
The Corporation of the Town of Niagara-on-the-Lake

Information Report to Council

SUBJECT: Recommendations 1.6.10 to 1.6.12 of the February 13, 2018 Municipal Heritage Committee Meeting, As Amended - 144 & 176 John Street East

Date: June 07, 2018

Prepared By: Eric Withers

Department: Community & Development

1.0 BACKGROUND INFORMATION

At its February 13, 2018 meeting, the Municipal Heritage Committee (MHC) addressed current applications for Zoning By-law Amendment and Site Plan Approval related to lands municipally known as 144 & 176 John Street East (the "subject lands"). The properties form part of the former Rand Estate.

At its April 16, 2018 meeting, Council approved the recommendations of the February 13, 2018 MHC meeting, with amendments. Included in the amended recommendations were the following requests for additional information from Staff:

- 1.6.10 *That Council request staff for an information report, in consultation with legal on what steps Council can take to correct the zoning bylaw from 57' height to reflect the reports and discussion from 2011; and*
- 1.6.11 *That Council instruct staff to request confirmation from the applicant that they will allow additional time for the Town to complete the above reports, beyond 150 days from time of receipt of application; and*
- 1.6.12 *Council request staff for an information report on the Boxwood hedge, the impact to the 2011 OPA and appropriate remedies*

The purpose of this report is to provide information to Council in response to the above-noted recommendations.

1.1 RECOMMENDATION 1.6.10

Recommendation 1.6.10 of the Council approved MHC Minutes requests information from Staff, in consultation with the Town Solicitor, regarding "what steps Council can take to correct the zoning by-law from 57' height to reflect the reports and discussion from 2011..."

In approving the 2011 application for the subject lands, Council considered a total of three planning reports.

CDS-11-099 was authored for Community & Development Advisory Committee consideration of December 5, 2011. The report makes reference to a proposed Inn and Conference Facility constructed as an addition to the Manor House. The report describes the Facility (Building #4) as:

*3 storey, +/-4,545 m² (+/-48,928 ft²) addition, connects to Building #1 and 5
Maximum height from lower piazza 63' (19.2 m) 57 rooms.*

However, the draft Zoning By-law appended to the report identifies the maximum building height as 17.35 m (57 ft).

A copy of CDS-11-099 is included as **Appendix A** to this report.

CDS-11-099A served to provide clarification concerning traffic, parking, noise, use of the Devonian House and Site Plan Approval for the December 5, 2011 Community & Development Advisory Committee meeting.

The body of the report did not make any specific reference to height; however, the draft Zoning By-law appended thereto identifies the maximum building height as 17.35 m (57 ft).

CDS-11-099B was provided at the December 12, 2011 Council meeting to provide clarification concerning maximum floor area requirements

Again, specific reference to height was only addressed in the draft Zoning By-law, which imposed a maximum building height of 17.35 m (57 ft).

On December 12, 2011, Council approved Official Plan Amendment No. 51 (OPA 51) and Zoning By-law Amendment 4316T-11.

OPA 51

The Preamble (Part A) of the Official Plan Amendment states in part "*heights should not exceed 3-storeys above grade*". However, the Preamble does not constitute part of the amendment and the amendment contains no additional reference to height of buildings. A copy of OPA 51 is included as **Appendix B** to this report.

Zoning By-law 4316T-11.

The amending Zoning By-law imposes a maximum height restriction of 57 feet (17.35 metres) without any reference to storeys.

A copy of Zoning By-law 4316T-11 is attached to this report as **Appendix C**.

Given that there is no reference to maximum storeys in the Amendment (Part B) of OPA 51, there does not appear to be a conflict between OPA 51 and Zoning By-law 4316T-11.

If it were to be determined that a conflict existed between OPA 51 and By-law 4316T-11, the *Planning Act* provides as follows with respect to deemed conformity:

Pending amendments

24(2) If a council or a planning board has adopted an amendment to an official plan, the council of any municipality or the planning board of any planning area to which the plan or any part of the plan applies may, before the amendment to the official plan comes into effect, pass a by-law that does not conform with the official plan but will conform with it if the amendment comes into effect. 2006, c. 23, s. 12.

Same

*(2.1) A by-law referred to in subsection (2),
(a) shall be conclusively deemed to have conformed with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect;*

Deemed conformity

(4) If a by-law is passed under section 34 by the council of a municipality or a planning board in a planning area in which an official plan is in effect and, within the time limited for appeal no appeal is taken or an appeal is taken and the appeal is withdrawn or dismissed or the by-law is amended by the Tribunal or as directed by the Tribunal, the by-law shall be conclusively deemed to be in conformity with the official plan, except, if the by-law is passed in the circumstances mentioned in subsection (2), the by-law shall be conclusively deemed to be in conformity with the official plan on and after the day the by-law was passed, if the amendment to the official plan comes into effect. 2017, c. 23, Sched. 5, s. 90.

Clauses 24(2.1)(a) and 24(4) stipulate that if there are no appeals to a zoning by-law amendment, the by-law is conclusively deemed to conform with the official plan. These sections of the *Planning Act* provide municipalities and applicants with certainty regarding the status of approved zoning by-law amendments.

Steps

Should Council wish to further amend the zoning by-law to limit the height of buildings on the subject lands to a specific number of storeys, Section 34 of the

Planning Act provides that Council may pass and amend zoning by-laws. The process for a Town-initiated zoning by-law amendment is the same as that of an application for zoning by-law amendment by a member of the public. In particular, there are statutory requirements for public notice, public consultation (Open House, Public Meeting), and the decision of Council to amend the zoning by-law is subject to appeal to the Local Planning Appeal Tribunal.

1.2 RECOMMENDATION 1.6.11

Staff has received verbal confirmation from officers of the registered owner that they have not made any firm decisions with respect to appeal to the Local Planning Appeal Tribunal (LPAT) of a non-decision on the current applications. The officers further advised that they had responded to the same question at an earlier meeting of Council, available for viewing on the Town's live stream service, and that their position has not changed.

Staff wish to advise that, should the applicant choose to appeal a non-decision of Council on the proposed Zoning By-law Amendment within the required time frame to the LPAT, the appeal will have to satisfy the two-part conformity test established under subsection 34(11.0.0.0.2) of the *Planning Act*, which provides as follows:

(11.0.0.0.2) An appeal under subsection (11) may only be made on the basis that,

(a) the existing part or parts of the by-law that would be affected by the amendment that is the subject of the application are inconsistent with a policy statement issued under subsection 3 (1), fail to conform with or conflict with a provincial plan or fail to conform with an applicable official plan; and

(b) the amendment that is the subject of the application is consistent with policy statements issued under subsection 3 (1), conforms with or does not conflict with provincial plans and conforms with applicable official plans. 2017, c. 23, Sched. 3, s. 10 (1).

Paragraph 34(25)(1) of the *Planning Act* states that the appeal must be dismissed if the LPAT determines that the two-part test is not satisfied in the reasons for appeal.

If, on appeal, the LPAT determines that the two-part test is satisfied, the applications will be returned to Council under subsection 34(26.1) of the *Planning Act*, and Council will have 90 days to make a decision. Should Council fail to make a decision within 90 days on return of the applications to Council for a decision, the non-decision may again be appealed, and the LPAT may then make a decision on the applications.

1.3 RECOMMENDATION 1.6.12

Staff attended the subject lands on April 19, 2019 accompanied by a representative of the owner, and were able to inspect the condition of the boxwood hedge on the property. Staff with expertise in the identification of plant species were in attendance.

Based on the inspection, it appears that a portion of the hedge has been removed, while a portion remains.

With respect to the impact of the partial removal of the hedge on OPA 51, and vice versa, Staff note that OPA 51 does not, on its own, provide protection or recourse with respect to preservation of the hedge or lack thereof. To protect the hedge, implementation of the policies of OPA 51 is required, including the specific identification of the hedge as a protected feature in a designation by-law under Part IV of the *Ontario Heritage Act* , or in the form of an approved landscape plan contained in a registered site plan agreement under section 41 of the *Planning Act* . Until such implementation tools are in place, the policies of OPA 51 will continue to offer no effective protection of the boxwood hedge, or recourse in the event of its removal.

NEXT STEP / CONCLUSION

Staff understand that revisions to the application materials are forthcoming; however, no firm date has been provided. Upon submission of the revised materials, consideration will be given to the need for a second Open House for presentation of the revised proposal to the public. A statutory Public Meeting is also required by the *Planning Act* before a decision on the applications can be made.

ATTACHMENTS



Appendix A.pdf Appendix B.pdf Appendix C .pdf

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 4316T-11

(Randwood Estate)

Roll No. 262701000200900

Roll No. 262701000200800

A By-Law pursuant to Section 34 and 36 of the Ontario Planning Act to amend By-Law No 4316-09, as amended, entitled a by-law to regulate the use of land and the character, location and use of buildings and structures thereon.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:

1. Schedule "A-2" of By-Law No. 4316-09, as amended, be further amended by rezoning those lands shown on Schedule "1" and Schedule "2" attached hereto and forming part of this by-law to the identified site specific zones.
2. Notwithstanding the provisions of the "General Commercial (GC) Zone" of the Old Town Community Zoning District, the following provisions shall apply to the lands shown on Schedule "1" and Schedule "2" attached hereto identified as General Commercial – Randwood Estate (GC-56) Holding (H) Zone and Open Space – Randwood Estate (OS-56) Holding (H) Zone.

General Commercial – Randwood Estate (GC-56) Holding (H) Zone

2.1 Permitted Uses:

- a) A hotel with a maximum of one hundred and six (106) rooms
- b) A conference centre
- c) An artist studio(s) and learning centre
- d) An art gallery
- e) A restaurant
- f) An outdoor patio
- g) Accessory buildings and structures

2.2 Zone Requirements:

- a) Minimum lot frontage.....300 m (984.2 ft)
- b) Minimum lot depth.....120 m (393.7 ft)

- c) Minimum landscaped open space..... 50%
- d) Maximum lot coverage..... 12%
- e) Minimum main building setbacks in accordance with Schedule "2" attached.
- f) Minimum vehicular access ramp setback.....30.48m (100 ft.)
- g) Maximum building height.....17.35m (57 ft)
- h) Maximum seating capacity for restaurant.....200 seats
- i) Maximum number of rooms for the hotel..... 106
- j) Maximum ground floor area of all buildings in the commercial zone.....4181 m² (45000 ft²)
- k) Maximum floor area of spa185.8m² (2000 ft²)
- l) Maximum ground floor area of Arts & Learning Centre 1250m² (13,463 ft²)
- m) Devonian House:
No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the hotel use.

3. That Section 5—Definitions of By-Law No. 4316-09, as amended, be further amended by adding the following definition as Section 5.104A as follows
 "CONFERENCE CENTRE means a building used for social or cultural activities, hosting of banquets or receptions and meetings. Facilities may include meeting rooms, auditoriums, kitchen facilities, banquet rooms and other compatible accessory facilities contained within the building."

4. Notwithstanding the provisions of the "Open Space (OS) Zone" for the Old Town Community Zoning District only the following uses shall apply to those lands identified as Open Space – Randwood Estate (OS-56) Holding (H) Zone on Schedule "1" attached hereto:

Open Space – Randwood Estate (OS-56) Holding (H) Zone

4.1 Permitted Uses:

- Pedestrian and carriage pathways
- Existing structures
- Stormwater management facilities
- Parking spaces to a maximum of 50 spaces
- Walls along John and Charlotte Streets
- Accessory landscaping structures or uses

4.2 Zone Requirements

A minimum setback for accessory structures shall be 7.5m (24.6ft) from all property lines.

- 5. Notwithstanding Section 6.39 Parking Space Requirements of By-Law No. 4316-09, as amended; a minimum of 250 parking spaces shall be required.
- 6. No amplified music or public address system shall be utilized outdoors.

7. All other provisions of Zoning By-Law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.
8. The Holding (H) Zone shall not be lifted from the General Commercial – Randwood Estate (GC-56) Holding (H) Zone and Open Space – Randwood Estate (OS-56) Holding (H) Zone until such time as applicant has received site plan approval from the Town of Niagara-on-the-Lake.

If no notice of objection is filed with the Clerk within the time provided, this By-Law shall come into force and take effect on the date of passing by the Council of the Corporation of the Town of Niagara-On-The-Lake in accordance with Section 34 and 36 of the Planning Act, R. S. O. 1990.

