

Subject: Official Plan and Zoning By-law Amendment 75 Ormond Street South - Proposed Zoning By-law Amendment (D14-12-2023) and Official Plan Amendment (D09-04-2023)

Report to: Thorold City Council

Recommendations

- 1. That Development Services Report DS 37-2024 BE RECEIVED;
- 2. That Council **APPROVE**:
 - i. Bill 65-2024, Being a By-law to amend the Official Plan, and
 - The classification of lands known municipally as 75 Ormond Street South as a Class 4 Noise Area pursuant to Publication NPC-300 (Ministry of the Environment, Conservation and Parks (MECP) Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning);
- 3. That Council **APPROVE** Bill 64-2024, Being a By-law to amend Zoning By-law No. 60(2019);
- 4. That Council **DIRECT** staff to forward a copy of Report DS37-2024 and a copy of the decision of Council to classify 75 Ormond Street South as a Class 4 Noise Area to the Ministry of Environment Conservation and Parks and the Region of Niagara;
- That Council APPROVE the reduction in speed limit along the frontage of 75 Ormond Street South on Richmond Street and Ormond Street South from 50 km/h to 40 km/h; and
- 6. That Council **APPROVE** the installation of a four (4) way stop at the intersection of Richmond Street, Ormond Street South and the proposed entrance to development on 75 Ormond Street South.

Key Facts

- The purpose of this report is to provide recommendations to Council regarding a Zoning By-law Amendment and Official Plan Amendment for the lands known municipally as 75 Ormond Street South, which was submitted by Q9 Planning + Design on behalf of Ted Developments Canada.
- The proposal consists of a high-rise development with two-hundred and seventy-three (273) residential units in a two-tiered structure. The southerly portion of the structure is proposed to be up to nine (9) storeys in height, while the northerly portion is proposed to be up to fifteen (15) storeys in height. In addition, on the south-west corner of the ground floor of the proposed structure it is requested to have one-hundred and five (105) m2 of ground floor commercial space.
- As per By-law 161-2018, approved by Council on December 18, 2018, the lands are currently zoned site specific Residential Fourth Density (R4B-6) in the City of Thorold Comprehensive Zoning By-law 2140-97, which permits a seven (7) storey structure with a number of site-specific provisions; these provisions were incorporated into Comprehensive Zoning By-law 60-2019.
- As per By-law 160-2018 (Official Plan Amendment No.5), approved by Council on December 18, 2018, the lands were re-designated from General Commercial to Urban Living Area Special Policy No. 05, which also permitted a maximum density of onehundred and twenty (120) units per hectare.
- Supporting studies have been submitted with the application package, including a Planning Justification Report, Site Plan, Elevations and Floor Plans, Functional Servicing and Stormwater Management Report, Phase Two Environmental Site Assessment, Geotechnical Investigation, Noise Study, Shadow Study, Traffic Movement Review and Landscape Plan.
- These applications were presented to City of Thorold Council at the February 27, 2024 Council meeting for information purposes. Since that time, the proposed development has been modified to reduce the number of units from two-hundred and seventy-five (275) to two-hundred and seventy-three (273). The units which have been removed are proposed to be converted to a one-hundred and five (105) m2 convenience commercial space in the base of the building on the south west corner of the proposed structure. In addition, the proposal has been modified to include some additional parking spaces.

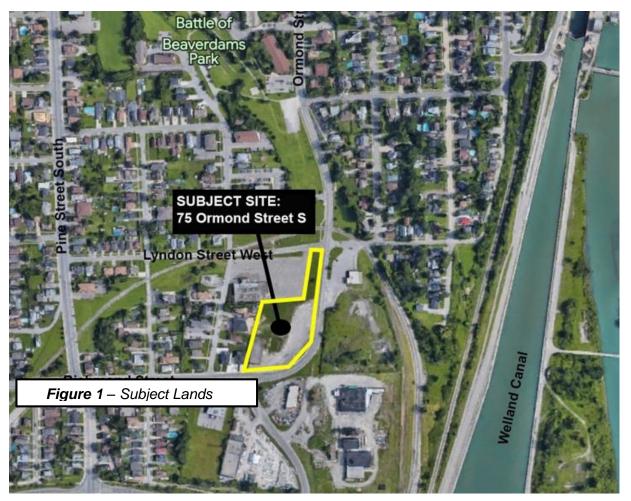
Budgetary Status

There are no budgetary impacts resulting from this report.

