

PLANNING JUSTIFICATION AND IMPACT ANALYSIS REPORT

PROPOSED ZONING BY-LAW AMENDMENT FOR APARTMENT DWELLING DEVELOPMENT 161 - 171 Mill Street

February 2025

Quartek Reference Project 22095





TABLE OF CONTENTS

TABLE OF CONTENTS	i
A. Introduction	1
B. Site Context	2
B.1 Surrounding Land Uses	6
C. Proposed Development	7
C.1 Requested Amendments.....	10
D. Planning Policy Analysis	14
D.1 Planning Act, R.S.O. 1990, c.P.13.....	14
D.2 Provincial Policy Statement.....	14
D.3 Niagara Regional Official Plan	16
D.4 Niagara Region Urban Design Guidelines and Smart Growth Principles	18
D.5 Township of West Lincoln Official Plan.....	19
D.6 Township of West Lincoln Zoning By-law	21
E. Planning Impact Analysis	23
E.1 Policy Conformance.....	24
E.2 Compatibility with Adjacent Land Use	24
E.3 Traffic and Access.....	25
E.4 Municipal Site Servicing	26
E.5 Garbage Waste Collection	26
E.6 Natural Heritage and Environmental Considerations	26
F. Summary and Conclusions	27
G. References	28

LIST OF FIGURES

Figure 1: Survey Drawing Prior to Boundary Adjustment

Figure 2: Subject Lands

Figure 3: Subject Lands Aerial

Figure 4 Street View of Subject Lands

Figure 5: Surrounding Land Uses



Figure 6: Lot Boundary Adjustment - BEFORE ADJUSTMENT

Figure 7: Lot Boundary Adjustment - AFTER ADJUSTMENT

Figure 8: Proposed Apartment Building to Abutting Land Uses

Figure 9: Exterior Renderings

Figure 10: Niagara Regional Official Plan Designation

Figure 11: Township of West Lincoln Land Use Plan (Schedule B4)

Figure 12: Zoning By-law Schedule A (Map S5) – West Lincoln

Figure 13: Environmental Protection Zone Modification

LIST OF TABLES

Table 1: Regulations for Permitted Uses in Institutional Zone at 161 Mill Street

Table 2: Regulations for Permitted Uses in Institutional Zone at 171 Mill Street

APPENDICES

APPENDIX A: PRE-CONSULTATION AGREEMENT

APPENDIX B: DRAFT LEGAL SURVEY

APPENDIX C: CONCEPTUAL SITE PLAN

APPENDIX D: DRAFT ZONING BY-LAW

APPENDIX E: LANDSCAPE / RESTORATION PLAN

APPENDIX F: MUNICIPAL SERVICING BRIEF, GRADING PLAN, AND SWM PLAN



A. INTRODUCTION

Quartek Group Inc. (Quartek) was retained by Branch 393 Royal Canadian Legion Senior Citizens Complex – Legion Villa (Owner/Applicant) to prepare this Planning Justification and Impact Analysis Report for an application to amend the Zoning By-law to develop a fifty-two (52) unit apartment development set between two existing apartment buildings at 161 and 171 Mill Street.

A pre-consultation meeting took place on August 18th, 2022, to propose the facilitation of a 6-storey, 52-unit apartment dwelling intended to provide senior housing to supplement the 62 dwelling units that are provided by the existing two, two-storey buildings on 161 and 171 Mill Street. The Township was generally supportive of the development but requested more information regarding emergency access as there are 52 additional units proposed and only one main route. After assessment of the site, the site plans were altered to include a secondary access for emergency purposes at St. Catharines Street. Subsequently, a second pre-consultation meeting was conducted on October 17, 2024, for reconsideration of the matter due to the time that had elapsed, changes to planning policy, and revisions to the conceptual site plan. The Pre-Consultation Meeting Form for the October 17th, 2024, has been provided as Appendix A.

Due to the height of the proposed dwelling and a site-specific restriction on the number of units permitted on the property, a zoning by-law amendment is required to accommodate the proposed development. It should also be noted that the property (171 Mill Street) has historically not had any frontage on a municipal right-of-way but maintained access through 161 Mill Street. It has been deemed prudent to acknowledge this deficiency of lot frontage as part of this Planning Act application. Refer to the pre-consultation agreements provided as Appendix A.

According to the Township and Regional requirements, in addition to the Planning Justification and Impact Analysis Report, the following technical studies and drawings were completed to support the proposed development and have been included with the applications:

- Draft Zoning By-law Amendment and Schedule
- Conceptual Site Plan Layout (based on OLS)
- Survey Sketch
- Landscape/Restoration Plan (in lieu of an EIS)
- Municipal Servicing Brief including Grading Plan and SWM Brief

The purpose of this Report is to describe the site and its surrounding lands uses, outline the development proposal for residential intensification, summarize the relevant planning policies and regulations, outline the proposed official plan and zoning by-law amendments, and provide the justification and rationale for approval.



B. SITE CONTEXT

The subject lands are located on the south side of Mill Street, at the easterly dead-end cul-de-sac, municipally referred as 161-171 Mill Street, and legally described as LOTS 43 AND 44 AND PART OF LOT 38, REGISTERED PLAN M-89 TOWNSHIP OF WEST LINCOLN REGIONAL MUNICIPALITY OF NIAGARA. 161 and 171 Mill Street are separate parcels of land. The site is bound by 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 land used for the development will be located at 171 Mill Street after the boundary lot adjustment has been finalized through condition waiver.

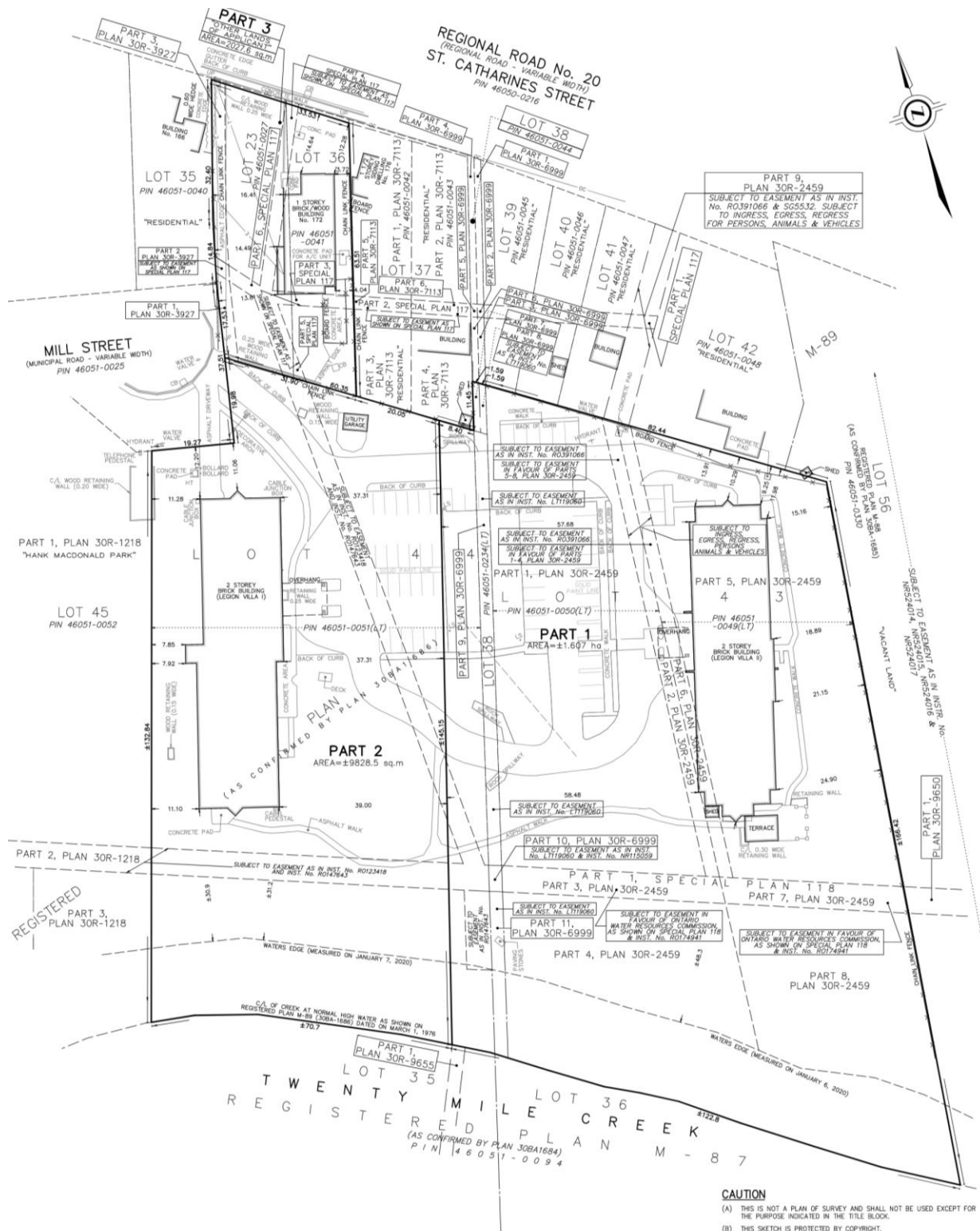
The subject lands include easements for municipal sanitary and municipal drain (Part 2 and 6) and Regional sanitary trunk (Part 3 and 7). The easement for the municipal drain has been confirmed by the Township that it is no longer required and can be relocated elsewhere on the site. The transfer of ownership of this easement for the municipal drain from Legion Branch 393 to Legion Villa occurred in Summer of 2022 and will allow for additional area to accommodate the new apartment located on 171 Mill Street.

