



Subject: Zoning By-law Amendment - 49 Hayes Road
Report to: Thorold City Council

Recommendations

1. That Development Services Report DS-26-2023 **BE RECEIVED**;
2. That the Zoning By-law Amendment to amend Zoning By-law 60-2019 to rezone the subject lands from FD to R3D-88 with special regulations **BE APPROVED**;
3. That the Zoning By-law Amendment to amend Zoning By-law 2140(97) to rezone the subject lands from RD to R3-23 with special regulations **BE APPROVED**; and
4. That the amendment to By-law 60-2019 **BE PASSED** at the same time as the amendment to By-law 2140(97).

Key Facts

- The purpose of this report is to seek a decision from Council regarding a proposed Zoning By-law Amendment application for the subject lands, which was submitted by Upper Canada Consulting, on behalf of 1974092 Ontario Inc. (Gold Coast Homes).
- Planning Staff have reviewed the proposal, which would facilitate the redevelopment of the subject lands for fifty-three (53) condominium townhouse dwellings fronting onto private roads. Supporting studies have been submitted with the application, including a Planning Justification Report, Environmental Impact Study, Functional Servicing/Stormwater Management Report, Land Use Compatibility Study: Air Quality, Dust, Odour, Noise and Vibration peer review, Draft Plan of Condominium and proposed site plan.
- Public and agency circulation of the application has occurred. Agency comments have been satisfactorily addressed and additional information has been provided. Public comments are summarized herein.

- Planning Staff support the application and recommend that Council approve the requested amendment.

Budgetary Status

There is no budgetary impact resulting from this report.

Analysis

Site context and description

The subject lands are located on the south side of Hayes Road, between Allanburg Road and the CN Railway. Highway 58 is located further to the east, and the Welland Canal is located to the west beyond the rail line. The subject lands have an area of 1.85 ha (4.57 ac) and are currently vacant. The lands are known municipally as 49 Hayes Road, and legally described as Part of Township Lot 71. **Figure 1** depicts the site context.



Figure 1: Location of subject lands (source: UCC)

The subject lands are surrounded by existing residential uses to the east and south. Lands to the north are vacant, lands to the west are former industrial lands, and lands to the southwest are also industrial in nature.

Purpose of Application

The purpose of the application is to facilitate the development of the subject lands for a proposed condominium development consisting of fifty-three (53) townhouse dwelling units. The townhouses are divided into eleven (11) blocks, containing three to six (3-6) dwelling units each. The townhouses front onto a private internal road network which features two connections to Hayes Road. The roads are a combination of single-loaded and double-loaded roads. Visitor parking is also provided on the property, as is a dry stormwater management pond. Each unit has its own private yard area and private garage.

At the time of this report, the residential portions of Zoning By-law 60-2019 remain under appeal. As such, amendments to both Zoning By-law 60-2019 and Zoning Bylaw 2140(97) are required. The amendment to Bylaw 60-2019 therefore needs to be passed at the same time as the amendment to the 2140(97) Zoning By-law. The bylaws amending the 2019 By-law will all get amalgamated into the final OLT approval, which will ensure the appeal period is fully addressed at the time the 2140(97) By-law is approved. Accordingly, amendments to both Zoning By-laws are attached to this report (see **Attachments A** and **B**, respectively).

The proposed Zoning By-law Amendment to By-law 2140(97) would rezone the subject lands from Residential Development (RD) to Residential Third Density (R3-23), while also providing for site-specific regulations to recognize the particulars of the site.

An amendment is also proposed to Zoning By-law 60-2019, to rezone the property from Future Development (FD), to Private Street Development with site-specific regulations (R3D-88) to recognize the particulars of the site.

The Zoning By-law Amendment application is also accompanied by a Vacant Land of Condominium application, which is also being processed by City Planning Staff. Both applications have been reviewed concurrently, and a recommendation regarding the condominium application will be the subject of a future Recommendation Report once the site plan process has advanced to a stage where it is confirmed the site layout is final.

