Subject:	Official Plan and Zoning By-law Amendment by Bousfields Inc. at 5205 King Street
To:	Committee of the Whole – Planning & Economic Development
From:	Planning and Development Department

Report Number:	PD-28-25
Wards Affected:	2
Date to Committee:	November 3, 2025
Date to Council:	November 17, 2025

Recommendation:

Council Not Support the Official Plan Amendment application PLOPA-2025-0001 and Zoning By-Law Amendment application PLZBA-2025-0001 by Bousfields Inc. on behalf of UrbanLink Developments (Beamsville) Ltd. and UrbanLink Developments (5205 King) Ltd. for the following reasons

- The proposed amendments are not consistent with the Provincial Policy Statement;
- The applications do not conform with the Town's Official Plan; and
- The applications do not conform with the intent of the Town's Zoning By-law

Council Provide Direction to Town staff and solicitor to oppose the proposed development, as it is currently presented, at any future Ontario Land Tribunal (OLT) hearing and, if appropriate, participate in potential discussions to secure revisions to the proposal to the satisfaction of the Town.

Council Direct staff to continue to update Council during the OLT hearing process.

Purpose:

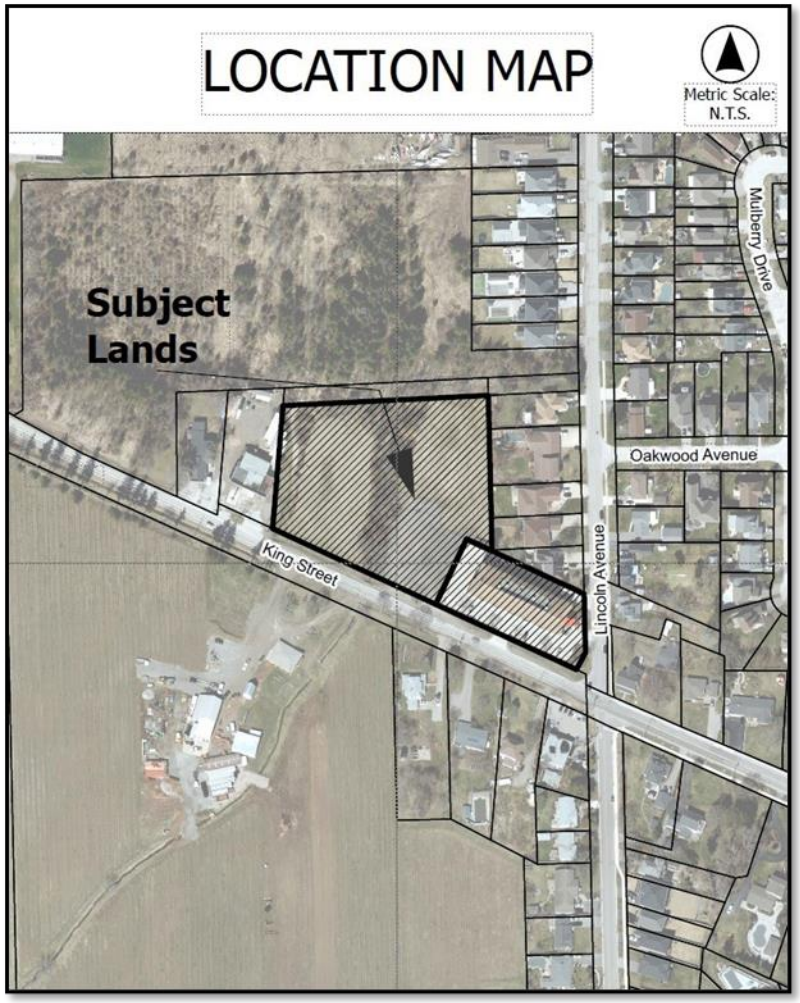
This report provides a recommendation to Council regarding the Official Plan and Zoning By-law Amendment for the lands municipally known as 5205 King Street and the vacant property immediately west of it. Specifically, it highlights the application process, including input received and staff analysis based on provincial and local policy; discussions regarding with the applicant regarding potential revisions to the proposed development concept to address concerns; and the subsequent discontinuation of these discussions leading to the non-decision appeal filed with the OLT by the applicants. This report is to

provide staff's recommendation for Council consideration as it decides the position it will take (i.e, in support or opposed of the application) during the subsequent OLT process.

Background:

The subject lands comprise two properties which are located west of Lincoln Avenue and north of King Street. The eastern property is municipally known as 5205 King Street and is occupied by a one-storey, 1,000 square metre commercial strip mall. As the western property is vacant it has no municipal address and is instead legally described as Part of Lot 19, Concession 3, Part 1 of 30R5929. A watercourse runs along the west and north side of the western property which was relocated from its original location in 2024 after receiving approval from the Niagara Peninsula Conservation Authority.

Collectively, the subject lands are approximately 14,822 square metres (1.48 hectares) with 5205 King Street being 3,428 square metres in size and the western vacant property 11,394 square metres in size.



Land uses surrounding the subject lands consist of:

To the west: Lands forming part of the Greenbelt Plan that include crop lands, rural residential dwellings, and poultry barns,

To the north: Lands forming part of the Greenbelt Plan along with low-density residential dwellings (single and semi-detached) within the Beamsville urban area,

To the east: Low-density residential dwellings (single and semi-detached) within the Beamsville urban area,

To the south: Low-density residential dwellings (single and semi-detached), a commercial property, and lands within the Niagara Escarpment Plan.

Summary of Development Application:

As noted in greater detail on the following page, the proposed development consists of 246 dwelling units and 1,071 square metres of commercial space in two mixed use buildings. A summary of the existing policy context and timelines of the submitted applications is provided in the table below.

Application Details	
Applicant/Owner:	UrbanLink Developments (Beamsville) Ltd. and UrbanLink Developments (5205 King) Ltd.
Agent:	Bousfields Inc.
Type of Application:	Official Plan/Zoning By-law Amendment
Policy Context	
Official Plan Existing:	Natural Environment General Commercial
Official Plan Proposed:	Natural Environment General Commercial (Site Specific Changes)
Zoning By-law Existing:	Environmental Conservation (EC) General Commercial (GC) - 5205 King St. General Commercial (GC)(H) – Western property
Zoning By-law Proposed:	Environmental Conservation (EC) General Commercial (GC) (Site Specific Changes)
Processing Details	

Date of Pre-Consultation Meeting with Town:	June 27, 2024
Date of Application Submission:	January 7, 2025
Date of Receipt of Complete Application:	May 21, 2025
Notice of Public Meeting Circulated On:	May 21, 2025
Statutory Deadline for Decision:	September 21, 2025
Date of OLT Appeal:	September 22, 2025
Note: The applicant submitted a Notice of Appeal to the Town and the Ontario Land Tribunal as the Town did not provide a decision on the above noted planning applications within 120 days of both being deemed complete. This is permitted under Section 17(36) Section 34(11) of the *Planning Act (1990).*	

To construct the proposed development, the applicants are requesting the following Official Plan Amendments:

- Relocate the existing Natural Environment policy area to the location of the watercourse relocated in 2024,
- Apply the General Commercial policy to the remainder of the subject lands, and
- Provide a maximum building height of 7 storeys and a maximum net density of 176 dwelling units per hectare on the property. Current building heights and densities are regulated through the applicable zoning by-law regulations. A detailed discussion on the rationale for this proposed OP amendment is provided later.

The Zoning By-law Amendment is requesting to increase the maximum permitted building height for the mixed-use buildings and the accessory building that will contain amenities for residents and their visitors. In addition, the amendment is requesting to reduce the minimum width of two-way drive aisles, reduce the width of landscape strips and the setback between parking areas and low density residential properties, increase the maximum front yard setback as well as other development standards. Details of these site-specific provisions are provided further in this report.

Summary of Development Proposal:

The proposed development is characterized as a mixed-use development which includes 246 dwelling units and 1,071 square metres of commercial space in the following components:

- Building 1 (west building) has a maximum height of seven storeys that drops to six along King Street with 161 dwelling units and 671m2 of ground commercial space,
- Building 2 (east building) has a maximum height of six storeys with 85 dwelling units and 396m2 of ground floor commercial area,

- Accessory Building which contains indoor and outdoor amenities has a height of three storeys and includes an outdoor pool, party room, co-working space, party room and gym,
- A total of 309 parking spaces are provided at the rear of Buildings 1 and 2 at the surface and in a below-grade parking structure,
- Approximately 2,492 square metres of amenity space of which 805m2 is provided in the accessory building, and 1,687m2 is provided as rooftop or ground level landscaped areas.

