

PLANNING JUSTIFICATION REPORT

Rezoning of 9127 and 9515 Montrose Road, City of Niagara Falls

Date: Revised November 2023

Prepared for: E.S. Fox Enterprises Inc.

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EXECUTIVE SUMMARY

This Planning Justification Report (PJR) has been prepared in support of a proposed Zoning By-law Amendment (ZBA) for the lands located at 9127 Montrose Road and 9515 Montrose Road, in the City of Niagara Falls to facilitate the development of three parcels of land for Prestige Employment / Prestige Industrial uses and to recognize the existing uses and buildings owned by ES Fox Enterprises Inc..

This PJR provides a description of the proposal and surrounding physical context, a summary of the supporting studies, and a comprehensive planning analysis of the proposed ZBA within the applicable policy and regulatory framework.

1. The lands subject to the proposed application (hereinafter referred to as the “Subject Lands”) consist of three parcels of land. Parcels B and C are part of the property located at 9127 Montrose Road and are situated generally along the west side of Montrose Road between the Welland River and Grassy Brook Road. Parcel D is located at 9515 Montrose Road and is located further south on Montrose Road, north of Lyons Creek Road. The Subject Lands are also located west of the QEW Provincial Highway. Parcel A is part of the property located at 9127 Montrose Road but is not subject to the ZBA at this time.
2. The area surrounding the Subject Lands consists of vacant lands, a golf course, a storage yard, gas station, the future South Niagara Hospital site, and the Welland River.
3. The Subject Lands are designated Industrial, with small portions designated as Environmental Protection Area and Environmental Conservation Area in the City of Niagara Falls Official Plan, and fall within the QEW Employment Corridor. The Subject Lands are also located within the Grand Niagara Secondary Plan and are designated Prestige Employment, Environmental Protection Area and Environmental Conservation Area. The Subject Lands are zoned *Rural Agricultural (RA)*, and a portion of Parcel D is zoned *Shopping District (C2)* under Zoning By-law 1538 (1958).
4. The proposed ZBA will facilitate the development of three Prestige Employment/Prestige Industrial sites on the Subject Lands (referred to as Parcels B, C and D) and will bring the current uses of Parcels C and D into conformity with Zoning By-law 79-200. It will also zone a portion of Parcel C as *Environmental Protection Area (EPA)* to align with the Official Plan designations.
5. The proposed development of Parcel B includes three buildings, each two storeys in height, with floor areas of 1,682 square metres, 1,682 square metres and 1,365 square metres, which will cover 23.64% of the parcel. Access to Parcel B is proposed through two driveways; one connecting to Montrose Road, and one connecting to Grassy Brook Road. The development is proposed to provide a total of 187 parking spaces, 8 of which will be accessible. The landscaped area will occupy 5,052 square metres (34.66%) of the parcel.

6. The proposed development of Parcel C will consist of a single-storey building with a mezzanine, and a floor area of 2,318 square metres. A driveway off Grassy Brook Road is proposed for access to a parking area (43 parking spaces, 3 accessible), and a second access driveway will service the loading area (5 loading spaces). The area occupying the proposed development is planned to be eventually severed from the Subject Lands to create a new lot that is approximately 1 hectare (10,064 square metres) in area, with a frontage of 136.40 metres on Grassy Brook Road. The landscaped area will occupy 5,578 square metres of the proposed lot, and landscaped open space will occupy 86.8% of the front yard. The proposed ZBA will ensure the current and future development will be in compliance with the new lot once severed.
7. The proposed development of Parcel D will consist of a two-storey building with a floor area of 2,328 square metres. A driveway off Montrose Road is proposed, and two connections will be provided to the existing parking area for 9515 Montrose Road. A total of 132 parking spaces are provided, 6 of which will be accessible. The area occupying the proposed development is planned to be eventually severed from the balance of the lands to create a new lot that is approximately 2.15 acres (8,718 square metres) in area, with a frontage of 90.31 metres on Montrose Road. The landscaped area will occupy 2,475 square metres (28.39%) of the proposed lot. The proposed ZBA will ensure the current and future development will be in compliance with the new lot once severed.
8. The proposed ZBA is supported by a series of detailed technical studies including an Archaeological Assessment, Traffic Impact Study, Functional Servicing and Stormwater Management Reports, Headwater Drainage Feature Assessment (Parcel C Only), and an Environmental Impact Assessment (Parcel D only).
9. The proposed ZBA implements the Grand Niagara Secondary Plan and will provide for new employment opportunities within the City.
10. Based on the physical context and planning policy and regulatory framework analysis, the proposed ZBA is consistent with and conforms to Provincial, Regional and City polices and represents good planning in the public interest.

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1.0 INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) was retained by E.S. Fox Enterprises Inc. (the “Owner”) to review development options for two properties municipally known as 9127 Montrose Road and 9515 Montrose Road, and to assist with related planning approvals. This application pertains to three parcels of land referred to in the Pre-Consultation as Parcel B and C located at 9127 Montrose Road and Parcel D located at 9515 Montrose Road, in the City of Niagara Falls (collectively known as the “Subject Lands”). Parcel A, while part of the Subject Lands is not the subject of the proposed application.

This Planning Justification Report (PJR) has been prepared in support of the proposed Zoning By-law Amendment (ZBA), which will facilitate the appropriate zoning of the Subject Lands to recognize the existing uses and future planned Prestige Employment / Prestige Industrial uses.

This report provides a comprehensive assessment and justification of the proposed development and requested approvals, in the context of the existing physical location as well as the current policy and regulatory framework. This report includes the following:

- A general description of the Subject Lands, existing uses, surrounding uses, and existing physical conditions to provide an understanding of the locational context;
- A description of the proposed development;
- A summary of the technical reports prepared to support the proposal;
- A description of the proposed amendment to the City of Niagara Falls Zoning By-law No. 1538;
- A review of the existing policy and regulatory framework;
- An assessment of the ZBA’s conformity and consistency with Provincial, Regional, and City policies and regulations; and,
- A summary of key conclusions and recommendations related to the ZBA.

1.1 Pre-Consultation

A pre-consultation meeting for the Subject Lands was held on October 7, 2021. The following reports and materials were identified as required for a ‘complete application’ and are included as part of this application submission:

1. Planning Justification Report, including an Urban Design Brief, prepared by MHBC Planning;
2. Draft Zoning By-law Amendment, prepared by MHBC Planning;
3. Functional Servicing Report and Stormwater Management Reports, prepared by WSP;
4. Archeological Assessments, prepared by Detritus Consulting Ltd.;
5. Concept Plans, prepared by Raimondo + Associates;
6. Traffic Impact Study, prepared by Paradigm Transportation Solutions Limited;
7. Headwater Drainage Feature Assessment – Parcel C Memorandum, prepared by WSP; and,
8. Environmental Impact Assessment – Parcel D, prepared by WSP.

The above-noted materials are summarized in **Section 3.3** of this report.

Together, these reports and materials provide the comprehensive assessment and justification for the development of the Subject Lands.

1.2 Public Consultation Strategy

The public consultation process for the ZBA will follow the *Planning Act* statutory requirements and the City's practices. Throughout the duration of this process, commenting agencies, members of the public and stakeholders will be given the opportunity to provide written comments and request information with respect to the application.

Once deemed complete, City staff will circulate the application for comment to commenting agencies and will provide notice of complete application in accordance with the *Planning Act*. It is understood that all application materials will be made publicly available by the City in accordance with their standard procedures. Project contact information, along with City staff contact information, will also be made available.

A statutory public meeting under the *Planning Act* will be held by the City, which will provide further opportunity for public input. At this meeting, staff will provide the Committee with a report summarizing all comments and feedback received from the public, agencies and stakeholders. Additionally, members of the public will be provided with an opportunity to make oral comments at this meeting.

Public input received through the community engagement process will be summarized including how community input has been addressed with any updates or changes to the planning and technical information and in response to staff comments.

The consultation strategy described herein will ensure that members of the public are given an opportunity to review, understand, and comment on the proposal.

2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

2.1 Site Description

The Subject Lands identified as 9127 Montrose Road and 9515 Montrose Road are comprised of four parcels of land, which are identified in **Figure 1** and described below.

Parcel A

Parcel A is located on the east side of Montrose Road, between the Welland River to the north, a railway line to the south, and the Queen Elizabeth Way (QEW) Provincial Highway to the west. The railway line is lightly used to service a transfer station (Chemtrade Logistics) and manufacturing facilities (Washington Mills and Saint Gobain) in Niagara Falls. The parcel is irregular in shape, with an area of approximately 6,460 square metres (0.65 ha), and a frontage of approximately 155 metres along Montrose Road. The parcel is composed of a mix of vegetation, including woodlands and a Provincially Significant Wetland (PSW). This ZBA application does not apply to Parcel A.

Parcel B

Parcel B is located on the west side of Montrose Road and north of Grassy Brook Road, and has a frontage of approximately 147 metres along Montrose Road and approximately 196 metres along Grassy Brook Road. The parcel is triangular in shape and is approximately 14,568 square metres (1.46 ha) in size. The railway line runs parallel to the third property line. Parcel B consists of a manicured lawn with some trees and vegetated areas along the railway and Montrose Road.

Parcel C

Parcel C is located on the west side of Montrose Road, between the Welland River to the north and Grassy Brook Road to the south. The parcel is approximately 45 acres (18.2 ha) in size, and has an approximate frontage of 368 metres along Montrose Road, 450 metres along Grassy Brook Road, and 469 metres along the Welland River. The rear property line, which abuts the Grand Niagara Golf Club property, is approximately 570 metres. The Grand Niagara Golf Club is in the initial stages of redevelopment in alignment with the Grand Niagara Secondary Plan. The current planning applications for the Grand Niagara redevelopment identify future residential uses abutting the rear property line of Parcel C.

Parcel C contains two existing buildings – both used for ES Fox Limited operations, including managerial and accounting offices, light fabrication, and tool storage and maintenance. Outdoor storage is located on the north and west sides of the main building, and a water tower is located in the northwest corner of the

property. It shall be noted that the outdoor storage is a legal non-conforming use, and following discussions with City staff, it has not been incorporated in the proposed Zoning By-law Amendment. Significant surface parking is provided on the north, east and south sides of the main building. There is a loading bay at the rear of the main building. Three vehicular access laneways are currently provided at Montrose Road and Grassy Brook Road, west of the rail line. The property is generally flat with some areas of vegetation.

Parcel D

Parcel D is located on Montrose Road, south of Grassy Brook Road. The parcel is rectangular in shape and approximately 13 acres (5.26 ha) in size, and has a frontage of approximately 211 metres along Montrose Road. Parcel D is surrounded by the Grand Niagara Golf Club redevelopment lands, with current planning applications for the site identifying an Environmental Protection Area to the north, 5 to 10 storey apartments to the west, and mixed use development to the south of Parcel D.

Parcel D contains one existing multi-tenant building occupied several uses including a call center, light warehouse and manufacturing use, and recreational use, with approximately 75 to 100 employees in total. Surface parking is provided to the north, east and south sides of the building, with loading provided at the rear of the building. Access to the site is currently provided by two driveways off of Montrose Road. A stormwater management pond is located at the northwest corner of the property. The property is generally flat with some areas of vegetation.

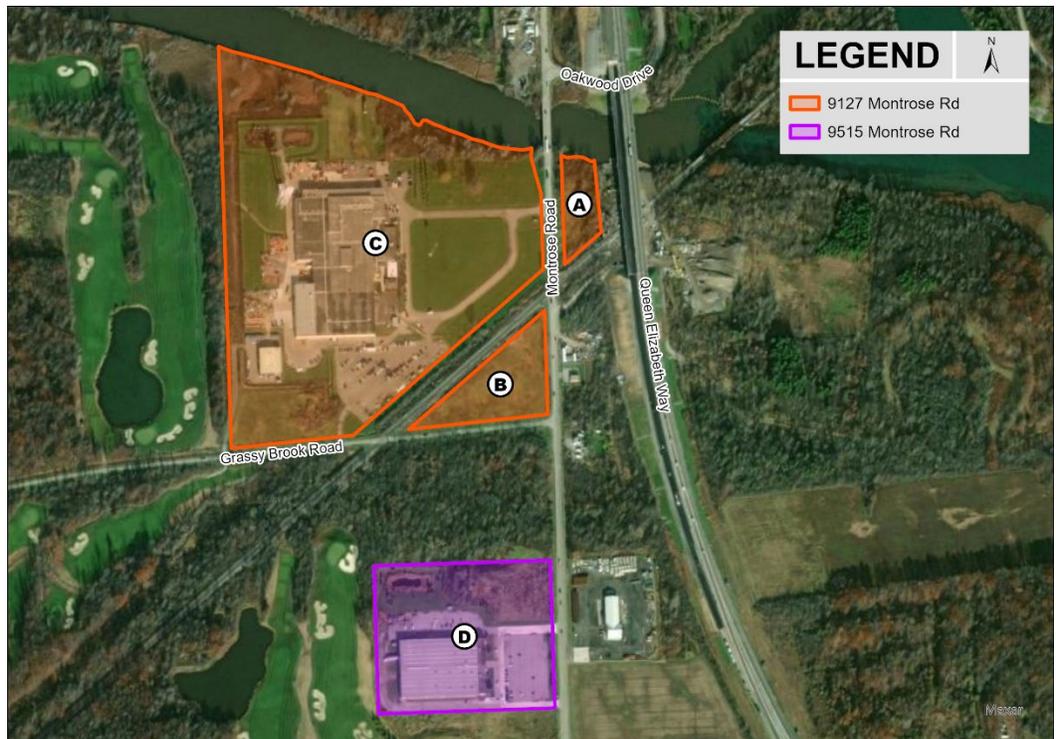


Figure 1: 9127 and 9515 Montrose Road, Niagara Falls

2.2 Surrounding Land Uses and Area Context

The surrounding land uses in proximity to the Subject Lands are described below.



NORTH: The Welland River (Chippawa Creek) represents the northern boundary of the Subject Lands. Across the river, the lands are wooded, with a small area used as a storage yard.



EAST: A portion of the Subject Lands is located on the east side of Montrose Road. Grassy Brook Park's entry point and parking area is also located east of the Subject Lands, south of the rail line. The Niagara Region Grassy Brook Pumping Station is located towards the southern boundary of the Subject Lands. A railway line cuts through the southeastern corner of the Subject Lands.



SOUTH: Immediately south of the Subject Lands, across from Grassy Brook Road, there is a wood lot that abuts the northern lot line of 9515 Montrose Road. Further to the south is the New South Niagara Hospital Campus. The railway line is located at the southeast corner of the Subject Lands.



WEST: Golf course greens (lands) are located west of the Subject Lands.

2.3 Area Context

The Subject Lands are located within close proximity to a number of services, facilities and parks, as listed in **Table 1**.

