



May 3, 2021

Planning, Building & Development
City of Niagara Falls
4310 Queen Street
Niagara Falls, Ontario
Canada
L2E 6X5

Attn: Ms. Julie Hannah, MCIP, RPP

Re: **Planning Justification Report. Vacant Land Condominium Proposal by McLeod Square Inc. Zoning By-law Amendment and Draft Plan of Subdivision (Vacant Land Condominium).**

Mainline Planning Services Inc. ('Mainline') is retained by McLeod Square Inc. ('owner') as their planning agent in this matter. This letter report will serve as our planning justification for the above referenced development applications.

The Proposal:

The proposed development is more particularly described in our plan of subdivision and accompanying applications. The applications will transform a 1.8-hectare vacant land parcel into 19 street townhomes that front on Montrose Road and 64 townhouses that front on private roadways (see Figure 1). The development will be serviced by municipal water, sanitary and storm sewers.

The Applications:

A zoning by-law amendment application is necessary to remove the holding zone on the property and create a site-specific By-law to support the future construction of homes.

Pursuant to the *Condominium Act*, "approval authority" means the approval authority for the purposes of sections 51, 51.1 and 51.2 of the *Planning Act*. The draft plan of subdivision application will facilitate the creation of 83 vacant land condominium lots for the construction of townhomes. The development will be a source of ownership housing stock.

Executive Summary:

The above referenced planning applications will facilitate the development of a vacant land condominium containing 83 residential townhomes and common elements including driveways, pedestrian walkways, and a visitor parking lot ('the proposed development').

It is our considered and professional planning opinion that the proposed development is good planning for the following reasons.

- ✓ The proposed development is permitted and conforms with the Official Plan for The City of Niagara Falls ('OP') and the Region of Niagara Official Plan ('ROP').
- ✓ The proposed development is in general conformity with the in-force Zoning By-law.
- ✓ The proposed development is supported by qualified experts who find it sustainable, and serviceable.
- ✓ The proposed development is consistent with the Provincial Policy Statements and conforms with Provincial legislation, and the Provincial Growth Plan.

The Subject Property:

Property Location

The subject property is generally located just north of the McLeod Road and on the west side of Montrose Road (see Figure 2).

Figure 1: Draft Plan of Subdivision (Vacant Land Condominium)