The applicants have clarified their proposal in terms of the tenure of the proposed housing through the approvals process. At the time of submitting the OP and ZBA applications, the applicants did not confirm whether the dwellings would be purpose built rental or ownership. This position is outlined in an April 23, 2025 memo from Bousfields directed to Town and Region staff. At the July 7, 2025 statutory public meeting the agent informed the Town that the proposed development would be purpose-built rentals rather than ownership.

Summary of Development Concept History:

At the outset of the process, starting during conversations prior to the pre-consultation process, staff identified concerns regarding the proposed building heights, compatibility with and potential impacts to the existing adjacent neighbourhoods, the provision of amenities and maximization of commercial space. As a result of a continuation of these discussions, the development concept discussed in this report features several key differences from the one which was presented to staff at the formal pre-consultation meeting in 2024. Table 1 provides a summary of these changes and shows that there was a decrease in maximum building height for Building 1, an increase in the number of parking spaces and a significant increase in the amount of amenity space provided.

Table 1: Summary of Changes to Development Concept

	Pre-Con Submission	OPA/ZBA Submission	Difference
Building 1 Max Height	8 storeys	7 storeys	>1 storey
Building 2 Max Height	6 storeys	6 storeys	No change
Number of Dwelling Units	253	246	-7
Commercial Area (m2)	474	1,007	533
Amenity Area (m2)	438	2,492	2,054
Parking Spaces	290	309	19

Report:

It is required that municipal decisions affecting planning matters shall be consistent with the Provincial Planning Statement, conform with the Growth Plan, and conform with provincial legislation. The following policies are particularly relevant to this application.

Provincial Planning Statement (2024):

On August 20, 2024, the Ministry of Municipal Affairs and Housing released the Provincial Planning Statement ("PPS") 2024, which took effect on October 20, 2024. It consolidates and replaces the previously in-effect Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2019). The PPS requires that all decisions affecting planning matters shall be consistent with the minimum standards set in the Provincial Policy Statement.

PPS: Growth Areas and Density

Section 2.3 of the PPS provides policies for development within Settlement Areas. In particular it outlines that:

- Settlement areas shall be the focus of growth and development (2.3.1.1)
- Within settlement areas, growth should be focused in, where applicable, designated growth areas and strategic growth areas (2.3.1.1)
- Planning authorities shall establish and implement minimum targets for intensification and redevelopment within the built-up area of a settlement area and are encouraged to implement minimum targets for designated growth areas (2.3.1.3, 2.3.1.4, 2.3.1.5).
- Promote economic development and competitiveness by providing for an approximate mix and range of employment and broader mixed uses (2.8.1.1a)

With regard to the proposed development, it is necessary to outline some of the key policy changes between the 2024 PPS and its predecessors (2020 PPS and 2020 Growth Plan). The first significant change is that the 2024 PPS is more prescriptive in identifying where new growth, particularly high-density development, should occur. The 2024 PPS identifies two broad areas within settlement areas where new growth can occur:

- *Designated Growth Areas* represent areas where residential and other land use growth is designated to occur but have not yet been developed, and
- *Strategic Growth Areas* represent areas that have been identified by municipalities in which higher-density mixed uses are to occur and be focused. These areas can include major transit station areas, nodes and corridors along major roadways and other lands that can accommodate infill and redevelopment such as underutilized shopping malls and plazas.

While seemingly subtle, these changes represent a substantial departure from previous policies. Whereas its predecessors required municipalities to facilitate growth of all kinds and densities within a settlement area, the 2024 PPS identifies that "growth should be

focused in…strategic growth areas, including major transit station areas" (2.3.1.1). Section 2.4.1.1. reinforces this push to concentrate high density growth into these areas by stating that "Planning authorities are **encouraged** to identify and focus growth and development in *strategic growth areas*. (emphasis added)"

Per PPS Policy 2.3.1.1, the Town has identified two Strategic Growth Areas within Lincoln: the Beamsville GO Station Secondary Plan and the Prudhommes Secondary Plan. The former applies to lands that are largely within 800m of the proposed GO Station and supports high density developments to conform with provincial planning policies around future rapid transit infrastructure, the proximity to the QEW (to limit impact on arterial and local roads), and limited impacts on existing low-density neighbourhoods. The latter applies to the lands than encompassed the former Prudhommes Landing amusement park and adjacent lands. High density development was envisioned in this secondary plan due to its proximity to the QEW, and the limited area of low-density residential uses in the vicinity.

Within the Subject Lands, the property at 5205 King Street (which is occupied by the commercial strip mall) is classified as the Built-Up area. In comparison, the vacant portion of the subject lands falls under the Designated Growth Area policy. As is shown above and will be discussed in the points below, new developments within the Built-Up and Designated Growth Areas are to be reflective and complementary of local contexts and characteristics.

The second significant change is that density targets are to be based on local conditions rather than prescribed targets from the Province. In the 2024 PPS, the policy language encourages (rather than requires) *large and fast-growing municipalities* to plan for "a target of 50 residents and jobs per gross hectare in *designated growth areas*" (2.3.1.5). For communities that are not classified as "large and fast growing" (which Lincoln is not) it instead requires that:

- Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions (2.3.1.4), and
- Planning authorities are encouraged to establish density targets for *designated growth areas*, based on local conditions (2.3.1.5).

This change allows for development patterns to be more reflective of the local built form with local characteristics rather than based on other areas of the Province such as the Greater Toronto and Hamilton Area.

As a result, development proposals are compelled to identify how they are consistent with the local character rather than whether or not they meet the minimum density targets prescribed by the Province.

Planning staff believe that the proposed development does not conform to the 2024 PPS policies for ensuring that new development is cognizant of and reflects the local built form

(2.3.1.4., 2.3.1.5, etc.) As noted, the surrounding area is characterized primarily by farmland and low density housing. Along King Street, starting immediately east of the subject lands, the built form is comprised of a significant number of homes on large lots, many of which are on the Town's non-designated heritage list. This means there is a concentration of potential heritage attributes along the corridor, which the Town recognized as it completed a Heritage Conservation District feasibility study in 2023. This study resulted in the confirmed feasibility of establishing an HCD on King Street within the urban area of Beamsville. More information on the proposed development's impact on the HCD Study Area is provided later in this report.

The requested Official Plan and Zoning By-law Amendments are seeking to permit a development that is not in keeping with this built form. The maximum proposed building height is 7 storeys while the proposed density is 176 dwelling units per hectare. While such development characteristics are allowed in the Secondary Plan areas within the Town (which are classified as Strategic Growth Areas) mentioned above, they are not permitted in the Built-Up Area and Designated Growth Areas. A more detailed discussion on Lincoln's planning policies and regulations will be provided later in this report.

PPS: Land Use Patterns

A key theme within the 2024 PPS is to ensure that planning authorities promote a land use pattern that encourages the mixture of employment, residential and other compatible land uses. In particular, the 2024 PPS promotes developments that have a mixture of land uses and utilize existing infrastructure and resources which:

- Promote economic development and competitiveness by providing for an approximate mix and range of employment and broader mixed uses (2.8.1.1a)
- Provide an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (2.8.1.1b),
- Encourage *intensification* of employment uses and compatible, compact, mixed-use development to support the achievement of *complete communities* (2.8.1.1d)
- Efficiently use land and natural resources (2.3.1.2a),
- Promoting all types of residential intensification including underutilized commercial sites to help create development patterns that efficiently use land, resources, infrastructure, public service facilities and active transportation (2.2.1b(2)), 2.2.1c, 2.3.1.2, 2.3.1.3), and
- Optimize existing and planning infrastructure, public service facilities and support active transportation (2.1.6, 2.2.1c, 2.3.1.2b – c).

It is important to note that while intensification of underutilized and vacant sites is promoted by the 2024 PPS, such developments need to be reflective of local characteristics. This was illustrated in the discussion above and is emphasized by the 2024 PPS' vision statement where it "prioritize[s] compact and transit-supportive design, **where locally appropriate** (p.1) (emphasis added). It is important to note that the Town

has identified such appropriate areas throughout the Town including the Beamsville and Vineland Central Business District areas, the Prudhommes and GO Transit Station Secondary Plan areas and the Ontario Street intensification corridor. The subject lands are not located within any of these areas.

Determining whether a proposed development supports the 2024 PPS land use policies requires a two-step test: one to identify its consistency with the above-mentioned policies and the second to determine if it is appropriate for the surrounding area.