Table 1: Proximity to Nearby Facilities

Destination	Travel Distance (km)	Travel Time		
		Walk	Cycle	Car
Montrose Hotel	0.85km	10 min	2 min	1 min
Grassy Brook Park	0.90km	11 min	4 min	2 min
Concentrix Bus Stop (Route 22, 60, 65)	1.1km	12 min	5 min	2 min
Blackburn Brew House	1.9 km	23 min	6 min	2 min
Niagara Falls Transit Terminal/WEGO	2.1km	25 min	7 min	3 min
Niagara Square Shopping Centre (Misc. Shopping, Dining, Financial, Entertainment)	2.4km	30 min	8 min	3 min
Boys and Girls Club of Niagara	4.8 km	56 min	15 min	7 min

2.4 Transportation Context

The Subject Lands front onto Montrose Road, which is identified as a Regional Arterial Road in the City of Niagara Falls' Official Plan. Arterial roadways are intended to accommodate large volumes of traffic between major land use areas in the City. The Official Plan identifies the road allowance for Montrose Road to be 26.2 metres between Welland River and the South City Limit. Grassy Brook Road is a Collector Road and between Montrose Road and the West Limit of the City has a required road allowance of 23 metres in the Official Plan. All new development abutting Arterial Roads must provide adequate off-site loading and unloading facilities in a manner that does not negatively impact vehicles using the facilities.

The QEW Provincial Highway on- and off-ramps are located between 1.5 and 2 kilometres from the Subject Lands. The main access route for the site is southwards along Montrose Road, and eastward along Biggar Road to the highway cloverleaf.

Niagara Region completed a Municipal Class Environmental Assessment (EA) for Montrose Road and Lyons Creek Road/Biggar Road in the fall of 2021. Of relevance to this application, the EA assessed roadway improvement options for Montrose Road, and proposes widening Montrose Road between Chippawa Creek Road and Grassy Brook Road and signaling Grassy Brook Road. The preferred cross section is outlined in **Figure 2** and includes 4 driving lanes, a median or a left turning lane, a multi-use path, and a sidewalk.

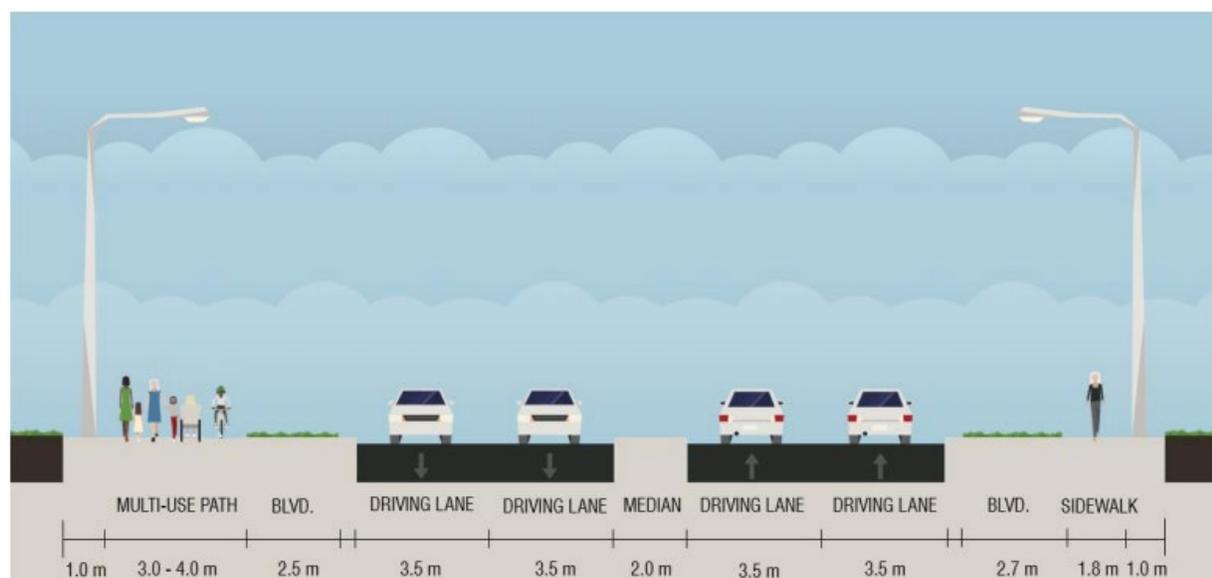


Figure 2: Montrose Road and Lyons Creek Road / Biggar Road Municipal Class Environmental Assessment (Fig. ES-2) Preferred Cross-Section Design

Niagara Region Transit provides two bus routes along Montrose Road, with both routes serviced by a bus stop and transfer point at 9515 Montrose Road. There are also several bus stops located north and northwest of the Subject Lands, along Blackburn Parkway and Heartland Forest Road. The Niagara Falls Transit Terminal/WEGO is approximately 2.1 kilometres northwest of the Subject Lands.

Route 22 begins and ends at Niagara Square by McLeod Road/QEW to the north and at Fort Erie's Leisureplex to the south at Garrison Road. The route runs mainly along Montrose Road and the QEW highway. The second Niagara Transit route is Route 60/65 and connects Niagara College's Welland Campus and the town of Welland to the City of Niagara Falls at the Morrison/Dorchester hub with the north-south route travelling mainly along Montrose Road.

2.5 Surrounding Development Applications

A variety of new developments are underway near the Subject Lands. The developments within closest proximity to the Subject Lands and of most relevance are detailed below and depicted in **Figure 3**.

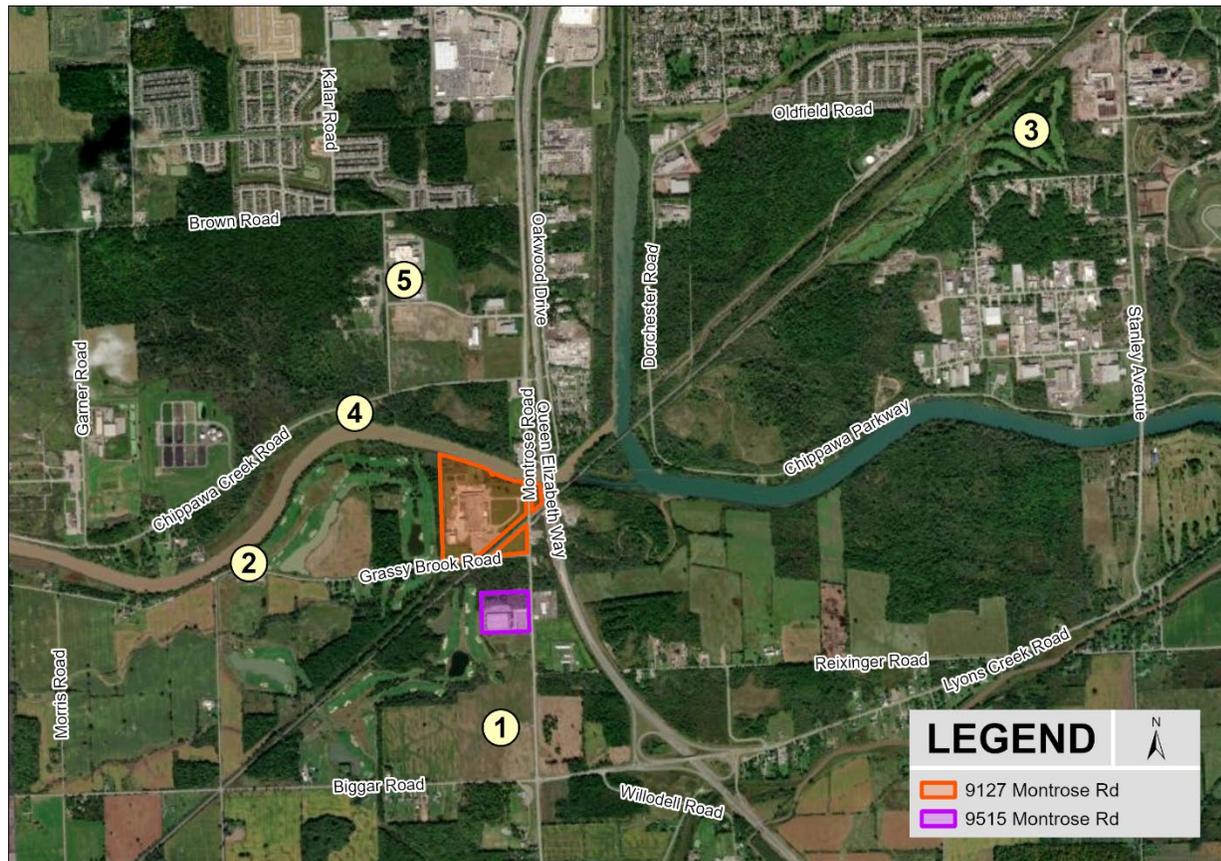


Figure 3: Surrounding Development Applications

1) New South Niagara Hospital Campus Plan

The Province of Ontario is developing lands at the northwest corner of Biggar Road and Montrose Road for a 1.3 million square foot, 12-storey hospital facility accommodating approximately 469 beds. Construction will commence in the summer of 2023 and take approximately five years to complete, with occupancy planned for 2028.

2) Grand Niagara Golf Course Redevelopment

While the lands to the west of the Subject Lands currently function as a golf course, the Grand Niagara Secondary Plan (GNSP) has designated the lands as residential low and medium density. An application for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision was approved by the City of Niagara Falls in September 2023. The development

consists of approximately 4,500 dwelling units, commercial and institutional uses, environmental protection lands, park space and open space uses.

3) Thundering Waters Golf Club Redevelopment (6000 Marineland Parkway)

Proposed redevelopment of the 9.75 hectare Thundering Waters Golf Club into a new residential community with a mix of single-detached and townhouse dwellings, residential apartment buildings and mixed-use buildings. The proposed redevelopment includes environmental areas and open spaces that are connected by multi-use trails and walkways. Applications for a Zoning By-law Amendment, Official Plan Amendment, Draft Plan of Subdivision and a Request for Class 4 Noise Designation are under review by the City.

4) Serenity Temple, Lands Southwest of Chippawa Creek Road and Heartland Forest Road

Zoning By-law Amendment application to facilitate the proposed development of a three-storey multi-use health and wellness facility on a 13-hectare lot. The proposed development includes health and fitness facilities, Retreat Lodging, a yoga studio, conference centre, accessory restaurant and 10 accommodation suites. Access to the site is proposed off Chippawa Creek Road, which connects to two parking areas with a total of 135 parking spaces provided. The property is primarily vacant, with the exception of an unoccupied barn structure.

5) Storage Warehouse Facility, Lands on Northwest Corner of Heartland Forest Road and Blackburn Parkway (8001 Blackburn Parkway)

Consent and Minor Variance applications were recently approved in February 2023 to facilitate the development of a one-storey warehouse storage facility at 8001 Blackburn Parkway. The consent application sought to sever the northern portion of the lot for the future development and retain the southern portion occupied by the Blackburn Brew House. A Minor Variance application sought to permit reduced yard setbacks, landscaped open space strips, parking spaces, and increased lot coverage for the new parcel. A Site Plan application is forthcoming.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Background

The Applicant purchased the property at 9127 Montrose Road in 1996, and purchased the property at 9515 Montrose Road in 2016. Parcel C located at 9127 Montrose Road s contains two existing buildings – both used for ES Fox Limited operations, including managerial and accounting offices, light fabrication, and tool storage and maintenance. Outdoor storage is also located on the north and west sides of the main building. It shall be noted that the outdoor storage is a legal non-conforming use, and following discussions with City staff, it has not been incorporated in the proposed Zoning By-law Amendment. Approximately 100 employees work at the site. Parcel D located on 9515 Montrose Road is a multi-tenant building with several uses including a call center, light warehouse and manufacturing use, and recreational use, with approximately 75-100 employees total.

In response to the increased need for employment opportunities in the area following the announcement of the new South Niagara Hospital Campus, the Applicant identified four potential development sites across the two properties, with the goal of intensifying their current land use. Together, the four sites underwent the pre-consultation process in October 2021, with this application representing three of the proposed development sites resulting from the pre-consultation.

3.2 Development Proposal

The purpose of this ZBA application is twofold: 1) to bring the existing uses on Parcel C and Parcel D into conformity with the City of Niagara Falls Zoning By-law 79-200; and, 2) to facilitate the future development of Parcels B, part of Parcel C and part of Parcel D. At this time, the Owner is exploring a range of tenants and uses for the proposed developments, which will align with the Prestige Employment designation identified in the Grand Niagara Secondary Plan and the Prestige Industrial zone in Zoning By-law 79-200.

Concept Plan - Parcel B

The concept plan for Parcel B includes three buildings, two storeys in height, with areas of 1,682 square metres, 1,682 square metres and 1,365 square metres, which will cover 23.64% of the parcel. The front yard and exterior side yard setbacks will be 3 metres and the rear yard setback will be 30 metres. Floor plans and elevations for Parcel B are included with the submission materials.

Access to Parcel B is proposed through two driveways; one connecting to Montrose Road, and one connecting to Grassy Brook Road. The development is proposed to provide a total of 187 parking spaces, 8 of which will be accessible. The landscaped area will occupy 5,426 square metres (34.66%) of the parcel – 44% of the front yard (Montrose) is landscaped area and 49% of the exterior side yard (Grassy Brook) is landscaped area.

Buildings A and B have both been designed to accommodate 6 units that are approximately 261 square metres, with a ground floor (186 sqm) and mezzanine (74 sqm). Building C has been designed to accommodate 5 units – four of which are proposed to be approximately 261 square metres in size, with a ground floor (186 sqm) and mezzanine (74 sqm), and one that is proposed to be a 226 square metre unit without a mezzanine. The facades of all buildings on Parcel B have a two-tone colour design and a canopy that spans the length of the building. Each unit is delineated by the use of glazing and signage above the canopy.

Concept Plan - Parcel C

The proposed development of Parcel C will be subject to a future severance application to separate the proposed development from the existing ES Fox Limited operations. The resulting new lot will be approximately 1 hectare (10,064 square metres) in area, and have a proposed frontage of 136.40 metres on Grassy Brook Road. The proposed development for the eventual severed parcel from Parcel C is a one-storey, 2,671 square metre building with a mezzanine. The new building will have a front yard setback of 10.63 metres, an interior side yard setback of 35.80 metres, and a rear yard setback of 7.91 metres. The height of the building is proposed to be 8.5 metres. While the proposed use/tenant for this building has not been finalized, the intention is to accommodate a laundry plant. Floor plans and elevations for Parcel C are included with the submission materials.

