

**DATE:** July 17, 2023

**REPORT NO:** PD-39-2023

**SUBJECT:** **Official Plan Amendment No. 67 – Official Plan Amendment No. 67 (File No. 1701-03-23) Application for Zoning By-law Amendment (File No. 1601-004-23)**

**CONTACT:** Dave Heyworth, Planning Manager  
Brian Treble, Director of Planning & Building

**OVERVIEW:**

- The Northwest Quadrant Secondary Plan was approved in June, 2017.
- Application for Draft Plan of Subdivision and rezoning was first submitted by P. Budd Developments in the summer of 2020 and was granted draft plan approval on May 24, 2021 with recent draft plan extension to May 24, 2026.
- A few amendments are now proposed by the applicant to the Official Plan and rezoning to address such things as market needs, affordability, road widenings, servicing requirements, etc. The actual subdivision design and layout is part of the application. Most changes as proposed only affect things internal to an undeveloped subdivision.
- The changes for the most part are reasonable and should help ensure a variety of quality product in mixed forms of housing.
- The OPA amendment proposes that a 6 storey building be permitted on Block 87. This block is on the east side of South Grimsby Road 5, north of the CPR tracks and is in the location as contemplated when draft plan of subdivision approval was granted in 2021. Staff support this application and Regional staff have informed the Township (see attachment 4) that local approval is final and commences the 20 day appeal period.
- The rezoning proposes numerous adjustments caused by better understanding of detailed design and the need for road widenings on South Grimsby Road 5 and Spring Creek Road that reduce the area of the overall property and causes a ripple effect throughout the proposed draft plan. By-law 2021-49 zoned the draft plan lands to R2 (low density residential), RM2-201 (medium density residential); RM3-203- (medium density residential and OS (Open Space)). The zoning changes proposed now can generally be summarized as:
  - R2-XXX
    - 30% minimum of front yard to be landscaped.
    - Up to 70%, not exceeding 6 metre to be XX driveway
    - 1.5 metre planting strip adjacent to street line
    - Driveways can be paired
  - R3-XXX
    - 30% minimum of front yard to be landscaped.
    - Up to 70%, not exceeding 6 metre to be XX driveway
    - 1.5 metre planting strip adjacent to street line
    - Driveways can be paired

### OVERVIEW continued:

- RM2- 201
  - Minimum lot area 130m<sup>2</sup>
  - Minimum lot frontage for towns 24 metres
  - Minimum setback from daylighting triangle 2.0 metres
  - Minimum separation distance from exterior townhouse end walls 2.4 metres
  - Plus same provisions as R2-XXX and R3-XXX
- RM3-202
  - Minimum lot area of 75 m<sup>2</sup> for back to back towns
  - Minimum lot frontage for townhouses 24.0 metres
  - Minimum separation distance between end walls of towns 2.4 metres
  - Back to back and stacked back to back exempt from requiring balconies,
  - Plus same provisions as R2-XXX and R3-XXX
- RM3-203
  - Minimum lot area of 75 m<sup>2</sup> per apartment unit
  - Minimum lot area per townhouse unit of 120m<sup>2</sup> minimum lot frontage for townhouse units 24.0 metres
  - Maximum height of apartment building 22 metres plus roof top mechanical
  - Minimum setback to daylighting triangle 2.0 metres
  - Minimum exterior side yard 1.2 metres
  - Minimum separation between townhouses exterior end walls 2.4 metre
  - Back to back and stacked back to back town houses do not require balconies
  - Plus provisions of R2-XXX and R3-XXX zones.
- A recommendation is being provided on Official Plan Amendment No. 67 because the amendment for height is not seen as a planning issue by staff for the reasons noted in the report.
- However, Planning staff are only providing technical background for the zoning amendment at this time. Further assessment will be carried out and a recommendation report will be brought forward on the zoning amendment in August.

