

# **PLANNING JUSTIFICATION REPORT**

**7449 Montrose Road, Niagara Falls**

**Proposed Residential Development**

**PREPARED FOR**

**Bayfield Realty Advisors**

**PREPARED BY**



**ZELINKA PRIAMO LTD**  
*A Professional Planning Practice*

**May 5, 2021**

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## **1.0 INTRODUCTION**

### **1.1 BACKGROUND**

On behalf of Bayfield Realty Advisors and 2683421 Ontario Limited (“Bayfield”), Zelinka Priamo Ltd. has submitted an application to the City of Niagara Falls for an Official Plan Amendment and Zoning By-law Amendment related to the proposed development of the lands at 7449 Montrose Road in the City of Niagara Falls (the “subject lands”). Bayfield is proposing the comprehensive development of the subject lands for a mix of residential uses, including two apartment buildings of 8 and 12/13 storeys, in addition to 5 townhouse blocks.

The purpose of the following land use assessment is to provide planning justification for the proposed Official Plan Amendment and Zoning By-law Amendment for the subject lands. A future Site Plan Approval application will be submitted to the City to facilitate the proposed development.

### **1.2 DESCRIPTION OF THE SUBJECT LANDS**

The subject lands are located at 7449 Montrose Road, generally bound by McLeod Road to the north, Montrose Road to the east, Pin Oak Drive to the west, and an existing commercial plaza to the south (see Figure 1). The subject lands are approximately 2.5ha in size, and are currently undeveloped and vacant of any structures. The subject lands are relatively flat in nature.

**Figure 1**  
**Locational Setting – 7449 Montrose Road**



Location and boundaries are approximate

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The western portion (approximately 1/3) of the subject lands consists of an area of existing vegetation/tree coverage. The remainder of the subject lands is vacant of vegetative growth.

An asphalt-paved access road is present along the south Site boundary, providing access from the adjacent public roads to the commercial development immediately adjacent to the south.

### **1.3 PRE-CONSULTATION**

A Pre-consultation Meeting was held on September 17, 2020 related to the proposed development of the subject lands, at which Staff and agency comments were shared, and a list of submission requirements provided. The Pre-consultation meeting confirmed that an application for an Official Plan Amendment and Zoning By-law Amendment is required to facilitate the proposed development of the subject lands as proposed.

## 2.0 THE PROPOSAL

Bayfield is proposing the comprehensive development of the subject lands for a mix of residential uses, including two apartment buildings (with a total of three towers) and 5 townhouse buildings. The concept site plan is attached to this Report as Appendix A. Preliminary renderings of the proposed development are shown in Figure 2.

**Figure 2**  
**Preliminary Concept Renderings**



The site has been designed so as to generally frame the adjacent streets with the building podium, and orienting a majority of the massing towards the intersections. The lower form of development is screened from the public roads by the proposed apartment buildings. Building A is proposed at the intersection of McLeod Road and Montrose Road comprising of two towers that have a maximum building height of 13 storeys, situated above a three storey podium base linking the towers. The towers step-back at the podium height, contributing to a pedestrian scale. Building A contains approximately 220 dwelling units. Building B is an apartment building located at the intersection of McLeod Road and Pin Oak Drive with a proposed height height of 8 storeys. Building B contains a total of approximately 228 dwelling units. Both of the apartment buildings are generally “L” shaped in orientation, so as to frame the adjacent streets. The design and

orientation of the buildings effectively creates a courtyard internal to the site, separating the interior from the adjacent public roadways. The buildings are intended to be contemporary in design, incorporating a modern aesthetic and mix of materials. A range of unit types and sizes are to be accommodated within the two buildings, including approximately 10 bachelor, 38 1 bedroom, 279 1 plus den, and 121 2+ bedroom units. The unit mix offers a variety of housing choice to accommodate a variety of household needs and sizes.

The proposed development also includes a total of 5 townhouse buildings containing a total of 64 dwelling units, generally located towards the south of the subject lands, where they are more internally oriented. The townhouse dwellings propose three levels of living space, and also include private outdoor space in the front yards. The townhouse buildings are designed so as to achieve a maximum width of 8 units, and make efficient use of the space by positioning units back to back. The townhouse units are proposed to a maximum building height of 3 storeys. The design of the townhouses is to fit with the character of the apartment buildings, and will be complimentary in nature.

Access to the subject lands is proposed from Montrose Road, Pin Oak Drive, and McLeod Road.

The proposed development anticipates a total of 693 parking spaces, of which 682 are located underground. Parking is accommodated primarily in two levels of underground structure, where it will have minimal impact on the public/pedestrian realm. There are two vehicular access points to the underground parking, located internal to the site, coupled beside pedestrian access points to underground parking. A minimal amount of surface parking is accommodated internal to the site, generally positioned near building entrances. Surface parking is intended to provide short term access to the site, including visitor parking and drop-off. The parking provided is at a per unit rate of approximately 1.39 spaces per unit. The parking rate is in accordance with the City's zoning standards for the type of use proposed (1.4 per apartment unit, and 1 per townhouse unit).

The proposed development seeks to encourage and support alternative modes of transportation. The site is proposed with pedestrian linkages throughout, connecting to main areas internally and to adjacent public sidewalks. In addition, more than one bicycle parking space per unit is proposed to be accommodated. Secure, long term

bicycle parking is accommodated within the underground parking garage, for a total of 558 spaces.

The development seeks to accommodate a range of amenity opportunities for residents, including a variety of indoor and outdoor communal spaces. The site is designed around a communal outdoor amenity space. The parkette is sufficiently sized so as to accommodate a range of programming opportunities in the future, and makes efficient use of the site by designing the park above the underground parking structure. The preliminary landscape plans depict programming and amenity opportunities within the parkette, including an approximately 160sq.m play area for children in a centralized location and farthest from adjacent roads; a paved gathering space proximate to the play area, with bench seating and a pergola; and a more centralized park feature with potential art features to act as a focal point. The central parkette is proposed to contain naturalized green spaces, as well as pedestrian linkages throughout.

The townhouse dwellings are oriented generally around the parkette. The townhouse built form offers opportunity for the design of units to incorporate private grade related patios. The site has been designed so that patios can provide frontage along the parkette where possible and extend the amenity functionality. Within the apartment buildings, dwelling units are generally offered private amenity space in the form of balconies. In addition, the roof of the apartment building podium is effectively utilized to create additional outdoor amenity opportunity in the form of a communal balcony. Beyond the outdoor spaces, the apartment buildings each anticipate fitness facilities/yoga studios as amenity spaces within the building, which will allow for year round use.

Each unit (including townhouses) will be provided access to a private locker space. A total of 535 storage lockers are provided within the underground parking garage for resident use, which is at a rate of more than one locker per suite.

## **2.1 PROPOSED OFFICIAL PLAN AMENDMENT**

An Official Plan Amendment is required to permit the proposed development. The requested amendment to the City of Niagara Falls Official Plan is attached as Appendix B to this Report. The Amendment would change the land use designations applying to

the subject lands from Major Commercial to a new “Special Policy Area” and associated set of policies to apply.

## **2.2 PROPOSED ZONING BY-LAW AMENDMENT**

A Zoning By-law Amendment is also required to permit the proposed development. A draft Zoning By-law Amendment for the subject lands is attached to this Report at Appendix C. The proposed Zoning By-law Amendment would remove the Planned Shopping Centre (SC) and rezone the subject lands to a site specific Residential Apartment (R5F) zone.

The proposed R5F zone seeks to establish development standards that reflect and permit the development as contemplated, including:

- Permitting townhouses in addition to apartment dwellings;
- For the purposes of zoning, and in the event of future severances or the establishment of new lot lines, the lands zoned R5F and numbered XXXX shall be interpreted as one lot;
- A maximum of two apartment buildings and 5 townhouse buildings are permitted;
- The maximum building height is 13 storeys and 43m;
- The maximum number of dwelling units shall be 512;
- The minimum lot area shall be 25,000 sq. m;
- McLeod Road shall be deemed to be the Front Lot Line;
- Minimum front yard depth is 6.6m;
- Minimum rear yard depth is 7.6m;
- Minimum exterior side yard depth is 4.7m; and
- Maximum lot coverage is 32%.

The site specific development standards are to be confirmed and refined subject to a review of the application by Staff through the approvals process.

## **3.0 SUPPORTING SUBMISSION MATERIALS**

This planning justification report relies, in part, on the supporting submission materials as outlined below. The supporting submission materials meet to the submission requirements as identified in the September 17, 2020 Pre-consultation Meeting.

### **3.1 STAGE 1-2 ARCHAEOLOGICAL ASSESSMENT**

A Stage 1-2 Archaeological Assessment, dated January 2021 was prepared by Lincoln Environmental Consulting Corp. to assess the archaeological potential of the site. No archaeological resources were identified as part of the stage 2 field investigation conducted on December 4, 2020. No further evaluation of the subject lands are recommended on this basis. The report and findings have been submitted to the Ministry of Heritage, Sport, Tourism, and Culture Industries for review and acceptance.

### **3.2 ENVIRONMENTAL IMPACT STUDY**

An Environmental Impact Study, dated March 31, 2021 was prepared by Pinchin to assess the impact of the proposed development on existing natural features. The assessment identifies direct and indirect impacts to the natural environment as a result of the proposed development of the site. The Report notes that “The natural features within the site do not provide high quality habitat as they are highly disturbed from the surrounding urbanization and busy roads”. The features are to be removed in almost their entirety. Recommendations for mitigation measures are provided by the Report, including timing windows for construction activity, and construction related measures, amongst others. The Report concludes that if the recommendations are implemented, the proposed development will not have any adverse impact to the surrounding environment, outside of the Site, and that negative impacts can be restored.

### **3.3 PHASE 1 AND 2 ENVIRONMENTAL SITE ASSESSMENT**

Phase 1 and 2 Environmental Site Assessments, dated April 4, 2019 and February 5, 2020 respectively, were prepared by Pinchin as it relates to the subject lands. The Phase 1 ESA did not identify anything that was likely to result in potential subsurface impacts to the site, and as a result did not recommend the need for further subsurface investigation work. Notwithstanding, Pinchin undertook further Environmental Site Assessment through a Phase 2 study, including subsurface field investigations. Based on the results of the Phase 2 ESA, Pinchin concluded that no further subsurface investigation is required.

### **3.4 ARBORIST REPORT TREE PRESERVATION PLAN**

An Arborist Report and Tree Preservation Plan dated March 1, 2021 was prepared by MHBC to conduct an inventory of existing trees on site and offer recommendations for protection of existing vegetation.

A majority of the 137 inventoried trees were identified as being impacted by the proposed development of the subject lands. Specific trees are identified for retention and protection, primarily grouped towards the southeast of the subject lands. The arborist report offers recommendations for the identification and protection of these trees that would be preserved through the development of this site.

### **3.5 FUNCTIONAL SERVICING AND STORMWATER MANAGEMENT REPORT**

The Functional Servicing Report dated February 2021 prepared by Odan Detech Group Inc. for the subject lands finds that the lands are serviceable through existing sanitary, storm and water main infrastructure adjacent to the site. On site storage for the management of stormwater generated by the proposed development is recommended primarily through an appropriately sized underground storage tank that will ensure the site is below allowable runoff levels.

### **3.6 TRAFFIC IMPACT STUDY**

The Traffic Impact Assessment dated April 26, 2021 was prepared by RVA to assess the traffic related impacts that the proposed development would generate for the surrounding road network. The report finds concludes that no geometric improvements are recommended to the intersections within the study area boundary, in response to the traffic generated by the proposed development. Site generated traffic is not anticipated to cause delay or queuing concerns at study area intersections. The site's access points are justified by the TIS.