Access to the new development on Parcel C is proposed via a driveway off Grassy Brook Road on the east side of the proposed building to provide access for parking, and a second access driveway will be located on the west side of the proposed building for the truck court area. Both driveways will be controlled using powered gates. The development is proposed to provide a total of 43 parking spaces, 3 of which will be accessible. The proposed development will also have 5 loading spaces, 3 spaces provided for larger vehicles with ramp access and a retaining wall on either side, and two spaces provided at ground level. The proposed new lot will have a 1.8 metre tall chain link fence along its perimeter. The landscaped area will occupy 5,578 square metres of the proposed lot, and will include a landscape screen along the southern retaining wall. Landscaped open space will occupy 86.8% of the front yard.

The building has been designed with two different colours of steel insulated panels; a large glass main entry covered by a structural steel canopy and parapet walls clad with aluminum composite panels and upper windows.

The balance of Parcel C will continue to operate with the existing uses within the existing buildings.

Concept Plan - Parcel D

The proposed development of Parcel D will be subject to a future severance application to separate the proposed development from the existing multi-tenant use. The resulting new lot will be approximately 2.15 acres (8,718.79 square metres) in area, and have a proposed frontage of 90.31 metres on Montrose

Road. The proposed development for the eventual severed parcel from Parcel D is a two-storey, 2,328 square metre building. The new building will have a front yard setback of 24.5 metres, interior side yard setbacks of 4.5 metres (south) and 14.11 metres (north), and a rear yard setback of 45.98 metres. Floor plans and elevations for Parcel D are included with the submission materials.

Access to Parcel D is proposed through a driveway off Montrose Road. Two additional connections from the existing multi-tenant development to the proposed development will be provided to the east and west of the proposed building. The development is proposed to provide a total of 132 parking spaces, 6 of which will be accessible. The landscaped area will occupy 2,475.62 square metres (28.39%) of the proposed site.

The building has been designed to accommodate 8 units that are approximately 271 square metres, with a ground floor (194 sqm) and mezzanine (77 sqm). The facade has a two-tone colour design and a canopy that spans the length of the building. Each unit is delineated by the use of glazing and signage above the canopy.

The balance of Parcel D will continue to operate with the existing uses within the existing building.

3.3 Proposed Zoning By-law Amendment

To facilitate the proposed development of the parcels and recognize the current uses, an amendment to the City of Niagara Falls Zoning By-law is required. The ZBA prepared for this application seeks to rezone the Subject Lands from *Rural Agricultural (RA)* and *Shopping District (C2)* (Zoning By-law 1538 [1958]) to *Prestige Industrial (PI)* and *Environmental Protection Area (EPA)* (Zoning By-law 79-200).

The following additional permitted uses are requested in order to recognize the existing uses and add relevant permitted uses from the Prestige Employment designation set out in the Grand Niagara Secondary Plan:

- Office
- Clinic
- Laundry Plant
- Recreational Uses
- Health Centre
- Service Shop
- Personal Service Shop

Site-specific provisions are required for each parcel, which are summarized in **Table 2** below.

Table 2: Requested Site-Specific Zoning Provisions

Parcel	Site-Specific Provision
--------	-------------------------

Parcel B (Block 1)	<ul style="list-style-type: none"> • Reduced front yard to 3 + 13.1 metres from the centerline of the road allowance to facilitate proposed layout • Reduced exterior side yard to 3 metres to facilitate the proposed development • Site-specific parking rate of 1 space per 26 square metres
Parcel D (Block 3)	<ul style="list-style-type: none"> • Site-specific parking rate of 1 space per 19 square metres • Reduced landscaped open space for an interior lot to 60% of the required front yard

A draft Zoning By-law Amendment is included in **Appendix A**.

It should be noted that severance applications will be required for Parcel C and Parcel D, and site plan applications will be required for the further development of the parcels.

3.4 Summary of Technical Reports

The following studies were identified as submission requirements through the Pre-Consultation process and have been prepared in support of the proposed ZBA. The studies have been considered as part of the formulation of the planning justification contained in this report.

Archaeological Assessment

Stage 1-2 Archaeological Assessments were conducted by Detritus Consulting. The Stage 1 background research indicated that all parcels exhibited moderate to high potential for the identification and recovery of archaeological resources. No archaeological resources were observed during the Stage 2 assessment of the manicured lawns.

Functional Servicing and Stormwater Management Report

Functional Servicing and Stormwater Management Reports (FSR/SWM) were prepared by WSP and provide the preliminary design framework for water distribution, sanitary sewage, storm drainage and stormwater management for the proposed developments. The reports conclude the following:

- The existing water distribution system within the Subject Lands' vicinity is able to adequately accommodate the water demands of the proposed development on all parcels.
- While it is understood that all remaining capacity in the Grassy Brook SPS is reserved for the future South Niagara Hospital, it is feasible that the proposed developments can rely on existing local sanitary structure without depending on the construction of the future sanitary trunk sewer on Montrose Road.
- Stormwater Management Plans have been prepared for all parcels to mitigate the impacts due to the proposed developments. LID measures and an OGS unit are proposed to address site water balance and water quality.
- For Parcel D, erosion control and quantity control are not required for the development; providing quantity control would result in increased downstream peak flow rates, and erosion control is already

in place with a 25mm rainfall detention that does not require extension. For Parcel B, the capacity of downstream conveyance infrastructure shall be further investigated at the site plan application stage to ensure the site runoff can be safely directed to the receiving watercourse. Parcel C requires an on-site quantity control storage facility to ensure that the subject development has no adverse impacts to the downstream infrastructure such as roadside ditches and culverts.

- Proposed site grading shall be designed to direct minor storm drainage to the appropriate collection points. For Parcels B, C, and D, overland flow routes will be provided for major storm drainage to outlet to the existing Grassy Brook Road ditch.

Transportation Impact Assessment

A Transportation Impact Assessment (TIA) was prepared by Paradigm Transportation Solutions Limited in July 2022 for both 9127 and 9515 Montrose Road. The following recommendations are provided:

- 1) The proposed driveway from Montrose Road to Parcel B should not be constructed until the Montrose EA improvements are implemented;
- 2) Road authorities may consider implementing an unwarranted traffic signal at the Montrose Road intersection with Grassy Brook Road to improve future operations;
- 3) The eastbound left-turn lane on Grassy Brook Road at Montrose Road should be designed to include 160 metres of storage. Should a traffic control signal be implemented, the storage lane length for the eastbound left-turn lane can be reduced to 65 metres and the southbound right-turn lane should be increased to 30 metres; and
- 4) The road authorities should monitor traffic volumes and intersection operations at the Montrose Road intersection with Biggar Road/Lyons Creek Road and adjust signal timing splits to best serve all traffic movements.

Headwater Drainage Feature Assessment (Parcel C Only)

A Headwater Drainage Features (HDF) Assessment was prepared by WSP for Parcel C. The purpose of the assessment was to characterize and determine the appropriate management strategy for the HDF located on Parcel C, which is a straightened channel conveying stormwater to the Welland River. Reach 1 of the HDF is assessed at the Conservation Management Level, and the proposed development and site plan should adhere to the following management requirements to avoid negative impacts to the functions of the HDF:

- 1) Maintain, relocate, and/or enhance drainage feature and its riparian zone corridor;
- 2) If catchment drainage has been previously removed or will be removed due to diversion of stormwater flows, restore lost functions through enhanced lot level controls (i.e. restore original catchment using clean roof drainage), as feasible;
- 3) Maintain or replace on-site flows using mitigation measures and/or wetland creation, if necessary;
- 4) Maintain or replace external flows,
- 5) Use natural channel design techniques to maintain or enhance overall productivity of the reach; and,
- 6) Drainage feature must connect to downstream.

A portion of Parcel C will be zoned *Environmental Protection Area (EPA)* to accommodate the HDF and the Environmental Protection Area Official Plan designation.

Environmental Impact Study (Parcel D Only)

An Environmental Impact Study for Parcel D was prepared by WSP. The purpose of the study was to analyze the potential impacts of the proposed development on the Natural Heritage Features of the site. The proposed development of this parcel will remove 7,938 square metres of cultural meadow vegetation, and may encroach into the 30 m buffer of the Lower Grassy Brook PSW. Direct impacts within the cultural meadow include potential removal of biomass, potential reduction of biodiversity, loss of wildlife habitat, and alteration of permeable surfaces impacting water infiltration. Indirect impacts may include alteration of infiltration, and filtration of surface runoff to wetland communities before reaching Grassy Brook, potentially reducing the quality of water inputs. The above impacts will need to be mitigated to avoid environmental impacts to the wetland buffer. Mitigation measures are recommended to avoid and mitigate the impacts. Implementing the recommended design and mitigation measures in the report, and stormwater management design, will minimize the likelihood of indirect impacts to designated features and should be incorporated into the site plan. A portion of Parcel D is proposed to be zoned *Environmental Protection Area (EPA)*.

4.0 POLICY CONTEXT & ANALYSIS

The following section provides a review and assessment of the land use policy and regulatory framework applicable to the Subject Lands and the proposed ZBA and proposed development. Each subsection describes the applicable policies and regulations and identifies how the proposed ZBA is consistent with, conforms to, and implements Provincial, Regional, and local policy.

4.1 Planning Act

The Ontario Planning Act, R.S.O. 1990 (the “*Planning Act*” or the “*Act*”) is the primary legislation governing land use planning in the Province of Ontario. The *Planning Act* provides the basis for consideration of Provincial interests in managing land and natural resources, preparing official plans and planning policies, establishing planning processes, regulating land uses through zoning by-laws and other measures, ensuring public notice and appeal rights, and other matters of Provincial interest. Several other Provincial Policies are created from the authority of the *Planning Act*, including the Provincial Policy Statement.

Section 2 of the *Planning Act* sets out the matters of provincial interest which the Minister, the council of a municipality, a local board, a planning board, and the Tribunal shall have regard to when carrying out their responsibilities under the Act. The following matters of provincial interest are of relevance and applicable to the analysis of the proposed development and ZBA:

- *“The supply, efficient use and conservation of energy and water;*
- *The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *The adequate provision of employment opportunities;*
- *The protection of the financial and economic well-being of the Province and its municipalities;*
- *The appropriate location of growth and development;*
- *The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- *The mitigation of greenhouse gas emissions and adaptation to a changing climate.”*

The proposed Prestige Employment/Prestige Industrial developments represent an appropriate use of lands within the existing employment area and will utilize existing services to efficiently service the new buildings. The proposed developments will accommodate new local jobs and facilitate economic and financial benefits for the community. The proposed developments are appropriately located near public transit and are designed to ensure all impacts are mitigated. The design of each building will be of a high quality and reflect a sustainable and resilient design to address climate change. All of the above matters of provincial interest have been addressed through the proposed developments and proposed ZBA. The following sections of this report provide a comprehensive analysis and discussion of these matters, and how they have been addressed as part of the proposed ZBA.

4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the “PPS”) was issued under Section 3 of the *Planning Act* and came into effect on May 1, 2020. The PPS establishes the policy foundation for regulating the development and use of land in Ontario and provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure.

The PPS strongly encourages development that will provide long-term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Land use planning decisions, including those made on applications for Zoning By-law Amendments must be consistent with the PPS.

Building Strong Healthy Communities

Section 1.0 of the PPS outlines policies related to efficient land use and development patterns, with the goal of supporting sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

The following policies of **Section 1.1** of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns apply to the proposal:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) 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;*
- c) avoiding development and land use patterns which may cause environmental and or public health and safety concerns;*
- e) 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;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.”*

The Subject Lands are located within a Settlement Area, as defined by the PPS, and will be developed on municipal services. The proposed developments can be accommodated by existing municipal infrastructure and represents an efficient use of land and resources through the intensification of existing employment lands.

“1.1.3.1 Settlement areas shall be the focus of growth and development

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- 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;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and,*
- g) are freight-supportive.”*

The proposed developments will facilitate new development within a Settlement Area as supported by this policy objective. The proposed developments will provide for the efficient use of land and resources through the redevelopment of the site by making use of the existing service infrastructure. The accompanying FSR proposes a servicing scheme for the Subject Lands which does not require upgrades to existing municipal infrastructure and confirms that there is existing water and sewer capacity to accommodate the proposed developments.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

The proposed developments support the establishment of a more compact built form and density consistent with the direction of the PPS by intensifying an underutilized parcel with additional Prestige Employment/Industrial uses, thereby contributing to increased economic development and employment opportunities within a Settlement Area.

The policies of **Section 1.3**, Employment state the following:

“1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic*

activities and ancillary uses, and take into account the needs of existing and future businesses;

e) ensuring the necessary infrastructure is provided to support current and projected needs.

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations."

The proposed developments support the above objectives by providing for the intensified use of existing employment lands within a Settlement Area. The proposal ensures the necessary infrastructure capacity is provided to support the developments. As confirmed through the FSR and SWM Reports for each parcel, the existing water distribution system and sanitary infrastructure can accommodate the proposed developments. The Montrose Road widening project from Grassy Brook Road to Biggar Road will improve traffic flow around the Subject Lands in anticipation of the proposed South Niagara Hospital and anticipated growth in the area.

Section 1.6, Infrastructure and Public Service Facilities, provides polices to address the supportive infrastructure required to facilitate development as follows:

"1.6.6.1 Planning for sewage and water services shall:

a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

1. municipal sewage services and municipal water services;

1.6.6.7 Planning for stormwater management shall:

b) minimize, or, where possible, prevent increases in contaminant loads;

c) minimize erosion and changes in water balance, and prepare for the impact of a changing climate through the effective management of stormwater, including the use of green infrastructure;

d) mitigate risks to human health, safety, property and environment;

e) maximize the extent and function of vegetative and pervious surfaces; and,

f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low-impact development.

1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

1.6.7.4 *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.*

1.6.8.3 *New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities."*

The proposed developments will support the efficient use infrastructure, as demonstrated in the FSR and SWM Reports. As confirmed in the reports, Stormwater Management Plans have been prepared for all parcels to mitigate the impacts due to the proposed developments; LID measures and an OGS unit are proposed to address site water balance and water quality. The existing sanitary infrastructure and water distribution system have the capacity to support the proposed developments. The TIA indicated that there are critical movements at the Montrose Road intersections with Grassy Brook Road and Biggar Road/Lyons Creek, however, the Montrose Road improvements that will be constructed between Spring 2023 and Summer 2024 will and provide improved traffic flow around the Subject Lands.

Section 1.7 of the PPS speaks to Long-Term Economic Prosperity, and provides the following.

"1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;*
- c) optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities;"*

The Subject Lands are intended to provide for continued employment and will add new employment uses and jobs within the City of Niagara Falls. The proposed developments will optimize the use of services in the area through the intensification of an underutilized parcel.

Implementation and Interpretation

Section 4.0 of the PPS speaks to the implementation and interpretation of the PPS.

"4.7 The Official Plan is the most important vehicle for the implementation of this Provincial Policy Statement. Comprehensive, integrated, and long-term planning is best achieved through official plans. Official Plans shall identify provincial interests and set out appropriate land use designations and policies"

The proposed developments and updated zoning will implement the objectives and policies of the Regional and City Official Plans.

