



COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services
3540 Schmon Parkway, P.O. Box 1044
Thorold, ON L2V 4A7
905-227-6613 ext. 252

DATE: May 18, 2023

TO: Chairperson and Members of the Committee of Adjustment

FILE NO: D10-04-2023 (Consent)

SUBJECT: **Recommendation Report**
Application for Consent to Sever lands

LOCATION: 3451 Schmon Parkway
LOT 19 & PART OF LOT 20 PLAN 59M131
2731 000 0023 81500 0000
2731 000 0023 81400 0000

CONTACT: Nicolette van Oyen, Senior Planner, MHBC Planning
Julian von Westerholt, Associate, MHBC Planning

OVERVIEW:

- **A Consent application has been submitted by Beth Mullin of McKenzie Lake Lawyers on behalf of WCPT Lofts III Inc. for property municipality known as 3431 & 3471 Schmon Parkway with a total of 144 metres of frontage and 193 metres of depth for a total area of 27,831 square metres as illustrated on the Survey Sketch prepared by Kirkup Mascoe Ure, dated October 7, 2015.**
- **Both the severed and retained parcels comply with the use and regulations of the Site Specific Zoning Bylaw 110-2016 approved by Council on September 20, 2016**

RECOMMENDATION:

1. THAT, the Consent application made by Beth Mullin on behalf of WCPT Lofts III Inc. for file D10-04-2023, BE APPROVED; Subject to the following conditions:
 - i. That the approval applies to the transaction as applied for.
 - ii. That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

- iii. That the owner provides a lawyers undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- iv. That the payment of 5% of the value of the new lot, shown as Parts 1, 2 & 3 as illustrated on the Severance Sketch prepared by **Kirkup Mascoe Ure, dated October 7, 2015** be made to the City of Thorold in lieu of dedication of land for park purposes pursuant to Section 53(13) of the Planning Act, R.S.O. 1990, as amended.
- v. That the owner provides a copy of the final approved Site Plan, prepared by ARK Architects dated February 20, 2020, revised October 9, 2020 signed by the City Clerk and Mayor of Thorold.
- vi. That the owner enter into a revised Site Plan agreement and obtain red-lined Site Plan approval including any requirements for easements as required by the City for access all to the satisfaction of the City's Director of Planning.
- vii. That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer.
- viii. That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

PROPOSAL:

An application has been submitted for consent by Beth Mullin on behalf of WCPT Lofts III for the purpose of the creation of a new lot for the purposes of financing. No minor variances are required and both the severed and retained parcels comply with applicable zoning regulations.

Figure 1: Location Map



Site Description

The subject lands are located on the west side of Schmon Parkway just east of Merrittville Highway within the Brock Business Park area of Thorold just south of the Brock University campus. Both lots will have frontage on Schmon Parkway Street East. The property has received site plan approval for the construction of 6 x 6 storey multiple residential student-oriented housing with affiliated parking and outdoor amenity space. Buildings A1 and B1 which are located on Parts 1,2 & 3 of the survey sketch are currently under construction and nearing completion.

Background

The existing site is within the Urban (Built-Up) Area as delineated in the Regional Official Plan and is designated Mixed Use in the City of Thorold Official Plan and is within the Brock Business Park Area Secondary Plan and zoned M3 – Employment Mixed Use in Zoning Bylaw (60) 2019. A Site specific Zoning Bylaw Amendment was approved by City Council on September 20, 2016 which rezoned the property from P1 – Prestige Industrial to P1-6 Prestige Industrial. The property is currently under development through an approved site plan for multiple residential development geared to student housing, which is in keeping with the zoning permissions applying to the lands.