### **3.7 NOISE AND VIBRATION**

The Environmental Noise Assessment prepared by SLR Consulting, dated February 24, 2021, investigated the potential for noise and vibration impacts on and from the proposed development. The report concludes that the identified impacts from the surrounding environment on the proposed residential development could be effectively

controlled through proper glazing, the installation of a parapet, the replacement of the car wash dryer fan by a lower noise unit and the inclusion of ventilation and warning clauses. The development is not anticipated to have noise impacts on itself or the surrounding lands.

### **3.8 PEDESTRIAN LEVEL WIND STUDY**

A pedestrian level wind study dated February 24, 2021, was prepared by SLR Consulting to evaluate the design of the proposed development and the resulting wind impacts that are anticipated. The report concludes that the wind safety criteria will all be met following the proposed development on all areas within and surrounding the site. Wind conditions are expected to be comfortable for use in all seasons, and recommendations for mitigation of wind impacts are offered by the report.

### **3.9 URBAN DESIGN BRIEF**

An Urban Design Brief was prepared by Zelinka Priamo Ltd. dated March 26, 2021. The Urban Design Brief provides an overview of the specific design considerations and aspects applicable to the subject lands, including a review of applicable municipal policy and design guidelines.

## **4.0 PLANNING DOCUMENTS AND ANALYSIS**

### **4.1 PROVINCIAL POLICY STATEMENT**

The 2020 Provincial Policy Statement (PPS), issued under the authority of Section 3 of the *Planning Act*, “provides policy direction on matters of provincial interest related to land use planning and development” in order to ensure efficient, cost-effective development and the protection of resources. The PPS requires that decisions affecting planning matters “shall be consistent with” the policy direction established by the Plan.

The following PPS policies are of particular relevance to the development of the subject lands:

- Policy 1.1.1 states that healthy, liveable and safe communities are sustained by:
  - promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
  - promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- Policy 1.1.3.1 states that Settlement areas shall be the focus of growth and development;
- Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:
  - Efficiently use land and resources;

- Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - Support active transportation; and
  - Are transit supportive, where transit is planned, exists or may be developed;
- Policy 1.1.3.2 further states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated;
- Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs;
- Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
- Policy 1.2.6.1 states that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures;
- Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
  - permitting and facilitating:
    - all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs

arising from demographic changes and employment opportunities; and

- all types of residential intensification, including additional residential units, and redevelopment in accordance with policy

#### 1.1.3.3

- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
  - promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
  - establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety
- Policy 1.6.7.4 states that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

### **4.1.1 Planning Analysis**

The proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement for reasons including:

- The proposal will assist in achieving the Province's policy direction of promoting efficient development and land use patterns that sustain the financial well-being of the Province and the City of Niagara Falls over the long-term (Policy 1.1.1.a);
- The proposal will assist the City of Niagara Falls in meeting the long-term needs for residential uses, including a market based range of unit types and sizes (townhouses and apartment dwellings) (Policy 1.1.1.b);
- The proposal promotes cost-effective development, minimizes land consumption and reduces servicing costs as it is within the urban boundary, within the built-up area, and the lands are serviced by municipal infrastructure (Policy 1.1.1.e);

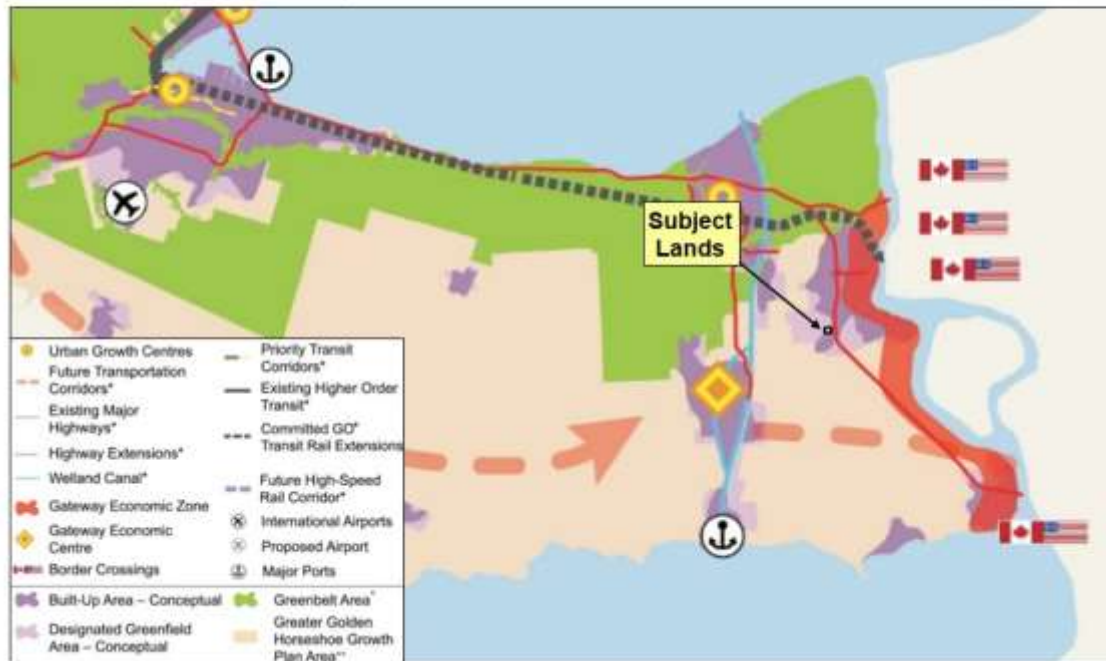
- The subject lands are located within the City of Niagara Falls, which is a settlement area where growth and development is generally to be focused (Policy 1.1.3.1);
- The density and uses proposed as part of the proposal contribute to a land use pattern that is efficient and supportive of transit and active transportation (Policy 1.1.3.2). The subject lands are in an appropriate location to support growth and development to make efficient use of lands and existing/planned infrastructure and services (Policy 1.1.3.2). The proposal represents the introduction of additional residential uses that will be immediately proximate to a range of commercial opportunities, as well as existing transit and proposed active transportation routes, which combined can translate to a reduction in the length and number vehicle trips (Policy 1.6.7.4); and
- The proposal would introduce a compact form of intensification and mix of uses/dwelling types to the area, and represents a density that allows for the efficient use of land, existing infrastructure and public service facilities in an area appropriate for this intensity of use (Policy 1.1.3.4 and 1.4.3); and
- The proposed development would introduce a sensitive land use along major roads within the municipality, and accordingly a noise study has been prepared that offers recommendations to mitigate/minimize the impact of potential noise sources on future residents, as described further in Section 3 of this Report (Policy 1.2.6.1).

## **4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) was approved and modified by the Province, coming into effect May 16, 2019. Amendment 1 to the Growth Plan took effect August 28, 2020. All decisions that affect a planning matter will conform to the Growth Plan.

According to Schedule 2: A Place to Grow Concept, the subject lands are within the Built-Up Area – Conceptual (see Figure 3).

**Figure 3**  
**Growth Plan for the Greater Golden Horseshoe, Schedule 2 – A Place to Grow**  
**Concept (August, 2020)**



Location and boundaries are approximate

Relevant managing growth policies include:

- The vast majority of growth will be directed to settlement areas that: i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities (2.2.1.2.a);
- Within settlement areas, growth will be focused in: i. delineated built-up areas; ii. strategic growth areas; iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities (2.2.1.2.c);
- Applying the policies of this Plan will support the achievement of complete communities that (2.2.1.4):
  - feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
  - provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate

- people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- Expand convenient access to: i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; and iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- provide for a more compact built form and a vibrant public realm, including public open spaces.

By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows: a) A minimum of 50 per cent of all residential development occurring annually within the Region of Niagara will be within the delineated built-up area (2.2.2.1).

All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will (2.2.2.3):

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) encourage intensification generally throughout the delineated built-up area;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

Section 2.2.5.15 states that the retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

#### **4.2.1 Planning Analysis**

The proposed Official Plan Amendment and Zoning By-law Amendment conforms with the Growth Plan and the goal to build compact, vibrant and complete communities for reasons including:

- The proposal provides new residential uses within the Niagara Falls settlement area on lands that have access to existing municipal water and wastewater systems. The introduction and proposed scale of new residential uses within this existing community, and the manner in which the proposal supports active transportation and street activity, is supportive of the achievement of complete communities (Policy 2.2.1.2.a);
- The subject lands are located within a delineated built up area, is in proximity to existing local and regional transit services, and is in area appropriate for growth (Policy 2.2.1.2.c);
- The proposed built form, in considering the existing context, will assist in achieving the overall policy direction of encouraging cities to develop as complete communities with: a diverse mix of land uses; a range and mix of housing options; convenient access to services a range of transit options; and a high quality, compact built form and an attractive public realm (Policy 2.2.1.4);
- The proposed development will contribute to Niagara Falls meeting Provincial growth targets (Policy 2.2.2.1);
- The Zoning By-law Amendment will zone the subject lands in a manner that will facilitate an appropriate degree of intensification in considering the existing/planned context of the area. In our submission, the subject lands represent an appropriate opportunity for intensification, which is to be generally encouraged in appropriate locations throughout the municipality (Policy 2.2.2.3); and
- The proposed development would introduce a use and built form that will be supportive of the existing and surrounding commercial retail sector, primarily located to the south of the subject lands. There are positive synergies that occur through integration of residential and commercial uses within a mixed-use area, part of which is the support of the retail sector through additional consumer base (Policy 2.2.5.15).

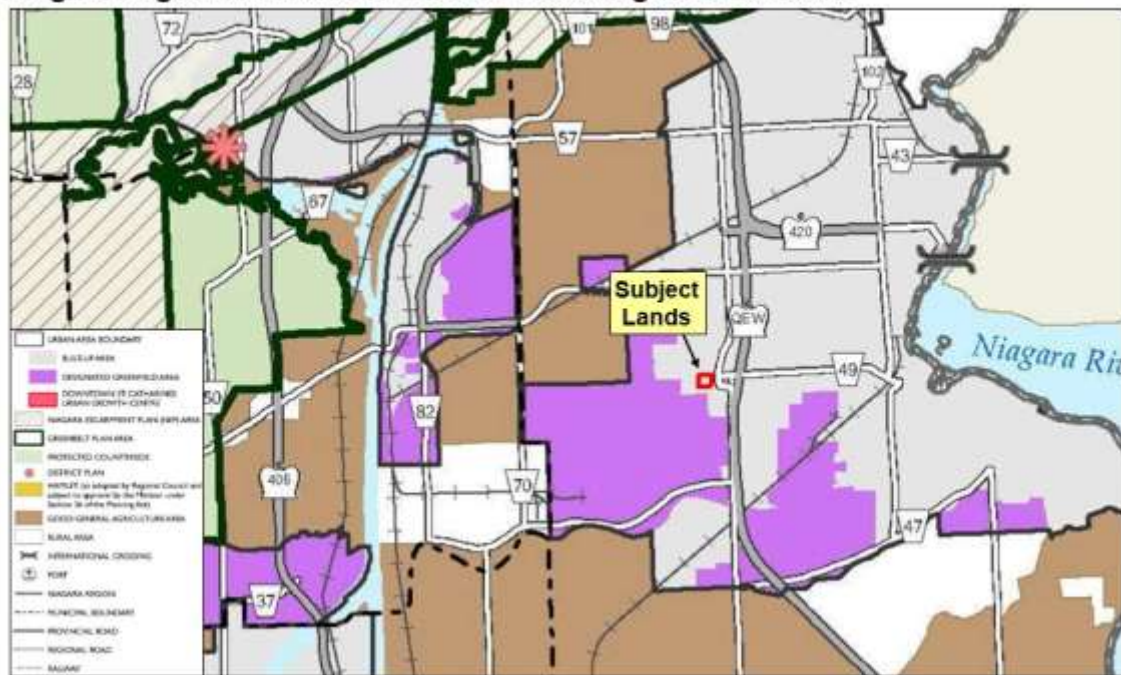
#### 4.3 NIAGARA REGION OFFICIAL PLAN

The Niagara Region Official Plan provides policy direction regarding land use and development for the various local municipalities, including Niagara Falls.