If a notice of objection is filed with the Clerk, this By-Law shall become effective on the date of passing hereof, subject to receiving the approval of the Ontario Municipal Board.

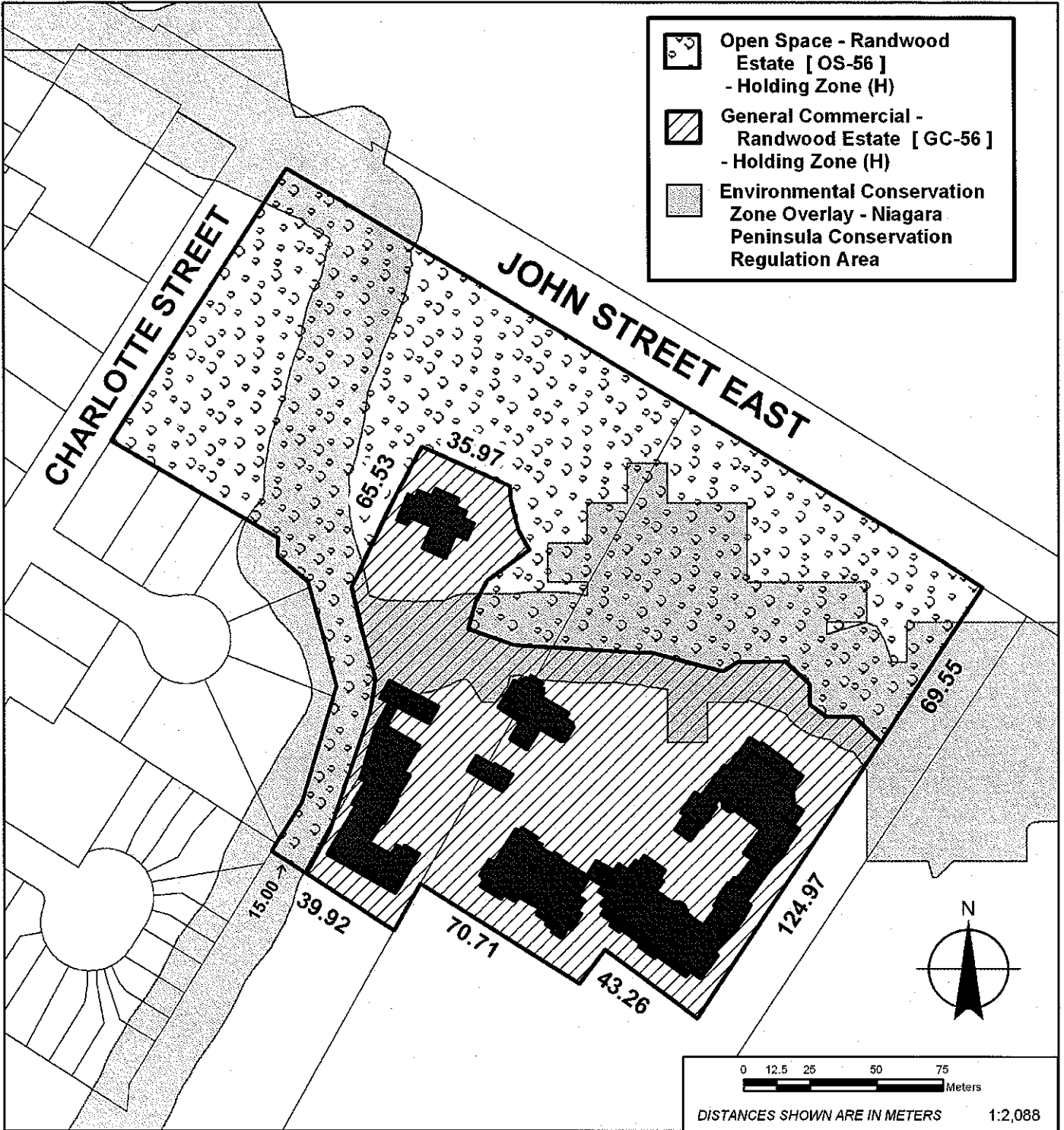
READ A FIRST, SECOND AND THIRD TIME THIS 12th DAY OF DECEMBER, 2011.



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD



SCHEDULE 1

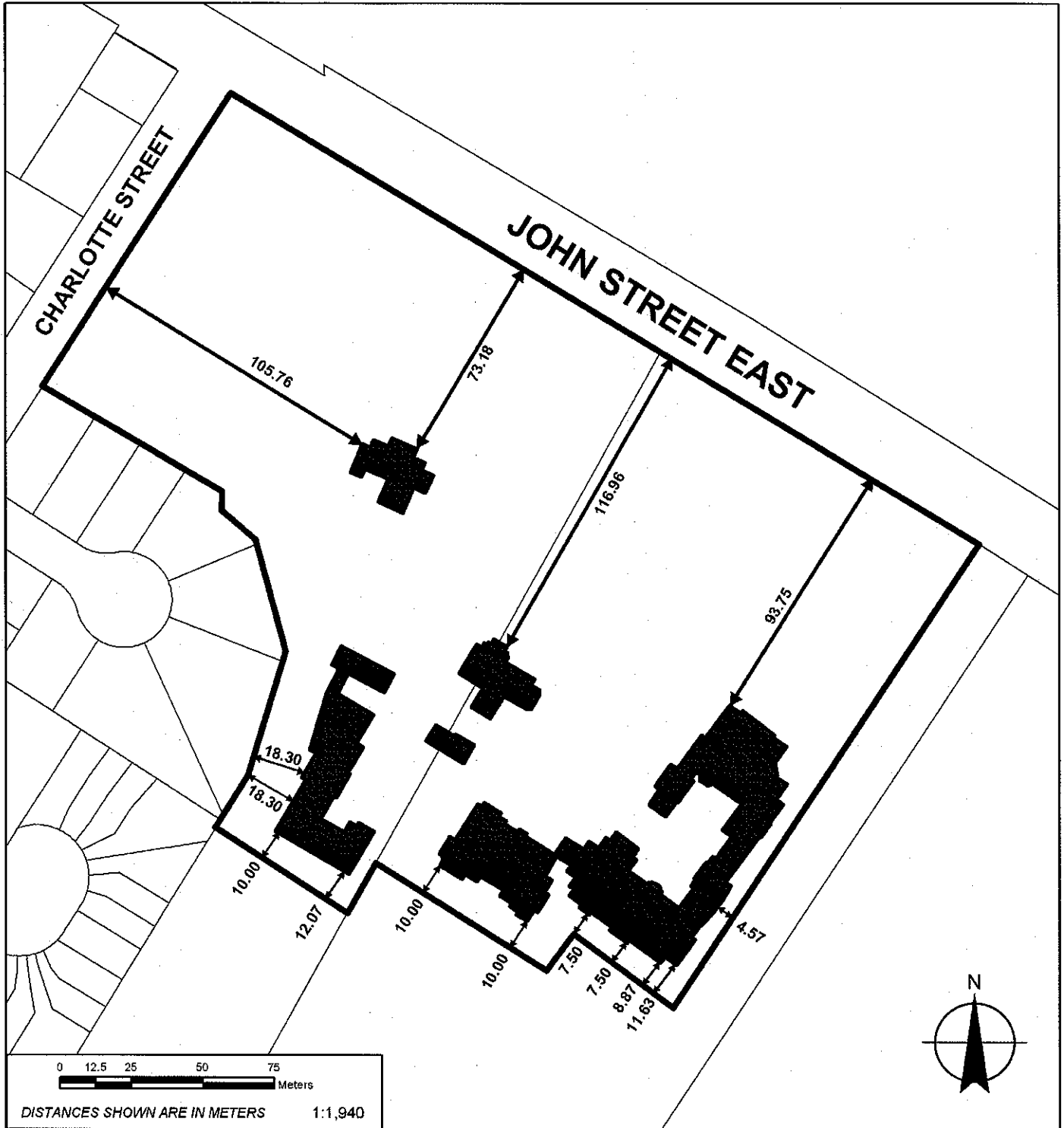
BY-LAW 4316T-11 BEING AN AMENDMENT TO SCHEDULE "A-2" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE, AS PASSED ON THE 12th DAY OF DECEMBER, 2011.

[Signature]

**LORD MAYOR
DAVE EKE**

[Signature]

**TOWN CLERK
HOLLY DOWD**



SCHEDULE 2

BY-LAW 4316T-11 BEING AN AMENDMENT TO SCHEDULE "A-2" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE, AS PASSED ON THE 12th DAY OF DECEMBER, 2011.

LORD MAYOR
DAVE EKE

TOWN CLERK
HOLLY DOWD

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4511-11**

(Official Plan Amendment– Randwood Estate)

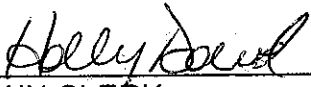
The Council of the Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Planning Act, hereby enacts as follows:

1. Amendment Number 51 to the Town of Niagara-on-the-Lake Official Plan consisting of the attached explanatory text and schedule is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this 12th day of December 2011.



LORD MAYOR
DAVE EKE



TOWN CLERK
HOLLY DOWD

Certified that the above is a true copy of By-law No. 4511-11 as enacted and passed by the Council of the Corporation of the Town of Niagara-on-the-Lake.

PART A – THE PREAMBLE -

This part does not constitute part of this amendment.

PART B – THE AMENDMENT -

This part consists of the following text and schedule, which constitutes Official Plan Amendment No. 51 to the Town of Niagara-on-the-Lake Official Plan approved on December 12, 2011.

PART C – THE APPENDICES -

Does not constitute part of this amendment. The appendices include a copy of the public meetings held in accordance with this amendment.

PART A – THE PREAMBLE

The preamble does not constitute part of this amendment.

Purpose

The purpose of this amendment is to redesignate lands at 144 & 176 John Street to a site specific General Commercial and site specific Open Space designation.

The northern boundary of the property fronts onto John Street, with Charlotte Street abutting the western edge of the property. The south west boundary of the property abuts a residential subdivision. To the east is a house that was related to Randwood but was subdivided and separated from the Randwood Estate by a thick coniferous hedge and a right-of-way. The property is bisected by One Mile Creek which runs generally north south through the property on the west side. The creek splits at the rear of the properties on Christopher Court and a tributary of the creek runs east/west through the estate.

Although the Randwood Property lies outside the national heritage district of the Old Town, Randwood has been listed on the Town's heritage register. The property will undergo designation under Part IV of the Ontario Heritage Act at the site plan application stage, once the details of the development have been determined.

The existing designations of Established Residential and Conservation reflect the single detached dwelling on the property and the natural feature of One Mile Creek and the tributary of One Mile Creek that transect the property.

The proposed designations will establish the policy direction to permit an inn, a spa, a conference centre, and an arts and learning centre. One of the significant features of the property is the size of the lot and the heritage features of the buildings as well as the designed landscape features.

Basis

The basis of this amendment is as follows.

1. The subject property is an expansive 13 acre estate located near the south eastern boundary of Old Town within Niagara-on-the-Lake and contains a number of buildings including the main house (known as Randwood), the Devonian House and the Coach House.
2. The proposal will ensure that the significant heritage and cultural landscaped features are maintained or minimally impacted while keeping the large estate lot as one property versus other possible proposals which could allow for this significant property to be subdivided into small pieces and would result in the loss of one of the few remaining estates in Niagara-on-the-Lake.
3. In recognition of the heritage value of the property, the applicant included a Heritage Impact Assessment. The consultants completed an inventory and analysis of the property and conducted historical research in order to determine the important heritage attributes and elements of the site and their significance with regard to events and movements that influenced local and national history. The report concluded that the majority of the proposed development is sensitive to the context and layout of the property and avoids demolition of any significant heritage assets on the site including the designed landscape features. The Heritage Impact Assessment supports the efforts of the proposed redevelopment to protect the heritage resources and landscape on the site while providing a viable new use for the heritage asset that will preserve and conserve it into the future.

4. The Heritage Impact Assessment provides mitigative measures to protect views, the cultural landscape, and the existing buildings on the site. The policies of this amendment will require that these measures be implemented.
5. A needs assessment and marketing study was submitted as part of the application and the anticipated economic benefit of the proposed development is expected to be significant for the Town of Niagara-on-the-Lake and the Niagara Region as a whole.
6. The needs assessment and marketing study concluded that the 100-room Inn and arts and learning centre will not negatively impact the overall market in the long term but that the conference facilities will be important in making the project economically viable as ultimately, over 40% of the demand will be for the conference or special events facilities.
7. A peer review of the Randwood Estate proposal was conducted by Brook McIlroy Inc. to provide some further urban design recommendations given the significance of the property and the scale of the proposal. The recommendations include reducing the massing of the buildings especially any long walls as this is not proportional with the existing buildings, increasing the side and rear yard setbacks, heights should not exceed 3-storeys above grade, and terraces on the upper-storeys of buildings should face the interior of the property and should not be overlooking neighbouring properties.
8. This amendment will be implemented by a site specific zoning by-law amendment and a site plan agreement.

