



**\*SUBMITTED VIA CITYVIEW PORTAL\***

**May 23, 2025**

**UCC FILE No. 20136**

**Niagara Falls Project No. TMPPL20250000835**

**To:** Mackenzie Ceci, Senior Planner  
Planning, Building and Development Department  
City of Niagara Falls  
4310 Queen Street  
Niagara Falls, ON L2E 6X5

**Re: Planning Application Submission – Official Plan and Zoning By-law Amendment  
5259 Dorchester Road**

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On behalf of our client The Butera Group Inc., please accept this letter and joint submission for Official Plan and Zoning By-law Amendment, at 5259 Dorchester Road in Niagara Falls.

In addition to this covering letter, the following materials are provided to the City of Niagara Falls for review and circulation:

- One (1) cheque in the amount of \$26,523.00;
- One (1) copy of the Preliminary Site Plan prepared by Upper Canada Consultants;
- One (1) copy the Preliminary Elevations, Floor Plans, Underground Parking Plan prepared by ACK Architects Studio Inc;
- One (1) copy the Planning Justification Report prepared by Upper Canada Consultants;
- One (1) copy the Functional Servicing Report prepared by Upper Canada Consultants;
- One (1) copy of a Preliminary Landscape Plan and Details prepared by Adesso Design Inc;
- One (1) copy of a Traffic Impact Study prepared by Paradigm;
- One (1) copy of a Stage 1-2 Archaeological Assessment prepared by Archaeological Consultants Canada;
- One (1) copy of a Noise and Vibration Study prepared by RWDI;
- One (1) copy of an Air Quality Study prepared by RWDI;
- One (1) copy of a Pedestrian Level Wind Study prepared by RWDI

If you have any questions or require any further information or copies, please contact the undersigned.

Sincerely,

Nicholas Godfrey, MA, RPP, MCIP  
Senior Planner  
Upper Canada Consultants

**CC:** The Butera Group ([angelobutera@panoramicproperties.ca](mailto:angelobutera@panoramicproperties.ca), [angelob3@panoramicproperties.ca](mailto:angelob3@panoramicproperties.ca),  
[franki@panoramicproperties.ca](mailto:franki@panoramicproperties.ca))  
Will Heikoop ([wheikoop@ucc.com](mailto:wheikoop@ucc.com))  
Connor Hill ([chill@ackarchitects.com](mailto:chill@ackarchitects.com))

**PRE-CONSULTATION:**     July 11th, 2023  
Date of Pre-consultation: \_\_\_\_\_

**CONTACT INFORMATION:**

\* If a numbered company, provide the name and address of the principal owner/signing officer.  
\* If more than one owner, complete an additional contact for each owner.

**Applicant**

Applicant is:     ☐ Owner     or     ☒ Authorized Agent of Owner  
(if selected complete and attach authorization form)

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_  
Corporation or Partnership: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Unit No. \_\_\_\_\_  
Municipality \_\_\_\_\_ Postal Code: \_\_\_\_\_ Province: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

**Owner (if different from applicant)**

Last Name: Butera First Name: Angelo  
Corporation or Partnership: 5259 Dorchester Road (Niagara) Limited  
Street Address: 8484 Montrose Road Unit No. \_\_\_\_\_  
Municipality Niagara Falls Postal Code: L2H 3L7 Province: ON  
Telephone: 905-371-1201 Cell: \_\_\_\_\_ Email: angelobutera@panoramicproperties.ca

**Agent**

Last Name: Godfrey First Name: Nicholas  
Firm: Upper Canada Consultants  
Street Address: 3-30 Hannover Drive Unit No. \_\_\_\_\_  
Municipality St. Catharines Postal Code: L2W 1A3 Province: ON  
Telephone: 905-688-9400 Cell: 289-969-3556 Email: nicholas@ucc.com