According to Schedule A: Regional Structure, the subject lands are within the Urban Area Boundary and are part of the Built-up Area (see Figure 4).

**Figure 4**

##### **Niagara Region Official Plan – Schedule A: Regional Structure**



Location and boundaries are approximate

The key components of the Region's Urban Structure include, in part, (Policy 4.G.5.1) Urban Areas that are composed of Built-up Areas, as the subject lands are considered (Policy 4.G.5.1). Relevant policies related to the Built-up Areas include:

- Urban Areas will be the focus for accommodating the Region's growth and development (Policy 4.G.6.2);
- Urban Areas will be the focus of the Region's long term growth and development (Policy 4.G.7.2 ); and
- Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Built-up Areas will be the focus of residential and employment

intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

The Regional Official Plan defines intensification to include all forms of development that occur within the Built-up Area, and that the Region will promote intensification (Policy 4.C.1.1). The Official Plan directs that each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting intensification and achieving the intensification targets of the Official Plan. Local official plans shall incorporate the Built Boundary for identifying the Built-up Area, and shall generally encourage intensification throughout the Built-up Area (Policy 4.C.2.1).

The Region encourages the development of mixed use areas in Niagara. Mixed use areas should be planned to accommodate a variety of complementary land uses, including residential, commercial, employment, recreation, institutional, the Core Natural Heritage System, hydrological features and open space (Policy 4.I.1). Applicable policies include the following:

- Mixed use areas should be planned to accommodate a variety of housing types, with an emphasis on providing opportunities for medium and high density residential development (Policy 4.I.2);
- Mixed use areas should be planned to allow for the mixing of land uses at several scales. Land use could be mixed within neighbourhoods, blocks, parcels and buildings (Policy 4.I.3);
- Mixed use areas should be planned to accommodate a variety of transportation modes, including walking, cycling and transit (Policy 4.I.4);
- Mixed use areas should be located in both greenfield and intensification areas (Policy 4.I.5);
- Local municipalities are encouraged to identify mixed use areas in their official plans and create a set of land use policies to guide development in these areas (Policy 4.I.6); and
- The planning of mixed use areas should direct particular attention to providing an attractive streetscape environment and public realm. A higher quality of public realm design is expected for mixed use areas compared to other residential areas, as mixed use areas often have a higher proportion of public space as compared to private space (Policy 4.I.7).

#### 4.3.1 Core Natural Heritage

As identified on Schedule C of the Niagara Region Official Plan, the subject lands are not located within a Core Natural Heritage Feature, including Environmental Protection or Conservation Areas (see Figure 5).

**Figure 5**  
**Niagara Region Official Plan – Schedule C: Core Natural Heritage**



Location and boundaries are approximate

#### 4.3.2 Transportation Infrastructure

Schedule E-1 of the Niagara Region Official Plan displays the Regional Transportation Infrastructure, which identifies Montrose Road adjacent to the subject lands as a Regional Road (see Figure 6).

**Figure 6**  
**Niagara Region Official Plan – Schedule E1: Transportation Infrastructure**



Location and boundaries are approximate

It is a policy of the Niagara Region Official Plan that the Region will leverage public transit to promote transit-supportive development (Policy 9.C.3).

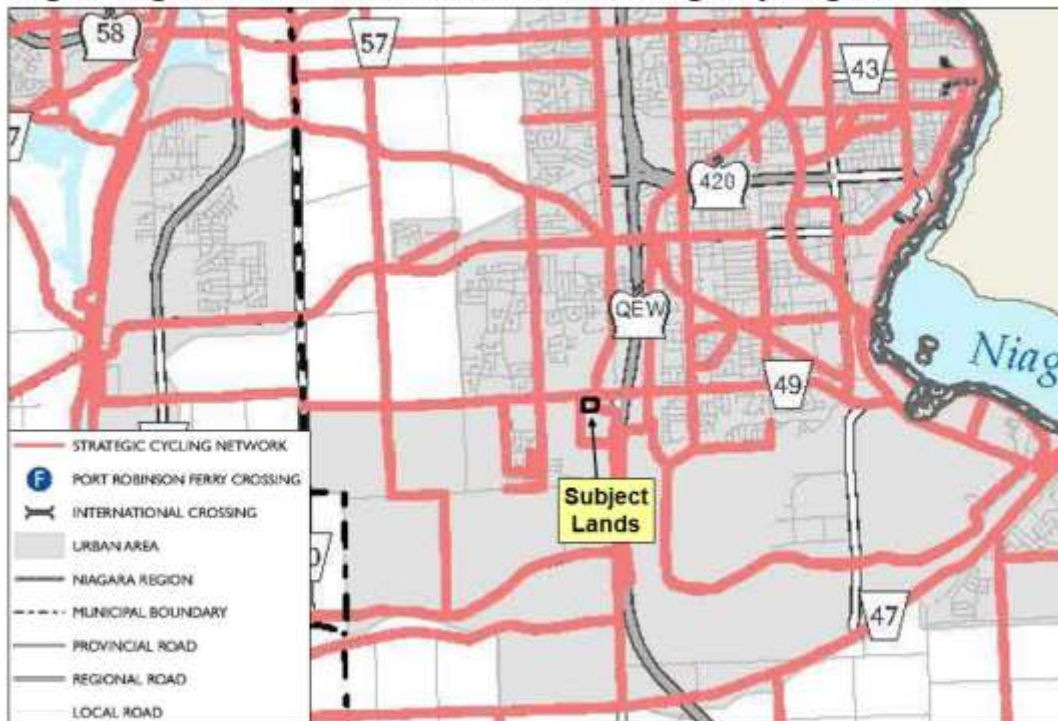
Policy 9.F.5 identifies that noise mitigation measures may be required for new development that is adjacent to a Regional Road, as it relates to traffic noise and as determined by a noise study.

Policy 9.F.7 states that “The Niagara Region will have regard to the Niagara Region’s Model Urban Design Guidelines, Complete Streets Design Guidelines, and Wayfinding Signage for Cyclists Guidelines when providing comments on development applications located along Regional Roads.”

Montrose Road, McLeod Road, and Pin Oak Drive are all identified as Strategic Cycling Networks on Schedule E2 (see Figure 7).

**Figure 7**

**Niagara Region Official Plan – Schedule E2: Strategic Cycling Network**



Location and boundaries are approximate

### **4.3.3 Niagara Economic Gateway**

The subject lands are identified as forming part of the Niagara Economic Gateway as depicted in Schedule G1 (Figure 8), but do not form a part of the employment lands that form the core of the gateway area, as shown in Schedule G2 (Figure 9). The policies applicable to the Niagara Economic Gateway are focused on the vacant employment lands, which the subject lands are not a part of.

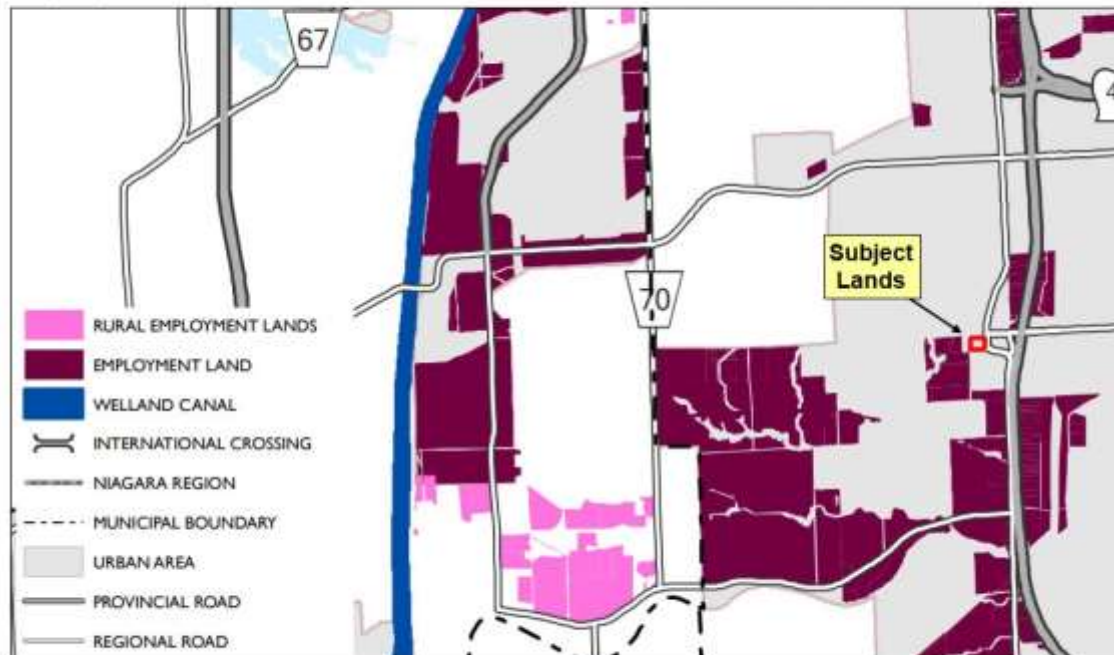
**Figure 8**

**Niagara Region Official Plan – Schedule G1: Niagara Economic Gateway**



Location and boundaries are approximate

**Figure 9**  
**Niagara Region Official Plan – Schedule G2: Niagara Economic Gateway**  
**Employment Lands**



#### **4.3.4 Planning Analysis**

The proposed Official Plan Amendment and Zoning By-law Amendment conform with the Niagara Region Official Plan for reasons that include:

- The subject lands are located within the existing Built-up Area portion of the Urban Area, which is identified as where the majority of the Region's growth and development will be focused (Policy 4.G.6.2, 4.G.7.2 and 4.G.8.1);
- The proposed development is a form of intensification as it is occurring within the Built-up Area, which is promoted by the Region (Policy 4.C.1.1). The proposal will contribute to the City of Niagara Falls meeting intensification targets (Policy 4.C.2.1);
- The Region encourages the development of mixed use areas in Niagara that offer a number of complimentary uses, which the proposed development will contribute towards realizing (Policy 4.I.1);
- The proposal will contribute to a mixed use area that is predominantly commercial in nature by providing opportunities for a mix of dwelling types (Policy 4.I.2) as well as land uses within the area (Policy 4.I.3);

- The proposed development represents a form of intensification that is transit-supportive and will be proximate to existing transit and transportation infrastructure (Policy 9.C.3);
- The subject lands are located along an identified Regional Road (Montrose Road), and accordingly the proposed development is supported by a Noise Study, which evaluates the impact of existing noise sources on the proposed development, and offers recommendations to mitigate noise impacts (Policy 9.F.5);
- The proposed development has consideration for and is generally in accordance with the Niagara Region's Model Urban Design Guidelines as is described further through the Urban Design Brief (Policy 9.F.7);
- The subject lands are not proximate to a Core Natural Heritage Feature, Environmental Protection or Conservation Area as identified by the Official Plan.

