

**DATE:** July 14, 2025

**REPORT NO:** PD-27-2025

**SUBJECT:** **Recommendation 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, Growth and Sustainability

**OVERVIEW:**

- An application for a Zoning By-law Amendment was 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 for senior housing (retirement home) to supplement the existing 32 apartment dwelling units by the existing 2-storey building located at 171 Mill Street.
- The subject lands are designated Institutional in the Township's Official Plan and there are no height/storey limitations for the Institutional designation.
- The proposed development will require modifications to the existing Institutional I-19 zone that currently permits a maximum of 32 apartment dwelling units.
- The modifications will permit a maximum of 84 apartment dwelling units (32 existing units with the 52 new units), maximum building height of 24 metres, and 0 metre lot frontage with an easement over 161 Mill Street for the main ingress/egress to the buildings. A separate emergency access will be maintained through an existing easement for vehicle and person access to St. Catharines Street.
- 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.
- Administration upon review of the application against the Provincial and Local policies as well as consideration of the Committee, commenting agencies, and the public comments and feedback recommend approval of the application.

## **RECOMMENDATION:**

1. That, Recommendation Report PD-27-2025, titled “Recommendation Report - Zoning By-law Amendment for 171 Mill Street (File No. 1601-003-25) dated July 14, 2025 for Legion Villa Senior Residence, be received; and,
2. That, application for Zoning By-law Amendment File No. 1601-003-25 to modify the Institutional (1-19) zone with additional site-specific provisions contained in Schedule B, be approved in accordance with the attached amending Zoning By-law and Schedule, and that Council authorize the Mayor and Clerk to sign the necessary by-law.

## **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, east of the 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.

The lands underwent a boundary adjustment to add more land from 161 Mill Street to 171 Mill Street, to accommodate the proposed development. Refer to Schedule A for the legal survey of the lands.

The application for Zoning By-law Amendment pertains to 171 Mill Street and the Legion Villa II site. Refer to Figure 1 for the location of the subject lands.

The combined parcels (161 and 171 Mill Street) are approximately 25,903 square metres in size and occupied by two apartment dwellings, Legion Villa Seniors Citizen Complex Villa I and Villa II. The Villa I (161 Mill Street) has a 2-storey apartment building with 30 residential units, and Villa II (171 Mill Street) has a 2-storey apartment building with 32 residential units. Both of these apartment buildings are dedicated for senior citizen living.

