

**DATE:** August 28, 2024

**REPORT NO:** COA-28-2024

**SUBJECT:** **Recommendation Report – Application for Consent – Fernick Investments Inc. – 131 St. Catharines Street B06/2024WL**

**CONTACT:** Stephanie Pouliot, Secretary Treasurer of the Committee of Adjustment

**OVERVIEW:**

- A Consent Application for a minor boundary adjustment has been applied by the owner of 131 St. Catharines Street being Fernick Investments Inc. to sever off a ±2,378.5 square metres portion of land, referenced as Parcel 1 on the survey sketch, referenced as Parcel 2, being the retained parcel.
- The proposed severed lands will be consolidated with the abutting lands to the north known as 132 College Street and planned for future residential development.

**RECOMMENDATION:**

**THAT, the Application for Consent made by Fernick Investments Inc. as outlined in Report COA-28-24, to permit a minor boundary adjustment where a portion of 131 St. Catharines Street being Parcel 1 (±2,378.5 square metres) will be severed and merged to 132 College Street, 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 an undertaking be provided and certified by a solicitor that the ownership for Parcel 1 on the attached sketch will be consolidated with the abutting lands to the north following consent approval to the satisfaction of the Township of West Lincoln.
4. That Parcel 1 is zoned to Medium Density Residential to permit multiple housing types. That Parcel 2 is rezoned to recognize the deficient front yard setback.
5. That a Tree Preservation Plan be completed at the time of the zoning by-law amendment application stage.

6. That the applicant provides 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.
7. That a final certification fee, payable to the Township of West Lincoln, be submitted to the Secretary-Treasurer.
8. That all of these conditions shall be fulfilled within a period of two years 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.

### **BACKGROUND:**

The subject lands (131 St. Catharines Street) are located on the north side of the St. Catharines Street east of College Street, in Smithville's urban boundary area limits. Currently the lands are approximately  $\pm 4,017.3$  square metres (0.40 hectares) in size. The lot is configured in an awkward backward "Z" shape and the front portion of the site is being utilized for the single detached dwelling and an accessory structure with the balance of the lands are underutilized.

The lands are designated as 'Medium Density Residential' in the Township's Official Plan. The surrounding land uses are designated as 'Commercial Core' to the west and south, 'Medium Density Residential' to the north and south, and 'Low Density Residential' to the east. The lands are zoned as 'Residential Low Density – R1B' in the Township's zoning bylaw. The lands are intended to be consolidated with the former school site to the north (132 College Street) and planned for future medium density residential as per a redevelopment plan completed by the Township a number of years ago.

### **CURRENT SITUATION:**

Planning Staff have completed an analysis of the proposed consent and can provide the following evaluation:

### **Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe**

The Provincial Policy Statement (PPS) (2020), 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 lot boundary adjustment will help to facilitate future medium density residential development in the settlement area and keep 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 lot boundary adjustment will make more efficient use of the underutilized lands through intensification and redevelopment, further contributing to meeting the long-term needs of residents by providing more housing opportunities. Lastly, the lands are located with access to municipal infrastructure and services and public open space areas. As such, the proposed boundary adjustment is consistent with the PPS.

The Growth Plan (2020 Consolidation) provides policies for where and how to grow with a focus on directing population growth to urban areas and rural settlement areas. The subject lands are located within the built boundary and settlement area of Smithville where the Growth Plan encourages infill and intensification to make efficient use of the infrastructure and services that are available.

The Growth Plan prioritizes intensification as a part of complete communities. The Growth Plan also provides policy direction that a minimum density target of 50 residents and jobs combined per hectare shall be provided in built up and Greenfield designated areas in the Niagara Region. The proposed lot boundary adjustment would be intensifying land for more housing units located in the built up area and help reach the Niagara Region’s intensification target is 50%, with the Township of West Lincoln’s contribution is 13%, or 1,130 units between the years 2021-2051.

This boundary adjustment generally meets the intent of Provincial Policy, however, any future development on these lands and the abutting lands to which they will merge will require further review and evaluation against provincial policy.

### **Niagara Official Plan**

The Niagara Official Plan (NOP) (2022), provides the general policy direction for planning in the Niagara Region.

The NOP designates the subject lands as “Delineated Built-Up Area”. A full range of residential, commercial and industrial uses are permitted generally within the urban area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility, archaeological resource interests and environmental conservation among other matters.

The NOP also provides direction for managing forecasted growth in urban areas to support, among other growth management objectives, such as:

- Minimum residential intensification target (minimum 13%) of residential development within West Lincoln to occur within the built-up area;
- Compact built form;

- Mix of land uses to support the creation of complete communities including a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;
- Providing opportunities for intensification, including infilling development.

The proposed lot boundary adjustment will add vacant land to an abutting future land development that is designated and zoned for medium density residential (e.g., townhouses and low rise apartment units). These are housing forms that encourage a compact built form with smaller building footprints although with a variety of unit types and sizes that can accommodate different lifestyles and can complement the existing neighbourhood. Accordingly, the proposed lot boundary adjustment is consistent with and conforms to Regional policies.

### **Township of West Lincoln Official Plan Official Plan Designation: Medium Density Residential**

The Township's Official Plan (OP) (2021 Consolidation) designates the subject lands as "Medium Density Residential" (e.g., townhouse and low rise apartment units) and falls within the urban boundary of Smithville. Section 6.1.2 of the OP provides objectives of the urban settlement areas which are to protect and enhance the character and image of the urban settlement area, to promote higher density residential development, to provide mixed use development/redevelopment in appropriate locations, and to encourage and facilitate the production of a range of dwelling types and ownership forms, including housing that is more affordable to the existing and future residents of West Lincoln.