Consistency Statement

For the reasons outlined above, the proposed ZBA and proposed developments are consistent with the policies of the Provincial Policy Statement, 2020.

4.3 Growth Plan for the Greater Golden Horseshoe (Office Consolidation, August 2020)

A Place to Grow: Growth plan for the Greater Golden Horseshoe (the “Growth Plan”) was prepared and approved under the Places to Grow Act, 2005, and was updated on May 16, 2019. The *Planning Act* also requires that decisions affecting a planning matter conform to the policies of the Growth Plan. The Growth Plan provides a framework for implementing the Provincial Government’s vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe.

The Growth Plan provides policies for where and how to grow, directing that population and employment growth should be directed to urban areas and rural settlement areas. The policies of the Growth Plan are about developing cities and towns as ‘complete communities’ by meeting people’s needs for daily living, which is to be achieved by directing growth to built-up areas. The Growth Plan also promotes intensification in strategic growth areas, transit-supportive densities, a diverse mix of land uses, a range and mix of employment and housing types, affordable housing, high quality public open space and easy access to local stores and services.

The Growth Plan builds upon the policy foundation of the Provincial Policy Statement (2020), and previous plans (2006 Growth Plan). It provides policies for where and how to grow, directing that population and employment growth should be directed to urban areas and rural settlement areas. Changes to local Official Plans which better conform to these objectives and policies by providing large sites which contribute to complete communities also meet the Growth Plan’s goal of optimizing the use of the existing urban land supply.

The Subject Lands are within the Greater Golden Horseshoe Plan Area, in accordance with the Growth Plan Schedule 2. While the Subject Lands are not within a Provincially Significant Employment Zone, they are designated for employment uses in the Regional and Local Official Plans.

Managing Growth

Section 2.2.1 of the Growth Plan identifies policies related to Managing Growth.

“2.2.1.2 Forecasted growth to the horizon of the Plan will be allocated based on the following:

- a) *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; and*
 - iii. *can support the achievement of complete communities;**

- c) *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.”**

The proposed developments for the Subject Lands satisfy the vision for growth within the Greater Golden Horseshoe by contributing to economic development and employment opportunities within a settlement area. The Subject Lands are located within the urban boundary, where growth is to be directed.

The Growth Plan states the following in **Section 2.2.1.4:**

- “2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:*
- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities;”*

The proposed developments for employment lands will diversify the land use mix in the area. The buildings will provide a high quality built form that will efficiently use municipal infrastructure.

Employment

Section 2.2.5 of the Growth Plan sets out policies related to Employment as follows:

- “2.2.5.1 Economic development and competitiveness in the GGH will be promoted by:*
- a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
 - b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
 - c) *planning to better connect areas with high employment densities to transit;*
 - d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

2.2.5.4 In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.”

The proposed development will make use of underutilized employment land by intensifying the Subject Lands and providing more employment opportunities on the parcels.

Water and Wastewater Systems

Section 3.2.7 of the Growth Plan provides the following policies related to Stormwater Management:

“3.2.7.2 Proposals for large-scale development proceeding by way of secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

- a) is informed by a subwatershed plan or equivalent;*
- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;*
- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and,*
- d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.”*

An FSR and SWM Report for each parcel was completed in support of the proposed developments, and identified that the existing sanitary infrastructure and water distribution system have the capacity to support the proposed developments. In addition, no stormwater quality control implementation measures will be required.

Gateway Economic Zone

Gateway Economic Zones are defined as: “settlement areas identified in this Plan within the zone that is conceptually depicted on Schedules 2, 5, and 6, that, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario.”

Section 2.2.5 ‘Employment’, subsection 18 states: “in recognition of the importance of cross-border trade with the United States, this Plan recognizes a Gateway Economic Zone and Gateway Economic Centre near the Niagara-United States border. Planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.”

The Subject Lands are within the ‘Economic Zone’ in the Niagara Region Official Plan. The proposed developments provide for employment use in the urban area of the City, close to the Canada-United States border, and is in the Gateway Economic Zone, protecting employment lands.

Conformity Statement

The Growth Plan guides development to achieve positive outcomes for the Region and City with respect to the economy, environment, and quality of life. It focuses on ensuring growth and development is directed to appropriate areas. The analysis above demonstrates how the proposed developments conform to and achieve the Growth Plan objectives by allowing for appropriate development that optimizes the underutilized parcels for employment use.

4.4 Niagara Region Official Plan

Beginning in 2014, the Region of Niagara started its Municipal Comprehensive Review to evaluate land needs to the year 2051 to accommodate the forecasted additional 214,000 residents and 81,000 jobs. The resulting New Niagara Region Official Plan (ROP) was approved by the Ministry of Municipal Affairs and Housing (MMAH) on November 4, 2022.

The ROP is the long-range community planning document used to guide the physical, economic and social development of the Niagara Region. It contains objectives, policies and mapping that implement the Region’s approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure. The planning horizon of the ROP is to 2051.

In the ROP, the Subject Lands have several designations, as summarized in **Table 3**.

Table 3: New Regional Official Plan Designations/Overlays

Schedule Title	Designation/Overlay
B: Regional Structure	Delineated Built-Up Area/Urban Area, Employment Area
C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems	Natural Environment System Overlay
C2 - Natural Environment System: Individual Components and Features	Significant Woodlands
G: Employment Area	Dynamic Employment Area, Niagara Economic Zone

Managing Urban Growth

Section 2.2.1 of the ROP outlines policies and directives for managing growth. The Subject Lands are within the Urban Area and Delineated Built-Up Area. Relevant policies are as follows:

"2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; a*

2.2.2.2 Within urban areas, forecasted employment growth will be primarily accommodated within the employment areas shown on Schedule B and Schedule G, and subject to the policies of Section 4.2."

The proposed developments will support the Region's goals for managing growth by intensifying municipally-serviced parcels of land through the addition of employment uses. The Subject Lands are located within an existing Urban Area, and proposing development within a designated Built-Up area and within an Employment Area, where development is intended. The proposed developments will increase employment opportunities and intensification within the Region, promoting a diverse and strong economy.

Planning for Employment

Section 4.2 of the New ROP identifies objectives and policies related to employment areas. It is important to note that the Region maps and develops policies for *employment areas*, whereas local municipalities map and develop policies for *employment lands*. **Section 4.2.1** identifies the different employment area types and target densities. The different employment area sub-groups are:

1. Core;
2. Dynamic; and
3. Knowledge and Innovation.

The Subject Lands are classified as a **dynamic employment area**, which is defined as follows:

"4.2.1.6 Dynamic employment areas are clusters of traditional and lighter industrial uses with a broader mix of employment uses including office parks and institutional uses that can function without limiting the viability of one another. A mix of complementary employment uses will be encouraged through development or redevelopment within dynamic employment areas that do not limit the ability for other employment uses within the employment area to grow or expand."

The Subject Lands are also within the **Montrose Road Industrial Area**, identified as NF-5 on Schedule G above. This area has a minimum overall density target of 20 jobs per hectare.

Section 4.2.4 identifies policies for locally identified employment lands. Policies relevant to the proposed development are as follows:

“4.2.4.1 The Region will support locally identified employment lands by:

a) planning for the intensification of employment uses;

4.2.4.8 Employment lands planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment lands in accordance with Section 6.2.

4.2.4.9 Local Area Municipalities should encourage intensification on designated employment lands, where appropriate, through zoning and economic development initiatives, including:

a) expansion to employment uses and/or land operations”

The proposed employment uses will aid the Region in meeting the Montrose Road Industrial Area employment target of 20 jobs per hectare through the intensification of the existing parcels of land. The Subject Lands are an appropriate location for the proposed employment developments, conforming to the employment policies of the ROP. The sites will make effective use of the existing municipal servicing of the site, and are promoting the continued use of existing employment lands that are currently underutilized.

Other relevant policies in **Section 4.2** are as follows:

“4.2.1.13 Employment areas will be promoted by aligning land use planning and economic development strategies to retain and attract investment.

4.2.1.14 Employment areas near major goods movement facilities and corridors associated with the movement of goods, such as international border crossings, the Welland Canal, rail and marine facilities, and Provincial highways, shall be protected and planned for employment uses.

4.2.1.16 Land use permissions approved through a secondary plan or equivalent process prior to the approval of this Plan shall continue to apply within employment areas.”

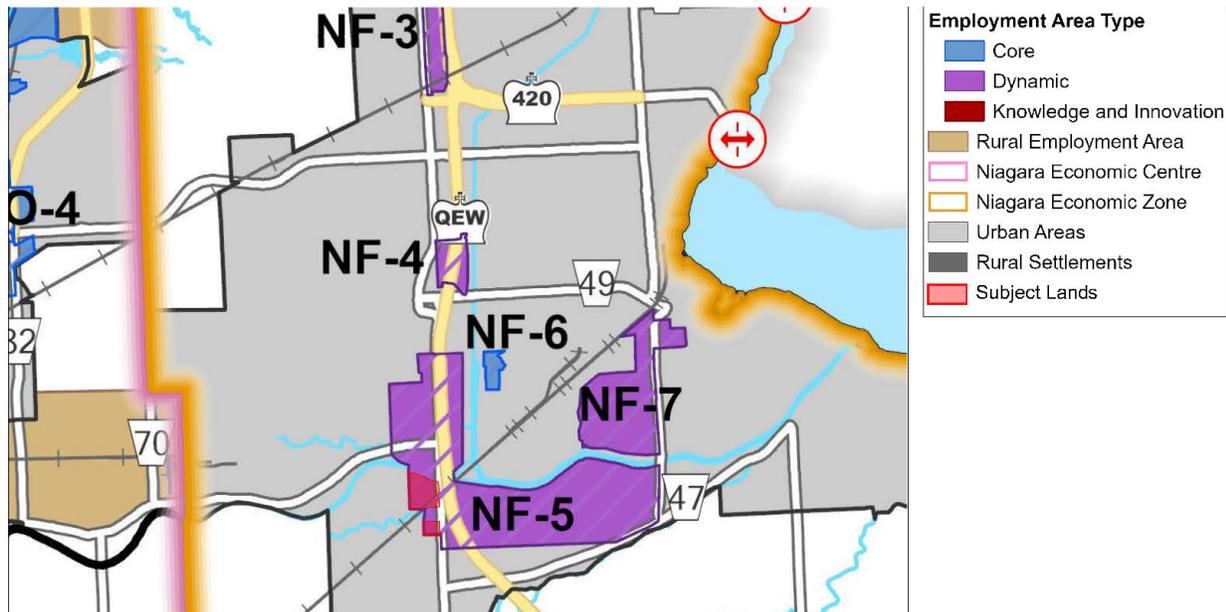


Figure 4: Niagara Region Official Plan, Schedule G - Employment Areas

As set out in the current ROP, the Subject Lands are within the *Niagara Economic Zone*. **Section 4.2.2** describes policies related to the Niagara Economic Centre and Niagara Economic Zone:

4.2.2.1 The Niagara Economic Gateway is comprised of the total geographic area of the Local Area Municipalities that are a part of the Niagara Economic Centre or Niagara Economic Zone, including all major goods movement facilities and corridors as shown in Schedule G.

4.2.2.2 The Region will work with the other levels of government to prioritize improvements to major goods movement facilities and corridors and planned corridors within the Niagara Economic Gateway to focus on development and redevelopment of major facilities, manufacturing, manufacturing-related and supply chain facilities, as well as support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.

4.2.2.3 Lands within the Niagara Economic Gateway are preferred for the identification of future employment areas and provincially significant employment zones.

The proposed developments retain and increase employment uses near major goods movement facilities and corridors (QEW Highway and CP rail line) and within the Niagara Economic Zone. The proposed developments reflect the intensification of existing employment lands. The Subject Lands are currently underutilized, and subject to the approval of the amendments, the lands will be used for the expansion of existing employment uses. The proposal will support much needed employment growth in the Region. The proposed developments will also require the severance of a larger employment property to accommodate the new employment uses. In addition, the lands are in close proximity to the QEW highway, allowing for ease of access to the site.

Natural Environment System

Section 3.1 of the New ROP identifies objectives and policies related to the natural environment system. “The natural heritage system is made up of features such as wetlands, woodlands, valleylands, and wildlife habitat, as well as components such as linkages, buffers, supporting features and areas, and enhancement areas. The intent of the natural heritage system is to preserve and enhance the biodiversity, connectivity, and long-term ecological function of the natural systems in the region”.

As identified on Schedule C-1, parts of the Subject Lands are designated ‘Natural Environment System Overlay’. Schedule C-2 designates the Subject Lands as ‘Significant Woodlands’. Applicable policies from Section 3.1 of the ROP include:

“3.1.5.3 Required within the Provincial natural heritage system is a 30 metre wide vegetation protection zone adjacent to significant woodlands, wetlands, as well as permanent and intermittent streams and inland lakes.

3.1.5.7.1 A proposal for new development or site alteration within 120 metres of any key natural heritage feature within a Provincial natural heritage system or any key hydrologic feature outside of settlement areas will require an environmental impact study and/or hydrological evaluation

The proposed development of Parcel B and C will have no adverse impacts on the surrounding natural heritage features. An Environmental Impact Study was completed for Parcel D which details the potential impacts of the proposed development on the natural heritage features both on site and adjacent. Mitigation measures including buffers are provided in the EIS to avoid and mitigate the potential impacts from the proposed development.

Conformity Statement

As highlighted throughout this section, the proposed developments are in conformity with the policies set out in the ROP. The ZBA is required to achieve conformity with the Region’s designations and policies applicable to the Subject Lands.

4.6 City of Niagara Falls Official Plan

The Official Plan for the Niagara Falls Planning Area is a document with a 20-year vision outlining long term objectives and policies of the City with respect to the growth and development of urban lands, the protection of agricultural lands and the conservation of natural heritage areas; and the provision of necessary infrastructure.

The Official Plan for the City of Niagara Falls intends to guide growth and development to the year 2031. During this planning period, the City’s population is expected to reach 106,800 with employment for 53,640 people. It is the intent of this Plan to focus new growth to accommodate these people and jobs in

a sustainable fashion that makes for an orderly and effective use of land and infrastructure, creates compact, livable communities and protects the City’s natural heritage and agricultural lands.

Parts 1-4 of the City of Niagara Falls Official Plan provides objectives, designations, guidelines, and policies applicable throughout the City. Part 5 of the Official Plan lays out the Secondary Plans that are applicable to denoted areas. In this section, Parts 1-4 of the plan will be analyzed, with the applicable Secondary Plan analyzed in the following section.