**Figure 1: Location of Subject Lands**

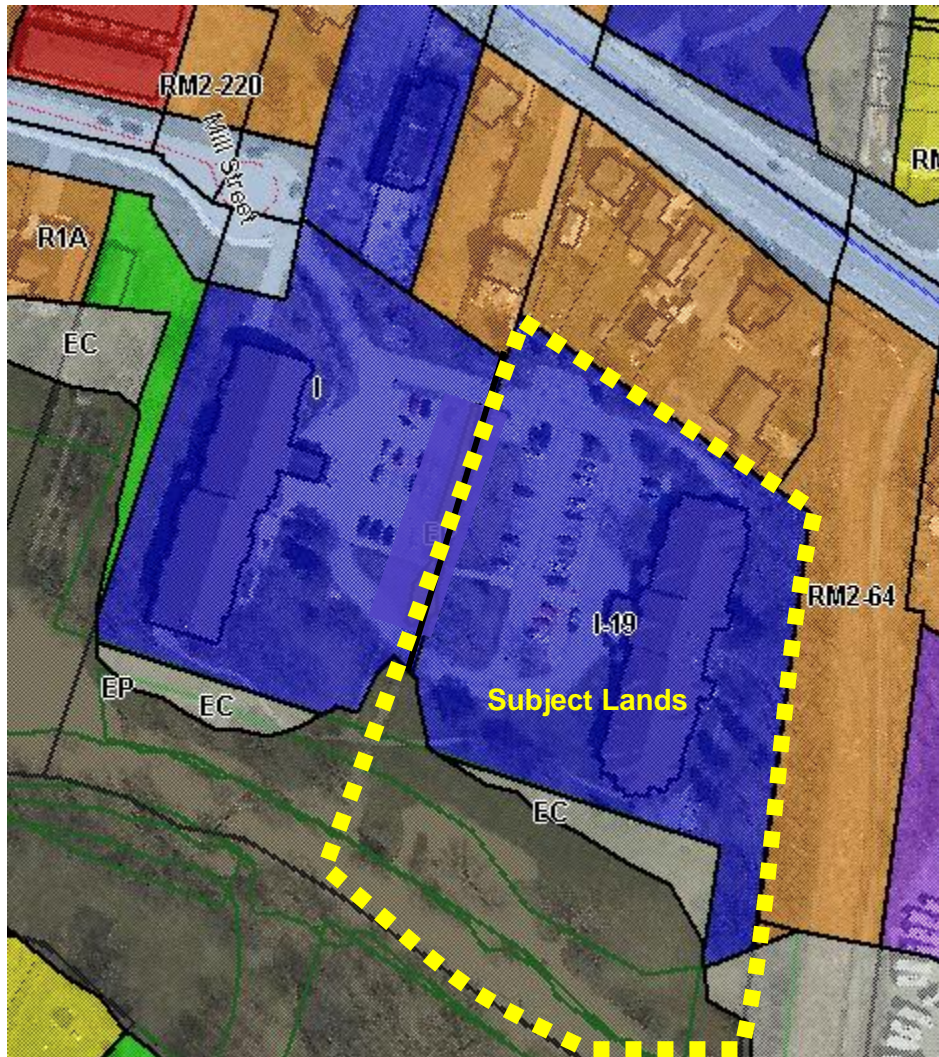


The subject lands pertaining to the application for Zoning By-law Amendment refers to Legion Villa II (171 Mill Street) and currently has a site specific 'Institutional (1-19)' zone that permits a maximum number of dwelling units of 32 units.

Historically, 171 Mill Street has not had direct frontage upon a municipal right-of-way (Mill Street) but rather has traversed 161 Mill Street to access the cul-de-sac constituting the easterly limit of Mill Street. It was deemed appropriate to acknowledge this deficient frontage as part of this application. Refer to Figure 2 for the Zoning of 171 Mill Street.



**Figure 2: Institutional I-19 Zone for 171 Mill Street**



### **CURRENT SITUATION:**

Quartek Group Inc. (Consultant/Agent) prepared the application on behalf Branch 393 Royal Canadian Legion Senior Citizens Complex (Legion Villa) (Owner).

The proposed development consists of a 6-storey (24 metres) 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 (NRH). Refer to Schedule B for the site plan.

The building footprint is expected to occupy 962 square metres (10,354.88 square feet) and situated between the two existing apartment buildings.

Below is a conceptual view from Legion Villa (161 Mill Street) looking east towards the front face of the new building.



View from Legion Villa II (171 Mill Street) looking westerly at the new building.



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. 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).

The Information Report [PD-20-2025](#) was presented to the Growth and Sustainability

Committee at the Public Meeting held on May 12, 2025. The feedback and comments received at the meeting as well as written submissions were considered in the analysis for the recommendation of the amending by-law as presented in Schedule B.

### **Planning Analysis**

The proposed Zoning By-law Amendment application was evaluated against the Provincial and Local policy framework as discussed below.

#### ***Planning Act, R.S.O. 1990, c. P.13***

The Planning Act provides for a land use planning system led by Provincial policy, integrating provincial interests with municipal decision making, promoting sustainable economic development in a healthy natural environment and encouraging coordination among various interests.