Analysis

Site context and description

The subject lands are located south of Downtown Thorold, on the west side of Ormond Street South, being immediately north of Richmond Street. **Figure 1** depicts the subject lands.



The site has an area of approximately 0.69 hectares (1.7 acres). There is a small portion of the subject lands that narrows towards Lyndon Street West. As a result, the subject land fronts onto three (3) streets, with approximately 6.6 metres on Lyndon Street and approximately 157 metres on both Ormond Street South and Richmond Street. The lands presently contain a two-storey boarded-up building located on the south-west corner of the subject property.

Purpose of application

The purpose of the application is to facilitate the construction of a two-hundred and seventy-three (273) unit apartment building, with commercial use on the 1st storey, on land situated immediately south of the Downtown.

The north component of the site is proposed to be a tower which would be up to fifteen (15) storeys in height. The southern component is proposed to be nine (9) storeys in height. This southern component also includes a rooftop amenity space and ground floor commercial space (105 m² in size). See conceptual elevation drawing provided in **Figure 2**.

The proposed amendment to Zoning By-law (60) 2019 is intended to modify the existing provisions of the special exception Apartment and Long-Term Care Facility (R4B-33(H)) to allow:

Present Zoning Provisions	Proposed Zoning Provisions
120 units/hectare;	 400 units/hectare;
 7.0 metre interior side yard; 	 3.0 interior side yard setback;
 6.0 metre front and exterior side yard (east) setback; 	 4.0 metre front and exterior side yard (east) setback;
 Maximum height – seven (7) stories/twenty-five (25) metres; 	 Maximum height – up to fifteen (15) stories/fifty (50) metres;
• 1.25 parking spaces per residential unit;	 1.08 parking spaces per residential unit;
• There are a variety of requirements for the proposed commercial uses;	 Commercial parking rate of 1 space per thirty (30) m²;
 Parking stall width of 2.75 metres. 	 Parking stall width of 2.6 metres for all on surface parking spaces and a width of 2.5 metres for all underground parking spaces; and to allow for an encroachment of up to 0.5 metres for any infrastructure related to the underground parking structure.

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 Horseshow (2020);
- Niagara Region Official Plan (2022);
- City of Thorold Official Plan (2016); and
- Zoning By-law 60(2019) [partially under appeal].

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction for appropriate land use planning and development patterns to achieve healthy, liveable and resilient communities that will protect matters of Provincial interest.

The relevant policies of the PPS are discussed below:

Figure 2 – Conceptual Elevation

Section 1.0 of the PPS provides policies related towards managing change and promoting efficient and effective development patterns that lead to healthy, liveable and resilient communities.

The site is presently an underutilized brownfield site that is located within the built-up area in the City of Thorold. The proposal promotes an efficient form of intensification for the city, which takes advantage of existing services along a transit route in close proximity to downtown.

Section 1.1.3 provides a policy direction for settlement areas; providing for the efficient development and wise use of land resources, while promoting green spaces, ensuring that infrastructure is efficiently used, and minimizing public expenditures.

The proposed development is located within the settlement area of the City of Thorold. It is located on an arterial road with access to Niagara Transit, as well as bicycle lanes.

Section 1.4 provides policies intended for the appropriate provision of housing supply, including a variety of housing options and densities.

The property is situated within the built-up area of the City of Thorold. The proposed development provides an appropriate range and mix of housing options for the market; and will utilize existing infrastructure that is in place along Ormond Street South.

Section 3.0 Protecting Public Health and Safety.

This site is presently a brownfield site. The development would remove this existing hazard and allow for an intensification site within the built-up area of the City of Thorold. This will mitigate any potential risk to public health while providing additional housing in close proximity to the Downtown.

