



## AGENDA

### DELEGATION OF AUTHORITY MEETING

4:30 PM - Wednesday, October 30, 2024

Committee Room 2/Zoom

All Delegation of Authority Meetings are open to the public. Members of the public can attend in person or virtually via Zoom.

#### 1. CALL TO ORDER

#### 2. ADOPTION OF MINUTES

2.1 September 11, 2024 Minutes

#### 3. DISCLOSURES OF PECUNIARY INTEREST

Disclosures of pecuniary interest and a brief explanation thereof will be made for the current Delegation of Authority Meeting at this time.

#### 4. PLANNING MATTERS

##### 4.1 PBDD-2024-14

AM-2024-14, Minor Zoning By-Law Amendment  
Part 8547 Grassy Brook Road & Part PID 30832

Proposal: Seeking a minor zoning by-law amendment to permit construction of a sales office with community facilities and single detached dwellings to be used as model homes.

Applicant: Alfiya Kakal

Agent: EMPIRE (GRAND NIAGARA) PROJECT GP INC,

#### 5. REPORTS

5.1 PBDD-2024-14- AM-2024-017 – Part 8547 Grassy Brook Road & Part PID 30832 (Minor ZBA)

It is recommended:

1. That the application to amend the Zoning By-law be approved, subject to the regulations outlined in this report.

#### 6. CONSENT AGENDA

#### 7. BY-LAWS

#### 8. ADJOURNMENT



# MINUTES

## DELEGATION OF AUTHORITY MEETING

4:30 PM- Wednesday, Sept 11, 2024,  
Committee Room 2/Zoom App.

The City of Niagara Falls Delegated Authority Meeting of the City of Niagara Falls Planning Department was called to order on Wednesday, September 11, 2024 at 4:30pm, in Committee Room 2 with the following members present:

**DELEGATED AUTHORITY:** Kira Dolch  
General Manager, Planning, Building & Development  
Tara O'Toole, Senior Manager, Current Planning

**STAFF PRESENT:** Mackenzie Ceci, Senior Planner, Current Planning  
Tyler Galloway, Planner 1, Current Planning  
Tammy Trowers, Planning Technician

### 1. CALL TO ORDER

The meeting was called to order at 4:30pm

### 2. ADOPTION OF MINUTES of August 21, 2024 - Approved by Tara O'Toole

### 3. DISCLOSURES OF PECUNIARY INTEREST

None indicated by the Senior Manager.

### 4. PLANNING MATTERS

#### 4.1. PBDD-2024-13

**AM-2024-016, Draft Plan of Subdivision Modification and Zoning By-law Amendment**

**9062 Sodom Road**

**Proposal: To add the lands known as 9062 Sodom Road to the currently draft approved Plan of Subdivision that is proposed to the east and south of the subject property.**

Tyler Galloway, Planner 1, provided an overview of Report PBDD-2024-13. Jaclyn Cook, from KLM Planning Partners Inc., represented the owner (Queensway Chippawa Props Inc.) and had no further comments to present.

Keith MacKinnon, from KLM Planning Partners Inc. also present.

That the Zoning By-law amendment and modified Draft Plan of Subdivision as detailed in this report facilitate the creation of five (5) new lots for detached dwellings on 9062 Sodom Road subject to the regulations and Amended conditions outlined in this report is granted.

Approved by Tara O'Toole, Senior Manager, Current Planning

## **5. REPORTS**

### **5.1 PBDD-2024-013 26T-11-2018-002 and AM-2024-016 9062 Sodom Road**

Approved as part of planning matters by Tara O'Toole, Senior Manager, Current Planning.

## **6. CONSENT AGENDA**

### **6.1. PBDD-2024-12**

**26CD-11-2024-004, Condominium Exemption (Reconsideration)**

**5629 Swayze Drive**

**Applicant: 1006057 Ontario Limited (George Bahdi)**

**Agent: Allan Heywood (J.D. Barnes)**

The matter was brought forward again for reconsideration given the additional information from the applicant relative to misinformation received on the appropriate planning process that should have been followed. The applicant had been informed to not register the first block until the second block was completed.