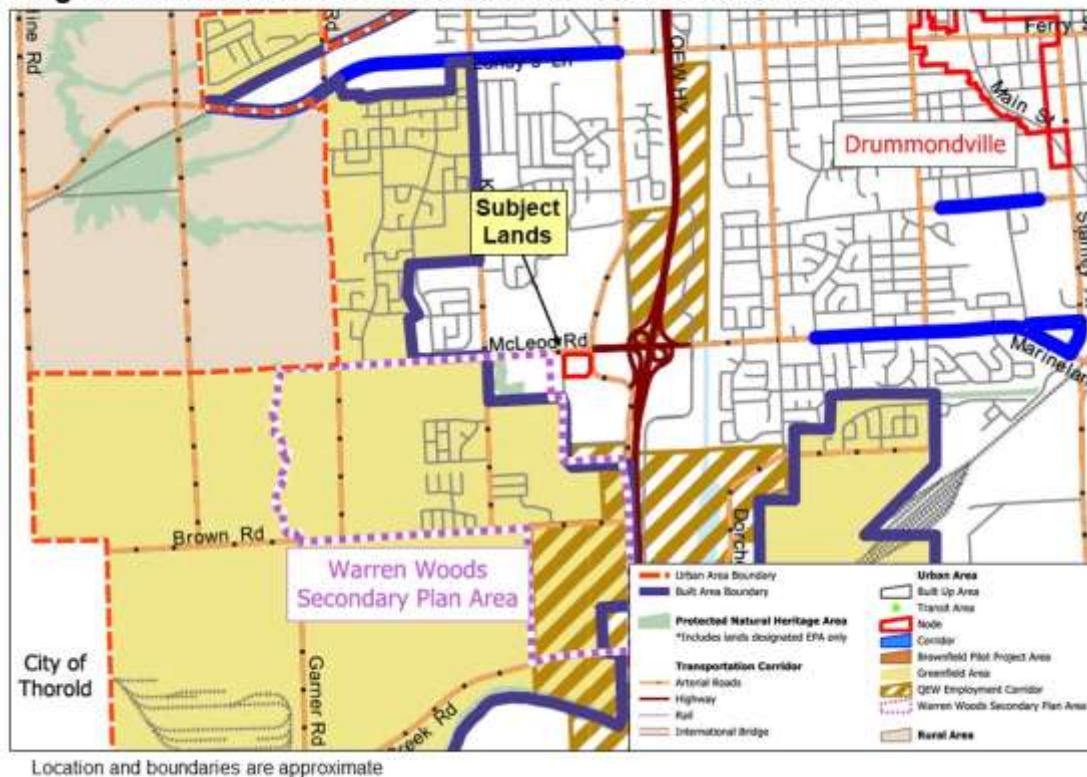
#### **4.4 NIAGARA FALLS OFFICIAL PLAN**

The City of Niagara Falls Official Plan (April 2019 consolidation) outlines the long term objectives and policies of the municipality with respect to growth and development.

##### **4.4.1 Urban Structure**

According to Schedule A2: Urban Structure Plan, the subject lands are within the Built-up Area (see Figure 10). The subject lands do not form a part of the identified growth structure of the City, which includes the Nodes and Corridors as delineated on Schedule A2.

**Figure 10**  
**Niagara Falls Official Plan – Schedule A2: Urban Structure Plan**



The various growth objectives provided by the Official Plan include the following as they relate to the proposed development:

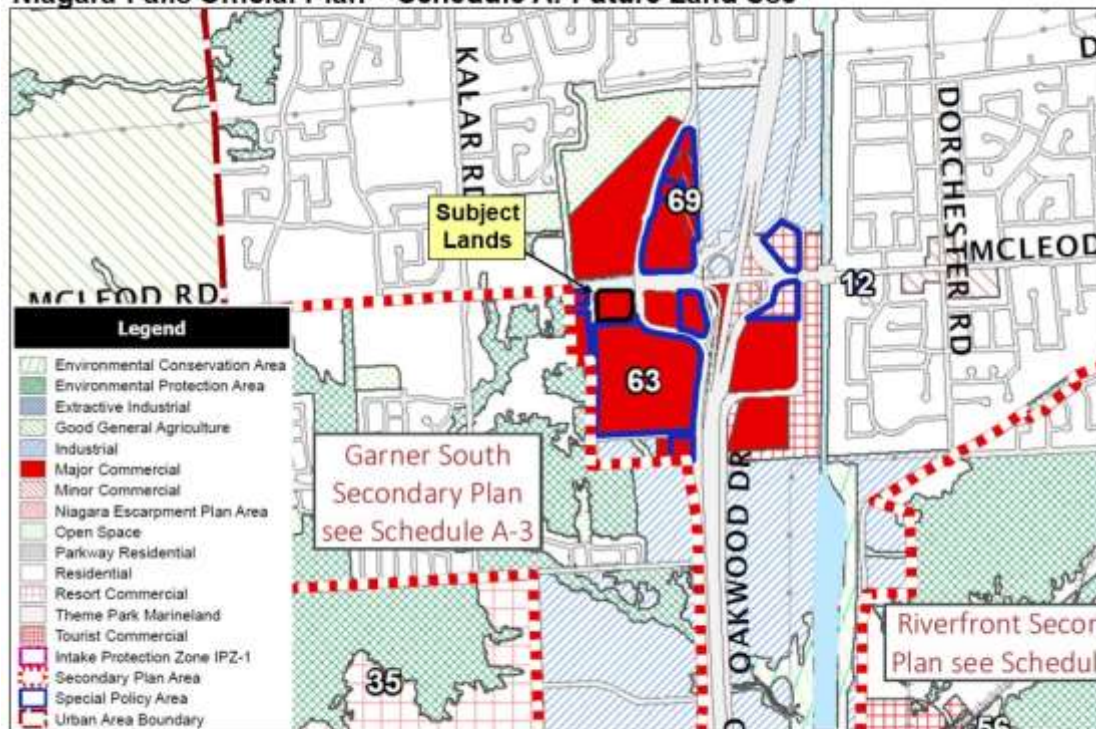
- To direct growth to the urban area and away from non-urban areas.
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.

#### **4.4.2 Existing Designation**

According to Schedule A: Future Land Use, the subject lands are designated Major Commercial (see Figure 11).

Figure 11

**Niagara Falls Official Plan – Schedule A: Future Land Use**



Location and boundaries are approximate

The Official Plan describes Major Commercial Districts as representing (Part 2 Policy 3.2.1):

“the largest concentrations of commercial space in excess of 10,200 square metres of gross leasable retail floor area. The predominant land uses include a full range of retail outlets, personal service shop, accommodations, medical services, and office space to serve the needs of the entire market population and may include mixed use developments, recreational, community and cultural facilities as secondary uses. In addition, residential projects may be permitted subject to appropriate provisions in a zoning bylaw amendment and other relevant sections of this Plan.”

The Official Plan identifies the Niagara Square Retail District as being subject to a specific policy context as outlined in Part 2 Section 3.2.3. Based on our review, there is no associated mapping to delineate the specific boundaries of the Niagara Square Retail District contained within the Official Plan. A brief description is provided by the policies of

Part 2 Section 3.2.3. In our interpretation, the subject lands are located within the Niagara Square Retail District, which is described by the Official Plan as follows:

The Niagara Square Retail District shall be promoted as a regional retail shopping district providing complete comparison shopping, comprising of three major commercial developments. Free-standing box outlets and/or multiple groupings of medium and smaller retail outlets, together with recreational, community and cultural facilities, will also be permitted to reinforce the function as a regional commercial district. Niagara Square shall be promoted as a full regional shopping centre containing approximately 50,000 square metres of gross leasable floor area (Part 2 Policy 3.2.3).

Within the Niagara Square Retail District, two areas are specified where specific land use policies apply, including those lands identified at the southeast quadrant of McLeod Road and the QEW, and at the northwest corner of McLeod Road and Montrose Road. The subject lands are not located within one of these identified areas, and therefore Policy 3.2.3.4 of the Official Plan is applicable, which states:

“The balance of the lands within the district shall develop in a manner that complements and enhances the function of the district. Accommodations, mixed use commercial/residential, service commercial and personal service facilities may be developed on a limited scale. Recreational, community and cultural facilities may also locate on these lands.”

The Official Plan states that “Commercial areas will be designed to effectively minimize their incompatibility with adjacent residential, institutional and recreational areas. Appropriate screening and landscaping shall be incorporated on site in order to buffer noise, light, dust or undesirable visual impacts emanating from the commercial uses. Outdoor storage uses and display areas may be provided for seasonal goods where the areas are designed as an integral part of the commercial development and are subject to the appropriate provisions in the Zoning By-law” (Part 2 Policy 3.5.1).

The Official Plan provides specific policy direction for lands designated for commercial purposes, where the supply may be in excess of demand, allowing for residential intensification in such scenarios without amendment to the Official Plan. Specifically, we note the following policies:

- Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied. The policies of PART 1, Section 3.10 to 3.19 shall apply lands that are designated a Node on Schedule A-2 to this Plan. Intensification is to be consistent with the height and density parameters for each node, should the lands be so designated. For lands not designated a node, height and density should be consistent with the policies of PART 2, Section 1.15.5.5. Development will be arranged in a gradation of building heights and densities. The proposed development is designed to be compatible with commercial development in the surrounding area. The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment. The proposal does not hinder commercial traffic patterns (Part 2 Policy 3.5.3); and
- While this Plan promotes and encourages residential intensification of lands designated Major and Minor Commercial, it is also recognizes that there is the potential for land use conflicts with intensification. Accordingly, an applicant may be required to undertake studies to determine impacts and provide mitigation measures (Part 2 Policy 3.5.4).

The subject lands do not form a part of a Node, and so according to Policy 3.5.3 referenced above, Part 2 Section 1.15.5.5 of the Official Plan is applicable, which states:

- Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:
  - (iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads. Moreover, development

should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;
- rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;
- street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;
- parking is to be encouraged to be located within parking structures that are integrated with the development; and
- where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.

#### **4.4.3 Proposed Designation**

The Niagara Falls Official Plan contemplates compatible residential uses within the Commercial land use category to create mixed-use areas, including within the Major Commercial designation that currently applies to the subject lands. The Official Plan discusses residential use within the Commercial component of the City as follows:

*Commercial areas can also be strengthened through the introduction or expansion of residential uses to create mixed use areas. This Plan promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial areas. It is not, however, the intention of this Plan to promote the dislocation and re-designation of non-residential uses in order to achieve intensification. Rather, this Plan provides guidance for long-term compatible coexistence of residential and non-residential uses within these nodes.*

The subject lands have existing policy context that permits residential uses up to and including 6 storeys and a density of 100 units per hectare. Residential uses are permitted as standalone, and do not need to be integrated with a commercial function.

Taking into account that the Official Plan currently contemplates Residential uses on the subject lands, including standalone residential uses, the existing Major Commercial designation is considered appropriate.

A new site specific “Special Policy Area” is proposed to be applied to the subject lands. The “Special Policy Area” will introduce a new policy framework that will permit the residential uses on the subject lands, including the height and density permissions that exceed what is otherwise contemplated.

#### **4.4.4 Urban Design/Built Form**

Part 3 Section 5 of the Official Plan presents the Urban Design Strategy for the City of Niagara Falls. As noted by the Official Plan the policies are to provide guidance for development to both the public and private sectors.

Part 3 Section 5.1 states that new development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features. We note the following policies applicable to the proposed development:

- The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area (Part 3 Policy 5.1.1);
- Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided (Part 3 Policy 5.1.2);
- Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or

- within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act (Part 3 Policy 5.1.3)
- In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas (Part 3 Policy 5.1.4);
  - Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands (Part 3 Policy 5.1.5);
  - Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments (Part 3 Policy 5.1.6); and
  - The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways (Part 3 Policy 5.1.7).