**GENERAL INFORMATION**

- Brief Description of Proposal (Including the proposed uses):  
Conversion of vacant former industrial land that is zoned commercial to mixed-use residential  
\_\_\_\_\_  
\_\_\_\_\_
- Legal Description of the Subject Lands (Must meet City validation)  
Municipal Address: 5259 Dorchester Road Pt Twp Lot 115, Twp Stamford  
ROLL NO.: \_\_\_\_\_ PIN: \_\_\_\_\_  
Township \_\_\_\_\_ Concession No.: \_\_\_\_\_ Lot No(s): \_\_\_\_\_  
Registered Plan: \_\_\_\_\_ Part(s)/Lot(s)/Block(s): \_\_\_\_\_  
Reference Plan: \_\_\_\_\_ Part(s)/Lot(s)/Block(s): \_\_\_\_\_  
Are there any easements or restrictive covenants affecting the subject lands?  
☐ Yes     ☒ No  
If yes, please specify: \_\_\_\_\_

3. Names and addresses of mortgages, holders of charges or other encumbrances with respect to the subject land(s):

\_\_\_\_\_

\_\_\_\_\_

4. What is the current use of the subject lands? Vacant

If unknown, how long has this use continued? 20+ years

5. On what date was the property acquired by the current owner (if known)? January 16, 2019

6. Details of the subject lands:

Frontage: 222.5 (m) Depth: varies (m) Lot area: 7.544 ha (m<sup>2</sup> or ha)

7. What is the current designation of the subject lands in the Official Plan?  
Commercial, Morrison/Dorchester Node

Land uses currently permitted:  
Commercial, Residential

8. What is the current zone classification of the subject lands in the Zoning By-law?  
Shopping Centre-H-703

Land uses currently permitted:  
Large format commercial

9. What are the current or previous uses of the subject lands?

☐ Residential

☒ Industrial

☐ Commercial

☐ Agricultural

☐ Parkland

☒ Vacant

☐ Other

*Please complete the checklist provided in Appendix A.*

10. Are the subject land(s) or any land(s) within 120 metres, the subject of a Planning Application by the applicant/owner? If yes, please complete the following:

Application	File No.	Lands	Purpose	Status	Effects on Subject Application
Minor Variance					
Consent					
Official Plan Amendment					
Zoning By-law Amendment					
Plan of Subdivision/ Condominium					
Site Plan					
Minister's Zoning Order (Including					



Application	File No.	Lands	Purpose	Status	Effects on Subject Application
Ontario Regulation Number)					
Regional Policy Plan Amendment					

11. Is the proposal consistent with the Provincial Policy Statement? Does the proposal conform or not conflict with provincial plans (i.e. Growth Plan)? Provide an explanation below or within the submitted Planning Justification Report.

Yes - see attached Planning Justification Report.

12. Should the application be approved, when do you intend to commence construction?

Within 1-2 years of Site Plan Approval.

13. Provide the proposed strategy for consulting with the public with respect to the application.

City-initiated Public Open House

14. Servicing:

Water to be provided to the subject land:

- ☒ piped, publicly owned and operated  
☐ privately owned and operated   ☐ individual or   ☐ communal well  
☐ other (lake, water body) \_\_\_\_\_

Sewage disposal to be provided to the subject land:

- ☒ publicly owned and operated system  
☐ privately owned and operated  
☐ other (privy) \_\_\_\_\_
- ☐ individual or ☐ communal

If the development will produce more than 4,500 litres of effluent when completed, you must submit a hydrogeological report and a servicing options report.

Storm drainage to be provided:

- ☐ sewers  
☐ ditches  
☐ swales  
☒ storm water management facilities  
☐ other (lake, water body) \_\_\_\_\_

**OFFICIAL PLAN AMENDMENT APPLICATION: Complete this section only if applicable**

1. Type of Amendment

- ☒ Change to Policy 3.18, 1.10.5(iii), 3.4.2.3,
- ☐ Replacement of Policy \_\_\_\_\_
- ☐ Delete Policy 3.2.6.3
- ☒ New Policy

*Provide the text of the requested amendment (attach to application)*  
See attached Official Plan Amendment

- ☒ Change or Replacement of a land use designation  
Designation to be changed or replaced:

Major Commercial

*If the requested amendment changes or replaces a schedule in the Official Plan, please attach the requested schedule and accompanying text.*

- ☐ Does the requested amendment alter all or any part of the boundary of an area of settlement or establish a new area of settlement? ☐ Yes ☒ No

