

March 24, 2023

UCC File No. 22183

To: Suzanne Anderson
Secretary – Treasurer
Committee of Adjustment
City of Niagara Falls
4310 Queen Street,
Niagara Falls, ON L2E 6X5

**Re: Applications for Consent to Sever (Boundary Adjustment), Easement and Partial Discharge of Mortgage
7888 & 7960 Oakwood Drive, Niagara Falls**

On behalf of our clients Giovana Butera and Canterra Property Holdings Inc. please accept these application submissions pertaining to 7888 and 7960 Oakwood Drive in Niagara Falls.

The submitted applications seek to adjust the boundaries between the two properties to facilitate the future development of a new automobile dealership at 7960 Oakwood Drive. Easements to facilitate proposed and existing servicing connections and vehicular access are also requested and reflective of the proposed site plan design which is currently being reviewed by the City. A partial discharge of mortgage is also requested for each property.

Parts 1 and 2 shown on the provided severance sketch are road widenings that have been identified and requested through the concurrent Site Plan review process. Our clients seek to provide these lands as a condition of consent approval.

In addition to this letter and signed application form, the following fees, plans and materials are provided for review:

- Two (2) cheques in the amount of **\$3,675.00** payable to the City of Niagara Falls;
- Two (2) cheques in the amount of **\$670.00** payable to Niagara Region;
- Nine (9) copies of the Severance Sketch prepared by JD Barnes Ltd.;
- One (1) copy of the most recent site plan and site servicing drawings for 7960 Oakwood Drive; *and*
- One (1) copy of the Parcel Abstracts and PIN Maps for both properties.

Subject Lands

The subject lands are known municipally as 7888 and 7960 Oakwood Drive in Niagara Falls. The lands are located, generally, west of the Ontario Power Generation (OPG) Canal, North of Welland River, East of the Queen Elizabeth Way and South of McLeod Road.



A map showing the location and zoning of the property is included as **Appendix I** to this report.

Overview of Application

The intent of the applications is to reconfigure the boundary between both properties to facilitate the development of a new automobile dealership at 7960 Oakwood Drive. The balance of the lands not required for the dealership property will be added to 7888 Oakwood Drive which currently contains an existing equipment rental business (Sunbelt Rentals). Lands associated with 7888 Oakwood Drive are intended to be merged with properties to the north as part of a comprehensive redevelopment that will be considered through future Planning Act applications.

Easements for proposed and existing servicing connections and vehicular access are also proposed.

It is noted that 7960 Oakwood Drive is currently the subject of an active Site Plan Application pertaining to the proposed automobile dealership.

Boundary Adjustment

The two existing properties are current comprised of the following Parts, per the attached severance sketch.

7888 Oakwood Drive

- Parts 2, 3, 8, 9, 10, 11, 13, 14, 15, 16, 17 & 18

7960 Oakwood Drive

- Parts 1, 4, 5, 6, 7 & 12

The existing lot configurations are illustrated on **Appendix II**.

The Boundary Adjustment between the two properties will result in the following Parts comprising each property as follows:

7888 Oakwood Drive

- Parts 3, 4, 5 & 10

7960 Oakwood Drive

- Parts 6, 7, 8, 9 11, 12, 13, 14, 15 ,16, 17 & 18

The proposed lot configurations are illustrated on **Appendix III**.

Road Widening

Parts 1 & 2 will be conveyed as Road Widening. It is requested that the City apply a condition of approval to this effect so that the lands can be transferred prior to the registration of the new lots and execution of the Site Plan Agreement for the automobile dealership (7960 Oakwood Drive).

Appendix III shows the location of these parts for conveyance to the City.

Easements

Easements for servicing and/or vehicular access are proposed to the benefit of both properties.

7888 Oakwood Drive

The Easement application by 7888 Oakwood Drive proposes vehicular access and servicing easement across Part 10. This will allow for access to the northern driveway of the proposed dealership and the conveyance stormwater runoff.

7960 Oakwood Drive

The Easement application by 7960 Oakwood Drive proposes two easements as follows:

- Stormwater – Parts 7, 8, 15 & 16 (Captured drainage flows from the lands behind the proposed dealership)
- Existing Sanitary Service - Parts 14, 16 & 18 (Existing sanitary sewer connection supporting 7888 Oakwood Drive)

These Easements are on the diagram included as **Appendix IV** to this report.

Partial Discharge of Mortgage

Both properties are current mortgaged. To allow for the change in lot area and property boundary, a Partial Discharge of mortgage is required.

