



SUSAN WHEELER + ASSOCIATES
Urban Planning Consultants

289 Victoria Street, P.O. Box 696
Niagara-on-the-Lake, ON
L0S 1J0
905-468-2990
susan@susanwheelerassociates.com

PLANNING IMPACT ANALYSIS
APPLICATION FOR ZONING BY-LAW AMENDMENT
THE VILLAGE CENTRE

111 GARRISON VILLAGE DRIVE
PART OF LOTS 205, PARTS 3, 5, & 9
REFERENCE PLAN 30R-12946
TOWN OF NIAGARA-ON-THE-LAKE
REGIONAL MUNICIPALITY OF NIAGARA

MAY 3, 2018

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1.0 PURPOSE

The subject lands known as The Village Centre are located on the west side of Garrison Village Drive south of Perez Street representing the area designated within The Village to serve local residents, visitors and the larger community within the Regional context. The applicant proposes a minor adjustment to the existing zoning to bring current zoning into conformity with and to better address current commercial realities to allow for the success of the phase of The Village Centre.

The purpose of the Zoning By-law amendment is to amalgamate the Local Commercial (C6) Zone and the Commercial (C7) Zone to allow for a uniform range of permitted uses and zoning requirements throughout The Village Centre. The proposed rezoning will also provide site specific provisions for individual buildings pertaining to building height and setback requirements to Niagara Stone Road.

Susan Wheler & Associates has been retained to represent the owner throughout the planning approvals process.

2.0 BACKGROUND

Designed by the renowned architectural firm of Duany Plater-Zyberk, the original Master Plan for The Village established a unique community within the Settlement Area of the Old Town of Niagara-on-the-Lake developed on the principles of New Urbanism with respect given to the architectural heritage of Niagara-on-the-Lake.

New Urbanism is a model for sustainable growth and safe, healthy, complete communities providing development patterns and a street configuration that is pedestrian friendly and supports a mix of housing types and employment opportunities and a well-designed public realm.

The Village Master Plan is characterized by a compact, pedestrian-friendly built form that provides for a range of housing types, a vibrant Village Centre and an integrated system of public open space, private parkland and natural heritage areas intended to serve local residents and the community at large.

The Village Architectural Codes, written to respect and respond to the historic architecture of Niagara-on-the-Lake, provide the design criteria for a variety of building types and a range of scale and massing for residential and commercial development within The Village community.

The Village Master Plan received Draft Approval in 1996 originally contemplating a build out of 400 residential units, a community-oriented Village Centre, a retirement home and an integrated system of public and private open space.

In 2006 Traditional Neighbourhood Developments Inc. partnered with Brookfield Homes to fulfill the vision of The Village community and to take the plan through the final stages of development.

A Draft Plan Modification was granted by the Town in 2008 recognizing a new internal street pattern and lotting scheme that would provide a greater range of housing options to satisfy market demand for the remaining phases of residential development.

The Village Centre and the first two phases of residential development, then fully developed, in Garrison Village West were removed from the Draft Plan of Subdivision at that time.

With the completion of The Village Phase 4 West, now under construction, only one remaining block for a proposed apartment building remains for the completion of the residential side of the development.

The final phase of development for The Village will be the build out of the Village Centre now being proposed.

3.0 LOCATIONAL ANALYSIS + SITE DESCRIPTION

The Village Centre is situated at the corner of Niven Road and Niagara Stone Road and is bounded by Niven Road to the west, Garrison Village Drive to the east, Niagara Stone Road to the south and Perez Street to the North.

It has been designed to provide services to local residents as well as the greater community and visitors to the Town, hosting a variety of outdoor events throughout the year. The site is generally flat and vacant lying to the west of the first phase of commercial development that currently contains a bank, a drug store, a restaurant and a retail space with attendant parking and a large open space adjacent to Niagara Stone Road.

Land use in the area surrounding the commercial area is as follows:

- | | |
|----------------------------------|---|
| ○ West of Niven Road | Agricultural lands |
| ○ South of Niagara Stone Road | Jackson Triggs Estate Winery & vineyard |
| ○ East of Garrison Village Drive | Low density residential development |
| ○ North of Perez Street | Low density residential development |

4.0 PROPOSED DEVELOPMENT

The Village Centre is designed on the principles of complete, safe and healthy communities providing a range of retail, business and professional services to sustain the local residents and also to provide amenities to serve the Niagara's visitors and the larger community within the regional context. The Village Centre is pedestrian friendly and easily accessible to The Village residential neighbourhoods as well as the original Garrison Village to the north. A large public open space fronts The Village Centre along the northern flankage of Niagara Stone Road providing a visual setback to the commercial buildings and a venue for periodic outdoor events.