Table 4: Official Plan Designations/Overlays

Schedule Title	Designation/Overlay
A: Land Use Plan	Industrial
A-1: Natural Heritage Features and Adjacent Lands	Adjacent Land
A-2: Urban Structure	QEW Employment Corridor
A-4: GNSP Land Use	Prestige Employment Environmental Conservation Area Environmental Protection Area
B: Phasing Plan	Phase 1
C: Roads	<ul style="list-style-type: none"> ▪ Arterial Road: Montrose ▪ Collector Road: Grassy Brook Road
D: Community Planning Districts	Grassybrook

Part 1 – Plan Overview and Strategic Direction

The following growth objectives set out in the Official Plan are relevant to the Subject Lands:

- “1. To direct growth to the urban area and away from non-urban areas;*

- 5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review;*

- 6. To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review;*

- 12. To protect prime employment lands for the long term supply of employment in the Tourist Commercial and Industrial designations and to identify the Gateway Economic Zone.”*

The proposed developments adhere to these objectives by providing employment uses in the Urban Area, particularly the Gateway Economic Zone, protecting employment lands.

The following general policies are relevant to the Subject Lands:

“2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets

2.7 The City shall identify lands along the Queen Elizabeth Way to be protected for employment uses under the Gateway Economic Zone directive of the Province.”

The Subject Lands are within the Urban Area Boundary, with the proposed developments to be employment uses within the Gateway Economic Zone.

Part 2 - Land Use Policies

Section 8 – Industrial

The following general industrial policies are relevant to the Subject Lands:

“8.9 In any Industrial zone, industries shall comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants, such as dust, smoke, fumes, odours and other particulates, water quality, water quality control and waste control, including the quality and quantity of discharge and runoff.

8.12 Adequate vehicular access, off-street parking and loading facilities will be required in clearly defined areas for all development and redevelopment within Industrial zones.

8.13 Industrial property owners proposing to develop lands adjacent to existing industrial uses will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.”

Access to the new development on Parcel B is proposed through two driveways; one connecting to Montrose Road, and one connecting to Grassy Brook Road. Access to Parcel C is proposed via a driveway off Grassy Brook Road on the east side of the proposed building to provide access for parking, and a second access driveway will be located on the west side of the proposed building for the truck court area. Access to Parcel D is proposed by a new entrance off Montrose Road.

Section 8.7 of the Official Plan outlines the design guidelines for industrial areas.

“While urban design guidelines and architectural guidelines may be developed for individual secondary plan areas, the following general design principles should apply to employment lands:

8.7.1 Building facades that face the street should utilize architectural treatments. Blank walls are to be avoided in favour of windows, articulations and changes in building materials.

8.7.2 Buildings should have a consistent setback from the street.

8.7.3 Outside storage, where permitted by the secondary plan, should be located in rear or interior side yards only. Storage areas are to be screened from views from the street.

8.7.4 Parking areas will be limited in size and proportion. Parking areas shall be generously landscaped along any street.

8.7.5 Loading and service areas are to be located in the rear or interior side yards.

8.7.6 Access driveways to the street should be minimized. Where possible, abutting lots should use combined driveways.”

The Subject Lands will be designed in accordance with these required policies. For both parcels, the parking lots are to be surrounded by landscaped areas. There is no outdoor storage proposed for any of the new developments.

In addition to the general industrial policies, the lands are designated QEW Employment Corridor and are subject to the following policies:

“The intent of the QEW Employment Corridor policies is to assist in the capitalization of trade and the movement of goods and to protect these lands from conversion to non-employment uses. Moreover, the overarching goal of the policies is the establishment of employment uses on these lands that add to the overall diversity of employment in the City. This corridor, given its exposure and accessibility to the QEW, is well suited to the development of employment uses that require highway frontage. The lands that extend south of the Welland River have recently been serviced with municipal water and sanitary facilities, which have opened up these lands for the development of employment uses.”

“8.8.1 The lands within the QEW Employment Corridor are intended to provide a long term base for the future development of uses that require access and exposure to the QEW.

8.8.2 The QEW Employment Corridor shall be protected from conversion to, and encroachment from, non-employment uses.

8.8.3 These lands are to be targeted for manufacturing, warehousing, wholesaling and logistics uses. In addition, offices and large scale institutional uses that require QEW access are also to be permitted.

8.8.4 Retail that is ancillary to the principal use, is permitted to a maximum of 25% of the gross floor area of the principal use but shall not exceed 465 square metres.

8.8.5 Automotive uses, service commercial including restaurants, printing shops, fitness and recreation and convenience stores and other uses that do not require QEW exposure and access are not to be permitted.

8.8.6 Development of lands within the QEW Employment Corridor should be designed in accordance with the design principles in the PART 2, Section 8.7 of this Plan and provide an architectural and landscape design that promotes the gateway character of the Corridor.”

The proposed developments will conform to the QEW Employment Corridor policies by protecting and allowing for continued use of employment lands. The proposed uses for each site will fit within the permitted uses of the Prestige Employment designation.

Section 11 – Environmental Policies

Portions of the Subject Lands are designated as Adjacent Lands in Schedule A-1 Natural Heritage Features and Adjacent Lands in the Official Plan. As such, the following policies are applicable to the proposed development:

“11.1.5 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.

11.1.6 The Natural Heritage Policies shall apply when development or site alteration is proposed on lands within the City that are adjacent to a natural heritage feature identified within the Official Plan of a neighbouring municipality, the Niagara Region Official Plan or by the Ministry of Natural Resources.

11.1.11 To discourage interference with the function of a natural heritage feature or its buffer area, the proponent of new development located adjacent to a natural heritage feature may be required by the Department of Parks & Recreation, to construct a fence in compliance with the City's Development Guidelines.”

The Subject Lands are further designated Environmental Conservation Area and Environmental Protection Area on Schedule A-4. The following policies from Section 11.2 of the Official Plan are applicable to the Subject Lands:

“11.2.2 In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study.

11.2.13 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

11.2.15 Minor expansions to an existing legal non-conforming use within the EPA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. **Expansions that result in a substantial intensification in land use or increase in footprint shall require an Environmental Impact Study as part of a complete application.**

11.2.16 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. A 30m buffer is illustrated on Schedule A-1 for reference purposes.

11.2.22 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

11.2.24 Minor expansions to an existing legal non-conforming use within the ECA designation may be permitted through an application pursuant to the Planning Act where the City is satisfied that there will be no negative impact on a natural heritage feature or its ecological function. **Expansions that result in a substantial intensification in land use or an increase in footprint shall require an Environmental Impact Study as part of a complete application.**

11.2.27 It is the intent of the ECA designation to provide for the protection of natural heritage features while recognizing that the extent of the designation may be further refined through on site study. Where it has been demonstrated through an approved Environmental Impact Study that an area currently designated ECA does not meet the criteria for that designation, in whole or in part, the policies of the adjacent land use designation shall apply provided that the EIS has successfully demonstrated that the proposed use will not have an adverse impact on the features or functions of the remaining ECA or their adjacent lands. In such circumstances an amendment to this Plan is not required however the change shall be implemented through an amendment to the City's Zoning By-law."

The proposed developments will have no significant negative impact on the surrounding natural heritage features. During the pre-consultation meeting on October 7, 2021, it was determined that Parcels B and C, were not required to undertake an Environmental Impact Study (EIS). For Parcel C, the HDF Assessment identified management requirements to avoid negative impacts to the functions of the HDF. For Parcel D, the EIS undertaken recommended a number of mitigation measures to be addressed with the proposed development. A portion of Parcel C will also be zoned *Environmental Protection Area (EPA)* to carry forward the Environmental Protection Area designation on the Subject Lands.

Part 3 – Environmental Management

Section 5 – Urban Design Strategy

The following policies related to urban design strategies provide guidance to public and private developments within the city. The policies of interest to the Subject Lands are listed below:

5.1.1 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.

5.1.2 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.

5.1.5 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.

5.3.1 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.

5.3.4 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.

5.4 Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.

5.6 The City advocates high quality development through the preparation of secondary plans, community or neighbourhood plans and community improvement plans. The achievement of this goal shall also be assisted in the review and approval of subdivisions, zoning amendment applications and the utilization of site plan control.

5.6.1 Individual subdivisions and rezoning developments are to be coordinated through applicable secondary plans to ensure appropriate aesthetic qualities are attained

The Subject Lands, in accordance with these design policies, will provide for employment uses within the City that conform to the surrounding area context, are aesthetically pleasing, meet landscaping and parking requirements, and are of high quality design.

Part 4 – Administration and Implementation

Section 3 – Community Secondary Plans and Neighbourhood Plans

Secondary plans are land use, transportation and servicing policy plans for sub-areas of Niagara Falls that indicate in greater detail than the Official Plan, how the policies and land use designations of the Official Plan are to be implemented in a particular area. Secondary plans shall generally detail the following items.

“3.3.1 The overall population capacity of the community related to road and service infrastructure.

3.3.2 Identify the location of major engineering services and public utilities.

3.3.3 The location and areas of various residential densities.

3.3.4 The needs of the residents of the community, including access to parks and open space, schools, convenience opportunities for shopping, employment and energy conservation.

3.3.5 The road pattern, including existing and proposed arterial, major collector, collector roads and local roads and where required, the general location of controlled access highways.

3.3.6 The environmental constraints to development and particularly recognizing important natural heritage features and areas of hydrological significance.”

The Subject Lands are subject to the policies of the Grand Niagara Secondary Plan. The Secondary Plan will be explored in detail in section 4.7 of this report.

Section 8 – Consent Policies

“8.1.1 Consents may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed considering the public services available and conformity to the provisions of the Zoning Bylaw.

8.1.2 Consents may be permitted for a minor boundary adjustment, easement or right-of-way.

8.1.3 Consents will only be permitted when the land fronts on a public road which is of an acceptable standard of construction.

8.1.4 In no case should the future development of rear lands be prejudiced as a result of a severance. Regard should be had to servicing requirements and for the need to reserve adequate future street access points to rear lands.

8.1.5 Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, the severance of land will create a building envelope which will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodlot areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage System for lands located within or adjacent to a designated natural heritage resource is required."

The Owner intends to apply for consent to sever the proposed development area from Parcel C (9127 Montrose Road), and to sever the proposed development area from Parcel D (9515 Montrose Road). Parcel B is a separate parcel and does not require a severance. With regard to the potential need for an EIS, it was determined that an EIS was only required for Parcel D, which was included with this application.

4.7 Grand Niagara Secondary Plan

In 2018, the City of Niagara Falls adopted Official Plan Amendment No. 118, the Grand Niagara Secondary Plan (GNSP), with subsequent approval by Niagara Region. The plan establishes a new detailed land use and policy framework to guide development in the plan area, which includes lands north of Biggar Road, south of Welland River, east of Crowland Avenue and west of the QEW. The lands comprise an area of approximately 330 hectares (815 acres). The area currently contains a golf course, several residential uses along Grassy Brook Road, employment uses along Montrose Road and the Canadian Pacific (CP) rail line running from the southwest corner of Crowland and Biggar, northeastward to the QEW and Welland River.

It should be noted that during the background study review phase of the secondary planning process, the consultants undertaking the Environmental Impact Study prior to the Secondary Plan's adoption, excluded any lands designated employment use.

The Plan has been incorporated within the City of Niagara Falls Official Plan as Part 5 Secondary Plans, Section 3 Grand Niagara Secondary Plan.

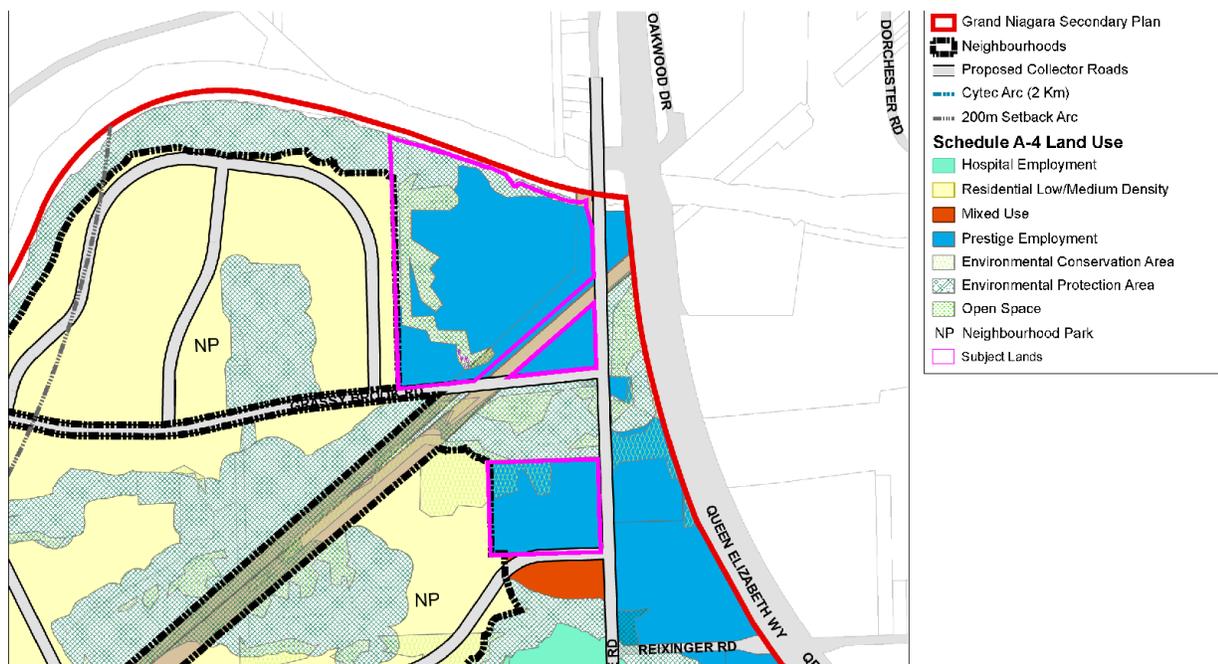


Figure 5: Niagara Falls Official Plan, Schedule A-4 - Grand Niagara Secondary Plan

As identified in Schedule A-4, GNSP Land Use, of the Official Plan, the Subject Lands are designated Prestige Employment, Environmental Protection Area and Environmental Conservation Area. In addition, the following table identifies the applicable land use designations identified in the Grand Niagara Secondary Plan appendices:

Table 5: Grand Niagara Secondary Plan Designations/Overlays

Appendix Title	Designation/Overlay
A-4: GNSP Land Use	Prestige Employment Environmental Conservation Area Environmental Protection Area
Appendix IX-A Grand Niagara Urban Structure Plan	<ul style="list-style-type: none"> ▪ Lands within the Built-up Area ▪ Employment Area ▪ Natural Heritage System
Appendix IX-B Grand Niagara Development Phasing Plan	Phase 4
Appendix IX-E Grand Niagara Active Transportation Plan	<ul style="list-style-type: none"> ▪ Proposed multi-use trail along Grassy Brook Road ▪ Proposed cycling network along Grassy Brook Road ▪ Arterial Road: Montrose ▪ Collector Road: Grassy Brook Road
Appendix IX-F Grand Niagara Proposed Sanitary Sewers	<ul style="list-style-type: none"> ▪ Existing gravity sewer along Grassy Brook Road ▪ Existing force-main along Montrose Road

The Secondary Plan lists nine principles which are to guide new development. Of relevance to the Subject Lands are:

"1. Promote the responsible use of resources; to encourage the responsible use of resources to ensure long-term sustainability, reduce greenhouse gas emissions, and reduce demands on energy, water, and waste systems.