Planning staff are of the opinion that the proposed development only partially meets the land use policies referred to above. While the proposed residential intensification is supported by the PPS, in principle, it is coming at the expense of the potential for additional commercial (employment) space on the subject lands. More specifically, the existing 1,000m2 of commercial space on 5205 King Street is being spread out across two properties rather than being increased as promoted by the PPS. Further, the development would be constructed in two phases with Building 1 proposed first followed by Building 2. The timeline for the construction of each building is not known presently.

As is discussed above, the proposed development does not meet the second test for compliance as its building height and density are not appropriate for the surrounding area.

In conclusion, planning staff note that the proposed development is not consistent with the 2024 PPS' land use policies.

PPS: Housing

An important component of the PPS is ensuring that planning authorities provide for an appropriate range and mix of housing options and densities to meet the needs of current and future residents by:

- Establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households (2.2.1a)
- Permitting a wide range of housing options that are able to accommodate changing demographic patterns and the social, health, and economic requirements of current and future residents (2.1.6, 2.2.1b(1), 2.4.1.2(d)),

Planning staff are of the opinion that the proposed rental housing is consistent with the 2024 PPS housing policies. While the proposed rental units would likely not be affordable, they would provide a form of housing that is not readily available in Lincoln and is needed to help those who are unable to purchase a house or need to downsize because of age. However, as noted Planning staff are of the opinion that the proposed residential density is too high for the subject lands.

PPS: Policy Review Summary

As discussed, there are several ways that developments must demonstrate consistency with the 2024 PPS policies. Planning staff note that the proposed development does conform to some of these policies including the provision of a housing type that is not

prevalent in Lincoln, efficiently using land, and utilizing existing infrastructure rather than requiring extensions from its current location.

However, Planning staff note that there are numerous aspects of the proposed development that are not consistent with the 2024 PPS. From a land use perspective, there is no increase in employment space on the subject lands as the focus is to intensify residential uses on the subject lands. As the parcel to the west of 5205 King St. is currently vacant, it would be appropriate that more commercial space be added to the subject lands.

A key theme introduced in the 2024 PPS is that new development complement and reflect local characteristics. With a maximum height of 7 storeys and a proposed density of 179 dwelling units per hectare, the proposed development is not consistent with this key principle of the PPS. As mentioned, the subject lands are not classified as a strategic growth area as surrounding area is comprised of low density dwellings generally with large front yards and frontages on large lots, and farmland. For this reason, Planning staff believe that the proposed development in its current state is not supported by the 2024 PPS.

Greenbelt Plan (2017):

While the subject lands are within Beamsville's urban area they are adjacent to lands that are subject to the Greenbelt Plan's "Niagara Tender Fruits and Grapes Specialty Crop" policies. Section 3.1.2.5 of the Greenbelt Plan notes that:

> *where agricultural and non-agricultural uses interface, land use compatibility shall be achieved by…minimizing and mitigating adverse impacts on the agricultural system. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.*

It is important to note that presently, approximately 66% of the Town's land area is protected by Greenbelt policy, with additional lands in the Niagara Escarpment Plan Area, thus limiting the availability of land to support projected growth targets. This further emphasizes the importance of directing growth to settlement areas in a manner that maximizes the efficient use of the lands while at the same time achieving a balance in considering compatibility with existing land-uses to help achieve the Growth Plan's density and intensification targets.

To ensure that Lincoln's urban areas are efficiently utilized while accommodating the Province's growth forecasts, the Town has undertaken strategic planning exercises to identify where high-density development should occur. These areas for high density growth are identified as being in the Beamsville GO Station Secondary Plan and Prudhommes Secondary Plan. Some intensification and redevelopment is expected to occur within the Town's Built-Up Areas and Designated Growth Areas but it is required to be reflective of the existing and surrounding built-form.

Niagara Region Official Plan (2022)

On March 31, 2025, Niagara Region's planning responsibilities were downloaded to all 12 local area municipalities. This downloading was a result of the Province's Bill 185, Cutting Red Tape to Build More Homes Act (2024). As a result, the policies of the Niagara Region Official Plan (ROP) are currently being incorporated into the Town's updated Official Plan. While the ROP is being administered by the Town in the meantime, the policies are largely consistent with the Town's existing policy framework, especially as it relates to growth and intensification opportunities.

Despite this, the applicants have provided an analysis of how the proposed development is consistent with the former ROP. The main basis for this opinion is predicated on the following:

- The proposed development helps the Town achieve the ROP's intensification goal that 90% of new housing development occur within Lincoln's Built-Up Area, and
- Intensification is identified to occur along King Street as it is a Regional road.

Town Planning staff disagree with the interpretation and application of these policies as they relate to the proposed development. Regarding the 90% intensification goal, the majority of this growth is expected to occur within the Prudhomme's Secondary Plan and portions of the Beamsville GO Station Secondary Plan. Further, only the 5205 King St. portion of the subject lands is classified as Built-Up Area. Under the ROP, the vacant property to the west was placed under a "Greenfield" policy that only required a density of 50 jobs and dwellings per hectare. For reference, the applicants are requesting a density of 176 dwelling units per hectare.

The ROP also encouraged high density intensification to occur primarily in strategic growth areas and corridors. The subject lands and this portion of King Street are not classified as a strategic growth area or corridor in the former ROP. For intensification proposed in established areas, the ROP policies promoted developments that are appropriate in design and scale that considers the character of adjacent residential neighbourhoods (2.2.1.1h-i, and 2.2.2.10b).

Niagara Escarpment Plan (2017)

While the subject lands are outside of the Niagara Escarpment Plan Area (NEPA), staff from the Niagara Escarpment Commission have expressed an interest in the proposed development. This is because the proposed development fronts onto King Streets and directly abuts lands that are regulated by the Niagara Escarpment Plan. Within NEP, the lands to the south of the proposed development are subject to the Escarpment Rural Area policies.

One of the main objectives of the Escarpment Rural Area is to maintain the open landscape character of the escarpment. The subject lands lie at the edge of the Beamsville Bench landform feature. In the Niagara Escarpment Landscape Evaluation Study (1976) this area is described as the Beamsville Hills and its scenic quality is derived from its open landscape (rural) character. King Street, the Bruce Trail, and several other rural roads in the area provide opportunities for the public to appreciate the scenery of the Niagara Escarpment.

NEC staff have provided comments noting that the proposed development is not consistent with the rural character of the King Street corridor. They also note that the proposed development will likely impact the Escarpment Rural Lands to the south due to the visual impact the proposed development will have on and from the surrounding lands.

NEC staff's primary interest in the proposed development is to ensure that it will not impact the Escarpment's scenic resources. As such, NEC staff recommend mitigating the impact through height reduction and increased setbacks from the King Street frontage. To help determine the impact of the proposed development and directing mitigation strategies, NEC staff recommended that a Visual Impact Assessment (VIA) be provided.

Council Policy:

The subject lands are subject to several municipal planning policies, including policies in the Town's Official Plan and land use regulations in Zoning By-law No. 2022-50. The lands are also subject to subsequent site plan approval to address matters such as grading, and servicing, building design, landscaping and buffering, parking layout, and entrances. The following municipal planning policies are particularly relevant to this project:

Town of Lincoln Official Plan (2016, as amended)

The Town's Official Plan outlines the goals and objectives for the community and identifies land use policies to help guide and direct growth and development over the next 20 years.

According to the Town's Official Plan, the subject lands are designated as part of the Beamsville Urban Area – Designated Greenfield Area. More specifically, the subject lands are under the General Commercial and Natural Environment land use policies. The Natural Environment policies were placed on the property to demarcate the location of wooded features on the subject lands and the 100 year flood plains associated with the two watercourses.

All remaining areas of the subject lands are subject to the General Commercial land use policies. The location of these OP policies are provided on Appendix A.

Requested Official Plan (OP) Amendments

The applicants are requesting the following amendments to the Official Plan policies on the subject lands:

- Redefine the limits of the Natural Environment policy to align with the realignment and stabilization activities of Konkle Creek Tributaries 1B and 2A,
- Implement a maximum building height of 7 storeys on the portion of the lands that are subject to the General Commercial policies, and
- Implement a maximum residential density of 176 dwelling units per hectare on the portion of the subject lands that are subject to the General Commercial policies.