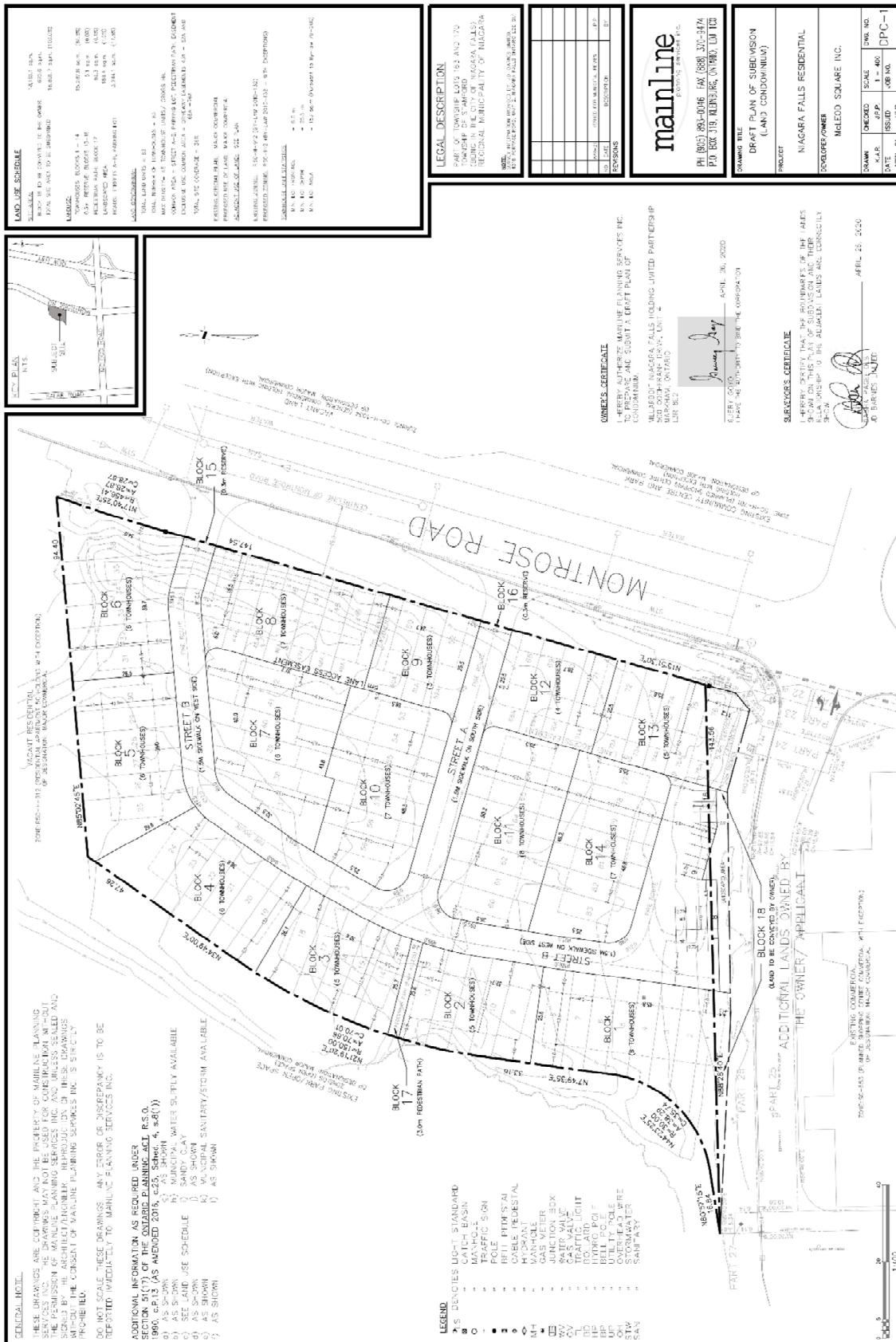


Figure 2: Property Location Map



Site Description

The subject property is 1.81 hectares in area, vacant, irregularly shaped, and gradually sloping from the north to the south. The subject property does not currently have a municipal address; however, it is legally described as 'Part of Township Lots 163 & 170, Part 29, Plan 59R-14189, Township of Stamford, City of Niagara Falls, Regional Municipality of Niagara'.

The owner will convey a small block of land from his commercial property increasing the subject property area to 1.88 hectares in total (see Figure 1, Block 18).

Surrounding Land Uses

Surrounding land-uses include Charnwood Park sharing the western boundary of the subject property, lands privately owned but proposed for residential development to the north, Montrose Road to the east, and the Niagara Region Public Health Centre, Lowe's, and family restaurants including Pita Pit, Harveys and the Sunset Grill to the south.

Family friendly amenity facilities are located steps away from the proposed development. MacBain Community Centre (library, park, and splashpad) and the Niagara Falls YMCA are located across the street and the John N. Allen Baseball Park is located immediately west of Charnwood Park. It is notable

that a major low density residential neighbourhood exists beyond the Charnwood Park to the west and north of the subject site.

Planning Policy Review:

Provincial Policy Statement, 2020

Pursuant to Section 3(5)(a) of the *Planning Act*, the decision by an approval authority respecting a planning matter, “*shall be consistent with the provincial policy statements ...that are in effect on the date of the decision*”.

The Provincial Policy Statement, 2020 ('PPS') came into effect on May 1, 2020. The PPS provides policy direction to municipalities on matters of provincial interest related to land use planning with a view to support the provincial goal to enhance the quality of life for all Ontarians. All municipal Official Plans are required to be consistent with the PPS. In making development decisions, the approval authority must consider ...” the [provincial] *policy foundation for regulating the development and use of land*” while “*protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment*” and supporting “*improved land use planning and management*” for future generations. [PPS Part 1 pp1]

It is our considered and professional planning opinion that the proposed development is consistent with the PPS. Our opinion is supported by the following policy statements.