Approved by Kira Dolch, General Manager, Planning, Building & Development

## **7. BY-LAWS**

### **No. 2024-084**

By-law passed to permit the use of 8700 Roosevelt Avenue, for the development of a semi-detached dwelling (AM-2024-015).

Approved by Tara O'Toole, Senior Manager, Current Planning

## **ADJOURNMENT**

Approved by Tara O'Toole, Senior Manager, Current Planning to adjourn the meeting at 4:43pm.



# Delegated Report

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**Report to:** General Manager of Planning, Building and Development

**Date:** October 30<sup>th</sup>, 2024  
**AM-2024-017, Minor Zoning By-law Amendment**  
**Part 8547 Grassy Brook Road & Part PID 30832**  
**Applicant: Empire (Grand Niagara) Project GP Inc.**

**Title:** **Agent: Alfiya Kakal (Armstrong Planning & Project Management)**

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## Recommendation

That the General Manager of Planning, Building and Development **APPROVE** the Minor Zoning By-law Amendment, subject to the regulations and modifications detailed in this Report.

## Executive Summary

Empire (Grand Niagara) Project GP Inc. has requested a Minor Zoning By-law Amendment for part of 8547 Grassy Brook Road and part of a nearby vacant parcel of land, both of which form part of the approved Grand Niagara Draft Plan of Subdivision. The application proposes to add a temporary sales trailer, a sales office, a private community building, detached dwellings, accessory dwelling units, and model homes as permitted uses in the existing R5E(H)-1206 Zone, and to reduce the minimum interior side yard width requirement for back-to-back townhouse dwellings in the existing R5D(H)-1203 Zone. The amendment is recommended for the following reasons:

- The proposed development conforms with Provincial, Regional, and City policies as it will support the achievement of the City's intensification target, the efficient use of land and resources, the creation of a complete community, and the introduction of a compact built form;
- The proposed uses and siting thereof are consistent with the intent and uses permitted and envisioned in the Residential Low/Medium Density designation of the Grand Niagara Secondary Plan; and
- The recommended zones and amendments are appropriate and conform with the intent of the Grand Niagara Secondary Plan.

## **Background**

Empire (Grand Niagara) Project GP Inc. has requested a Minor Zoning By-law Amendment for part of 8547 Grassy Brook Road and part of a nearby vacant parcel of land, both of which form part of the approved Grand Niagara Draft Plan of Subdivision, as shown on Appendix 1 and Appendix 2.

The Grand Niagara Draft Plan of Subdivision application (26T-11-2023-001) and concurrent Official Plan Amendment and Zoning By-law Amendment application (AM-2023-002) contemplated the development of approximately 3,558-5,387 dwelling units and were approved by Council on May 30<sup>th</sup>, 2023. The subject lands, being Blocks 2, 3, 61 and 89 on the approved Grand Niagara Draft Plan of Subdivision, are subject to this Minor Zoning By-law Amendment application.

The subject lands are designated Residential Low/Medium Density in accordance with the Grand Niagara Secondary Plan, which permits a wide range of residential uses including single detached, semi-detached and duplex dwellings, street, block and stacked townhouse dwellings, low rise apartments and accessory dwelling units, along with neighbourhood commercial uses. Part 5, Section 1.13 also permits the use of lands designated Residential Low/Medium Density for institutional uses.

Blocks 2, 3 and 61 are zoned Residential Apartment 5D Density (R5D(H)-1203) Zone and Block 89 is zoned Residential Apartment 5E Density (R5E(H)-1206) Zone, both in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2023-080. The applicant is requesting to add a temporary sales trailer, a sales office, a private community building, detached dwellings, accessory dwelling units, and model homes as permitted uses in the existing R5E(H)-1206 Zone, which applies to Block 89, and to reduce the minimum interior side yard width requirement for back-to-back townhouse dwellings in the existing R5D(H)-1203 Zone, which applies to Blocks 2, 3 and 61. Appendix 3 contains the Conceptual Site Plan for the subject lands and depicts the layout of the proposed uses.