The Planning Act identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities, such as, but not limited to, the adequate provision of a full range of housing, including affordable housing, efficient use of infrastructure, protection of the natural heritage resources and agriculture, and the appropriate location of growth and development. Decisions of Council must also be consistent with provincial planning statements and conform to provincial plans and municipal official plans that are in effect.

Section 34 of the Act allows applications for zoning by-law amendments to be considered. The application received by Staff provided the applicable fees and supporting materials requested through the pre-consultation held on October 17, 2024 as well as the responses to the commenting agencies and public, therefore confirm the necessary requirements to make a fulsome recommendation for Council approval are adequate.

#### ***Provincial Planning Statement, 2024***

The Provincial Planning Statement, 2024 (PPS 2024) replaces the Provincial Policy Statement, 2020 and repeals A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Land use planning decisions are required to be consistent with the PPS 2024 and to direct growth to settlement areas and encourage intensification where infrastructure is planned or available.

An overview of consistency to the applicable PPS policies are provided below.

### **Chapter 2: Building Homes, Sustainable Strong and Competitive Communities**

Consistent with policy 2.2, the proposed development is providing a housing option (senior living/retirement home) that promotes the efficient use of land and existing municipal infrastructure (water, sanitary and storm sewers). The proposed development



is assisting the Township to accommodate residential growth through lands designated for Institutional uses although senior living and retirement home are permitted uses in this designation.

The application for Zoning By-law Amendment for the proposed new apartment dwelling units is consistent with policy 2.3.1 where the supply of residential units in the urban settlement area is the focus for growth and development.

Consistent with policy 2.9.1, the proposed development is providing for low impact development and stormwater management systems that help with protecting the environment and contribute to changing climate.

### Chapter 3: Infrastructure and Facilities

Consistent with policies for sewage, water and stormwater (policy 3.6.1 and 3.6.2), the new building will be connected (via tee connection) to the existing 150mm watermain, allowing for the existing Villa II and the proposed development to be serviced by individual 150mm services. The new building will be sprinklered, with fire hose cabinets. Given the proximity of one existing fire hydrant very near the proposed development site and building, it is not proposed to provide any additional fire hydrants. With regard to available fire flow, the existing watermain and fire hydrants are considered adequate to serve the existing development.