- ✓ The PPS states that “*Planning authorities are encouraged to permit ... residential intensification, to respond to current and future needs. Efficient development patterns optimize the use of land, resources and public investments in infrastructure and public service facilities.*” [PPS Part 4 pp5]
- ✓ Consistent with the PPS policies 1.1.1a) and e), the proposal promotes “*efficient land use patterns which sustain the financial well-being of the Province and municipalities over the long term*” ... while ... “*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*”. [PPS Part 5 pp 7]
- ✓ Consistent with PPS policies 1.1.3.1, 1.1.3.2, the proposed development will utilize a vacant infill land parcel that is within the built urban settlement area of Niagara Falls where urban intensification is intended to occur. The policies state that “*Settlement areas shall be the focus of growth and development*” and “*Land use patterns within settlement areas shall...a) efficiently use land and resources; b) 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.*” [PPS Part 5 pp 8]
- ✓ Consistent with PPS policies 1.1.3.3 the city's OP and Zoning By-law supports the proposed development will provide a medium density townhouse development that will “*promote opportunities for transit-supportive development.*” [PPS Part 5 pp 9]

Consistent with PPS policy 1.1.3.4, “*Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form*”. The in-force By-law standards already promotes the proposed development and the minor amendment proposed will provide quality housing that is affordable, and safe pursuant to PPS policy 1.4.3. [PPS Part 5 pp 9, 26, 27]

Planning Opinion

It is our considered and professional planning opinion that the subject proposal is consistent with the PPS as it will support a medium density residential development on a vacant infill parcel within the built urban area.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (As Amended in August 2020)

The 2020 Growth Plan expands on the Provincial Policy Statements ('PPS') and builds upon the successful implementation of the Places to Grow Act.

Pursuant to Section 3(5)(b) of the *Planning Act*, the decision by an approval authority respecting a planning matter, "*shall conform with the provincial plans that are in effect on that date, or **shall not conflict with them** as the case may be*".

The Growth Plan provides a policy framework for implementing the Government of Ontario's vision for building strong, prosperous communities by better managing growth.

At the time of municipal comprehensive review, the Region of Niagara ('Region') is tasked with preparing a growth management strategy designed to provide for housing and jobs within the settlement areas of its member municipalities.

We considered the following Growth Plan directives and policies helpful in forming our planning opinion.

- ✓ The Growth Plan promotes an 'intensification first' approach within urbanized areas before considering the redesignation of Greenfields or urban boundary expansions.
- ✓ The Growth Plan defines intensification to include infill lands within a built-out settlement area. [Growth Plan Part 7 pp 73]

Planning Opinion:

It is our considered and professional planning opinion that the subject proposal conforms with the Growth Plan for the following reasons.

- ✓ The proposed development is residential intensification in an urbanized area providing much needed medium density housing near existing community and business services to "...*Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime*".
- ✓ The proposed development creates affordable ownership housing supported by existing urban infrastructure (including water and sewer services).
- ✓ The site is within a walkable and existing residential community with immediate proximity to parks, community centres, schools, health care, and shopping.
- ✓ The proposed development will be connected by pedestrian trails to existing residential neighbourhoods.
- ✓ The proposed development is supported by transit services.
- ✓ The subject site is appropriately designated in an Official Plan and zoned for medium residential townhomes.
- ✓ The proposed development conforms with the Growth Plan as urban intensification is preferred before considering the redesignation of greenfield land where services need to be extended.

Regional Municipality of Niagara Official Plan ('ROP')

The proposed development conforms to the ROP. The subject property is in the 'Built-Up Area' designation as noted in the ROP. All form of urban development including the proposed development is permitted within this designation (see Figure 3).

The following policies are helpful in forming our planning opinion.