Based on the above noted policies Planning Staff, is of the opinion that the proposal is consistent with the PPS.<u>A Place to Grow: Growth Plan for the Greater Golden Horseshoe</u> (Growth Plan) (2020)

The Growth Plan sets out a long-term plan for growth and development within the Greater Golden Horseshoe Area of Ontario. The Growth Plan policies require that municipalities achieve several goals including: building complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; capitalize on new economic and employment opportunities; support a range and mix of housing options; protect and enhance, hydrologic systems features and functions; conserve and promote cultural heritage resources; and integrate climate change considerations for a more resilient and adaptable community and infrastructure.

The Growth Plan contemplates a policy framework which will be implemented in the Region of Niagara in the Region of Niagara Official Plan. Specifically, Section 1.2.1 outlines the guiding principles.

The proposed development increases intensification by providing additional residential units to serve a wide range of different incomes and ages of households.

Section 2.2.1.2 of the Growth Plan provides direction for managing growth.

The proposed development is within an existing settlement area situated just south of Downtown utilizing existing municipal water and wastewater systems and a convenience commercial site on the ground floor. In addition, there are a number of designated commercial sites that are adjacent to the east. The proposed residential structure would allow for the graduation of height and density along an arterial road which is situated immediately south of the downtown area.

Section 2.2.2.1(a) of the Growth Plan speaks to intensification targets for built-up areas.

This site provides an intensification project in close proximity to downtown which can help the city meet their intensification projections and take advantage of the existing bike lanes and public transit opportunities along Ormond Street South.

Section 2.2.6 of the Growth Plan provides direction for housing.

The proposed development would provide additional residential units which would establish a diverse mix of housing to meet the needs of both the current and future residents of the City of Thorold.

Based on the above analysis, it is staff's opinion that the proposal is consistent with the provisions of the Growth Plan.

Niagara Region 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. As such the proposed development application was evaluated based on the policies of the new ROP. The site is designated as Built-Up Area in the ROP.

Section 2.2.1 of the ROP speaks to Managing Urban Growth. Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support intensification targets, a compact built form, a diverse range and mix of housing types, a range of transportation options, including opportunities for transit-supportive development, redevelopment of brownfields and orderly development in accordance with the availability and provision of infrastructure and public service facilities.

The proposed development represents the redevelopment and reuse of a vacant brownfield site within the urban boundary within close proximity to the urban growth

centre, services, transit, schools, institutions and parks. The proposal provides increased density within an existing residential and mixed-use neighbourhood.

The existing property is underutilized and the proposal will provide 273 new units on the subject property, with a convenience commercial area. The proposal would support public transit, protect green space and lower emissions to assist in addressing climate change.

Section 2.2.2 of the Official Plan provides strategic intensification policies for higher densities. Specifically, Policy 2.2.2.1 deals with development within urban areas, forecasted population growth. Directing that growth will be accommodated primarily through intensification in built-up areas.

Policy 2.2.2.5 states that a regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.

The proposed development will increase the amount of housing within the built-up area, thereby assisting the Region of Niagara with achieving their intensification target. This proposed development encompasses various unit types and sizes, offering a broader range of housing choices for the nearby community. The subject site is conveniently located near public transportation and is within a short walking distance of downtown, a significant park, educational institutions, essential services, and the Welland Canal.

Staff is of the opinion that the proposal is consistent with the provisions of the ROP.

City of Thorold Official Plan (2016)

The City of Thorold Official Plan (CTOP) designates the subject lands as Urban Living Area – Special Policy Area 5.

On December 18th, 2018 By-law No. 160-2018 approved an Official Plan Amendment for the subject property. The subject property is designated as 'Urban Living Area, Special Policy 5' in the City of Thorold Official Pan. The purpose of Amendment No. 5 was to amend "Schedule 'A-1' – City of Thorold Urban Area West of the Welland Canal Land Use" to change the land use designation from General Commercial to Urban Living Area and to permit medium to high density residential uses not greater than one-hundred and twenty (120) units per hectare.

The subject property is 0.69 hectares. At the present density allocation, one-hundred and twenty (120) units per hectare, would equate to eighty-two (82) units. The proposed density is three-hundred and ninety-seven (397) units per hectare or two-hundred and seventy-three (273) units, which is just over three (3) times the density of the original development.

