



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
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June 17, 2021

TO: Chairperson and Members of the Committee of Adjustment

SUBJECT: Consent Application D10-03-2021
1071 Old Thorold Stone Road (Part 3) Thorold, Ontario

PART OF THOROLD TWONSHIP LOT 26; BEING PART 1 59R-16856

PROPOSAL:

An application has been submitted for consent for the purpose of the creation of two new lots at 1071 Old Thorold Stone Road (see Figure 1). This application is related to the creation of Part 3, as shown of Figure 2.

The subject parcel is shown as Parts 1, 2 & 3 on the drawing submitted (Figure 2). Parts 2 & 3 are proposed to be severed, and Part 1 retained for rural industrial use.

The subject lands are designated 'Rural Industrial - subject to Site Specific Policy Area 8', and 'Environmental Protection Two' in the City of Thorold Official Plan and are zoned 'Rural Industrial (M4) Zone' in Zoning By-law 60-2019.



Figure 1: Location Map

CONTEXT:

Site Description

The subject lands are located on the south side of Old Thorold Stone Road, east of Davis Road. The lands are currently vacant. The lands are surrounded by vacant lands and rural industrial uses.

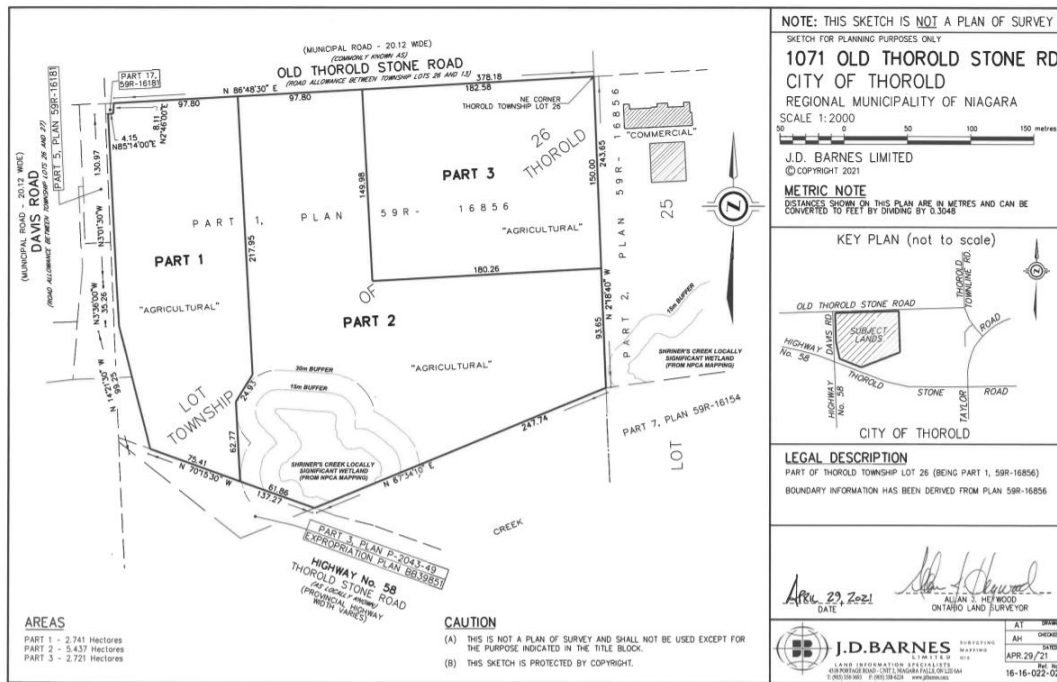


Figure 2: Severance Sketch

Background

The property was subject of a previous consent application. Approximately 3.87 hectares recently received provisional approval for severance from the property through severance application D10-06-2020. The lands severed can be seen in Figure 3.

The property was also recently subject to an Official Plan Amendment (D09-01-2021), which received Council approval May 18, 2021. The appeal period lapsed on June 15, 2021 and no appeals were received making the decision the final. This amendment exempted the property from Policy 2.4.6b) of the Official Plan, resulting in severances being permitted.

Planning Act

In making its recommendation, Planning staff have considered all of the criteria outlined in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13 as amended.

Planning Policy Documents



Figure 3: Previous consent

The application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)*, and the *Niagara Regional Official Plan*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are located in a 'rural area' and are comprised of 'rural lands' according to the PPS. Within rural areas, the PPS promotes diversification of the economic base and employment opportunities through goods and services. The proposed consent will enable the use of an appropriately sized area of the lands for a contractor's facility, while retaining a viable portion for future rural industrial uses. The proposed consent would help facilitate employment opportunities in the area and diversification of the economic base.

Furthermore, development that is compatible with the rural landscape and that can be sustained by rural service levels is to be promoted on rural lands. The property is large enough to mitigate any impacts of current and future development on the rural landscape and large enough to accommodate private services.

Based on the above, the proposed consent is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) also classifies the subject lands as 'rural lands', which may permit uses that: are compatible with the rural landscape and surrounding land uses; will be sustained by rural service levels; and will not adversely affect the protection of agricultural uses and other resource-based uses. The proposed consent would not preclude compliance with these or any other policies of the Growth Plan.

Staff are of the opinion that the proposed consent would conform to the Growth Plan.

