Town of Lincoln

Committee of the Whole Minutes

Date:	May 24, 2022
Time:	6:00 PM
Location:	Council Chambers/Hybrid Meeting
Members Present:	Mayor Easton, Councillor Brunet, Councillor MacPherson, Councillor Mikolic, Councillor Pachereva, Councillor Reimer, Councillor Russell, Councillor Timmers
Member Regrets:	Councillor Rintjema
Staff Present:	CAO Mike Kirkopoulos, L. Wagner, K. Dale, M. Bruder, M. Shih, P. Di Ianni, D. Graham, G. Harris, W. Neubauer, G. Hudson, F. Bufalino, D. Kripp, D. Phillips, IT Support
Also Present:	S. Bedford, LandX Developments, L. Marcantonio, A. Spassiani, F. Kloibhofer, A.J. Clarke and Associates, R. Rom Colthoff, RAW Design, L. Mian, LJM Developments, S. Knoll, GSP Group, J. Paiken, New Horizon Development Group, N. Paiken, New Horizon Development Group, B. Graziani, Graziani + Corazza Architects Inc., N. Cimadamore, New Horizon Development Group, R. Lincoln, Graziani + Corazza Architects Inc., J. Giacomodonato, New Horizon Development Group

1. CALL TO ORDER

Councillor Pachereva, Chair of the Community Services and Infrastructure Committee, called the meeting to order at 6:14 p.m.

2. ROLL CALL

All members of Council were in attendance, with regrets from Councillor Rintjema.

3. DECLARATIONS OF INTEREST

3.1 Councillor Reimer regarding item 7.2.1: Expanded Sidewalk and Trail Winter Maintenance November 2022 - April 2027 Contract Award, PW-12-22

The company they work for, and the company stated in the report are business associates.

3.2 Councillor Reimer regarding item 8.2.3: Official Plan and Zoning By-law Amendment by Land X Developments for 3583 Zimmerman Road, PD-28-22

The applicant is a customer of the company they work for.

4. CONFIRMATION OF AGENDA

Members confirmed the order of the agenda.

5. STATUTORY PUBLIC MEETINGS

None.

6. CONSENT AGENDA

Motion NO. CSI-2022-27

Moved by Councillor Brunet

That all items listed under the heading of Consent Agenda for Tuesday, May 24, 2022, be adopted as recommended:

- Item 6.1 – Housing and Homelessness Community Partnership Advisory Committee Minutes of April 12, 2022
- Item 6.2 – Municipal Heritage Advisory Committee Minutes of April 14, 2022
- Item 6.3 – Museum Advisory Committee Minutes of April 21, 2022
- Item 6.4 – Aberdeen Road and Hillside Drive Road Reconstruction Consultation Update, PW-14-22

CARRIED

7. COMMUNITY SERVICES & INFRASTRUCTURE COMMITTEE AGENDA

Councillor Pachereva, Chair of the Community Services and Infrastructure Committee, continued as Chair for this portion of the meeting.

7.1 DELEGATIONS

None.

7.2 REPORTS

7.2.1 Expanded Sidewalk and Trail Winter Maintenance November 2022 - April 2027 Contract Award, PW-12-22

Councillor Reimer declared a conflict on this item and refrained from participation in the discussion and vote.

Members discussed the snow-clearing services provided and the contract with B.A. Loney Services Inc. The Associate Director of Public Works provided comments regarding Town clearing responsibilities, windrow clearing and the provisional fee, and duration and details of the contract; additionally, clarification was provided on regional roads and sidewalks. Members further inquired regarding the current by-law that requires residents to clear their sidewalk.

Members concluded discussions with the following motion:

Motion NO. CSI-2022-28

Moved by Councillor Mikolic

Receive and file the Expanded Sidewalk and Trail Winter Maintenance November 2022 to April 2027 Contract Award report; and

Approve the contract award for the Expanded Sidewalk and Trail Winter Maintenance Contract to B.A. Loney Services Inc. for the amount of $1,611,650.00; and

Approve and Direct Staff to develop a program for Residential Windrow Clearing between Residents and B.A. Loney Services Inc.