PLANNING CONTEXT AND OPINION

The two properties are located within the Niagara Falls Urban Area and within an Employment Area, per Schedule G of the Niagara Official Plan.

The lands designated as “Industrial” on Schedule A of the City of Niagara Falls Official Plan.

The property known as 7960 Oakwood Drive, which is planned to contain a new automobile dealership, is zoned Prestige Industrial (PI) under Zoning By-law 79-200. The applicable zoning permits the use of the lands for a “new car agency” (i.e. automobile dealership), among other uses. The proposed site plan for the adjusted lot has been prepared to comply with all applicable zoning provisions.

The property known as 7888 Oakwood Drive is also Zoned PI and is subject to special provision 540. The lands currently contain an existing equipment rental agency which is permitted through the site-specific zoning as a contractor, tradesman or material supplier use. The existing development will continue to conform and comply with applicable zoning.

Section 51 (24) of the Planning Act

Applications for lot creation such as consents to sever, subdivisions or condominiums are considered under Section 51 of the Planning Act.

Section 51 (24) the Act prescribes that *“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”* items a) to m). An overview of how each item is addressed in the context of the future consent application is provide below in italics.

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The application satisfies Provincial Interest (k) being the adequate provision of employment opportunities and item (p) being the appropriate location of growth and development.

The subject lands are located within a designated Regional Dynamic Employment Area on Schedule G of the Niagara Official Plan and have an industrial land use designation and zoning in City Planning documents. The reconfiguration of lands will assist in the development of a new business that will generate jobs and provide service to residents of the municipality and region. The location of such uses is appropriate on the property as it is located amongst other similar land uses (i.e. other car dealerships, equipment rental



businesses) and is away from sensitive land uses where noise or other nuisance may have a negative impact.

- b) whether the proposed subdivision is premature or in the public interest;

The proposed development is not premature. The planned development of the new dealership is currently proceeding through a concurrent Site Plan application. To facilitate the development the establishment of necessary property boundaries and easements is required prior to the applicant being able to execute a site plan agreement on the title of the property. Accordingly, the consent applications must be completed at this time.

The applications are in the public interest as they facilitate land uses permitted in the City's Official Plan and Zoning by-law, are located away from sensitive land uses and will contribute to employment.

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The existing and proposed land uses for each property are permitted under the Industrial policies of the City of Niagara Falls Official Plan.

- d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed property limits from 7960 Oakwood Drive reflect the land area that is required for the new automobile dealership. Lands surplus to the needs of this development are to be transferred to 7888 Oakwood Drive. It is intended that 7888 Oakwood Drive will be merged in title at a later date with 7818, 7838 and 7868 Oakwood Drive and be redeveloped.

The properties remain suitable locations for industrial development as they have municipal servicing connections available, have access to local, Regional and Provincial roadways and are suitably buffered from sensitive land uses.

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

The proposed development is industrial. This item is not applicable to these applications.

- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The two lots will maintain frontage along Oakwood Drive, which is classified as a Collector Road on Schedule C of the City of Niagara Falls Official Plan.



The properties have adequate and proximate access to Regional Roads and the Provincial Highway system.

- f) the dimensions and shapes of the proposed lots;

The final dimensions of each reconfigured lot are as follows:

7888 Oakwood Drive

- *Lot Area – 2.19 hectares*
- *Frontage – 60.90 metres*
- *Depth – 265.36 metres*

7960 Oakwood Drive

- *Lot Area – 1.16 hectares*
- *Frontage – 64.09 metres*
- *Depth – 161.30 metres*

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions applicable to the subject lands to be divided. A road widening along Oakwood Drive is contemplated in the Severance Sketch and will remain free of development. Parts 1 and 2 shown on the Severance Sketch are intended to be conveyed as a condition of approval for these Consent applications

- h) conservation of natural resources and flood control;

The subject lands do not contain natural resources or a regulated floodplain.

- i) the adequacy of utilities and municipal services;

The subject lands are/can be served by existing municipal services and utilities. A detailed review of the proposed servicing method of the site is being completed through the Site Plan review process.

- j) the adequacy of school sites;

The proposed development is industrial and will have no impact on school capacity.

- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No lands, save for a future road widening along Oakwood Drive, are required or planned to be conveyed for public purposes.

- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Energy efficient design may be explored through the development of detailed architectural building plans.

- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The existing equipment rental establishment at 7888 Oakwood Drive is subject to an existing Site Plan Agreement. The new automobile dealership proposed at 7960 Oakwood Drive is concurrently processing through a required Site Plan review process.