If "Yes", provide the Official Plan policy reference, if any, dealing with the alteration or establishment of an area of settlement:

- ☐ Does the requested amendment remove the subject land from an area of employment? ☐ Yes ☒ No

If "Yes", provide the Official Plan policy reference, if any, dealing with the removal of land from an area of employment:

2. What is the purpose of the proposed amendment?

To revise from Commercial to Mixed-Use

3. What land uses will be permitted through the amendment?

Residential, Commercial

**ZONING BY-LAW AMENDMENT APPLICATION: Complete this section only if applicable**

1. Type of Amendment

- ☒ Change in zone classification  
From: SC-H To: R5F

- ☒ Additional use(s) to be included under existing zone classification. Provide details:  
Commercial uses to be permitted under Residential Zone

- ☐ Modifications or amendments to zone regulations.  
Provide details in the chart below or attach a separate chart to the application:

Zoning Regulations	Existing Regulations	Proposed Modification
Minimum Lot Area	57 sq. m.	42.21 sq. m.
Minimum Lot Frontage	45 metres	No Change
Minimum Front Yard Depth *(incl. special setback)	7.5 m, plus 13 from original centreline	No Change
Minimum Rear Yard Depth	1/2 height or 10 m	15.77 m.
Minimum Side Yard Width	1/4 height of building	1.46
- Interior	7.5 m	No Change
- Exterior		
Maximum Lot Coverage	30%	No Change
Minimum Landscaped Open Space	55% of lot area	44.43%
Maximum Landscaped Open Space		
Maximum Height of Building	28 m.	No Change
Number of Storeys	10 storeys	20 storeys
Minimum Floor Area		
Maximum Floor Area		
Maximum Number of Dwellings		
Maximum Number of Buildings	1	8
Minimum Distance Between Building on Same Lot		
Maximum Gross Leasable Floor Area		
Minimum Number of Parking Spaces	1.4 spaces per dwelling unit	1.26 spaces per dwelling unit
Loading Area Requirements		
Minimum Amenity Space for an Apartment Dwelling Unit	20 sq. m.	No Change

Note: The above chart may not list all the zoning regulations or all the amendments required to the By-law. It is your responsibility to ensure that all the existing regulations and proposed modifications to the By-law are listed. Please round to the nearest whole number or 0.5 for your proposed modifications.

2. Explain how the application conforms to the policies of the Official Plan.

See attached Planning Justification Report.

3. Additional Information:

Is the subject land within an area where the City has pre-determined the minimum and/or maximum density requirements or height requirements? ☒ Yes ☐ No

If yes, please complete the following chart:

	Existing Requirements		Proposed	
	Minimum	Maximum	Minimum	Maximum
Density (units/ha)	16	50	100	236.21
Height (m)				
Number of Storeys	4 storeys	10 storeys	4 storeys	20 storeys

If applicable, please explain why the requirements cannot be met:

See attached Planning Justification Report.



4. Does the requested amendment alter all or any part of the boundary of an area of settlement or establish a new area of settlement?   ☐ Yes        ☒ No

If yes, provide details of the Official Plan/Official Plan amendment that deals with the matter:

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5. Does the requested amendment remove the subject land from an area of employment?   ☐ Yes        ☒ No

If yes, provide the Official Plan policy reference or amendment that deals with the matter:

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6. Why is the zoning amendment being requested?

To permit Residential uses and site-specific provisions to modify the R5F zone.

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7. If the subject land is within an area where zoning with conditions may apply, provide an explanation of how the application conforms to the Official Plan policies relating to zoning with conditions.

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8. Detail the buildings and/or structures that exist on the subject lands:

Type of Building and Date of Construction	Setbacks from lot lines (m) (Provide the shortest setback from the building to lot line)				Building Height (m)	Total Gross Floor Area (m²)	Total Building Area (m²)	Total Parking Spaces
	Front	Rear	Interior	Interior or Exterior				

9. Detail the buildings and/or structures that are proposed for the subject lands:

Type of Proposed Building and Date of Proposed Construction	Setbacks from lot lines (m) (Provide the shortest setback from the building to lot line)				Building Height (m)	Total Gross Floor Area (m²)	Total Building Area (m²)	Total Parking Spaces
	Front	Rear	Interior	Interior or Exterior				
Apartments	7.5 m	15.97	1.46	16.85, 14	67.33		22,204	2352

10. Housing Affordability

For applications that including housing, complete the following chart. Information should be based on the best information available at the time of application. If additional space is needed, attach a separate page.

