



Subject: Proposed Official Plan Amendment and Zoning By-law Amendment (D09-03-2023, D14-06-2023) - 3401 Schmon Parkway

Report to: Thorold City Council

Recommendations

1. That Development Services Report DS 46-2023 **BE RECEIVED**;
2. That the Official Plan Amendment to amend the City of Thorold Official Plan, to re-designate the subject lands from BBP Employment to BBP Employment Special Policy Area 11 **BE APPROVED**; and
3. That the Zoning By-law Amendment to amend Zoning By-law 60-2019, to add Site Specific Exception 95 to Section 13.1 **BE APPROVED**.

Key Facts

- The purpose of this report is to seek a decision from Council regarding a proposed Official Plan Amendment and Zoning By-law Amendment application for the subject lands (3401 Schmon Parkway), which was submitted by Urban Strategies Inc., on behalf of Brock University.
- Planning Staff have reviewed the proposal, which would facilitate the adaptive reuse of the existing building on the subject lands for non-residential uses associated with Brock University. Uses may include classrooms, office space and research and/or laboratory space. The intent is for Brock University to utilize the existing building and associated parking. No new development is proposed. A Planning Justification Report has been submitted in support of the amendments.
- No changes are proposed to the existing land use designation or the existing zoning category. The purpose of the amendments is to provide for site specific policies and regulations to allow non-residential post secondary uses on the subject lands.
- Public and agency circulation of the application has occurred. There were no concerns from Agencies. No public comments were received.

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

Analysis

The subject property is located on the north side of Schmon Parkway, east of Merrittville Highway. The subject property is approximately 500 metres south of the main campus of Brock University. The subject property is located within the Brock Business Park Secondary Plan Area. **Figure 1** depicts the site context.



Figure 1 – site context (*source: Applicant*)

The subject lands have an area of approximately 3.3 ha (8.15 ac) and currently contain an office building and associated parking. The building is currently owned by Brock University and occupied by Enbridge. It is noted that Enbridge has submitted planning applications to facilitate the construction of a new office on a different site within the City of Thorold. The lands are municipally known as 3401 Schmon Parkway, and described legally as Plan 59M131, Lots 15 to 18.

The subject lands are generally surrounded by employment uses associated with the Brock Business Park. Other surrounding uses include a church to the east and veterinary clinic to the west.

Purpose of applications

The site specific Official Plan and Zoning By-law Amendment applications propose to amend the City of Thorold's Official Plan and Zoning By-law 60-2019 to permit non-residential post-secondary institutional use of the Site. The proposed use of the Site and adaptive re-use of the existing building will allow for the continued expansion and evolution of Brock University's research, teaching, and administrative functions.

Under the City of Thorold Official Plan (Schedule 'A-1'), the Site is designated 'BBP Employment'. No new institutional uses are permitted within this designation. The Official Plan Amendment proposes to identify the lands as a Special Policy Area with a site specific policy that allows non-residential Institutional uses. The current BBP Employment designation would remain in place. The proposed Official Plan Amendment is included as **Attachment A**

The site is zoned M1- Prestige Employment in Zoning By-law 60-2019. Post-secondary institutional use is not currently permitted within the M1 zone. A Site Specific Exception is proposed that would add "Non-residential Post-secondary Institution" as a permitted use. The M1 zoning would remain in place and all other provisions of By-law No. 60-2019 would continue to apply. The proposed Zoning By-law Amendment is included as **Attachment B**.

Brock University is proposing the adaptive reuse of the existing building located at 3401 Schmon Parkway for office and light industrial space to accommodate post-secondary institutional uses, including teaching and research laboratories, flexible office space, storage and IT infrastructure. No new site development is proposed at this time, the proposed institutional uses will be located within the existing building.

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); and
- Zoning By-law 60 (2019).

Provincial Policy Statement (2020)

The policy direction under the PPS aims to concentrate growth and development within urban areas, and encourage efficient, strong, livable and healthy communities by: promoting intensification and land use patterns with a mix of uses; prioritizing active transportation and transit; supporting cost-effective development standards to minimize land consumption and servicing; and ensuring the wise and sustainable use and management of resources over the long term.

The proposed land use permissions to permit Brock University to utilize its building in the Brock Business Park for non-residential Major Institutional Uses is consistent with the land use planning direction in the PPS. It provides for employment within an urban area; results in cost-effective development; supports transit and minimizes land consumption.

Section 1.3 of the PPS states that planning authorities shall promote economic development and competitiveness and identifies specific policies to achieve this, including: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long term needs (1.3.1a); providing opportunities for a diversified economic base (1.3.1b); and, encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities (1.3.1d).

Policies in section 1.3.2 Employment Areas directs that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs (1.3.2.1).