The subject site is appropriately 300 m south of the Downtown core on an arterial street. The site is adjacent to residential to the west, commercial to the north and employment uses to the east and south.

The proposed building placement seeks to address the street providing a pedestrianoriented streetscape, while at the same time, providing a building separation from the low-rise residential housing to the west. The building steps up to the north-east, providing the tallest portion of the building adjacent to the neighbouring commercial uses.

The proposed development is supported by an engineered stormwater management plan and is characterized by appropriate and contextual building setbacks/stepbacks and landscaping that includes, at-grade outdoor amenity. The application has been reviewed by the City's Engineering Department and they have noted that the proposal should implement an all-way stop control at Ormond Street South and the proposed site access as per the Traffic Movement Report. In the opinion of staff, the parking areas and traffic movements will not negatively impact the character of the adjacent neighbourhood, if the proposed modifications to the road network (i.e. reduction in speed limit from 50 km/h to 40 km/h, and the location of a four (4) way stop at the entrance to the proposed development). The proposal will represent the re-use of an existing brownfield site, and will provide transit supportive housing development within Thorold's urban area.

Policy B1.1.5 outlines that in considering a zoning by-law amendment and site plan application to permit apartment development, Council shall be satisfied that the proposal:

- a. respects the character of the adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b. can be easily integrated with surrounding land uses;
- c. will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
- d. is located on a site that has adequate land area to incorporate required parking, amenity areas, recreational facilities, landscaping and buffering on-site.

The proposed development will have a density of up to four-hundred (400) units/hectare which exceeds the maximum one-hundred and twenty (120) units/hectare in the Official Plan Urban Living Area designation policies. The site will also be subject to a further Planning Act application for site plan control, which will address any outstanding technical requirements related to noise, environmental, traffic and engineering.

An Official Plan Amendment is required to permit the increased density within the Urban Living Area designation. Intensification in any form, whether an apartment building, townhouse development, or subdivision comprised of single detached dwellings, is permitted in the Urban Living Area if the proposals are respectful of, compatible with and are designated to be contextually integrated within a community.

The proposed apartment will be designed in a compact form and sited so that the building mass will address the street, providing as large as possible of a setback between the building and the surrounding low-rise built form. The taller portion will be adjacent to the northern property line, where the abutting use is commercial and the site is used for a banquet facility.

The subject site is located on an arterial road which is designed to accommodate moderate volumes of traffic. The proposal is appropriately sized to accommodate vehicular and bicycle parking, landscaping and amenity areas.

The lands are in an area of transition whereby more intense forms of residential infilling are occurring near established residential, commercial and industrial uses. Policy B1.12.5 requires site plan control subject to Section E.1.4 of the CTOP.

Section E1.4 of the Official Plan lists a number of items to be reviewed. These will be undertaken once the site plan application is submitted.

Section C7 of the Official Plan contains policies for Solid Waste Disposal Areas which applies to the subject lands as the former Welland Canal was filled with waste materials over 60 years ago. As part of the Site Plan process, an assessment of the policies of Section C7 must be completed to address a number of technical matters.

As part of the site plan process, an assessment of the above policies will be completed. The Owner has attended a preconsultation with City of Thorold staff, and has been informed of these requirements. It should be noted that a Phase 2 Environmental Site Assessment has been completed on this site which noted a number of remediation activities that would be required for this site.

Section C9 of the CTOP deals with land use compatibility.

Class 4 Noise Category:

A land use compatibility and noise study has been completely in support of this application which has found that the sound emissions from the closest industry (iPoly) have the potential to exceed the Ministry of the Environment, Conservation and Parks (MECP) urban (Class 2) guideline limits at the proposed development during the daytime hours. Sound levels can be reduced to acceptable levels if a number of recommended mitigation measures are implemented. Options such as building facades with exposure to the industrial facilities shall be designed with no windows to those adjacent employment uses.

The mitigation requirements may be reduced if Council accepts a Class 4 designation for the lands. With the introduction of a Class 4 designation, upgraded building and window glazing constructions, Class 4 warning clauses and the inclusion of central air conditioning would be required. A noise warning clause would also required in the

development agreement for the proposed structure, this would inform the future occupants of the development of the proximity to existing commercial and industrial uses and that sounds may be audible at times. A detailed noise study shall be conducted to refine the noise mitigation measures based on the determined Class of the acoustic environment, detailed floor plans and building elevations. A holding provision has been included in the proposed recommendation requiring that this information be provided to the satisfaction of the City of Thorold.