The subject lands are designated as 'rural area' in the Niagara Regional Official Plan (ROP). While agriculture is to be the predominant use of lands in the rural area, some non-farm related development is permitted by the ROP.

The proposed consent is in conformity with the ROP.

City of Thorold Official Plan

The subject property is designated as "Rural Industrial" within the City's Official Plan (OP). As mentioned above the property recently underwent an Official Plan Amendment to amend Policy B2.4.6.b)

Section B2.4.6 of the Plan provides policies for lot creation within the Rural Industrial Designation. Lot creation is permitted subject to the following policies:

- a) The severed and retained lots have lot frontages of at least 46 metres and lot areas of at least 1.0 hectare;

Part 1 has a proposed frontage of 97.8 m, and an area over 2 hectares; Part 2 has a proposed frontage of 97.8 m, and an area over 5 hectares; and Part 3 has a frontage of 182.6 m and an area over 2.5 hectares. Therefore all parts meets the requirements of this policy.

- b) The retained lot is currently occupied by an existing industrial use;

The property underwent an Official Plan Amendment, approved May 18, 2021, with the appeal period lapsed on June 15, 2021. This amendment exempted the property from this policy. Therefore this policy does not apply.

- c) The severed and retained lot can be serviced with a private well and septic system in accordance with Regional Health requirements and/or Part 8 of the Building Code Act;

Private services will be reviewed through the forthcoming Site Plan Control applications.

- d) New industrial uses will be subject to site plan control;

No new development has been proposed at this stage, however any development proposed will be subject to Site Plan Control.

- e) The severed and retained lot(s) lot will be compatible with existing adjacent land uses; and,

The proposed lot is a compatible size with adjacent lots and allows for a future rural industrial, which is consistent with uses in the area.

- f) Where the proposed lot abuts or forms part of a natural heritage feature identified by this Plan, the applicable natural heritage policies applicable to the feature shall be addressed prior to any approval.

There is a wetland location on Part 2. An Environmental Impact Study was submitted as part of the Official Plan Amendment. This study suggested a 30 m buffer area and the wetland all be contained within Part 2. This is shown on the survey sketch (Figure 2). The NPCA review the Official Plan Amendment as well as the subject application, and has no concerns. There are no environmental feature on Part 3.

The consent application conforms to the City's Official Plan.

Comprehensive Zoning By-law 60-2019

The subject property is zoned "Rural Industrial (M4) Zone" in Zoning By-law 60-2019. The proposed lot area and frontage of Part 3 and the retained parcel meet the requirements

of the M4 Zone. The proposed severance meets the requirements of Zoning By-law 60-2019.

COMMENTS:

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

Bell

- No concerns

Building Division

- No concerns.

Cogeco

- Cogeco has no concerns with this application.

CN

- CN has no comments concerning this application.

Engineering Division

- No concerns.

Hydro One

- No concerns.

Finance Division

- No outstanding balance.

MTO

- In principle the Ministry has no objection to the proposed consent applications described above (1071 Old Thorold Stone Road); however the subject site(s) is located within the MTO Permit Control Area for the Hwy 58, as a result, an MTO Building and Land Use Permit is required prior to the commencement of any on-site construction/works. Prior to any MTO permit applications being submitted, MTO requests that the municipality circulate the Site Plan Control Application to this office for review of the materials, and comment.

- Please note, all proposed access to the property(s) should be from Old Thorold Stone Road.
- Also, no features which are essential to the overall viability of the site are permitted within the MTO 14 m setback area. Essential features include, but are not limited to, buildings/structures (above or below grade) including shoring/tie backs, required parking spaces (required per the municipal zoning by-law), retaining walls, utilities, stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14 m setback area and must be set back a minimum of 3 m from the property line.

The comments above are standard Site Plan comments. They will be addressed through future Site Plan applications.

Niagara Region

- Regional staff are not opposed to the application, in principle. Regional staff will provide more detailed comments on the proposed uses of the property through review of subsequent Planning Act applications, as outlined above.

NPCA

- The subject property to be severed contains two classes of regulated features: regulated watercourses, and the Shriners Creek Wetland Complex, which is a Locally Significant Wetland (LSW).
- The NPCA have no objections at this time to the proposed severance. NPCA policy does not support lot creation within 30m of a wetland, and the subject proposal will meet NPCA requirements in this regard by retaining the LSW within Part 2.

CONCLUSION:

It is the recommendation of Planning staff that consent application D10-02-2021 be approved subject to the following conditions:

- 1) That the applicant provide the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 2) That the owner provides a lawyers undertaking, to the satisfaction of the City, to forward a copy of documentation confirming the transaction has been carried out, the document to be provided within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That a final certification fee of \$180 payable to the City of Thorold, be submitted

to the Secretary-Treasurer and that all conditions of consent be fulfilled.

- 4) That parkland dedication at the value of 2% of the value of the new lot, being Part 3, Figure 2, be made to the City of Thorold. City Staff and the applicant will work to determine whether this is through dedication of land, cash in lieu of dedication of land pursuant to Section 53(13) of the Planning Act, R.S.O. 1990, as amended or a combination of both.

REASON:

- 1) The application is consistent with or conforms to provincial, regional, and local policies, as applicable.

Prepared by and respectfully submitted
by:

ORIGINAL SIGNED

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Respectfully submitted by:

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