Part 3 Section 5.3 offers design direction for landscaping. As it relates to the proposed development, we note the following policies:

- The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites (Part 3 Policy 5.3.1);
- Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner (Part 3 Policy 5.3.2)
- The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment (Part 3 Policy 5.3.3);
- Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to

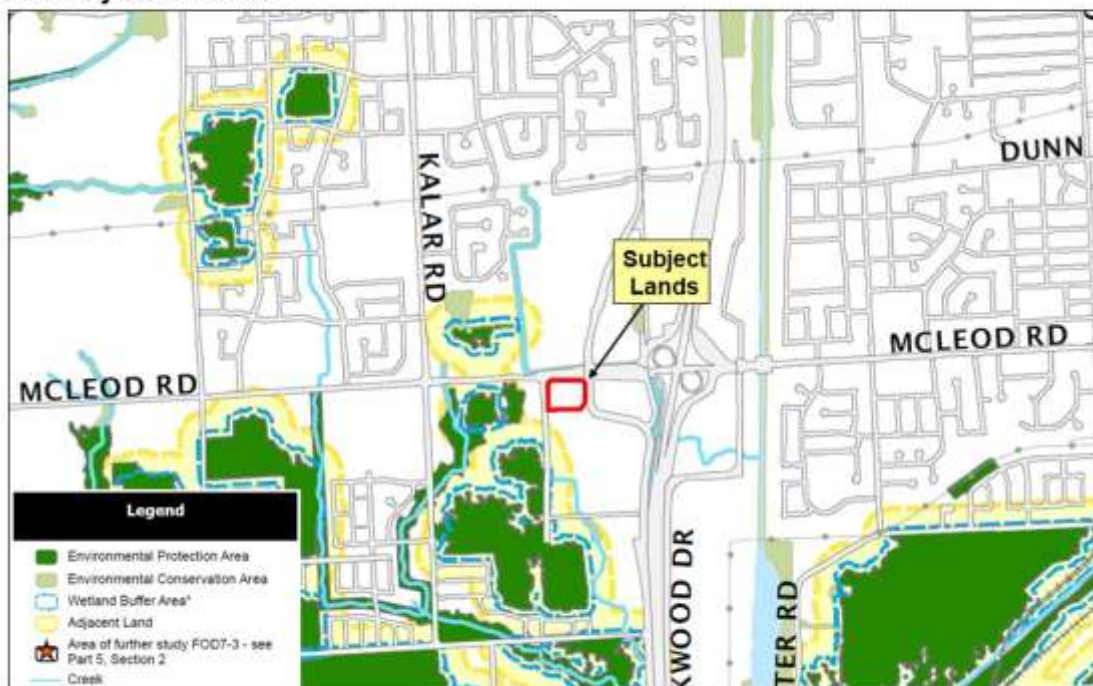
- buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses (Part 3 Policy 5.3.4); and
- The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11 (Part 3 Policy 5.3.5).

#### 4.4.5 Natural Heritage

According to Schedule A-1: Natural Heritage Features and Adjacent Lands, the subject lands are not located within an Environmental Protection Area or Environmental Conservation Area, and are not identified as Adjacent Land (see Figure 12). The subject lands would not be anticipated to be subject to environmental protection.

Figure 12

#### Niagara Falls Official Plan – Schedule A-1: Natural Heritage Features and Adjacent Lands

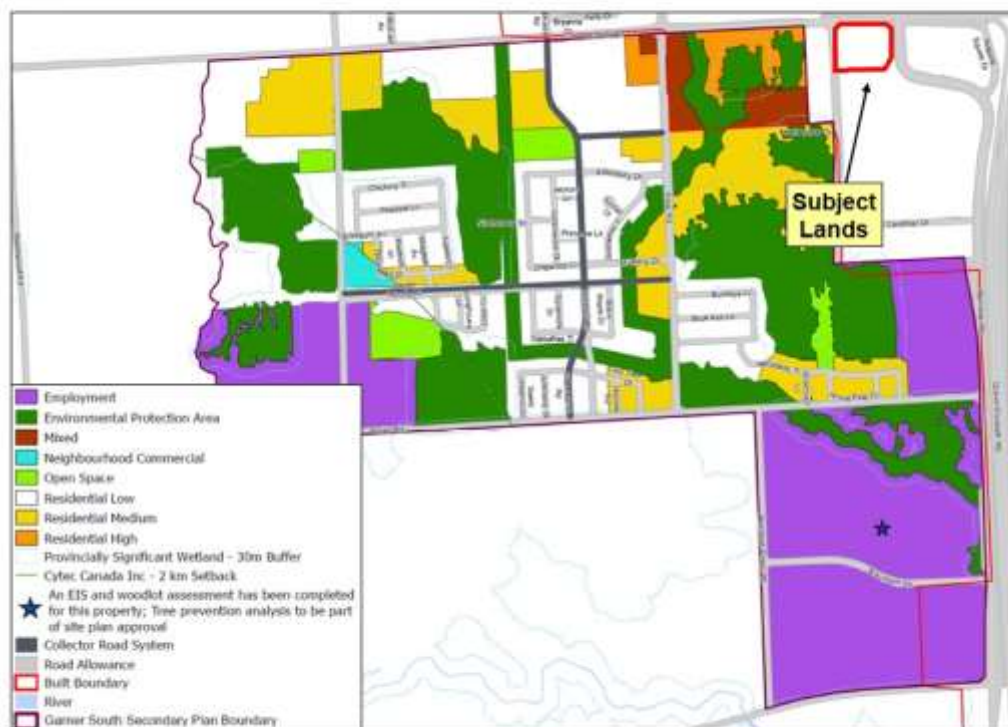


Location and boundaries are approximate

#### 4.4.6 Garner South Secondary Plan

The subject lands are located within proximity to lands subject to the Garner South Secondary Plan (see Figure 13), which applies to the lands generally west and further south of the subject lands. Lands located immediately to the west of the subject lands along McLeod Road are predominantly designated Residential High, as well as areas of Environmental Protection Area.

**Figure 13**  
**Niagara Falls Official Plan – Schedule A3: Garner South Secondary Plan**



Location and boundaries are approximate

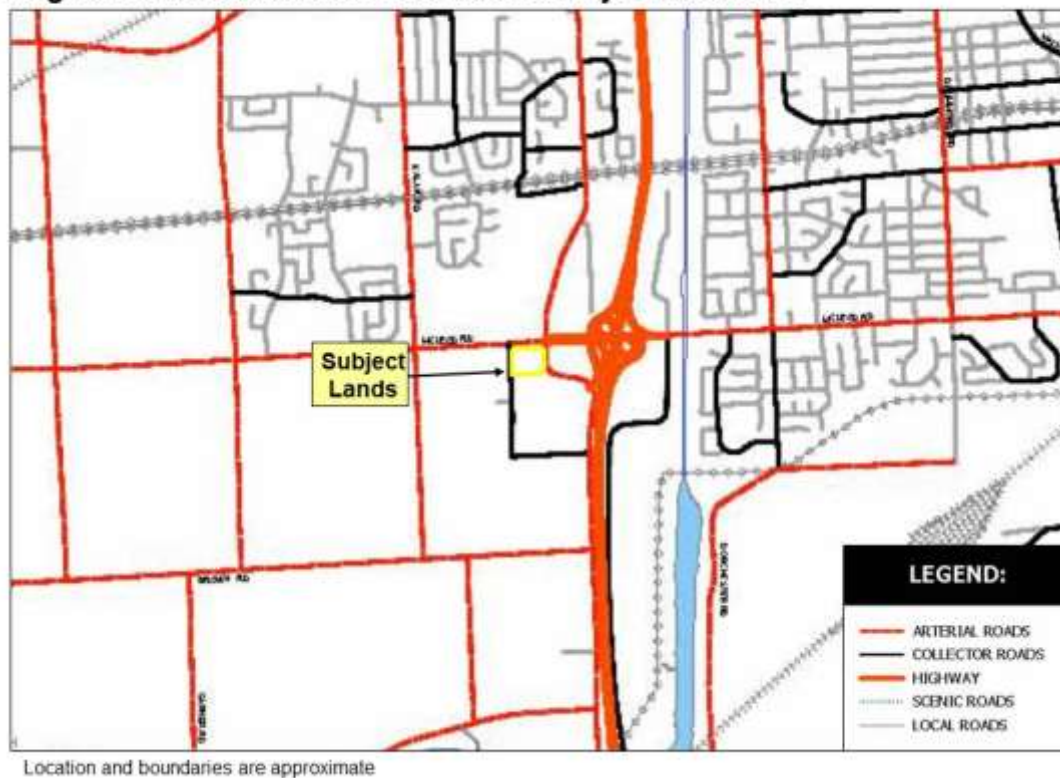
Residential Apartment buildings are the primary permitted use within the Residential High Density Designation.

According to Part 5 Section 1 Policy 2.3.3, the Residential High Density designation permits a residential density up to and including 125 units per hectare. Part 5 Section 1 Policy 2.3.4 further directs that the High Density Residential lands located east of Kalar Road densities may exceed 125 units per net hectare and permit building heights up to 12 storeys without amendment to the Official Plan.

#### 4.4.7 Major Roads Plan

As shown in Figure 14, Schedule C: Major Roads Plan of the Niagara Falls Official Plan, McLeod Road and Montrose Road are identified as Arterial Roads, and Pin Oak Drive is identified as a Collector Road.

**Figure 14**  
**Niagara Falls Official Plan – Schedule C: Major Roads Plan**



The Official Plan Describes Arterial and Collector Roads as follows:

- Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. Regional Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Design, road allowance width, use, alignment and access are regulated by the Regional Municipality of Niagara. Road widths vary from 20 metres to 42 metres.

City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-

street parking will be restricted as much as possible to enhance the free flow of traffic. The road allowance may accommodate transit routes with bus lay-bays and shelters and/or bicycle facilities such as bike lanes, shared use lanes and paved shoulders. The use of shared driveways to larger development projects will be encouraged in the urban areas. Regional and certain City roadways that function as arterial roads, primarily in the tourist core area, are subject to the policies described in the “tourist commercial roads” classification (Part 3 Policy 1.5.18.4); and

- Collector Roads - include all roadways under the City’s jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads. The roadways in this classification are generally two lanes, undivided with a road allowance width of 20 metres to 23 metres which will allow the addition of turning lanes, bicycle paths, bus lay-bays and shelters, landscaping, sidewalks and utility corridors. Traffic and parking controls should be considered. Access to abutting properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted (Part 3 Policy 1.5.18.5).

Part 3 Policy 1.5.29 states that in considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system, noting further that a transportation study may be required to assess the impact of the development.

According to Part 3 Policy 1.5.31, Council requires the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads, as the subject lands would be considered.

#### **4.4.8 Special Policy Area**

Part 2 Section 13 of the Official Plan contains policies related to Special Policy Areas within the City. The Official Plan recognizes that “notwithstanding the general policies of the Official Plan, certain areas are designated Special Policy Areas due to their unique characteristics and/or special circumstances, some which may affect their development or redevelopment.”

A Special Policy Area that would be applicable to the subject lands would be considered appropriate to recognize their unique growth potential.