Located at the corner of Niven Road and Niagara Stone Road, The Village Centre will represent the gateway to the Old Town of Niagara-on-the-Lake.

The first phase of The Village Centre was completed in 1998 and now includes a bank, a drug store, retail space and a restaurant and is currently zoned Local Commercial (C6) Zone. The balance of The Village Centre is now zoned Commercial (C7) Zone. There is a significant overlap in the permitted uses in the C6 and C7 zones and in their respective zoning provisions. It is therefore proposed to amalgamate the two zones into one uniform zone –The Village Centre (C7) – Site Specific Zone - with a range of permitted uses and uniform zoning requirements. The existing Commercial – Mixed (C7-M) Zone located on the south side of Perez Street allows for any use permitted in the Commercial (C7) Zone and any permitted use in the Medium Density Residential (RM5-1) Zone. No change is proposed to the C7-M Zone.

A small number of additional permitted uses are proposed in the Village Centre (C7) Zone, including; a hotel, a boutique grocer, a rental outlet (for bicycles and/or scooters), a medical office and a veterinary clinic. The later two uses are currently permitted under the definition of 'business and professional offices and clinics'. The 'school' that is currently a permitted use has been replaced by an 'educational facility' and an 'assembly hall' has been added in addition to the permitted 'religious institution' to provide for a broader range of community uses and functions. The proposed uses are outlined in the Draft Zoning By-law.

An Addendum has been attached to the draft by-law outlining additional permitted uses as defined in Section 5 of the Comprehensive Zoning By-law. It is intended that these uses are to be included in the Draft By-law unless otherwise permitted or referentially incorporated in accordance according to the definition of more generic permitted uses.

The changes to the Zoning Provisions are as follows:

- The minimum setback to Niagara Stone Road between Niven Road and the western boundary of the central open space to be reduced from 15m to 6m in accordance with the Minor Variance A34-01 granted on July 19th, 2001.
- The maximum building height for the hotel and assembly hall to be increased to 17 m.
- The maximum building height for all other buildings to be increased from 11 m to 12.75 m.
- The total gross leasable floor area for The Village Centre will continue to be 8825.5 sm with no cap on the gross leasable floor area for individual uses.
- The changes to the provisions for outdoor events are as follows;
 - Hours of operation shall be limited to 8:00 am to 10:00 pm
 - The use of amplified music or a public address system shall be in accordance with the Town's noise by-law.
 - A maximum of two (2) events shall be permitted at any given time.

The Village Centre will be designed to the same design principles applied to the first phase of development of The Village Centre and will integrate seamlessly with the existing commercial buildings. The new Village Centre buildings will be primarily located at the corner of Niven Road and Niagara Stone Road and fronting on the existing municipal open space with the majority of parking provided to the rear screened from view by the buildings facing Niagara Stone Road. The south side of Perez Street that bounds The Village Centre to the north will consist of a row of residential liner buildings with surface parking beneath screened from view on the Perez Street frontage that faces the residential homes on the north side of the street.

The primary access to both The Village Centre and The Village residential areas will continue to be the signalized intersection at Garrison Village Drive. A small roundabout is proposed at the intersection of Garrison Village Drive and the entrance to The Village Centre to better regulate traffic flows emanating from the north, south and west. A secondary right in / right out access point to Niagara Stone Road is proposed in closer proximity to Niven Road. This access point has been proposed in previous iterations of The Village Centre dating back to the original charette hosted by DPZ. It is proposed that the right in / right out be protected from left turns into or out of The Village by the extending the existing median island on Niagara Stone Road. Additional access points will be provided from Niven Road to access the rear parking area.

5.0 PLANNING POLICY

The Village Centre is located in the Built-up Area within the Urban Boundary of the Town of Niagara-on-the-lake and is the gateway to the Old Town en route from the QEW via Niagara stone Road. The Village is a planned complete community designed to accommodate a range of housing, a vibrant Village Centre, public and private open space and a network of pedestrian walkways and trails.

The proposed development will be reviewed in relation to the relevant policies of the Provincial Policy Statement, the Growth Plan, the Regional Official Plan and the Town's Official Plan policies.

5.1 Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement and the Growth Plan promote efficient development patterns that optimize the use of land and infrastructure focusing growth within existing settlement areas.