Staff note that the sales office and private community building will be subject to Site Plan Control in the future.

## **Delegated Authority**

In accordance with By-law No. 2023-107 and By-law No. 2023-108, approval of the Zoning By-law Amendment application can be delegated to the General Manager of Planning, Building and Development or their designate as the amendment complies with the City's Official Plan and only a Planning Justification Report was required as part of a complete application. A Public Meeting will occur at the October 30<sup>th</sup>, 2024 Delegated Meeting in association with this proposal.

## **Site Conditions and Surrounding Land Uses**

The subject lands (Blocks 2, 3, 61 and 89 of the approved Grand Niagara Draft Plan of Subdivision) are located on the west side of Montrose Road, south of the Welland River. Blocks

2, 3 and 89 previously formed part of the Grand Niagara Golf Club and have since been cleared. Block 61 has historically been used for agricultural purposes.

Surrounding land uses include:

- North/Northwest – Welland River, vacant industrial lands, Niagara Region Biosolids Facility, and industrial operations including Solvay/Cytec;
- South – South Niagara Hospital site;
- East – ES Fox and Montrose Road; and
- West – Welland River, agricultural uses, and detached dwellings.

### **Circulation Comments**

Information about the requested Minor Zoning By-law Amendment application was circulated to City departments and divisions, agencies, and the public for comments. The following summarizes the comments received to date.

Municipal Works (Development Engineering)

- No requirements. The applicant is advised that a Road Occupancy Permit will be required for the servicing connections of the sales office prior to entering into a Subdivision Agreement.

Municipal Works (Transportation Services)

- No concerns or objections.

Building Services

- A water/sewer permit shall be obtained to construct site services.
- Radon Mitigation is required for new residential construction projects.
- The Architect/Designer shall consider spatial separation requirements.
- Building permit fees, securities and development charges will be assessed at the time of building permit review.
- A geotechnical report/subsurface investigation containing soil bearing capacity, underground water data, seismic data, foundation recommendation, etc. shall be provided at the time of building permit application submission.

## Fire Services

- No concerns.
- The applicant is advised that the submitted Site Plan has not been reviewed for compliance with the Ontario Building Code.

## Information Services (GIS)

- Block 89 will need three new street names, which will need to be vetted.

## Urban Design/Landscape Architect

- No objections. The overall layout for the sales office and model homes is generally well-considered. The inclusion of street trees along Grassy Brook Road and Compassion Drive is supported.
- Staff recommend extending the tree plantings along the internal roadways, including within the front yards of the model homes, to enhance the streetscape and provide a cohesive design language.
- Detailed comments with respect to landscaping and urban design will be provided at the Site Plan Control stage for the sales office and private community building.

## Enbridge Gas Inc.

- No objections.

## Neighbourhood Comments

A Public Information Open House was held on October 2<sup>nd</sup>, 2024 and was attended by the applicant's agent. No members of the public were in attendance and no written comments have been received from the public to date.

## Analysis

### Provincial Policies

City planning decisions are to be consistent with the *Planning Act* and the *Provincial Policy Statement, 2024*. The proposed development conforms as follows:

- The proposed amendment satisfies matters of provincial interest as outlined in Section 2 of the *Planning Act* by facilitating a full range of housing and promoting the orderly development of safe and healthy communities and an appropriate location of growth and development;

- Carrying forward the holding provision will facilitate the development of the lands in a manner that will maintain appropriate levels of public health and safety;
- The proposed amendment will support the achievement of the City's intensification target, the efficient use of land and resources, and the creation of a complete community; and
- The proposed development is located within a settlement area, which is intended for residential intensification and a mix of land uses.

## **2. Regional Official Plan**

The subject lands are designated Delineated Built-Up Area in the Niagara Official Plan (NOP). The proposal conforms as follows:

- The proposed development will support the intensification target of 50% for the Built-Up Area of Niagara Falls;
- The addition of a private community building as a permitted use will support the creation of a complete community; and
- The proposed development represents a compact built form and integrates a mix of housing types and unit sizes.