#### **4.4.9 Planning Analysis**

The proposed Zoning By-law Amendment conforms with the Niagara Falls Official Plan, and the proposed Official Plan Amendment generally maintains the intent of the Niagara Falls Official Plan for reasons that include:

- The subject lands are located within the existing built-up area of the City, where it is an objective of the Official Plan to direct growth;
- The lands form a part of the broader retail node of the area, but remain undeveloped. The lands are proposed to be developed in a manner that is supportive of, and enhances the function of the Niagara Square Retail district, as encouraged by Part 2 Policy 3.2.3.4;
- The Official Plan contemplates and anticipates residential uses within Major Commercial Districts (Part 2 Policies 3.2.1, and 3.5.3), recognizing the synergistic and supportive relationship between commercial and residential use of lands, as is proposed by these applications;
- As demonstrated through the technical submission materials, Notably the noise and Vibration Study, the proposed residential development can be designed so as to mitigate incompatibility with the commercial function of the surrounding area, and ensure the viability of the established commercial functions is not compromised through the introduction of a more sensitive land use (Part 2 Policies 3.5.1, 3.5.4, and Part 3 Policy 1.5.31);
- The lands are not identified as part of a Node, and so the residential intensification policies applicable would permit residential apartment buildings up to 6 storeys and 100 units per hectare (Part 2 Policy 1.15.5.5), however the lands are appropriate to consider for intensification beyond what is contemplated generally throughout the residential neighbourhoods. In particular, we note that the lands immediately to the west on the south side of McLeod Road are located in the Garner South Secondary Plan Area, and are designated to allow for high density residential uses at a density that exceeds 125 units per hectare, and building heights up to 12 storeys (Part 5 Section 1 Policy 2.3.3). In addition, located just east of the subject lands along McLeod Road is an existing hotel

- building, which has received zoning approvals that would allow for a hotel building up to 13 storeys;
- The subject lands have frontage along arterial and collector roadways, and the development proposes access to Pin Oak Drive, McLeod Road, and Montrose Road. The Traffic Impact Study prepared by RV Anderson Associates Limited investigated the impact of the proposed development on the existing surrounding road network, including the proposed access points to these networks, and concluded that no geometric improvements are warranted as a result of the anticipated traffic generated by the proposed development (Part 3 Policy 1.5.29). The number of access points is spread across the adjacent road networks so as to minimize access points on each road (Part 3 Policy 5.1.7);
  - The proposed development accommodates a majority of parking in two levels of underground parking, while accounting for a small portion of grade related parking intended for short term visitation to the site to enhance the access. Grade related parking is screened from public areas through the site design, and will be located behind the proposed buildings (Part 2 Policy 1.15.5.5 and Part 3 Policies 5.1.5 and 5.1.6);
  - The street frontage is engaged through the design and positioning of the buildings at both intersections along McLeod Road, including the inclusion of a building podium and minimal setbacks, which will promote a pedestrian scale and reflect the prominence of this gateway location (Part 2 Policy 1.15.5.5 and Part 3 Policies 5.1.2 and 5.1.4);
  - The site and building design is compatible with surrounding land uses (Part 3 Policy 5.1.1);
  - As demonstrated through the technical submission materials, notably the Pedestrian Level Wind Study, the proposed development can employ mitigation measures to ensure comfortable wind conditions on site and adjacent lands (Part 3 Policy 5.1.3);
  - A landscape plan has been prepared as part of the application, which identifies key areas that have opportunity to be enhanced through landscaping, with a particular emphasis on areas that are public use areas. The landscape plan was prepared in consideration of the policies of Part 3 Section 5.3; and

- A tree inventory plan has been prepared in relation to the proposed development, which identifies existing trees that could be preserved as part of the proposed development (Part 3 Policy 5.3.5).

#### **4.5 NIAGARA REGION MODEL URBAN DESIGN GUIDELINES**

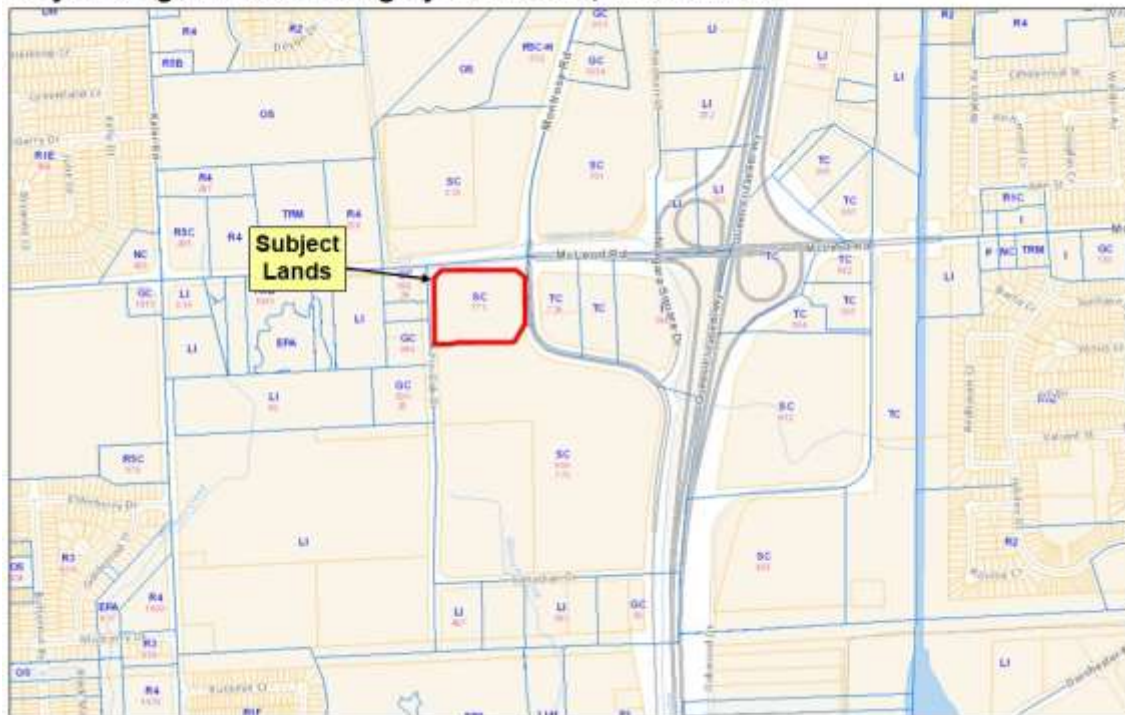
The Region of Niagara's Model Urban Design Guidelines provides comprehensive and detailed urban design direction for development. The subject lands have frontage along a Regional Road (Montrose Road), and it is therefore appropriate to consider the Region of Niagara's Model Urban Design Guidelines in the design of the proposed development.

The proposed development responds to and seeks to implement the various applicable guidelines presented by the Niagara Model Urban Design Guidelines. An Urban Design Brief was prepared in relation to the proposed development, which further expands upon the design of the development and how the applications respond to the applicable urban design guidelines.

#### **4.6 CITY OF NIAGARA FALLS ZONING BY-LAW 79-200, AS AMENDED**

The subject lands are zoned Planned Shopping Centre Commercial Zone (SC Zone) under Zoning by-law 79-200, as amended (see Figure 15). The SC Zone permits a range of commercial uses, however residential uses are not identified as being permitted.

**Figure 15**  
**City of Niagara Falls Zoning By-law 79-200, As Amended**



Location and boundaries are approximate

#### **4.6.1 Proposed Zone**

The subject lands are proposed to be rezoned in the context of the proposed development of the subject lands for residential use. Accordingly, as described in Section 2.2 of this Report and displayed in Appendix C, the subject lands are proposed to be rezoned to a site specific Residential Apartment (R5F) zone.

The site specific provisions requested include the following:

- Permitting townhouses in addition to apartment dwellings;
  - *It is appropriate to consider a mix of dwelling types within this zone, creating a mixed community that makes efficient use of the lands while providing a range of dwelling types and housing opportunities. The proposed uses will be incorporated in a compatible manner.*
- For the purposes of zoning, and in the event of future severances or the establishment of new lot lines, the lands zoned R5F and numbered XXXX shall be interpreted as one lot;

- *The site specific zoning would apply to the subject lands as they are today. It is uncertain if, and where, any future severances may occur. It would be appropriate for the site to be considered as one lot in the entirety for zoning purposes, so that future severances do not create zoning issues based on an updated lot fabric.*
- A maximum of two apartment buildings and 5 townhouse buildings are permitted;
  - *The subject lands are of a sufficient size so as to accommodate multiple buildings and a mix of dwelling types. It is appropriate to comprehensively plan this parcel, and accordingly it would be necessary for the zoning to permit multiple dwellings as proposed. The zoning would permit the development as shown.*
- The maximum building height is 13 storeys and 43m;
  - *The proposed building height would be the maximum achievable on site, as proposed by the one tower that would achieve this height. The height is reflective of what is contemplated on surrounding lands, and is appropriate for the intensification potential that the subject lands present. The height is reflective of the prominent location of the lands at a major intersection. The zoning application is supported by shadow and wind studies, as well as an urban design brief, which help to ensure the proposed maximum height is implemented appropriately, and without undue adverse impact to the community.*
- The maximum number of dwelling units shall be 512;
  - *By specifying the maximum number of dwelling units, the zoning will be written in such a way as to implement the plans as drafted, and not be so flexible so as to allow additional density beyond what is proposed, without requiring further evaluation and applications. The maximum unit count effectively ensures the proposed density represents the maximum.*
- The minimum lot area shall be 25,000 sq. m;
  - *It is appropriate for the lands to accommodate intensification, and a compact form of development. The current zoning would cap the number of units based on a required lot area per unit. The proposal achieves a modern design and layout, which will achieve numerous site planning objectives to contribute to a complete community. The existing lot area is appropriate to accommodate the proposed development.*

- McLeod Road shall be deemed to be the Front Lot Line;
  - *This provision is strictly technical in nature, and will treat McLeod Road as the front lot line, simply for interpretation of the applicable zoning provisions. The lot is surrounded on three sides by public roads, and it would be appropriate to define one of these frontages as the front lot line.*
- Minimum front yard depth is 6.6m;
  - *Current urban design efforts are being directed towards reducing setbacks to public areas, and in particular to public streets. The proposed setback will contribute to framing the adjacent street, which in combination with the proposed building designs and podium, will contribute to a more human scaled environment. The reduced setbacks will create a more urban feel to the proposed development.*
- Minimum rear yard depth is 7.6m;
  - *The rear of the property will be occupied by the townhouse dwellings, which are a lower height than the apartment buildings. A 7.5m setback would be considered appropriate for a setback to a townhouse dwelling in this location. It is appropriate to specify a setback to clarify what is required along the south property line.*
- Minimum exterior side yard depth is 4.7m; and
  - *Current urban design efforts are being directed towards reducing setbacks to public areas, and in particular to public streets. The proposed setback will contribute to framing the adjacent street, which in combination with the proposed building designs and podium, will contribute to a more human scaled environment. The reduced setbacks will create a more urban feel to the proposed development.*
- Maximum lot coverage is 32%.
  - *The proposed development makes efficient use of the subject lands, while being designed in an appropriate manner that ensures appropriate site design in response to current urban design efforts. A slightly increased lot coverage is reflective of the efficient use of the lands, and is not a significant deviation from what would be permitted within the parent zoning.*

## **5.0 ADDITIONAL PLANNING ANALYSIS**

This report has identified and addressed the relevant current planning policy and regulatory framework in Section 4. A number of key themes and major points have emerged in the planning assessment of the proposed redevelopment of the subject lands.

### **5.1 MITIGATING IMPACT AND AVOIDING HAZARDS**

The proposed development is supported by a number of technical studies and reports as outlined in Section 3 of this Report, and include Environmental Site Assessments, Tree Preservation Plan, Noise and Vibration Study, and an Environmental Impact Study. The supporting studies collectively offer recommendations and conduct background analysis to ensure the site can be developed safely. The reports offer recommendations, where necessary to minimize or mitigate potential concerns regarding compatibility or environmental impact. Based on the recommendations, the proposed development can be implemented in a safe manner that does not adversely impact natural heritage. Further field studies are to be undertaken through the review of the applications, during appropriate seasons, which may result in updated recommendations for environmental matters.

### **5.2 CONTRIBUTING TO INTENSIFICATION TARGETS AND STRATEGIES**

The current policy framework gives priority to intensification as a means of accommodating new growth. The Provincial Policy Statement requires that planning authorities identify and promote opportunities for intensification (Policy 1.1.3.3) and the Provincial Growth Plan identifies that a minimum of 50 per cent of all residential development occurring annually within the Niagara Region will be within the delineated built-up area. It is the objective of the Niagara Region Official Plan to focus new growth within existing built-up areas (Policy 4.G.8.1), and to direct a minimum of 40 percent of new residential development within the City of Niagara Falls as intensification (Policy 4.C.4.2). In order to meet targets for residential intensification, the Niagara Falls Official Plan has identified a number of Growth Areas. The subject lands are not located within an identified growth area, however are underutilized and in an area appropriate to

accommodate growth. The Growth Plan directs through Policy 2.2.2.3 that intensification is be encouraged generally throughout the delineated built-up area

The proposed redevelopment represents intensification of an underutilized lot within the built boundary, in an area that is appropriate for intensification.