The proposal supports the provision of post-secondary education facilities in an efficient manner, including the adaptive re-use of an existing structure, utilization of existing infrastructure, and functional integration into the existing Brock University campus to accommodate community needs. The incorporation of Brock University within the Brock Business Park will contribute to a diverse range of employment within the Park.

Section 1.7 states that long-term economic prosperity should be supported in a variety of ways, including: promoting opportunities for economic development and community investment-readiness (1.7.1a); optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities, including post-secondary

educational institutions (1.7.1c); promoting the redevelopment of brownfield sites (1.7.1f); providing for an efficient, cost-effective, reliable multi-modal transportation system that is integrated with adjacent systems (1.7.1g); and, promoting energy conservation (1.7.1j).

The proposal supports these objectives by enabling Brock University to expand in a resource-conserving manner through the adaptive reuse of an existing building located close to the existing Brock campus. This approach will enable building users to utilize the transit service supporting operation of the Brock University Campus and re-use of an existing building will minimize construction and energy waste associated with an alternative scenario where the building was demolished, and a new purpose-built academic building constructed on the Site. The expansion of Brock University's academic programming to include the Department of Engineering will enhance the long-term prosperity of the region through the attraction of highly skilled students and faculty and enable the creation a 'talent pipeline' that will encourage businesses to establish themselves or expand in the Niagara Region while offering students greater employment opportunities upon graduation.

The proposed addition of non-residential Major Institutional Uses to permitted uses of the Site is consistent with the PPS. The PPS aims to concentrate growth and development within urban areas and encourage efficient, strong, liveable and healthy communities. The proposed adaptive re-use of an existing building in the Brock Business Park adjacent to the main campus would enable Brock University to expeditiously and resource-effectively expand its enrollment capacity and academic facilities to support the introduction of the Department of Engineering.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan carries forward many of the policies in the PPS, especially as it relates to intensification within built-up areas; transit supportive development; and economic prosperity. The Growth Plan responds to the key challenges the region continues to face with enhanced policy directions to support the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. Numerous elements of the proposed development support Growth Plan policies.

The proposed development is consistent with the guiding principles of the Growth Plan and supports its goals of achieving complete communities. The Site is located within a delineated built boundary, outside of a Greenbelt Area, has access to existing municipal water and wastewater systems, and represents intensification of an existing built-up area.

The proposed adaptive re-use of an existing building will enable Brock University to expeditiously and cost-effectively support the expansion of its enrollment capacity and academic programming. Furthermore, renovation of an existing facility to provide this enhanced academic capacity fulfills the policy direction of prioritizing the maintenance and expansion of existing facilities (the Brock University campus) to meet community needs. The location of the Site also fulfills the policy directions to prioritize investment in public service facilities located proximate to strategic growth areas and in locations that are easily accessible by active transportation and transit. The proposal conforms to the Growth Plan.

Regional Official Plan (2022)

The new Regional Official Plan (ROP) was approved by the Province's Ministry of Municipal Affairs and Housing on November 4th, 2022.

The ROP 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 Region is required to plan for and protect lands to accommodate the Province's forecast employment growth for the Niagara region while supporting its existing institutions and employers that contribute to the region's economic competitiveness. An overall objective of the Regional OP is to support and advance economic prosperity through the alignment of land use and economic goals through strategic partnerships and facilitate economic prosperity through land use planning (policy 4.5(a-b)).

Section 4.2.1 of the ROP (Employment Areas Types and Densities), establishes the employment areas for the Region (policy 4.2.1.1 and Schedules B and G. Policy 4.2.1.4 and Table 4-2 establish three employment area types (Core, Dynamic, and Knowledge and Innovation) and associated minimum overall employment density targets.

The Site is located in the Knowledge and Innovation employment area type, specifically THO-1 Brock District University Innovation Park, which has a minimum overall density target of 80 jobs/ha (Table 4-2 Employment Area Minimum Density Targets to 2051). According to the applicant, the proposed development is anticipated to have at a daily headcount of at least 285 faculty, staff, and students beginning in the 2025 academic year, which will exceed the density target of the site by 2051.

Policy 4.2.1.7 speaks to the Knowledge and Innovation employment areas and establishes that they are clusters of higher density employment uses, including office

parks, and major institutional uses, which are intended to accommodate built form that supports nearby major institutional uses. The definition of major institutional uses includes post-secondary institutions. As such the proposed use conforms to the ROP.

On March 28, 2019, the Regional Municipality of Niagara adopted Amendment 14 to the Niagara Region Official Plan to implement the Brock District Plan. The purpose of the Brock District Plan is to advance a coordinated land use plan for an area straddling the City of St. Catharines and the City of Thorold containing Brock University, Brock Business Park, and certain natural areas in their vicinity. The Plan was prepared in 2015-16 and was endorsed by Council in October 2016.

