

**DATE:** May 12, 2025

**REPORT NO:** PD-20-2025

**SUBJECT:** **Information Report – Zoning By-law Amendment for 171 Mill Street (File No. 1601-003-25) for Legion Villa Senior Residence**

**CONTACT:** Susan Smyth, Manager, Community Planning and Design  
Gerrit Boerema, Director of Growth and Sustainability

**OVERVIEW:**

- An application for a Zoning By-law Amendment has been submitted by Quartek Group Inc. (Consultant/Agent) on behalf of Branch 393 Royal Canadian Legion Senior Citizens Complex – Legion Villa (Owner/Applicant).
- The proposal is to facilitate a new 6-storey, 52 unit apartment building intended to provide senior housing to supplement the existing 32 apartment dwelling units by the existing 2-storey building located at 171 Mill Street.
- The proposal seeks to rezone the site specific Institutional I-19 that currently permits a maximum of 32 apartment dwelling units, with a minimum of 45 metres of front yard depth and replace it with a new site specific Institutional zone that will permit a maximum of 84 apartment dwelling units, maximum building height of 6-storey or 24 metres.
- 171 Mill Street is accessed currently by an easement over 161 Mill Street and that will remain although capturing a 0 metre lot frontage in this amendment application. A separate emergency access will be maintained through an existing easement for vehicle and person access to St. Catharines Street.
- These parcels are subject to a consent and boundary adjustment (File No. B04/2023WL) where 1,774.3 square metres was transferred from 161 Mill Street to 171 Mill Street, with an easement over 161 Mill Street for lot frontage and access to Mill Street.
- The proposal is intended for a communal type of housing that is offering affordable senior living accommodations.
- Niagara Regional Housing (NRH) is an active partner in this venture assisting the Legion Villa secure some government funding to help with the final development approvals and construction of the project.

**RECOMMENDATION:**

1. That, Information Report PD-20-2025, title “Zoning By-law Amendment for 171

Mill Street (File No. 1601-003-25) for Legion Villa Senior Residence”, dated May 12, 2025 be received.

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

#### **Theme #1 and 2**

- Build a safe, connected, caring and active community
- Champion strategic and responsible growth

### **BACKGROUND:**

The subject lands are located on the south side of Mill Street, at the easterly dead-end cul-de-sac, municipally referred as 161-171 Mill Street, in the urban settlement of Smithville.

These are two separate lots (161 and 171 Mill Street) and bounded by the Twenty Mile Creek to the south, a municipal park to the west, private residences and the Royal Canadian Legion to the north, and former rail-line lands to the east. Refer to Figure 1 for the location of the subject lands.