Planning Legislation and Documents

Planning staff have reviewed the application in accordance with the *Planning Act*, R.S.O. 1990, c. P.13, and the following provincial, regional, and local planning documents:

- Provincial Policy Statement (2020);

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020);
- Regional Official Plan (2022);
- City of Thorold Official Plan (2016);
- Zoning By-law 60 (2019) [partially under appeal]; and,
- Zoning By-law 2149(97) [the in-effect Zoning By-law for residential zones].

Regional Official Plan (2022)

The new Regional Official Plan (ROP) was recently approved by the Province's Ministry of Municipal Affairs and Housing on November 4th, 2022. As such the proposed development application was evaluated based on the policies of the new Niagara Official Plan.

The new Official Plan establishes a regional structure that directs forecasted growth to settlement areas. Most development is to occur in urban areas, where municipal water and wastewater systems/services exist or are planned and a range of transportation options can be provided. The new Official Plan directs that development in urban areas will support intensification and density targets, provide a compact built form, a mix of land uses, and a diverse range and mix of housing. Additionally, the policies direct that development will reduce costs of municipal water and wastewater systems/service by making efficient use of services, and also support opportunities for transit-supportive development. The new Official Plan also increases the City of Thorold intensification target from 15% to 25%. The proposed development is located in the built-up area of Thorold.

The proposed development provides for an efficient use of an existing parcel of land in the built-up area of the City of Thorold, by providing for a mix of residential unit types. By focusing growth within the existing built-up area, the proposed development will also assist the City in meeting increased intensification targets. The proposed development conforms to the Niagara Region Official Plan.

City of Thorold Official Plan

The subject lands are within the City of Thorold Urban Area Boundary, and are designated as 'Urban Living Area'. The Urban Living Area designation permits a range of land uses, including the proposed use of the subject lands.

A number of matters are identified in the Official Plan as being considerations related to Zoning By-law amendments for multiple or apartment developments, including respecting the character of residential neighbourhoods (i.e. height, bulk, massing), easily integrating with surrounding land uses, not creating traffic concerns, and providing adequate area for site requirements (i.e. parking, amenity areas, landscaping, buffering).

The proposed development provides for a scale of development that is in keeping with the surrounding residential area, by providing for a low-rise built form that integrates into

the surrounding area. Traffic will be accommodated on Hayes Road, which is planned to be upgraded to an urban cross-section in the near future. Applicable amenities and landscaping have been provided onsite, and parking has been provided to accommodate both residents and visitors.

In summary, the proposed development is consistent with the City of Thorold Official Plan.

City of Thorold Zoning By-law 2140(97)

The subject lands are zoned Residential Development (RD), which is considered a placeholder zone to allow for the implementation of a more specific zoning in conjunction with development applications. The application proposes to zone the subject lands for a site-specific R3 (Residential Third Density) zone. The site-specific regulations would address front yard, lot coverage and landscape open space.

City of Thorold Zoning By-law 60-2019

The subject lands are zoned FD (Future Development) in the new Comprehensive Zoning By-law. At the time of this report the residential portions of 2019 Zoning By-law remain under appeal. As such, amendments have been drafted to both the existing and proposed Zoning By-laws. The amendment to By-law 2140 (97) is discussed above.

The proposed amendment to By-law 60-2019 would rezone the subject lands to R3D (Private Street Development). Site-specific regulations are also proposed to reflect the particulars of the site and application, and would address lot coverage, maximum garage width and the minimum unit area for an interior condominium unit.

Comments received

The application was deemed complete on October 27th, 2022 and was subsequently circulated to various agencies and municipal departments for comment. A public notice sign with details of the application and the public meeting was installed on the subject lands, and notices were also mailed to property owners within 120 metres of the subject lands, as per *Planning Act* requirements.

Public comments

A public meeting for this application was held on February 7th, 2023. At the meeting, comments were received from a member of the public, who raised concerns about rail noise / vibration, traffic increased in the area, and drainage on the property. The resident also requested fencing be considered along the rear property line of the development. Another member of the public was in attendance but did not provide additional comments.

