



**Subject:** Proposed Plan of Vacant Land Condominium (D12-01-2022) –  
49 Hayes Road  
**Report to:** Thorold City Council

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## Recommendations

1. That Development Services Report DS-36-2023 **BE RECEIVED**;
2. That application D12-01-2022 for a proposed Draft Plan of Vacant Land Condominium at 49 Hayes Road, consisting of a fifty-three (53) unit townhouse development, applying to the property legally described as Part Township Lot 71 & Parts 1-5, 59R-11213 in the City of Thorold **BE APPROVED**, subject to the conditions noted in **Attachment A** of this Staff Report.

## Key Facts

- The purpose of this report is to seek a decision from Council regarding a proposed Draft Plan of Vacant Land Condominium for the subject lands, which was submitted by Upper Canada Consulting, on behalf of 1974092 Ontario Inc. (Gold Coast Homes).
- The proposal would facilitate the redevelopment of the subject lands for fifty-three (53) condominium townhouse dwellings fronting onto private roads. Planning Staff have reviewed the proposal, which would implement the previously Council approved Zoning By-law Amendment for these lands (D14-11-2022).
- Circulation of this application has occurred in conjunction with the related Zoning By-law Amendment, and in accordance with the requirements of the *Planning Act*. All comments from internal staff and external agencies have been addressed or will be addressed through the proposed conditions of Final Condominium Approval, which will be brought forward to Council following final clearance of conditions.
  - This application is consistent with or conforms to Provincial, Region and local land use planning policies, as applicable.

- Planning Staff support the application and recommend that Council approve the requested Draft Plan of Vacant Land Condominium.

## **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 described legally 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 53 townhouse dwelling units. The townhouses are divided into 11 blocks, containing 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.

- 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].

### Planning Act

Section 51 allows for the consideration of a Plan of Condominium and Section 51(24) sets out criteria to be considered in the review of an application for a Plan of Subdivision and/or Plan of Condominium. Section 51(25) further permits approval authorities to impose conditions of approval related to applications submitted.

Planning staff have reviewed the applications in light of the provincial interests highlighted above, as well as the aforementioned planning documents, which are examined in greater detail below.

### Provincial Policy Statement (2020)

Municipal decisions affecting planning matters must be consistent with the Provincial Policy Statement (PPS). The PPS provides direction on matters of provincial interest related to land use planning and development, including criteria for healthy, livable, and safe communities, and policies directing land use patterns in settlement areas.

The applications facilitate the development of a vacant parcel of land within the urban area. Planning staff are of the opinion that the applications are consistent with the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out a policy framework for the Greater Golden Horseshoe area, focusing on sustainable growth and protection of various resources. The Growth Plan directs development to settlement areas, emphasizing built-up areas as a focus for growth. The achievement of complete communities is another focus of the Growth Plan.

The applications facilitate growth within an existing urban area and contribute to the creation of a complete community when considered in the context of ongoing and planned

development in this area of the City. Planning staff are of the opinion that the applications are in conformity with the Growth 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. The proposed development provides for a scale of development that is in keeping with the surrounding residential area, incorporates applicable amenities and landscaping, and provides parking and pedestrian access to accommodate both residents and visitors. The proposed development meets the requirements of the City of Thorold Official Plan.

#### City of Thorold Zoning By-law 2140(97)

The subject lands were recently re-zoned to a site-specific R3 (Residential Third Density) zone, which was crafted to implement the proposed development. The site-specific regulations address front yard, lot coverage and landscape open space.

The proposed development meets the requirements of Zoning By-law 2140(97).

#### City of Thorold Zoning By-law 60-2019

The subject lands were recently re-zoned to a site-specific R3D (Private Street Development) zone, which was crafted to implement the proposed development. The site-specific regulations address lot coverage, maximum garage width and the minimum unit area for an interior condominium unit.

The proposed development meets the requirements of Zoning By-law 60-2019.

#### **Comments received**

The application was deemed complete on October 27<sup>th</sup>, 2022 and was subsequently circulated to various agencies and municipal departments for comment (in conjunction with the related Zoning By-law Amendment). In accordance with *Planning Act* requirements approved through Bill 23, public notice is no longer required for applications for Draft Plan of Subdivision / Condominium. As such, no public meeting was held, however, a Public Meeting was held on February 7, 2023 for the Zoning By-Law

Amendment to rezone the lands to permit the proposed townhouse development. No objections were received as part of the required public process for the Zoning By-Law Amendment.

The following comments were received as a result of the circulation of the application:

Agency	Comment
Alectra Utilities	No comments or concerns.
Bell Canada	No concerns. Wording provided as condition of approval providing for potential easements as deemed necessary by Bell Canada to service the development.
Canada Post Corporation	No concerns. Wording provided for conditions of approval.
City of Thorold Building Department	No concerns.
City of Thorold Engineering Department	No concerns. Detailed Engineering requirements to be addressed through Site Plan Approval.
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>Wording provided for conditions of approval, providing for implementation of noise study recommendations and warning clauses on title.</p>
Enbridge	No concerns.

Agency	Comment
Hydro One	No comments received.
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	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.
Niagara Region	No objection to proposed development. Conditions of approval provided and implemented.
City of Thorold Planning Comments (c/o MHBC)	No concerns. Applicable wording of conditions provided, which address agency review comments.

A compilation of comments received is included as **Attachment C** to this report.

### **Conclusion**

It is the opinion of Planning Staff that the proposed Draft Plan of Vacant Land Condominium is consistent with the PPS, conforms to Provincial, Regional and local policies and requirements, is appropriate for the subject lands, and is compatible with the surrounding area.

Planning Staff therefore recommend as follows:

1. That the proposed Draft Plan of Vacant Land Condominium for the property known as 49 Hayes Road be approved.



## **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**

- Vibrant, Inclusive Neighbourhoods

## **Other Pertinent Reports**

- N/A

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### **Approved and Submitted by:**

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## **Appendices**

Attachment A	Conditions of Final Condominium Approval
Attachment B	Draft Plan of Vacant Land Condominium
Attachment C	Public and agency comments
Attachment D	By-law authorizing execution of a Condominium Agreement