7. Create employment opportunities; the provision of employment opportunities within the Secondary Plan Area is essential to creating a complete community.

8. Manage growth; to manage growth over time in a manner that respects existing residents, is logical, efficient and cost-effective, balanced with employment opportunities, and is reflective of the financial and administrative capabilities of the City of Niagara Falls and Niagara Region.

9. Promote green infrastructure and building; to promote leadership in sustainable forms of green technologies and building design that is architecturally attractive, accessible, energy efficient, and environmentally healthy for future residents and occupants."

The Subject Lands provide employment opportunities that will diversify the land use mix in the surrounding area. The buildings will provide a high quality built form that will efficiently use municipal infrastructure. The developments will be designed in a manner that is attractive, accessible, while also conforming to the design of surrounding developments.

Section 1 – General Policies

Phasing

The lands are designated Phase 4 as per Appendix IX-B of the GNSP.

Section 1.4 of the GNSP contains policies relating to phasing. Of relevance are the following policies:

"1.4 The City and Region shall carefully monitor residential growth within the Grand Niagara Secondary Plan Area. Development Phasing will be established based on population growth over time, in accordance with, and in conjunction with the ability of the developers, City, and Region to pay for their respective responsibilities of infrastructure development costs as required.

1.4.1 This Secondary Plan shall achieve a population range of approximately 3,500 to 4,300 people and provide approximately 3,600 jobs.

1.4.2 Growth shall occur in an orderly and phased manner. The phasing strategy for the Secondary Plan Area is shown on Development Phasing Plan (Appendix IX-B)

- *The integration of new development within the planned community structure of this Secondary Plan, resulting in a more contiguous, connected, and compact urban form*
- *The provision of adequate municipal services (water, sanitary, stormwater) to accommodate the proposed growth in a cost-efficient manner; and the ability of new growth to facilitate the provision of municipal services to existing privately serviced areas within the Urban Boundary;*

- *The provision of appropriate transportation facilities, and the availability of adequate capacity on the existing road network;*
- *If one or more of these factors cannot be addressed to the satisfaction of the City and Region, the processing and/or approval of development applications may be held in abeyance, or deferred, until an appropriate service level or facilities can be provided."*

Stormwater Management Plans have been prepared for all parcels to mitigate the impacts due to the proposed developments. LID measures and an OGS unit are proposed to address site water balance and water quality. The existing sanitary infrastructure and water distribution system has the capacity to support the proposed developments. The TIA indicates that there are critical movements at the Montrose Road intersections with Grassy Brook Road and Biggar Road/Lyons Creek. In order to address the capacity issue identified, a number of recommendations have been provided, such as waiting to construct the driveway from Montrose Road to Parcel B until the improvements to Montrose Road are completed.

Employment

As per Appendix IX-A of the GNSP, the Subject Lands are designated employment area and are subject to the following provisions.

"1.8.1 Mixed Use and Employment development may proceed at any time subject to the provision of appropriate municipal services, transportation infrastructure, and required approvals.

1.8.3 Employment Area designations are identified on the Urban Structure Plan (Appendix IX-A) and are expected to generate approximately 3,600 jobs, including existing jobs. This development yield is based on a minimum gross density of approximately 30 jobs per gross hectare for the Employment Areas both within the Built-up Area and in the Greenfield Area.

1.8.4 Employment land development is encouraged to proceed concurrently with residential development in order to create the opportunity to live and work in the same community. Retail and service commercial uses are also encouraged to develop concurrently with residential development to provide residents with shopping and services in proximity.

1.8.5 The location of the QEW along the eastern edge of the Secondary Plan Area has the potential to enhance the area's accessibility and attractiveness as both a place to live and as a place to locate an industry or business. With this long-term potential in mind, subsequent reviews of this Secondary Plan should consider the Regional allocation of employment projections - both in terms of the amount and the type of employment - to this Secondary Plan Area to accommodate additional employment opportunities, including the substantial potential of the planned Regional Hospital."

The redevelopment of the Subject Lands will provide for additional employment uses and opportunities in the Grand Niagara Secondary Plan area. The Subject Lands are in close proximity

to the QEW, allowing for an ease of access to a major corridor. The developments will generate jobs, helping meet the City’s targets for growth within the built-up area.

Section 3 – Land Use

Employment Designation

As per Appendix IX-A of the GNSP, the Subject Lands are designated employment area and are subject to the following provisions. Lands designated Employment promote employment uses, supportive uses and transit supportive mixed use development.

“3.2.1 The following are uses permitted within the Employment Designation:

- i. Offices;*
- ii. Medical clinics;*
- iii. Government services and training facilities*
- iv. Facilities for the research, development, and production of alternate energy sources;*
- v. Prestige industrial uses, including laboratories, research and development facilities, communications/telecommunications facilities, and manufacturing and processing of semi-processed or fully processed materials deemed not to be obnoxious by reason of dust, odour, fumes, particulate matter, noise and/or excessive vibrations and are considered Class 1 industries in accordance with the MOECC Guidelines; and,*
- vi. Ancillary retail and commercial uses, which may be up to 25% of the gross floor area of the principal use but shall not exceed 450 square metres in gross floor area and only where internally integrated as a component of the employment use.*

3.2.2 A limited amount of ancillary uses may be permitted in the Employment Designation provided they are designed to primarily serve the local businesses and that ancillary uses collectively do not exceed 20% of total gross land area in the Employment Designation.

3.2.4 Development on fully serviced employment lands shall be compact and achieve an average minimum density of 30 jobs per hectare in both the Built-up area and the Greenfield area. Densities will be monitored by the City as lands develop.

3.2.5 Employment uses shall be developed in accordance with the following design criteria:

- i. Loading and servicing areas should be located in the rear yard of the lot and screened from view through built form and landscaping;*
- ii. Buildings shall front onto, and have a consistent front yard setback;*
- iii. Buildings should be sited and massed consistently,*
- iv. Front and exterior side yards should have a minimum landscaped area of 6 metres, except along Montrose Road a minimum landscaped area of 12 metres in width should be provided;*
- v. Parking areas shall be located at the rear of the building, away from the public street frontage. Parking areas shall be designed to incorporate vegetative islands; and,*

vi. Structured or underground parking is encouraged, where feasible.

3.2.7 Compatible and context sensitive building, site, and streetscape design, higher design standards shall be applied to properties visible from Arterial and Collector Roads, or where having exposure and visibility to the Queen Elizabeth Way (QEW); and on properties adjacent to, or across a road, from a residential, commercial or park use, a large scale public institutional use, or other sensitive land uses.

3.2.9 The number of access points from individual lots to public roads shall be minimized. Shared access and internal connection between multiple lots is encouraged.

3.2.11 Employment generating land uses shall be easily accessible by vehicle, transit, bicycle, and walking.

3.2.12 Flexible and adaptable street patterns, building design, and siting shall consider future redevelopment and intensification opportunities.

3.2.14 Best practices for waste management through on-site separation and storage for all recyclables shall be utilized.

3.2.15 Parking areas shall include preferential parking spaces for low-emitting and fuel-efficient vehicles and carpools or vanpools serving employees.

3.2.16 All new development within the Employment Designation shall be consistent with the Grand Niagara Urban Design Guidelines.

The proposed developments will provide for employment uses, helping to achieve the City's targets for employment growth. The Subject Lands are fully serviced through municipal infrastructure. The design of the sites is compatible with the surrounding uses, is aesthetically pleasing, meets landscaping and parking requirements, and will be of a high quality design. Further details of the developments will be assessed through the site plan process.

Environmental Protection Area and Environmental Conservation Area

As identified in Schedule A-4, GNSP Land Use, the Subject Lands are designated Environmental Protection Area (EPA) and Environmental Conservation Area (ECA). General EPA and ECA policies are provided in Section 3.6 of the Secondary Plan and include:

"3.6.1 An Environmental Impact Study is required for the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation. Adjacent lands are defined as:

- 15m from NPCA Regulated Wetlands less than 2ha in size and creeks outside the flood plain;*
- 30m from Non-Provincially Significant Wetlands; 5-111 City of Niagara Falls Official Plan*

- 50m from Provincially Significant Life ANSIs, Earth and Life Science ANSIs and Significant Woodlands; and,
- 120m from Provincially Significant Wetlands and NPCA Regulated Wetlands greater than, or equal to, 2 ha.

3.6.2 The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.

3.6.3 A holding provision may be utilized through the City's Zoning By law to require the completion and approval of an environmental impact study prior to any development or site alteration on adjacent lands. The Niagara Peninsula Conservation Authority shall be consulted regarding the removal of any Holding provisions."

Section 3.7 of the Secondary Plan details the policies for Environmental Protection Areas:

"3.7 The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life Science ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.

3.7.3 A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not permitted. Expansion, alteration or the addition of an accessory use in relation to an existing use within the buffer may be permitted, subject to an approved EIS, where:

- the expansion or accessory use is not located closer to the edge of the provincially significant wetland than the existing use; and
- the expansion or accessory use cannot be located elsewhere on the lot outside of the designated buffer area."

Section 3.8 of the Secondary Plan details the policies for Environmental Conservation Areas:

"3.8 The Environmental Conservation Areas designation contains significant woodlands, significant valleylands, significant wildlife habitat, fish habitat, significant Life and Earth Science ANSIs, sensitive ground water areas, and locally significant wetlands or NPCA wetlands less than 2ha in size.

3.8.3 It is the intent of the ECA designation to provide for the protection of natural heritage features while recognizing that the extent of the designation may be further refined through on site study. Where it has been demonstrated through an approved Environmental Impact Study that an area currently designated ECA does not meet the criteria for that designation, in whole or in part, the policies of the

adjacent land use designation shall apply provided that the EIS has successfully demonstrated that the proposed use will not have an adverse impact on the features or functions of the remaining ECA or their adjacent lands. In such circumstances an amendment to this Plan is not required however the change shall be implemented through an amendment to the City's Zoning By law."

During the pre-consultation meeting on October 7, 2021, it was determined that Parcels B and C, were not required to undertake an Environmental Impact Study (EIS). For Parcel C, the HDF Assessment identified management requirements to avoid negative impacts to the functions of the HDF. An Environmental Impact Study was completed for Parcel D which details the potential impacts of the proposed development on the natural heritage features both on site and adjacent. The EIS undertaken recommended a number of mitigation measures to be addressed with the proposed development, such as buffers to be provided to mitigate the potential impacts that the development with pose. A portions of Parcel C is proposed to be zoned *Environmental Protection Area (EPA)* to align with the designations of the GNSP.

Overall, the proposed development of Parcel B and C will have no adverse impacts on the surrounding natural heritage features, while the potential impacts of Parcel D will be mitigated. The proposed Zoning By-law Amendment for the Subject Lands will maintain the Environmental Protection Area and Environmental Conservation Area designations, while the mitigation measures proposed will ensure the protection of these areas.

Section 4 – Infrastructure

Arterial Roads

The following policies shall apply to Arterial Roads:

4.1.5.1 An increase in width of Arterial Roads from their current width shall be concurrent with development, subject to the confirmation that the Development Charge revenue generated at the time being sufficient and that the work qualifies under the Regional Development Charge By-law.

4.1.5.2 Arterial Road right-of-way widths shall be designed in accordance with the City and Region Official Plans, the Regional Transportation Master Plan, and the Region's Complete Streets Design Guidelines.

4.1.5.3 Driveway access to Arterial Roads shall be limited. On corner lots, driveway access shall only be provided on the lesser order road frontage.

4.1.5.4 Back-lotting or reverse lot frontages shall be avoided and not considered unless demonstrated to be the only alternative.

4.1.5.5 All development within the Secondary Plan Area that directly abuts an Arterial Road or the QEW shall provide appropriate buffering, landscaped open space, and shall consider the aesthetic function of the corridor.”

Appropriate buffering and landscaping will be considered in the design of the site to minimize the impact of the developments on the surrounding arterial road.

Collector Roads:

“4.1.6 Collector Roads are to provide for the conveyance of traffic through the community and to provide for future transit routes.

4.1.6.2 Grassy Brook Road will be extended west from Montrose Road to the terminus east of Morris Road, west of the boundary of the Secondary Plan Area, to provide for a continuous east west Collector Road and an alternate emergency exit.”

The Subjects Lands have frontage onto Grassy Brook Road and will be impacted by the extension.

Section 5 – Implementation

“5.7 Development in the Secondary Plan is to proceed based on the restoration and compensation agreement executed between the City and the landowner and the associated Letter of Credit.

5.9 Stage 1 and 2 Archaeological Assessments are required for all lands within the Secondary Plan, due to proximity (within 300m) to watercourses such as the Welland River and feeder creeks/streams.

5.10 Additional studies may be required based on the requirements of other agencies having jurisdiction.”

As a part of the Zoning By-law Amendment application, Stage 1-2 Archaeological Assessments were undertaken for both parcels. No archaeological resources were observed during the assessments.

4.8 City of Niagara Falls Zoning By-law

The Subject Lands are zoned *Rural Agricultural (RA)* and *Shopping District (C2)*, in accordance with Zoning By-law 1538 (1958), as amended by By-law 82-20 for the former Township of Crowland, now in the City of Niagara Falls. The current zoning for the property represents regulations from 1958 and are not in conformity with the City of Niagara Official Plan land use designations for the Subject Lands.