Approve the Mayor and Town Clerk to sign and seal the contract documents on behalf of the municipality.

CARRIED

7.2.2 40 km per hour Neighbourhood Area Speed Limit Implementation - Pilot Project, PW-13-22

Members sought clarification regarding traffic concerns and enforcement, including in rural areas. The Director of Public Works commented that this pilot project targets strategic neighbourhoods in

each ward currently but anticipates the program expanding in the future to include more rural areas, noting that traffic data in rural areas continues to be collected and shared with police services. Members further inquired regarding the Black Cat speed radar program, with staff commenting that they plan to continue investment in this program and budget for more devices.

Members concluded discussions with the following motion:

Motion NO. CSI-2022-29

Moved by Councillor Russell

Receive and file Report PW-13-22 40 km/h Neighbourhood Area Speed Limit Implementation- Pilot Project;

Approve the proposed 40 km/h Neighbourhood speed limit implementation areas as outlined in this report; and

Amend the Traffic By-law 89-2000 (89-28) to establish Schedule S – Designated Area Speed Limits.

CARRIED

7.2.3 Lincoln Estates Development and Campden Estates Flow Monitoring Contract Award, PW-15-22

Motion NO. CSI-2022-30

Moved by Councillor Timmers

Receive and file PW-15-22 Lincoln Estates Development and Campden Estates Flow Monitoring Contract Award; and

Approve the firm of Civica Infrastructure Inc**.** be retained to provide professional services at a cost of $151,656.00 plus HST; and

Approve the Mayor and Town Clerk to sign and seal the contract documents on behalf of the municipality.

CARRIED

8. PLANNING & ECONOMIC DEVELOPMENT COMMITTEE AGENDA

Councillor Brunet, Chair of the Planning and Economic Development Committee, assumed the Chair for this portion of the meeting.

8.1 DELEGATIONS

None.

8.2 REPORTS

8.2.1 Zoning By-law Amendment Application by A.J. Clarke and Associates Ltd. – 3221 North Service Rd, PD-26-22

F. Kloibhofer, Planner, of A.J. Clarke and Associates Ltd., provided a presentation regarding the Zoning By-law Amendment Application on behalf of LJM Developments, highlighting the subject property, surrounding land, and Prudhommes Secondary Plan; additionally, noting the previous proposal and providing details of the revised proposal, which include changes in height, number of units/density, and parking space size, adding they are fully supportive of the staff recommendations.

Members sought clarification on the size of units, price points, storm water servicing, parking availability, affordable housing, community benefits, and amenities for residents. Members further discussed holding provisions, the increased density and water supply. F. Kloibhofer addressed member concerns, noting that they are offering small units so as to allow residents to enter the housing market at an affordable price point, adding it is too early in the design and site plan process to estimate what that price point could be.

Members concluded discussions with the following motion:

Motion NO. PED-2022-47

Moved by Councillor MacPherson

Council Approve Report PD-26-22, Zoning By-law Amendment Application by A.J. Clarke and Associates Ltd., subject to the following conditions:

1. The increase in height and density permitted by subsection 14.3.XX.3 (b) and (c) of the Amending By-law shall only be permitted subject to the following conditions:

    a) The provision of facilities, services and matters as set out in Appendix 2 of the draft Zoning By-law Amendment (attached as Appendix C to this report) by the owner of the lands, at the owner's sole expense, and which are secured by one or more agreements pursuant to Subsection 37(3) of the Planning Act

that are in a form and registered on title to the lands, to the satisfaction of the Town Solicitor;

b) The owner is required to provide certain facilities, services or matters prior to the issuance of a building permit, as set out in Appendix 2 of the By-law; and

c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to the By-law unless all provisions of Appendix 2 are satisfied.