Prior to the public meeting, comments were received from a nearby resident to the subject lands. Questions and concerns were noted with respect to drainage on the subject lands and how it may affect adjacent properties. Clarification was also sought from City staff regarding servicing strategy and overall development strategy for the lands. City staff

responded previously to the questions and also provided a higher-quality version of the concept plan.

Department/Agency Comments

The following table summarizes the agency review and comments received through the formal circulation process prior to the Public Meeting:

Agency	Comment
Alectra Utilities	No comments or concerns.
Bell Canada	No concerns.
Canada Post Corporation	No comments or concerns.
City of Thorold Building Department	No concerns.
City of Thorold Engineering Department	No comments or concerns.
City of Thorold Fire and Emergency Services Department	No concerns.
CN Rail	<p>CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.</p> <p>CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:</p> <ul style="list-style-type: none"> • Safety setback of principal buildings from the railway rights-of-way to be a minimum of 15 metres.
Enbridge	No concerns.
Hydro One	No comments received.

Agency	Comment
Mississaugas of the Credit First Nation	Project is being proposed on treaty lands of the MCFN, more precisely, the Between the Lakes Treaty No. 3 of 1792. MCFN Department of Consultation and Accommodation must be in receipt of all Environmental Assessment reports, and must be engaged for all Archaeological Assessments (which includes in-field participation by MCFN community members and a review of all reports prior to submission to the ministry for clearance).
Niagara Peninsula Conservation Authority	<p>The NPCA has reviewed the “Environmental Impact Study, 49 Hayes Road” dated August 2022 as prepared by SLR Consulting, and does not offer objections to the conclusions of the report, and therefore do not offer any final objections to the proposed development.</p> <p>As such, the NPCA is satisfied with the ZBA. The NPCA does not offer comments or conditions on the draft plan of condo, as we do not offer objections to the approval of this application.</p>
Niagara Region	Addendum to Land Use Compatibility report requested by the Niagara Region included a peer review of air quality, dust, odour, noise and vibration has provided clarity on the assessment of nearby facilities and industrial land as well as the impact on the proposed development.
City of Thorold Planning Comments (c/o MHBC)	No concerns in principle with proposal. Will review final materials related to rail line and land use compatibility study updates.

Responses to questions and comments

In response to the Council questions at the public meeting, the applicant was able to clarify that a berm was not required per CN but that an increased setback and fencing along the rail line will be implemented. It was also clarified that required warning clauses would be implemented through the site plan and condominium approvals. The applicant was also able to clarify related to sidewalks, indicating they are not typically required in

relation to developments with private streets but could be reviewed further through the site plan process.

Regarding comments from CN, a peer review of the noise and vibration study has now been provided by CN's consultant. There is agreement with the conclusions of the work completed, and CN does not object to the proposed development. The applicant is currently working with CN regarding a development agreement, and any remaining matters will be incorporated as part of final site plan / condominium approval.

In response to Regional comments, the applicant prepared an Addendum to the Land Use Compatibility Study. This information provided responses to the comments received from Regional staff, and addressed outstanding matters. Further questions have been addressed to Regional staff's satisfaction.

Attachment C includes agency and public comments received, including recent correspondence following the public meeting.

Conclusion

It is the opinion of Planning Staff that the proposed Zoning By-law Amendment to rezone the subject lands to permit a proposed townhouse development is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional and local policies and requirements. The proposal is appropriate for the development of the subject lands.

Accordingly, Planning Staff recommend that Council approve the application, which would facilitate the proposed redevelopment of the subject lands.

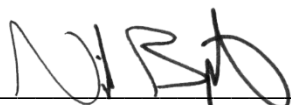
Relationship to Strategic Plan

- Vibrant, Inclusive Neighbourhoods

Other Pertinent Reports

n/a

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Attachments

Attachment A	Draft Zoning By-law Amendment [60-2019]
Attachment B	Draft Zoning By-law Amendment [2140(97)]
Attachment C	Public and agency comments