PART B – THE AMENDMENT

All of this part of the document entitled 'Part B – The Amendment' consisting of the following text and Schedule 1 constitutes Amendment Number 51 to the Official Plan of the Town of Niagara-on-the-Lake.

Details of the Amendment

- i. That Schedule "B" Land Use Plan – Niagara/Old Town is amended by Schedule "1" attached hereto and forming part of this amendment.
- ii. That Part 3 "Land Use Policies," Section 10: Commercial is amended by adding new policies titled "General Commercial (Randwood Estate)" after "Regional Commercial (Niagara-on-the-Green)" as follows:

General Commercial (Randwood Estate)

1. In the General Commercial (Randwood Estate) designation the following land uses shall be permitted:

Main Uses	Hotel Spa Arts and Learning Centre Conference Centre Restaurant
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Secondary Uses Accessory buildings and structures.

2. At site plan approval stage, the property shall be designated under Part IV of the Ontario Heritage Act.
3. The final design and plans of any additions or new buildings shall be subject to approval by the Municipal Heritage Committee.
4. Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses.
5. No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.
6. All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.
7. There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces.
8. There shall be adequate building separation from adjacent residential uses.
9. A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application.
10. The boxwood hedge within the buffer area adjacent to the western property line shall remain and be properly protected and preserved to insure its continued growth. At site plan stage measures to mitigate construction impacts to protect the boxwood hedge will be required.

- iii. That Part 3 Land Use Policies, Section 15: Open Space and Community Facilities is amended by adding new policies titled “Open Space (Randwood Estate)” after “Open Space and Community Facilities” as follows:

Open Space (Randwood Estate)

1. In the Open Space (Randwood Estate) designation the following land uses shall be permitted:

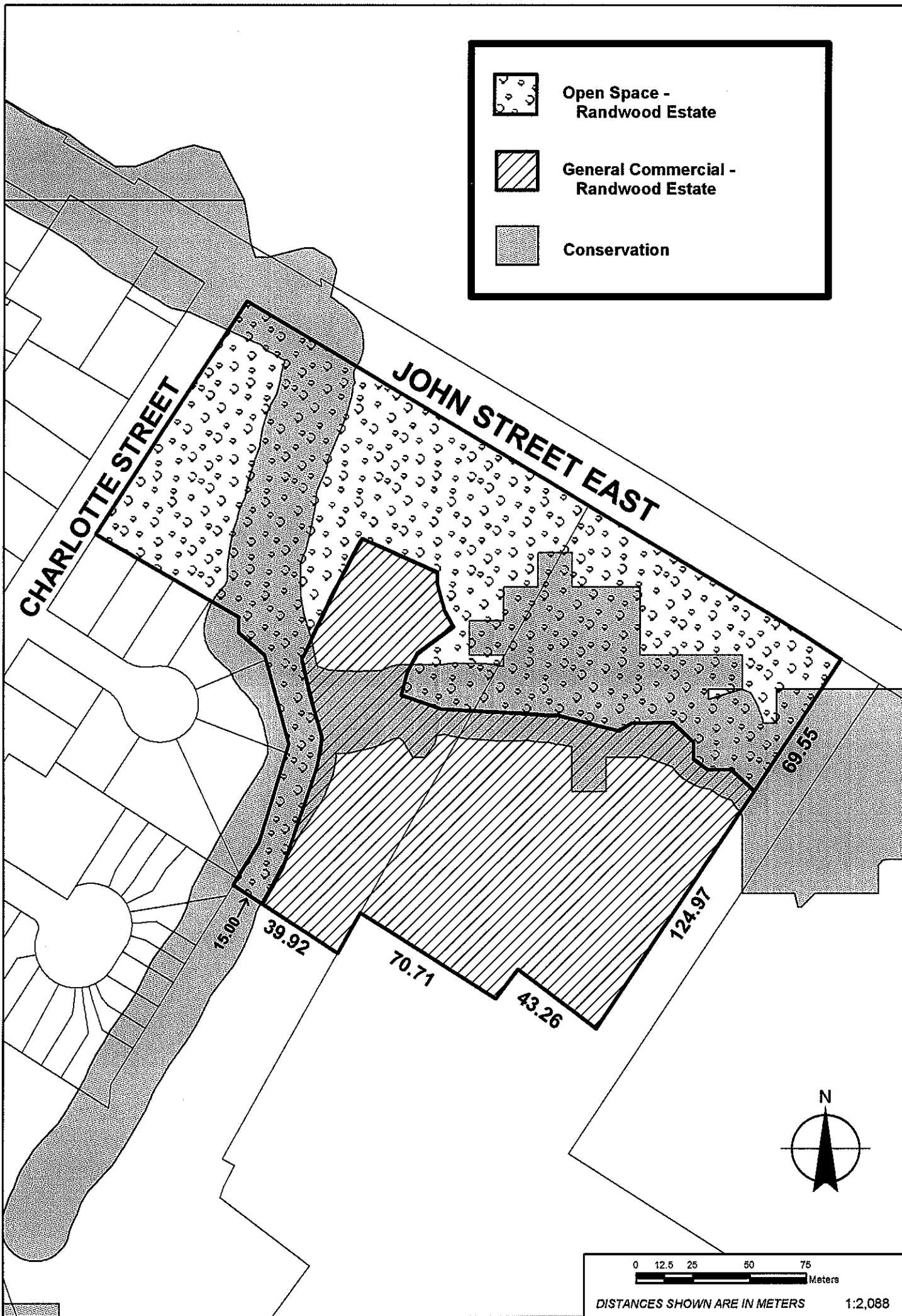
Main Uses Pedestrian and carriage pathways
Existing buildings and structures
Stormwater management facilities
Parking lots
Walls along John and Charlotte Streets
Accessory buildings and structures to main uses
in the General Commercial (Randwood Estate)
designation.

2. All parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.
3. There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces or accessory buildings or structures..
4. A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment Number 51 but are included as information supporting the amendment.

- | | |
|--------------|---|
| Appendix I | Location Map |
| Appendix II | Notice of Public Meeting – September 26, 2011 & November 28, 2011 |
| Appendix III | Minutes of Public Meeting – September 26, 2011 & November 26, 2011 |
| Appendix IV | Planning Justification Report, Randwood Estate Development, CDS-11-099, CDS-11-099A and CDS-11-099B |



SCHEDULE ATTACHED TO OFFICIAL PLAN AMENDMENT #51

Dave Eke

LORD MAYOR
DAVE EKE

Holly Dowd

TOWN CLERK
HOLLY DOWD



The Town of Niagara-On-The-Lake

Department of Community
& Development Services
Telephone (905) 468-3266
Facsimile (905) 468-0301

1593 Four Mile Creek Road
P.O. Box 100
Virgil, Ontario
L0S 1T0

Report:	CDS-11-099	Committee Date:	December 05, 2011
		Due in Council:	December 12, 2011

Report To:	Community & Development Advisory Committee
Subject:	Application for Official Plan and Zoning By-law Amendment - 144 & 176 John Street - Randwood Inn and Arts & Cultural Learning Centre

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The draft Official Plan amendment attached as Appendix E for lands at 144 & 176 John Street be forwarded to Council for adoption.
- 1.2 The draft Zoning By-Law amendment attached as Appendix F for lands at 144 & 176 John Street be forwarded to Council for adoption.
- 1.3 The Official Plan Amendment, and Zoning By-law Amendment are consistent with the provincial policy statements issued under the Planning Act and do not conflict with provincial plans.
- 1.4 That the property be designated under Part IV of the Ontario Heritage Act at the site plan approval stage.

2. PURPOSE / PROPOSAL

The applicant has requested an Official Plan and Zoning By-law amendment to permit a 106 room inn with a restaurant, spa facilities, a conference centre, a special events pavilion and an arts and learning centre on the property known as Randwood at 144 and 176 John Street. Total coverage for all buildings existing and proposed buildings on the site will be 12%

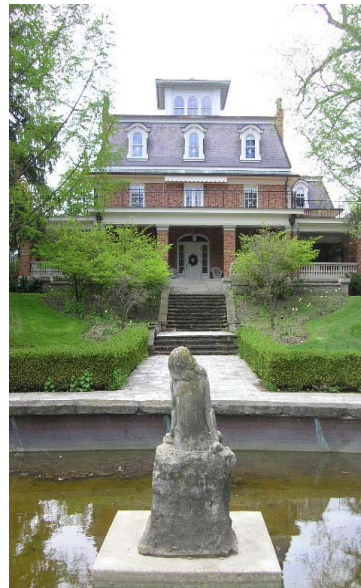
To support and inform the application, the proponent has provided the following documents: a planning report; a needs assessment and market study; a heritage impact assessment; an environmental impact study; a preliminary servicing report; a report regarding the historic preservation of the landscape and gardens; a stage 1 and 2 archaeological assessment; and a traffic impact and parking study.

The Official Plan and Zoning By-law amendments are the first stage in the approval process. A site plan application will be required to implement the proposed development with respect to building elevation design, landscaping, lighting, storm water management etc. The site plan application will be submitted following Council's decision regarding the Official Plan and Zoning By-law amendments.

3. BACKGROUND

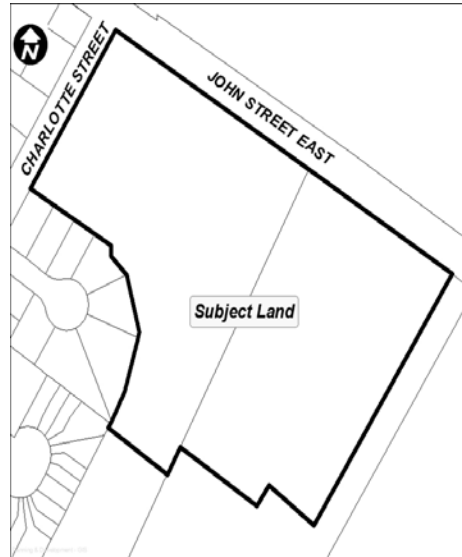
The property now known as Randwood was originally part of a 160 acre Crown grant made to Peter Russell in 1796. The land passed from Russell, who was Receiver General from 1792-1796, to the Honourable William Dickson, a member of parliament and one of Upper Canada's first lawyers. Dickson subdivided his property between his 2 sons, one of whom constructed the house now known as Randwood. The property was purchased as a summer home in 1905 by George F. Rand, a prominent American banker. The Rands made a number of significant changes to the property including alterations to the main house; construction of the Colonial Revival Devonian House in 1921; alterations to the Coach House in 2001; and major formal landscaping by the firm of Dunnington-Grubb Landscape Architects carried out over a span of approximately 20 years between 1920 and 1940.

There are 3 existing buildings on the site, the original Randwood House, the Devonian or Sheets House, a renovated coach house and 2 gazebos. A high wall encloses the property along John and Charlotte Streets. There are currently 2 gated entrances to the site on John Street. The property is bisected by One Mile Creek which runs generally north south through the property on the west side. The creek splits at the rear of the properties on Christopher Street. At this point a tributary of the creek runs east/west through the estate.



Site Description and Surrounding Land Use

The property is located at the southwest corner of John and Charlotte Streets. The site is approximately 13.29 acres in size and is surrounded on 2 sides (Charlotte and John Street) by a stone and brick wall.



The estate is bounded to the north by the large open space known as the Commons and the buildings constituting Butler's Barracks. These lands and buildings are owned and operated by Parks Canada. To the south and east are large residential estate properties. The property at 588 Charlotte Street is the location of the original Randwood stables which have been converted to residential use. The property at 200 John Street was originally part of the estate and is accessed by a long laneway which borders the east side of the subject property. On the east side of the laneway at 210 John Street is another large estate property with a house and 2 outbuildings. To the west are the residential developments on Weatherstone Court and Christopher Street which were once part of the Randwood property. The old Randwood milkhouse, which was converted to a dwelling in the 1990's, is located on Weatherstone Court and is designated under Part IV of the Ontario Heritage Act. On the east side of Charlotte Street are dwellings of various ages and design located on relatively large lots. The Pillar & Post Inn, Spa and Conference Centre is situated further to the east on the northeast corner of John and King Streets.

