

Planning Justification Report

Proposed Residential Development
PT Lot 187, Oakwood Drive
Niagara Falls, ON



October 20, 2022



Zelinka Priamo Ltd.

LAND USE PLANNERS

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1.0 INTRODUCTION

1.1 BACKGROUND

On behalf of Branthaven Belmont Oakwood Inc. (“Branthaven”), Zelinka Priamo Ltd. has submitted an application to the City of Niagara Falls for an Official Plan Amendment and Zoning By-law Amendment related to the proposed development of the lands generally located southeast of Oakwood Drive south of the intersection with McLeod Road in the City of Niagara Falls (the “subject lands”) (see Figure 1). Branthaven is proposing the comprehensive development of the subject lands, including a total of 236 townhouse units in a variety of formats.

The purpose of the following land use assessment is to provide planning justification for the proposed Draft Plan of Subdivision, as well as the Official Plan Amendment and Zoning By-law Amendment for the subject lands. A future Plan of Condominium and Site Plan Approval application will be submitted to the City to facilitate the proposed development.

1.2 DESCRIPTION OF THE SUBJECT LANDS

The subject lands are located at along Oakwood Drive, generally located to the east of the QEW 400 series highway and south of McLeod Road (Highway 49) (Figure 1). The subject lands are approximately 5.45 hectares (13.4 acres) in size, and are currently undeveloped and vacant of any structures.

The subject lands are abutting a parcel on the east side of Oakwood drive, owned by the Ministry of Transportation (“MTO”). The MTO parcel is located between the subject lands and Oakwood Drive, and therefore the subject lands do not have direct frontage along the west side of Oakwood Drive. Further, MTO Staff have confirmed that their expectation is for a 14m setback for structures, be applicable.

Figure 1 – Locational Setting



Location and boundaries are approximate

1.3 PRE-CONSULTATION

A Pre-consultation Meeting was held on December 2, 2021 related to the proposed development of the subject lands, at which Staff and agency comments were shared, and a list of submission requirements provided.

The concept plans were revised and re-circulated to Staff for continued preliminary consultation. The pre-consultation comments were updated to reflect the revised plans in April, 2022. The Pre-consultation meeting and checklist confirmed that an Official Plan Amendment and Zoning By-law Amendment are required to facilitate the proposed development of the subject lands as proposed, in addition to a Plan of Condominium.

Since the pre-consultation meeting, a Draft Plan of Subdivision has been prepared with this submission package in contemplation of future part lot control and condominium plans.

2.0 THE PROPOSAL

A Draft Plan of Subdivision as well as an Official Plan Amendment and Zoning By-law Amendment have been prepared by Branthaven for the subject lands, which together propose the comprehensive residential redevelopment of the subject lands. The proposal is illustrated by the Preliminary Concept Plan in Figure 2.

Figure 2 – Excerpt of Site Plan



Location and boundaries are approximate

The following describes the redevelopment proposal:

- 236 townhouse dwelling units, with a variety of types and conditions:
 - A total of 46 (20'3" wide) 3 storey rear lane towns are proposed to frame the site, creating a front of building condition along the public road;
 - The rear lane towns are proposed to provide the opportunity for a secondary suite, based on market demand;
 - A total of 69 (20' wide) 2 storey traditional townhouses are proposed, including a rear yard opportunity;

- A total of 54 (21' wide) 3 storey back to back townhouses are proposed;
and
- A total of 67 (16' wide) 3 storey traditional townhouses are proposed,
including a rear yard opportunity.
- A maximum building width of 8 units, so as to avoid large contiguous walls and
create visual interest;
- Development is proposed along a new internal private road network, including
pedestrian sidewalks that provide active connection throughout the site and to
the adjacent public road network;
- A range of landscape and outdoor amenity opportunities for residents, including
an approximately 1,140 sq.m centralized parkette, and 870 sq.m parkette to the
southeast of the subject lands, in addition to private rear yards provided for most
individual units;
- Residents are provided 563 surface parking spaces, generally within a private
attached garage/driveway;
- Sixty-seven (67) standard and barrier-free visitor parking spaces are grouped in
various areas throughout the proposed development; and
- There are three (3) proposed access points to the subject lands from Oakwood
Drive, including alignment with the existing traffic lights on the north side of the
subject lands.

Future division of the subject lands, including individual townhouse units and common areas, is contemplated through future Part Lot Control and condominium applications.

2.1 PROPOSED OFFICIAL PLAN AMENDMENT

A draft Official Plan Amendment (“OPA”) for the subject lands is attached to this Report at Appendix B. The OPA seeks to amend the land use designation applying to the subject lands from “Major Commercial” to a new “Special Policy Area”, and an associated set of special policies to apply.