Movement of Natural Environment Policy Area

Town staff are supportive of the amendment to move the existing location of the Natural Environment policy to the relocated tributaries. This support is based on three factors. The first is that the NPCA approved the relocation of the tributaries (see Appendix G) and their respective flood plains on the subject lands. Now that the floodplain limits have been revised due to the NPCA approved realignment of the channel, this reason for the Natural Environment policy is no longer relevant on portions of the subject lands. Second, the relocation of the tributaries was undertaken to help maximize the amount of usable lands and ensure efficient utilization while maintaining existing drainage functions and considering any potential natural environment implications, all under the NPCA approval process.

Third, while the realignment of the tributaries affected portions of the existing Other Woodlands on the property, the NPCA required that a compensation amount of plantings be provided. Thus, the intent of the Natural Environment policies to protect wooded areas and watercourses has been upheld. As will be discussed, Regional ecology staff also noted that they have no objection to this OPA request.

Amendment to General Commercial policies

Per Section 3.4.2, the primary purpose of the General Commercial (GC) policies is to ensure that there is a sufficient amount of retail and commercial space to meet current and projected needs in Lincoln. Accordingly, the Town's OP allows for a wide range of retail, office and other commercial activities to occur on properties subject to GC policies. Since the GC designation is also considered to be a mixed use node and corridor, Section 3.4.3. and 3.4.4.(g-j) encourages new and redevelopments of greyfields to include residential units above commercial units.

A key objective of the GC policies is to ensure that commercial development does not have adverse impacts on adjacent land uses, particularly residential uses (Section 3.4.2d). To implement this, the OP (3.4.4a) requires that the zoning by-law regulate new commercial and mixed-use developments by providing more stringent zoning regulations

for building setbacks and landscape buffering provisions when they are adjacent to residential uses.

Table 2: Existing Max Building Height and Density Permitted on the Subject Lands

Development Standard	Permitted
Maximum Building Height	Implemented through GC zoning regulations (12.5 metres)
Maximum Density	No specific policies as density is generally regulated through conformance of applicable GC zoning regulations. These include building height, parking, lot coverage, building setbacks etc.

Planning staff required the applicant to obtain an Official Plan Amendment for maximum building height and residential density as part of the request to relocate the Natural Environment policy areas on the subject lands. This requirement was outlined at the formal pre-consultation meeting for two reasons. The first was to help convey Planning staff's message that the proposed density and building heights were not appropriate for the subject lands. The second was to help ensure that building heights or densities could not be increased through the minor variance process in the future.

Planning staff are not supportive of the request to implement a maximum building height of 7 storeys and a maximum density of 176 dwelling units per hectare primarily because they are not compatible with the surrounding area. While it was anticipated that the subject lands would be developed in some capacity, and would likely include a mixed-use concept, the policies envisioned a much lower intensity than the one proposed. For example, the Town's sanitary sewer capacity study allocated a total of 120 residents living on the subject lands. This allocation was provided in 2021 during Niagara Region's Water and Wastewaster Master Servicing Plan Update. In comparison, the proposed development is proposing a residential population of 418 persons using the Town and Region's methodology and the applicants Functional Servicing Report.

This opinion is also based on relevant sections of the Town OP which discuss the compatibility of new developments with existing neighbourhoods. This policy objective is approached by two strategies: 1) identifying where compact, higher density forms of growth should and should not occur and 2) providing design standards that outline how new developments should reduce their impact.

To implement the first strategy, the Town's OP provides the following objectives and policies:

- To maintain and enhance the *Settlement areas* as distinct, diverse, liveable, safe, accessible and attractive communities (1.3.2.2a).

- To respect the *character* of existing *development* and ensure that all applications for *development* are physically compatible with the *character* of the surrounding neighbourhood (1.3.2.2b, f).
- To protect existing stable residential neighbourhoods by directing higher density *development* to the Central Business Districts and *intensification* areas within the *Built-up Area* (1.3.2.2g and 3.1.2b).
- To promote opportunities for *intensification* and *redevelopment* in appropriate locations (3.1.2c),
- To promote higher density, *transit supportive* and mixed use *development* and *redevelopment* in appropriate locations (3.1.2d),
- While low density housing will continue to dominate the *character* and identity of the Town residential neighbourhoods, various types of medium and high density accommodation will be considered in accordance with the land use designations on Schedules 'A' and 'B' and the policies in this Plan. In providing for medium and high density *development*, housing types will be arranged in a compatible form of building heights and densities according to the policies of this Section and the applicable Secondary Plan policies. (3.1.4a)
- Secondary Plans have been prepared for areas undergoing major *development*, *redevelopment* and where any major *development* proposal would have the effect of substantially altering the pattern of land use in a particular area (3.1.4b).

To support the aforementioned policies, Section 3.1.5. outlines the permitted density, building heights and dwelling types within different areas of the built-up area. A summary of these policies is provided in Appendix G. As shown on Appendix A, the surrounding lands within Beamsville's built boundary are subject to the Residential and Low Density policies. The requested 7 storey and 179 units per hectare density are not compatible with these policy areas and instead, are better suited for lands in the Beamsville GO Station Secondary Plan and/or the Prudhommes Secondary Plan.

One point of discussion put forward by the agent and applicant is that this type of intensification is appropriate as the subject lands are along King Street which is an arterial road. In many communities, planning policies encourage intensification along arterial roads as they are suited to accommodate the growth from higher density developments. However, the Town's OP has not identified this portion of King Street for intensification. Instead, Schedule A2 shows that intensification is encouraged along Ontario Street between Greenlane Road and King Street and along King Street between Crescent Avenue and East Avenue. The rationale for not extending the Intensification Corridor policy to the subject lands reflected the desire to maintain the low density and heritage features that characterize this portion of King Street. Appendix F illustrates that the densities of the adjacent neighbourhoods ranges from 7 to 19 dwelling units per hectare.

Despite being an area for intensification, Ontario Street is not envisioned to be comprised solely of high density and tall developments. In the Ontario Street Urban Design Vision and Streetscape Master Plan (2022), maximum building heights are highest in areas that are within the Beamsville GO Station Secondary Plan and decrease closer to the downtown. Figures 7 and 11 within the Streetscape Plan call for max building heights of 8-9 storeys near Greenlane Road and 4 – 5 storeys in areas closest to the Central Business District and King St. intersection. The intent of this gradual decrease in permitted building height is to help blend the character of the existing CBD and neighbourhoods with new development.

As the surrounding neighbourhood consists of older single detached dwellings on large lots, a similar approach was applied when contemplating what type of development would be appropriate for the subject lands. This is why the subject lands were not designated as high density within the Town's Official Plan and instead left as General Commercial.

Section 3.4.4e(i-iv) and 8.6.3.5 provides additional design policies for the development and redevelopment of commercial properties:

- The provision of landscaped areas and accompanying landscaping shall form an integral part of all commercial *developments*. Landscaping and tree planting shall be provided to improve the streetscape, to function as a screening and buffering device between commercial and other adjacent uses, and for aesthetic and resting purposes.
- Open storage of goods and materials shall only be permitted in accordance with the provisions of the Zoning By-law.
- Loading and unloading areas shall be provided off-street and in the rear or side yard whenever possible; and
- Adequate off-street parking facilities shall be provided in accordance with the provisions of the Zoning By-law; ingress and egress to such parking areas shall be provided to minimize potential conflict with vehicular and pedestrian traffic.
- Include provisions that support the use of active transportation such as direct access to sidewalks for pedestrians and cyclists, and
- Providing enhanced designs on street front facades to draw attention to commercial spaces and create unique visual features.

Generally speaking, the proposed development adheres to these design guidelines. Parking and loading facilities are largely kept to the rear of the proposed buildings and the commercial units located on the ground floor face King St. The landscaping and design of the buildings also intend to beautify the streetscape by providing new plantings, seating and sidewalks for active transportation. The façade along the ground floor also features substantial glazing and a different design compared to upper floors to help draw attention to and animate this portion of the streetscape.

With the above said, Planning staff note that the scale of the development does not fit the general character of the area. The subject lands act as a “gateway area” and offer the first glimpse of Beamsville to visitors traveling from the west. Based on its current proposal, the development would create a large “wall” that overwhelms the surrounding properties and approach into Beamsville rather than a gentle or more nuanced introduction. For this reason, Planning staff note that the OPs urban design policies are not fully supportive of the proposed development.

Lincoln OP – Summary

As noted, the Town recognizes that the subject lands, based on the General Commercial designation, presence of existing municipal services and location along King Street have long possessed the potential to be redeveloped into a mixed-use form..

However, high density redevelopment was not planned for the subject lands primarily because of its distance from the future GO Station and QEW as well as the characteristics of the existing built form and rural area in its vicinity. Instead, high density developments are generally directed to more appropriate areas such as the Beamsville GO Station Secondary Plan, Prudhommes Secondary Plan, and areas identified as Intensification Corridors.