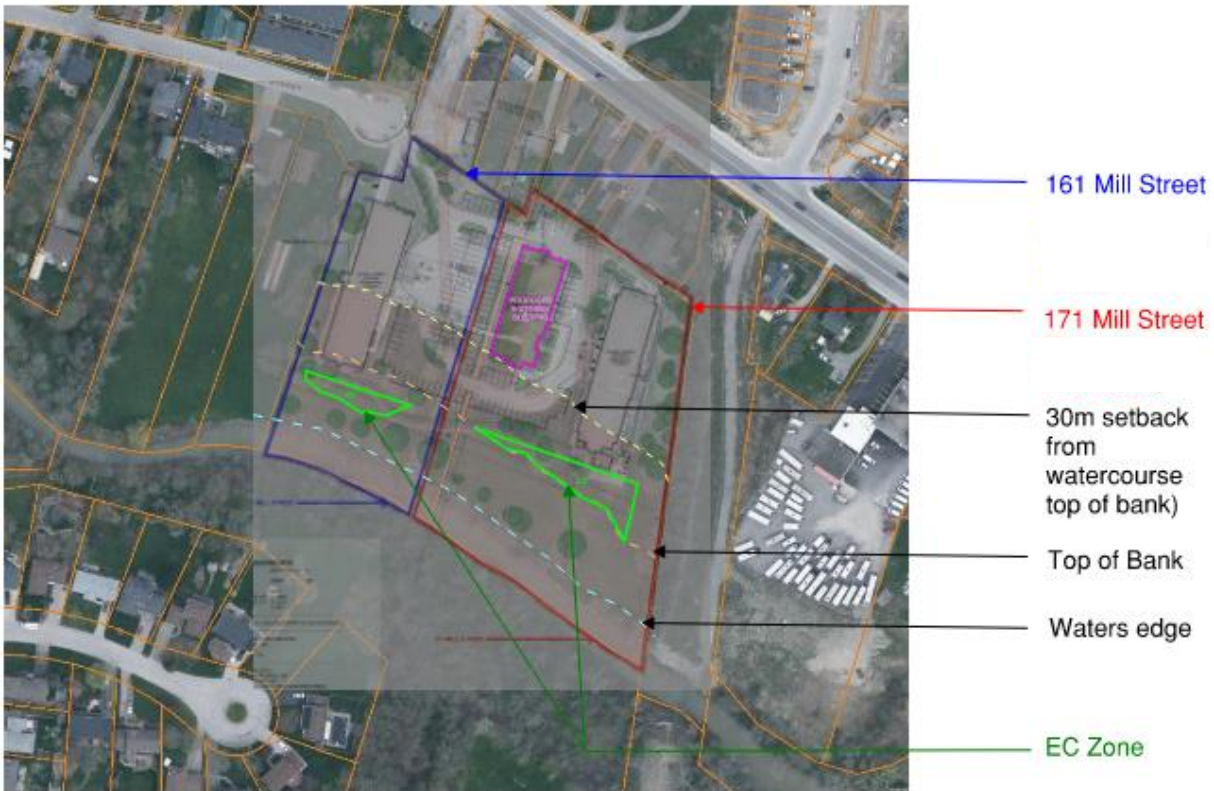
The site is currently serviced with sanitary sewage collection by an existing municipal sanitary sewer that traverses the site, generally from north to south, located on an easement in favour of the Township of West Lincoln. This municipal sewer outlets to an existing Niagara Region trunk sanitary sewer main that crosses the site from west to east near the south limit of the site. This trunk sewer is located on an easement in favour of the Niagara Region and outlets to the Smithville Sewage Pumping Station (SPS) located  $\pm 100$  metres east of the subject site between Regional Road 20 and Twenty Mile Creek. It is proposed that a connection for the proposed building can readily be made to the existing municipal sewer and that adequate capacity exists in that sewer and the trunk main to which it outlets.

The existing storm and site runoff is captured by the Mill Street cul-de-sac catchbasin or managed on site by sheet drainage from the parking and landscaped areas into a shallow ditch or swale that runs essentially from the north limit of the site to the south, ultimately discharges to Twenty Mile Creek.

Ground elevations generally vary from 185.1 metres at the north-west corner of the site to 181.9 metres at its southerly limit along the Twenty Mile Creek frontage. Niagara Peninsula Conservation Authority (NPCA) indicated that any new development in the area of the swale should be elevated above the floodplain elevation of 183.03 metres through fill placement and the new building is to be located outside a 30-metre setback from the watercourse; however, paved parking areas can be located within the 30-metre setback provided that surface elevations are above the 183.03 metre floodplain

elevation. Refer to Figure 3 that shows the building is outside of the floodplain elevation.

**Figure 3: Proposed Location of New Building**



The proposal will have minor system stormwater flows from the parking lot and rooftop collected by new buried storm sewer system components and conveyed to underground storage facilities. Major system flow will be detained temporarily on site in underground storage chambers and flow restricted to the peak post-development flow to the maximum allowed release rate for the 5-Year and 100-Year return period storms.

#### Chapter 4: Wise Use and Management of Resources

Consistent with policy 4.1, the proposed development will zone the watercourse and buffer area to the natural features to an environmental protection (EP) zone and prohibit any development or site alteration for the long term protection and maintain the key ecological function.

In conformity with the PPS, the subject lands are located within the urban area boundary limits, where the majority of development is to occur. The development expands on the range of available residential types by including affordable housing and housing for seniors. The development will be connected to the community through the use of existing infrastructure and represents an excellent opportunity for infill and



intensification consistent with the policies of the PPS.