Additionally, Policy 6.1.2(d) encourages high quality design which is environmentally sustainable and is compatible with the character and image of the adjacent buildings. The proposed lot boundary adjustment will allow for additional lands to be consolidated with a larger residential infill development designated for multiple dwelling units such as townhouses and low rise apartments.

Policy 6.3.3 provides the general policies for Medium Density Residential development in Smithville of which includes a density threshold of 40 units per hectare. The proposed lot boundary adjustment will be able to provide more land that can help with the future residential development to the north achieve the minimum requirement. This will be separately evaluated by staff through additional applications and submissions.

In the context of urban design, Section 6.6.1 and objectives for urban design include but not limited to the livable space and physical appeal of the development needs to be enhanced with quality layout and attractiveness of the public streetscape and private spaces and buildings; that development meets Township design criteria; well-defined public realm, including an interconnected open space network; good transportation access and pedestrian oriented development patterns. The proposed lot boundary adjustment is intended to provide additional land area that can contribute to the proper positioning of the buildings, provide area for visitor parking, provide an interconnected

private road system to join with the adjacent public road system, and to public pedestrian linkages to nearby public open spaces and parks.

Policy 18.13.4 specifically addresses policies for consents in Smithville, the proposed lot boundary adjustment is to add the severed lands (Parcel 1 as shown on the survey sketch) to the north which is intended to be redeveloped. Considering Smithville is the urban settlement area in the Township and is the focus for development on full municipal services, the lands to be severed is currently not being utilized and the addition will assist the proposed development with increasing the density yield and help the Township meet the density target for residential intensification. For these reasons, the proposed lot boundary adjustment is consistent with the Township's Official Plan, subject to the conditions of approval as indicated.

### **Township of West Lincoln Zoning By-law**

The subject lands to be severed (Parcel 1) are currently zoned Residential Low Density 'R1B' in the Township's Zoning By-law 2017-70, as amended. Considering the intent of the boundary adjustment is to add land to the future residential development slated for medium density residential use (e.g., townhouse or low rise apartment units), the severed lands will need to be rezoned for such purpose and to be consistent with the zoning of 132 College Street. The retained lands (Parcel 2) will meet the zoning regulations of the Residential Low Density R1B zone except the minimum lot frontage of 7.5 metres is required and the existing dwelling has a front yard setback of  $\pm 3.2$  metres. The deficient front yard setback will be captured under the required zoning by-law amendment application.

### **INTER-DEPARTMENTAL & AGENCY COMMENTS:**

**Building Department:** At the time of writing this report, no comments have been received.

**Public Works:** There is an easement through the property for a sanitary sewer however the proposed severance will have no impact as the easement is located solely on the retained parcel (referenced as Parcel 2 on survey sketch).

**Septic System Inspection Manager:** No comments or objections to provide on this application.

**Niagara Peninsula Conservation Authority (NPCA):** The subject lands do not have any regulated features therefore no objections to the application.

### **Niagara Region:**

Regional staff note the subject property is identified as containing Archaeological Potential. As no development is proposed for the retained lands (Parcel 2) an archaeological warning clause is provided. Please note that any future development applications may require an archaeological assessment.

The subject property is impacted by the Region's Natural Environment System (NES),

consisting of an 'other woodland' located adjacent to the property. However, the woodland is located more than 50 metres from the location of the proposed lot severance. As the proposed severance will not bisect the woodland or its buffer, staff offer no objection to the application. It should be noted that any future development or site alteration applications may require an Environmental Impact Study or similar environmental study, as per Niagara Official Plan policies.

### **PUBLIC COMMENTS:**

A public comment was received indicating that the proposed survey sketch map drawing was not provided with the notice of hearing and concerned that the proper data for abutting landowners was not provided. Planning Staff provided the survey sketch to the individual as well as all the adjacent landowners.

Another public comment was received with concerns for the removal of trees and impacts of the views from the house and back yard. Additionally, the property value will be negatively affected if these trees are cut. These trees can be seen from several points in the area and are mature and if they were cut would be reducing the natural appeal. Furthermore, there are several bird species and habitat that would be impacted. It is understood that 132 College Street will be developed inevitably and even the new residents of that site would be able to appreciate and enjoy this stand if trees. There should be a recommendation writing of a clause to save the tree stand as part of park space. Trees of this size and importance to animals and people cannot be replaced for decades.

Planning Staff recognize there is a balance between the preservation of trees and the availability of land for development, with that being said, a tree preservation plan should be required at the time of the zoning by-law amendment application stage to identify opportunities to preserve the healthy trees and maintain visual buffers to adjacent properties, where appropriate. This will be evaluated as part of the future development applications.

### **CONCLUSION:**

Based on the above analysis, Planning Staff recommend APPROVAL of the proposed consent application B06/2024WL as outlined in report COA-28-2024 to permit severance where where Parcel 1 ( $\pm 2,378.5$  square metres) will be added to 132 College Street which are the abutting lands to the north and planned for future residential development, and where Parcel 2 ( $\pm 1,638.8$  square metres) the balance of 131 St. Catharines Street will be retained and continued for residential use subject to conditions.

### **ATTACHMENTS:**

1. Survey Sketch
2. Agency Comments
3. Public Comments

**Prepared & Submitted by:**



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**Susan Smyth, CPT  
Senior Planner**

**Approved by:**



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Manager of Planning**