Policy Considerations

Provincial Policy Statement (PPS)

The subject applications were reviewed with regard to the Provincial Policy Statement, The Growth Plan, and The Regional Policy Plan. See **Appendix A** for a summary of how this application conforms with the Provincial Policy Statement.

Regional Policy Plan

The property is within the Urban Area Boundary and the Built Up Area of the Town

of Niagara-on-the-Lake and as such detailed decisions with respect to individual development applications are the responsibility of the local municipality.

Official Plan

The property is designated Established Residential and Conservation in the Town's Official Plan. Main uses permitted in the Established Residential designation include low density residential uses such as single detached, semi-detached and duplex dwellings. Secondary uses permitted with the main use include such things as bed and breakfasts, accessory apartments, group homes, home occupations and accessory buildings and structures.

The Conservation designation affects those lands associated with One Mile Creek. Uses within this designation are restricted to conservation type uses.

Zoning By-law 4316-09

The property is zoned Established Residential (ER-15). Permitted uses on the site include a single detached dwelling and a private school.

The applicant is applying to rezone the property to General Commercial (CG) Zone to permit the inn, a restaurant, an outdoor patio and an arts and learning centre and Open Space (OS) Zone to allow for conservation and stormwater management; to recognize the environmental constraints and to limit the use of this zone to existing landscape features, parking lots, pathways and the perimeter wall.

Heritage

Randwood is listed in the Town's Register of Heritage Resources as a non-designated property. Inclusion on the Register indicates that the property is a significant heritage resource as identified by Council. An application to demolish any structure on the property requires a request in writing to Council. Properties listed in the Town's Register may be eligible for designation under Part IV of the Ontario Heritage Act.

The property is also listed as an Estate Lot in Nicholas Hill's 1986 Estate Lot Study. However, the estate lot policies of the Official Plan are for subdivision or consent applications and do not consider zoning or official plan amendments.

The property is in the zone of archaeological potential. The applicant completed a stage 1 and 2 archaeological survey. The report recommends that a stage 3 survey be completed before any construction commences on the site. Clearance from the Ministry of Tourism and Culture with respect to the findings and any required mitigation measures relating to the archaeological resources on the site is also required prior to development proceeding.

The applicant has provided a Heritage Impact Assessment for the property that:

- provides an inventory of the heritage attributes on the property.
- provides historical research to determine the important heritage attributes and

- elements of the site
- analyses the impacts of the proposed development on the existing heritage resources
- proposes mitigation that would be required in order to protect the resources.

While the heritage impact assessment provides recommendations for short term conservation of the cultural heritage landscape and individual structures during the development stage, it does not address the long term protection of these features once the property is developed as an inn and cultural centre. In order to ensure the long term future of these resources it is recommended that the property be designated under Part IV of the Ontario Heritage Act at the site plan approval stage.

The Municipal Heritage Committee visited the site and reviewed the proposal and have made the following recommendations to Council and staff with respect to the proposed development.

1. The Heritage Impact Assessment follows the Ministry guidelines for Heritage Impact Assessments in the Ontario Heritage Toolkit.
2. The Heritage Impact Assessment provides for mitigative measures to protect views, the cultural heritage landscape and the existing buildings on the site. These mitigative measures are recommended to be followed.
3. The master plan is designed to locate most new buildings and additions at the rear of the property which protects the natural and cultural heritage landscape.
4. The location of new additions behind existing buildings is a good approach to protecting the heritage resources.
5. The property be designated under Part IV of the Ontario Heritage Act in order to provide additional protection for the heritage resources from the impact of any future alterations to the site.
6. The Heritage Impact Assessment provides some comments with respect to the design of the new buildings and additions. The design should be simplified to allow the landscape and the existing structures to remain prominent features of the site.
7. The applicant returns to the committee for review of the design as it develops.

Urban Design

The Urban Design Committee made the following recommendations to staff with respect to the proposed development.

1. The master plan generally protects the significant designed and natural cultural landscape features and conserves the significant green space.
2. Any additions should reference the architectural features of the existing buildings.
3. Plans for each building be submitted to the Urban Design Committee as well as any changes that occur to the design.
4. Design of addition to the Randwood house must be well executed using appropriate quality materials.
5. The proposed Large Event Pavilion is a highly decorative building that

- could positively impact and alter the existing cultural landscape.
6. Opening the entrance and providing a carriageway/walkway to the Large Events Pavilion will impact the streetscape and provide a second important focal point or vista into the estate.
 7. Any impact on the neighbouring properties, such as the location of the entrance to the underground parking lot and the position of the addition to the Coach House must be mitigated by the introduction of significant screening and other landscape features.

An urban design peer review was also undertaken by Brook McIlroy Inc. in June 2011. The key priorities cited in their review were:

- adequate building setbacks to maintain privacy to adjacent residential properties and preservation of the creek, mature trees and other landscape elements.
- Compatible height and mass of proposed buildings with existing buildings.
- Assurance that the architectural quality of the proposed buildings is of a high standard in keeping with the complexity of their period style

Key recommendations of this review include:

- The siting of buildings be reconsidered to reduce the mass of buildings at the southern end of the property through the rotation of building #4 and /or the redistribution of gross floor area to the existing central open space.
- The size of the proposed surface parking area adjacent to the Coach House should be minimized and enhanced landscaping and design features are to be considered in order to minimize adverse impacts.
- All elevations of the building should maintain a level of detail that is at least on par with the south elevation.

In response to these recommendations the applicant increased the rear yard setback of Building #7 by reducing the size of the proposed addition by approximately 1000 sq.ft. The rear yard setback for Building # 5 was increased from 14' to a minimum of 32'9" by moving the building forward into the large green space between the Events Pavilion and Building #4. The rear yard setback for Building #4 was increased from 14' to 24'7" by reducing the size of the lower level outdoor plaza. In addition, the southeast corner of the building will be to increase the setback and mitigate impacts on the existing inground pool at 200 John Street.

While siting of the new buildings and building additions has not been reconsidered, the applicant will be relocating the vehicle access ramp, reconfiguring the southwest corner of Building # 7 in order to conserve the boxwood hedge and reconfiguring the southeast corner of Building 4 to provide an increased setback from the existing pool at 200 John Street. The proposed pool adjacent to Building #5 will also be moved to an alternate location. Other design issues such as the detailed elevations and assurance with respect to architectural quality will be addressed at the site plan application stage along with

location of parking and landscaping.

Circulation Comments

Region of Niagara

The Region of Niagara is generally supportive of the proposal and has no objection to the proposed Official Plan and Zoning By-law amendments from a Provincial or Regional policy perspective. **(Appendix B)**.

Niagara Peninsula Conservation Authority

The Conservation Authority has provided the following comments.

- New development and site alterations are generally not permitted in the floodplain area.
- Watercourses on the site require a 15m buffer in which generally no new development or site alterations are permitted.
- One Mile Creek and its tributary as well as the 15m setback must be placed in a Conservation Zone designation.
- The subject lands contain endangered species including the Eastern Flowering Dogwood and significant woodlands. Generally, no new development or site alterations can occur in an area identified as significant habitat of endangered and threatened species.
- Site alterations may be permitted in an Environmental Conservation Area and/or fish habitat and on lands adjacent to an Environmental Protection Area if an Environmental Impact Study (EIS) indicates that there will be no significant impact on the Core Natural Heritage System component of adjacent lands.
- The Conservation Authority recommended that more information was required with respect to the Eastern Flowering Dogwood and Ohio Buckeye on the site and any other species of concern.
- The Conservation Authority recommended that the "Analysis of Existing Trees Affected by Proposed Development on the Site" should be updated to reflect the most recent Preliminary Site Plan Concept or that an additional tree inventory be conducted to better understand any additional impacts due to the addition of the proposed vehicle ramp and parking lot between the Coach House and Building 7 and the drop off area associated with the proposed Large Events Pavilion. The report should include all information required for completion of a trees saving plan.

Based on the comments provided by the Niagara Peninsula Conservation Authority the applicants' Landscape Architect met with the Conservation Authority staff in their offices and on site. As a result of these meetings separate reports were prepared by John Morley and Associates Landscape Architect and Greenwillow Consulting. These reports form an addendum to the Environmental Impact Study prepared in 2008. The reports identified and located the endangered Eastern Dogwoods and recommended appropriate avoidance procedures and preparation of a Tree Preservation Plan. The addendum also noted that no Papaw or Ohio Buckeye were found during the on site investigations.

The applicant intends to address other issues such as stormwater management and grading when the site plan application is submitted. The proposed master plan submitted as part of the Official Plan and Zoning By-law application locates the entrance/exit ramp to the underground parking area within the 15m floodplain buffer area. The applicants have agreed to relocate the vehicle access ramp away from the rear yards of the properties on Christopher Street and outside the 15m floodplain buffer area. The final location of the entrance ramp to the underground parking garage will be determined at site plan stage when detailed grading of the site is known. The proposed zoning by-law amendment recommended by staff does provide a minimum setback of 30.48m (100 ft.) *which would locate the ramp outside the floodplain buffer zone.*

Parks Canada

The application was circulated to Parks Canada for comment because the Commons and Butler's Barracks are adjacent to the Randwood Property on the north side of John Street.

Parks Canada has indicated that the size and location of the proposed development will pose little threat to the heritage integrity of the Butler's Barracks or Fort George National Historic Sites. Senior advisors did note, however, that some of the buildings were 4 storeys high with decorative chimneys and turrets. Staff at Parks Canada would not like to see anything higher because these architectural features would begin to dominate the forested horizon as viewed from the Commons. Chimneys are exempt from maximum height requirements in the Zoning By-law. The final determination of chimney height will be established at site plan stage when the final building elevations are approved.

Public Works

The Public Works Department indicated that it has no concerns at this time and will provide detailed comments when a site plan application is submitted.

With respect to the parking and traffic study produced by Paradigm Transportation Solutions, Public Works reviewed the report and did not identify concerns regarding traffic matters and indicated that intersections outside of the Town's control should be reviewed by the Region and the Niagara Parks Commission. The Niagara Parks Commission indicated that it did not need to review the traffic impact study because the proposed development is beyond their jurisdiction. The Region of Niagara did not identify concerns with respect to traffic matters.

Building Services and Fire

The Chief Building Official indicated that, at site plan stage, the site plan must show the fire routes with dimensions, radius, principal entrances to buildings, distance from principal entrance to fire route and any other information relating to fire routes.

The Fire Department identified challenges with access to the property. Currently

only one access gate can accommodate fire trucks. A second means of access to the property via one of the other entrances off John Street can be used but the gates will have to be re-hung to meet emergency vehicle access requirements. The proposed preliminary site plan does not show fire access routes to the proposed inn and conference facility. These will be required at site plan stage. All fire access routes to any building shall conform to the Ontario Building Code.

A professional engineer must determine if the bridges on the property are capable of withstanding the weight of fire trucks. Existing and any additional fire hydrants for the development must be verified for the current and proposed buildings as these are private hydrants that do not receive annual water flow verifications and maintenance by the municipality.

The issue of fire access routes, fire hydrants and engineering are matters that will be addressed at the site plan application stage.

Public Information Meeting & Other Comments

A public information meeting was held on September 30, 2010. The following is a summary of the comments received at that meeting with responses to those comments.

- Where is buffer located and how will it be impacted by new construction?
Landscaped buffers are located around the perimeter of the property and will be protected by appropriate building setbacks ranging from 7.50m (24'7") to 18.30m (60'). Additional landscaping along the southern property line that will augment existing landscaping will be addressed at the site plan stage. The zoning by-law requires a 3.0m wide landscape buffer adjacent to residential zones.
- What is the impact of the development on the creek and what is meant by conservation of the creek? There will be environmental impacts. Should be an environmental impact study.
Conservation of the creek means that the creek will be protected from the proposed development through appropriate building setbacks and approved stormwater management. The stormwater management plan will be designed, reviewed and approved at site plan stage. An environmental impact study has been completed and reviewed by the Niagara Peninsula Conservation Authority. Matters have been addressed to the satisfaction of the NPCA.
- What is the timing of construction and opening of the arts/cultural centre? How long will construction take?
Construction can only commence after the site has received all approvals related to site plan control, i.e. approved servicing plans, appropriate securities have been deposited with the Town, and all necessary clearances from other agencies are in receipt, i.e. clearance from the Ministry of Culture. It is anticipated that construction will take 12-18 months.
- How do vehicles enter the underground parking?
Vehicles will enter the underground parking via an internal driveway. The access to the underground parking will be landscaped and screened from view from the adjacent residential properties. The applicants have agreed to relocate the

vehicle access ramp away from the properties on Christopher Street and outside of the 15m conservation buffer. The proposed zoning by-law will reflect the new setback.