### ***Township of West Lincoln Official Plan and Niagara Region Official Plan***

Bill 23 has changed Niagara Region's role in land use planning and as of March 31, 2025, the Niagara Official Plan (NOP) is no longer a Regional Plan and is an Official Plan of the twelve area municipalities in Niagara. Therefore, the Township has considered the applicable policies of the NOP alongside the Township's Official Plan (OP) for the assessment to support the achievement of complete communities and range and mix of housing units.

The proposed development contributes to accommodating future rental housing needs geared for senior and retirement home living that can cater to the different needs of the community. The ability to offer more of the high demand housing options that efficiently utilizes the land is favourable. The proposal has demonstrated the ability to maintain the zoning yard required setbacks with the focus on ensuring compatibility with neighbouring building and uses.

Consistent with the policies for the protection of the natural heritage and hydrological features and avoiding any negative impacts to the function and feature. The proposed location of the new building will be outside of the floodplain regulated area although the parking area will be located within the floodplain but at the NPCA approved elevation of 183.03 metres.

### ***Township Zoning By-law 2017-79, as amended***

The requested Zoning By-law Amendment will modify the existing Institutional (I-19) zone to facilitate the development including:

- Maximum number of apartment dwelling (retirement home) units – 84 on 171 Mill Street
- Maximum Building Height – 24 metres
- Minimum lot frontage – 0 metres
- That an easement be established and improved to the satisfaction of the Township and provide a secondary emergency access to the satisfaction of the Township prior to occupancy

The proposed building is complementary the existing use of the subject lands and is able to provide community benefit through affordable housing. The building offers a greater density and height than currently exists, although provides the required setbacks to ensure that it does not overwhelm any of the adjacent residential uses.

Thus, the Zoning By-law through the modified site-specific amendments will align with the policies for residential infill at higher densities and affordable units for the Township. Refer to Schedule C for the Zoning By-law and Schedule to implement the proposal.

## **FINANCIAL IMPLICATIONS:**

As previously noted in the Information Report [PD-20-2025](#), an Affordable Housing Community Improvement Plan (CIP) was given budget approved by Council, however it has not yet been prepared. The CIP's objective is to have a new housing partnership with multiple providers to address the Township's needs for affordable housing through financial incentive programs.

Additionally, under the Development Charges By-law, affordable housing units are exempted from building permit and development charge fees. The applicants would have to demonstrate that they meet the criteria for exemptions under the Development Charges Act at the time of building permit.

## **INTER-DEPARTMENTAL COMMENTS:**

The additional agency comments provided since the May 12, 2025 public meeting include:

**Township Development Engineering Department:** Previous comments have been addressed. The Functional Servicing Report (FSR) suggests a secondary connection to the watermain on St. Catharines Street will be necessary to meet fire flow requirements for the proposed building. The proponent has acknowledged this will be confirmed with the Site Plan Application submission and an easement in favour of the Township will be secured.

The FSR has been revised to include estimated flows to the sanitary system generated by the new building and noted that the wastewater design criteria was not used for the calculations resulting in a higher estimate. This can be corrected with the Site Plan Application submission. A peer review will be completed to update the Township's wastewater model and confirm sanitary capacity. Capacity and allocation within the Township's wastewater network cannot be guaranteed until final registration of the development.

The proponent has acknowledged that an easement in favour of the Township will be provided on the Legion Villa property for the storm sewer outlet from the Mill St cul-de-sac.

**Fire and Emergency Services:** Firefighting in these types of buildings are directly addressed within the Ontario Building Code (OBC), which will speak to the type of building materials used and the impact of that choice on the required fire protection measures built into the building. The OBC also speaks to the placement and location of available fire hydrants.

Fire lanes and secondary access to the property, both while under construction and in full operation will be no less than the minimum required in the OBC.