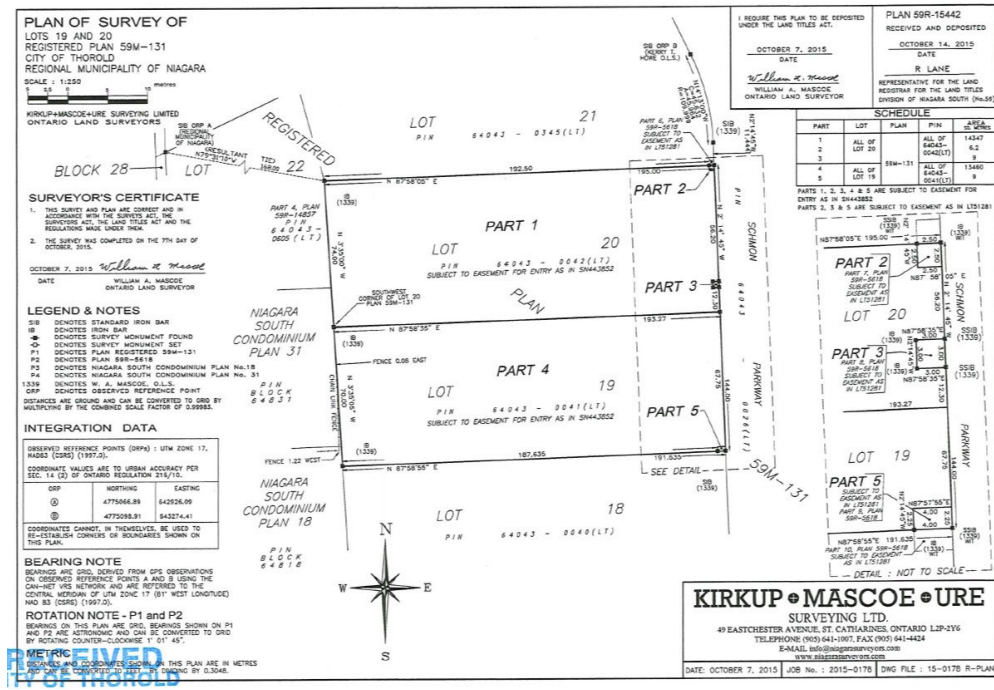


Figure 2: Severance Sketch

The proposed consent will sever the parcel into two parts. The subject parcel is shown as Parts 1, 2, 3 & 4 on the Survey prepared by Kirkup Mascoe Ure dated October 7, 2015 submitted with this application and included as Figure 2 of this report. Parts 1, 2 & 3 represent the retained lands, while Parts 4 & 5 depicts the severed lands.

A Pre-Consultation meeting was held for this application on December 1, 2023. Planning staff indicated that the applicants would need to apply for a revised site plan to illustrate that each parcel can operate independently however, we are willing to work with the applicant to provide a red-line amendment to the approved site plan along with a Consent Agreement such that the Severed Parcel will require an amended site plan agreement prior to any building permits being issued for the Severed lands.



Figure 3: Street View from Schmon Parkway

CONSENT PLANNING ANALYSIS:

Planning Act

In making its recommendation, Planning Staff has considered all of the criteria outlined in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13 as amended. In particular, the proposed consent conforms to the Official Plan and is suitable for the proposed single detached lot.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. The subject lands are within a “settlement area” according to the PPS. Settlement areas are

to be the focus of growth and development. As the subject lands are located within the City of Thorold, which is a settlement area within the Niagara Region, the proposed modest form of infilling is appropriately situated within the settlement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow Plan (P2G), 2019 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. The Growth Plan also directs development to settlement areas. Within settlement areas, the Growth Plan states that growth will be focused in “built-up” areas. In keeping with the (P2G) direction the proposed lot creation within the built up area will contribute toward the objective of increasing the housing supply in the City of Thorold.

Greenbelt Plan (2017)

Applications must conform to the Greenbelt Plan if they fall within the established Greenbelt Plan boundary. Since the Subject Lands are outside of the identified Greenbelt area, the Greenbelt Plan does not apply.

Regional Official Plan

The Regional Official Plan (ROP) provides general policy direction for planning in the Niagara Region. The objectives of the ROP direct the majority of growth and development to Niagara’s existing Urban Areas, with a significant portion of Niagara’s future growth being directed to the Built-up Area through intensification. In the case of this application, the Region’s goal is to build more sustainable, complete communities, by making efficient use of land, resources and infrastructure by supporting intensification.

City of Thorold Official Plan

The subject property is designated as “Brock Business Park Mixed Use” within the City’s Official Plan (OP) and is within the Brock Business Park Secondary Plan Area. The purpose of the designation where the City wishes to accommodate a range of complementary uses that are dynamic, vibrant and have a high degree of integration, such as business incubators and certain types of research and development facilities. This designation is also intended to recognize a number of existing uses and also provides a framework for future redevelopment and intensification. Section B1.10.4.1 of the Official Plan provides that permitted uses are that are encouraged to be mixed within a single building, whereby ground-level uses including commercial uses and upper stories accommodate complementary uses – such as residential or office activities. Expansions to existing stand-alone buildings are permitted. Permitted uses within the Mixed Use designation include:

a) Office uses;

b) Commercial uses;

- c) Medium and High density residential uses;
- d) Hospitality uses;
- e) Research and development uses;
- f) Large scale institutional uses related to Brock University
- g) Existing Institutional uses

Proposals for the creation of new lots by consent are assessed against nine criteria of Policy D4.2.1 of the OP.

- a) *Fronts on and will be directly accessed by a public road that is maintained on a year-round basis.*

As previously mentioned the newly created lot will have frontage on Schmon Parkway, which is classified as a local road on Schedule D of the City of Thorold Official Plan. As Schmon Parkway is a public road and is maintained on a year-round basis.

- b) *Will not cause a traffic hazard as a result of its location on a curve or a hill;*

The proposed lot is further removed from the intersection of St. Davids Street East and Chapel Street North and there is already an existing driveway located where the proposed lot will be. A site visit to the property identified that there is no sidewalk currently located on the side of the road where the lot is proposed however, the approved site plan provides for a sidewalk connecting to the existing sidewalk adjacent to the subject lands.