- What will happen if the development is not approved?
It is speculative to suggest what will happen if the development is not approved. The developer will have a number of options to consider should the development not be approved including appealing Council's refusal to the Ontario Municipal Board.
- How will the boxwood hedge be protected?
The boxwood hedge will be protected through appropriate building setbacks. The applicants have agreed to reconfigure the southwest corner of Building #7 to increase the setback from the hedge.
- There will be noise from the restaurant.
The restaurant is located within the manor house. While there will be seasonal outdoor seating in the piazza, the piazza is sunken and surrounded primarily by the hotel building which will act as a sound barrier. As this area is also surrounded by guest rooms, it is in the developers' interest that noise will be kept to a minimum.
- What is the financial capacity to support the redevelopment?
The developer is responsible for all costs associated with proposed redevelopment and any improvements that are required to municipal infrastructure. The Town will receive revenue through building permit applications, development charges and long term tax revenues.
- What are the social impacts?
Social impacts relate to the long term protection of the significant cultural heritage attributes of the site, having the site accessible to the public, and opportunities for cultural learning and enrichment.
- Do the gates need to be widened to accommodate emergency vehicles?
The eastern gate does not need to be altered to accommodate emergency vehicles. The western gates will need to be reconfigured in terms of how they hang on the gate posts, however the opening between the gate posts does not need to be altered.

Since the public information meeting there have been a number of letters and emails commenting on the proposed development. These are summarized in the attached table (**Appendix C**). The correspondence is also attached.

A public meeting under Sections 22 and 34 of the Planning Act was held on September 26, 2011. The following is a summary of the comments received at that meeting and responses to those comments.

- Concern regarding the height of the new buildings and impact on privacy.
The proposed hotel buildings will have 3 storey profile when viewed from adjacent properties and a 4 storey profile when viewed internally from the site due to the sunken nature of the piazza area. Balconies are proposed on the second floor. Any balconies or terraces above the second floor will not be oriented towards adjacent residential properties, but will be oriented internally into the site. Additional landscaping along the southern property line will be

required at site plan stage to augment existing landscaping to ensure privacy on adjacent properties is maintained. The coach house will maintain a 1 1/2 storey profile and while there are a number of windows proposed on the exterior of the building that is adjacent to residents, the primary function is for light. The existing vegetation and treed buffer along the western property line will remain and continue to provide the privacy protection to the residents of Christopher Street.

- *Proposal is too large.
A 106 room hotel is consistent in size with other medium sized hotels in the Town. (Pillar & Post 122 rooms, Queen's Landing 142 rooms, Prince of Wales 110 rooms, White Oaks 200 rooms.) The addition of the conference and banquet facilities and arts and learning centre increases the size of the proposal. However, all of the above hotels offer meeting facilities with Queen's Landing and White Oaks also providing banquet space for 250 and 300 people respectively. Both White Oaks and the Pillar and Post also provide spa facilities. Given the context of the Randwood site, which is 13.29 acres located behind a privacy wall, the size is not considered large.*
- *Design is not complementary to existing buildings.
The elevations provided with the application are only preliminary renderings. Detailed drawings will be provided at site plan stage and will be reviewed by the Municipal Heritage Committee and the Urban Design Committee to ensure compatibility with the existing buildings.*
- *Parking is not adequate. No accommodation of buses on the site.
The proposed number of parking spaces meets the requirements of the Zoning By-law and will adequately accommodate parking for the hotel, restaurant and conferences or other special events. Any overflow parking can be accommodated on the open ground at the northwest corner of the property. The applicant does not anticipate accommodating groups that would normally arrive by bus and has not provided for bus parking.*
- *This is a major amendment to the Official Plan.
The proposed Official Plan amendment is site specific in nature and is exempt from Regional approval. The Region has no objections from a Provincial or Regional perspective and indicates that the applications are intending to facilitate the redevelopment of a historic property into a new viable use which makes efficient use of land, infrastructure and services. It also provides for the preservation of natural and cultural resources.*
- *Need to maintain low density character of surrounding land uses.
The proposed use will be confined within the walls of the estate. In addition there will be mitigation measures such as adequate setbacks from neighbouring properties, landscaping requirements and maximum lot coverage requirements to ensure that the use will not intrude into the residential area and the adjacent residential uses are appropriately protected.*
- *Needs assessment is inadequate and out of date.
Although the study was completed in 2008, before cancellation of Project Niagara, the applicant has indicated that the proposed inn, arts and learning centre is catering to a specialized niche market making it a "stand alone" destination. The applicant also addressed the issue of the possible oversupply*

of hotel rooms by stating that this oversupply can be offset by the cancellation or delay in proceeding with several other hotel projects in Niagara-on-the-Lake such as the Anchorage Hotel redevelopment.

- Flaws in traffic study. Completed in November when there are few visitors in Town.

The consultants analyzed and took into account Region of Niagara and Town of Niagara-on-the-Lake traffic data compiled during high traffic volume months. In addition, they reviewed other traffic studies for nearby development of a similar nature and took into consideration the cumulative impacts of increase in traffic from this proposal as well as other approved developments.

- Concern with proximity of parking ramp to neighbouring properties and impacts. *The proposed Official Plan amendment provides that the access ramp shall be oriented and designed in such a way that there shall be no impact of vehicular lights on abutting residential properties. The applicants have agreed to relocate the vehicle access ramp away from the properties on Christopher Street and outside of the 15m conservation buffer zone. This will mitigate its impact on adjacent residential properties.*

- Need confirmation of set backs from existing residential properties.

The proposed Zoning By-law amendment will provide for specific minimum setbacks from existing residential properties. Setbacks have already been increased from those originally proposed by the applicants.

- Need to maintain 50' buffer between properties on Christopher Street and any new development.

The proposed Zoning By-law amendment recommends a setback in excess of 50' between the properties on Christopher Street and the proposed arts and learning centre.

- Will be a tangible economic benefit and does not compete with existing accommodation offerings.

The proposal is for a niche accommodation market that is not presently served by the existing accommodation sector.

- Increased traffic could pose safety issue for children and cyclists. There should be a 3 way stop at Charlotte and John Street. Town staff should prepare a report on traffic and servicing and report back to residents.

Town Public Works staff reviewed traffic considerations associated with the proposed development. John Street has adequate capacity to accommodate traffic volumes from the proposed development. The Traffic Impact Study did not recommend any operational improvements as a result to the proposed development. Sidewalk improvements will be considered at the site plan stage.

- Want guarantee of no future access on Charlotte Street.

There will only be 2 vehicular access points into the property. Both of these will be on John Street utilizing existing entrances. No access has been proposed onto Charlotte Street. This will keep traffic exiting and entering the property away from the residential properties on Charlotte Street where there are already a large number of driveways.

- What about housing on the property?

The proposed hotel and arts and learning centre is confined to the rear of the property where it will have the least impact on heritage and natural resources. If

housing, particularly single dwelling units or town homes, were to be constructed on the property, the result would be a dispersed type of development which could possibly adversely impact the significant heritage resources; destroy the designed Dunington-Grubb cultural heritage landscape; and have a greater impact on the natural resources than the proposed development. In order to limit these impact,s if residential development were proposed, the preferred type of residential development would be apartment style buildings set to the rear of the property.

- There should be a needs assessment with respect to accommodation in the Town not only now but into the future.

Town policies do not require a needs assessment for this type of development. Nevertheless, the applicant has completed an assessment by a reputable firm and the consultant concluded that there will be no adverse impact on the existing accommodation sector.

- Want to see a small country hotel.

While a smaller country hotel would be an acceptable use for the property, this type of hotel development would likely not be economically feasible given the investment required to maintain the buildings and the landscape. The proposed hotel and arts and learning centre development is comparable in size to the Prince of Wales Hotel and is smaller than Queen's Landing, the Pillar & Post and White Oaks. It is not a large hotel or conference centre by industry standards. Additionally, unlike the hotels noted above, it is set on an expansive 13 acre site screened from view behind stone and brick walls.

- This will change the character of the neighbourhood and Old Town.

The proposed use will be confined within the walls of the estate. In addition there will be mitigation measures such as adequate setbacks from neighbouring properties, landscaping requirements and maximum lot coverage to ensure that the use will not intrude into the residential area and will not significantly impact the Commons and other Parks Canada properties. The proposed impacts are not significant enough to change the character of the Town.

- What are the infrastructure costs and tax impacts on residents?

The developer is responsible for all costs associated with improvements or upgrades to infrastructure to accommodate the proposed development. The Town will receive tax benefits from commercial assessment of the property, which is higher than residential assessment.

- What is the benefit to the community?

The proposed development will include an arts and learning centre that will be open to the public providing an additional cultural venue for the Town. The existing built heritage resources and cultural heritage landscapes will be conserved and will be publicly accessible. The character of a significant estate lot will be conserved by providing for a viable adaptive re-use for the property.

- Historic buildings and landscape are significant. They should be protected.

- This is a way to conserve the property into the future.

The applicant has agreed that the property will be designated under Part IV of the Ontario Heritage Act at the Site Plan application stage. This will ensure the long term protection of the cultural heritage resources and cultural heritage landscape on the property.

- The scale of the proposal is significant. The scale of the proposed building additions exceeds the scale of the heritage buildings.
The property will be designated under Part IV of the Ontario Heritage Act at the Site Plan application stage. The design of all of the proposed additions will require the consent of Council. All building additions must be compatible with the existing buildings in terms of scale, mass, height and design,

Since the public meeting a number of additional letters have been received, These are attached (**Appendix D**)

4. DISCUSSION / ANALYSIS

Official Plan Amendment

The applicant is proposing a change in the designation from Established Residential to General Commercial (Randwood) to recognize the inn, conference centre, arts and learning centre and ancillary uses and Open Space (Randwood) to recognize the natural elements of the site. The Conservation designation along One Mile Creek will be maintained.

Following are the goals, objectives and policies of the Commercial designation with a discussion of how this project has addressed the goals and objectives and how the proposed policies of the Official Plan amendment will provide site specific policies to further enforce the goals and objectives of the commercial designation.

- 1) *Providing for an orderly distribution of commercial areas within the Urban Boundaries to meet the shopping and service needs of residents and tourists.*

The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply so that a cohesive character may be promoted in keeping with adjoining areas.

The site will provide for an inn with a restaurant, arts and learning centre and conference centre in an area of the Old Town that is currently predominately residential. Inevitably commercial and residential land uses will, and do, abut one another in certain locations throughout Old Town. Therefore, to evaluate the reasonableness of the request based on the fact that it abuts residential properties is not the only criteria for determining whether or not the application results in orderly development. The interface between the two designations is a critical issue that must be addressed and managed and interface issues between residential and commercial properties will need to be mitigated: but it is not the only issue. When evaluating an amendment to permit a commercial zone on a property other considerations are:

1. Whether or not the site can accommodate the intensity of the proposed commercial use, in this case a specific commercial use.
2. How the use relates to the abutting properties and uses and how impacts can be mitigated.
3. Whether there is sufficient infrastructure and road networks available

4. How the proposed development impacts the natural environment.
5. In this case, how it impacts the cultural heritage environment.

A commercial land use separated from other commercial land uses can be appropriate provided the above criteria are satisfied and the proposed development is compatible with the surrounding residential uses. Being compatible is not the same as being the same. Compatible development does not require development that is the same or similar to existing development; but looks to development that enhances an established community and co-exists with existing development in harmony without causing undue adverse impact on surrounding properties. It fits well within the physical context of the area and works well.

The character of the property is the large lot with a grand entrance through a designed landscape to a stately manor house. The proposed development maintains, conserves, and relies on these characteristics to create a unique setting for the inn and arts and learning centre. The proposed Official Plan policies and Zoning provisions are intended to protect these characteristics to insure a fit between the proposed commercial use and the abutting residential neighbourhood and the open space on the north side of John Street. The setbacks from the property lines exceed the buffers commonly found between residential and commercial zones especially in the Old Town.

