



December 21<sup>st</sup>, 2022

Alexa Cooper  
Planner II  
City of Niagara Falls  
4310 Queen St  
Niagara Falls, ON  
L2E 6X5

Dear Alexa,

**ADDENDUM TO THE PLANNING JUSTIFICATION REPORT, OFFICIAL PLAN AMENDMENT  
AND ZONING BY-LAW AMENDMENT APPLICATION**

M5V INC.

LOT 186 KALAR ROAD, NIAGARA FALLS

**Introduction**

We are pleased to submit this Addendum report to the Planning Justification Report (PJR) prepared by NPG Planning Solutions regarding the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) application for Lot 186 Kalar Road in the City of Niagara Falls. An Official Plan Amendment application was submitted in September 2022, proposing to re-designate the lands to permit an increase in the maximum density to 103 units per hectare. A concurrent rezoning application was also submitted with this application, proposing to re-zone the lands from Light Industrial to a site-specific R5C Zone, permitting back-to-back and regular townhouse dwellings.

Following submission, staff advised that the pre-consultation agreement expired, and the OPA & ZBA submission was circulated to respective agencies provide updated pre-consultation comments.

Revisions to the site plan were made based on the comments received through the updated agency comments, subsequently requiring an Addendum to the previously submitted PJR. It is requested that this Addendum be utilized to revise the OPA and ZBA applications. The information in this Addendum should be read in conjunction with the previously submitted Planning Justification Report ("PJR"), prepared by NPG Planning Solutions Inc., dated September 2022. The changes addressed in this Addendum do not impact the policy analysis nor the overall conclusion within the previously prepared PJR.

**Agency Feedback and Site Plan Revisions**

A summary of the pre-consultation comments dated September 15, 2022 are provided below:

1. Provide a traffic brief to assess the traffic for the proposed development on the intersection.
2. Enhanced elevations for buildings facing Kalar Road
3. Provide more amenity space area
4. Reduce the number of driveway entrances to two.
5. Consolidate the proposed garbage system and avoid locating it next to the environmental feature.
6. Provide landscape buffer that permits planting of vegetation
7. Show 1 accessible space on the plan
8. Provide walkways for internal pedestrian circulation
9. Provide fire truck turn radii
10. Provide room for snow storage

To address the updated pre-consultation comments, revisions to the site plan were required and the changes are outlined below:

PROVISION	PJR, DATED SEPT 2022	CURRENT ADDENDUM
<b>Total Number of Units</b>	99 units	91 units
<b>Density</b>	100 units hectare	94 units/hectare
<b>Parking Count</b>	120 parking spaces (99 garage spaces and 21 visitor surface parking spaces)	111 parking spaces (91 garage spaces and 20 visitor surface parking spaces)
<b>Amenity Space</b>	18.4% over net developable area	28.3% over net developable area
<b>Number of Driveway Access</b>	3 access points to Kalar Road	2 access points to Kalar Road

### Summary of Traffic Study

A Transportation Impact Study dated December 13, 2022 was conducted by SLBC Inc. in accordance with the City of Niagara Falls' *Guidelines for the Preparation of Transportation Impact Studies and Site Plan Review* to evaluate the site layout from transportation safety, site circulation, and access management standpoints. The study concludes the following:

- The proposed residential development is projected to generate approximately 51 two-way trips during the weekday a.m. peak hour (12 inbound and 39 outbound), and 60 two-way trips during the weekday p.m. peak hour (38 inbound and 22 outbound). The traffic generated from the subject development during peak hours is not expected to result in any new operational concerns at the study intersections.

- The study recommends both proposed driveways on Kalar Road be full movement accesses with stop control for the driveway approaches with no auxiliary turn lanes.
- Auxiliary left-turn lanes are not warranted on Kalar Road at the proposed driveways to the 2029 horizon.
- There are no improvements recommended at the study intersections in response to the proposed development based on the results of the capacity analysis.

Please refer to the enclosed Traffic Impact Study for further details.

### Proposed Official Plan Amendment

The previously proposed Official Plan Amendment has been revised to reflect the revisions made to the site plan. The specific change to the Official Plan is as follows:

That the Subject Lands be developed for a back-to-back and block townhouse development, and the maximum density shall be 94 units per hectare.

The Official Plan Amendment can be supported for the following reasons:

- The proposed density is lower than the previously proposed site plan;
- A detailed assessment was included in the PJR, dated September 2022, which supported a density of 100 units per hectare on the Subject Lands;
- The proposal supports the development of diversified housing in an ideal area for growth.

The revised text of the Official Plan Amendment is found in **Appendix A** – Draft Official Plan Amendment to this Addendum.

### Proposed Zoning By-law Amendment

The revised plan seeks relief for the following provisions, which are further explained below.

Please refer to **Table 1 – Zoning Comparison Chart**. A Draft Zoning By-law has been prepared and can be found in **Appendix B – Draft Zoning By-law Amendment** to this letter.