Through a title search it was discovered that there is an easement (Part 9) which is a right-of-way for ingress and egress to St. Catharines Street (owned by the Ministry of Transportation). The easement is considered to be a viable future secondary access to the property for emergency access and egress only. Figure 1 shows a survey drawing of the subject lands following the implementation of a boundary adjustment.

The total subject lands are approximately 25,903 square metres in size and are occupied by two (2) apartment dwellings, Legion Villa Seniors Citizen Complex Villa I and Villa II. Villa I (161 Mill Street) is 2-storeys in height with 30 residential units, and Villa II (171 Mill Street) is 2-storeys in height with 32 residential units.

The subject property is impacted by the Region's Core National Heritage System (CNHS) consisting of Critical Fish Habitat, Provincially Significant Lower Twenty Mile Creek Wetland Complex (PSW), ECA Valley Shoreline Buffer, and significant woodlands. An EIS is typically required for development within 120 metres of PSW, 50 metres of Significant Woodlands, and 30 metres of Critical Fish Habitat but will be waived as long as a 30-metre buffer is maintained from the survey watercourse top of bank. Additionally, portions of the lot are considered Environmental Protection and Environmental Conservation within the Township's Natural Heritage system. The NPCA, Region and the Township have reviewed the site and confirmed that it would be appropriate to remove the portion of Environmental Protection between the existing parking lots.

Figure 1: Survey Drawing Following Boundary Adjustment
(Source : J.D. Barnes)





The site is considered to have potential for the discovery of archaeological resources due to the location being within 300 metres of two (2) registered archaeological sites (northeast) and Twenty Mile Creek.

The subject lands are designated as Institutional within the Township of West Lincoln Official Plan, permitting nursing homes, clubs/offices for non-profits, facilities related to federal, provincial or municipal government service delivery and administration, retirement services including independent living units.

The Township of West Lincoln Zoning By-Law designates the subject lands as Institutional, with a site-specific zoning (I-19) at 171 Mill Street. The site-specific zoning permits a maximum of 32 apartment dwelling units, and a minimum of 45 metres of front yard depth that does not include a driveway canopy that can project 8 metres into the front yard.

Figure 2 : Subject Lands
(Source : Niagara Navigator)

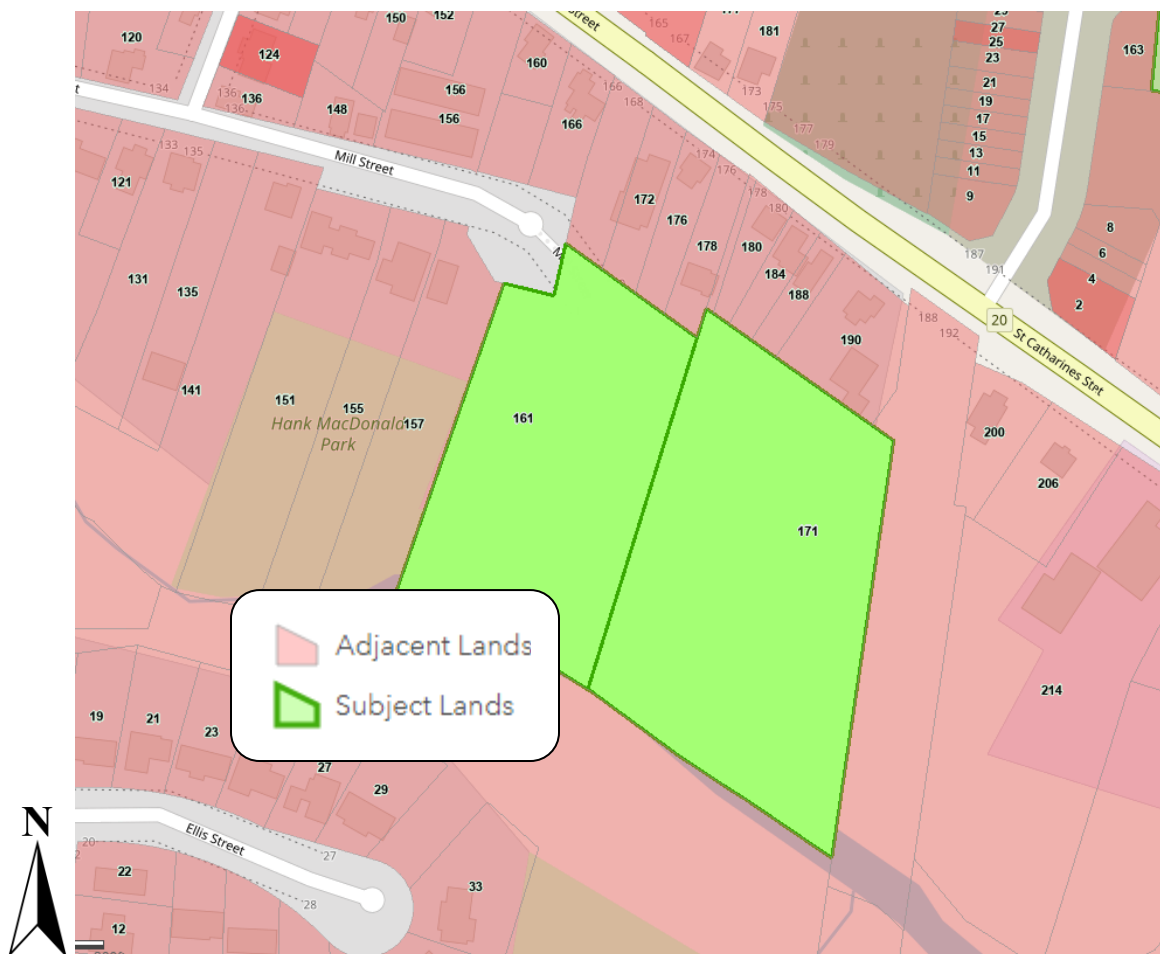




Figure 3: Subject Lands Aerial View
(Source: Niagara Navigator)