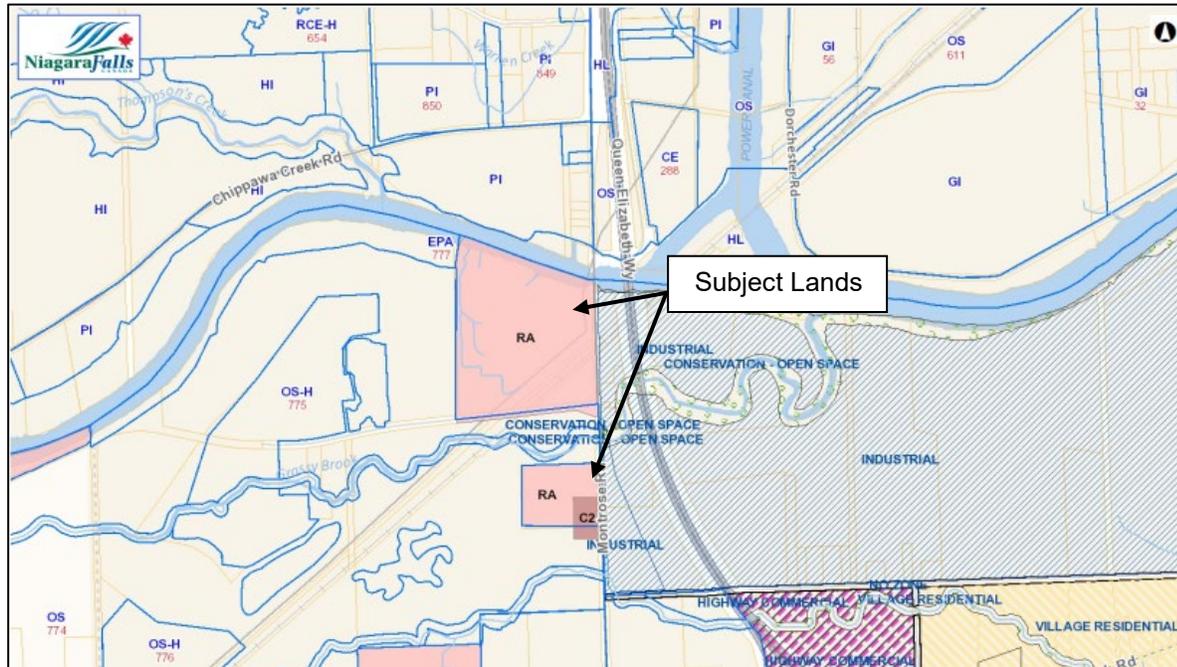


Figure 6: City of Niagara Falls Zoning By-law

Current Zoning: Rural Agricultural (RA)

Permitted Uses in the RA Zone are as follows:

- Single family detached
- Animal hospitals
- Veterinary establishments
- Farm machinery storage
- Farm vehicle storage

Requirements for the RA Zone are summarized in **Table 6** below:

Table 6: RA (Rural Agricultural) Zone Provisions

Zone Provision	Required by RA Zone
Lot Frontage	100 feet (minimum)
Lot Area	3.0 acres (minimum)
Yard Requirements	<ul style="list-style-type: none"> • Front yard: 60 feet (minimum) • Rear Yard: 40 feet (minimum) • Side Yard: 15 feet (minimum)
Ground Floor Area	950 feet (minimum)
Total Floor Area	1200 feet (minimum)
Coverage	15% (maximum)

Current Zoning: Commercial District (C2)

The southeastern portion of Parcel D is zoned Commercial District (C2). Permitted uses are as follows:

- All uses permitted in C1 Districts:
 - Dwellings over stores
 - Retail stores
 - Eating establishments
 - Service Stores
 - Dry cleaning and laundry collecting stations
 - Bake shop
 - Caterer
 - Delicatessen
- A commercial lending library
- A photographer’s studio
- A photographer’s or tailor’s or dressmaker’s shop
- A spotting and stain removing establishment
- A car washing establishment
- An automotive service station
- A bowling alley
- Business offices

Requirements for the C2 Zone are summarized in **Table 7** below:

Table 7: C2 (Shopping District) Zone Provisions

Zone Provision	Required by C2 Zone
Floor Area of Dwelling Unit	Minimum 600 square feet for each dwelling unit but not more than 50 percent of the ground floor area of the building may be erected or used for this purpose.
Yard Requirements	<ul style="list-style-type: none"> • Front yard: 40 feet (minimum) • Rear Yard: 25 feet (minimum) • Side Yard: not required except where a Shopping District flanks any other district a minimum side yard of 25 feet shall be provided.

Proposed Zoning: *Prestige Industrial (PI)*

The ZBA prepared in support of the proposed development requests a change in zone classification from RA to Prestige Industrial (PI) for the entirety of the Subject Lands, with the exception of the Environmental Protection Areas on Parcel C (these will be zoned EPA) and the existing C2 Zone on Parcel D which will be carried forward. The ZBA will bring the lands into **Zoning By-law 79-200** as requested by the City. The ZBA will also bring the Subject Lands into alignment with its Prestige Employment designation in the Official Plan.

Permitted uses in the PI Zone are as follows:

- Manufacturing, compounding, processing, packaging, crating, bottling, assembling of raw or semi-processed or fully processed materials, and further provided that no such use is dangerous,

obnoxious or offensive by reason of the presence, emission or production of odour, smoke, noise, gas fumes, cinders, vibration, radiation, refuse matter or water carried waste

- Car rental establishment, truck rental establishment
- Car wash
- Cold storage plant
- Commercial printing and associated services establishment
- Consulting engineering office
- Ice manufacturing plant
- Laboratory - experimenting, commercial or testing
- New car agency
- Nursery for trees, shrubs, plants
- Public garage, mechanical
- Used car lot
- Warehouse
- Wholesale establishment
- Winery
- Adult entertainment parlour, subject to the provisions of section 10.5 2002-201
- Body-rub parlour, subject to the provisions of section 10.5 2002-201
- An office which is an accessory use to one of the foregoing permitted uses.

The zoning provisions of the PI Zone are summarized in **Table 8**.

Table 8: PI (Prestige Industrial) Zoning Provisions

Zone Provision	Required by PI Zone
Lot Frontage	<ul style="list-style-type: none"> • 30 metres (minimum)
Lot Area	<ul style="list-style-type: none"> • 2000 square metres (minimum)
Yard Requirements	<ul style="list-style-type: none"> • Front yard: 10 metres (minimum) • Rear yard (where the rear lot line does not abut a residential zone): 7.5 metres • Interior side yard: 3.5 metres (minimum) • Exterior side yard: 7.5 metres (minimum)
Height Requirements	<ul style="list-style-type: none"> • Height: 12 metres (maximum) • Height of exterior walls: 2.5 metres above the elevation of the finished ground level at the mid point of the wall in question (minimum)
Coverage	<ul style="list-style-type: none"> • Lot coverage: 60% (maximum) • Landscaped open space (interior lot): 67% of the required front yard (minimum)
Parking and Access	<ul style="list-style-type: none"> • Plant, factory, warehouse and transportation terminal: 1 parking space for each 90 square metres of floor area
Loading Area	<ul style="list-style-type: none"> • Up to and including 2,300 sq. m: 1 • Over 2,300 sq. m but not exceeding 3,700 sq. m: 2
Abutting Railways	<ul style="list-style-type: none"> • Where any lot line abuts a railway right-of-way, no side yard or rear yard or landscaped open space shall be required on that portion of a lot contiguous to the portion of the lot line which abuts the railway right-of-way
Outside Storage	<ul style="list-style-type: none"> • No person shall use any part of the front yard or exterior side yard of any lot line for the purpose of outside storage

External Design	<ul style="list-style-type: none"> • The front exterior walls of any such building shall consist of stone, brick, architectural reinforced concrete, profile type concrete masonry units, glass and metal combinations, or any combination thereof. The front 6 metres of each side exterior wall of any such building shall consist of any of the foregoing or of masonry, architectural metal, asbestos cement or material of similar standards provided that where a side exterior wall faces an abutting street it shall consist of the same materials prescribed for the front exterior wall of such building.
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A full breakdown of the Prestige Industrial zone provisions in comparison with the proposal details has been included as a Zoning Compliance Table in **Appendix B**.

As outlined in Section 3.3, the following additional permitted uses are requested in the ZBA to recognize the existing uses on Parcel C and D and to align the zoning with the permitted uses for the Employment designation in the GNSP:

- Office
- Clinic
- Laundry Plant
- Recreational Uses
- Health Centre
- Service Shop
- Personal Service Shop

A laundry plant would be considered a prestige industrial use. A Service Shop and a Personal Service Shop would be permitted as an ancillary use to support the employment area designation.

For Parcel B, a reduced front yard of 3 metres + 13.1 metres from the centerline of the road allowance and an exterior side yard of 3 metres is requested to accommodate the proposed development and the efficient use of land given the irregularity of the lot created by its triangular geometry and the presence of a rail line along the rear property line. The reduced setbacks maintain the intent of the design criteria set out in Policy 3.2.5 of the GNSP that buildings shall front onto and have a consistent front yard setback, should be sited and massed consistently, and parking areas shall be located away from the public street frontage.

For Parcel D, a reduced minimum landscaped open space for an interior lot of 60% of the required front yard is requested to accommodate the proposed development. The reduction is minor in nature and does not detract from the overall design of the site.

Site-specific parking rates are requested for Parcels B and D to accommodate the proposed developments. As the Zoning By-law identifies different parking requirements for the different uses permitted in the Prestige Industrial Zone and the additional uses requested through the ZBA, site-specific parking rates will protect the current proposed concepts and parking rates while the uses and tenants are being determined.

Proposed Zoning: Environmental Protection Area (EPA)

The ZBA prepared in support of the proposed development also proposes to rezone a portion of Parcel C as *Environmental Protection Area (EPA)* to align with the Official Plan designations applicable to the Subject Lands.

Permitted uses in the EPA Zone are as follows:

- Conservation use
- Existing agricultural use
- Wildlife management
- Works of a Conservation Authority

No buildings or structures are permitted in the EPA Zone unless for flood control purposes in accordance with the regulations of the Conservation Authority having jurisdiction or appropriate government agency. The ZBA has been written to permit the existing development within the EPA. The proposed development of Parcel C will conform to the provisions of the EPA Zone.

The proposed change in zoning will implement the Employment designation of the Region and City's Official Plans and maintain the Environmental Protection Area. The proposed development will create employment opportunities and support the efficient use of infrastructure. The change will also help the City achieve employment growth, as set out by the Growth Plan. The site-specific provisions are required to recognize the existing use of the ES Fox Limited operations and the potential uses for Parcels B and C as well as the existing uses on Parcel D. Site-specific provisions are also required to permit reduced front yard and exterior side yard depths for Parcel B.

4.9 Grand Niagara Secondary Plan Urban Design Guidelines

The GNSP outlines the following design guidelines for employment uses:

"3.2.5 Employment uses shall be developed in accordance with the following design criteria:

- i. Loading and servicing areas should be located in the rear yard of the lot and screened from view through built form and landscaping;*
- ii. Buildings shall front onto, and have a consistent front yard setback;*
- iii. Buildings should be sited and massed consistently,*
- iv. Front and exterior side yards should have a minimum landscaped area of 6 metres, except along Montrose Road a minimum landscaped area of 12 metres in width should be provided;*
- v. Parking areas shall be located at the rear of the building, away from the public street frontage. Parking areas shall be designed to incorporate vegetative islands; and,*
- vi. Structured or underground parking is encouraged, where feasible.*

3.2.7 *Compatible and context sensitive building, site, and streetscape design, higher design standards shall be applied to properties visible from Arterial and Collector Roads, or where having exposure and visibility to the Queen Elizabeth Way (QEW); and on properties adjacent to, or across a road, from a residential, commercial or park use, a large scale public institutional use, or other sensitive land uses."*

The proposed developments have regard for the design criteria set out in the GNSP. The loading area for the building on Parcel C is screened with a powered gate and a landscape screen. All buildings have consistent front yard setbacks, and the front and exterior side yards (where applicable) support the provision of landscaped area. The parking areas have been designed to minimize their impact along the public street frontage, and incorporate landscaped areas and vegetative islands. The parking area for Parcel B, which is located at the intersection of Grassy Brook Road and Montrose Road, is located at the rear of the buildings and away from the public street frontage.

The proposed building on Parcel C has a consistent massing with a façade that provides visual interest through the selection of two different colours of steel insulated panels for the exterior walls and a large glass main entry covered by a structural steel canopy. The facades of all buildings on Parcels B and D have a two-tone colour design and a canopy that spans the length of the building. Each unit is delineated by the use of glazing and signage above the canopy.

The GNSP Urban Design Guidelines identify employment uses fronting onto Montrose Road and Grassy Brook Road, and highlights the following objectives:

- *To be developed at a scale which will result in a pleasant pedestrian experience.*
- *To address the community gateway.*
- *To be compatible with adjacent uses through the break down of building massing.*

Relevant guidelines include:

"7. Entrances to buildings should be articulated and connected to the street sidewalk.

9. Parking should be located at the rear of buildings, and where parking abuts the street, a generous landscape edge should be developed."

The proposed developments of Parcels B, C, and D incorporate all applicable design guidelines from the GNSP Urban Design Guidelines and will embody a high quality of design and regard for surrounding area context.

For Parcel C, the proposed glass front entrance with canopy are designed at an appropriate scale and wraps around the southeastern corner of the site to facilitate a pleasant experience for those entering and exiting the building from the driveway and the parking lot. The design supports compatibility with adjacent uses by providing generous provisions of landscaped area and incorporating an appropriate setback from Grassy Brook Road. The design is also complimentary

to the existing red brick building on the Subject Lands through the chosen materials and building height.

For Parcels B and D, the buildings will have glass entrances and windows along the ground floor and mezzanine levels, breaking up the two-tone façade and giving the buildings an open and inviting design. Walkways are to be provided from the parking lots to the building entranceways, allowing for ease of access. The facades of the buildings shall have a two-tone colour design, which is compatible with the existing use of the Subject Lands and with the proposed development of Parcel C. The parking areas for the proposed developments have been designed to minimize their impact along the public street frontage, and incorporate landscaped areas and vegetative islands. The parking for Parcel B is located wholly to the rear of the site, while the majority of the parking for Parcel D is located to the rear.

4.10 Niagara Region Model Urban Design Guidelines

The Niagara Region Model Urban Design Guidelines (2005) apply to the proposed developments. The proposed developments support a number of the Region's Smart Growth Principles, including promoting compact built form and directing development to existing communities by intensifying underutilized parcels of land in an area slated for development.

Guidelines for industrial development are found in Section 4e of the Model Urban Design Guidelines.

The following design principles are applicable to the proposed developments:

- “4e.1 1. Sensitive Interfaces: Industrial uses should be separated and buffered from adjacent natural heritage areas, open spaces and residential areas. The location and quantity of parking areas and storage areas should be limited to minimum requirements and screened appropriately.*
- 4e.1 2. Sustainable Design: Site and building design should address sustainability principles. Development should respect the natural environment through appropriate design and location of infrastructure and buildings. Natural features should be preserved and incorporated into industrial area developments as key site features.*
- 4e.1 3. Enhanced Gateways: Building at high profile gateway locations, such as entrances to industrial areas, should be designed to give prominence to the location and a sense of prestige to the areas. The location of buildings should generally provide continuity and enclosure to the street and open space network.”*

The proposed development of Parcel B and C will have no adverse impacts on the surrounding natural heritage features. An Environmental Impact Study was completed for Parcel D which

details the potential impacts of the proposed development on the natural heritage features both on site and adjacent.

The design of each building will be of a high quality and reflect a sustainable and resilient design to address climate change. The parking areas for the proposed developments have been designed to minimize their impact along the public street frontage and incorporate landscaped areas and vegetative islands.