The proposed development in its current form represents a substantial departure for the subject lands and would as a result overwhelm the adjacent rural and urban lands in massing and scale. As such, the proposed development does not conform to the OP policies which require new development to compatible with existing neighbourhoods. Planning staff are of the opinion that the proposed development does not conform to and support the general intent of the Town’s Official Plan.

Lincoln Zoning By-law (2022-50)

As noted, there are three different zoning designations on the subject lands. The lands at 5205 King Street are zoned General Commercial (GC) while the vacant parcel to the west is zoned Environmental Conservation (EC) and General Commercial (GC)(H). Appendix B shows the location of these regulations on the subject lands. The Holding Provision was placed on the vacant parcel to ensure that adequate servicing is provided for future developments and that site plan approval is obtained from the Town.

The applicants have requested several zoning amendments to the GC zone and one for the EC zone. Regarding the latter, the applicants are requesting to have the current location of the EC zone relocated to reflect the relocation of the two tributaries discussed earlier. For the reasons oultined earlier, Town planning staff have no objection to the relocation of the EC zone on the subject lands, reflected by commentary earlier in this report.

Regarding the GC zone, the applicants are requesting several site specific amendments which are outlined in Table 3 (following page). Of note is that a reduction to the minimum

number of required parking spaces is not listed in Table 3. This is because the applicants are providing the sufficient parking as required by the Town's zoning by-laws.

Planning staff are not opposed to the following zoning amendment requests based on the following rationale:

- **Increase Max Front Yard Setback**: This is to accommodate a buried portion of the relocated tributary which is directly in front of Building 1. The intent of the maximum front yard setback is to help ensure that parking cannot be built between the front of the building and the street, to promote the creation of an attractive streetscape through landscaping, and to allow ground floor commercial activities to activate the streetscape. Planning staff do not object to the increase in the maximum front yard setback for Building 1 as no parking is placed in front of the building, and the landscaping allows for ground floor commercial uses to interact with the proposed sidewalk along King Street.
- **Increase Max. Exterior Side Yard Setback**: The applicants are requesting to increase the maximum exterior side yard setback for Building 2 from 6.0m to 11.0m. to help provide additional visibility at the King Street and Lincoln Avenue intersection.
- **Minimum Rear Yard Setback**: While Building 1 is setback 7.5m from the rear lot line the requested amendment is to acknowledge that it is only 3.3m to the edge of the EC zone designation to comply with the technical requirements in the Town's zoning by-laws. Planning staff note that the building remains outside of the 100 year flood plain and notes that Building 2's rear yard setback is 8.3m more than the minimum 12.0m requirement.
- **Minimum Width of Two-Way Traffic Aisle**: Whereas the Town's Zoning By-law requires that all two-way traffic aisles have a minimum width of 6.7m, the applicants are requesting a minimum width of 6.0m. Planning staff do not object to this request as the applicants would have to demonstrate that the design of parking areas are able to accommodate two-way traffic movements in the subsequent design stages of the proposal. Should traffic aisles need to be widened to accommodate two-way movements, the applicants are able to do so.
- **Location of Underground Parking Structure**: Whereas the zoning by-law requires that underground parking structures be completely below the finished grade, the applicants are proposing that portions of it be above grade. Planning staff are supportive of this request as the proposed parking structure is located at the rear of the buildings and not visible from King Street. The parking structure is also located more than 6.0m from the nearest lot line which limits the potential for negative impacts on adjacent properties.
- Max. Building Height for an Accessory Building: Whereas the Town's zoning by-law requires that accessory buildings have a maximum height of 6.0 metres, the applicants are requesting a maximum height of 10.4 metres for the proposed

stand-alone amenity building. Planning staff are comfortable with this amendment request as the proposed accessory building's setback is double from what is required (6.0 metres vs. 3.0 metres) and a significant portion of the façade facing the adjacent residential properties can be landscaped with large vegetation. This vegetation can help reduce the potential visual impact that this accessory building will have on the adjacent residential properties.

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Table 3: General Commercial Zoning Requirements and Requested Zoning Amendments

Zone Provision	Permitted	Proposed
Front Yard Setback	Min: 3.0m Max: 6.0m	• **Building 1: 9.5m** • Building 2: 3.8m
Exterior Side Yard Setback	Min: 3.0m Max: 6.0m	• Building 1: Not Appl. • **Building 2: 11.0m**
Minimum Rear Yard Setback	Building 1: 7.5m Building 2: 12.0m	• **Building 1: 3.3m <u>(to EC zone only – 7.5m to rear lot line)</u>** • Building 2: 20.3m
Maximum Building Height	12.5m	• **Bldg. 1 Roof: 25.8m** • **Bldg. 2 Roof: 23.5m**
Max. Size of Mechanical Penthouses Excluded from Building Height Measurement	10% of roof area	• **Bldg. 1: 20% of roof area** • **Bldg. 2: 20% of roof area**
Max. Accessory Building Height	6.0m	**10.4m**
Minimum Width of Two-Way Traffic Aisle	6.7m	**6.0m**
Minimum Parking Setback from R1 Property	3.0m	**1.1m**
Minimum Width of Landscape Strip along R1 Property	3.0m	**1.1m**
Location of Underground Parking Structure	Fully below grade	**Partially above finished grade**

Planning staff do not support the following zoning by-law amendments for the following rationale:

- **Max. Building Height**: Whereas the permitted maximum building height on the subject lands is 12.5 metres, the applicants are requesting a maximum height of 25.8m for Building 1 and 23.5m for Building 2. As discussed previously, the current maximum height is designed to help ensure that future developments on the subject lands remain in character with the surrounding lands. This is because the adjacent areas are primarily comprised of single detached dwellings and farmland which also have a maximum height restriction of 12.5m. In addition, the subject lands were not identified for high density development due to its far distance from the QEW and the Beamsville GO Station Secondary Plan area.

  While minor increases to permitted height could be supported by Planning staff, the requested increases would result in a building that does not comply with the Town's Official Plan policies nor support the 2024 PPS' policies on ensuring that new development be cognizant and reflective of local context.

- **Minimum Parking Setback and Width of Landscape Strip Along an R1 Zoned Property**: Section 3.21(a)(i) and 4.2.4 require that a landscape strip of at least 3.0 metres is provided between parking spaces in a commercial zone from a property that is zoned Residential 1 (R1). Table 3 shows that the applicants are requesting to reduce this setback to 1.1m. This reduced setback would only apply to the portion of the subject lands that abuts 4386 Lincoln Avenue. The requirement for landscaping strips between commercial and low-density residential uses is to reduce the impacts of vehicles (headlights, exhaust, noise etc.) on adjacent properties.

  Planning staff do not support this reduction in the setback and width of the landscaped strip for two primary reasons. The first is that such a reduction would set a negative precedent for future commercial or mixed use developments in similar contexts within Lincoln. The second and more important reason is that the narrow width of the proposed landscape strip does not fulfill the intent of the regulation itself. The proposed width does not provide sufficient space for landscaping barriers (such as cedar hedges) to adequately grow. Without sufficient space, it is unlikely that the landscape features would be able to grow or live for a prolonged period. Based on this, the proposed width does not meet the intent of this zoning regulation which is to provide a sufficient and appropriate buffer to mitigate visual and light impacts from commercial properties on residential ones. .

- **Max Size of Mechanical Penthouses**: A request was also made to increase the maximum area of mechanical penthouses that are exempt from the building height measurement from 10% to 20%. The applicants noted that the proposed mechanical penthouses are not occupied and cannot be used for private amenity

areas. Town staff are not supportive of this zoning amendment because the roof coverage for such items would be doubled and therefore contribute to the concerns that the proposed building heights and scale are not appropriate for the subject lands.

Heritage Conservation District Study (HCD Study)

In 2023 the Town of Lincoln retained a third party consultant to identify the feasibility of creating a Heritage Conservation District (HCD) along King Street between Lincoln Avenue and Bartlett Road/Aberdeen Road and the properties that comprise Beamsville's central business district. The HCD Study recommended that the Town of Lincoln proceed with a HCD Plan as the study area met the Provincial requirements for the creation of a heritage district. Of particular relevance to the proposed development is that the HCD Study recommended that the future HCD include the properties immediately east of the subject lands along King Street.