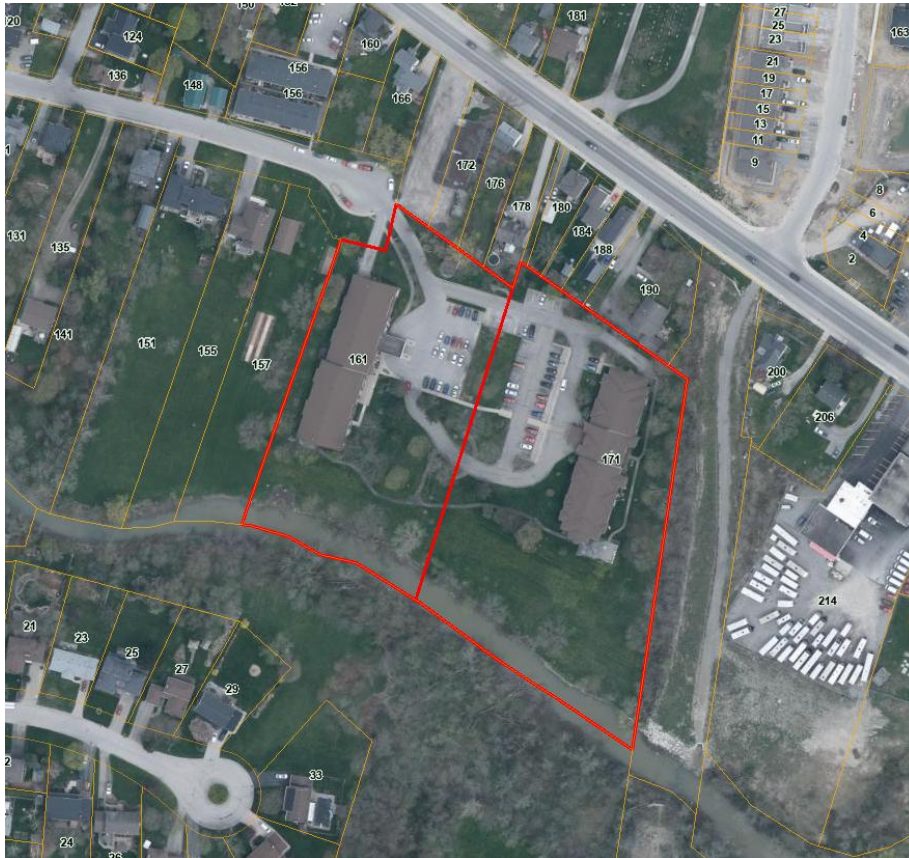


Figure 4: Street View of Subject Lands
(Google Maps, September 2021)





B.1 Surrounding Land Uses

The following describes the surrounding land uses to the proposed development:

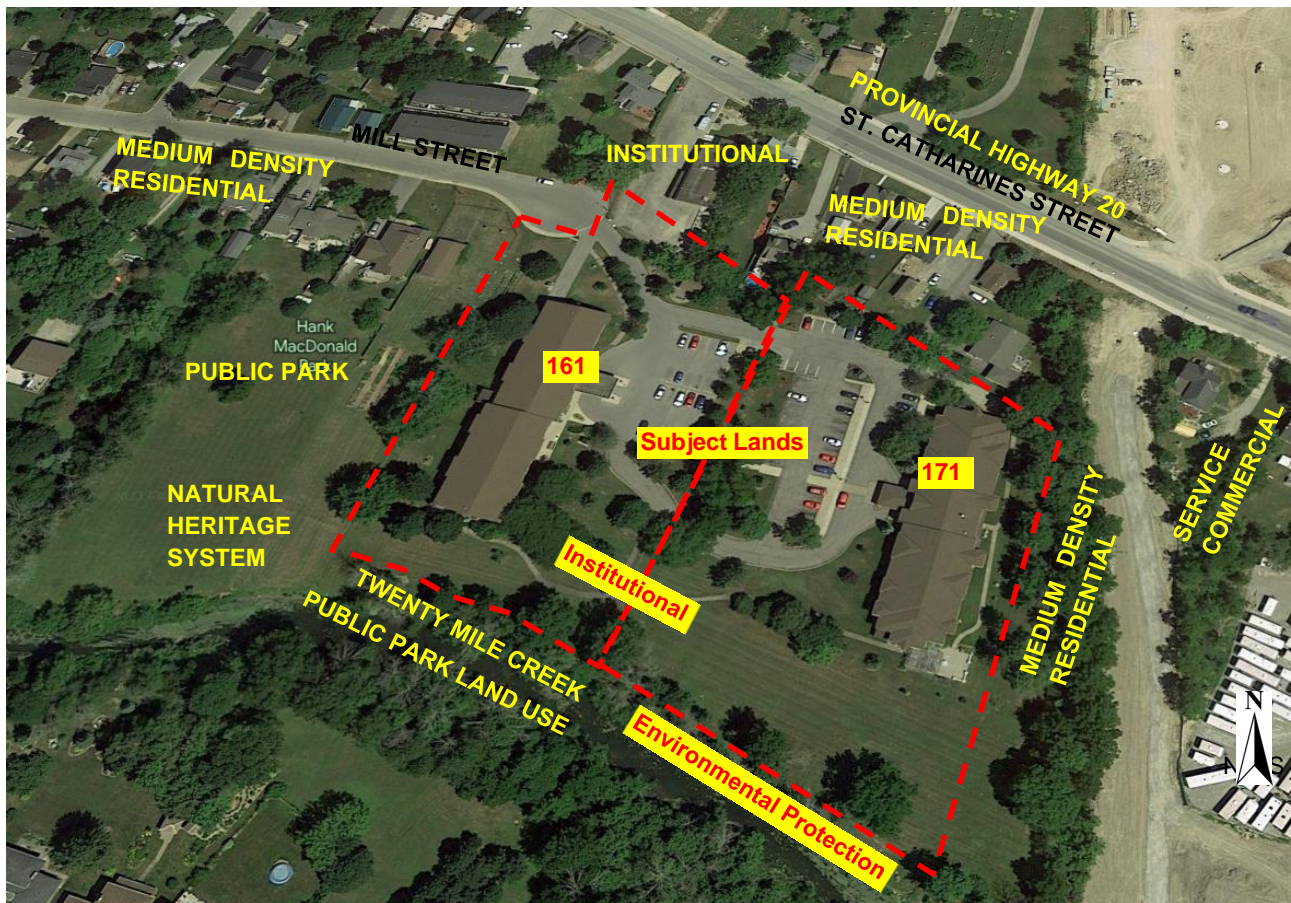
North: Institutional use as the Royal Canadian Legion, as well as medium density residential land used primarily for single-detached dwellings.

East: Medium Density residential lot with deep rear yard. Former railway line & further to that, service commercial land with multiple shops.

South: Environmental protected land (Natural Heritage System) including Twenty Mile Creek and land reserved for public park. Single detached dwellings beyond that space.

West: Public Park known as Hank MacDonald Park, and further to that medium density residential land used primarily for single-detached dwellings.

Figure 5: Surrounding Land Uses
(Source for aerial image: Google Earth)





C. PROPOSED DEVELOPMENT

The proposed development is a six-storey apartment building with 52 units. The development is being proposed as a joint seniors affordable housing project between the Royal Canadian Legion and Niagara Regional Housing. The building footprint is expected to occupy 962 square metres and 5,900 square metres by gross area and will be situated between the two (2) existing apartment dwellings at the subject lands.

To facilitate the development, a lot boundary adjustment was proposed and has subsequently been approved. The lot boundary adjustment was granted approval by the Committee of Adjustments on July 26th, 2023. The two (2) parcels will be legally separate but remain under the same owner corporation, Legion Villa. The table below displays the new lot areas after the boundary adjustment.

Site Location	New Lot Areas	
	m ²	ha
161 Mill Street	9,829 (Separation of Part 4 from Part 5 and donation of Part 3)	0.983
171 Mill Street	16,074 (Addition of Part 3 and Part 4)	1.607
Combined Total	25,903	2.59

The lot boundary adjustment transfers Part 3 (475.5 square metres) and Part 4 (1298.9 square metres) from 161 Mill Street to 171 Mill Street (considered Part 1 previously). Part 6 will be retained within 161 Mill Street but has been approved as a right-of-way to permit access to 171 Mill Street via an easement.

171 Mill Street will be accessed via a new easement, being Parts 4, 5 and 6 at 161 Mill Street (Refer to APPENDIX B: DRAFT LEGAL SURVEY). Secondary emergency access is provided to the site, by means of a right-of-way (Part 9 Plan 30R-2459, reflected in both Figure 1 and APPENDIX B: DRAFT LEGAL SURVEY) that connects 171 Mill Street to St. Catharines Street. Legion Villa does not have ownership over Part 9, but has permission to access by persons, animals and vehicles.

The proposed development will be within the newly adjusted lot for 171 Mill Street. The density yield for 171 Mill Street is 52 units/ha (84 units / 1.607 ha = 52.27 units/ha). The combined density yield of the two (2) sites would be 44 units/ha (114 units / 2.59 ha = 44.02 units/ha). The combined residential density of the two (2) sites exceeds the minimum of 40 units per hectare. The proposed lot structure before and after the lot boundary adjustment is displayed in Figure 6 and Figure 7 below.