The PPS provides policy direction within settlement areas, as follows:

Settlement Areas

1.1.3.1 Settlement Areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

1.3.2.3 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons),

- employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
 - d) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and

Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- b) optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

5.2 Growth Plan 2017

The Growth Plan provides growth management policy direction within the Greater Golden Horseshoe area of the province. The Growth Plan is intended to provide a framework for implementing the Provincial government's vision for building stronger, prosperous communities by better managing growth within the Greater Golden Horseshoe to the year 2031.

The guiding principles of the Growth Plan, are to:

- The Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.

The Growth Plan provides the following definitions:

Complete Communities

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Complete Streets

Streets planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists.

Employment Area

Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Specific policies related to employment are as follows:

2.2.5 Employment

1. Economic development and competitiveness in the GGH will be promoted by:
 - a. making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
 - b. ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
 - c. planning to better connect areas with high employment densities to transit; and
 - d. integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

5.3 Regional Official Plan

Niagara aspires to build sustainable, complete communities by making efficient use of land, resources and infrastructure and supporting intensification.

Growth Management Policies:

- 4.A.1.1 Direct the majority of growth and development to Niagara’s existing Urban Areas.
- 4.A.1.2 Direct a significant portion of Niagara’s future growth to the Built-up Area through intensification.
- 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

Strategic Objectives

- To recognize the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources.
- To provide a choice of housing and employment locations.
- Development and efficient use of lands within the existing urban boundaries first.
- Promote integrated urban communities.
- Attraction of more employment through existing or new firms.
- Creation of tourism development opportunities.
- Relating employment and residential areas to discourage commuting.

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

The subject property is designated General Commercial in the Town’s Official Plan.

Within the General Commercial designation the main uses permitted are; retail commercial uses and business offices. Uses permitted secondary to the main use include accessory buildings and structures and dwelling units. Uses permitted independent of a main use include service shops.

The proposed development is subject to the Town’s Official Plan policies with regard to Growth Management.

Growth Management

The objectives of the Town's growth strategy relevant to this proposal are to:

- a) To accommodate all future urban growth within the present-day urban boundary;
- d) Direct urban growth and development to the Town's existing Urban Areas.
- l) Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.

5.5 Town of Niagara-on-the-Lake Zoning By-Law 4316-09

The subject lands are currently zoned Local Commercial (C6) Zone, Commercial (C7) Zone and Village Commercial – Mixed (C7-M) Zone. It is proposed to amalgamate the C6 and C7 Zones into one uniform zone with a range of permitted uses and zoning provisions that apply throughout the new proposed The Village Centre (C7) – Site Specific Zone. No change is proposed to the Village Commercial – Mixed (C7-M) Zone.

6.0 PLANNING ANALYSIS

6.1 Planning Policy

Provincial and Regional policy promotes efficient development patterns that optimize the use of land and infrastructure focusing growth within existing settlement areas.

The build out of The Village Centre designed by Duany Plater-Zyberk (DPZ) was initially approved in 1996 as a component of the overall Master Plan through draft plan of subdivision. The current proposal to develop the next phase of The Village Centre is consistent with the original vision for The Village Centre. The DPZ architectural team continues to be actively involved in the design and execution of the new Village Centre.

The Village is designed on the principles of New Urbanism, that echo Provincial, and Regional policy for safe, healthy, complete and sustainable communities.

The Smart Growth Ontario Network defines a complete community, as a village where you can find most everything you need, and you can walk to get there. An urban village is a vibrant neighbourhood within a city or town, and a great city is made up of many urban villages. From downtown to small town, the process of designing walkable and vibrant neighbourhoods is improving our quality of life at the same time as it is tackling major issues from climate change to transit and economic development.

The official definition of a complete community, from the [Growth Plan for the Greater Golden Horseshoe, 2006](#):

Complete communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

The Village fulfills the definition of a complete community in all respects, providing a walkable community with a diverse range of housing, a vibrant commercial centre, recreational opportunities, a network of public and private open space and a variety of employment opportunities, making efficient use of existing municipal infrastructure and public services.

7.0 CONCLUSIONS

The Village Centre is planned on the principles of safe, healthy, complete and sustainable communities to the same standard of design that has characterized The Village residential and commercial development to date, master planned by Duany Plater-Zyberk. All development within The Village Center will be regulated by the Architectural Codes, registered on title.