The proposed developments achieve the following general elements as outlined in *Section 4e.2*:

- “4e.2 a) Building placement, massing and landscape features should provide a high level of design to reinforce the focal point of industrial areas.*
- 4e.2 b) In order to maintain a reasonable transition between buildings in industrial areas, a maximum building height of five storeys should be maintained. Buildings taller than five storeys should be examined on an individual merit basis.*
- 4e.2 h) Building facades that are visible from the street should apply some amount of architectural expression beyond blank, single material walls. Treatments could include colour and material variations, windows and articulations in the wall plane.*
- 4e.2 k) Loading and service areas should be screened from public view through architectural screening, landscape buffering or a combination of such treatments.”*

The proposed development of Parcel C will consist of a single-storey building with a mezzanine, while Parcels B and D propose 2-storey buildings; the proposed developments are within the height requirement. The facades of all buildings on Parcels B and D have a two-tone colour design and a canopy that spans the length of the buildings, providing a high level of design and architectural expression. The building on Parcel C has been designed with two different colours of steel insulated panels; a large glass main entry covered by a structural steel canopy and parapet walls clad with aluminum composite panels and upper windows.

Loading docks are proposed for Parcel C. The docks are to be located to the rear of the building, as depicted on the site plan. A 10 metre landscape buffer, a landscape screen, and a retaining wall will be incorporated to maintain low visibility of the loading area.

4e.4 Site Access and Circulation

- “4e.4 b) Where parking, loading and service requirements are substantial, a separate entrance driveway and service access driveway should be provided.”*

The loading area proposed for Parcel C has its own separate entrance off of Grassy Brook Road.

4e.6 Outdoor Storage & Service Areas

"4e.6 a) Loading docks should be located outside storage and service areas of low visibility such as the side or rear (non-street side) of buildings."

As noted, loading docks to the rear of the site are proposed for Parcel C. A 10 metre landscape buffer, a landscape screen, and a retaining wall will be incorporated to maintain low visibility of the loading area.

The design guidelines for off-street surface parking are detailed in Section 4f of the Niagara Region Model Urban Design Guidelines.

4f.1 Design Principles

"4f.1 1. Scale: Off-Street Surface Parking should be configured and designed to reduce the overall mass and visual dominance of paved areas."

"4f.1 2. Positive Appearance: Off-Street Surface Parking should be designed to provide a strong visual quality through the use of high quality landscaping, lighting, and pavement materials"

4f.2 Layout & Orientation

"4f.2 a). No more than 50% of the total off-street parking area for 'large format' development (10% for all other non-residential), should be located between the front façade of the principal buildings and the adjacent public street. Parking should be located at the rear or behind buildings."

"4f.2 g) Designated handicapped and mobility impaired parking spaces should be located as close as possible to building entrances and be clearly identified by signs or markings"

4f.3 Landscape Buffers

"4f.3 a). High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas."

"4f.3 The property setback of all parking areas should provide a landscaped area a minimum of 3.0m wide."

4f.4 Pedestrian Access

"4f.4 a). Pedestrian walkways should be contiguous to main drive aisles opposite primary building entrances to enable safe and direct pedestrian movements."

4f.5 Internal Landscaping

"4f.5 a). Internal landscaping elements should define visually and functionally smaller parking 'courts' and reduce the overall impact of surface parking areas."

The design of the off-street parking for the proposed developments is aligned with the objectives and provisions of section 4f. With regard to layout, the parking for Parcel B is located wholly to the rear of the site, while the majority of the parking for Parcel D is located to the rear; parking for Parcel C is located on the eastern portion of the lot. Quality landscaping, lighting, and pavement materials will be used when construction of the developments ensues. Accessible parking spaces are clearly marked and located near the entrances of the buildings. Landscaping islands have been provided in the parking lots to break up contiguous sections of pavement. In addition, walkways from the buildings to the parking lots are provided for each of the proposed developments.

4.11 Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority (NPCA) is a public agency dedicated to the protection of people and property from natural hazards such as flooding, erosion and to regulate development to ensure it does not impact natural hazards lands or interfere with watercourses and wetlands. "The Niagara Peninsula Conservation Authority is responsible for the review of planning applications (e.g. subdivisions, severances, zoning by-law amendments, minor variances) affected by natural environmental hazards and/or natural heritage features, and provide advice to municipalities or applicants on environmental impacts (regarding valleys, floodplains, wetlands, stormwater management, erosion, etc.)."

Parcel D of the Subject Lands is impacted by NPCA regulated land. As identified in the Environmental Impact Study mapping prepared for Parcel D, the parcel falls within the 'Regulation Lands', and more specifically, the 'Top of Slope Allowance'. The EIS analyzes the applicable NPCA policies and provides policy compliance/justifications. In addition, the accompanying FSR/SWM addresses how the design of the stormwater management system complies with the NPCA.

5.0 PLANNING JUSTIFICATION AND CONCLUSION

5.1 Planning Justification

The proposed developments on Parcels B, C and D and the recognition of existing uses on Parcel C and D, support the City of Niagara Falls in achieving their employment targets to the year 2031 and beyond. The proposed Prestige Employment/Prestige Industrial developments will support the growth and diversification of the Prestige Employment Area within the Grand Niagara Secondary Plan Area. The resulting jobs generated by the proposed development will provide local employment opportunities for the future residents of the planned residential development in the area.

The proposed developments also support the intensification of underutilized parcels of land in an area where growth is planned to occur. The Prestige Industrial uses are appropriate uses for the site given the Prestige Employment Official Plan designation, and are compatible with both current and planned land uses within the Secondary Plan Area. The developments will increase the productivity of the Subject Lands and will optimize existing utility connections and transportation systems, as well as planned infrastructure development, including the widening of Montrose Road and signalization of Grassy Brook Road.

The future design of Parcel B will complement and contribute to the existing area context by providing higher-density land use at the intersection of Montrose Road and Grassy Brook Road. The buildings are strategically located along the street frontages and the parking area is shielded from street view. The proposed development of Parcel C has been designed to fit within the existing area context of large single-storey buildings, but maximizes the use of space with the inclusion of two mezzanine floors. The building also provides visual interest for employees, visitors and passersby with the two-tone wall paneling, wraparound glass front entrance with canopy and abundant landscaped area. The proposed development of Parcel D will complement and contribute to the existing area context by providing appropriate land use in proximity to lands planned for employment intensification.

Overall, the proposed developments will be beneficial additions to both the surrounding area and to the City of Niagara Falls at large.

5.2 Conclusion

As outlined in this report, together with the supporting technical reports, the proposed developments and ZBA represent appropriate development for the Subject Lands, in keeping with the policies and intent of the City of Niagara Falls Official Plan and Grand Niagara Secondary Plan. Based on the analysis of the

proposed development and ZBA within the current policy framework and regulatory context of the Province, Region and City, this report concludes that the proposed ZBA:

- Represents appropriate development given the existing use of the Subject Lands and surrounding context;
- Has regard to matters of Provincial interest as set out in the *Planning Act*;
- Is consistent with the Provincial Policy Statement;
- Conforms with the Growth Plan;
- Conforms with the policies of the Niagara Region Official Plan;
- Conforms with the policy directions of the City of Niagara Falls Official Plan and the Grand Niagara Secondary Plan.

The proposed ZBA represents good planning, is in the public interest and implements the City, Regional, and Provincial vision for the Subject Lands. Based on these conclusions, it is recommended that the proposed ZBA be approved.

Respectfully submitted,

MHBC



Dana Anderson, MA, FCIP, RPP
Partner



Kaitlin Webber, MA
Planner

Appendix A: Draft Zoning By-law Amendment

CITY OF NIAGARA FALLS

By-law No. 2023 - xx

A by-law to amend By-law No. 79-200, as amended, to rezone the Subject Lands located at 9127 Montrose Road and 9515 Montrose Road from Rural Agricultural (By-law 1538) and Shopping District (By-law 1538) to Prestige Industrial and Environmental Protection Area (By-law 79-200), with site-specific exceptions to permit the current and proposed uses, and to align with the Prestige Employment uses and the Environmental Protection Areas identified in the Grand Niagara Secondary Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. THAT the lands subject to and affected by the provisions of this by-law are described as 9127 Montrose Road and 9515 Montrose Road and shown on Schedule "1";

THAT By-law No. 79-200 as amended, is hereby further amended by rezoning the Subject Lands from RA (Rural Agricultural), in accordance with By-law 1538 (1958) as amended by By-law 82-20, as follows:

- Block 1:** PI-xx (Prestige Industrial-xx)
- Block 2:** PI-xxx (Prestige Industrial-xxx)
- Block 3:** PI-xxxx (Prestige Industrial-xxxx)
- Block 4:** EPA (Environmental Protection Area)

2. THAT in addition to the uses permitted in the Prestige Industrial Zone by By-law 79-200, the following uses shall also be permitted:

- Office
- Clinic
- Laundry Plant
- Recreational Uses
- Health Centre
- Service Shop
- Personal Service Shop

3. THAT all uses, buildings and structures existing as of the effective date of this by-law shall be permitted to continue. Replacements, additions or expansions of uses, buildings or structures, existing on the effective date of this by-law shall be permitted.

4. THAT notwithstanding the regulations in Section 11.1.2, the following regulations shall apply to the lands identified on Schedule “1” zoned PI-xxx (Block 1):

(c) Minimum front yard depth	3 metres + 13.1 metres from the centerline of the road allowance
(e) Minimum exterior side yard width	3 metres

5. THAT notwithstanding the provisions in Section 4.19.1, Table 1, the following minimum parking space requirements shall apply to the lands identified on Schedule “1” zoned PI-xxx (Block 1):

Minimum 1 parking space for each 26 square metres of floor area.

6. THAT notwithstanding the regulations in Section 11.1.2, the following regulations shall apply to the lands identified on Schedule “1” zoned PI-xxx (Block 3):

(i) Minimum landscaped open space for an interior lot	60% of the required front yard
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7. THAT notwithstanding the provisions in Section 4.19.1, Table 1, the following minimum parking space requirements shall apply to the lands identified on Schedule “1” zoned PI-xxx (Block 3):

Minimum 1 parking space for each 18 square metres of floor area.

8. AND THAT this by-law shall come into force and effect pursuant to Section 34(21) of the *Planning Act* R.S.O. 1990.

Read a First, Second and Third time; passed, signed and sealed in open Council this ___ day of ___, 2023.

.....
CITY CLERK

.....
MAYOR

Appendix B: Zoning Compliance Table

Prestige Industrial Zoning Chart

Zone Provision	Required by PI Zone	Parcel B (Block 1)	Parcel C (Block 2)	Parcel D (Block 3)
Permitted Uses	(a) Manufacturing, compounding, processing, packaging, crating, bottling, assembling of raw or semi-processed or fully processed materials, and further provided that no such use is dangerous, obnoxious or offensive by reason of the presence, emission or production of odour, smoke, noise, gas fumes, cinders, vibration, radiation, refuse matter or water carried waste (b) Car rental establishment, truck rental establishment (c) Car wash (d) Cold storage plant (e) Commercial printing and associated services establishment (f) Consulting engineering office (g) Ice manufacturing plant (h) Laboratory - experimenting, commercial or testing (i) New car agency (j) Nursery for trees, shrubs, plants but excluding licensed cannabis production facilities and designated medical growth of cannabis (k) Public garage, mechanical (l) Used car lot (m) Warehouse (n) Wholesale establishment (o) Winery (p) Adult entertainment parlour, subject to the provisions of section 10.5 (2002-201) (q) Body-rub parlour, subject to the provisions of section 10.5 (2002-201)	To be determined. Parcel B will not be used for manufacturing, storage or for any purpose involving the use of vehicles for the receipt or distribution of materials or merchandise. As such, Parcel B will not require loading areas.	Warehouse / laundry plant	To be determined. Parcel D will not be used for manufacturing, storage or for any purpose involving the use of vehicles for the receipt or distribution of materials or merchandise. As such, Parcel D will not require loading areas.

	(r) An office which is an accessory use to one of the foregoing permitted uses.			
Lot Frontage	30 metres (minimum)	198.17 m (Grassy Brook) 147.45 m (Montrose)	136.39 m (Grassy Brook)	90.31 m (Montrose)
Lot Area	2000 square metres (minimum)	14,567.92 sqm	10,064 sqm	8,718.79 sqm
Front Yard	10 metres (minimum) + 13.1 metres from the centerline of the road allowance	4.61 metres + 13.1 metres from the centerline of the road allowance *	10 metres + 13.1 metres from the centerline of the road allowance	27.5 metres + 13.1 metres from the centerline of the road allowance
Rear Yard	7.5 metres	76.84 m	7.93 m	45.97 m
Interior Side Yard	3.5 metres (minimum)	30 m	35.83 m (east side) 49.36 m (west side)	4.5 m (south) 14.02 m (north)
Exterior Side Yard	7.5 metres (minimum)	3.31 m (Grassy Brook) *	N/A	N/A
Maximum Height	12 metres (maximum)	11.3 m	12 m	11.3 m
Minimum Height of Exterior Walls	2.5 metres above the elevation of the finished ground level at the mid point of the wall in question (minimum)	11.3 m	12 m	11.3 m
Lot Coverage	60% (maximum)	25.22%	23%	19.05%
Minimum Landscaped Open Space for Interior Lot	67% of the required front yard (minimum)	N/A	84.68%	60.69% *
Minimum Landscaped Open Space for Corner Lot	67% of required front yard and 67% of the required exterior side yard	95.32% (Montrose Road) 96.00% (Grassy Brook Road)	N/A	N/A

Parking and Access	Plant, factory, warehouse and transportation terminal: 1 parking space for each 90 square metres of floor area Office: 1 parking space for each 25 square metres of gross leasable floor area	187 spaces (8 accessible) *	43 spaces (3 accessible) No office space provided	132 spaces (6 accessible) *
Minimum Parking Space Width	2.75 metres	2.75 m	2.75 m	2.75 m
Minimum Length of Parking Space	6 metres	6 metres	6 metres	6 metres
Minimum Width of Maneuvering Aisle	6.3 metres	6.3 metres	6.3 metres	6.3 metres
Loading Area	For building/structure used for manufacturing, storage or for any purpose involving the use of vehicles for the receipt or distribution of materials or merchandise. <ul style="list-style-type: none"> ▪ Up to and including 2,300 sq. m: 1 ▪ Over 2,300 sq. m but not exceeding 3,700 sq. m: 2 	N/A	5 provided Dimensions: 3m x 9m x 4m	N/A
Abutting Railways	Where any lot line abuts a railway right-of-way, no side yard or rear yard or landscaped open space shall be required on that portion of a lot contiguous to the portion of the lot line which abuts the railway right-of-way	Applicable to rear yard	N/A	N/A

*** Subject to provisions of proposed Zoning By-law Amendment**