- c) *Is in keeping with the intent of relevant provisions and performance standards of the zoning by-law;*

The lands comply with all other requirements of the M3 – Employment Mixed use zoning under Zoning By law (60) 2019.

- d) *Can be serviced with an appropriate water supply and means of sewage disposal;*

The proposed lot is within Urban Area boundary of the City of Thorold and is situated on a public road, and will therefore have access to municipal services.

- e) *Will not have a negative impact on the drainage patterns in the area;*

The proposed development is not expected to result in any negative drainage issues. At this time, the applicant is proposing the creation of the lot. During the building permit stage a Grading and Drainage Plan will be required to be approved

by the City. The Grading and Drainage Plan will ensure that the property accommodates all drainage on its own site and does not impact neighbouring properties.

- f) *Will not compromise the ability to develop the remainder of the lands, if such lands are designated for development by this Plan;*

The proposed development will not compromise the lands ability to be developed, rather it will help to make efficient use of land, and will also support intensification in Thorold's Built Up area.

- g) *Conforms with Regional lot creation policy as articulated in the Regional Official Plan, and the lot creation policies of the NEP, where applicable; and,*

The subject property is not located within the Niagara Escarpment Plan and therefore, the Niagara Escarpment Plan policies for lot creation are not applicable. The Regional Official Plan lot creation policies are upheld with this proposed severance.

- h) *Complies with Provincial Minimum Distance Separation Formulae, where applicable.*

The Provincial Minimum Distance Separation Formulas are not applicable for this property.

Staff is of the opinion that both the proposed and retained lot would meet all relevant criteria of the aforementioned policy. Namely, the lots would: front on an existing public road; utilize existing municipal services; and not cause negative impacts in terms of traffic or drainage.

With regards to Policy D4.2.1 c), which states *that the Committee of Adjustment shall be satisfied that the proposed lot is in keeping with the intent of the relevant provisions and performance standards of the zoning by-law.* The lot areas of the proposed severed and retained parcels meet the minimum requirements of Comprehensive Zoning By-law (60) 2019.

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

Comprehensive Zoning By-law (60) 2019

The subject property is zoned M3 – Employment Mixed Use under Bylaw (60) 2019. Both the retained and severed parcels meet the general intent of the Zoning By-law (60) 2019 however a site specific Zoning bylaw Amendment was approved by City of Thorold Council in September 2016. The development on the retained lot has commenced in accordance with the approved Site Plan and Site Plan agreement that applies to the entire lands. The site specific Zoning bylaw Amendment applying to the lands permits purpose

built rental apartment buildings geared to students with ancillary office and/or commercial uses. The following site specific regulations also apply:

By-law 110-2016 Site Specific Zone Provisions Review

Category	Requirements	Parts 4 & 5 Severed (Phase 2)	Parts 1, 2 & 3 Retained (Phase 1)
Minimum Lot Area	1.3 ha	1.34 ha	1.43 ha
Minimum Lot Frontage	70 m	70 m	74 m
Minimum Front Yard Setback	0 m	6 m	6 m
Maximum Front Yard Setback	6 m	6 m	6 m
Minimum Rear Yard Setback	4.86 m	25.2	27.355
Minimum Interior Side Yard Setback i. Building 4 – northerly property line ii. Building 4 – basement walkout northerly property line	6 m	21	N/A
Maximum Lot Coverage	40%	24%	23%
Minimum Landscaped Open Space	30%	37%	41%
Minimum gross floor area for ancillary commercial and/or office type uses	2,172 m ²	1,034 m ²	1,138 m ²
Maximum building height	6 storeys 22 metres	6 storeys 22 metres	6 storeys 22 metres
Minimum Number of Parking spaces	360	*337 (total)	
Minimum Number of bicycle parking spaces (50% to be located in indoor secured facilities)	151	156 (total)	

*Denotes regulations that do not comply

INTER-DEPARTMENTAL COMMENTS:

Notice was mailed to all agencies on April 28, 2023

- **Planning** – A red-line revision to Site plan will be required and pending confirmation on parking, a minor variance may be required to address parking deficiencies
- **Engineering** – Separate services and access are required as identified in the Pre-Consultation meeting held December 1, 2023 (see attached correspondence)
- **Building** –
- **Fire** -
- **MTO** Ministry of Transportation has indicated that they have no comments or concerns with this file.

- **NEC**
- **Hydro One**
- **NPCA –**
- **Region of Niagara** - during the Pre-consultation the Niagara Region noted that they do not object to the proposal in principle, as it meets the intent of the urban area policies of the Regional Official Plan and the City's Official Plan. Noting that the proposal will contribute to the City's intensification target set out within the Regional Official Plan, as well as will make use of existing serviced urban lands.

PUBLIC COMMENTS:

Notification was mailed to all neighbouring properties within a 60m radius of the subject lands on April 28, 2023. A Yellow sign was posted on the property a minimum of 10 days before the hearing. No Public comments were received as of the date of the writing of the report.


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