- ✓ Policy 11.A.1: *"The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle."*
- ✓ Policy 11.A.2a): *"The Region encourages the development of attractive, well designed residential development that: ... "Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools."*
- ✓ Policy 11.A.3: *"The Region encourages housing which allows people to work at home or in relatively close proximity to work."*

Planning Opinion

It is our considered and professional planning opinion that the proposed development conforms with the ROP providing a medium density townhouse development on a regional arterial road that is serviced by transit and connected to major transportation routes.

The proposed development will provide affordable townhouse living that is appealing to purchasers in every stage of their life cycle including first-time buyers, young families, empty nesters, and seniors. The proximity of the subject site to active, passive, and public transportation routes, as well as excellent connections to adjacent residential communities, schools, parks, community centres, and shopping achieves ROP objectives for complete communities.

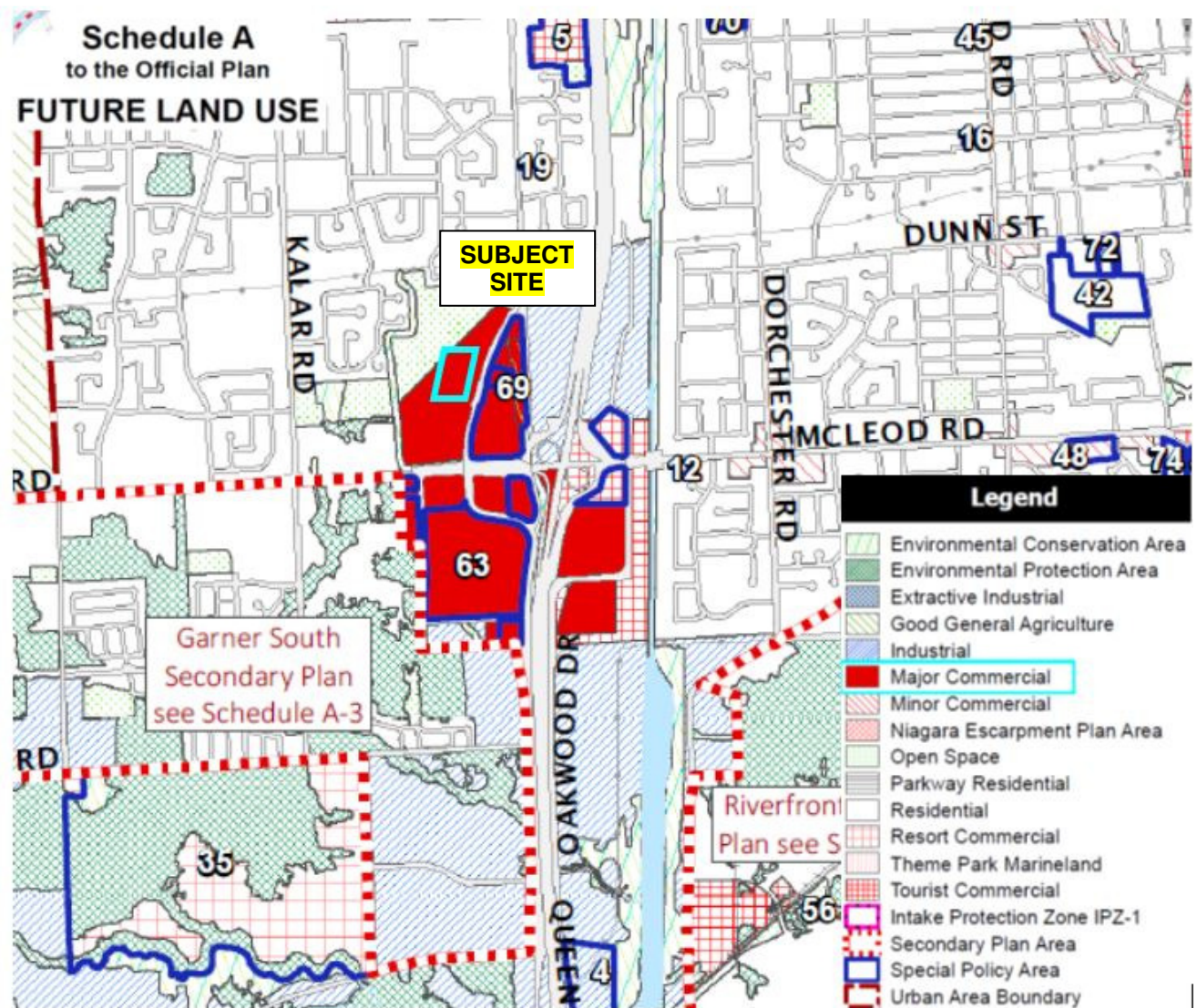
City of Niagara Falls Official Plan ('OP')