Staff note that a Record of Site Condition is outstanding for the subject lands. However, this requirement has been captured as a condition of Draft Plan approval for the Grand Niagara Draft Plan of Subdivision. The applicant is advised that the filing of a Record of Site Condition is required prior to the issuance of model home permits.

## **3. City's Official Plan**

The subject lands are designated Residential Low/Medium Density in accordance with the Grand Niagara Secondary Plan, which permits a wide range of residential uses including single detached, semi-detached and duplex dwellings, street, block and stacked townhouse dwellings, low rise apartments and accessory dwelling units, along with neighbourhood commercial uses. Part 5, Section 1.13 also permits the use of lands designated Residential Low/Medium Density for institutional uses.

In accordance with Part 5, Section 3.1.5.1, Block 89 may be developed with a maximum building height of 10 storeys. Part 5, Section 3.1.13 further notes that lower density housing forms (ex. single detached dwellings) may be developed along street frontages in combination with apartment dwellings that are located internally to the site.



The proposal conforms as follows:

- The proposed uses are consistent with the uses permitted and envisioned in the Residential Low/Medium Density designation;
- The proposed uses will be sited in a manner that conforms with the intent of the Grand Niagara Secondary Plan;
- The proposed sales office and model homes will support the achievement of the City's annual intensification target of 50% and the advancement of the approved Draft Plan of Subdivision;
- The proposed amendment will not preclude the development of Block 89 for medium density residential development, as contemplated and approved through Official Plan Amendment and Zoning By-law Amendment file AM-2023-002; and
- As a condition of Draft Plan approval, the applicant is required to demonstrate conformity with the City and Region's affordable housing policies.

#### **4. Zoning By-law**

Blocks 2, 3 and 61 are zoned Residential Apartment 5D Density (R5D(H)-1203) Zone in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2023-080. Zoning By-law Amendment file AM-2023-002 did not contemplate a site-specific interior side yard width requirement for the proposed back-to-back townhouse dwellings. As such, the standard interior side yard width requirement of one-half the height of the building would apply. It is noted that the maximum permitted height of a building or structure in the R5D(H)-1203 Zone is 14.5 metres, resulting in an interior side yard setback requirement of 7.25 metres. The proposed reduction to the interior side yard width requirement to 1.2 metres is appropriate as adequate separation between the townhouse blocks will be maintained. Further, the proposed interior side yard widths of 1.2 metres will be internal to the site and will not impact abutting uses.

Block 89 is zoned Residential Apartment 5E Density (R5E(H)-1206) Zone, in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2023-080. The applicant proposes to add the following permitted uses: a temporary sales trailer, a sales office and a private community building subject to the provisions of the Neighbourhood Commercial (NC) Zone, and detached dwellings, accessory dwelling units, and model homes subject to the provisions of the Residential Two (R2(H)-1198) Zone, the Residential 1F Density (R1F(H)-1199) Zone, and the Residential 1F Density (R1F(H)-1200) Zone.

However, the applicant's proposed approach of adding the requested uses to the existing R5E(H)-1206 Zone does not secure the location of the proposed uses on the subject lands. To address this, Staff recommend rezoning the lands that are intended for the proposed uses to the corresponding zones (ex. NC and R1F). This would result in Block 89 being zoned a site-specific NC Zone, in part, a new site-specific R1F Zone, in part, which would refer to the regulations of the existing R1F(H)-1199 Zone of By-law No. 2023-080, and a second new site-specific R1F

Zone, in part, which would refer to the regulations of the R1F(H)-1200 Zone of By-law No. 2023-080, as detailed on Appendix 4. The remainder of Block 89 would maintain the existing R5E (H)-1206 Zone. Staff note that a temporary sales trailer is permitted as-of-right in accordance with Section 4.5 of Zoning By-law No. 79-200 and does not need to be added as a permitted use.