The proposed addition of Major Institutional Uses to the permitted uses for the Site is compatible with the general and specific objectives of the Brock District Plan. Utilization of the Site by Brock University for student instruction and academic research will be a critical factor supporting the introduction of the new Department of Engineering. This new academic program will expand and reinforce the role of Brock University as a significant catalyst for economic development and diversification in the Niagara Region and in the Brock District Plan area. The engineering program will add to the virtuous cycle whereby Brock University attracts highly skilled students, faculty, and staff to the Niagara Region. In turn, this 'pipeline' of skilled graduates and the attraction of specialized expertise encourages the establishment and expansion of businesses in the Niagara Region. This increases the economic diversity and dynamism of the Niagara Region, which expands the employment opportunities for graduates and encourages more to stay after graduation. It also fosters the emergence of spin-off businesses resulting from academic research and partnerships with industry. Collectively, this increases the attractiveness of Brock University as a post-secondary institution and employer and creates demand for expanded academic programming and student capacity.

Policy 4.G.14.C.7 establishes that a conformity review and update of relevant local plans, policies, and zoning by-laws will occur to transition the area to the District envisioned in the District Plan. Policy 4.G.14.C.8 requires local municipal Official Plans, Secondary Plans, and Zoning By-Laws shall be updated to implement the vision, objectives, and policy direction of the Brock District Plan. Policy 4.G.14.C.8 establishes that land use designations in local Official Plans shall be reviewed in context of the Brock District Plan.

The proposed site specific amendment to the City of Thorold Official Plan and Brock Business Park Area Secondary Plan to permit non-residential Major Institutional Uses, and the proposed site-specific ZBA amending the City of Thorold zoning by-law 60-2019 to add non-residential Post-Secondary Institutional Uses for the Site are consistent with

these policies and would bring the local Official Plan into better alignment with the Region's Brock District Plan.

The proposed addition of non-residential Major Institutional Uses as permitted uses of the Site under the current City of Thorold land use designation conforms to the Regional Official Plan. Post-secondary educational institutions are included in the definition of Major Institutional Uses, and the intention of Brock University to exclude any potential residential use of the Site is consistent with Regional Official Plan and Provincial policies prohibiting residential uses in employment areas. The estimated daily occupancy of the building will meet or exceed the employment density targets set for 2051 in the Knowledge and Innovation employment area. Proximity of the Site to the main Brock University campus will also enable utilization of its existing and future transit service.

The proposed development conforms to the Niagara Region Official Plan and a Regional Official Plan Amendment is not required.

City of Thorold Official Plan

The subject lands are designated BBP (Brock Business Park) Employment within the City of Thorold Official Plan. Section B1.10 Brock Business Park Area Secondary Plan establishes the vision for this secondary plan area as an attractive, dynamic, high quality mixed use area that is home to some of the City's premier employers that integrates a collection of live-work activities, which help support innovation and business incubation associated with Brock University (B1.10.1).

Policy B1.10.2 establishes the objectives for the Secondary Plan Area, including: promoting economic development and providing basic amenities which support revitalization and investment (B1.10.2a); supporting and enhancing the employment function of the Brock Business Park (B1.10.2b); providing a framework for mixed-use development and redevelopment (B1.10.2c); providing a range of housing opportunities that support Brock University (B1.10.2d); balance the needs of all users within the Brock Business Park Area (B1.10.2f); make best use of existing and planned infrastructure (B1.10.2g); provide opportunities for transit supportive development (B1.10.2g); and promote sustainable development and redevelopment throughout the Brock Business Park Area (B1.10.2j).

The proposed adaptive re-use of an existing building and addition of non-residential Major Institutional Uses as a permitted use of the Site are consistent with the overall objective of the Brock Business Park Area and achieve many of its objectives. Brock University is the largest employer in the Brock Business Park Area and its planned use of the Site to

support the introduction of the Department of Engineering represents significant revitalization and investment in the Brock Business Park. Existing infrastructure and services would continue to be utilized on the Site and expansion of Brock University's student enrollment and faculty and staff headcount would positively contribute to the transit demand of Brock University and support future service expansion. Furthermore, the university's intention for non-residential use of the Site would be consistent with Provincial, regional, and local policies preventing the utilization of employment areas for residential uses.

Policy B1.10.5.1 establishes the permitted uses of BBP Employment-designated lands: office; research and development; laboratories and other knowledge-based businesses. A limited range of light manufacturing and assembly uses are also permitted, whereby the activity has no adverse impacts on any adjacent or nearby sensitive uses. No outdoor storage is permitted. New institutional uses are not permitted, except those uses which are ancillary or associated with a proposed or existing development (such as a day care which is part of a larger office development).