In conformity with the OP, the proposed development implements the specific intent of policy for the subject site as follows.

- ✓ OP Schedule A – Future Land Use designates the subject property for 'Major Commercial' land-use which supports the proposed development for medium density residential development (see Figure 3).
- ✓ In conformity with OP Policy 2.4, the proposed development will result in urban intensification of residential housing within the Built Area Boundary that will *"...make use of existing infrastructure, buildings, and available transit"*.
- ✓ In conformity with OP policy 1.2, the proposed development will result in an ownership form of housing that is not land intensive and will provide an affordable housing alternative within the urban core.
- ✓ The proposed vacant land condominium, resulting in the construction of street-oriented townhouse blocks, will achieve policy objectives by providing:
 - *"Multiple unit developments, smaller lot sizes and innovative housing forms"* ... pursuant to OP policy 1.2.1.
 - *"Development of vacant land, and more efficient use of under-utilized parcels"* ... pursuant to OP policy 1.2.2.
 - *"Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods."* ... pursuant to OP policy 1.2.4.
- ✓ In conformity with OP policy 1.15.1 the character of the existing residential neighbourhood will be retained as the proposed development will provide townhomes that will blend into the fabric of the community through the adjacent woodland and streetscape.
- ✓ In conformity with OP policies 1.15.3, 1.15.5, 2.4 and 2.8, the proposed development will provide a medium density townhouse complex at an OP designated location with superior walkability. Immediate access to recreational amenities, learning facilities, and shops as well regional and

local road and transit connections achieve the required goals for a connected community. The proposed development will provide a harmonious mix of housing to the existing residential community providing housing alternatives designed for all stages in a life cycle.

Figure 3: City of Niagara Falls Official Plan - Schedule A: Future Land Use



Planning Opinion:

It is our considered and professional planning opinion that the proposed development is in conformity with the OP and is good planning as it is supported by professional plans and reports to preserve the welfare of future occupants without adverse impact on the surrounding environment.

Zoning By-law 79-200

The subject property is zoned 'R5C(H)-912' (Residential Apartment 5C Density Holding Zone with exception) in the in-force Zoning By-law 79-200. The proposed development conforms with the general intent and purpose of the By-law; however, minor amendments are needed to remove the 'hold' on development and to support the construction of future homes.

Table 1 summarizes the in-force By-law standards for the subject property and the necessary amendments required to the proposed development.