**Table 1. Zoning Comparison Chart**

PROVISION	R5C ZONE REQUIREMENT	PJR, DATED SEPT 2022	PROPOSED THROUGH THIS ADDENDUM	COMPLIANCE
<b>Minimum front yard depth</b>	7.5 metres plus any applicable distance specified in section 4.27.1 (Required minimum distance from Kalar Rd centerline = 13 m)	4.6 m + 17.6 m from Kalar Road Centerline	4.6 m from property line to building + 13.26 m from Kalar Road Centerline to property line	No*
<b>Minimum rear yard depth</b>	One-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1	0.779 m (measured from wetland buffer)	0.44 m (measured from wetland buffer)	No*

<b>Minimum interior side yard width</b>	One-half the height of the building (Required = $12.5/2 = 6.25$ m)	7 m (from Block H to south lot line) 2m (from Block K to wetland allowance)	From south lot line to, Block H: 4.7 m Block I: 4.5 m Block J: 5.9 m  From wetland allowance limit to, Block J: 1.2 m Block K: 2.0 m	No*
<b>Maximum lot coverage</b>	30%	44.6% (measured over net developable area)	41.0% (measured over net developable area)	No*
<b>Parking and access requirements</b>	Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling: 1.4 parking space for each dwelling unit	1.4 x 99 = 139 required  120 spaces proposed  1.2 spaces/unit	1.4 x 91 = 128 required  111 spaces proposed  1.2 spaces/unit	No*
<b>Minimum landscaped open space</b>	40% of the lot area	18.4% (measured over net developable area)	28.0% (measured over net developable area)	No*
<b>Parking Areas (Section 4.19)</b>	Table 3 Building or Structure Parking Area  Aisle width: 6.3 m		Aisle width: 6.1 m between Block A and Block B	No*

No changes are proposed from the previous submission regarding permitted use, minimum front yard depth or number of apartment dwellings on one lot following site plan revision. Please refer to the Planning Justification Report dated September 5, 2022, for justification for the requested variances.

**Minimum front yard depth**

We noted an error in measuring the centerline from Kalar Road between the previously submitted and the proposed site plan. The previous site plan measures distance from the road centerline and the proposed building, instead of the property line. This is rectified in the revised site plan, providing 13.2 metres between the road centerline and the property line and is within the minimum required distance of 13 metres.

### **Minimum rear yard depth**

The PJR, dated September 2022, explains that the proposed development exceeds the City's zoning requirements for rear yard setback by providing over 170 metres between the nearest building and the east lot line (where Zoning By-law 79-200 requires 10 metres).

However, since the natural heritage features and buffer areas are to be maintained as a single block and zoned as Environmental Protection Area, a site-specific provision has been requested to permit a rear yard setback that relates to the dividing line between the developable lands and the environmental block. The environmental block constitutes the PSW, the 15-metre buffer from the PSW, and the Significant Woodland. The proposed setback to the environmental block for the development is 0.4 metres (Block G), where the previous submission requested a rear yard setback of 0.8 metres (at Block K). The proposed reduction can be supported for the following reasons:

- The dividing line is a haphazard line tracing the edges of the natural heritage features. The resulting yard setback varies from 0.4 metres to 9.3 metres along the rear yard.
- Typically, larger setbacks are established at the rear to alleviate any shadowing or privacy-related concerns to abutting residential neighbours. In this case, there are no residential uses along the rear that could be affected by shadowing or lack of privacy due to the proposed development.
- The proposal is at a walkable distance to Warren Woods Trail that connects to Warren Woods Park. It is also in proximity to other parks and open spaces. The proposal encourages residents to use these nearby facilities for socializing, exercising, and playing.

### **Minimum interior side yard width**

Similar to the rear yard setback, a site-specific provision has been requested to permit an interior yard setback that relates to the environmental block.

Side yard relief is required for all blocks along the southern lot line (Blocks H, I, J, K) as the requirement is half the height of the building (6.4 metres). The proposed development is setback 4.5 metres from the property line to Block I at the pinch-point. The setback from Block J to the wetland allowance is 1.2 metres. The reduced side yard setback can be supported for the following reasons:

- The development abuts an environmental feature at Blocks J and K and will not result in shadowing or other concerns typically associated with abutting a residential development.
- For Block K and part of Block J, the side yard to the southern property line is approximately 60 metres and is within the zoning requirements.
- The reduced side yards for Blocks H and I can be considered minor in nature as they reflect approximately 1.6 m and 1.8 m reduction from the requirement and no negative impacts are anticipated to the parcel to the south
- The residential parcel to the south features a large side yard (approximately 43 metres) ensuring there will be no negative impacts experienced by the reduced side yards
- A screening fence along the southern lot line will be implemented at site plan to further mitigate privacy risks.

## **Maximum lot coverage**

Lot coverage has been measured over the entire developable portion of the Subject Lands, which excludes the area containing natural heritage features and systems. Due to the revisions to the site plan, the lot coverage reduced from 44.6% (previous site plan) to 41%, where the Zoning By-law permits 30%. Please refer to the PJR dated September 2022 for justification. Our explanation for supporting the increased provision does not change.