2. That a (H) Holding provision be placed on the zoning of the lands and that the (H) Holding provision not be removed until the following conditions shall first be completed to the satisfaction of the Director of Planning of the Town of Lincoln:

   a) That a Record of Site Condition be filed with MOECP in accordance with the Ontario Building Code;

   b) That the Owner submits an approved Engineering Report and that water and wastewater modelling has been completed to the satisfaction of the Town of Lincoln and Niagara Region, demonstrating that required capacities for water, fire flow and sanitary sewer to service the subject lands are addressed, including identification of any required servicing extensions/alterations/upgrades to support the proposed development and address any capacity constraints identified;

   c) That sufficient water (including fire flow) services from the future upgraded watermain on North Service Road and sufficient wastewater services from the Prudhommes Landing Subdivision are or will be available to accommodate the proposed development, to the satisfaction of the Niagara Region and the Town of Lincoln;

   d) That adequate provisions for stormwater servicing are or will be available to accommodate the proposed development to the satisfaction of the Niagara Region and the Town of Lincoln;

   e) That the Owner has submitted an approved Transportation Impact Study (TIS) to the satisfaction of the Town of Lincoln, Regional Municipality of Niagara, and the Ministry of Transportation, identifying and designing any future required

upgrades, and validating that sufficient road network functionality is currently or planned to be available to accommodate the proposed development;

f) An irregular road widening has been dedicated to the Region along North Service Road to the satisfaction of the Regional Municipality of Niagara;

g) That suitable financial arrangements have been prepared to the satisfaction of the Town of Lincoln, and if required the Regional Municipality of Niagara, and/or the Ministry of Transportation with respect to any cost sharing arrangements, if applicable, pertaining to any servicing infrastructure requirements; and

h) That the Owner has submitted an approved Detailed Noise Study by a qualified professional, to the satisfaction of the Town of Lincoln as part of the Site Plan Application;

i) That architectural design review for the building including, but not limited to, surface articulation, exterior materials, roof structure, pedestrian-scale uses, and the design of the public realm is undertaken by a Control Architect to ensure that the intent of the Prudhommes Secondary Plan design guidelines is maintained, to the satisfaction of the Town of Lincoln as part of the Site Plan Application;

j) The development phasing is approved to the satisfaction of the Town of Lincoln as part of the Site Plan Application;

k) Registration on title of a Section 37 Agreement per the Planning Act and to the satisfaction of the Town of Lincoln; and

l) The applicant has entered into a Site Plan Agreement and the Agreement has been registered on title

Council Enact and Pass By-law No. 2022-XX attached as Appendix B of Planning and Development Report PD-26-22 to authorize the preparation and execution of a Section 37 Agreement respecting the provision of certain facilities, services and matters by the owner in return for an amendment to By-law No. 93-14-Z1 for an increase in height to allow the development of a high-rise residential building

with 425 dwelling units and a maximum building height of 20 and 23 storeys for the west and east proposed towers respectively;

Council Direct staff to execute a Section 37 Agreement with the owner, pursuant to Section 37 of the Planning Act in order to secure the provision of community benefits;

Council Approve allocating Section 37 cash contributions provided by the owner to a reserve fund that is dedicated towards facilities, services and/or matters in the Prudhommes Secondary Plan area;

Council Enact and Pass Zoning By-law No. 2022-XX attached as Appendix C of Planning and Development Report PD-26-22 to amend the zoning regulations for the subject lands;

Council Deem that Zoning By-law No. 2022-XX conforms to the Official Plan for the Town of Lincoln; and

Council Declare that they have considered all of the written and oral submissions and agrees with the planning report analysis and recommendations and finds that, subject to the conditions of approval, this application meets the Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

Councillor MacPherson requested a recorded vote which was taken as follows:

In Favor (1): Councillor Reimer

Opposed (7): Mayor Easton, Councillor Brunet, Councillor MacPherson, Councillor Mikolic, Councillor Pachereva, Councillor Russell, and Councillor Timmers

Absent (1): Councillor Rintjema

LOST (1 to 7)

8.2.2 Zoning By-law Amendment by GSP Group for 5103 Greenlane Road, PD-27-22

S. Knoll, Senior Planner from GSP Group, provided a presentation, reviewing the amendments to the proposal, including setback

measurements, maximum unit, increased landscape, amenity area per unit, and proposed density. Additionally, community benefits and sustainability features were highlighted, with S. Knoll noting that the development conforms with the Beamsville GO Secondary Plan.