**Figure 1: Location of Subject Lands**

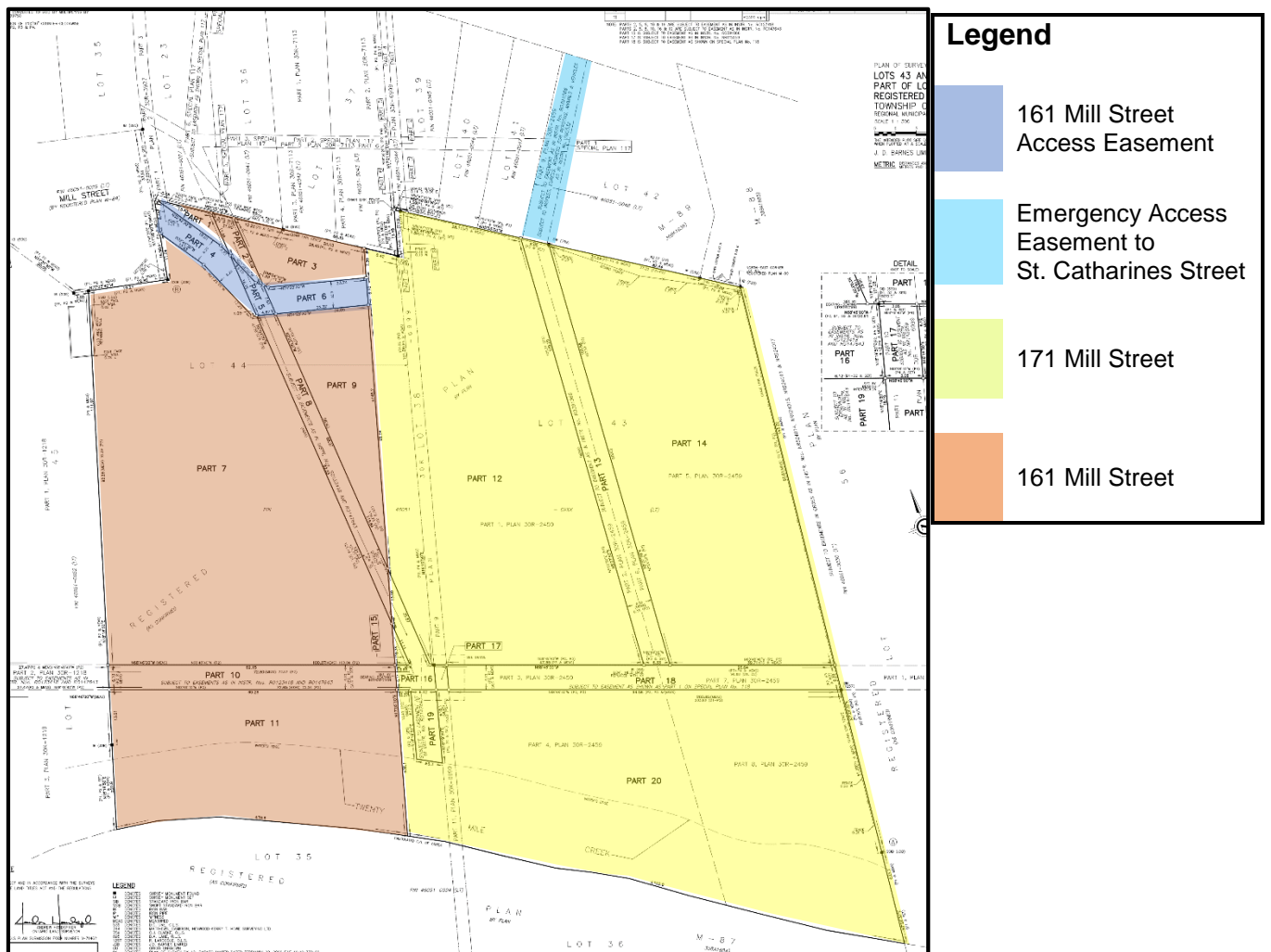


The subject lands include easements for municipal and Regional sanitary sewers. The easement for the municipal drain has been confirmed by the Township that it is no longer required and can be relocated elsewhere on the site. The transfer of ownership of this easement for the municipal drain from Legion Branch 393 to Legion Villa occurred in the summer of 2022 and this provided additional area to accommodate the proposed 52 unit apartment building located on 171 Mill Street.

Through a title search, an easement which is a right-of-way for ingress and egress to St. Catharines Street was confirmed. The easement is considered to be a viable future secondary emergency access to the property for emergency access only as the property does not have frontage on Mill Street.

Combined (161 and 171 Mill Street) are approximately 25,903 square metres in size and are occupied by two apartment dwellings, Legion Villa Seniors Citizen Complex Villa I and Villa II. Villa I (161 Mill Street) is 2-storeys in height with 30 residential units, and Villa II (171 Mill Street) is 2-storeys in height with 32 residential units. Refer to Figure 3 illustrates the new lot boundary for 171 Mill Street and access easements.

**Figure 3: New Legal Lot Boundary for 171 Mill Street and Access Easements**



The two parcels have been merged together and are in the process of being severed into two lots with 171 Mill Street being enlarged to accommodate the new building

The new lot areas following the severance is:

Site Location	New Lot Areas (m <sup>2</sup> )	Hectares (ha)
161 Mill Street	9,829	0.983
171 Mill Street	16,074	1.607
<b>Combined Total</b>	<b>25,903</b>	<b>2.59</b>

### CURRENT SITUATION:

Quartek Group Inc. is the acting agent and consultant representing the owner/applicant of Branch 393 Royal Canadian Legion Senior Citizens Complex (Legion Villa) for the zoning by-law amendment application.

The proposed development is a 6-storey apartment building with 52 dwelling units. The development is being proposed as a joint seniors affordable housing project between the Royal Canadian Legion and Niagara Regional Housing. The building footprint is expected to occupy 962 square metres and 5,900 square metres by gross area and will be situated between the two existing apartment dwellings at the subject lands.





The purpose of the amendment is to change the existing Institutional I-19 zone and its site specific provisions for a maximum number of dwelling units from 32 to 84 units. Additionally, to increase the maximum building height from a maximum of 15 metres to 24 metres or 6-storeys. Lastly, the minimum lot frontage from 30 metres to 0 metres with an easement for access over 161 Mill Street (which is the current situation).

Currently there is an Environmental Protection (EP) zone that straddles the two sites and was considered to be associated with a regulated watercourse of which was confirmed by the Niagara Peninsula Conservation Authority (NPCA) that the feature did not meet the definition of regulated watercourse pursuant of the Conservation Act and therefore can be removed. Therefore, the EP zone in this area will be amended. Refer to Figure 4 below.

**Figure 4: Environmental Protection (EP) Zone Modification**



The areas currently zoned as Environmental Protection (EP) and Environmental Conservation (EC) within the 30 metre edge of the Twenty Mile Creek and floodplain hazard limit will remain in effect.

The proposal will meet the Township's zoning parking requirements (1 space per 2 dwelling units) by accommodating 120 parking spaces with 5 additional accessible barrier-free spaces for the combined 114 dwelling units for 161 Mill Street (30 units) and 171 Mill Street (32 existing units and 52 proposed units).