With respect to the recommended site-specific R1F Zones, the proposed detached dwellings will comply with the site-specific regulations of the R1F(H)-1199 Zone and R1F(H)-1200 Zone, as applicable. It is also noted that under this approach, accessory dwelling units no longer need to be added as permitted uses as they are permitted as-of-right in the R1F Zone. Although model homes are also permitted as-of-right in the R1F Zone, Staff recommend specifying this use in the amending by-law for clarity purposes, and allowing for a maximum of 6 model homes on one block to ensure that the model homes will comply with Zoning By-law No. 79-200 upon registration of the Plan of Subdivision, in accordance with Section 5.10 (ii). To ensure compliance with Zoning By-law No. 79-200, as amended by By-law No. 2023-080, the applicant will be required to divide the individual lots through consent or removal of part lot control prior to obtaining final occupancy for the model homes for the purpose of converting them to detached dwellings. If this is not completed, the detached dwellings will not comply with the Zoning By-law as only a maximum of one detached dwelling is permitted on a lot. Since four of the six model homes/detached dwellings will front onto an internal private road rather than a “street”, Staff note that the amending by-law will have to deem the internal private road abutting the four model homes/detached dwellings as a “street”.

The introduction of the new site-specific R1F Zones is appropriate as they are consistent with existing regulations throughout the approved Grand Niagara Draft Plan of Subdivision and will facilitate model homes that are consistent with the built form that was contemplated and approved through Official Plan Amendment and Zoning By-law Amendment file AM-2023-002.

The departures required from the standard NC Zone regulations are summarized in the following table:

ZONE REGULATION	EXISTING REGULATION	REQUESTED REGULATION	STAFF RECOMMENDATION (DETAILS TO FOLLOW)
Permitted Uses	The uses permitted in the NC Zone	Add private community building	SUPPORT
Minimum Exterior Side Yard Width	12 metres + 11.5 metres from the original centreline of Grassy Brook Road	6 metres + 13 metres from the original centreline of Grassy Brook Road	SUPPORT

Maximum Floor Area	230 square metres for any permitted use described in clauses a to j in section 8.1.1	500 square metres for an office or private community building	SUPPORT
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The site-specific regulations can be supported for the following reasons:

- The Residential Low/Medium Density designation permits a wide range of residential uses, along with neighbourhood commercial and institutional uses. As such, the introduction of the Neighbourhood Commercial Zone, which permits offices, and the addition of a private community building as a permitted use, conforms with the intent of the Grand Niagara Secondary Plan;
- The reduction to the minimum exterior side yard setback will not impact site lines and will facilitate a built form that is consistent with urban design best practices; and
- The increase to the maximum floor area will ensure that the building is appropriately sized for the intended uses (sales office and private community building).

## 5. Holding (H) Provision

Staff note that By-law No. 2023-080 implemented a holding provision for the entirety of the Grand Niagara Draft Plan of Subdivision. The holding provision requires the submission of an overall Servicing Strategy, an updated Land Use Compatibility Study, and an Environmental Strategy for each phase of development to the satisfaction of the Niagara Region. Staff recommend carrying this holding provision forward to the new amending by-law and zones. Staff note that the holding provision as it relates to this phase of the development must be removed prior to the issuance of model home permits.

## Operational Implications and Risk Analysis

There are no operational implications or risks associated with the application.

## Financial Implications/Budget Impact

The proposed development will provide development charges and a new tax assessment for the City.


## Strategic/Departmental Alignment

While this proposal does not directly align with the Pillars of the 2023-2027 Strategic Plan, it does support the achievement of a liveable community.