161 MILL STREET

171 MILL STREET

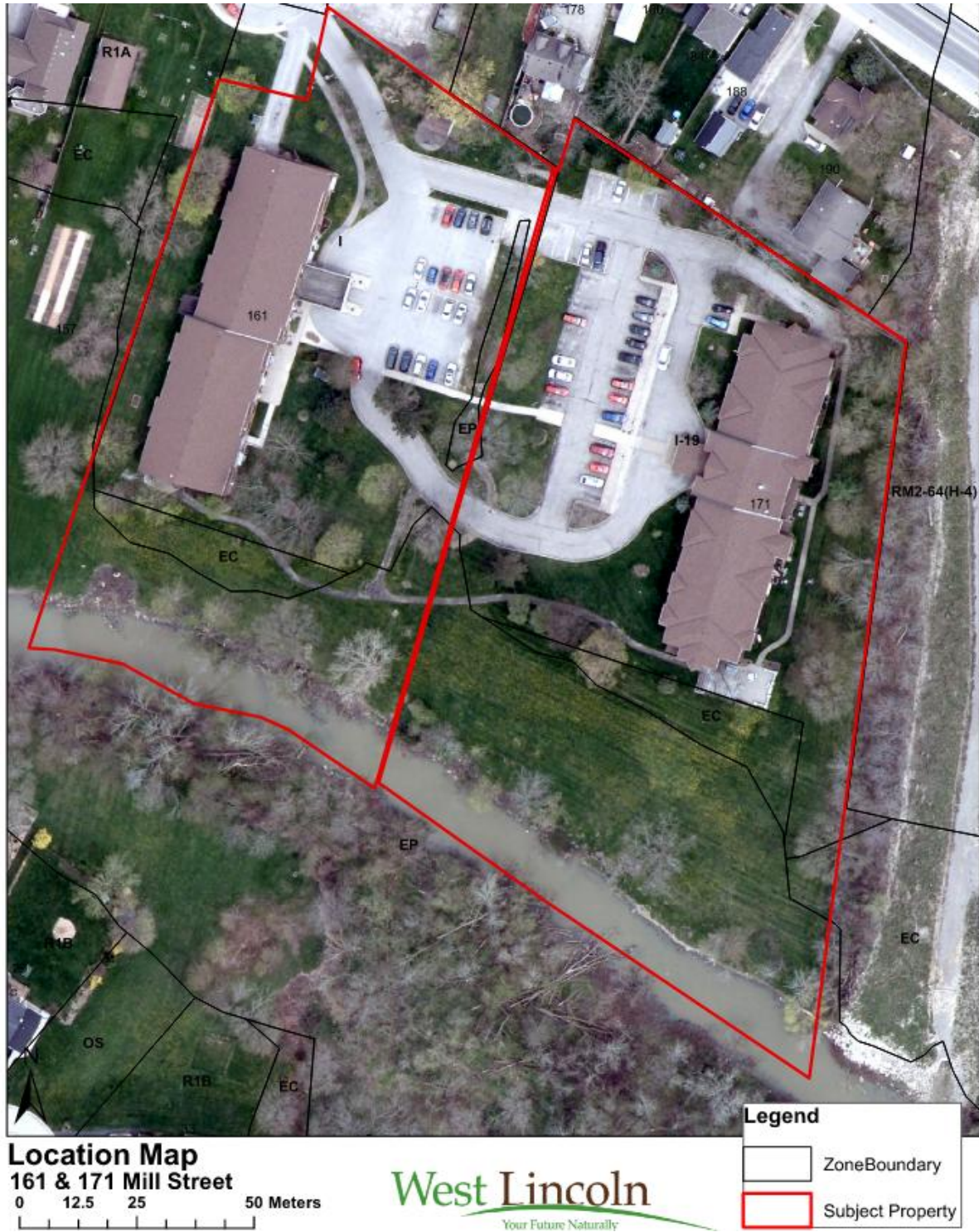
161 MILL STREET
2 STOREY
RESIDENTIAL
30 UNITS

171 MILL STREET
2 STOREY
RESIDENTIAL
32 UNITS

Labels on plan: CABLE, GAS, WV, TELE HYD, CB, MH, LS, P, ULS, MH, GAS, MH.



**Figure 7: Lot Boundary Adjustment
AFTER ADJUSTMENT**





The proposed use is aligned with the permitted uses of the Institutional zone. The site-specific zoning provisions that previously exist at 171 Mill Street (I-19) are not applicable as the proposal seeks a new site-specific version of the Institutional zone. The development will be seeking site-specific amendment due to non-compliance with the Institutional zone requirements for maximum building height, number of units permitted, and lot frontage.

The development type can be considered a form of communal housing as mentioned in policy 6.1.5 of the Official Plan. The development falls under the institutional designation but aligns with the general intent of a high-density residential area by providing a taller/denser apartment building. The policies of Section 6.4 of the Official Plan (High Density Residential Area – Smithville) do not govern the institutional development but were considered when determining the appropriate building scale. Furthermore, Section 18.11 of the Official Plan was considered, with the development providing community benefits in the form of low-income housing in exchange for greater density/height.

The determination of the building location considered setbacks from the existing buildings on the site, as well as NPCA recommendations due to environmental constraints. The building is setback over 30 metres from the nearby watercourse to the south, as required for NPCA conservation. The NPCA stated concerns of flooding if development were to occur within the swale area. To address the concerns, fill placement was used to raise the surface elevations of the swale area to be 183.03 metres above the floodplain.

Parking was allowed to occur within the 30-metre environmental setback, as long as the floodplain requirement was fulfilled. At the pre-consultation meeting, it was determined that a retirement home needs one parking space per every two dwelling units. The density of the two (2) lots requires a total of 57 parking spaces (161 Mill Street: 30 units x 0.5 = 15 spaces, 171 Mill Street: 84 units x 0.5 = 42 spaces, 15 + 42 = 57 total spaces required). The proposal provides 120 parking spaces plus an additional 5 accessible parking spaces and thus it satisfies parking requirements.

Figure 8 provides a transposed layout of the conceptual site plan and location of the proposed apartment building in relation to the adjacent land uses. The transposed layout includes the lot boundary adjustment.

C.1 Requested Amendments

I-xx (171 Mill Street)

Maximum Building Height – Increase from 15 metres to 24 metres

Maximum Number of Units – Increase from 32 to 84

Minimum Lot Frontage – 30 m to 0 m with easement through 161 Mill Street

The increase to the building height is not expected to impact adjacent uses or the public image. The purpose of increasing the height beyond the requirement is to provide a greater



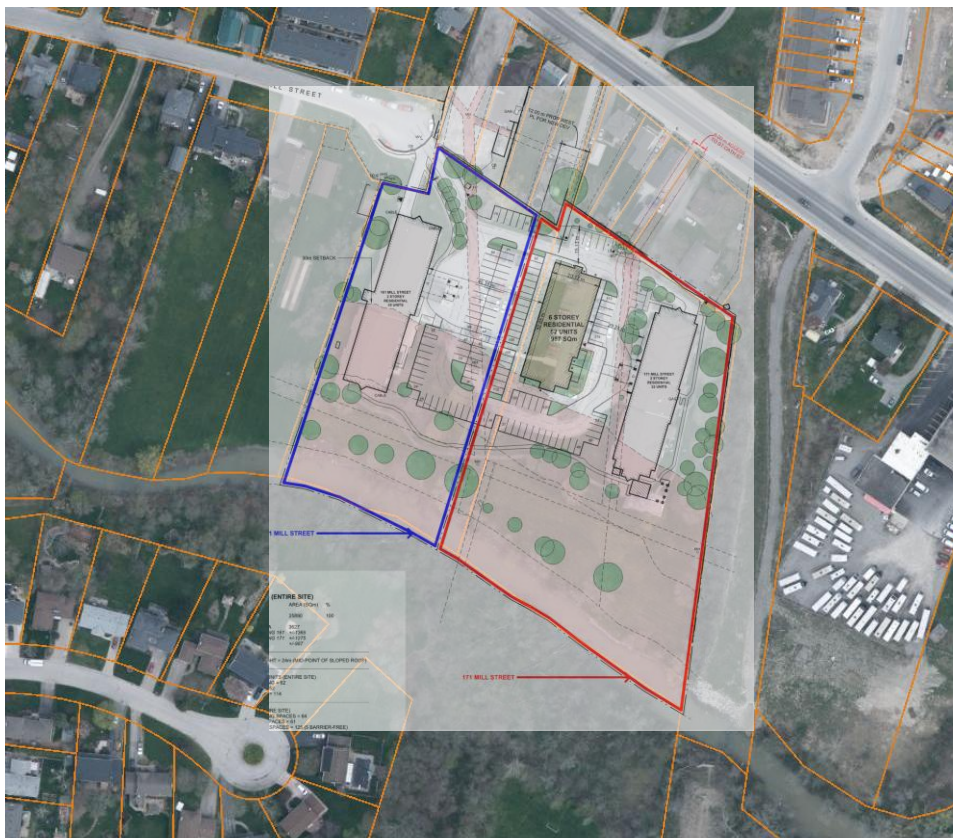
density of dwellings and contribute to the township/regional goal of providing more affordable housing units.

