



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

# The Town of Niagara-On-The-Lake

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

---

<b>Report:</b>	<b>CDS-11-099A</b>	<b>Committee Date:</b>	<b>December 05, 2011</b>
		<b>Due in Council:</b>	December 12, 2011

---

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

---

## 1. RECOMMENDATION

It is respectfully recommended:

- 1.1 That recommendation 1.2 of CDS-11-099 be set aside and that the revised draft Zoning By-law amendment attached as Appendix C to report CDS-11-099A for the lands at 144 & 176 John Street be forwarded to Council for adoption; and
- 1.2 That the revised draft Zoning By-law amendment is consistent with the provincial policy statements issued under the Planning Act and do not conflict with provincial plans.

## 2. PURPOSE / PROPOSAL

The purpose of this report is to provide additional information with respect to issues raised at the public meeting on November 28, 2011, specifically regarding:

1. Traffic
2. Parking
3. Noise
4. Use of Devonian House
5. Site Plan Approval

## 3. BACKGROUND

At the public meeting on November 28, 2011 residents raised a number of concerns regarding the findings of the Traffic Impact and Parking Study by Paradigm Transportation Solutions Ltd. in relation to the time of the year when data was collected on traffic flows, the number and location of parking spaces for both staff and guests and the noise that might be generated by events being held in the proposed events pavilion. Some residents also indicated that they would be willing to support the proposal if the events pavilion was removed from the overall plan and C1 Zoning was removed from Devonian House to ensure that there would be no restaurant in the building and it would be used only for accommodation purposes.

Community and Development staff met with the owners and their consultants on

Thursday, December 1<sup>st</sup> to discuss the issues noted above and the residents' proposal. The owners indicated that they were willing to address several of the residents' concerns; but were not willing to remove the events pavilion from the plan because it **was** integral component of the proposed Inn and Arts and Cultural Learning Centre.

The owners also proposed to meet with the residents on the **Randwood** property. This invitation was declined. Subsequently staff met with 2 of the residents at their request late on the afternoon of Friday, December 2nd.

#### 4. DISCUSSION / ANALYSIS

##### 1. Traffic

In a letter dated November 30, 2011 Patrick MacNeill, P. Eng. addressed the fact that some data used in the traffic analysis was based on counts taken in the month of November 2010. He provided an analysis of data from the Traffic Impact Study and other data, with a view to sensitivity of the study findings in relation to variation in traffic throughout the year (**Appendix 1**). He indicated that, capacity of two-lane roads such as John Street, Charlotte Street and King Street is 600 vehicles per hour per lane giving an approximate capacity of these roads of 1200 VPH total. The chart accompanying the letter indicates that the predicted post development total flows in Column 'D' are less than 50% of this capacity verifying that any increase in traffic as a result of the proposed development will be well within appropriate limits. Mr. MacNeill also noted that he used Saturday peak hour flows in his analysis because they are higher than weekday peak hour flows.

##### 2. Parking

Residents indicated that, in their opinion, there are not a sufficient number of parking spaces on the property to provide for both guests and staff. They are concerned that overflow parking will spill into the neighbourhood and onto the area zoned Open Space (OS) at the northwest corner of the property.

Staff recognize that there was a discrepancy in the minimum number of parking spaces calculated based on the size of the various uses on the site, specifically with respect to the Arts and Learning Centre. Calculations in the Traffic Impact and Parking Study failed to take into account the addition to the Coach House and a small 1 storey meeting and dining area attached to the manor house. Based on revised calculations parking has been provided as follows.

Inn – 1 parking space per guest room	106
Spa – 1 parking space per 15m <sup>2</sup>	12
Restaurant, including the proposed dining deck - 1 parking space per 9m <sup>2</sup>	21
1 storey addition special meetings & dining	5
Arts & Cultural Learning Centre – 1 per 6 seats or 1 parking space per 18.5m <sup>2</sup> whichever is greater	68

Events Building – 1 per 8 seats or 1 per 18.5m<sup>2</sup>  
or 1 parking space per 18.5m<sup>2</sup> whichever is greater 31

Total Minimum parking spaces: 243

The applicant has agreed to provide a minimum of 250 parking spaces on the site which has been included in the revised proposed Zoning By-law amendment. These additional parking spaces can be accommodated within the underground parking structure through reconfiguring the parking layout and through expansion of the underground structure.

Of the 250 parking spaces no more than 50 are permitted in the Open Space OS Zone at the northeast corner of the property. There are 31 existing surface parking spaces in this location which are to be utilized for staff parking. While the proposed Zoning By-law amendment would permit an additional 19 parking spaces in the Open Space Zone that have not been shown on the preliminary site plan, the determination of the location of these additional 19 parking spaces will occur at site plan stage which is when we will have detailed the location of the trees within this area and can ensure that the siting of the additional parking spaces will not result in the removal of any significant trees. The siting and surface treatment of these additional 19 parking spaces will be part of the site plan consideration and will be evaluated against requirements to protect the natural landscape.

In their letter of December 2, 2011 the applicants provided additional information with respect to parking (**Appendix 2**). The majority of the proposed parking will be below ground in order to preserve the existing natural landscape. They have also indicated that there will be a maximum of 40 – 50 employees on the property at any given time and that, as noted above, they will park in designated parking spaces at the northeast corner of the property in front of the existing manor house.