### **5.3 ACCOMMODATING INTENSIFICATION APPROPRIATELY**

In addition to targets for intensification, the applicable planning policy and regulatory framework identifies criteria/requirements for intensification and redevelopment, including the policies in the Growth Plan relating to managing growth, which amongst other matters directs through Policy 2.2.2.3 that intensification is be encouraged generally throughout the delineated built-up area.

The following points summarize how the various criteria for intensification and redevelopment are met by the proposed development:

- **Compatibility:** The subject lands are currently vacant and are located just north of an existing commercial plaza. The built form, including the building height, is proposed in consideration and response to the planned context of lands on the south side of McLeod Road located east and west of the subject lands. Specifically, lands west of the subject lands on the south side of McLeod Road are permitted by the Niagara Falls Official Plan to achieve building heights up to 12 storeys and a density exceeding 125 units per hectare (Policy 2.3.4).

The introduction of additional residents by way of the proposed development will be supportive of the existing commercial uses on the surrounding lands, by providing an additional consumer base while also reducing the number of vehicular trips generated.

The subject lands are not adjacent to an existing low density residential area that would be impacted by the proposed built form.

The subject lands are located in an area that can accommodate the degree of intensification as proposed.

- **Housing Options:** The proposed development provides a market based range and mix of dwelling unit sizes and types. The dwelling types include apartment units, as well as back-to-back townhouse units. Apartment units range in size from bachelor to 2+ bedroom units, offering a range of sizes to accommodate a variety of household needs and sizes. The proposed built form is generally a more affordable housing opportunity than traditional greenfield development forms of housing.
- **Urban Design/Built Form:** The site has been designed so as to frame adjacent streets, effectively creating a street wall that will contribute to creating a pedestrian scaled environment in the public realm. The site layout naturally screens internal areas used for the functionality of the site, including open spaces, short term parking and access, as well as the lower form of development (townhouses). The proposed development is located at a major intersection, just west of a major highway interchange, and given the prominent location of the lands, the design and scale of the proposed development is done so as to reflect and enhance the positioning of the site as a major gateway to the neighbourhood. An Urban Design Brief has been prepared and submitted as it relates to the proposed development, which further expands upon the design considerations applied to the site and buildings. The development will be subject to a future Site Plan Approval application that will ensure specific design elements meet the City's desired direction for the type of built form proposed.
- **Transit and Connections:** The location of the subject lands will offer new residents access to a variety of transportation options, including alternative transportation modes. The proposal is transit supportive, providing additional user base for existing transit. The subject lands are in proximity to a number of existing local and regional transit routes (Local Routes 105, 205, 101, 103, 111, and 112, and Regional Routes 60/65 and 22). The proposed development offers abundant secure bicycle parking at a rate of more than 1 per unit, which will be supportive of anticipated future bicycle lanes proximate to the subject lands. In addition, the subject lands have immediate access to the Queen Elizabeth Way that offers a broader regional connection by private automobile, reducing the demand on existing local road networks.

- **Infrastructure and Public Service Facilities:** The subject lands are located within an area where appropriate levels of infrastructure and public service facilities are available to support current or projected needs.
- **Complete Communities:** The proposal assists in creating a complete community by contributing to a full range of housing and transportation options, within an area already well serviced by a range of uses. The introduction of residential units is supportive of existing commercial functions in the area (in particular located north/south of the subject lands) by providing additional clientele base within walking/cycling distance. The proposed development is also adjacent to the existing MacBain Community Centre just north of the subject lands. The lands to the west of the subject lands are planned for growth as part of the Garner South Secondary Plan area.
- **Efficient and Appropriate Use of Existing Vacant, Underutilized Lands:** The subject lands are designated for commercial purposes as part of a major retail node, however have remained undeveloped for this purpose. A large portion of the commercial node that the subject lands form a part of have been developed for the intended function as a commercial hub, however several parcels remain vacant and undeveloped for this purpose, including the subject lands. There is a surplus of commercially designated lands in this area, as is evidenced by the longstanding supply of undeveloped lands that are designated for this purpose, including vacant designated lands to the north, east, and southeast. The use of the subject lands for residential purposes will not compromise the intent of the commercial node, which will continue to have an abundant supply of undeveloped commercially designated lands. The introduction of residential uses in the immediate proximity of vacant commercial lands, could have the effect of improving the demand for commercial development on the surrounding lands through an increased catchment population, and the noted synergistic relationship between residential and commercial uses. As noted, the Official Plan recognizes that there may be instances where commercial land is in excess of demand, and there is a surplus supply of commercial uses, and allows for residential uses in these instances. It is our opinion that there is a surplus of vacant lands in the area designated for commercial purposes, and that it is

appropriate to introduce residential uses on the subject lands, and will not negatively detract from the supply of available commercial lands.

#### **5.4 EFFICIENTLY USING INFRASTRUCTURE AND COMMUNITY FACILITIES**

The proposed new residential infill community represents a more efficient and intensive use of the subject lands, which remain vacant. The planning policy and regulatory framework is designed to ensure more efficient use of existing infrastructure and public service facilities. The proposed infill development will contribute to ensuring efficient, cost effective development by making more efficient use of existing infrastructure and public service facilities prior to developing new or expanded works/facilities in the City.

In particular we note that the development will make efficient use of existing transit infrastructure, existing community services, as well as existing civil infrastructure, generally as follows:

- The proposed development will introduce a number of new dwelling units immediately proximate to an existing community centre (MacBain Community Centre) located kitty corner to the subject lands at Montrose Road and McLeod Road. New residents will be able to make efficient use of this existing infrastructure, which will be within walking/cycling distance, reducing the demand on the roadways/parking infrastructure;
- The proposed development will make efficient use of existing civil infrastructure, including existing water, sanitary, and stormwater management infrastructure, as demonstrated by the Odan Detech Report;
- The proposed development will be bound by three public roads: Pin Oak Drive; McLeod Road; and Montrose Road. Pin Oak Drive is located west of the subject lands, and was recently expanded and reconstructed. Montrose Road, located to the east of the subject lands, is currently undergoing a Class Environmental Assessment for potential future upgrades/reconstruction. The proposed development will have access to adjacent existing road network, and will make efficient use of the existing road network; and
- The proposed development is proximate to existing transit routes, including Local Routes 105, 205, 101, 103, 111, and 112, and Regional Routes 60/65 and 22. The proposed development will make efficient use of existing transit service.

- The proposed development will introduce dedicated long term bicycle storage for residents and is designed so as to safely accommodate cyclists, promoting the use of the surrounding cycling routes and alternative forms of transportation.

## **5.5 LOCATION AND COMPATIBILITY**

The subject lands are well suited for the proposed redevelopment:

- Intensification of the subject lands and surrounding parcels, is generally anticipated by the existing policy context, however the proposed scale exceeds what would otherwise be contemplated by the Niagara Falls Official Plan;
- The subject lands are in close proximity to the Queen Elizabeth Way Provincial Highway, existing local and regional transit service (Local Routes 105, 205, 101, 103, 111, and 112, and Regional Routes 60/65 and 22), and cycling infrastructure. The location of the subject lands will offer new residents access to a variety of transportation options, including alternative transportation modes;
- The subject lands are within walking distance to a number of commercial establishments, notably those located immediately to the north and south. The subject lands are adjacent to an existing community centre. The neighbourhood offers a range of opportunities characteristic of a complete community, where residents can access their daily needs within walking distance;
- The scale, form, massing, height and character of the proposed redevelopment is compatible with the planned form of development that is permitted directly to the east and west along McLeod Road. The applications propose a streetscape along the south side of McLeod Road that will generally be consistent in form and character;
- The subject lands are underutilized, remain undeveloped, and are appropriate for the scale of development as proposed; and
- The site plan approval process can readily address details such as landscaping, lighting and waste containment to ensure compatibility with surrounding land uses.

## 6.0 CONCLUSIONS

Given the findings of this Report and the supporting materials, it can be concluded that the subject lands are well suited for the proposed development. The proposal is consistent with and conforms to the applicable provincial and municipal land use planning policies, and represents good land use planning as follows:

- The proposed Official Plan Amendment and Zoning By-law Amendment and development are consistent with the Provincial Policy Statement and conform with the Growth Plan, and Niagara Region Official Plan. The Niagara Falls Official Plan contemplates potential residential intensification of the subject lands, however the scale of development proposed exceeds what is currently permitted. The proposed amendment to the Official Plan is appropriate and desirable for the reasons previously detailed in this Report. The implementing Zoning By-law Amendment will recognize site specific development considerations to facilitate the proposed development;
- The subject lands are currently undeveloped, underutilized, and are appropriate for intensification. There is a surplus of existing designated commercial lands within the node, and redevelopment of this parcel for residential purposes has numerous benefits to the health of this commercial node;
- The proposed redevelopment is an appropriate scale and mix of residential uses to support the existing neighbourhood and community facilities, including existing transit and commercial uses;
- The proposed specific development standards to accommodate the proposed redevelopment are appropriate;
- The technical submission materials prepared in relation to the Official Plan and Zoning By-law Amendment support the development as proposed;
- A future Site Plan Approval application will facilitate the development of the subject lands while ensuring site design matters are implemented appropriately; and
- The subject lands are well located for the proposed mixed use development, and are compatible with the existing surrounding land uses. The proposed development contributes a mix of uses and dwelling sizes to support a complete mixed use community in this area.

## **APPENDIX A**



## **APPENDIX B**

**AMENDMENT NO. XX**

**TO THE**

**CITY OF NIAGARA FALLS**

**OFFICIAL PLAN**

**CITY OF NIAGARA FALLS**

**By-law No. 2021-**

A by-law to provide for the adoption of Amendment No. XXX to the City of Niagara Falls Official Plan.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN  
ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY  
OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:**

1. The attached text constituting Amendment No. XXX to the City of Niagara Falls Official Plan is hereby adopted.

Passed this XXXX day of XXXX 2021.

.....  
WILLIAM G. MATSON, ACTING CITY CLERK

.....  
JAMES M. DIODATI, MAYOR

First Reading:  
Second Reading:  
Third Reading:

## **PART 1 – PREAMBLE:**

### **(i) Purpose of the Amendment:**

The purpose of Official Plan Amendment Number XX is to redesignate and establish a set of policies that provides direction for the development of the lands subject to this amendment.

### **(ii) Location of the Amendment:**

The subject lands are located south of McLeod Road, east of Pin Oak Drive, and west of Montrose Road, and are municipally known as 7449 Montrose Road. The lands have an area of approximately 2.63 hectares.

The lands subject to this amendment are shown more specifically on Map 1.

### **(iii) Details of the Amendment:**

#### **Map Changes**

- Schedule A – Land Use of the Official Plan is amended by:
  - Adding the subject lands to a new “Special Policy Area XX”.

#### **Text Change**

The amendment creates a new Special Policy Area XX, which applies site specific policy framework to the lands subject to this Amendment, including site specific residential permissions:

#### **13.7 SPECIAL POLICY AREA XX**

Special Policy Area “XX” applies to approximately 2.63 hectares of lands located south of McLeod Road, east of Pin Oak Drive, and west of Montrose Road

### **(iv) Basis of the Amendment:**

The lands affected by this Amendment are presently designated *Major Commercial* in recognition of their location within the Niagara Square Mall Retail District. The lands affected by this Amendment have remained vacant of structure and are undeveloped. This Amendment facilitates intensification of the lands for a range of residential uses, at a scale appropriate for the existing context.

The Amendment provides for efficient use of the lands in consideration of the existing and planned function of the area. The planned function of the area includes policies/permissions for lands to develop for residential purposes up to 12 storeys in building height, in addition to site specific policies to allow for buildings up to 13 storeys in height. The lands to the south are lands built for existing commercial and retail purposes as part of the Niagara Square Mall. The lands to the north are generally occupied by commercial/retail uses, as well as a community centre. The Amendment provides for a lands use that is synergistic and compatible with the area.