These properties, which were referred to as the "West End Residential" area in the HCD Study, were characterized as having a "feeling of spaciousness" and a "park-like and picturesque character" (AECOM, 112, 113). The HDC Study elaborated further noting that the West End Residential area was characterized by large sized lots with residential dwellings, building heights that are generally less than 2.5 storeys, and generous front lawns with mature trees and meandering landscape features. These elements work together to define, maintain and support the character of Beamsville which, as the HDC Study notes, fosters a unique sense of place within Lincoln.

While the subject lands are not included in the HDC Study Area, they are immediately adjacent to the West End Residential Area. Planning staff are of the opinion that the proposed development will have a negative impact on the heritage value of the West End Residential area. Due to the relatively flat nature of this portion of King Street, the proposed seven and six storey buildings would be visually prominent in this area. This visual intrusion would diminish the park-like and picturesque character that helps give this area of Beamsville a unique sense of place.

Supporting Materials:

The applicant has submitted the following materials in support of the subject application(s):

- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Planning Justification Report
- Urban Design Brief
- Building Shadow Analysis
- Environmental Impact Assessment
- Functional Servicing Report
- Transportation Impact Study
- Phase 1 and 2 Environmental Site Assessments
- Noise and Vibration Study
- Wind Study
- Archaeological Reports

Traffic Impact Study

A Traffic Impact Study (TIS) was prepared for the OPA/ZBA applications by Crozier & Associates Inc. to understand the proposed development's impact on local roadways and intersections. In particular, the TIS examined traffic flows at both of the proposed entrances to the subject lands as well as five intersections. These intersections included:

- Lincoln Avenue and King Street,
- Lincoln Avenue and South Service Road,
- Lincoln Avenue and Greenlane Road,
- King Street and Mountainview Road, and
- King Street and Ontario Street.

Of note is that the Region's design for the King Street upgrades between Lincoln Avenue and Greenlane Road were included in the TIS' analysis.

Traffic counts of these intersections were gathered and traffic engineering principles were employed to analyze how well the intersections are working today and how well they are expected to work when the development is complete. A normal practice and requirement used in preparation of Traffic Impact Studies is that other developments in the area shall also be considered so that a fulsome traffic impact can be analyzed.

Based on this analysis the TIS found that no improvements to the above mentioned intersections were required to accommodate the traffic generated by the proposed development. However, the TIS did find that a left-hand turning lane would need to be installed on King Street to facilitate east bound vehicles entering the site due to increasing traffic from population growth and other sources. If the applications were to obtain approval, a Holding Provision would be placed on the subject lands to ensure that a design for the left-hand turn lane is approved by the Region and that it be a component of future site plan approvals.

Functional Servicing Report (Water and Sanitary)

A Functional Servicing Report (FSR) was prepared by S. Llewellyn and Associates to examine the servicing requirements for the proposed development. The FSR demonstrated that the existing water distribution system has sufficient capacity and pressure for the proposed development.

Upon reviewing the FSR, the Town's third-party consultant found that there are two locations of potential capacity concern relating to the proposed development's sanitary sewer flows. These locations include: 1) the sanitary sewers between Oakwood Avenue and Ontario Street, and 2) the sanitary sewer along Ontario Street between Friesen Avenue and the Ontario St. Pumping Station. Regarding the first area, Town staff continue to undertake "Inflow and Infiltration" (I&I) reduction operations on the system generally and evaluations to determine if capacity for this proposal is/will be available as a result are ongoing. As such, flow monitors have been installed where recent I&I reduction work has taken place to measure post-work conditions.

The second area is the result of the Ontario Street Sanitary Sewer Pumping Station requiring upgrades to accommodate existing and future development within Beamsville and Lincoln itself. Presently some excess capacity exists within this portion of the Ontario St. sewer and Town staff actively monitor this to ensure that it is not exceeded. If the applicant were to obtain approval, a Holding Provision would be placed on the property to ensure that sufficient sanitary sewer capacity was available in the Town and Region's sanitary sewer system.

Functional Servicing Report (Stormwater)

The FSR also discussed how the proposed development will meet the Town's policies for storm runoff. One of these requirements is that the volume of runoff after the development is complete be the same as it is currently during 5- and 100-year storm events. To meet this requirement, the vast majority of runoff will be collected in a large storage tank in the north-east corner of the property and slowly discharged into the watercourse.

Stage 1 and 2 Archaeological Assessment: A stage 1 and 2 archaeological assessment was undertaken on the subject lands and determined that no further assessment is required. Both assessments were approved by the Province in a letter dated June 8, 2022.

Sun-Shadow Study

SRM Architects prepared a sun-shadow study to demonstrate the proposed development's potential shadow impacts on the adjacent area using the Region's draft Shadow Impact's methodology. This methodology generally requires that new developments provide at least 6.0 hours of sunlight on residential properties between 10am – 6pm between April 21 and September 21. The study not only examined the proposed building heights but also the impact that a building adhering to the GC zoning regulations would have. As noted, the current maximum building height allowed on the subject lands is 12.5m.

The study showed that between April and September adjacent properties receive at least 7 hours of sunlight per day and meet the Region's Sun-Shadow guidelines. During colder months two of the closest properties to the subject lands on Lincoln Avenue (4386 Lincoln Avenue and 4388 Lincoln Avenue) would only receive 1 – 2 hours of sun in their rear yards. Properties further north of these properties were expected to receive 4 hours of sun in their rear yards during this period.

Planning staff note that the 12.5m building shown on the sun-shadow study may not reflect the actual location of a potential building if one were built to that height. This is based on Planning staff's experience with other mixed use developments in Lincoln where rear yard setbacks were extended as far from the adjacent lot lines to prevent shadow and privacy impacts on adjacent residential properties. Thus, while the sun-shadow study shows similar shadow impacts for a 12.5m building, such a structure may generate less shadow if it were to adhere to development patterns found in Lincoln.

Although the Sun-Shadow study identifies that the Region's minimum sunlight requirements are met between April and September it highlights that there will be significant impacts on properties to the north. When considered in conjunction with the Town's concerns regarding inappropriate massing, scale, and compatibility, Planning

staff conclude that this remains a significant issue and can only be addressed by reducing the proposed development's density and building heights.

Wind Study: To identify if the requested building height increase would generate any wind conditions that were unsafe and/or uncomfortable, the applicants were required to undertake a wind study. The wind study prepared by Gradient Wind showed that all areas of the proposed development are expected to meet the province's pedestrian wind safety criterion and the Region's criteria for passive outdoor activities.

Noise Impact Study: The proposed development was required to submit a Noise Impact Study to determine potential impacts from traffic along King Street and the automotive repair shop that is immediately to the west of the subject lands. Acceptable noise levels are determined by identifying whether noise generated from traffic or stationary sources exceeds the Province's Environmental Noise Guidelines (NPC-300) for outdoor amenity areas and dwelling units.

A noise study prepared by Gradient Wind showed that modest noise level exceedances for dwelling units along the south wall of Buildings 1 and 2 would occur from traffic on King Street. The study noted that the glazing and wall design would need to meet certain Ontario Building Code requirements and that central air conditioning be provided. The latter is to allow residents within the dwelling units to have their windows closed during warmer months.

The noise study also showed that noise generated from the car repair business at 5249 King Street was compliant with NPC-300 guidelines and that the building façade and glazing on the west side of Building 1 was sufficient. Warning clauses informing all tenants and residents of these potential noise impacts will be required to be placed in all agreement of purchase and sale agreements. All of the above items will be reviewed during the site plan approval and building permit processes.

Urban Design Brief: An Urban Design Brief was prepared by SRM Architects to identify how the proposed development conformed to the Town's urban design policies and explain how it was compatible with the surrounding area. The Brief identified that the layout and design of the proposed development complied with many of the Town's urban design policies for mixed use developments. These included:

- Placing parking, loading, and garage entrances at the rear of the property and buildings,
- Providing the principal façade with active retail entrances along King Street,
- Introducing a front yard landscape design that created an attractive streetscape, and
- Emphasizing the importance of the ground floor retail areas by differentiating it from upper floors through the use of more glazing and different materials and colours.

As noted earlier, Town staff agree that these aspects of the OP's urban design policies have been met.

To justify the proposed building height, the Brief utilizes the right of way width to building height ratio method. In this method, a building height is deemed to be appropriate if its height is equal to the right of way it is situated upon. It uses examples from the downtowns of small cities (Burlington, VT and Squamish, BC) to illustrate that buildings of similar heights to the proposed development can be appropriate while maintaining a human element if this rule is adhered to.

Town Planning staff disagree with the Urban Design Brief's approach and position on this. In both examples, the respective buildings examined are within downtown cores where the built form is both expected and intentionally planned to be dense. As noted, the subject lands were envisioned to have low or medium density development to ensure that they were compatible with the surrounding area.