## Attachments

- Appendix 1 – Location Map
- Appendix 2 – Grand Niagara Draft Plan of Subdivision
- Appendix 3 – Conceptual Site Plan
- Appendix 4 – Recommended Zoning

Prepared by:

  
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Mackenzie Ceci, MSc PI, MCIP, RPP  
Senior Planner (Current Development)

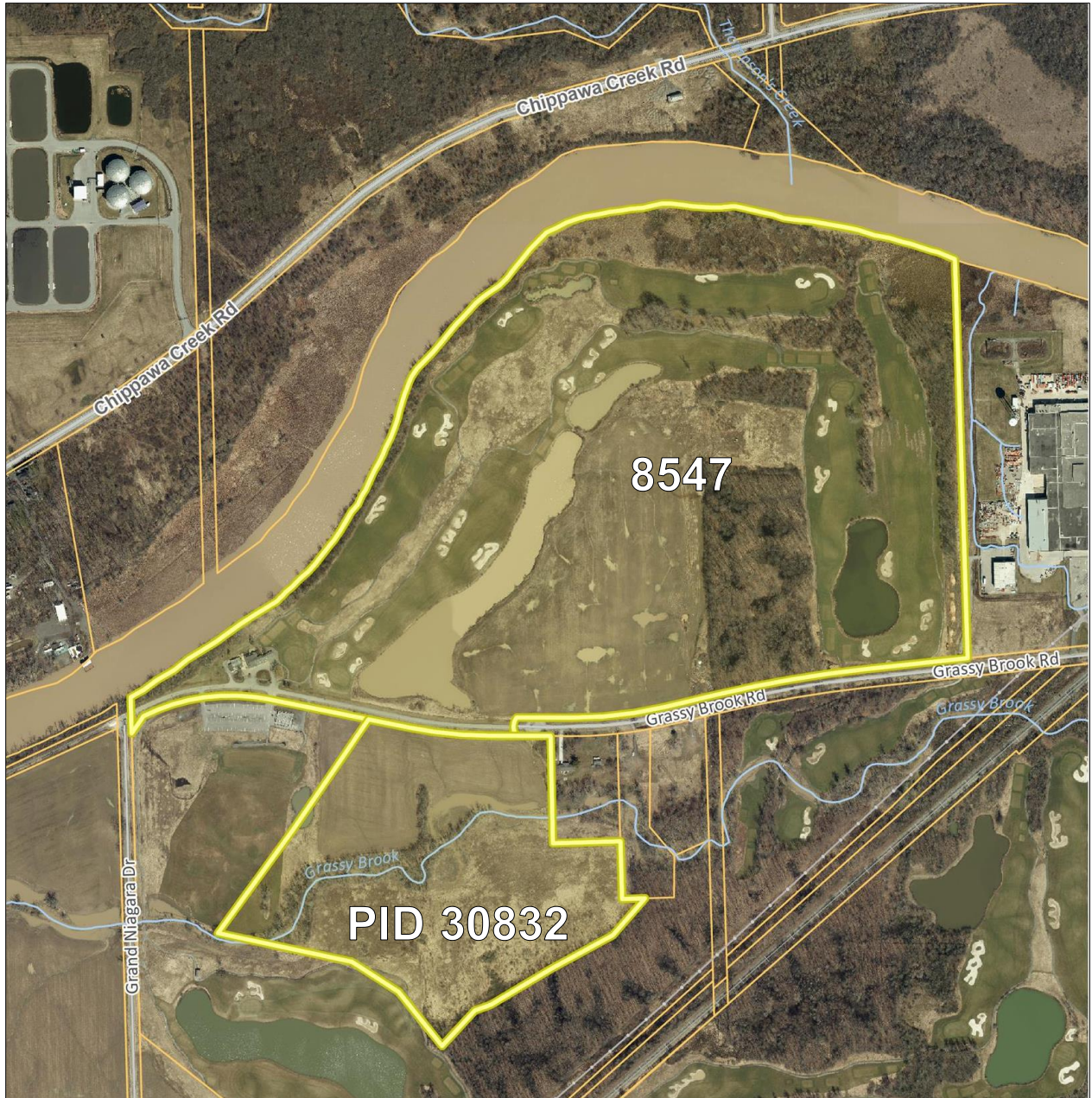
Reviewed by:

  
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Tara O'Toole, MCIP, RPP  
Senior Manager of Current Development

