

**DATE:** March 4, 2024

**REPORT NO:** PD-14-2024

**SUBJECT:** **Recommendation Report – Modifications to Spring Creek Heights Secondary Plan Amendment (OPA 57) to address Regional Staff Comments, File No. 1701-006-19**

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

**OVERVIEW:**

- On December 4, 2023 report PD-62-2023 was presented to Planning, Building, Environmental Committee and Council to address approval of Official Plan Amendment 57 (Spring Creek Heights Secondary Plan).
- The recommendation of PD-62-2023 was provided prior to receiving Regional Comments.
- Regional comments have now been received.
- Minor changes are recommended to address Regional comments. These changes include the following:
  - That the additional permitted uses listed in bold in Schedule 2, be added to the light industrial permitted uses of the Restrictive Employment designation.
  - That the other permitted uses sections of the Restrictive Employment Designation are not changed.
  - That no further public consultation is required.
- If these changes are made, then OPA 57 is approved and does not require Regional Council approval.
- Staff recommend, therefore, that the OPA 57 version at Schedule 1 to this report, as approved on December 11, 2023 be repealed and that the version at Schedule 2 be approved in its place.
- This then means that Township Council decision is final, subject to an appeal

**RECOMMENDATION:**

1. That, Recommendation Report PD-14-2024, regarding “Recommendation Report – Modifications to Spring Creek Heights Secondary Plan Amendment (OPA 57) to address Regional Staff Comments, File No. 1701-006-19”, dated March 4, 2024 be

- received; and,
2. That, Official Plan Amendment No. 57, and By-law 2023-87, as approved on December 11, 2023, be and are hereby repealed; and,
  3. That, revised Official Plan Amendment No. 57, as found at Schedule 2 to this report, be approved by By-law, and be exempt from Regional Council approval, and shall be circulated to provide Notice of Decision to the public as required by the Planning Act.

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

- **BUILD** a safe, connected, caring and active community.
- **CHAMPION** strategic and responsible growth.

#### **BACKGROUND:**

Planning Staff, Niagara Region Staff, and MHBC Planning Consultants have worked closely to explore the best land use options for the lands within the Spring Creek Heights Secondary Plan area. Township Planning Staff had previously worked with HGC Engineering to complete a noise study and received a final report from MHBC Planning which evaluated 3 different options for the area.

#### **CURRENT SITUATION:**

On December 4, 2023 report PD-62-2023 was presented to Planning, Building, Environmental Committee and Council to address approval of Official Plan Amendment 57 (Spring Creek Heights Secondary Plan).

A staff recommendation report was provided to Committee and Council prior to receiving final Regional Comments, however, Regional comments have now been received. It has been determined that minor changes are preferred to address these Regional comments.

If these changes are made, then OPA 57 is approved and does not require Regional Council approval. These proposed changes include the following:

- That the additional permitted uses listed in bold in Schedule 2, be added to the light industrial permitted uses of the Restrictive Employment designation. These include:
  - Automotive related uses, including car wash facilities,
  - Automobile sales establishments
  - Restaurants including drive-thru
  - Commercial recreational facilities
  - Health clubs
  - Nurseries and garden centers
  - Services for the agricultural community
  - Financial Institutions
  - Funeral Homes
  - Local Convenience/Retail uses.

Staff recommend, therefore, that the OPA 57 version at Schedule 1 to this report, as approved on December 11, 2023 be repealed and that the version at Schedule 2 be approved.

This then means that the Township Council decision is final, subject to an appeal period and that the amendment is exempt from Regional Council approval.

**FINANCIAL IMPLICATIONS:**

A budget allocation for the Spring Creek Heights Secondary Plan has been depleted. No funds remain in the account now. The study was completed to identify a potential street and lot fabric for the lands given interest at that time in numerous potential uses for this type of land use designation.

**INTER-DEPARTMENTAL COMMENTS:**

Internal Township departments determined, as the Master Community Plan (MCP) process concluded, that these lands would remain designated light employment. The only change however, was a proposal to broaden the list of permitted uses for the lands in the employment designation of this area.

All comment from the public meeting process have been given full consideration.

**CONCLUSION:**

Staff recommend that Official Plan Amendment (OPA) No. 57, as attached to this report as Schedule 2, be adopted by Township Council and be circulated for Notice for Decision, since Regional Planning Committee and Legal approval is not required.

**SCHEDULES:**

1. OPA 57 (as approved on December 11, 2023) to be repealed
2. New Draft OPA 57
3. Draft By-law

**Prepared & Submitted by:**



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**Brian Treble**  
Director of Planning & Building

**Approved by:**

A handwritten signature in blue ink that reads "Donna DeFilippis".

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**Donna DeFilippis**  
Interim CAO/Treasurer