The proposed building is set between two existing apartment buildings that are also used for seniors affordable housing. The proposed building is 49.31 metres from the apartment at 161 Mill Street and 25.48 metres away from the existing building at 171 Mill Street and are thus not expected to be impacted by the newer building. The proposed building is set at least 15 metres from the nearest residential lot line to the north, being the rear yard of those residential lots.

The development will not influence the public realm as the building is largely screened by the apartment at 161 Mill Street that is closer to Mill Street, and the single-detached dwellings that front along St. Catharines Street. A new use is not being introduced to the property, and thus the building will not impact the neighbourhood character either.

In alignment with Section 18.11 of the Official Plan, the development is requesting a greater height that currently exists in return for providing a community benefit. The proposal provides benefit to the community by offering more affordable housing units in a location that would otherwise be used for excess surface parking.

Figure 8: Proposed Apartment Building to Abutting Land Use





The existing site-specific zoning limits the number of dwelling units permitted on 171 Mill Street to 32 dwelling units which is less than is normally permitted within the Institutional zone and unnecessarily restricts opportunities for intensification facilitating the provision of addition seniors/affordable housing.

Historically, 171 Mill Street has not had frontage upon a municipal right-of-way 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 Planning Act application.

The following images provide an example of the rendering of the style, massing and shape of the building. The final details for the design will be solidified during the subsequent site plan phase.

Figure 9: Exterior Renderings

View looking from the northwest corner of the proposed development. The perspective is looking southeast from the Parking Area between 161 Mill Street and the proposed building.





View looking from the west towards the front face of the proposed development. The perspective is looking east from the Parking Area between 161 Mill Street and the proposed building.



This is a view looking from the east towards the back end of the proposed development at 171 Mill Street. The perspective is looking west from the Parking Area between the existing building at 171 Mill Street and our proposal.





D. PLANNING POLICY ANALYSIS

D.1 Planning Act, R.S.O. 1990, c.P.13

The Planning Act (January 2022 Office Consolidation) set out the basis for land use planning in Ontario. Since the project was originally contemplated, Ontario's spring red tape reduction package, the *Cutting Red Tape to Build More Homes Act, 2024* ('Bill 185') made a number of changes to the *Planning Act* and *Development Charges Act, 1997* to continue streamlining planning approvals, enhance municipalities' ability to invest in housing-enabling infrastructure, and increase housing supply. One of the purposes of the Planning Act is to promote sustainable economic development in a healthy natural environment within the means provided and led by Provincial policy and to encourage cooperation and coordination among various interests, (Subsection 1.1(a)).

The Planning Act addresses matters of Provincial interest and requires municipal Council to have regard to matters including but not limited to the protection of ecological systems and agricultural resources; conservation of significant architectural, cultural, historical, archaeological, or scientific interest; supply, efficient use and conservation of energy and water; adequate provision and efficient use of transportation, sewage, water services, and waste management systems; orderly development of safe and healthy communities; accessibility for persons with disabilities to all facilities, services; provision of a full range of housing, including affordable housing; protection of the financial well-being; and protection of public health and safety. (Section 2).

Subsection 3 requires that a decision of Municipal Council, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement (PPS).

Section 34(10) of the Act permits a person or public body to request an amendment to a By-law subject to providing the prescribed information and material to the Council including public consultation is provided.

Having regard for the Planning Act, the Owner/Applicant has completed the necessary technical studies that evaluate the proposed affordable housing development for an appropriate use of existing land with residential uses within the urban settlement area boundaries. Furthermore, the application and required planning review fees (if applicable) for the requested amendments to the Zoning By-law seeking approval from the Township Council was provided.

D.2 Provincial Policy Statement

The Provincial Policy Statement (PPS, 2024) was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that was in effect and provides the policy foundation for regulating land uses in Ontario. The PPS supports intensification, redevelopment and the efficient use of land and existing planning infrastructure within urban areas. The policies attempt to focus growth within settlement areas and remove development from significant or sensitive areas which may pose a risk to



public health and safety.

The policies applicable to the proposal have been considered to determine the appropriateness of the development. The section expands on the appropriate range and mix of residential types by including affordable housing and housing for seniors.

Section 2.2 Housing

Policy 2.2.1 directs new housing development to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area. In establishing a range of housing options, minimum targets for the provision of affordable to low- and moderate-income households are included, to align with applicable housing and homelessness plans. Section 2.2.1 also promotes densities for new house where efficient land use can support the use of active transportation and transit. Furthermore, policy will accommodate residential growth through residential intensification and redevelopment.

The proposed development will contribute to the achievement of offering more affordable housing units that service the needs of an older population. The proposed combined unit density of 44 units / ha is more than currently exists on the institutional lot. The development is considered to make the land use more efficient, as the building location is currently occupied by parking area. The location within Smithville provides a full range of access to community services for the needs of residents, available via multimodal transportation. The development contributes to creating a community that fits a full range of needs.

Section 2.3 Settlement Areas

Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. Sub-sections 2.3.1.2 and 2.3.1.3 states that land uses within settlement areas shall be based on densities and mix of land uses which efficiently use land and resources, appropriate for and efficiently use the infrastructure, accommodate a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.

Sub-section 2.3.1.4, 2.3.1.5 and 2.3.1.6 provides direction for the implementation of minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The framework for new development shall be taking place in designated growth areas adjacent to existing built-up areas and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The development will be in order and also align with the timely provision of the infrastructure and public services facilities.

The PPS is very high level and supports efficient use of infrastructure, building of complete communities, and residential and economic development.



The requested amendments to the Zoning By-law to facilitate the proposed residential intensification development is consistent with the PPS by:

- Providing a new infill development located to contribute to the Township's achievement of density targets
- Providing a housing style that maximizes use of the institutional lot, and fits the existing community identity
- Providing a housing type that is geared towards affordable housing and older persons, thus contributing to the range of housing options in the community.
- Developing in a location with convenient connection to local services and businesses by multimodal transportation
- Contributing to the achievement of healthy, active communities by providing a development with pedestrian linkages to the urban area

Section 3.6 Sewage, Water and Stormwater

Section 3.6.1 provides direction regarding how forecasted growth must be accommodated in a timely manner for efficient use and optimization of existing municipal sewage and water services and communal sewage and water services. The services must be provided in a manner that they promote water and energy conservation and efficiency whilst integrating servicing and land use consideration at all planning process stages. Services must be feasible and financially viable over their life cycle and align with the municipal planning for these services.

D.3 Niagara Regional Official Plan

The Niagara Region's Official Plan (November 2022) was adopted by Regional Council in June 2022 and received the Ministry of Municipal Affairs and Housing approval in November 2022. The new Plan includes expansions to the urban settlement boundaries, enhanced policies, and new mapping of the natural environmental system, updated mapping and more concise text revisions to the policies.

The Plan is the framework used to guide land use and development in Niagara thereby influencing economic, environmental, and planning decisions until 2051 and beyond. The economy, cultural heritage and community health have on growth. The Plan manages growth by identifying what needs protection; where and how to grow; and which policy tools need to guide growth.

The Plan designates the subject lands as 'Delineated Built-Up Area'. Figure 10 illustrates the general location and the designation of the site.



Figure 10: Niagara Regional Official Plan Designation



Chapter 2: Growing Region

Chapter 2 outlines the regional aspirations for growth, in terms of people and jobs. Section 2.2 directs growth, stating that most development should occur in urban areas, where municipal water and wastewater services exist, and a range of transportation options can be provided.