The changes proposed to the existing zoning are minor and conform to the Provincial, Regional and Town Official Plan policy. The addition of hotel, a boutique grocer, rental outlet, medical office and veterinarian as permitted uses are comparable to the uses permitted in the Queen-Picton Commercial (QPC) Zone and the General Commercial (GC) Zone as are the revised zoning provisions.

The request for a reduction in the setback to Regional Road 55 was approved by Minor Variance in 2001 based on a traffic analysis prepared by Kerry T. Howe Engineering. (please see the attached). It was concluded that the reduced setback would not affect sight lines to Regional Road 55 at a speed of 50 km/h or 80 km/h and did not affect sight lines on Niven Road at 50 km/h. A daylighting triangle has been dedicated to the Town at the intersection of the two roads.

At the time the Minor Variance for the reduced setback was granted, the speed limit on Regional Road 55 was reduced and a median was constructed to the east of the intersection of Niven Road. The secondary right in/right out access to The Village Centre now requested was proposed in 2001 with the understanding that it would be constructed at the time of the next phase of development of The Village Centre now being contemplated.

There has been no change to the location or the extent of The Village Centre and no change to the maximum gross leasable floor area throughout the commercial area from that which was originally proposed through draft plan of subdivision in 1996.

The Village Centre has been designed to ensure compatibility with neighbouring land uses within The Village and with respect to surrounding land uses. Residential liner buildings are proposed on the north side of The Village Centre fronting on Perez Street adjacent to existing residential homes. The proposed live/work flex buildings will face the existing townhouses along Garrison Village Drive. Agricultural operations will not be affected by the proposed development. Regional policy requires development in proximity to agricultural operations to acknowledge normal farm practices.

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



COMMITTEE OF ADJUSTMENT

Planning & Development Services Department
1593 Four Mile Creek Road, Niagara-on-the-Lake
P.O. Box 100, Virgil, Ontario, L0S 1T0
Telephone: 905-468-3266 Facsimile: 905-468-0301

NOTICE OF DECISION

MINOR VARIANCE APPLICATION NO. A-34/01
Assessment Roll No. 2627-020-008-010-00-0000

OWNER: **COSMAR HOLDINGS LIMITED**

IN THE MATTER OF the Planning Act, Revised Statutes of Ontario, 1990, Chapter P.13, and Zoning By-Law No. 500A-74, as amended, being a by-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Niagara-on-the-Lake; AND IN THE MATTER OF the subject land.

PURPOSE & EFFECT OF THE PROPOSED MINOR VARIANCE:

The subject land has 45.72 feet frontage on Niagara Stone Road, lying east of Niven Road, being Parts 7, 8, 9, 12 and 13, Reference Plan 30R-10007, in the Town of Niagara-on-the-Lake.

The applicant proposes to construct a commercial building on the subject lot. To accommodate the building, a variance is requested for property zoned "Commercial (C7)" as follows:

- (a) The building setback from Regional Road 55 from 15 metres as required in the Zoning By-Law to 4.26 metres for the proposed Building "D".

DECISION: GRANTED

SUBJECT TO THE FOLLOWING AMENDMENT:

- (a) The building setback from Regional Road 55 from 15 metres as required in the Zoning By-Law to **6 metres** for the proposed Building "D".

REASONS:

1. The requested variance meets the four tests as outlined in Section 45(1) of the Planning Act, R.S.O. 1990, c. P.13.
2. The requested variance is consistent with Provincial Policy Statements approved under Section 3(1) of the Planning Act.

CERTIFIED A TRUE COPY

SECRETARY-TREASURER
TOWN OF NIAGARA-ON-THE-LAKE
COMMITTEE OF ADJUSTMENT

CHAIR, G. Lepp

MEMBER, R. Falk

MEMBER, B. Ivanchuk

MEMBER, D. McCarthy

MEMBER, M. Welsh

Cathy Macdonald, Secretary-Treasurer

DATE OF DECISION:

JULY 19, 2001

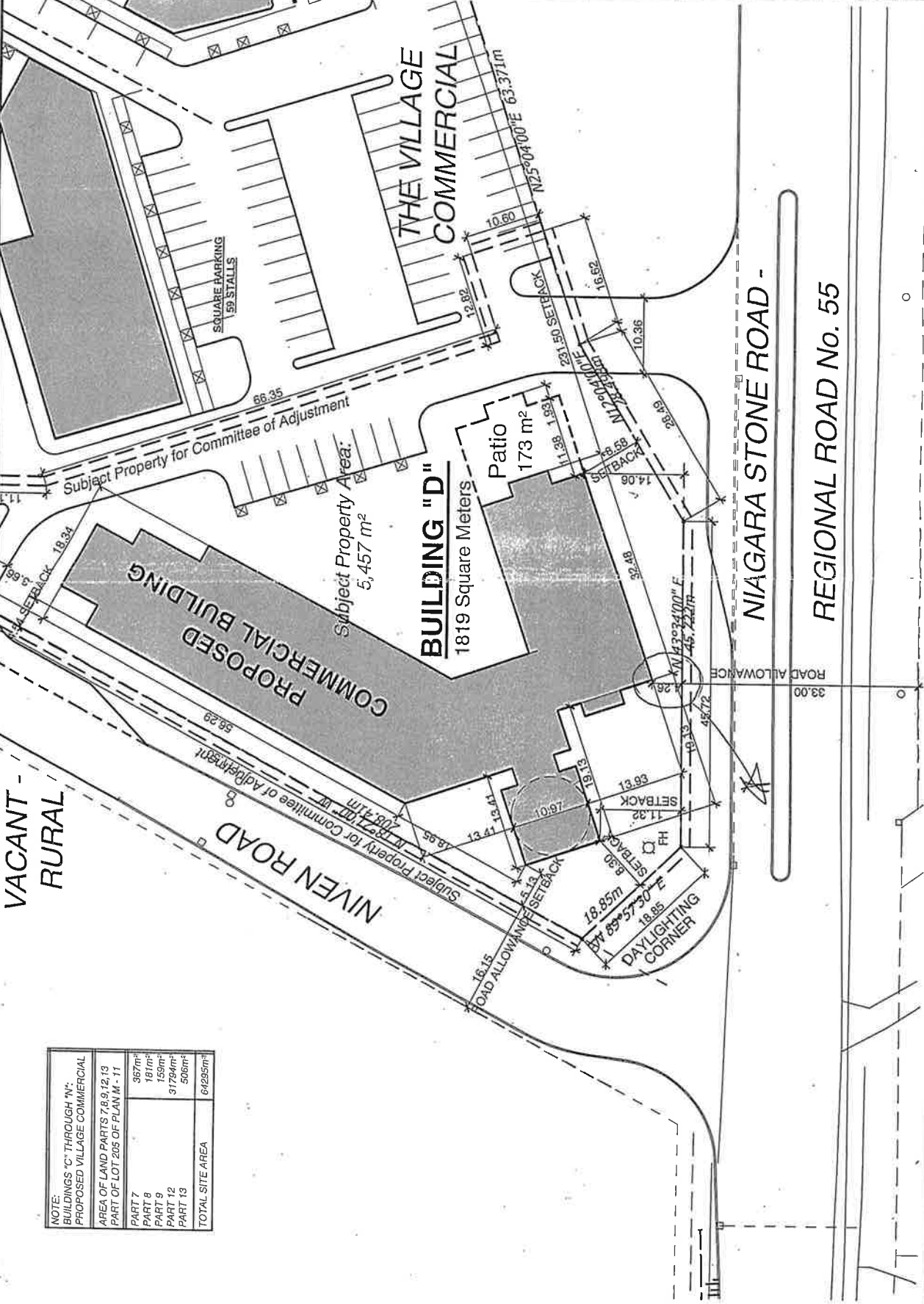
LAST DAY FOR APPEAL:

AUGUST 8, 2001

BEING ASSURED THAT NOTICE HAS BEEN GIVEN IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, THE COMMITTEE OF ADJUSTMENT HAS MADE THE FOREGOING DECISION.

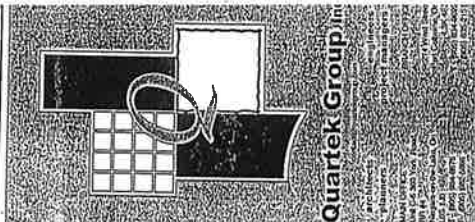
NOTE:
BUILDINGS C THROUGH N:
PROPOSED VILLAGE COMMERCIAL
AREA OF LAND PARTS 7,8,9,12,13
PART OF LOT 205 OF PLAN M - 11

PART 7	957m ²
PART 8	181m ²
PART 9	159m ²
PART 12	31794m ²
PART 13	506m ²
TOTAL SITE AREA	64295m ²



Do not work drawings. Return to the architect for any changes. All drawings and related documents remain the property of the architect. All drawings are prepared in accordance with the Building Code, Ontario Regulation (639/97).