Fire and Emergency Services is equipped to fight fires in many types of buildings, but high buildings do include some hazards and risks that others do not. To help manage this, there is currently in place an Automatic Aid Agreement with several of our municipal neighbours, in which all three municipalities (West Lincoln, Lincoln, Grimsby) will respond to fires in such buildings in all three municipalities.

There is room to expand the training of West Lincoln's firefighters for these low frequency/high risk events. Some additional equipment including high-rise packs (compact loads of hose and equipment), fans and other items may need to be purchased in preparation for the building and occupancy of these types of buildings.

An aerial truck replacement is planned within the next two years, pending Council approval of the capital budget. With the increase in complex buildings planned for West Lincoln, its timely replacement is critical.

**Region of Niagara:** Based on the size and nature of the proposed development, it is understood that the proposal will be unable to satisfy the Region's waste collection requirements. Therefore, waste collection for the site will be the responsibility of the owner through a private contractor and not Niagara Region.

Restoration Plan is a requirement to ensure the re-establishment of self-sustaining native vegetation is provided within the watercourse setback area.

## COMMITTEE AND PUBLIC COMMENTS:

### 1. Affordable Housing

The proposed new Legion Villa apartment building 52-unit pro-forma is offering excellent affordability levels. The current breakdown is:

Affordability Level	# of Units & Unit Type	% of Mid-Market Rent (MMR)	Current Monthly Rate	% of Units in Building
Deep Affordable	12 x 1-bed	70% of MMR	\$860	23%
Deep Affordable	10 x 1-bed subsidized	37% of MMR	\$456	20%
Deep Affordable	3 x 2-bed subsidized	52% of MMR	\$732	6%
Attainable	15 x 1-bed	100% of MMR	\$1,229	29%
Attainable	12 x 2-bed	122% of MMR	\$1,700	23%

The above is based on the following factors:

- Primary capital funding source as Canadian Mortgage and Housing Corporation (CMHC) Affordable Housing Fund loan and grant
- Legion Villa capital fundraising campaign

The grant and/or fundraising amount sourced will increase the affordability and CMHC, potential grant-to-loan ratio for the project.

## 2. Privacy

Concerns were raised about privacy being invaded because of the proposed development and the potential of privacy being compromised for adjacent buildings existing on site.

The proposed building has been oriented in a north-south fashion with the shortest sides of the building facing towards the rear yards of the properties in the north and the south. This follows the orientation of the existing buildings on site.

The proposed elevation were designed in a way that the privacy of its adjacent owners is not compromised. The faces of the building towards the north and south do not have any windows placed on them. Furthermore, the balconies are recessed which help to minimize the obstruction and views into adjacent properties.

The proposed development adheres to the required zoning by-law setbacks from the existing two apartment buildings on site. Considering both the proposed new building and the existing buildings have recessed balconies, the privacy is expected to be maintained for its users on site. The building distances are as follows:

- Proposed building to existing building at 171 Mill Street – 25.48 metres
- Proposed building to existing building at 161 Mill Street – 49.31 metres

## 3. Height

Concerns were raised about the potential of building height and that the new building is not compatible or matching the character of the neighbourhood.

The proposed 6-storey or 24 metres in height is measured from the ground elevation, although the elevation varies throughout the site. The new building will have an increase in height to the existing buildings although is visually appropriate and fits with the character of the site with the apartment style buildings. The proposal will make efficient use of the oversized lot while complying with the yard setbacks and lot coverage zoning requirements.

The existing zoning permits a maximum building height of 15 metres or roughly 5-storeys in height and the amendment is for one additional story or 9 metres. The



purpose for the increase in building height is to provide more affordable units for seniors in a location that is close to downtown amenities like commercial stores and restaurants, and other social service uses. It is important to note that there are no limitations on height in the Township's Official Plan under the Institutional Designation.