Members of Council sought clarification on the recent traffic study with regards to trains and capacity, driveway width, costs, and continuation of property maintenance.

Members concluded discussions with the following motion:

Motion NO. PED-2022-48

Moved by Councillor Russell

Council approve Zoning By-law Amendment Application PLZBA20210190 in the name of GSP Group Inc., subject to the following conditions:

1. The increase in density permitted by subsection 18.3.XX.1 (a) of the Amending By-law shall only be permitted subject to the following conditions:

    a) The provision of facilities, services and matters as set out in Appendix 2 of the draft Zoning By-law Amendment (attached as Appendix C to this report) by the owner of the lands, at the owner's sole expense, and which are secured by one or more agreements pursuant to Subsection 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the Town Solicitor;

    b) The owner is required to provide certain facilities, services or matters prior to the issuance of a building permit, as set out in Appendix 2 of the By-law; and

    c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height pursuant to the By-law unless all provisions of Appendix 2 are satisfied.

2. That a (H) Holding provision be placed on the zoning of the lands and that the (H) Holding provision not be removed until the following conditions shall first be completed to the satisfaction of the Director of Planning of the Town of Lincoln:

a) A 3 metre road widening has been dedicated to the Town to accommodate future upgrading of Greenlane Road to a full urban cross section,

b) Sufficient wastewater services and water (including fire flow) are or will be available to accommodate the proposed development to the satisfaction of the Niagara Region and the Town of Lincoln,

c) That the Owner has submitted an approved Transportation Impact Study (TIS) to the satisfaction of the Town of Lincoln, and the Regional Municipality of Niagara identifying and designing any future required upgrades, and validating that sufficient road network functionality is currently or planned to be available to accommodate the proposed development.

d) That suitable financial arrangements have been prepared to the satisfaction of the Town of Lincoln, and if required the Regional Municipality of Niagara, with respect to any cost sharing arrangements, if applicable, pertaining to any servicing infrastructure requirements,

e) Registration on title of a Section 37 Agreement per the Planning Act and to the satisfaction of the Town of Lincoln

f) The applicant has entered into a Site Plan Agreement and the Agreement has been registered on title.

Council Enact and Pass By-law No. 2022-XX attached as Appendix B of Planning and Development Report PD-19-22 to authorize the preparation and execution of a Section 37 Agreement respecting the provision of certain facilities, services and matters by the owner in return for an amendment to By-law No. 93-14-Z1 for an increase in density to allow the development of a mixed-use building with 347 dwelling units;

Council Direct staff to execute a Section 37 Agreement with the owner, pursuant to Section 37 of the Planning Act in order to secure the provision of community benefits;

Council Enact and Pass Zoning By-law No. 2022-XX attached as Appendix C of Planning and Development Report PD-19-22 to amend the zoning regulations for the subject lands;

Council Deem that Zoning By-law No. 2022-XX conforms to the Official Plan for the Town of Lincoln; and

Council Declare that they have considered all of the written and oral submissions and agrees with the planning report analysis and recommendations and finds that, subject to the conditions of approval, this application meets the Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.

CARRIED

8.2.3 Official Plan and Zoning By-law Amendment by Land X Developments for 3583 Zimmerman Road, PD-28-22

Councillor Reimer declared a conflict on this item and refrained from the discussion and voting.

