazards located on the subject property. The NPCA would like clarification as to the implications that this proposal will have on the current Marz Homes Subdivision application submitted to the Township of West Lincoln. Please circulate any revised plans and reports regarding the Marz Homes Subdivision application to the NPCA for review and approval.

Sincerely,

**Nikolas Wensing, B.A., MPlan
Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2
905-788-3135, ext. 228
nwensing@npca.ca
www.npca.ca

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Tuesday, March 16, 2021 1:49 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

Please find attached the above mentioned notice for a Consent application for **B02/2021WL – Greek Association of Niagara**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,
Meghan Birbeck

Meghan Birbeck

From: Gordon, Carrie <carrie.gordon@bell.ca>
Sent: March 23, 2021 8:33 AM
To: Meghan Birbeck
Subject: RE: Notice of Hearing - B022021WL - Greek Association of Niagara - 905-21-132

Dear Meghan,

Re: File B022021WL

Subsequent to review of the severance at 6659 Regional Rd 20, Bell Canada's engineering department have determined that there are no concerns or issues with the application.

If you have any questions regarding this response, please do not hesitate to contact me.

Best regards,

Carrie Gordon



External Liaison – Right of Way Control Centre
140 Bayfield St, Fl 2
Barrie ON, L4M 3B1
T: 705-722-2244/844-857-7942
F :705-726-4600

From: Meghan Birbeck <mbirbeck@westlincoln.ca>
Sent: Tuesday, March 16, 2021 1:52 PM
To: Meghan Birbeck <mbirbeck@westlincoln.ca>
Subject: [EXT]Notice of Hearing - B022021WL - Greek Association of Niagara

Good afternoon,

Please find attached the above mentioned notice for a Consent application for **B02/2021WL – Greek Association of Niagara**.

If you have any comments regarding this application I would appreciate if I could get them to me by Wednesday, March 24th, 2021.

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Sincerely,
Meghan Birbeck

Meghan Birbeck

From: Alguire, Robert <Robert.Alguire@niagararegion.ca>
Sent: March 18, 2021 4:36 PM
To: Meghan Birbeck
Cc: Alderman, Aimee
Subject: RE: Notice of Hearing - B022021WL - Greek Association of Niagara

Good Afternoon Meghan,

Please be advised that Region staff have no comments to provide in response to the circulation of the above noted Consent application as Regional interests for the subject lands are being addressed through the concurrent Official Plan & Zoning By-law Amendment applications.

If you have any questions please feel free to contact myself at your convenience.

Best Regards,

Robert Alguire, C.E.T.
Development Approvals Technician
Planning and Development Services Department
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, Ontario L2V 4T7
Phone: 905-980-6000 ext. 3268
www.niagararegion.ca

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From: Meghan Birbeck <mbirbeck@westlincoln.ca>
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If you have any questions, please contact myself at 905-957-5140 or by email at mbirbeck@westlincoln.ca

Sincerely,