Moreover, the mixed -use buildings in Squamish have design features that greatly diminish their scale that the proposed development does not. The buildings in Squamish tend to feature stepbacks and articulated facades to reduce the "mass" of their visual impact on the street. In addition, their visual impact is lessoned as they are narrow in width. By occupying less of the street frontage, a building's visual impact is shortened as it is quickly replaced by a different building. Whereas the buildings in Squamish are generally +/- 30m in width, the proposed buildings are double that are +/- 65m for Building 1 and +/- 75.3m for Building 2. The proposed building lengths (or widths) create a large wall that is uncharacteristic not only for this general area, but for Lincoln as a whole.

In addition, the Brief attempts to justify the proposed building heights and density by noting that it will create a strong urban edge to Beamsville through the creation of a landmark at the border with the Greenbelt. However, Town and Region staff noted that a strong urban edge would not be appropriate at this location and would not reflect the area's local character. At the pre-consultation meeting, it was expressed that buildings with four or less storeys would be an appropriate transition from the rural lands, natural escarpment area, and the low density residential uses.

Financial, Legal, Staff Considerations:

Financial:

N/A

Staffing:

N/A

Legal:

N/A

Public Engagement Matters:

The Official Plan and Zoning By-law Amendment applications, notice of open house/public meeting were circulated to relevant government agencies and Town Departments as well as property owners within 120 metres of the subject lands. Public notice signs were posted on the property and all documents required for the applications were posted on SpeakUp Lincoln for residents to view. A community open house was held on June 17, 2025 and the statutory public meeting was held on July 7, 2025.

In advance of and during the July 7th public meeting, 8 formal written submissions were received while 19 residents provided verbal presentations. It is important to highlight that this development has generated substantial opposition throughout the area. This was identified by the significant number of residents who attended the public meeting. So many residents attended that additional seating was required in Town Hall's boardrooms as the Council Chambers were fully occupied. All of the submissions spoke against the proposed development for a variety of reasons of which the most prominent was that the building height and density was not appropriate for the subject lands. A summary of the concerns provided by residents is discussed below.

Proposed Building Heights:
One of the main concerns raised by members of the public was that the proposed building heights are not suitable with the character of the immediate vicinity. Many identified that a seven and six storey building represented a significant departure from existing low-density neighbourhoods whose building heights don't exceed two storeys.

Town Planning staff agree with this notion for reasons that are explained earlier in this report.

Proposed Development Density:
Similarly, many residents noted that the proposed density of 176 dwelling units per hectare was not suitable for the subject lands. In large part, residents noted that such densities were not in keeping with the low-density neighbourhoods within Beamsville urban area and the adjacent farmlands. In addition, residents also worried that allowing such a density would in turn lead to significant traffic problems and overwhelm the existing municipal services.

There are many ways to determine whether the density of a proposed density is suitable for a site. To determine this Planning staff utilize several approaches to determine a development's impact on local infrastructure as well as built form. With regard to impacts on local infrastructure the Town and Region required several studies from the application to show what impacts would be expected. These studies include a Traffic Impact Study (TIS), Functional Servicing Report, Stormwater Management analysis, Noise Impact Study and Sun-Shadow analysis etc.

As noted earlier in this report, densities of this scale have been planned to occur in the Beamsville GO Station Secondary Plan and Prudhommes Secondary Plan area. From a

traffic perspective, the submitted TIS identifies that the improvements to municipal or regional roads required is a left-hand turn lane into the subject lands on King Street. However it is not known whether the left-hand turn lane would be required for a development of lower density.

It is also unknown at this time whether the sanitary sewer between Oakwood Avenue and Ontario Street will need to be upgraded to accommodate the proposed development. An analysis conducted by the Town's consultant showed that there was insufficient sanitary sewer capacity to accommodate the proposed development. In part this is because the Town's Public Works Department has undertaken several efforts to reduce storm runoff and groundwater from entering the sanitary sewer network in this area of Beamsville.

As noted, flow monitoring is being undertaken to identify how much capacity has been obtained in this portion of the sanitary sewer network through these activities. When this information is known, it will be included within an updated study to determine whether there is sufficient sanitary sewer capacity for the proposed development or if upgrades need to be undertaken. Until this information is known, Planning staff would apply a Holding provision on the property to ensure that the proposed development can be properly serviced.

As noted, the Noise Study found that the proposed development found that noise from traffic and the adjacent auto repair shop would exceed the MECP's guidelines. To address these exceedances, the Study made several recommendations to ensure that indoor noise levels would comply with MECP guidelines. These include the requirement for air conditioning, enhanced insulation values in the façade design, and greater R values in wall glazing. Of note is that these types of exceedances and recommendations are fairly typical. Reviews to ensure compliance with the Noise Study is typically undertaken at the Site Plan Approval and Building Permit review stage.

From a planning policy perspective Planning staff are of the opinion that the proposed density is far greater than anticipated and planned for. As noted, long-range development forecasts made to predict sanitary sewer demand identified that the residential population would be 120 persons. The proposed development has a much higher figure of 418 persons.

The Town's strategy of promoting or anticipating moderate levels of redevelopment stems in part because of its location and context. The surrounding area is dominated by one and two storey residential lots and farmland. Along King Street, the built form is characterized by early 20th century single detached homes on large properties. High density, mixed-use developments were identified as being uncharacteristic to the area. Moreover, the subject lands are not close to the major transportation features in Lincoln – the QEW and future GO Station area. Accordingly, high density developments in Lincoln were directed to the town's two Secondary Plan areas: the Beamsville GO Station Secondary Plan and Prudhommes. Town staff agree that the proposed density is too great and leads to a built-form that is not in keeping with or respectful to the surrounding area.

Inadequate Parking:
Some residents noted that the proposed development did not provide sufficient parking and that future residents and visitors would begin parking on side streets. The reasoning for this was that providing one parking space per residential unit was unrealistic as there are no public transit options in Lincoln and the subject lands distance from the Central Business District made walking untenable for many portions of the year.

Town Planning staff note that the proposed development provides the minimum number of parking spaces required by Section 4.1.5. – Shared Parking Requirements for Mixed Use Developments of the Town's Zoning By-law. The intent of shared parking requirements is to allow different uses to share parking spaces at different times of the day. For example, parking demand for retail and commercial uses peaks at different times of the day and week compared to residential or restaurant uses. Based on the calculations made by Town Planning staff (Appendix G), peak demand for parking occurs during weeknight evenings and diminishes at all other times.

The methodology used to calculate the shared parking requirements are based on industry accepted standards and local demand. For example, the 1:1 parking ratio for apartment dwelling units is based in part on the 2016 Transportation Tomorrow Survey which showed that households renting an apartment in Lincoln had an average of 0.97 cars per apartment.

Stormwater Management:
A handful of residents expressed concerns about how runoff from the proposed development would impact the relocated tributaries and their properties which are downstream. This concern was raised due to the large scale nature of the proposed development which would see much of the subject lands turned into various forms of impervious surfaces (e.g. buildings, driveways, parking spaces etc.). Staff from the Town, Region and Niagara Peninsula Conservation Authority (NPCA) have reviewed the submitted stormwater management plans for compliance with their respective policies and noted that they have no concerns with the proposed design.

For reference, one of the Town's requirements is that the volume of storm runoff after the development is complete be the same as it is currently during 5- and 100-year storm events. The proposed development has met this requirment by directing the vast majority of runoff from the site into a large storage tank in the north-east corner. Once collected, the storage tank slowly discharges the runoff into the watercourse. Town Planning staff have no concerns about this aspect of the proposed development.

Shadow Impacts:
Many adjacent property owners and residents were worried about potential shadow impacts to their properties from the proposed development. They expressed concern about Building 1's height and position atop a hill that rises above the adjacent properties to the north and east. While the submitted sun-shadow study noted that the proposed development met shadow requirements during April – September, significant impacts were shown on adjacent properties during other months. As noted, Town Planning staff

are concerned about the cumulative impacts (which include shadows) from the proposed building heights.

Noise Exposure:
A few residents expressed concerns about the potential impacts on future residents from the noise generated by traffic and the adjacent auto repair shop. As discussed, the applicants were required to submit a Noise Impact Study to identify these potential impacts on the proposed development and provide recommendations on how they could be addressed. The study was required to demonstrate these impacts using the Province's NPC-300 noise guidelines which is a standard set of guidelines applied to all developments where potential noise impacts are identified.