Planning Opinion

The submitted application will facilitate the reconfiguration of two properties to support the development of a new automobile dealership at 7960 Oakwood Drive and retention of an existing equipment rental agency at 7888 Oakwood Drive.

The submitted applications are necessary and appropriate to facilitate the proposed development. Specifically, the land assembly and easements must be provided in advance of the related site plan agreement being executed. The submitted Site Plan Agreement reflects the boundaries and easements shown on the submitted Severance Sketch.

The proposed and existing land uses conform with applicable land use planning policies in the City's Official Plan and are permitted by Zoning By-law 79-200. No minor variances are required to facilitate these applications.

Based on the information and analysis provided in this report, it is my opinion that the submitted applications satisfy the necessary criteria set out in Section 51 (24) of the Planning Act, are appropriate for the subject lands and represent good planning.



For these reasons, the applications should be supported by the municipality and approved by the Committee of Adjustment.

If City staff have any questions or require any further information or copies of this application or materials, please contact the undersigned.

Respectfully submitted,

Craig A. Rohe, M.Pl., MCIP, RPP
Senior Planner
Upper Canada Consultants

Cc: Giovana Butera
Canterra Property Holdings Inc.

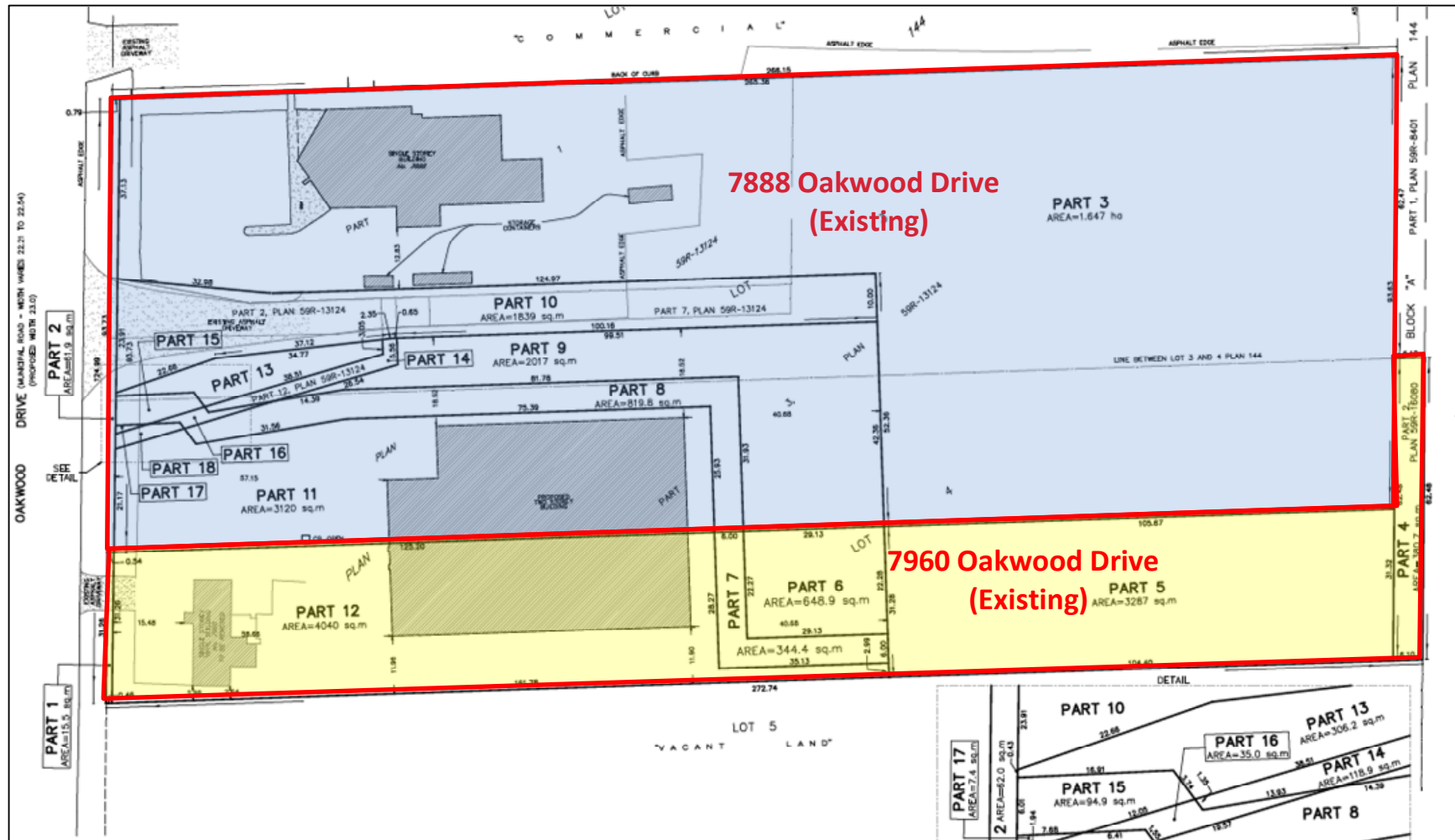


Appendix I – Aerial Map with Zoning



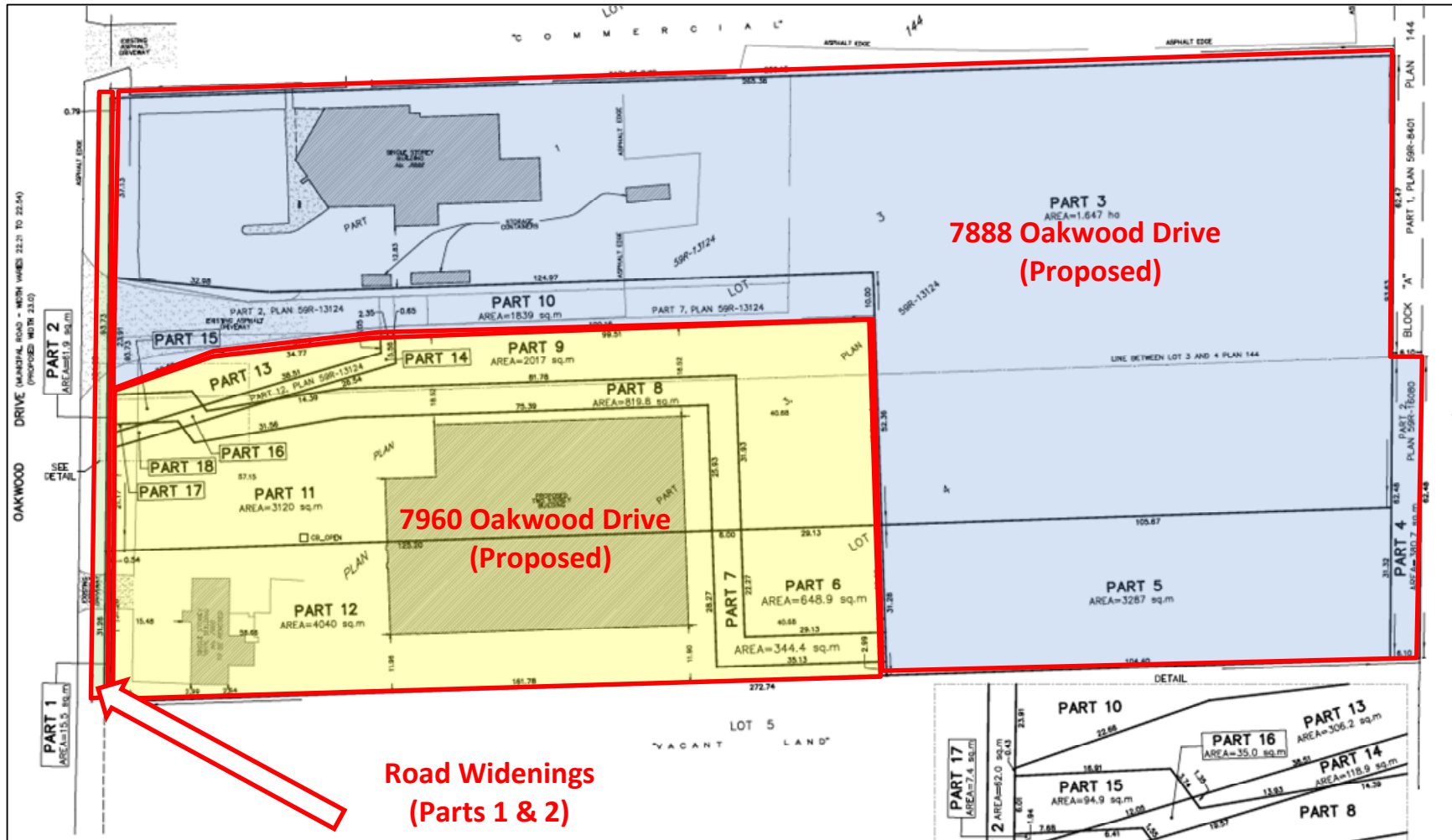


Appendix II – Existing Property Lines





Appendix III – Proposed Land Configuration





Appendix IV – Proposed Easements