Issue	Issued for	Date	Int
C	COMMITTEE OF ADJUSTMENT	JUNE 22/2001	
B	ISSUED FOR REVIEW	MAY 21/2001	
A	ISSUED FOR REVIEW	JAN 21/2001	



Work for:
"The Village"
COMMERCIAL ZONE
MASTER PLAN

drawing title
CORNER BUILDING
COMMITTEE OF
ADJUSTMENT

drawn by
SPR

designed by
NA

scale
1:500

DATE
JUNE 28/2001

job number
98423-600

Issue

drawing number
SHT 2 OF 2 SPA-MV2



Planning Summary Report

**Application for Minor Variance
'The Village'
Commercial Area**

**Part of Lot 205, Plan M-11
Parts 7, 9 & 12 and Parts 8 & 13**

Town of Niagara-on-the-Lake

**The Village Commercial Area
Part of Lot 205, Plan M-11
Parts 7, 9 & 12, and Parts 8 & 13
Application for Minor Variance**

Background

The applicant is applying for a minor variance in order to reduce the setback from Regional Road 55 as required in Zoning By-Law 500A-74, as amended by By-law 500KK-96, By-Law 500LL-97 and By-Law 500NQ-00, which requires, "*a minimum building setback from Regional Road 55 of 15 metres – Note: All other building setbacks shall be regulated by the architectural codes contained in the subdivision agreement*". It is proposed to move the footprint of the building to its original location (please refer to the attached 'The Village Master Plan') as proposed in the charette conducted by planner/architect Andres Duany and later approved at a public meeting held under Section 51 of the Planning Act.

If the minor variance is approved, the minimum distance between the building and the property line on Regional Road 55 will be 4.26 metres. There are three corners of the proposed building that measure less than the required 15 metre setback:

- .west corner 11.32 m
- .center corner 4.26 m
- .east corner 14.06 m

The setback from Niven Road is regulated by the Architectural Code, which requires, "*Side setbacks are 0m, except at corners, where buildings shall maintain a continuous edge along a frontage line of 2m.*" The proposed setback from Niven Road is a minimum of 4.54 metres, in conformity with the requirements of the Architectural Code.

Proposed Use

The applicant proposes to construct a one storey building with an attached tower consisting of approximately 1819 square metres. The building will be designed to conform to the requirements of the Architectural Code in height and dimensions. The building will eventually be subdivided into individual commercial units. The use of each individual unit will conform to the requirements of the Zoning By-Law.

Parking and servicing requirements will be addressed as part of the Site Plan Agreement process.

Site Description

The 'Village Commercial' component of 'The Village' plan of subdivision consists of Parts 7, 8, 9, 12 & 13 of Part Lot 205, Plan M-11 with an area of 64,295 square metres. Two buildings have been constructed on the property to date, the CIBC building (July 1999) and Shopper's Drug Mart (September 2000). Twelve additional commercial buildings will eventually be constructed within the commercial area including 'Building D' which is the subject of this application.

The development area for 'Building D' is located at the southwesterly corner of 'The Village' plan of subdivision at the westerly boundary of the urban area. The area of the parcel of land that is the subject of this application is 5457 square metres with a frontage along Regional Road 55 of 45.722 metres.

The lands are bounded by Niven Road to the west and Regional Road 55 to the south. Earlier phases of the residential component of 'The Village' plan of subdivision are located to the north and the balance the 'The Village' Commercial Area is under development to the east. The new Jackson-Triggs Winery is located on the south side of Regional Road 55 adjacent to the proposed development.

Regional Policy Plan

The property is located within the Urban Area Boundary of the Town of Niagara-on-the-Lake.

Official Plan

The lands are designated as *General Commercial* in the Town's Official Plan which identifies the Village Commercial Area as a third commercial area serving the Old Town of Niagara. This commercial area is intended to serve primarily local needs.

Zoning

The subject property is zoned *Commercial (C7-H) Zone*, according to Zoning By-Law 500A-74 as amended By-Law 500KK-96, By-Law 500LL-97 and By-Law 500NQ-00.

Uses permitted within this zone include:

- "Clubhouse*
- Micro-Brewery*
- Educational or religious institutions*
- Civic Uses*
- Theatre*
- Residential Dwellings above and/or behind any permitted use.*

Retail and Services Uses include:

- Agricultural Market*
- Custom Workshops*
- Visitor Oriented Retail and Personal Services*
- Restaurants (including outdoor patios and take-out food outlets)*
- Business and Professional Offices and Clinics that do not primarily serve local needs and have a client base that extends beyond the municipal boundaries."*

The use of the proposed commercial building will conform to the permitted uses as required in the Zoning By-Law.