### RECOMMENDATION:

1. That, Recommendation Report PD-39-2023, regarding “Official Plan Amendment No. 67 – Official Plan Amendment No. 67 (File No. 1701-03-23) Application for Zoning By-law Amendment (File No. 1601-004-23), dated July 17, 2023, be RECEIVED; and,
2. That, Section 34(17) of the Planning Act apply and that no further public meeting is required; and,
3. That, Official Plan Amendment No. 67 (File No. 1701-003-23) and a corresponding By-law be APPROVED and passed; and,
4. That, staff be authorized to circulate the Notice of Decision on the approval of Official Plan Amendment No. 67 to the agencies and public, to commence the 20 day appeal period as Regional Council approval is not required; and,

5. That, a recommendation report for Zoning By-law Amendment (File No. 1601-004-23) submitted by P. Budd Developments Inc. be presented at a future Planning/Building/Environmental Committee Meeting following the review of all agency and public comments and a full review of the planning application.

### **ALIGNMENT TO STRATEGIC PLAN:**

#### **Strategic Priority #2**

- **Champion** – strategic and responsible growth

### **BACKGROUND:**

The proposed Official Plan Amendment seeks to amend the Official Plan to permit an apartment building with a maximum of 6 storeys, where a maximum of 4 storeys is currently permitted (up to 5 storeys by way of specific exception) for Block 87.

The current proposal seeks to amend the recently approved Zoning By-law Amendment (1601-021-19), approved on May 24, 2021 to permit the following:

- 56 single detached residential units;
- 144 conventional freehold townhouse units;
- 78 condominium townhouse units;
- 16 back-to-back townhouses;
- 64 stacked back-to-back townhouses;
- 54 apartment units;
- 1.24 hectares of neighbourhood park, and a multi-use trail.

Zoning By-law Amendment (1601-021-19) rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3- 202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for multiple forms of residential development and parkland purposes.

In addition to the Zoning By-law Amendment, the Subject Lands have also received draft approval for Draft Plan of Subdivision (2000-89-19) which was granted on May 24, 2021. On January 16, 2023, an extension and revisions to the draft approved of the plan of subdivision were granted. These revisions included reducing the area of Blocks 84 and 85 (Town Homes) to provide Block 87 (Apartment Block) with increased lot frontage along the proposed internal Street E.

### **CURRENT SITUATION:**

#### **Official Plan Amendment**

The proposed Official Plan Amendment seeks to amend the existing policies that apply to the Subject Lands to permit development of the site to a maximum height of 6 storeys specifically as it applies to the proposed apartment building on Block 87, exclusive of mechanical penthouses. The current maximum permitted height set out in Section 6.11.5.2 (c) (vii) of the current Official Plan is 4 storeys. Section 6.11.5.2 (c) (viii) of the current Official Plan also notes; *"The Township may consider a maximum height of 5 storeys in the Medium Density Residential designation, on a site specific basis, provided the increased building height is compatible with the built form and physical character of the*

*neighbourhood and complies with the Township's urban design guidelines".*

The Official Plan Amendment does not require any mapping changes as the text of the proposed Official Plan Amendment references Block 87.

- As demonstrated extensively in previous staff reports, relating to this development, the development complies with all policy considerations of Provincial, Regional and local planning documents. The proposed Official Plan Amendment to vary height by 1 storey on one Block is appropriate for the Subject Lands and is required to allow for the optimization of underutilized lands and a development which conforms with and implements the Growth Plan, Provincial Policy Statement, and Regional Official Plan. The proposed built form of the apartment building is intended to be 6 storeys in this area which exceeds the maximum height permitted in the NWQSP. The proposed Official Plan amendment proposes an increase in maximum height to accommodate the proposed apartment building in an area with little impact to the existing community of Smithville. It is desirable to have a mixture of housing types and a 6 storey apartment block is desirable to provide an alternative housing form not really present in West Lincoln.

### **Zoning Amendment**

As previously mentioned, a Zoning By-law Amendment (1601-021-19) was approved on May 24, 2021 under By-law 2021-49. The Zoning By-law Amendment rezoned the Subject Lands from Development 'D' zone to Low Density Residential 'R2', Medium Density Residential 'RM2-201', Medium Density Residential 'RM3-202', Medium Density Residential 'RM3-203' and Open Space Recreation, to permit the property to be developed for residential and parkland purposes. Through By-law 2021-49, a number of residential uses are permitted on the Subject Lands including, single detached, townhouses and apartment units.