Housing Type	Number of Units	Unit Size (Sq. metres) and/or Lot Frontage	Estimated Selling Price/ Monthly Rent
Detached			
Semi-Detached			
On-Street Towns			
Block Towns			
Stacked Towns			
Back-to-Back Towns			
Apartment Dwelling	2352	463-1660 sq. ft.	\$2299-\$3000

11. Access to the subject land:

- ☐ Provincial highway
- ☒ Municipal road

☐ Regional or ☒ City
- ☐ Maintained year round
- ☐ Maintained seasonally
- ☐ Unopened right-of-way
- ☐ Water (provide details on parking and docking facilities including the approximate distance from the subject land and the nearest public road)



NOTE: The following sections include several declarations and authorizations that must be signed by the owner of the subject land to which this application applies.

If there is more than ONE owner/property, an additional declaration and authorization page must be completed and attached to the application for each owner/property.

**OWNERS AUTHORIZATION:**

I/We, 5259 DORCHESTER ROAD (NIAGARA) LIMITED (Angelo Butera)  
(Owner's Name) (Owner's Name)

Being the registered owner(s) of the subject property, hereby endorse:

Applicant: \_\_\_\_\_ Agent: Upper Canada Consultants (Nicholas Godfrey)

To proceed with this application and agree to be bound by the findings of the application as it is processed through the proper stages. I/We hereby declare that the information on this application and the supporting plans and documents are correct.

Signature of Owner: \_\_\_\_\_ Signature of Witness: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Signature of Witness: \_\_\_\_\_

(I have the authority to bind the corporation)

**DECLARATION:**

I/We Nicholas Godfrey  
Of the City/Town/Township of St. Catharines  
In the County/District/Regional Municipality of Niagara

solemnly declare that all of the statements contained in this application are true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the \_\_\_\_\_ )  
City of St. Catharines )  
in the Regional Municipality of Niagara )  
this 22nd day of May )  
A.D. 2025 )

TO BE SIGNED IN THE PRESENCE OF A COMMISSIONER FOR TAKING AFFIDAVITS

Signature of applicant(s), solicitor or authorized agent

H. Gracey  
A Commissioner, etc.

Hannah Kay Gracey, a Commissioner, etc.,  
Province of Ontario, for Upper Canada  
Planning & Engineering Ltd.  
Expires November 28, 2025.

## Appendix A

In order to assist in determining if the subject lands are potentially contaminated, please complete the following. It should be acknowledged that if there is reason to suspect contamination, further studies and plans will be required and that a Record of Site Condition will also be required in the event of remediation.

Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

☐ Yes    ☒ No    ☐ Unknown

Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

☐ Yes    ☒ No    ☐ Unknown

Has there been petroleum or other fuel stored on the subject land or adjacent lands?

☐ Yes    ☐ No    ☒ Unknown

Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

☐ Yes    ☐ No    ☒ Unknown

Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?

☐ Yes    ☒ No    ☐ Unknown

Have the lands or adjacent lands ever been used as a weapons firing range?

☐ Yes    ☒ No    ☐ Unknown

Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?

☐ Yes    ☒ No    ☐ Unknown

If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on the site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

☐ Yes    ☒ No    ☐ Unknown

Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?\*

☒ Yes    ☐ No    ☐ Unknown

\*Possible uses that can cause contamination include: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals which are present.

If current or previous use of property is industrial or commercial, or if the answer is YES to any of the above, please attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

**ACKNOWLEDGEMENT CLAUSE:**

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property. I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of acknowledgement of this Record of Site Condition by the Ministry of Environment. I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City may rely on the statements in the RSC. I further acknowledge that the City of Niagara Falls is not responsible for the identification and/or remediation of contaminated site, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Niagara Falls, its officers, employees or agents for or in respect of any loss, damage, injury or costs.

Date: May 22nd, 2025 Signature: 