However, because the proposed development is largely located to the rear of the property, close to existing residential development, consideration was given to increasing the rear and side yard set backs to provide a better buffer between the proposed development and the existing residential properties and to mitigate impacts, particularly on the property at 200 John Street and the homes on Christopher Street. In order to further protect the existing residential development, the entrance to the vehicle access ramp will be relocated to an area away from the neighbouring properties on Christopher Street and outside of the 15m buffer zone from One Mile Creek. The proposed swimming pool will also be moved to an alternate location and the southeast corner of Building 4 will be reconfigured. Final determination of the location of both the access ramp and the proposed pool will be made at site plan stage once grading and engineering plans are available. In addition, the very restricted lot coverage ensures that the property will maintain a significant landscaped area.

The following proposed policies have been included in the proposed Official Plan amendment as a means of providing specific policies to augment the existing commercial policies:

All parking areas and the vehicle access ramp shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.

No terraces or balconies above the second storey shall be oriented

toward abutting residential properties. Any terraces or balconies above the second floor shall be oriented toward the interior of the property.

There shall be no negative impact on abutting properties a result of lighting in parking lots, driveways, the access ramp, walkways, or other outdoor recreation and amenity spaces.

There shall be adequate building separation from adjacent residential uses.

The boxwood hedge shall remain and be properly protected and preserved to ensure its continued growth.

2) Maintaining, in tourist serving commercial areas, a character which is consistent with the historical importance of these areas and their surroundings.

Every effort shall be made to preserve heritage resources if affected by an application for commercial development or redevelopment. The conservation of such features shall be encouraged.

The estate, including its buildings and its setting, is a significant cultural heritage landscape. The built heritage and designed and natural landscape warrants careful and sensitive conservation in consideration of any plan to redevelop the property and adapt the existing structures for other uses. This applies whether the proposed uses are commercial, residential or institutional.

The new buildings have been positioned as proposed in an effort to preserve heritage resources and ensure the conservation of the significant cultural landscape to the greatest extent possible. It would be detrimental to the heritage resource for the property to be further subdivided or for any of the additions to block views of the existing heritage buildings or to obscure the buildings. Placing the additions to the buildings at the rear of the proposed commercial development respects the heritage of the property. However, the size and design of the additions must be carefully considered to ensure that the new construction does not dominate and overwhelm the existing buildings. Offsetting the additions from the existing buildings via corridors and pathways provides for connectivity but also allows the existing buildings to continue to stand on their own and be appreciated as a individual entities or structures within a designed cultural landscape.

The following proposed policies have been included in the Official Plan amendment as a means of providing specific policies to augment the existing commercial policies and protect the heritage resources on the site:

Prior to site plan approval, the property shall be designated under Part IV of the Ontario Heritage Act.

The final design and plans of any additions to the new buildings shall be subject to approval by the Municipal Heritage Committee.

- 3) *Minimizing the impact of commercial development on adjacent land uses. Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment.*

The proximity of the larger buildings such as the spa and conference centre; hotel additions to the main house; and the addition to the coach house to residential properties, particularly those on Christopher Street and at 200 John Street must be addressed with respect to privacy and impact on future development. To respond to this policy statement the setbacks from the residential uses have been increased significantly from the initial application. However, the zoning by-law amendment will set out minimum setback requirements. As noted above, because the proposed development is largely located to the rear of the property, close to existing residential development, consideration has been given to increasing the rear and side yard set backs further to provide a sufficient buffer between the proposed development and the existing residential properties and to protect important landscape elements, i.e. the boxwood hedge and trees and to augment with additional landscaping where appropriate, i.e. adjacent to 200 John Street.

The arts and learning centre building was placed on the western portion of the property as it will be the least intrusive use next to the King/Charlotte residential neighbourhood. It is also expected that the building will provide some noise attenuation between the Inn and the residential area. However to provide for greater separation from residential uses and to ensure the conservation of the existing boxwood hedge buffer adjacent to the Coach House and the Christopher Street properties, setbacks from the proposed addition will be increased at the southwest corner of Building # 7 by reconfiguring the wall of the Coach House addition.

The following proposed policies have been included in the proposed Official Plan amendment as a means of providing specific policies to augment the existing commercial policies:

Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses.

No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.

There shall be adequate building separation from adjacent residential uses.

A tree preservation plan prepared by a qualified professional and subject to review by the Niagara Peninsula Conservation Authority shall be submitted with a site plan application.

The boxwood hedge shall remain and be properly protected and preserved to ensure its continued growth.

4) *Minimizing the impact of commercial development on the traffic carrying capacity of adjacent roads.*

Vehicular accesses for new commercial development will be restricted, as necessary to minimize the effect of turning movements on adjoining roadways.

There will be two vehicular access points into the property. Both will be on John Street. There will be no access from Charlotte Street. The location of the access points should result in a dispersion of traffic as it exits and enters the site with options for drivers to go through Old Town via John Street to King Street or out onto Niagara River Parkway.

While the applicants have been criticized for completing their traffic impact study in November 2010, when summer tourism traffic is not at issue, the consultants also analyzed and took into account Region of Niagara and Town of Niagara-on-the-Lake traffic data compiled during high traffic volume months. In addition, they reviewed other traffic studies for nearby development of a similar nature and took into consideration the cumulative impacts of increase in traffic from this proposal as well as other approved developments.

The consultants concluded that primary existing roads in the area of the development are accommodating the current volumes of peak hour traffic satisfactorily. They also concluded that, even with the addition of the proposed development, all roads in the vicinity of the development could handle any additional traffic volumes at acceptable levels through 2020.

The Town's Official Plan designates John Street between King Street and the Niagara River Parkway as a collector road which connects to other collector and arterial roads. These roads are designed to carry the volume of traffic from this development and other recently approved developments.

5) *Preventing the intrusion of commercial uses into residential areas.*

While this application will change a residentially designated and zoned property to a commercial designation, Randwood has not functioned as a residential property for over 30 years. It has been, at times, a conference centre, a school and an executive retreat. As a result, a change in use has already occurred despite the property being designated for residential use.

The proposed use will be confined within the walls of the estate. In addition there will be mitigation measures such as adequate setbacks from neighbouring properties, landscaping requirements and maximum lot coverage to ensure that the use will not intrude into the residential area.

The proposed inn and arts and learning centre is located at the edge of a

residential area adjacent to the urban area boundary of Old Town and will not penetrate into the neighbourhood. It is located immediately opposite federally owned public lands that provide for a variety of uses and functions that are not residential.

The Pillar & Post is located half a block away to the west on John Street and is surrounded by residential properties. Riverbend Inn, a 21 room inn with restaurant and meeting room space is located at the corner of John Street and Niagara Stone Road. Peller Estates Winery, which has a restaurant as well as a retail sales area, is also located on John Street. Although these properties are designated agriculture, they are zoned to permit certain commercial uses.

6) Off-street parking areas of commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not negatively impact on abutting or near-by residential uses.

Promoting compact forms of commercial development, and discouraging scattered forms of development.

Off street and underground parking has been provided for 200 cars. The applicant anticipates that any overflow parking will be accommodated at the northeast corner of the property inside the walls and there will be no need for guests to park on any public streets in the area.

This policy is intended to address large scale commercial developments and address the need for compact commercial development as opposed to a scattered distribution of commercial uses throughout a community. In this case, the proposed commercial development is compact in that it is restricted to a small portion of the overall site using existing entrances on John Street and is confined behind the existing stone wall on the two street sides of the property. This will ensure efficient movement of guests and visitors within the various uses on the property as well as directing traffic along collector and arterial roads rather than local streets.

7) A marketing/impact study is required for new retail developments having a floor area greater than 900 sq.m. demonstrating that the proposed development is warranted and will not prejudice the commercial structure of the town over the lifetime of the plan.

This policy is specific to retail uses, not the accommodation sector. However, the applicant has completed a needs assessment and marketing study for the project. It concluded that there is a market for the proposed inn and arts and learning centre which is a unique product not offered anywhere else in Ontario. In addition, the study determined that overall there would be no negative impact on the hotel market and that a significant portion of the business would be conference facility related demand. The report also concluded that the proposed project would contribute a significant number of jobs to the economy and result in over \$13 million in off-site

spending in the region.

Although the study was completed in 2008, before cancellation of Project Niagara, the applicant has indicated that the proposed inn, arts and learning centre is catering to a specialized niche market making it a "stand alone" destination. The applicant also addressed the issue of the possible oversupply of hotel rooms by stating that this oversupply can be offset by the cancellation of several large hotel projects in Niagara-on-the-Lake such as the Anchorage development.

8) *Within the Conservation designation the following uses are permitted: forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks etc. Uses permitted with a main use are accessory buildings and structures subject to the approval of the authority having jurisdiction.*

The existing Conservation designation will remain on the property as was identified in the Official Plan amendment when it was adopted. All of the policies of the Conservation designation will continue to apply to the land designated as Conservation. A site specific Open Space Zone with relevant policies is proposed for the remainder of the landscaped gardens at the front of the property. This will restrict the permitted uses and insure that the character of the property is not compromised by the future commercial expansion or residential development. All Niagara Peninsula Conservation Authority policies and guidelines will apply to the Conservation zone including any requirements for setbacks from One Mile Creek and the tributary of One Mile Creek. There is a requirement for a 15 m buffer and any development that occurs within that buffer it is subject to Niagara Peninsula Conservation Authority approval.

The applicants have agreed to relocate the vehicle access ramp away from the properties on Christopher Street and outside the 15m buffer area.

Zoning By-law Amendment

The proposed zoning by-law amendment implements the specific requirements set out in the policies of the Official Plan and has been drafted with the intent of limiting the proposed development in terms of lot coverage, floor area, and setbacks while allowing for some minor adjustments to the plan as the project unfolds. If the Official Plan and Zoning By-law Amendments are approved, the next step is site-plan control application which will stipulate the final details of the project.

There is a need to provide for some flexibility with respect to zoning to allow for the fact that the site plan application review will likely result in changes as grading details and specific site development elements come to the fore and are refined. That being said, the zoning by-law puts in place controls that set specific parameters and any changes at the site plan stage cannot go beyond the parameters set out in the zoning by-law.

The proposal is for an inn with a restaurant and spa facilities to be accommodated in the main house and addition. Eight additional rooms will be located in Devonian House. The proposed arts and learning centre will be located in an addition to the Coach House. A separate building will be constructed to accommodate an events pavilion with space for approximately 250 people. An additional entrance will be inserted in the existing wall on John Street in the location of an entrance that previously existed. The new entrance will provide direct pedestrian and carriage access to the events pavilion; but will not be designed for vehicular access. All proposed new buildings and building additions will be located to the rear of the property.

Two hundred parking spaces have been provided; 81 above grade scattered throughout the property and 119 below grade. The applicant contemplates that any additional parking for special events can be accommodated west of the north/south branch of One Mile Creek if required.

The additions and new buildings heights and gross floor areas are as follows:

BUILDINGS	EXISTING	PROPOSED
#1—Manor House	Main Dwelling—3 storey, ±1,691 m ² (±18,200 ft ²) Maximum height - 45 ft	6 Rooms Restaurant with 200 seat capacity
#2—Guest House	Devonian Guest House—2 ½ storey, ±635 m ² (±6,840 ft ²) Maximum height - 36 ft. (11 m)	8 rooms
#3—Coach House/Studio	Coach House—2 storey, ±269 m ² (±2,900 ft ²) Maximum height 25 ft (7.6 m)	Studio & Education Space
#4—Inn and Conference Facility		3 storey, ±4,545 m ² (±48,928 ft ²) addition, connects to Building #1 & 5 Maximum height from lower piazza 63' (19.2 m) 57 rooms
#5—Inn, Conference Facility, Spa		3 storey, 2,677 m ² (28,815 ft ²) Building #1 & 4 Maximum height 51' (15.5 m) 33 Rooms
#6—Large Events Pavilion		1 ½ storey, ±454 m ² (±4,889 ft ²) Maximum height 38 ft. (11.6 m) Facilities for 250 people.
#7—Art Centre		1 ½ storey, ±981 m ² (±10,563 ft ²)

		Maximum height 40 ft. (12.2 m)
#8—Seed House		1 storey, ±114 m ² (±1,225 ft ²) Maximum height 33 ft. (10 m)

The zoning by-law specifically lists the permitted uses, provides a definition for the conference centre and establishes minimum setbacks for any buildings or additions. The amendment also includes a zoning schedule that specifies the zones and their location. In order to protect existing residential properties, particularly the Rand property at 200 John Street, the applicant has reconfigured the southeast corner of Building #4 to provide for a setback of 11.63m (38'2") and the southwest corner of Building #7 for a setback of 18.30m (60 ft.). By increasing the setback at the southwest corner of Building #7 the protection and retention of the existing boxwood hedge, which provides a dense buffer between the existing residential properties and the proposed arts and learning centre, will also be ensured.