Architectural Controls

All development within the 'The Village' is regulated by an Architectural Code and administered by the Village Architect. Designs proposed for individual residential and commercial units must be submitted for approval by the Village Architect as stipulated in 'The Village' Design Review Procedures.

The "*Urban Regulations, Type 1 - Shopfront Building*" form part of the Architectural Code regulating the buildings located within 'The Village' Commercial Area, including setback requirements. The proposed building conforms to the Urban Regulations as set out in the Architectural Code.

Planning Considerations

Visual Image

The proposed building that is the subject of this application will be the cornerstone of 'The Village' Commercial Area and the subdivision as a whole. Located at the intersection of Regional Road 55 and Niven Road, this building will have an important visual impact as the gateway to the Old Town of Niagara-on-the-Lake.

Regional Road 55 is a major traffic artery servicing the Niagara-on-the-Lake community, carrying local and visitor traffic into the Old Town. As a result, development along the regional road will have a strong influence on the image projected as visitors enter Niagara-on-the-Lake.

The Official Plan states that "*... any new development adjacent to Regional Road 55 (Niagara Stone Road) shall have careful regard to the protection of the visual agricultural and historical ambiance in keeping with this road's role as one of the main vehicular entrances to the Niagara/Old Town area.*"

The location of the building is important in maintaining the visual profile of both the commercial development and the community, providing a vista from both the westerly and easterly approach to the intersection of Niven Road and Regional Road 55.

Traffic Impact

A site line study was conducted by Kerry T. Howe at the intersection of Niven Road and Regional Road 55 (please refer to the attached letter). The study was undertaken using the building location as it is shown for the purposes of this application for Minor Variance with a 4.26 metre setback from the regional road. The results of the study concluded that the location of the building did not impact the site lines for traffic on Regional Road 55 at 50km/hr or 80 km/hr and did not impact site lines on Niven Road at 50 km/hr. A daylighting triangle has been dedicated to the Regional Municipality of Niagara at the intersection of the two roads.

Traffic Calming

The speed on this section of Regional Road 55 has been reduced from 80 km/hr to 60 km/hr and a median has been installed running easterly from the intersection of Niven Road across the frontage of the parcel of land subject to this application. A proposed access point to 'The Village' Commercial Area will be designed with a right in, right out configuration to the east of the proposed building site. Further to the east the intersection of Garrison Village Drive and Regional Road 55 will be signalized.

The reduced speed limit, the median, the new access point and the signalized intersection all serve as traffic calming measures slowing traffic at the approach to the intersection of Niven Road and Regional Road 55. Traditionally the proximity of buildings to the road allowance also have a traffic calming effect as witnessed in core commercial areas in Virgil and Old Town Niagara-on-the-Lake where the required setback for buildings in a '*General Commercial (C1) Zone*' is 15 feet.

Easements

A Niagara-on-the-Lake Hydro Electric Commission easement shown on earlier plans and registered as Instrument No. 9706 and 9711 on October 15, 1935, was released by transfer LT158011 in 1998 and does not effect the subject property (please refer to the attached documentation submitted by William A. Mascoe, O.L.S.).



KERRY T. HOWE ENGINEERING LIMITED

P.O. Box 460

St. Catharines, Ontario L2R 6V9

Telephone 688-6550, FAX 687-7207

copy for
Susan Wheeler
pls - 468-783
✓ 05/01/01

January 15, 2001

The Village Developments (NOTL) Inc.
111 Garrison Village Drive, Ste. 206
PO Box 1397
Niagara-on-the-Lake, Ontario
LOS 1J0

Attention: Mr. John Hawley

Dear Sir:

Re: The Village Commercial Block
Our File: 00-024-301

Our firm performed the roadway design improvements to Reg. Road 55 from Niven Road Easterly past Garrison Village Drive. As part of that design we reviewed sight lines for Niven Road and Regional Road 55.

We enclose a sketch showing the building location used in the study. This building location was in the same location as the building proposed in the charrette.

The three (3) second stopping sight distances for 50 km. m/hr. on Niven Road and 50 km/hr. and 80 km/hr. on Reg. Road 55 are shown in the sketch. This was the more severe stopping site for this intersection since it did not reduce the approach speed for a stop condition on Niven Road at the intersection.