Objective 2.2.1.1. states that development in urban areas shall support:

- The intensification targets specified in Table 2-2 of the NROP (13%)
- A compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities
- A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs
- Social equity, public health and safety, and the overall quality of life for people of all ages, abilities and incomes by expanding convenient access to a range of transportation options, urban agriculture, public service facilities and the public realm.
- Opportunities for intensification, including infill development
- Opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods
- Development of a mix of residential built forms in appropriate locations, to ensure compatibility with established residential areas
- Orderly development in accordance with the availability and provision of infrastructure and public service facilities

Policy 2.2.2.10 defers to local official plans, secondary plans, and zoning by-laws for the implementation of local intensification strategies. Local standards will:



- Support the achievement of complete communities, permit and facilitate a compact built form and all of forms of intensification throughout the built-up area and avoid or mitigate risks to public health and safety.
- Provide local growth centres in a location where higher densities than what currently exists can be achieved, and to support the provision of affordable housing.
- Other major opportunities for intensification such as infill and redevelopment.

Chapter 5: Connected Region

The Regional Official Plan aims to connect communities through multimodal transportation networks as well as infrastructure planning. Location of development is imperative to achieving complete communities and efficiently utilizing existing services. Chapter 5 supports a community that has complete streets, is connected via transit networks and can encourage active transportation. The proposed development is adjacent to a public park, has nearby access to the Smithville shopping areas, and is connected by sidewalks on Mill Street and St. Catharines Street.

The subject lands being located within the delineated built-up area will optimally utilize existing watermains and sanitary services. The development is situated within the urban boundary, with close connection to Smithville downtown. Active transportation linkages are provided with close linkage to main roads such as Griffin Street and St. Catharines Street. The proposed development is intended to contribute to a complete community by providing an affordable housing option that is complimentary to the existing buildings within the subject lands but is not the predominant housing choice of the diverse community. The proposed development offers a greater residential density than currently exists, without impeding the neighbourhood fabric by observing all required setbacks. The additional units will contribute to the viability of immediate commercial services and facilities in the Smithville area. Community services are able to be accessed via multimodal transportation including the healthy choice of active transportation. For these reasons, the proposed development is considered to conform to the policies of the Regional Official Plan.

D.4 Niagara Region Urban Design Guidelines and Smart Growth Principles

The Region's smart growth principles that were applied in the development of this proposal were to:

- Promote compact built form that can maximize use of an underutilized lot
- Offer a range of housing opportunities and choices to allow different generations of people to live closer together within the same community
- Direct development into existing communities with new buildings that fit into the community fabric and take advantage of existing roads and amenities
- Contribute to the sense of place and the establishment of attractive communities
- Produce walkable communities that provide a variety of transportation choices.

Consistent with the Smart Growth Principles, the proposed development will provide a use that is appropriate within the context of the subject lands and the neighbourhood composition while offering a density that is greater than is currently available. Upon boundary adjustment, the development will maintain appropriate setbacks to ensure that



community identity is maintained in the design process and natural features are not compromised. Location within the Smithville urban area will provide pedestrian linkages in addition to vehicular transportation options connecting the development to the urban centre.

The proposed building height is not exactly consistent with the existing dwellings, but the situation between the two existing apartment dwellings as well as the distance to lower density housing will act as buffer and limit potential adverse impacts towards park space or the single-detached neighbourhood. The development will use similar built form and familiar building materials including brick veneer, asphalt shingles and a stone base that will fit in with the existing dwellings to create a sense of place. The familiarity of the development form, the diversity provided by adding more apartment units within an area of mostly single-detached dwellings, and the connectivity to local services contribute to the achievement of a complete community as outlined in the Urban Design guidelines.

D.5 Township of West Lincoln Official Plan

The Township of West Lincoln Official Plan (2021 Office Consolidation) will provide detailed development and land use policies to guide development where it will best contribute to the long-term social, economic, and environmental stability of the Township. The Township of West Lincoln is characterized by key attributes such as prime agricultural lands, natural heritage areas, principal residential and business areas in Smithville and other small settlement areas that work together to provide a rural and small-town environment that the residents wish to maintain. The Official Plan vision aims to protect areas that are considered Natural Heritage or are within the Provincial Greenbelt Plan, to recognize Smithville as the main residential/commercial centre and provide limited residential growth in smaller Hamlet Areas, and to promote leisure and tourism activities as an important aspect of the community.

According to Schedule B4-Smithville Land Use, the subject land is designated as Institutional land use. Policy 12.3 permits nursing homes, retirement homes and independent living units developed in conjunction with the on-site provision of retirement related services, facilities and amenities amongst the Institutional land uses. The compatibility of the building scale with the surrounding area and the adjacent land uses will be considered when assessing applications for institutional development.



Figure 11: Township of West Lincoln Land Use Plan (Schedule B4)

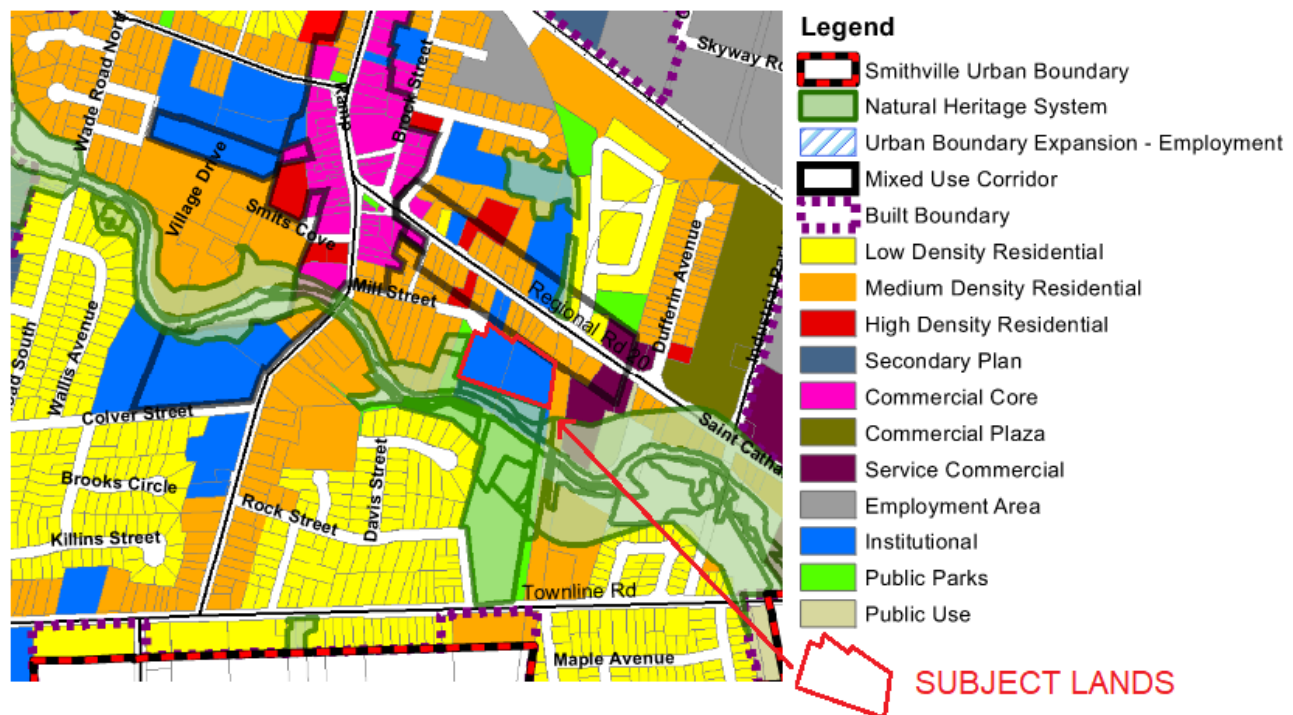


Figure 11 (above) shows the subject land use and adjacent uses. The designation as Institutional land use aligns with the proposed development use for affordable senior housing. The schedule shows that the subject lands are within the Urban Settlement Area of Smithville. As stated in Section 6, the Smithville Urban Settlement Area aims to balance the protection of the township character while permitting some forms of new development/redevelopment that can improve the quality of life for West Lincoln residents. Given the use as a mid-rise apartment building, the proposed development falls within the general intent of a High-Density Residential development within the Smithville Area, although policed by the policies of the Institutional Zone. Section 6.4.3 states that High Density Residential buildings shall not exceed 5 storeys in height, the gross density shall not be more than 40 units per hectare and shall be subject to site plan control.

Section 17 of the Official Plan outlines the intents of Affordable Housing development within the Township. The township is aiming to diversify the housing stock as a means of creating more affordable housing. The provision of affordable housing will be accommodated by flexible municipal policies in new and existing neighbourhoods. The policies of section 17 aim to create greater density development, mainly by permitting accessory apartments in dwellings.