#### 4. Flooding

The NPCA identified that the subject property included a watercourse (Twenty Mile Creek) and associated floodplain towards the south of the property. The proposed building location will meet the required setback identified by the NPCA. To further address the concern, fill placement to be used to raise the surface elevations of the swale area to 183.03 metres above the floodplain to ensure the building and parking will be safe on site.

Additionally, the floodplain, watercourse and associated natural heritage features will be located within the Environmental Protection (EP) zone for no site alteration or development.

A vegetation/restoration plan is required for the future site plan approval process maintaining the minimum 30-metre setback from the surveyed watercourse top of bank. Parking is allowed to occur within the 30-metre environmental setback, as long as the flood plain requirement is fulfilled.

#### 5. Parking

According to Table 6- Required Parking Facilities of the Zoning By-law 2017-70, as amended, a retirement home requires one parking space per two dwelling units.

The following provides a breakdown of the required parking spaces under the by-law regulations for both 161 and 171 Mill Street.

- 161 Mill Street:  $30 \text{ units} \times 0.5 = 15 \text{ spaces}$
- 171 Mill Street:  $(32 \text{ plus proposed } 52) 84 \text{ units} \times 0.5 = 42 \text{ spaces}$

Therefore,  $15 + 42 = 57$  total spaces required for the two sites.

The proposal, however, is providing 120 parking spaces plus an additional 5 accessible parking spaces which more than doubles the minimum parking requirement.

Based on current parking usage on site, Legion Villa representatives have stated that there are 59 spaces, of that 46 spaces are for tenant parking, 7 are accessible parking, some tenants use 2 spaces, some tenants have family members use vehicles parked in spaces for doctor appointments, 6 vacant parking spaces, 3 spaces for staff, and 10 spaces for guest parking. The proposal will not negatively impact the parking situation on the site but provide additional spaces to prevent future issues with parking.

## 6. Fire Access

The proposed development includes a 6 metre wide access easement over 161 Mill Street to 171 Mill Street and will remain open at all times even during construction. This has also been added as a requirement in the proposed site specific zoning.

There is an additional secondary emergency access through the easement to St. Catharines Street where it will be chained off and only used for emergencies. This access will require upgrades to meet the Township standards. As part of the site plan approval process, a truck turning plan will be provided for approval.

An existing fire hydrant is located 15 metres from the north east corner of the proposed building to service the buildings at 171 Mill Street and at the main entrance to service the building at 161 Mill Street. Future coordination with the agent for Legion Villa and the Township's fire department will continue to ensure the design complies with the standard requirements for access, design and emergency.

## 7. Construction Nuisance Impacts

Concerns regarding parking and access for existing residents at the time of construction, noise, dust, and other nuisance impacts during construction were received.

Open communication between the general contractor and residents will be key in establishing a safe and accessible site during all phases of construction. An action plan will be prepared prior to construction (and updated during construction) so deliveries and activities are clearly outlined for residents. Based on the initial analysis and Building Code requirements, the quantity of current parking spaces can be maintained during the course of construction and separated from construction vehicles accessing 171 Mill Street.

Despite the unfortunate nuisance and disrupting impacts resulting from construction including noise and dust, it is inevitable and only temporary in nature. Appropriate measures will be taken during the period to monitor the safety and ease of access for existing users in the property.

## **CONCLUSION:**

The application for Zoning By-law Amendment approval submitted by Quartek Group Inc. on behalf of Branch 393 Royal Canadian Legion Senior Citizens Complex (Legion Villa) is to facilitate a residential development, which would create 52 new senior living/retirement home dwelling units in a 6-storey apartment building. The proposed development is subject to a future site plan approval application.

Administration upon review of the applications against the Provincial and Local policies as well as consideration of the Committee, commenting agencies, and the public

comments and feedback are satisfied that matters are adequately addressed and recommend approval of the application.

**ATTACHMENTS:**

Schedule A: Legal Survey

Schedule B: Site Plan

Schedule C: Zoning By-law and Schedule

Schedule D: Agency Comments

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