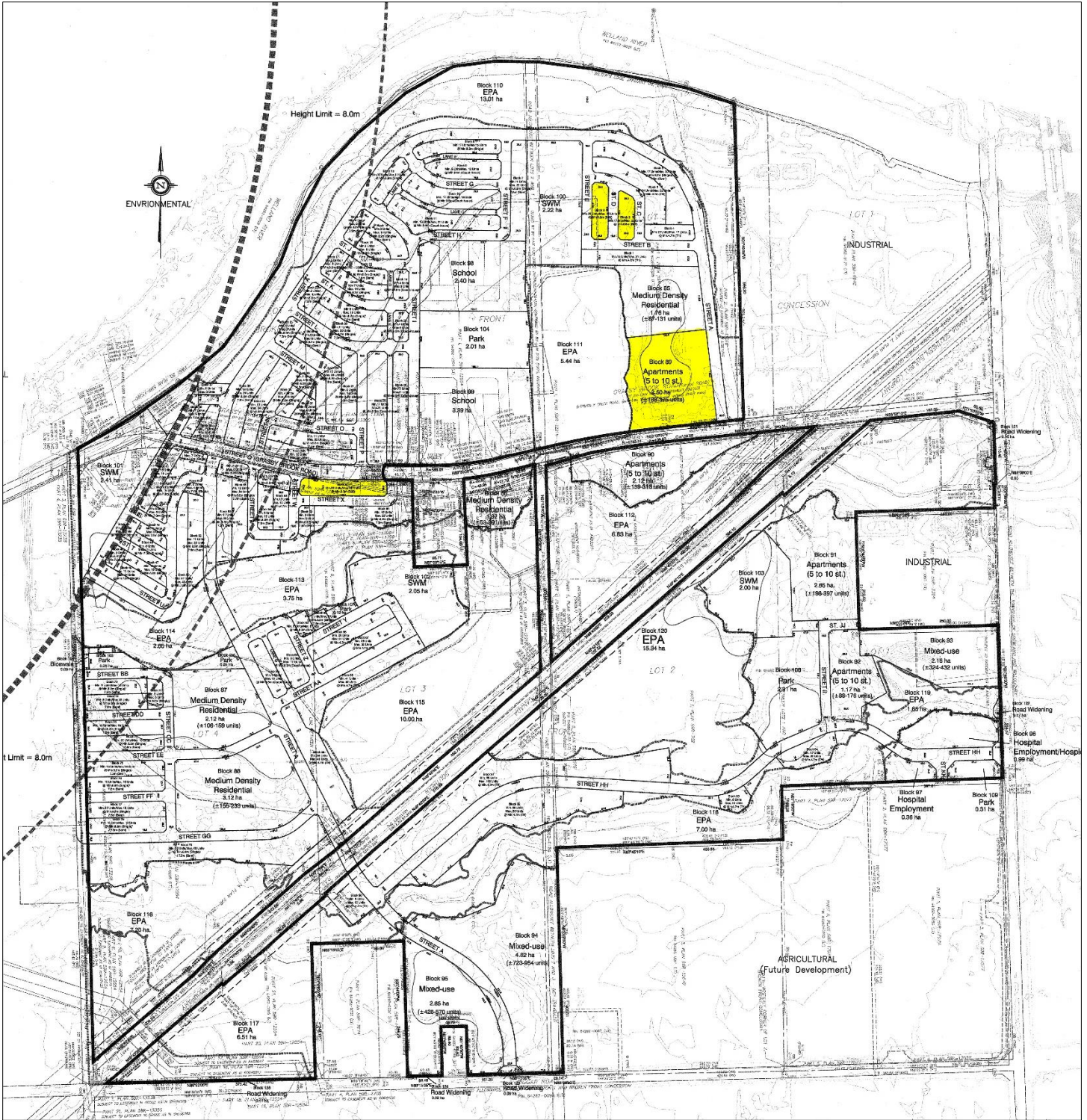
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Director of Planning