### 3. Noise

In their letter of December 2, 2011 (**Appendix 2**) the consultants indicate that the events pavilion is a multi-purpose building that will be used for such functions as dinner theatre, guest speakers and lectures, small business conferences, private functions, education programs, art shows, theatrical performances, film festivals, educational programs and small weddings all of which is occur indoors within the building. The events pavilion is not an open air pavilion. Further, In order to address neighbourhood concerns no amplification of music or public address system will be permitted for outdoor activities or events. This restriction has been added to the proposed Zoning By-law amendment and will also be specified in the future site plan agreement. In addition, the applicants will undertake a noise attenuation study prepared by a qualified noise engineer at the site plan application stage and will be required to implement any noise attenuation and/or mitigation recommendations that may be required as a result of the study. The Ministry of Environment establishes the criteria for noise levels for both daytime and nighttime conditions, adjacent to sensitive land uses, such as residential uses. Also, the building will be designed to implement sound attenuation strategies to

reduce potential noise concerns.

#### 4. Devonian House

The proposed Zoning By-law amendment has been amended to restrict the use of Devonian House to 8 guest rooms only and no other commercial use is permitted, to ensure that it will only be used for accommodation purposes.

#### 5. Holding Zone and Site Plan Approval

The development approval process is complex. The Planning Act, stipulates what matters are to be addressed through an official plan, zoning by-law and site plan review and approval processes. A number of the detailed comments received from the public on these applications will be dealt with through the site plan review and approval process and are not appropriate matters to be addressed in an Official Plan or Zoning By-law amendment approval.

While in certain circumstances it is preferred to have site plan application to be considered at the same time as other planning applications are being considered, the Town is not able to compel an applicant to submit a site plan application concurrently with Official Plan and Zoning By-law amendment applications. It is usual that on large development projects such as is being proposed for Randwood, site plan application and approval follow after Official Plan and Zoning By-law amendment applications are considered and the applicant knows if there is support (or not) for a proposal. The financial commitment to develop the detailed site plan, architectural and engineering plans and submissions necessary to accompany a site plan application for large scale projects are significant, i.e., \$100,000+. As a result, a developer seeks a degree of certainty through zoning approvals prior to commissioning such work. In this circumstance, it is appropriate for site plan review and approval to follow after a decision has been made on the Official Plan and Zoning By-law amendments.

Nevertheless, to address a number of the public's concerns regarding the prematurity of considering a zoning by-law amendment without the full knowledge of the all site plan requirements and details, the draft zoning by-law amendment has been revised to place the lands in a Holding (H) Zone and provides that the Holding (H) Zone will not be lifted until such time as the applicant has received site plan approval from the Town of Niagara-on-the-Lake. At site plan approval stage the applicant will also be required to have the support from the Niagara Peninsula Conservation Authority and the property is to be designated under Part IV of the Ontario Heritage Act. In addition the proposal will be reviewed by the Urban Design Committee.

The use of the Holding (H) Zone provides assurances that the zoning approval is not a fait accompli and final zoning approval will not take place until a further by-law is passed by Council to remove the Holding (H) Zone, which can only occur after the applicant has received site plan approval from the Town of Niagara-on-the-Lake. The imposition of the Holding (H) Zone has been agreed to by the applicant.

Prior to passing a by-law to remove or lift the Holding (H) Zone, Council is required to give public notice of its intention to pass such a by-law. In that way the public is informed that the requirements to lift the Holding (H) Zone have been met and Council intends to remove the Holding (H) Zone and implement site specific zoning.

#### 6. Need and Impact on Existing Businesses

The Town Official Plan establishes the policy basis for requiring a needs assessment for commercial uses and require a needs assessment for new or expanded retail commercial uses. The proposal is not a commercial retail use. Nevertheless, staff did request the applicant to provide a needs assessment which they have done. The needs assessment was done by a reputable and qualified firm and concluded that there would not be a negative impact on existing accommodation businesses in the Town, but rather is complementary to the type of offering available in the Town and will bring business to the Town.

### **5. FINANCIAL IMPLICATIONS**

Please refer to CDS-11-099 for the discussion on financial implications.

### **6. COMMUNICATIONS**

Please refer to CDS-11-099 for the discussion on communications and next steps.

### **7. CONCLUSION**

Since the Public Meeting on November 28, 2011 staff has met with both the applicants and 2 of the residents in order to address the questions raised at the meeting. The applicants provided information with respect to traffic, parking, noise and use of the various facilities on the property, including the events pavilion or centre. They are supportive of a number of additional requirements including a noise attenuation study during the site plan approval process, restricting the use of Devonian House for accommodation only and implementation of a Holding Zone for the property until such time as the applicants have received site plan approval. This will ensure that all of the conditions of site plan approval are fulfilled. Further, designation under Part IV of the Ontario Heritage Act and additional urban design review by the Urban Design Committee will ensure that the heritage resources on the property are protected and that the new buildings and building additions are both appropriate and compatible with the existing buildings and the cultural landscape.

**Respectfully submitted,**

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

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

**Mike Galloway**  
**Chief Administrative Officer**

ATTACHMENTS



Appendix1\_QuartekTrafficLetter.pdf



Appendix2\_AllenChuiLetter.pdf



Randwood Revised Zoning By-law dec.4.11.doc

---

First Capital of Upper Canada - 1792