In summary, with the implementation of noise control measures, this proposed development is feasible from the perspective of noise impact. Staff is of the opinion that the Class 4 designation is appropriate for the proposal.

Staff is of the opinion that the proposal is consistent with the above noted Sections of the CTOP.

City of Thorold Zoning By-law (60) 2019

The lands are currently zoned special exception Apartment and Long-Term Care Facility (R4B-33). However, as noted above, the proposed application requests nine (9) site specific provisions for the zoning:

Zoning By-law Provision	Zone Requirement	Provided
Maximum Density per Hectare (ha)	120 units	400 units
Minimum Interior Side Yard Setback to northerly adjacent property line.	7.0 metres	3.0 metres
Loading Space Requirement	1 space	1 space (unchanged)
Minimum front and exterior side yard (east) setback. of 4.0 metres, whereas 6.0 metres are required	6.0 metre	4.0 metres
Setback of underground parking to the street line	0.0 metres	0.0 metres (unchanged)
Maximum Height	7 storeys/25 metres	fifteen (15) stories/fifty (50) metres

Minimum number of parking spaces	1.25 spaces per unit	1.08 spaces per unit for residential and 1 space per 30 m ² for commercial uses
Parking stall size requirements	2.75 metres in width	2.6 metres in width for all on surface parking spaces and 2.5 metres in width for all underground parking spaces; and to allow for an encroachment of up to 0.5 metres for any infrastructure related to the underground parking structure.
Permitted Convenience Commercial Uses	Clinic, commercial school, convenience store, day care, office, personal service shop, pharmacy, restaurant, retail store, tavern, veterinary clinic, or residential unit.	

With regard to the reduction in the size of parking stall requirements, Staff notes that the width of parking stalls in the City of Thorold are larger than a number of surrounding municipalities. A variety of surrounding municipalities have standards that range from 2.5 to 2.6 metres in width. As a result, staff is supportive of the proposed in parking widths. Further to this, with underground parking structures, it is common to have support columns and other infrastructure which may encroach into the width of parking spaces. As such, staff is supportive of the proposed 0.5 metre encroachment as it is inkeeping with the standards in other similarly sized jurisdictions.

Staff is supportive of these requests, as it will permit an infill project that is situated on a brownfield site in close proximity to downtown. Given the surrounding land uses, the impact of this proposal is minimal on the adjacent neighbourhood.

Comments received

The application was deemed complete on January 30, 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 metres of the subject lands, as per *Planning Act* requirements.

Public comments

A public meeting was held on February 27, 2024. At the meeting the adjacent landowner from iPoly appeared and raised concerns with the proposal, and the impact on the business. At the time it was suggested that the landowner keep in touch with the Proponent so that they could better understand the impacts of this development on the business.

No other member of the public spoke to this application, and as of the time of the writing of this report no formal comments have been submitted with regard to the application. Department and agency comments

Comments were received from Alectra Utilities, Cogeco, City of Thorold Fire Department, Hydro One, Ministry of Transportation, Niagara Peninsula Conservation Authority, and the St. Lawrence Seaway noting **NO CONCERNS** with the proposed development.

The following table summarizes additional agency review and comments received through the formal circulation process at this time of the writing of this report:

Agency	Comment
City of Thorold Engineering Department	 Watermain: The new private hydrant within the development shall be designed and installed to meet both the Ontario Building Code (OBC) and NFPA requirements. The location of any existing hydrant in close proximity to the development will need to be shown on the servicing plan. The proposed booster pump and new hydrant to be installed shall also be designed/installed to eliminate the potential for back flow occurrences to the City's system. A confirmation that the required flow test has been completed will need to be included in the next submission.