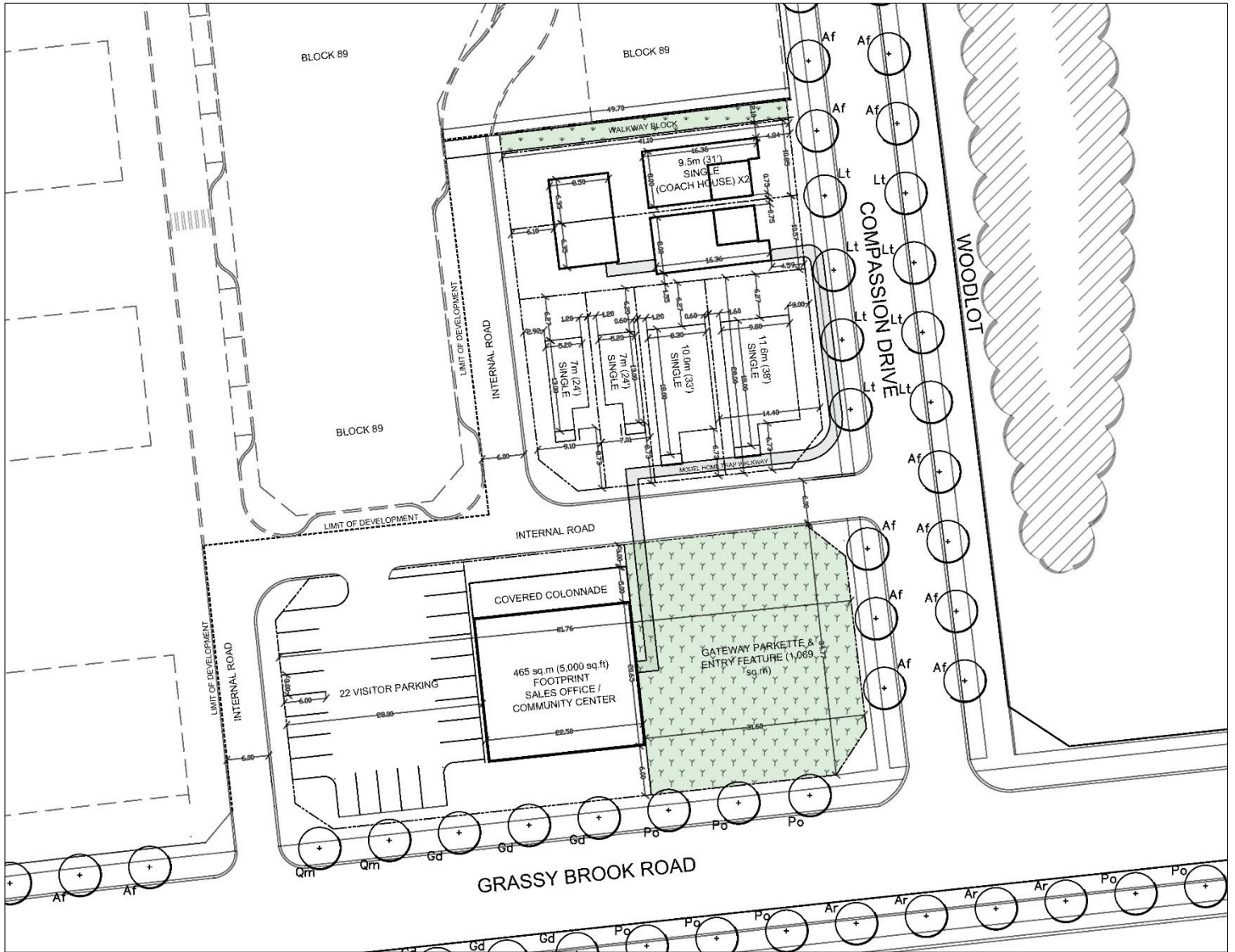
**APPENDIX 1  
Location Map**



# APPENDIX 2 Grand Niagara Draft Plan of Subdivision



# APPENDIX 3 Conceptual Site Plan



# APPENDIX 4 Recommended Zoning