The proposed addition of non-residential Major Institutional Uses as a permitted use of the Site is required to bring the local Official Plan and Brock Business Park Secondary Plan into better alignment with the Regional Official Plan, which supports Major Institutional Uses in the Knowledge and Innovation employment area-designated lands in which the Site is located. While the proposed non-residential Major Institutional Uses are consistent with the vision and objectives for the Brock Business Park area, the prohibition of new institutional uses on the BBP Employment-designated lands creates ambiguity of whether Brock University would be considered a new institutional use. The Brock Business Park derives its identity from, and was established to complement and support, Brock University. However, as-written, policy B1.10.5.1 likely prohibits the introduction of non-residential Major Institutional Uses on the Site, necessitating a site-specific amendment.

The proposed non-residential Major Institutional Use of the Site by Brock University is consistent with the general vision and intent of the Official Plan to encourage the growth and development of public service facility (Brock University) in a built-up, serviced urban location. However, the wording of permitted use policy for the Brock Business Park Employment land use designation as it applies to the Site appears to prohibit the introduction of new institutional uses. The Regional Official Plan permits Major Institutional Uses in the Knowledge and Innovation employment areas, in which the Site is located. Thus, to better align the permitted uses of the Site with the intent of the Regional Official Plan, while retaining employment designation and a prohibition of

residential use, it is reasonable and appropriate to consider the requested site-specific addition of non-residential Institutional Uses on the Site.

In summary, the proposed site specific amendment is consistent with the City of Thorold Official Plan.

City of Thorold Zoning By-law 60-2019

The subject site is zoned M1 (Prestige Employment) in the new Comprehensive Zoning By-law. The M1 zone currently permits a range of uses that are proposed by Brock University including: laboratory; office and research and development. The proposed site-specific Zoning By-law Amendment will add non-residential post-secondary institutional use to the permitted uses of the M1 Prestige Employment zoning district schedule in order to allow Brock University to operate with the uses noted above, as well as other uses contained within post-secondary institutions such as classrooms.

The proposed addition of non-residential post-secondary institutional use as a site-specific permitted use for the Site would be consistent with and implement the permitted use of the Site for Major Institutional Use under the Regional Official Plan and proposed site-specific amendments of the City of Thorold Official Plan. The existing structure of the building is proposed to be used and no alteration of the building or site plan are proposed or sought by Brock University.

Comments received

The application was deemed complete on June 15, 2023 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 meters of the subject lands, as per *Planning Act* requirements.

Public comments

A public meeting for this application was held on July 11th, 2023. At the meeting, the agent for the applicant made a presentation about the proposal, and the applicant also spoke about the proposed development. No other members of the public spoke to the proposal.

Circulation Comments

The following table summarizes the agency review and comments received through the formal circulation process:

Agency	Comment
Canada Post Corporation	No comments or concerns.
Mississaugas of the Credit First Nation (MCFN)	No concerns at this time. MCFN has requested notification if there are any changes to the project as they may impact MCFN's interests and that MCFN be provided with a copy of all associated environmental and archaeology reports if required for any future development. MCFN also requests that a Field Liaison Representative be on location whenever any fieldwork for environmental and/or archaeological assessments are undertaken.
Enbridge	No objection, however Enbridge noted they reserve the right to amend their development conditions.
Ministry of Transportation	No comments or concerns.
Niagara Region	No objection to proposed development.
Niagara District School Board	No comments or concerns.
Niagara Peninsula Conservation Authority (NPCA)	No comments or concerns.
City of Thorold, Building Department (Jason Simpson)	No comments or concerns.
City of Thorold, Engineering Department (Ugo Obiako)	No comments or concerns.
City of Thorold, Fire and Emergency Services Department (Vince Giovanni)	No comments or concerns.

No public comments were received as a result of the circulation of the application. No public comments were made during the July 11 Statutory Public Meeting.

Responses to questions and comments

In response to the Council questions at the public meeting, the applicant was able to clarify details of the proposal related to future use of the building and timing for construction.

Attachment C includes agency comments received.

Conclusion

It is the opinion of Planning Staff that the proposed site specific Official Plan and Zoning By-law Amendments to permit non-residential Post-Secondary uses within an existing building is consistent with the Provincial Policy Statement, and conforms to Provincial, Regional and local policies and requirements. The proposal is appropriate for the site and the Brock Business Park.

Impact on the Environment, Climate Change

There are no known environmental or climate change related impacts to this Report.

Alternatives Reviewed

N/A

Relationship to Strategic Plan

- Businesses and Economic Growth

Other Pertinent Reports

N/A

Attachments

Attachment A Draft Official Plan Amendment
Attachment B Draft Zoning By-law Amendment [60-2019]
Attachment C Public and agency comments

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