The proposed Zoning By-law Amendment will improve the same zoning regulations across a number of zones that are proposed for the Subject Lands to account for the range and mix of dwelling types provided and will allow for flexibility to respond to shifts in market demand. The proposed zone changes are minor in the sense that they apply internal to currently undeveloped land and are the same provision repeated across zones. The changes are appropriate since staff drafted some of the zone regulations for this development originally.

### **Provincial Policy Statement (2020)**

The PPS encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Land use planning decisions, including those made on applications for Official Plan Amendments and Zoning By-law Amendments, must be consistent with the PPS. In assessing the current OPA and zoning provisions and the proposed amendments for the Subject Lands, conformity is still achieved as outlined in previous staff reports on this matter. These applications advance and implement the policies of the PPS beyond the current Township of West Lincoln Official Plan policies.

### **A Place to Grow (2020)**

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the “Growth Plan”) establishes a long-term framework for growth and development in the Greater Golden Horseshoe (‘GGH’) region, which encourages the efficient use of land through the development of complete communities that are compact, transit supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051.

The Growth Plan builds upon the policy foundations of the PPS and previous plans, as well as responds to key challenges in the GGH region by providing enhanced policy directions designed to achieve complete communities that are compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities, while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation. Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management.

### **Niagara Region Official Plan (2022)**

The Subject Lands are located within the Urban Boundary of Smithville and are identified as a Designated Greenfield Area in accordance with Schedule B, Regional Structure. The Subject Lands are easily accessed via Highway 20 (West Street) and Highway 14 (Station Street) which are identified as Regional Roads. A portion of Highway 20 located within the boundary of Smithville and Highway 14 are further identified as a forming part of the Regional Strategic Cycling Network in accordance with Schedule J2, Strategic Cycling Network.

The Subject Lands are located within a Designated Greenfield Area immediately adjacent to existing residential communities within the built boundary of Smithville. The proposal provides for orderly development that efficiently uses land and resources, including existing municipal water and sewage infrastructure, which has already been previously justified through the land swap/ exchange process. A phased approach may apply to the development, to ensure units are brought forward in an orderly manner. Ultimately, at full build out, the proposal will accommodate the anticipated forecast growth and provide for a gross residential density of 59.76 people per hectare, thereby meeting the Greenfield Density policies set out in the ROP which set a minimum density and encourage local municipalities to exceed the target where appropriate.

The development proposal incorporates a mix of housing types including single detached, townhouse and apartment dwelling units that are in close proximity with commercial services and open spaces and multimodal trails that encourage active transportation and reduce automobile dependency. The proposed street network provides several access points to surrounding areas and enhances pedestrian

connectivity through the provision of pedestrian linkages by way of a multi-use path as well as internal sidewalks. Ultimately, the level of development proposed supports achieving a complete community aligned with the growth targets for the Township of West Lincoln and Niagara Region as a whole.

### **Township of West Lincoln Official Plan**

Generally directs new forms of development and intensified growth to the settlement area of Smithville, on full services. It requires that greenfield lands (this property is greenfield) develop at not less than 50 people and jobs per hectare and support infill and intensification as well. In addition, the lands are part of the Northwest Quadrant Secondary Plan that was approved in 2017. This application is generally compliant, with Provincial, Regional and local policy requirements including the local Official Plan and zoning by-law, as follows:

- The development proposal includes a mixture of single-detached and townhouse dwelling units for a total 412 residential units over 14.85 hectares of land, which equates to a gross residential density (based on residential site area) of 30.27 units per hectare and a gross density of 59.76 people per hectare. The development, as proposed, is within the gross density target set out in the Secondary Plan and will achieve the Regional and Provincial targets in accordance with the Growth Plan. This is achieved through the provision of a compact development that provides a variety of housing unit types.
- The proposal provides for a level of development and land use pattern that generally corresponds with the land use designations set out in the NWQSP, and the underlying policies. Figures 14 of the consultant's report, provide a visual comparison of the layout proposed in the Secondary Plan with the layout of the proposed development and generally demonstrates that the general designations are in alignment, with medium density residential uses provided in the interior of the development and along the rail line and lower density residential uses and the neighbourhood park provided abutting the existing Station Meadows subdivision. While both single detached dwellings and townhouse dwellings are permitted in the low density residential and medium density residential designations, the portion of the lands maintaining a low density residential designation provide the majority of the single detached dwellings. Overall, the proposed density for the low density residential area is 22.0 net residential hectares and the medium density residential area is 45.04 net residential hectares, which meet the density maximums set out in those designations. Additional residential dwellings were able to be accommodated on the Subject Lands as a result of efficiencies through the consolidation of stormwater management with the existing subdivision. Design layout of the subdivision is not part of this public meeting. Additionally, the multi-use path and neighbourhood park are provided as identified on the land use schedule. The Plan of Subdivision that was approved on May 24, 2021 and revised January 16, 2023, had slightly revised the road system to allow for more favorable servicing and transportation conditions as well as ensure a connection to the future subdivision to the west can be provided. No additional changes are proposed to the road system.



- The Medium Density Residential designation permitted conventional freehold townhomes condominium townhomes, back-to-back townhomes, stacked back-to-back townhomes and apartment units which are provided in this development, and are permitted in accordance with the policy. The net residential density for the lots and blocks forming part of the Medium Density Residential designation is 45.4 units per hectare, which is consistent with the designation. An overall gross density of 59.76 people per hectare will be achieved.

### FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report as this application was submitted prior to July 1, 2023.

Bill 109, the *More Homes for Everyone Act, 2022*. Bill 109 requires municipalities, starting on July 1st, 2023, to provide fee refunds for planning act applications if decisions are not made within the required Planning Act timelines.

The timelines for approval and required fee returns associated with this will require Township Staff to prepare recommendations on a quicker timeline for Council's decisions and is the reason for a recommendation report at the public meeting.

Council must make a decision within 90 days of complete application or they will be required to refund.

	<b>Zoning and Official Plan Combined</b>	<b>Zoning Bylaw Amendment</b>	<b>Site Plan</b>
No refund	Decision is made within 120 days	Decision is made within 90 days	Plans are approve within 60 days
50%	Decision made within 121-179 days	Decision made within 91-149 days	Plans are approved between 61-89 days
75%	Decision made within 180 – 239 days	Decision made within 150 – 209 days	Plans are approved 90 – 119 days
100%	Decision made 240 days and later	Decision made 210 days and later	Plans are approved 120 days and beyond

The current 2023 fee for a standard zoning bylaw amendment is \$9,630.00. If not approved within 90 days, starting on July 1<sup>st</sup>, 2023 the Township would be required to refund the applicant \$4,815.00, at 149 days, \$7,222.50 and after 209 days, the entire fee.

### INTER-DEPARTMENTAL COMMENTS:

Application of the proposed OPA and ZBA was deemed to be complete in June of 2023. Notice of Public Meeting was mailed to local owners within 120 metres on June 16<sup>th</sup>, 2023 and also emailed to the agencies.

### **PUBLIC COMMENTS:**

To date, one comment has been received from the public and two agency comments have been received from Region of Niagara Planning Department and Enbridge Gas. These comments can be found at attachment 4 to this report.

### **CONCLUSION:**

Staff recommend approval of Official Plan Amendment No. 67 and passage of the necessary By-law to commence the appeal period.

Further assessment will be carried of the Zoning By-law Amendment (File No. 1601-004-23) will be carried out and a recommendation report will be brought forward on the zoning amendment in August.

### **ATTACHMENTS:**

1. Draft Plan of Subdivision
2. Planning Justification Report
3. Draft Official Plan Amendment
4. Public and Agency Comments

**Prepared & Submitted by:**



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**Dave Heyworth**  
**Manager of Planning**

**Approved by:**



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**Bev Hendry**  
**CAO**



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**Brian Treble,**  
**Director of Planning & Building**