Section 18.11 of the Official Plan details Community Benefits, incentives offered by the Township in exchange for permitting increases to the height/density of a development beyond those permitted in the zoning by-law. Community Benefits are limited to land within the Smithville Urban Area, and Council under advisement of a professional staff



recommendation holds the power to decide whether a proposal represents good planning and good urban design principles to allow an amendment to exceed maximum height/density requirements. Potential community benefits that council may seek to secure from a development include provision of public access to public facilities, walkways and public space connections, preservation of natural areas, provision of public parking, provision of underground parking leading to opportunities for intensification or affordable housing on the surplus land, conservation of buildings of archaeological importance, provision of community and open space facilities or any public work. An increase to height or density shall be proven to be connected to the community benefit.

The proposed development is aligned with the Institutional policies and is not seeking an amendment to the Official Plan. As the development is a similar form to those designated as High Density Residential, exceeding the height regulations of the Zoning By-Law will be justified through the use of community benefits.

The proposed development sacrifices excess surface parking to provide additional affordable housing apartment units. The proposed parking would still satisfy the requirement for an affordable senior's residence (requirement of 57 parking spaces between the two lots, 125 parking spaces are proposed – 120 parking spaces plus an additional 5 accessible parking spaces).

The subject lands are currently occupied by low-rise affordable senior's apartment buildings, and thus a development would require a complementary use. Community benefit is provided in the form of additional affordable housing units at a location that otherwise would be surplus land for the existing apartments.

The proposed development aligns with the intents of the official plan by providing an infill residential development that makes effective use of existing institutional land, offering 44 units per hectare for the overall development within all three apartment buildings on 161 and 171 Mill Street. The proposed use aligns with the permitted uses of the institutional designation, while providing an appropriate density. The use of setbacks, building materials, and location within the site will serve as mitigating factors for developing at a greater height than currently exists, in addition to the community benefit provided.

D.6 Township of West Lincoln Zoning By-law

According to Schedule A – Map S5, of the Township's Zoning By-law 2017-70 (September 2022 Consolidation), the subject lands have dual zoning as Institutional (I) and site specific Institutional (I-19). There is also a portion of the properties along the southern portions of the site that are designated as Environmental Protection (EP) which are not proposed to be impacted including a 30 m buffer. Figure 12 shows the location of the lands.



Figure 12: Zoning By-law Schedule A (Map S5) – West Lincoln



The Institutional – I Zone is intended for a variety of different uses including schools, day cares, funeral homes, hospitals, long-term care facilities, private clubs, and retirement homes amongst other institutions. The development is seeking further site-specific amendments to the Institutional zoning at 171 Mill Street to permit variance with the building height.

The following tables provide the proposed zoning compliances regarding the existing zoning.

Table 1 - Regulations for Permitted Uses in Institutional Zone at 161 Mill Street

Zone Regulations	Required	Proposed
Section 9.3 I Zone Regulations		
Minimum Lot Frontage	30m	40.09 m
Minimum Lot Area	120 square metres / unit	9,829 m ² / 30 units = 327.63 m ² / unit
Minimum Front Yard	7.5 m	11.03 m
Minimum Interior Side Yard	7.5 m	7.84 m
Minimum Rear Yard	7.5 m	46.21 m



Zone Regulations	Required	Proposed
Section 9.3 I Zone Regulations		
Maximum Lot Coverage	50%	13.9%
Maximum Height	15m	7.2m
Minimum Landscaped Area	10%	58.9%

Table 2 - Regulations for Permitted Uses in Institutional Zone at 171 Mill Street

Zone Regulations	Required	Proposed
Section 9.3 I Zone Regulations		
Minimum Lot Frontage	30m	0 m
Minimum Lot Area	120 square metres / unit	16,074 m ² / 84 units = 191.36 m ² / unit
Minimum Front Yard	7.5 m	9.25 m
Minimum Interior Side Yard	7.5 m	12 m
Minimum Rear Yard	7.5 m	66.27 m
Maximum Lot Coverage	50%	13.9%
Maximum Height	15m	24 m
Minimum Landscaped Area	10%	70.5%

The proposed building serves an intent that is complementary to the existing use of the subject lands and is able to provide community benefit through affordable housing. The building which offers a greater density and height than currently exists, observes the required setbacks to ensure that it does not overwhelm any of the adjacent residential uses. The new building will not impact the public realm as it is screened from the public realm by existing dwellings. The proposal is able to offer more housing units that fit with the community vision, while the zoning deficiencies are not expected to create adverse negative impacts towards adjacent uses. Thus, the proposal can be considered in alignment with the zoning by-law through site-specific amendments.

E. PLANNING IMPACT ANALYSIS

Having regard to the potential impacts from the proposed development, the planning exercise of determining the appropriate scale and location of the apartment dwelling considered the following:

- Achieving a harmonious design in terms of building materials
- Promoting environmental health through a strategic design that does not impede the required natural feature buffers and provides linkage to open space



- Providing a development at a location that would otherwise be considered surplus land for an existing private institution
- Providing a housing type that is considered compatible with the existing building stock on the subject lands
- Maintaining appropriate setbacks towards adjacent residential properties and towards environmental features
- Providing a scale and height that can be justified through the use of community benefits.
- Contributing to the achievement of a complete community by providing further alternative housing options in a location surrounded by lower density dwellings
- Developing in a location that can conveniently access nearby commercial and retail service facilities by vehicular and active modes of transportation

E.1 Policy Conformance

In conformity with the Provincial Policy Statement, the subject lands are located within the urban area boundary limits of the Township, where the majority of higher density residential development is to occur. The development expands on the range of available residential types by including affordable housing and housing for older people. The development will be connected to the community through the use of existing infrastructure, and the opportunity to utilize multi-modal transportation networks. The proposed development represents an excellent opportunity for residential infill and intensification consistent with the policies of the PPS.

In conformity with the Regional Official Plan policies, the proposed residential development will contribute towards achieving the offering alternative housing type at a higher density than currently exists. The development will contribute toward achieving the Regional intensification targets while directing development to established urban areas. The multi-modal connection to the development and the proximity to local services/business will contribute to the achievement of complete communities.

The proposed development conforms to the Township's Official Plan by contributing to the vision of intensifying while protecting the municipality's character. The building use is consistent with the intent of the subject lands and compatible with the surrounding urban area community. The design is however not exactly consistent with the neighbourhood character, as the building offers a greater height and more dwelling units than were previously permitted. However, the development is considered to provide community benefit by sacrificing surplus parking space to provide additional affordable housing units. Given the current needs for affordable housing, the proposed building can be considered consistent with the Plan.

E.2 Compatibility with Adjacent Land Use

The need for a balanced approach in the assessment of intensification is required, understanding that there is potential for competing objectives that need to be evaluated accordingly. In this regard, the use and compact built form of the proposed development is



mostly consistent with the existing apartment dwellings, while offering a different height and density. The proposal maintains the zoning by-law's required setbacks as well as the environmental setbacks identified by the NPCA, thus ensuring no interference with natural features or adjacent dwellings.

The community emphasizes comprehensive developments, offering a full range of housing types, services and connections to accommodate people and families at varying stages of life. The layout is compatible with the intents of a complete community, offering a higher density of living targeted at lower income and older populations. The proposed building maintains the subject lands existing use, while providing a type of residence other than the predominant housing type in the neighbourhood. The residence offers linkage with nearby business areas through vehicular roads and pedestrian walkways and supports the long-term community vision.

By developing within the urban area at a location already reserved for this particular use, the proposal aligns with the community vision of intensification while maintaining the existing municipal community character. Overall, the proposed development will add more dwelling units to existing institutional land without introducing an unfamiliar use that could adversely affect the neighbourhood identity and thus will help the Township in achieving affordable housing objectives.

E.3 Traffic and Access

The proposed development at 171 Mill Street is not adjacent to a municipal right-of-way. The parcel is to be accessed via an easement over 161 Mill Street as has historically been the case. Vehicles can access the private parking lot for 161 Mill Street, along the public cul-de-sac. The two development parcels share a parking lot area with connected aisles throughout.

A secondary emergency access exists from St. Catharines Street. The linkage to St. Catharines Street is six (6) metres in width and is directly connected from the public roadway to 171 Mill Street. This access is only for use of emergency vehicles and will be otherwise blocked off to vehicular access.