The noise study showed that the sound generated by the auto repair shop complies with the NPC-300 guidelines. To compensate for noise exceedances generated by traffic along King St., the noise study identified that Ontario Building Code compliant cladding materials (including glazing) as well as central air conditioning would need to be provided. Compliance with these recommendations is undertaken during future development approvals process like the site plan approval and building permit reviews.

Lack of Affordable Housing Options:
Some feedback provided by residents expressed disappointment that the proposed development did not contain any affordable housing options for the community. A few respondents requested that the Town require a certain percentage of the proposed units be affordable similar to the apartment building approved last year in the Vintage Heights development. As noted, the applicants are proposing to construct purpose built rental units in Buildings 1 and 2.

Town Planning staff note that while they would also like to see the inclusion of affordable housing in the proposed development there are no policy or regulatory tools that force applicants to include them within their proposal. The apartment building in the Vintage Heights development was able to provide a small number of affordable housing units on account of obtaining financing through a Canada Mortgage and Housing Corporation loan program. While staff have inquired about whether the applicants can access this program, the applicants have indicated that they may not be able to utilize it due to changing requirements from the CMHC.

Regardless, Town staff note that the construction of a purpose-built rental building will help diversify Lincoln's housing stock and provide housing options for a greater range of households. However, Planning staff caution that such developments must also be cognizant of the built form where they are proposed.

Impacts to Agricultural Operations:
Some nearby wineries provided concerns that the proposed building height would diminish the low-rise character of the area and diminish the appeal of the scenic views that the nearby bench area offers for visitors. Of particular concern was that the building's height would interrupt the views of Lake Ontario, the escarpment and other natural

components of the area that are presently offered by these wineries. Residents also were worried about the impact of the proposed structures on agricultural operations adjacent to the subject lands. For example, a resident noted that the reduction in wind currents on adjacent winery lands could lower crop yields and the quality of crops.

With regard to the impacts on adjacent agricultural operations, Planning staff note that there would likely be little difference between structures that were built to the current building height maximum and those being proposed. However, Planning staff agree that the proposed building heights are too great for the subject lands. As noted, the subject lands are a key entry point to Beamsville and lower building heights would be more reflective of the surrounding urban and rural areas.

Agency and Staff Development Coordinating Committee Comments

The Official Plan and Zoning By-law Amendment applications were circulated in the Spring 2025 to relevant government agencies and Town departments. The following comments have been received by the Town:

- **Enbridge Gas Inc.** does not object to the proposed application.

- **Niagara Peninsula Conservation Authority:** Staff from the NPCA do not object to the proposed applications and note that detailed comments regarding the engineering drawings for stormwater management will be dealt with in future planning applications.

- **Niagara Escarpment Commission:** As noted, the subject lands are adjacent to lands that are regulated by the land use policies within the Niagara Escarpment Plan. NEC staff's primary interest in the proposed development is to ensure that it will not negatively impact the escarpment's scenic resources per the discussion provided earlier. Upon reviewing the OPA/ZBA applications, NEC staff are concerned that the proposed building heights will have a negative impact on the area's scenic resources. Accordingly, they are recommending that potential impacts be limited by reducing the proposed building heights, increasing the setbacks from King Street and undertaking a Visual Impact Assessment to better understand the potential impacts and mitigation strategies.

- **Niagara Region:** Staff from the Region have indicated that they do not have concerns with the nature of the proposed development. Detailed comments regarding the design of infrastructure services and access to the subject lands from King Street will be provided in future planning applications.

- **Town of Lincoln Development Engineering:** Town staff have reviewed the submitted materials for the OPA/ZBA applications at 5205 King Street and do not object to the proposed development. Development Engineering requires that a Holding provision with the following conditions be implemented on the subject lands if the applications are approved:

  - Sufficient wastewater services are or will be available to accommodate the proposed buildings to the satisfaction of the Town of Lincoln, and
  - The design of the left-hand turn lane and any other improvements required to King Street to facilitate entry onto the subject lands is approved to the satisfaction of the Town of Lincoln and Niagara Region.

- **Town of Lincoln Fire Department:** Staff from the Town's Fire Department have commented that they have no concerns presently. Detailed comments regarding Fire Routes will be provided in future planning applications.

Actions Taken After the Statutory Public Meeting

As previously noted, Town Planning staff have been consistent in their messaging to the applicants that the subject lands were not suitable for high density developments. This messaging began prior to the submission of the formal pre-consultation meeting and continued throughout the approvals process. While the applicant made slight revisions to the proposed development (as outlined in Table 1) when the OPA/ZBA applications were submitted, planning staff maintained that 7 and 6 storey buildings were not appropriate for the subject lands.

Despite this continued message from staff, the applicants chose to proceed with the open house and statutory public meetings to obtain feedback from the public and Council. The feedback received during both events was overwhelmingly negative for the reasons discussed earlier.

It is customary to meet with applicants after the public meeting to discuss the commentary that was provided and identify how they could potentially be addressed prior to bringing a Recommendation Report before Council. During this process, applicants typically revise the drawings to address the comments, and a subsequent review of the updated drawings is undertaken by Planning staff. Depending on the nature of the feedback from Planning staff, further revisions made be required or the application may proceed to the next stage.

While the *Planning Act* allows for applicants to submit an OLT appeal if the Town does not make a decision within 120 days of deeming the applications complete many applicants do not use this option. Within Lincoln and other communities, it is not uncommon for applicants to be comfortable going past this timeline while discussions with the Town and/or other commenting agencies continue. In fact, very few complex development applications receive a decision from the municipality within the 120 day period due to the myriad of reports to review and write and the public consultations that need to occur.

The same process occurred with the OPA/ZBA applications at 5205 King Street. After the July 7 public meeting Planning staff met with the applicants throughout July, August and early September and reiterated that building height and density were the primary concerns for staff, Council and residents. While minor revisions were presented to Planning staff during this time, the primary concerns remained unaddressed, and the applicants were informed that further changes were required.

Following the last set of comments from the Town, the applicants decided to use their ability to submit an appeal to OLT for non-decision on September 22, 2025. While uncommon in Lincoln, an appeal for a non-decision is a frequent occurrence throughout the Province.

It is important to note that whether an appeal is based on a non-decision or a refusal decision by Council, there is no substantive difference in the decision-making by the OLT. In either scenario, the OLT will review the case based on planning evidence, expert reports, and policy, and then decide whether the development should proceed or not, or potentially be revised.

Conclusion:

As outlined in this report, Town Planning staff are of the opinion that the proposed development is not consistent with the 2024 Provincial Policy Statement (2024 PPS) and does not conform to the former Region Official Plan, and the Town's Official Plan. This opinion is based primarily on the proposed development's height, massing and density being far greater than what was envisioned on the subject lands. As noted, a key change in the 2024 PPS is that new development should be complementary to and based on local characteristics. Rather than being placed in low density areas, the 2024 PPS identifies that high density developments should be directed to strategic growth areas. The subject lands are not classified as a strategic growth area and as such, the proposed development is more appropriate for either the Beamsville GO Station Secondary Plan and/or the Prudhomme Secondary Plan. Both secondary plan areas are strategic growth areas.

The Town's Official Plan (OP) plans for moderate redevelopment of the subject lands with building heights generally being 3 – 4 storeys in height. These heights are deemed appropriate as they are complementary to the existing uses in the area and avoid creating a large wall of development at the western gateway into Beamsville. As noted, the surrounding area is dominated by low-density residential uses that are no more than two storeys in height and specialty crop lands.

The proposed development does not support the OP policies and vision for the subject lands. While there are aspects of the proposed development that meet the Town's OP policies (mixed use, rental housing, orientation of buildings and design to the street etc.), they are not sufficient to overcome the primary deviation from policy: the significant increase in building height and density. Should the proposed building height and density of the proposed development be reduced in a way that conforms to these policies, Planning staff could be supportive of the proposed development. However, until this happens, Planning staff are not in a position to recommend approval to Council.

Respectfully submitted,

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Appendices:

Appendix A: Existing Official Plan Policies on the Subject Lands
Appendix B: Existing Zoning By-law Regulations on the Subject Lands
Appendix C: Concept Site Plan
Appendix D: Concept Elevation Drawings
Appendix E: Public Comments
Appendix F: Densities of Surrounding Neighbourhoods
Appendix G: Residential Policies within the Town's Official Plan
Appendix H: Shared Parking Calculations

Report Approval:

Report has been reviewed and/or approved by Director of Planning and Development. Final approval is by the Chief Administrative Officer.