## **Parking and access requirements**

The proposed zoning amendment seeks to provide 111 parking spaces (91 resident spaces and 20 visitor spaces), which is at a rate of 1.21 spaces per unit. The City's Zoning By-law requires a rate of 1.4 spaces per unit for residential uses. The proposed development is supported by a Parking Study prepared by JD Northcote Engineering concluding that a 1.21 parking rate is sufficient for the proposed development. Please refer to the PJR dated September 2022 and the submitted Parking Study for more information.

## **Drive Aisle Width**

The proposed drive aisle width between Block A and Block B is 6.1 metres, 0.2 metres deficient from the 6.3-metre requirement established in the Zoning By-law. This reduction can be supported as:

- Except for this drive aisle, all other drive aisles measure 6.3 metres in width or more.
- The garages space is 3.6 metres wide and 7.6 metres long. Additionally, there is 3.0 metres of additional space between the townhouses and the drive aisle on both sides which can help vehicles maneuver.
- The average length of a vehicle in North America is 4.5 metres, with large SUVs being less than 5 metres in length. The reduced drive aisle would provide enough room for average and above average vehicles to enter and exit easily.<sup>1</sup>

## **Minimum landscaped open space**

Due to the proposed site plan changes, the landscaped percentage increased from 18.4% to 28%, where the Zoning By-law requires a minimum of 40 percent. Please refer to the PJR prepared in September 2022, for justification supporting the reduced provision.

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<sup>1</sup> [How Long Is A Car? \(Average Car Length According to Types\) \(smartmotorist.com\)](https://www.smartmotorist.com/average-car-length/)

As part of the resubmission of the Official Plan Amendment and Zoning By-law Amendment application, please find enclosed the following:

- One (1) copy of the Site Plan prepared by Organica studio inc., dated December 19, 2022
- One (1) copy of the Traffic Impact Study prepared by SLBC Inc., dated December 13, 2022
- One (1) copy of the pre-consultation checklist, dated September 16, 2022
- Renders of the proposed development

We trust the above is satisfactory, and should you require anything further or have any questions, please do not hesitate to contact the undersigned. We kindly request the application be brought forth to Council for final approval at your earliest convenience.

**Addendum prepared by:**



**Max Fedchyshak, M Plan**  
Planner  
*NPG Planning Solutions Inc.*



**Rhea Davis, M Plan**  
Intermediate Planner  
*NPG Planning Solutions Inc.*

**Addendum reviewed by:**



**Jesse Auspitz, MCIP, RPP**  
Senior Planner  
*NPG Planning Solutions Inc.*

## Appendix A – Draft Official Plan Amendment

### **PART 2 - BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. XX to the Official Plan of the City of Niagara Falls.

### **DETAILS OF THE AMENDMENT**

The Official Plan of the City of Niagara Falls is hereby amended as follows:

#### **1. MAP CHANGE**

Schedule "A3" to the Official Plan – Garner South Secondary Plan, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, from Residential Medium, in part and Environmental Protection Area, in part to Residential Medium, in part and Environmental Protection Area inclusive of a 15-metre wetland allowance, in part as Special Policy Area "YY".

#### **2. TEXT CHANGE**

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

13.YY            SPECIAL POLICY AREA "YY"

Special Policy Area "YY" applies to 5.1 hectares of land on the east side of Kalar Road, being comprised of Part of Township Lot 186, in the City of Niagara Falls. Notwithstanding the policies of Part 5, Section 2.2 Residential, Medium Density, the land may be developed for back-to-back and regular townhouse dwellings, and the maximum density shall be 94 units per hectare.



# MAP 1



**Appendix B – Draft Zoning By-law Amendment  
CITY OF NIAGARA FALLS**

**By-law No. 2023-XX**

A by-law to amend By-law No. 79-200 to rezone the Lands to Residential Apartment 5C Density Zone (R5C-XXXX) site-specific zone.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS  
ENACTS AS FOLLOWS:**

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
  - (a) The uses permitted in a R5C zone
  - (b) A townhouse dwelling
5. The regulation governing the permitted use of the Lands shall be:

(a) Minimum front yard depth	4.6 m from west lot line
(b) Minimum rear yard setback from the environmental block	0.4 metres
(c) Minimum interior side setback from the environmental block	1.2 metres
(d) Minimum interior side yard setback from the south lot line	4.5 m

- (e) Maximum lot coverage for the net developable area 41%
- (f) Number of apartment dwellings on one lot More than one
- (g) Parking and access requirements 1.21 spaces per unit
- (h) Drive Aisle Width 6.1 metres (between Block A and Block B)
- (i) Minimum landscaped open space for the net developable area 28% of the lot area

6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this By-law shall be shown on Sheet B6 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from LI and numbered 854, to R5C and numbered XXXX.
10. Section 19 of By-law No. 79-200 is amended and adding thereto:  
19.1.XXXX Refer to By-law No. 2023-XX.

Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2023.

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WILLIAM G. MATSON, CITY CLERK

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JAMES M. DIODATI, MAYOR

# SCHEDULE 1