There are plans for sidewalks throughout the development, connecting all three (3) buildings to Mill Street. As the development is located within the Smithville Urban Area, pedestrian linkage to the public realm can be utilized to access nearby restaurants, businesses and other commercial services.

While the proposed building is to be located in the existing parking lot, there is still expected to be a surplus amount of parking. Considering the subject lands are used as affordable seniors housing, the required parking ratio is one (1) parking space for every two (2) dwelling units. The three (3) buildings combined require 57 standard parking spaces ($114 \div 2 = 57$ spaces). The proposal provides 120 parking spaces, plus an additional 5 accessible spaces. Thus, the development provides a parking ratio of 1.1 spaces per unit which substantially



exceeds the minimum requirement. A Parking Study was not required because the parking ratio provided exceeds the minimum requirement for the zoning.

While the building is not allowed to impede the 30-metre environmental setback from the watercourse to the south, the parking area is allowed to develop within this setback so long as the elevation provided is 183.03 metres above the floodplain.

E.4 Municipal Site Servicing

The Township of West Lincoln have provided record drawings that indicate a 150mm AC (Asbestos Cement) watermain on both St. Catharines Street and Mill Street. A looped Watermain connecting the St. Catharines Street and Mill Street watermains via the Royal Canadian Legion Parking lot is proposed. This proposed inter-connection will facilitate adequate fire-fighting and domestic flows using the onsite 150mm watermain.

The fire hydrant on site is located approximately 15 metres from the NE corner of the proposed new building and approximately 75 metres travel distance from the currently proposed principal entrance for the new building. Accordingly, hydrant coverage appears to be satisfactory.

Sanitary flows are to be collected from the building and conveyed to the existing sanitary sewer that traverses the site, generally from south-east to north-west, located on an easement in favour of the Township of West Lincoln.

E.5 Garbage Waste Collection

The proposed development currently, and in the future will be serviced by private waste collection.

E.6 Natural Heritage and Environmental Considerations

The Township's Official Plan considers portions of the land to be designated as Natural Heritage System. Furthermore, the Township Zoning By-Law designates portion of the subject lands as Environmental Protection (EP) and some areas with an Environmental Conservation (EC) Overlay.

The NPCA, Region and Township approved a zoning modification to remove a portion of Environmental Protection between the existing parking lots under section 1.3.6(f) of the Zoning By-Law. The removed EP designation is displayed in Figure 13 (below).

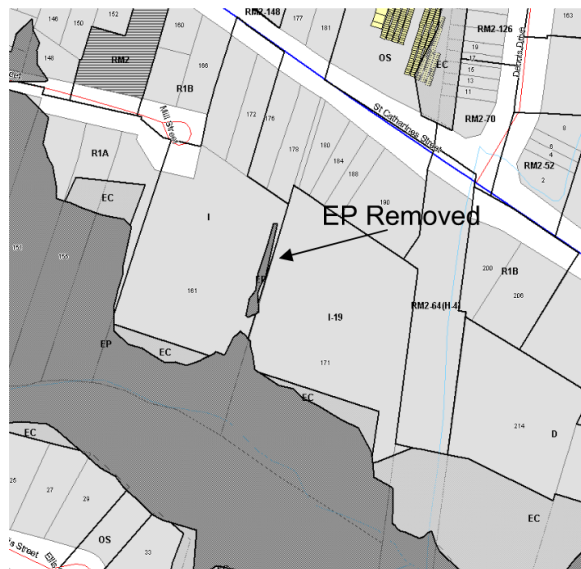
Due to the proximity to Twenty Mile Creek as well as TWO registered archaeological sites (northeast) within 300 m, the site exhibits potential for the discovery of archaeological resources. Regional staff expressed intent to waive the required archaeological assessment in lieu of standard archaeological clauses related to deeply buried archaeological materials that may be encountered, due to site context and previous disturbance in the vicinity.

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of Type 1 (Critical) Fish Habitat, portions of the Provincially Significant Lower



Twenty Mile Creek Wetland Complex (PSW), ECA Valley Shoreline Buffer associated with the PSW and Significant Woodlands. Upon a site visit in February of 2022, Environmental Planning staff stated the ability to waive the requirement of an Environmental Impact Study (EIS) in lieu of a Landscape/Restoration Plan, provided a minimum 30 m setback is maintained from the survey watercourse top of bank. The Landscape Plan/Restoration Plan will be required to illustrate natural self-sustaining vegetation within the setback buffer and recommends further mitigation measures. As such, the proposed development building does not impede the 30 m watercourse buffer (the parking area does impede the buffer).

Figure 13: Environmental Protection Zone Modification



F. SUMMARY AND CONCLUSIONS

The proposed development represents an appropriate land use for the following reasons:

1. It conforms to the policies for intensification and the efficient use of land and existing infrastructure within the urban area, as well as policies for encouraging infill residential development that provides an alternative housing as contained in the Provincial Policy Statement, Niagara Region Official Plan, and the Township's Official Plan.
2. The proposed development will assist the Township to reach their density intensification target and offering higher density housing within an Urban Area.
3. The proposed development will diversify the housing stock while utilizing setbacks and design principles to conform to the neighbourhood identity.
4. The proposed development will provide community benefit as a housing type that is geared towards affordability in development with Niagara Regional Housing
5. The proposed development can observe the required setbacks from the watercourse, contributing to long term environmental sustainability.



6. The development location will provide close connection to community facilities and services including nearby parks, commercial services and businesses.
7. The proposed development will implement the principles of urban design and represents good land use planning.

Report prepared by:

Zamima Khan
Intern Urban Planner – Quartek Group Inc.

P. Leigh Whyte, MCIP, RPP, AICP
Senior Planner – PLW and Environmental Consulting

G. REFERENCES

1. Planning Act, R.S.O. 1990, c. P.13, Ministry of Municipal Affairs and Ministry of Housing
2. Provincial Policy Statement, Ministry of Municipal Affairs and Ministry of Housing
3. Niagara Regional Official Plan
4. Urban Design Guidelines, Niagara Region
5. Township of West Lincoln Official Plan
6. Township of West Lincoln Zoning By-law



APPENDIX A: PRE-CONSULTATION AGREEMENT



APPENDIX B: DRAFT LEGAL SURVEY



APPENDIX C: CONCEPTUAL SITE PLAN



APPENDIX D: DRAFT ZONING BY-LAW

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN BY-LAW NO. 2025 –XX

A BY-LAW TO AMEND ZONING BY-LAW NO. 2017-70, AS AMENDED, OF THE TOWNSHIP OF WEST LINCOLN

**WHEREAS THE TOWNSHIP OF WEST LINCOLN COUNCIL IS EMPOWERED TO
ENACT THIS BY-LAW BY VIRTUE OF THE PROVISIONS OF SECTION 34 OF THE
PLANNING ACT, 1990, AS AMENDED;**

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
WEST LINCOLN HEREBY ENACTS AS FOLLOWS:**

1. That, Map 'S5' to Schedule A to Zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on 171 Mill Street, legally described as PLAN M89 PT LOT 38 LOT 43 RP;30R2459 PAR in the Township of West Lincoln, Regional Municipality of Niagara, shown as the subject lands on Schedule 'A'. attached hereto and forming part of this By-law.
2. That Map 'S5' to Schedule 'A' to zoning By-law No. 2017-70, as amended, is hereby amended by changing the zoning on part of the subject lands shown on Schedule 'A', attached hereto and forming part of this By-law from an Institutional 'I' zone to a site-specific 'I' zone with exception.
3. That Part 9 of Zoning By-law 2017-70, as amended, is hereby amended by adding the following to Part 13.2

I-XX

Permitted Uses:

As per the parent zone

Regulations

All regulations of the I zone except

- a) Building height of 24m whereas 15m is the maximum height allowed.
 - b) The minimum lot frontage shall be recognized a 0m whereas the minimum lot frontage is normally 30m.
-



- c) Increase maximum number of units from 32 to 84.
- 4. That, all other provisions of By-law 2017-70 continue to apply.
- 5. AND That, this By-law shall become effective from and after the date of passing thereof.

**READ A FIRST, SECOND AND THIRD TIME
AND FINALLY PASSED THIS
DAY OF FEBRUARY, 2025.**

MAYOR CHERYL GANANN

JUSTIN PAYLOVE, CLERK



APPENDIX E: LANDSCAPE AND RESTORATION PLAN



APPENDIX F: MUNICIPAL SERVICING BRIEF, GRADING PLAN AND SWM PLAN