The Environmental Conservation Overlay Zone will continue to apply to the property as per the mapping in the zoning by-law. All applicable environmental approvals will have to be obtained for any work within the Environmental Conservation Zone.

The site plan application will require a lighting plan to insure that the lights on the property do not shed light onto abutting properties. This is a standard policy of the Town but has been reiterated in the proposed Official Plan policies to insure that this proposed project will not result in any negative impact on surrounding properties.

5. FINANCIAL IMPLICATIONS

The financial implication of the proposed development relates to revenue generated from property taxes, development charges and cash-in-lieu of parkland dedication.

6. COMMUNICATIONS

The Official Plan Amendment and Zoning By-law Amendment to permit a 106 room inn with a restaurant, spa facilities, a conference centre, a special events pavilion and an arts and learning centre on the property known as Randwood at 144 and 176 John Street are attached. Should Council approve the amendments there is a 20 day appeal period.

If the Official Plan and Zoning By-law Amendments are approved and there are no appeals, the applicant will move to the next phase in the development review and approval process related to site plan approval. This phase will include the development of specific plans and elevations that address any comments received during the circulation including issues with respect to servicing, fire access, environmental conservation, urban design, parking, and heritage conservation.

Specifically the site plan agreement shall address the following matters identified during the Official Plan and Zoning By-law application review process:

- a) Protection of the heritage resources and the cultural heritage landscape via designation under Part IV of the Ontario Heritage Act.

- b) Submission of detailed building and building addition designs and elevations, landscape plans and lighting plans to the Municipal Heritage Committee and Urban Design Committee for approval.
- c) Relocation of the vehicle access ramp away from the properties on Christopher Street and outside of the 15m conservation buffer area.
- d) Review of road intersections outside of the Town's control by the Region and the Niagara Parks Commission.
- e) Identification of fire routes with dimensions, radius, principal entrances to buildings, distance from principal entrance to fire routes etc.
- f) Reconstruction of one of the entrances off John Street so that it is wide enough for fire truck access.
- g) A report completed by a structural engineer indicating if the bridges on the site are capable of supporting the weight of fire trucks.
- h) Verification of existing and additional fire hydrants for the development.
- j) A report completed by an arborist that identifies how the boxwood hedge and any other significant trees or shrubs that act as a buffer between the proposed development and neighbouring residential properties will be protected during construction.
- k) 2% cash-in-lieu for parkland.
- l) Detailed sanitary sewer flow calculations are required to confirm capacity in the sanitary collection, storage and pumping systems. Should improvements to the system be required the developer is responsible for the costs of the improvements.
- m) Detailed flow calculations to confirm storm sewer capacity. Should improvements to the storm sewers be required, the developer is responsible for the costs of improvements.
- n) Securities for construction of on and off site works in accordance with Town policies.

7. CONCLUSION

The Rand Estate is an estate lot in the grand tradition of Niagara-on-the-Lake with sweeping driveways, large buildings of historic and architectural importance and significant designed and natural cultural landscape features. It is surrounded by a high protective wall that shields it from the street and creates a sense of mystery and enclosure.

The estate has had a number of uses. Despite the residential zoning, the buildings on the property have not been used for strictly residential purposes for over 30 years. At times it has been a conference centre, a government retreat and a school of philosophy. These uses have had minimal impact on the Randwood landscape, the surrounding residential properties or the property owned by Parks Canada.

The proposed development will be confined within the walls of the estate and has been designed to conserve the existing buildings on the site. The development has been located to minimize impacts on the existing buildings and the environmental and cultural landscapes. However, by placing building additions and new buildings

at the rear of the property there are potential impacts on some existing natural features and on the surrounding residential properties. In order to mitigate these impacts the proposed Official Plan and Zoning By-law amendment provide for the protection of significant landscape elements and increased building setbacks. The applicant has reconsidered some of the recommendations provided by Brooks McIlroy in the Urban Design Peer Review and has reconfigured buildings, relocated the vehicle access ramp and relocated the proposed pool in order to mitigate impacts on neighbouring properties and ensure the continued health and survival of the boxwood hedge and other natural buffers.

Written by

**Leah Wallace, MCIP, RPP
Planner, Heritage & Urban Design**













Respectfully submitted,

**Barbara Wiens, MCIP, RPP
Principal Planner**

**Milena Avramovic
Director of Community & Development Services**

**Mike Galloway
Chief Administrative Officer**

ATTACHMENTS

-  AppendixA_PPS.doc  RegionalCommentsAppendixB.pdf  Romance - Appendix C.pdf
-  AppendixC_SupportLetters_001.pdf  AppendixC_Petitions.pdf  Appendix D_001.pdf
-  AppendixE_Randwood-Official Plan Amendment.docx  Randwood OP_Schedule.pdf
-  RevisedSitePlan_ Nov 22 2011.pdf  AppendixF_Randwood-Proposed Zoning Bylaw.doc
-  ZoningBylaw_Schedule2.pdf  ZoningBylaw_Schedule1.pdf

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P.O. Box 100, Virgil, ON L0S 1T0
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The Corporation of the Town of Niagara-on-the-Lake

Information Report to Council

SUBJECT: Official Plan Status Update

Date: April 26, 2018

Prepared By: Craig Larmour

Department: Community & Development

BACKGROUND INFORMATION

On February 12, 2018, Council approved the extension of an existing contract with Planscape to complete the update and review of the Official Plan. In recommending the Staff report, Council also directed Staff to provide monthly Information Report updates.

NEXT STEP / CONCLUSION

The first task, Organizational Meeting, was completed on February 13, 2018 which enabled the Consultant an opportunity to immediately launch in to the second task. On March 19, 2018, the Technical Steering Committee (TSC), including Staff from the Town, Region, Niagara Peninsula Conservation Authority, Niagara Parks Commission and Niagara Escarpment Commission met to discuss the update of Discussion Papers and preparation of Draft 4.

Task 3, Review of Draft 4 will involve further consultations with the TSC and other appropriate groups and agencies will commence when the consultants and Town Staff meet with the Agricultural Advisory Committee on May 2.

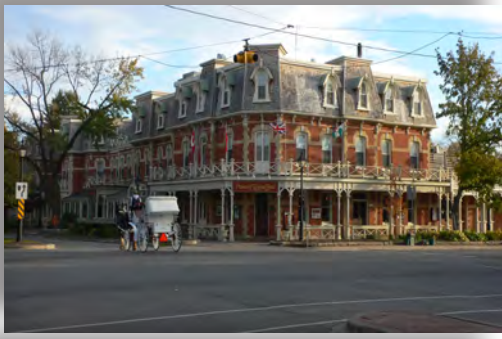
At this point, the project remains on schedule with Draft 5 being made available for stakeholder, agency and public review and input in July.

A copy of the Planscape contract is included as attachment to this report for information and reference.

ATTACHMENTS



Proposal to Complete Official Plan Update 23-Jan-2018.PDF



Proposal to Complete

OFFICIAL PLAN UPDATE

January 23, 2018



Town of Niagara-on-the-Lake Official Plan Update

Table of Contents

1. Niagara-on-the-Lake Official Plan Review – Background.....	1
2. Scope of Planning Service.....	1
3. Detailed Work Plan	3
4. Budget	5
5. Project Time Frame	7





Town of Niagara-on-the-Lake

Official Plan Update

January 23, 2018

1. Niagara-on-the-Lake Official Plan Review – Background

PLANSCAPE, Inc. is pleased to provide a proposed program to complete the review of the Town of Niagara-on-the-Lake Official Plan. Since the project was deferred by the Town in late 2016, the Province has completed its review and update of the provincial plans, specifically the Greenbelt Plan, the Niagara Escarpment Plan and the Growth Plan. With these now in place, a shift in direction is required to complete this project. The Town views this as an opportunity to work with the Town and with the Region of Niagara in developing a streamlined and updated document that respects and builds on the unique and diverse characteristics of the Town of Niagara-on-the-Lake (the Town).

To achieve this, we will build on work done to date, continue our partnership with North-South Environmental to address environmental issues, integrate additional work done on behalf of the Town and coordinate with Regional planners to ensure continuity with the work they are doing. We understand MHBC has completed their work on the policies to facilitate establishment of a development permitting process in the Town. Our firm now has significant in-house experience with the development permitting system and will draw on this to ensure proper integration of these policies into the Official Plan.

We understand that management of the agricultural policies is key to this process. As part of the recent provincial plan review some more progressive approaches to managing agricultural land were introduced. Working with the local agricultural community, we will work with these changes to provide policies that respect and support the Town's unique agricultural sector.

2. Scope of Planning Service

Background

As noted, in completing this project we will build on our previous work while making appropriate adjustments to ensure the resultant product is stream lined, effective and reflective of updated provincial policies. We will work closely with Town staff and residents.

The program will result in revisions to the existing draft of the Official Plan, further public engagement (including stakeholders and agencies), statutory public review (including at least one more public open house and the statutory Council public meeting), adoption of a new Official Plan for the Town, and submission to the Region for approval.

In doing so we will factor in the following specific points:

- The Town will continue to be responsible for the mapping;
- The Town will coordinate the management of the employment lands data, we will integrate the findings into the plan;



- Given that the Regional Official Plan has not been updated, the 2031 growth forecasts as provided by the Region will be used;
- The focus of the update will be on conformity with the provincial plans;
- The concept of proposing a development corridor between Virgil and the Old Town has been dropped;
- Except for some minor boundary adjustments, proposed as part of the Town's submission on the provincial coordinated plan review, the existing boundaries as set in the Greenbelt Plan will prevail;
- Updating and strengthening the agricultural policies will be a key focus;
- A meeting will be held with the Agricultural Advisory Committee in April to discuss potential changes to the agricultural policies and solicit input;
- The policies for the Glendale area will be developed by the Region with input from the Town and integrated into the plan when available;
- Once the work related to cultural heritage and estate residential policies is complete, PLANSCAPE will integrate the findings into the plan;
- Completion of the environmental policies will be based on a revised "memorandum of understanding" with the Niagara Peninsula Conservation Authority (NPCA);
- Once the memorandum with the NPCA is completed, mapping that differentiates irrigation & drainage infrastructure will be developed supported by associated regulations in policy;
- North South Environmental will work with PLANSCAPE to complete the environmental policies and update its original Discussion Paper as a result of the revised provincial policies;
- The draft OP policies governing a potential development permitting system will be reviewed and finalized;
- PLANSCAPE will participate in a separate open house with developers to assist them in understanding development permitting approach;
- The archeological input is complete and will be provided;
- Given that it is the only non-Specialty Crop Area in NOTL, the reservoir, which is in public ownership, will be managed as a special policy area;
- Severance policies will be tightened;
- OP policy will support the Tree by-law, but not be tied to it;
- Town staff will provide guidance on the preferred approach to cash in lieu of parking options, with any Official Plan policy guidance added to the plan; and
- The plan layout will be revised to be clear, concise and comprehensive.

Technical Steering Committee

We will continue to work with a Technical Steering Committee, as directed by the Town. This will likely continue to include representatives from the Region, NPCA, NEC and Niagara Parks, as well as Town staff representatives.

Stakeholder consultation

A meeting will be held with the Agricultural Advisory Committee in April (suggested date April 18th, 2018) to review and discuss the proposed agricultural policies.



The Municipal website will be used to disseminate information and update the public on progress.

Once the policies have been finalized and a potential approach developed, a workshop will be hosted to discuss the possible introduction of a development permitting system in appropriate areas in the Town.

In addition to the statutory public meeting we recommend that at least one public open house be held to update the public and solicit input.

Timing

Council is interested in having a draft plan in place prior to the election. To achieve this, a tight timeline must be followed. On condition that it allows sufficient time for public consultation and staff review, we have proposed a schedule that will deliver a final draft document at the end of September, with a public open house scheduled prior to that.

We have then assumed that the process would be placed on hold until the new Council is in place. While we have programmed some review and revisions during the period between October and January, we have developed the schedule based on that assumption. However, we are flexible in scheduling and will work with staff to implement a realistic program.