## **FINANCIAL IMPLICATIONS:**

The Board for the Legion Villa has requested a waiving of all development and building related fees. They have made a number of requests before Council. An additional letter from the Legion has been submitted to the Clerk regarding the waiving of fees. The fee for the zoning by-law amendment which the Legion has paid is \$10,619. They are also required to submit a site plan application which requires a fee of \$9,340 although a preliminary submission and fee of \$3,114 was submitted, leaving a balance \$6,226 when the site plan application is formally processed. These fees are per the Township's Consolidated User Fees and Charges by-law.

Through the 2025 Budget, Project 1213 was approved for an Affordable Housing Community Improvement Plan (CIP). Once established, the CIP will aim to establish a new housing partnership with multiple providers to address the Township's needs for affordable housing, through the potential to provide financial incentive programs. Until such time that a CIP is established, the Township has no mechanism to waive user fees.

## **INTER-DEPARTMENTAL COMMENTS:**

Refer to Schedule C for the detailed agency comments.

### Building Department

The Building Department has no issues with the proposal and requested the fire route and accesses be noted on the site plan. Regarding Development Charges, depending on the classification of the units, exemptions may apply.

Through the More Homes Built Faster Act, 2022, the Province introduced exemptions and discounts from municipal development-related charges for affordable residential units. These exemptions and discounts came into effect on June 1, 2024.

In accordance with the Development Charges Act, 1997, the Township's By-law (2024-70) for the Imposition of Development Charges specifically, Section 3.7 other exemptions under item (k) where development charges are exempted from Affordable Residential Units and Attainable Residential Units in accordance with Section 4.1 (1), (2), (3), (4) and (5) of the Act. Applicable units must be subject to agreements that provide for them to remain affordable residential units for 25 years. Units must also be sold or rented on an arm's length basis.

### Township Development Engineering

The applicant needs to provide more information regarding the proposed emergency access as there is an existing hydro pole, private driveway and curb located within the easement to St. Catharines Street and it is unclear how the current easement is an accessible emergency access. The emergency access will need to be constructed to

Township standards.

A secondary connection to the watermain on St. Catharines Street will be necessary to meet fire flows for the proposed building. This needs to be confirmed and the location for this secondary connection through private lands secured in an easement.

Sanitary servicing for the proposed building is being proposed and to be provided by a connection to the existing 200mm sanitary sewer located within an easement through the Legion Villa site. This connection is acceptable however the estimated flows to the sanitary system expected to be generated by the new building needs to be identified. This information is to be provided to allow for confirmation of system capacity and allocation in the Township's network.

Originally the storm outlet from Mill Street was to an existing drainage course through the site, and this is likely the drainage course for which the easement is being eliminated and the channel being directed to a storm sewer to accommodate the new building. As this is an existing drainage condition to be accommodated on site and considering the minor area of the Mill Street cul-de-sac that drains to this outlet, the Township will not contribute to the cost of alterations to the site drainage or treatment of stormwater being directed to the proposed storm sewer. The proponent is required to provide an easement for this storm outlet in favour of the Township.

#### Region of Niagara

Regional Environmental Planning staff indicated that the Environmental Impact Study (EIS) requirement could be waived in lieu of a Landscape Plan/Restoration Plan, provided a minimum 30 metre setback is maintained from the surveyed watercourse top of bank.

The specific measurement be included in the future submission to show the proposed setback distance from the watercourse top of bank. Provided that a minimum 30 metre setback is confirmed, staff would offer no objection.

Ensure that natural self-sustaining vegetation is planted throughout the watercourse setback. Additional mitigation measures, such as sediment and erosion control fencing along the development limit, is recommended.

#### Niagara Peninsula Conservation Authority (NPCA)

There is no objections to the proposal subject to the EP zone remains with no amendment for the 100-year floodplain and preclude any development or site alterations unless in accordance with the expressed written policies of the Conservation Authority.

NPCA will require appropriate engineering analysis for any infilling of the swale on the site at the time of the future Site Plan Approval process to address this item and has no

objections for approval of the zoning amendment application at this time.

**PUBLIC COMMENTS:**

Two public comments have been received. There is opposition to the 6-storey building due to the building height and concern for loss of privacy to the neighbours in the area.

Concerns for noise during construction, flooding concerns, and that a fence or trees cannot prevent public to have access directly over their property and the view will be impacted.

Refer to Schedule D for the public comments received.

**CONCLUSION:**

An application for an amendment to the Zoning By-law has been submitted by Quartek Group Inc. (Consultant/Agent) on behalf of Branch 393 Royal Canadian Legion Senior Citizens Complex – Legion Villa (Owner/Applicant).

Once all stakeholder, agency, public and Committee/Council comments, concerns, issues and feedback is received and are appropriately addressed, Administration will complete a full assessment of the supplement information and prepare a recommendation report.

**ATTACHMENTS:**

Schedule A: New Legal Description and Lot Boundary

Schedule B: Proposed Site Plan

Schedule C: Agency Comments

Schedule D: Public Comments

**Prepared & Submitted by:**

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**Approved by:**

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**Director of Growth & Sustainability**

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