Table 1: Zoning By-law 79-200 - Zoning Analysis			
Section of By-law	Zoning Provision	Proposed	Amendment Required
19.1.912 - Item 7 of By-law 2010-132	The permitted uses of Parcel R5C-912 shall be:(a) Townhouse dwellings, group dwellings and accessory buildings and accessory structures(b) The uses permitted in a R5C zone	townhouse dwelling	no
19.1.912 - Item 9 of By-law 2010-132	The regulations governing townhouse dwellings, group dwellings and accessory buildings and accessory structures on Parcel R5C-912 shall be: (a) Minimum lot frontage: 45 metres (b) The balance of regulations specified for a R4 use	(a) Townhouse lot frontage: 6.0m Block frontage: 24.5m	no
7.9.2 (a) Minimum lot area	(i) for a townhouse dwelling: 250 sq.m. for each dwelling unit	147.9 sq.m.	Yes
7.9.2 (c) Minimum front yard depth	(i) for a townhouse dwelling: 6 metres plus any applicable distance specified in Section 4.27.1*	0m	Yes
7.9.2 (d) Minimum rear yard depth	(i) for a townhouse dwelling: 7.5 metres plus any applicable distance specified in section 4.27.1*	6m	Yes
7.9.2 (e) Minimum interior side yard width	one-half the height of the building = 7m	1.5m (Block 1) 5.4m (Block 13)	Yes
7.9.2 (f) Minimum exterior side yard width	(i) for a townhouse dwelling: 4.5 metres plus any applicable distance specified in section 4.27.1*	N/A	N/A
7.9.2 (g) Maximum lot coverage	35%	34.5%	no
7.9.2 (h) Maximum height of building or structure	10 metres subject to section 4.7	14m	Yes
7.9.2 (m) Minimum landscaped open space	45 sq.m per dwelling unit = 3,735 sq.m	79.6 sq. m per dwelling unit = 6,608.2 sq. m	no
7.9.2 (n) Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit.	7.5 metres	6.0m	Yes
Minimum Number of Parking Spaces	1.4 per unit (116)	1.27 per unit (105)	Yes
* 4.27 Table 1 Road Allowance Requirements	Minimum Distance from Centreline of Original Road Allowance: 13.1 (Montrose Road (Regional Road) From: Mountain Road, To: McLeod Road)	19m	no

Planning Opinion

It is our considered and professional planning opinion that the proposed amendment to the Bylaw is appropriate for the orderly development of the subject site. The variances are minor as side yard and rear yard reductions are common in development sites of this nature or mitigated by proximity to an adjacent natural woodland park. Furthermore, the homes will be held in condominium tenure on a property that the is designated for medium density residential intensification. In this respect the proposed bylaw

amendment will result in the construction of 83 townhomes which is already supported by the in-force Bylaw.

Conclusion:

We respectfully submit our considered and professional planning opinion that Council's approval of the subject planning applications is justified and will result in development that is supported by good planning principles.

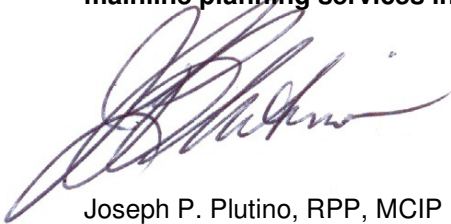
- ✓ The applications will result in much needed affordable condominium housing in a parkland/ natural woodland setting that will be attractive first-time buyers, young families, empty nesters, and seniors.
- ✓ The proposed development will occupy currently vacant land that will utilize existing urban infrastructure and community services that are already in place.
- ✓ The proposed development will integrate well with the established low density residential neighbourhood without causing overlook because it is buffered by the natural woodland.
- ✓ The intensification of land provided by this development represents the city's vision for the property.
- ✓ The proposed development is consistent with the Provincial Policy Statement and in conformity with the Provincial Growth Plan.
- ✓ The proposed development is in conformity with the Official Plan which contains policies encouraging urban residential intensification at the subject site.
- ✓ The proposed development is in conformity with the in-force Zoning Bylaw as the construction of residential townhomes is a permitted land use.
- ✓ The proposed development is supported by active and passive transportation links including transit. The development is in a walkable community supported by local businesses and surrounding community services including libraries, schools, health services, and community centres.
- ✓ The proposed development will not result in a financial impact on the municipality.

In conclusion, it is our considered and professional planning opinion that these development applications warrant a planning recommendation for Council approval.

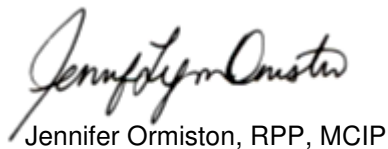
I trust that our comment is well received. Should you require anything further, please don't hesitate to contact the undersigned.

Sincerely,

mainline planning services inc.



Joseph P. Plutino, RPP, MCIP



Jennifer Ormiston, RPP, MCIP

cc. client