S. Bedford, Principal Planner from Land X Developments, highlighted details of the proposed development of a winery with accommodations, noting the design has been amended to align better with Provincial guidelines, and provided details regarding their mission statement, business plan, site plan, site utilization, planting schedule, and proposed elevations.

Members discussed agricultural land use and protection, potable water options, phasing and timeline of the project, calculations on lot coverage, and the recent illegal dumping of soil on the subject property. S. Bedford commented on the arability of the land, noting completed research prior to use, and additionally commented on the pest-resistant vines utilized and imported from California.

Members concluded discussions with the following motion:

Motion NO. PED-2022-49

Moved by Councillor Pachereva

Council Approve Report PD-28-22 regarding the Official Plan Amendment (PLOPA20210181) and Zoning By-law Amendment (PLZBA20210180) applications by Stephen Bedford of Land X Developments Ltd. on behalf of property owner 1627360 Ontario Limited for 3583 Zimmerman Road subject to the following conditions:

1. That a gate, fence, or other device be placed on the east agricultural road to ensure that it cannot be used by non-agricultural vehicles,

2. That a (H) Holding provision be placed on the zoning of the lands and that the (H) Holding provision not be removed until the following conditions shall first be completed to the satisfaction of the Director of Planning of the Town of Lincoln:

   a) Plant grape vines to ensure that 25% of the arable lands are in cultivation, and

   b) Enter into a site plan agreement with the Town, including the agreement being registered on title

Council Enact and Pass Official Plan Amendment X as attached as Appendix B of Report PD-28-22 to amend the Official Plan policies for the lands to increase the maximum gross floor area of agri-tourism uses, permit short-term accommodations in the form of detached cabins, and increase the maximum number of guest rooms on the subject lands;

Council Enact and Pass Zoning By-law Amendment 2022-XX-ZXXX as attached as Appendix C of Report PD-28-22 to amend the zoning regulations for the lands to increase the gross floor area of an estate winery and agri-tourism uses, increase the height of the estate winery building, permit short-term accommodations in cabins and increase the number of guest rooms that are permitted.

Council Deem that Zoning By-law XX conforms to the Official Plan for the Town of Lincoln; and

Council Declare that they have considered all of the written and oral submissions and agrees with the planning report analysis and recommendations and finds that, subject to the conditions of approval, this application meets the Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Regional Official Plan, and the Town Official Plan.

CARRIED

9. CONFIDENTIAL ITEMS

None.

10. COMMITTEE REMARKS

Councillor MacPherson commented on the Downtown Bench Business Improvement Area (BIA) and the current beautification project underway with the painting of the pathway from King Street to the Fleming Centre, using the same artist that painted the alleyway walls downtown.

Councillor Mikolic commented on virtual open houses and the criteria for in-person.

Councillor Russell commented on the upcoming Rotary Park Grand Opening and Community Slow Roll event on June 4, 2022, a 5km slow ride through Beamsville. Additionally commented on the use of fireworks, referencing resident complaints, as well as concerns regarding rodents with a reminder for residents to practice prevention and take part in the Town rodent control program.

Councillor Timmers announced the Heritage House Tour also occurring on June 4, 2022, with tickets available for purchase.

Councillor Pachereva announced that the Lincoln-Pelham Public Library will be hosting a series of open houses in June to celebrate the merger, with events that feature demonstrations, information, and giveaways.

Councillor Brunet noted that the Lincoln Chamber of Commerce's Annual Mayor's Golf Tournament will be taking place the following week on Monday, May 30, 2022.

The CAO commented that Council approved the Town's first application to offer accommodations in rural areas, citing it as an important milestone for the Town and thanking staff for their efforts in moving it forward.

11. ADJOURNMENT

There being no further business to discuss, Chair Brunet declared the meeting adjourned at 9:19 p.m.

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CHAIR FOR COMMUNITY SERVICES & INFRASTRUCTURE, J.D. PACHEREVA

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CHAIR FOR PLANNING & ECONOMIC DEVELOPMENT, T. BRUNET

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CLERK, D. KRIPP