The building location did not impact on the sight lines for traffic on Reg. Rd. 55.

If any additional information is required please contact the undersigned.

Yours truly,

KERRY T. HOWE ENGINEERING LTD.

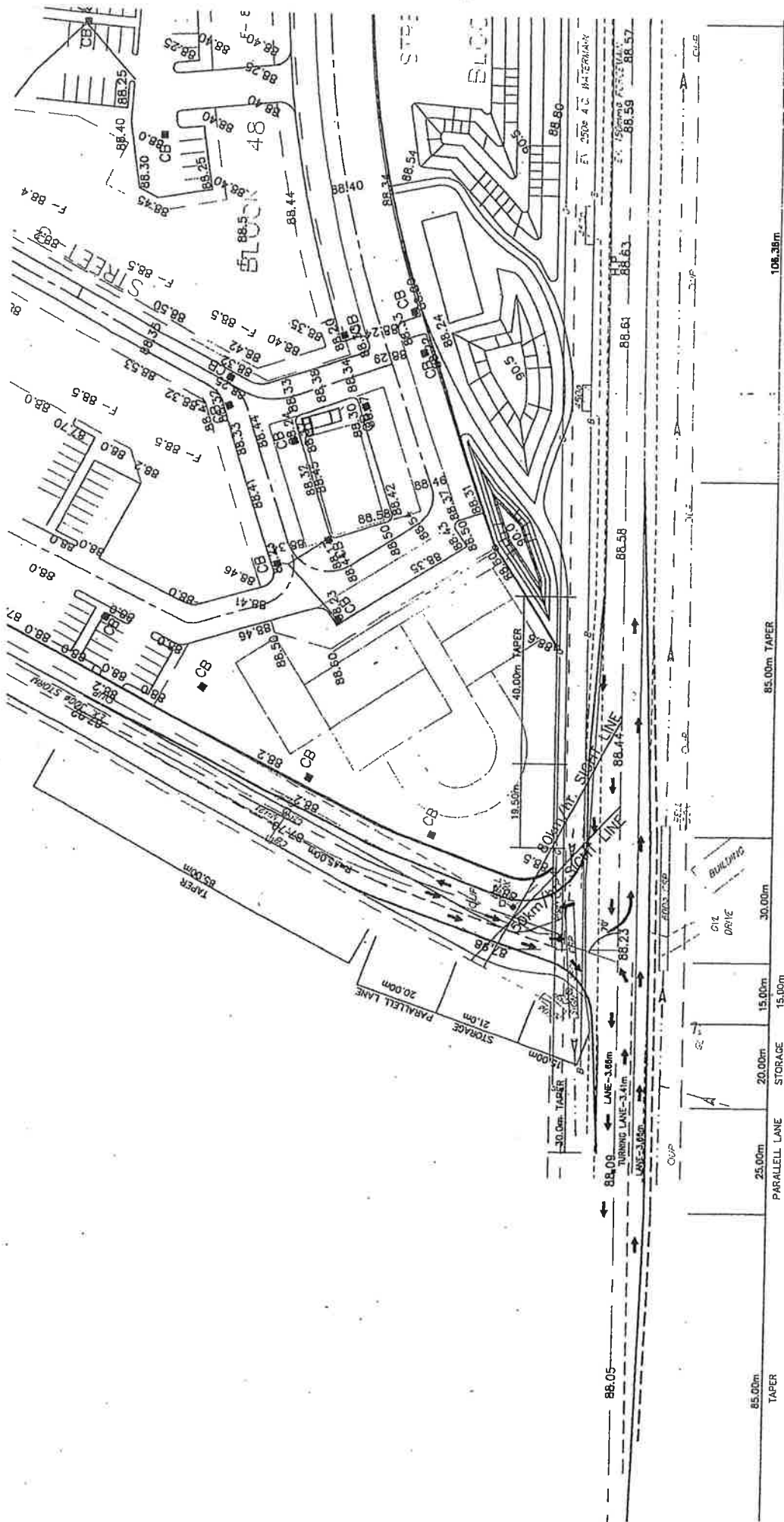
Doug Ingram, P. Eng.
Project Manager

DI:lm

Enclosures

File: 00-024-301

C:\My Documents\00-024\rdwdes00.024.wpd



FRA STONE ROAD - HIGHWAY NO. 55

DESIGN SPEED - 50 km/hr.