The Amendment is intended to meet Provincial policies including that under the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, by facilitating a complete community that offers a range of uses and opportunities for housing.

The full basis for this Amendment has been set out in the Planning Justification Report and related supplementary reports submitted in support of this Amendment.

## **PART 2 – BODY OF THE AMENDMENT**

All of this part of the document entitled “PART 2 – BODY OF THE AMENDMENT” consisting of the following text and the attached map designated as Schedule 1, constitutes Amendment Number XX of the Official Plan of the City of Niagara Falls.

### **Map Changes**

- i) SCHEDULE A – LAND USE PLAN of the Official Plan is amended by:
  - Adding the subject lands to a new “Special Policy Area XX”.

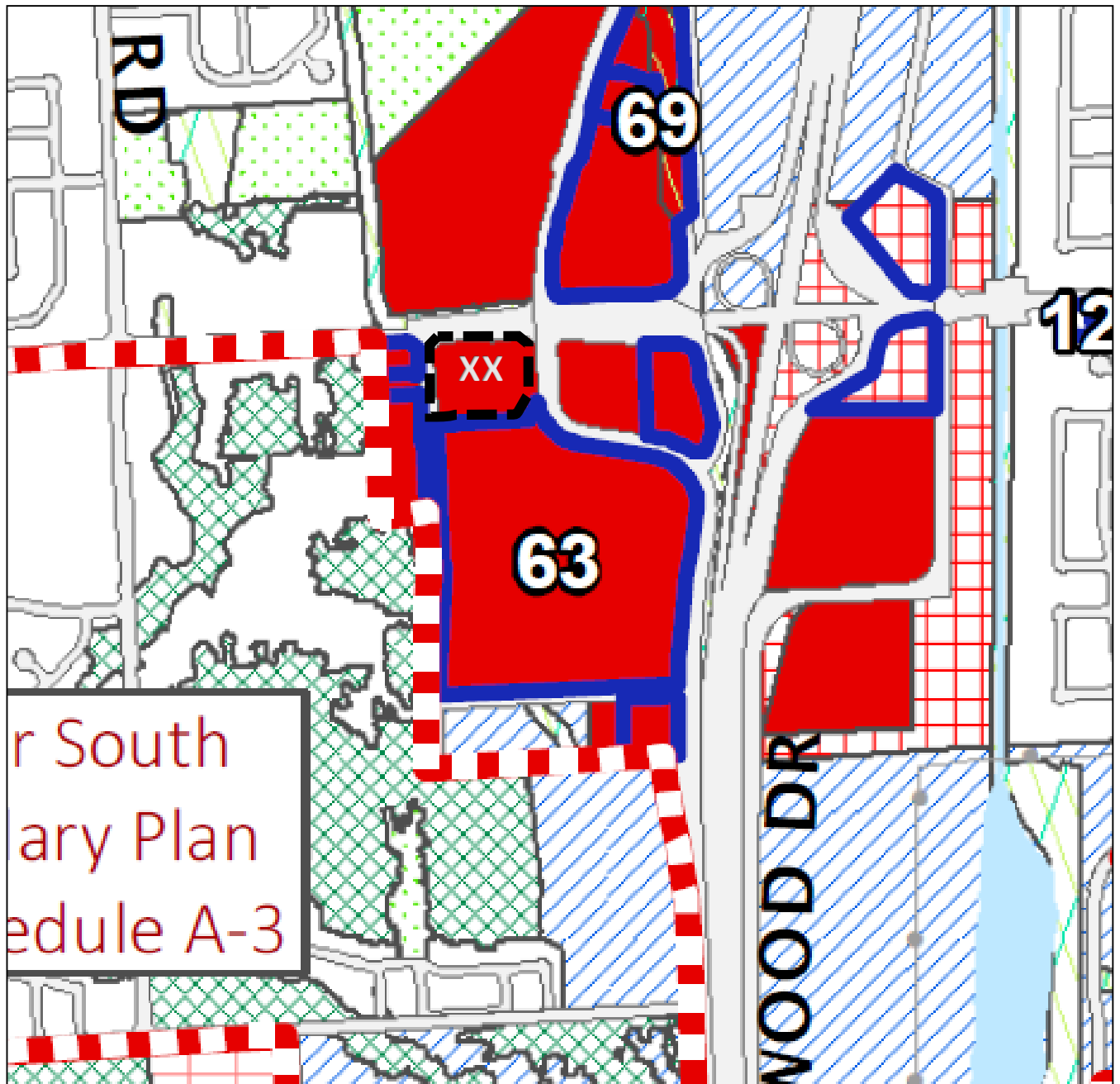
### **Text Change**

PART 2, SECTION 13, SPECIAL POLICY AREA AREAS is hereby amended by adding the following subsection:

#### **13.7 SPECIAL POLICY AREA “XX”**

Special Policy Area “XX” applies to approximately 2.63 hectares of lands located south of McLeod Road, east of Pin Oak Drive, and west of Montrose Road. Notwithstanding Policy 3.5.3, residential apartment and residential townhouse uses are recognized as permitted uses, and shall be permitted at an overall density not to exceed 205 units per hectare, and at a height not to exceed 13 storeys for apartment buildings and 3 storeys for townhouses.

## Schedule '1'



New Special Policy Area "XX"

## **PART C: THE APPENDIX**

The following appendix does not constitute part of this Amendment and is included for information purposes only.

### **1. LOCATION MAP**

The Location Map, which shows the location of those parts of the subject lands being affected by this Amendment, is attached hereto for information purposes only.

## **LOCATION MAP**

**Map 1: Locational Setting – 7449 Montrose Road**



Location and boundaries are approximate

## **APPENDIX C**

CITY OF NIAGARA FALLS

By-law No. 2021-\_\_\_\_

A by-law to amend By-law No. 79-200, being a zoning by-law.

WHEREAS it is deemed advisable to amend By-law Number 79-200, as amended,

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:**

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is part of this by-law.
2. Deleting from By-law 79-200 Schedule 'A', Sheets B5 and B6 the Planned Shopping Centre Commercial (SC-773), and substituting therefore on Schedule 'A', Sheets B5 and B6 the **R5F-XXXX** Zone.
3. Section 19 – Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:

2021-XXX	19.1.XXXX	<p>Notwithstanding any provision of By-law 79-200 to the contrary, the lands zoned <b>R5F</b> and numbered <b>XXXX</b> shall be subject to the following:</p> <ul style="list-style-type: none"><li>• For the purposes of zoning, and in the event of future severances or the establishment of new lot lines, the lands zoned R5F and numbered XXXX shall be interpreted as one lot;</li><li>• Townhouse Dwellings shall be permitted up to a maximum height of 3 storeys;</li><li>• A maximum of two apartment buildings and 5 townhouse buildings are permitted;</li><li>• The maximum building height for apartment buildings is 13 storeys and 43m;</li><li>• The maximum number of dwelling units shall be 512;</li><li>• The minimum lot area shall be 25,000 sq. m;</li><li>• McLeod Road shall be deemed to be the Front Lot Line;</li><li>• Minimum front yard depth is 6.6m;</li><li>• Minimum rear yard depth is 7.6m;</li><li>• Minimum exterior side yard depth is 4.7m; and</li><li>• Maximum lot coverage is 32%.</li></ul>
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4. AND THAT all other provisions of By-Law 79-200, as amended, shall apply to the lands subject to this By-Law.
5. This Bylaw shall come into force and take effect upon the approval of Official Plan Amendment No.\_\_\_\_, and in accordance with the Planning Act, R.S.O. 1990, c.P.13.

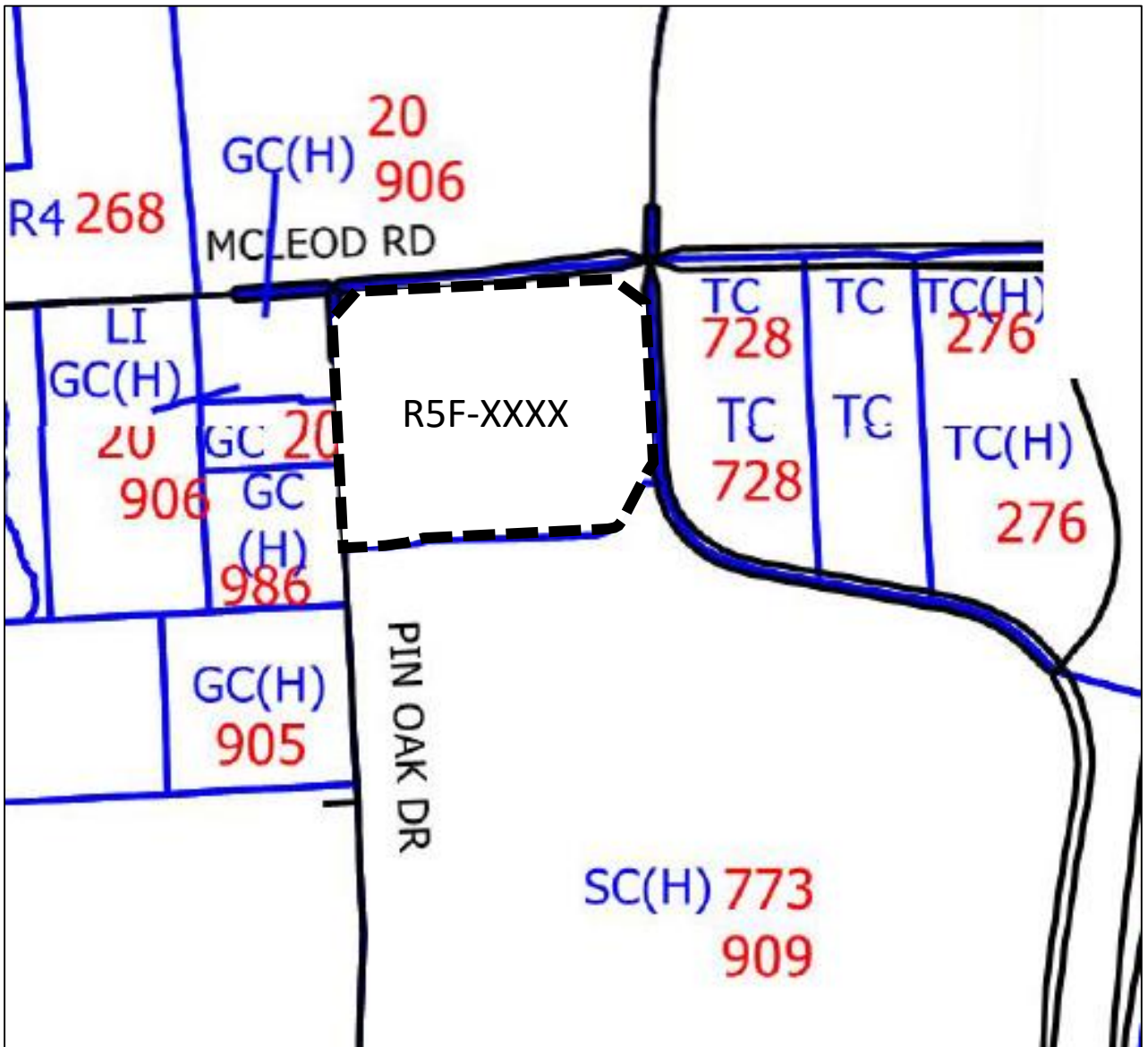
Passed this XXXX day of XXXX 2021.

.....  
WILLIAM G. MATSON, ACTING CITY CLERK

.....  
JAMES M. DIODATI, MAYOR

First Reading:  
Second Reading:  
Third Reading:

# Schedule '1'



Lands Rezoned From SC-773 to R5F-XXXX