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Agency	Comment	
	 Water meter with backflow preventer shall also be installed at the property line. 	
	 The existing ductile iron watermain shall be removed as stated in the functional servicing report. 	
	Sanitary: The City's preference will be to connect the proposed 200mm diameter sanitary sewer to the existing regional maintenance hole per the Region's permission.	
	 Storm: Stormwater management quantity and quality control systems shall be designed to meet the pre-development conditions. 	
	 Road: Implement an all-way stop control at Ormond Street South and the proposed site access as per Traffic Movement Report 	
City of Thorold Fire Department	No comments at this time, Building will provide comments at the Site Plan application stage.	
Niagara Region	Regional staff has reviewed the Planning Justification Report prepared by Q9 Planning + Design (dated November 16, 2023) and is generally supportive of the proposed development. As such staff is satisfied that the proposed development is consistent with the PPS and conforms to the Growth Plan and NOP, subject to the comments below:	
	 The noise study recommends that the building be equipped with an alternative means of ventilation to open windows and that appropriate warning clauses are included in the Site Plan or Condominium Agreements to address transportation related noise. 	

Agency	Comment
	 Regional staff notes that, in accordance with NPC-300, formal confirmation of a Class 4 area classification would be issued at the discretion of the land use planning authority (i.e., the City of Thorold), which provides increased dBA thresholds for stationary source noise impacts. As such, the City (as the approval authority) would be required to apply the Class 4 designation. The future Site Plan/Condominium Application should include appropriate warning clauses and conditions as noted above. Regional staff will require that a letter of reliance from a Qualified Person that indicates the Niagara Region can rely on the findings of the previously submitted Phase one and two ESA studies. Staff will also require that an RSC is filed on the MECP's Environmental Site Registry and submitted to the Niagara Region as a condition of the future Site Plan Application/Condominium Agreements; and A connection to the Regional trunk sewer is required to service the site. A detailed cross section showing the connection permit. As part of the site plan package, staff recommend that the letter from the City be included with the connection permit fee. The overall maintenance of the lateral will be included in the Site Plan Agreement.

Responses to questions and comments

The comments noted above will be addressed through a future application for Site Plan Control;

The following table summarizes the comments from members of Council at the public meeting, and how they were addressed by the applicant:

Comment	How was comment addressed?
Would there be an Affordable Housing component to the development?	No affordable housing component was included as part of the development proposal, the Proponent is of the opinion that the development will provide a range of housing that will be attainable for a large segment of the community.
Was a shade analysis completed? Any impacts on adjacent land uses?	A shade analysis was prepared for the proposed development, it noted that there were no significant impacts on the adjacent properties.
The proposal does not provide enough parking?	The proposal has been modified to provide one parking space per unit. The proposal provides five (5) parking spaces for the newly introduced commercial space, which would comply with the provisions of the Zoning By-law. Twenty (20) parking spaces will be provided for visitor parking. Finally, ten (10) parking spaces remain, that can be allocated for residents that have more than one vehicle.
Could the proposal include some ground floor commercial?	The proposal was modified to include one-hundred and five (105) m ² of ground floor commercial space. This space is situated on the south west corner of the proposed development.
The height of the building is too tall? A smaller structure with lesser units is more desirable.	The proponent believes that the scale and size of the proposed structure was appropriate for the site and has not modified this element of the design. They are also of the opinion that the number of units that are provided are appropriate as it provides a mix of attainable housing units.
Noise – adjacent employment	The adjacent employment use would benefit from the proposed Class 4 designation on the property. This would allow both the proposed Mixed-Use structure and the existing Employment use to exist without conflict. If the Class 4 designation is not approved it would require a significant redesign of the structure and/or the entire site at the time of Site Plan Control.

Impact on the Environment, Climate Change

The proposed development intends to remediate a brownfield site that is situated immediately south of the Downtown Thorold area. This will make a positive impact as it relates to the environment and climate change.

Alternatives Reviewed

N/A

Relationship to Strategic Plan

- Vibrant and Prosperous Community
 - Livable Community
 - Economic Prosperity
 - Community Wellbeing

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Other Pertinent Reports

N/A

Prepared by: Marc Davidson Senior Development Planner Development Services **Recommended by:** Jason Simpson Director, Development Services Development Services

Approved and Submitted by: Manoj Dilwaria

Chief Administrative Officer

Appendices

Appendix A: Public and agency comments