3. Detailed Work Plan

The following provides an explanation of the specific tasks that we propose to complete the Official Plan update.

Task 1 Organizational Meeting – Mid February

PLANSCAPE will review the work completed to date and present recommendations for restructuring the plan at an organizational meeting to be held with staff and with the Technical Steering Committee in mid February.

We do not contemplate preparing any further background reports, with the exception of the update to the Discussion Paper prepared by North South Environmental, which will incorporate their review of the changes made to provincial policy and the anticipated revised MOU with the NPCA. The update to the Discussion Paper will provide guidance on revisions to the environmental policies of the official Plan.

If necessary, a brief outline of the revisions to the Provincial Plans can be provided, as background to the revised Official Plan policies.

Following the organizational meeting, the Town will provide a notice to the public that the Official Plan project is re-activated and invite ongoing public input.



Task 2 Prepare Draft 4 of the Official Plan and Update Discussion Paper – Mid February to April

Working with the input from the February meeting and direction provided from the updated provincial policy, PLANSCAPE will prepare a revised draft of the plan (Draft 4). As indicated to Town staff, Margaret Walton is away from February 23 to March 26th. She will provide input to the process prior to leaving and on her return. In her absence, PLANSCAPE staff will work on the revised draft with North-South Environmental and Town staff.

North South Environmental will update its Discussion Paper and assist with the preparation of the revised environmental policies.

PLANSCAPE will work closely with Town staff to produce a document that is concise, easy to understand and manageable to implement. The final format of the Official Plan will be developed in conjunction with Town planning staff. Town staff will undertake ongoing review of the document as it is being revised and provide input.

Task 3 Draft 4 Review - April to May

Using Draft 4 as the basis, consultations will be held with the Technical Steering Committee, the Agricultural Advisory Committee and other appropriate groups and agencies as recommended by the Town. A summary of the input received, and recommended responses will be provided to Town staff for review.

Task 4 Prepare Draft 5 for initial public review – June

The draft Official Plan will be revised based on input received in the above noted consultations and Town staffs' response to recommendations arising from these consultations. Draft 5 will be reviewed with Town staff and revised as necessary prior to formal public release of the document.

Task 5 Public and Stakeholder Engagement – July

Draft 5 will be made available for stakeholder, agency and public review and input.

A public open house will be held to update the public on the revised Official Plan, focusing on the changes proposed since the presentation of the last draft in 2016.

A brief report will be prepared for the Town highlighting the responses from the public, stakeholders and agencies.

Task 6 Prepare Draft 6 Official Plan for Steering Committee and Council review – August /September

The final text and maps of the Official Plan update (Draft 6) will be prepared, with any changes resulting from the public engagement process. The draft will be reviewed with the Steering Committee and subsequently presented to Council for review and comment. Given the timing of the election, is anticipated that once the current Council has received the draft plan in September, the



approval process will cease until the new Council is in place. Town staff can provide direction in this regard.

Task 7 Presentation of Draft 6 to new Council – January 2019

A presentation and report will be provided to the newly elected Council summarizing the process to date, input received and recommending moving forward to a formal statutory public meeting. Once the new Council's input is received, and direction given, if there are any further revisions made to the document, a final draft (Draft 7) will be prepared for Statutory Public Review.

Task 8 Statutory Public review

The final draft will be circulated to agencies for comment and the Statutory Public meeting held. The formal public approval process will include public and agency notification and meeting procedures as outlined in the Planning Act.

Task 9 Technical Steering Committee review

A brief report will be prepared for Town staff and the Steering Committee to review, addressing public and agency comments. This report will include recommendations for final revisions to the Official Plan, and methods of dealing with outstanding issues.

If a second public meeting is warranted, it will be scheduled at this stage, in advance of the presentation to Council for final adoption.

Task 10 Final Official Plan for adoption

Following the public meetings, and review by staff, the Steering Committee and other review agencies, the final document will be prepared and submitted to the Town for adoption.

Task 11 Submission to Region for approval

The adopted Official Plan will be submitted to the Region for approval.

Task 12 Workshop Presenting Development Permit Process

A separate workshop will be presented to the development community explaining the development permitting system and how it would apply in the Town. This workshop can be scheduled at the Town's direction but should be held prior to inclusion of the proposed Official Plan policies into the draft of the Official Plan.

4. Budget

We are proposing a total cost for the program of \$54,000 to \$56,000 excluding disbursements and HST. The Fee Schedule is proposed based on our understanding of the existing status of the Official Plan review and Town staff's goals for the process. There is some uncertainty associated with the election so while we have provided estimates for tasks associated with the new Council, we anticipate there may be changes, and estimates may have to be revisited.



Table 1 – Contribution of Consulting Personnel to Project (per diem)

Tasks	Description	Planscape			North-South Environmental		Disbursements per Task
		Partners	Senior Planner	GIS/ Technical	MS	LL	
1	Organizational Meeting	2.50			0.50		\$ 400
2	Prepare Draft 4 of the Official Plan and Update Discussion Paper	5.50	1.00	0.50		3.00	\$ 250
3	Draft 4 Review	1.50				1.00	\$ 300
4	Prepare Draft 5 for initial public review	3.00	0.50	0.50		1.50	\$ 200
5	Public and Stakeholder Engagement	2.00				0.50	\$ 500
6	Prepare Draft 6 Official Plan for Steering Committee and Council Review	4.00		0.50		1.50	\$ 250
7	Presentation of Draft 6 to New Council	2.50				0.50	\$ 250
8	Statutory Public review	1.50				0.50	\$ 250
9	Technical Steering Committee Review	2.00				0.50	\$ 250
10	Final Official Plan for Adoption	1.50		0.50	0.25	1.00	\$ 250
11	Submission to Region for approval	1.00			0.25	2.50	\$ 200
12	Workshop Presenting Development Permit Process		1.50				\$ 300
Total		27.0	3.0	2.0	1.0	12.5	\$3,400
Per Hour		\$185	\$150	\$100	\$160	\$95	
Per Diem *8		\$1,480	\$1,200	\$800	\$1,280	\$760	
Total Cost (\$)		\$ 39,960	\$ 3,600	\$ 1,600	\$ 1,280	\$ 9,500	\$ 55,940

Subtotal \$ 59,340
HST (13%) \$ 7,714

Project Total \$ 67,054
GRAND TOTAL

Table 2 – Estimated Costs of Project by Task and Personnel

Tasks	Description	Planscape Inc.			North-South Environmental		Disbursements per Task	Task Total
		Partners	Senior Planner	GIS/ Technical	MS	LL		
Per Diem *8		\$1,480	\$1,200	\$800	\$1,280	\$760		
1	Organizational Meeting	\$ 3,700	\$ -	\$ -	\$ 640	\$ -	\$ 400	\$ 4,740
2	Prepare Draft 4 of the Official Plan and Update Discussion Paper	\$ 8,140	\$ 1,200	\$ 400	\$ -	\$ 2,280	\$ 250	\$ 12,270
3	Draft 4 Review	\$ 2,220	\$ -	\$ -	\$ -	\$ 760	\$ 300	\$ 3,280
4	Prepare Draft 5 for initial public review	\$ 4,440	\$ 600	\$ 400	\$ -	\$ 1,140	\$ 200	\$ 6,780
5	Public and Stakeholder Engagement	\$ 2,960	\$ -	\$ -	\$ -	\$ 380	\$ 500	\$ 3,840
6	Prepare Draft 6 Official Plan for Steering Committee and Council Review	\$ 5,920	\$ -	\$ 400	\$ -	\$ 1,140	\$ 250	\$ 7,710
7	Presentation of Draft 6 to New Council	\$ 1,480	\$ -	\$ -	\$ 320	\$ 1,900	\$ 250	\$ 3,950
8	Statutory Public review	\$ 3,700	\$ -	\$ -	\$ -	\$ 380	\$ 250	\$ 4,330
9	Technical Steering Committee Review	\$ 2,220	\$ -	\$ -	\$ -	\$ 380	\$ 250	\$ 2,850
10	Final Official Plan for Adoption	\$ 2,960	\$ -	\$ -	\$ -	\$ 380	\$ 250	\$ 3,590
11	Submission to Region for adoption	\$ 2,220	\$ -	\$ 400	\$ 320	\$ 760	\$ 200	\$ 3,900
12	Workshop Presenting Development Permit Process	\$ -	\$ 1,800	\$ -	\$ -	\$ -	\$ 300	\$ 2,100
Total Cost (\$)		\$ 39,960	\$ 3,600	\$ 1,600	\$ 1,280	\$ 9,500	\$ 3,400	\$59,340

Total Cost \$ 59,340
HST (13%) \$ 7,714

Project Total (Incl. HST) \$ 67,054

GRAND TOTAL
 002082

5. Project Time Frame

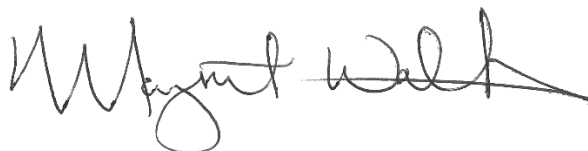
As noted in Section 3, the time line is complicated by the election in the fall of 2018. We understand this may affect timing and are flexible and will accommodate the Town’s decision on how to manage this challenge.

Table 3 provides a time line of the expected progression of the program. In recognition of the challenges associated with scheduling, the timing on Tasks 7 to 11 has been left open. It can be finalized once the new Council is in place and has provided direction on the draft plan.

Table 3 - Project Time Frame		2018												2019				
		mid. Feb.	March	April	May	June	July	August	September	October	November	December	January	February	March	April		
Tasks																		
1	Organizational Meeting	■																
2	Prepare Draft 4 of the Official Plan and Update Discussion Paper	■	■	■														
3	Draft 4 Review			■	■													
4	Prepare Draft 5 for initial public review					■												
5	Public and Stakeholder Engagement						■											
6	Prepare Draft 6 Official Plan for Steering Committee and Council Review							■	■									
7	Presentation of Draft 6 to New Council												■					
8	Statutory Public review												■	to be determined				
9	Technical Steering Committee Review												■	to be determined				
10	Final Official Plan for Adoption												■	with new Council				
11	Submission to Region for approval												■	to be determined				
12	Workshop Presenting Development Permit Process												■	to be determined				

Thank you for asking us to provide you with this proposal to complete the Official Plan project. We are looking forward to working with you to revise the draft Official Plan to reflect the Town’s needs and incorporate appropriate changes resulting from the revised provincial planning policies.

Yours truly,
PLANSCAPE INC.



Margaret Walton, M.Pl. MCIP RPP
 Partner





1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Parking Restrictions on Regent Street
between Centre St. and William St.

Date: June 07, 2018

Prepared By: Marci Weston

Department: Operations

BACKGROUND INFORMATION

Further to resident concerns regarding congestion on Regent St. between Centre and Williams Street and poor traffic visibility at the William/Regent intersection, it was resolved at the July 17, 2017 session of Council that "Operations staff review the parking regulations on Regent Street between Centre and William Streets, and make the adjustments they feel appropriate that will allow for adequate traffic flow and pedestrian access."

Site observations revealed a problem with visibility at the Regent/William intersection, with sight lines restricted by parked vehicles crowding the intersection. In addition, photographs provided by an adjacent resident showed vehicles parked on both sides of Regent St. between William and Centre Streets which restricts traffic to one lane of travel. Although this constriction occurs mainly on peak season weekends when Regent St. is used for parking by visitors attending the Festival Theatre, it is a situation which requires parking restrictions to ensure the free passage of two-way traffic and emergency vehicles.

NEXT STEP / CONCLUSION

Prohibiting parking on the west side of Regent Street between Centre Street and William Street to maintain the safe flow of two-way traffic is in keeping with the Town's practice of restricting parking on the same side of consecutive blocks between major crossing roadways. In addition, there are no "fronting" driveways on the west side of this block of Regent, so a west-side parking restriction will not

inconvenience adjacent homeowners. Temporary "No Parking" signs have already been installed, and a permanent prohibition will be included in the next revision of the Parking and Traffic By-Law.

To improve sightlines at the Regent/William intersection, "No Parking" signs will be installed on both sides of Regent and William Streets within 22 metres of the intersection. This restriction is authorized under Section 205.02.03 of the Parking and Traffic By-Law and is enacted by erecting the appropriate signage.

An adjacent business which relies on the availability of on-street parking in this area has been notified regarding these new restrictions.

ATTACHMENTS