2.2 PROPOSED ZONING BY-LAW AMENDMENT

A draft Zoning By-law Amendment for the subject lands is attached to this Report at Appendix C. The proposed Zoning By-law Amendment (“ZBA”) seeks to rezone the

subject lands from “Planned Shopping Centre Zone (SC-833)” to a site-specific “Residential Low Density, Group Multiple Dwelling (R4-XXXX)” Zone.

The ZBA would remove existing provisions for the development of a shopping centre and replace with the residential development provisions, by removing and replacing Section 19.1.833 of By-law 79-200 with a new Section 19.1.833.

At this preliminary stage, the proposed “R4-XXXX” zone seeks to establish development standards that reflect and permit the development as contemplated. It is acknowledged that the site-specific development standards are to be confirmed and refined subject to a review of the application by Staff through the approvals process.

Details and rationale of the site-specific provisions sought are provided in Section 4.7.1 of this Report.

3.0 SUPPORTING SUBMISSION MATERIALS

This planning justification report relies, in part, on the supporting submission materials as outlined below. The supporting submission materials meet the submission requirements as identified in the Pre-consultation Meeting.

3.1 D-6 COMPATIBILITY & MITIGATION STUDY

A D-6 Compatibility & Mitigation Study: Air Quality, Dust, Odour & Noise, was prepared by SLR Consulting (Canada) Ltd. The assessment included a review of air quality and noise emissions from industrial facilities in the area surrounding the subject lands.

The assessment concludes that the proposed introduction of residential development on the subject lands is anticipated to be compatible with the surrounding land uses from an air quality perspective; that emissions of dust and odour at the Project site are not anticipated; and the development is not anticipated to limit surrounding existing or future industries and the ability to obtain or maintain required MECP permits or approvals. Mitigation measures and warning clauses are recommended in the Report.

Stationary and transportation noise impacts were also reviewed. To account for transportation noise impacts on the development, the report recommends mandatory AC installation and warning clauses in agreements registered on Title. The Report further

notes that noise impacts from surrounding industries are not anticipated, and that a warning clause is recommended due to the general noise of surrounding industries/commercial properties.

3.2 LANDSCAPE PLAN

A Landscape Concept Plan was prepared by Adesso Design Inc. to present a preliminary concept plan for site landscaping. A range of communal outdoor amenity areas as well as areas for new vegetation are identified by the plan. Landscaping details are anticipated to be further refined through the required future detailed design.

3.3 FUNCTIONAL SERVICING AND STORMWATER MANAGEMENT REPORT

The Functional Servicing Report was prepared by S. Llewellyn & Associates Limited which makes recommendations for the appropriate servicing of the subject lands. The proposed sanitary and water servicing systems introduce new private infrastructure that will connect to existing municipal infrastructure. The Report recommends appropriate grading for the subject lands, in addition to erosion and sediment controls, and recommendations for stormwater quality control in the form of oil/grit separators.

3.4 TRAFFIC IMPACT STUDY

The Traffic Impact Study was prepared by GHD to assess the traffic-related impacts that the proposed development. The report concludes that the overall impact of the development generated traffic is negligible to the operation of the study area intersections and traffic flow, and that no geometric improvements are required to accommodate the proposed development.

A sightline assessment was also conducted as it relates to the proposed site accesses, which concluded that there is sufficient available sightline to accommodate the proposed vehicular accesses.

4.0 PLANNING DOCUMENTS AND ANALYSIS

4.1 PROVINCIAL POLICY STATEMENT

The 2020 Provincial Policy Statement (“PPS”), issued under the authority of Section 3 of the *Planning Act*, “provides policy direction on matters of provincial interest related to land use planning and development” in order to ensure efficient, cost-effective development and the protection of resources. The PPS requires that decisions affecting planning matters “shall be consistent with” the policy direction established by the Plan.

The following PPS policies are of particular relevance to the development of the subject lands:

- Policy 1.1.1 states that healthy, liveable and safe communities are sustained by:
 - promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - 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;
 - 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;
- Policy 1.1.3.1 states that Settlement areas shall be the focus of growth and development;
- Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:
 - Efficiently use land and resources;

- 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;
 - Support active transportation; and
 - Are transit supportive, where transit is planned, exists or may be developed;
- Policy 1.1.3.2 further states that land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated;
- Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs;
- Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety;
- Policy 1.4.3 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - permitting and facilitating:
 - all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
 - all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3

- directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
 - establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety
- Policy 1.6.7.4 states that 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.

4.1.1 Planning Analysis

The proposed development is consistent with the PPS for reasons including:

- The proposal will assist in achieving the Province's policy direction of promoting efficient development and land use patterns that sustain the financial well-being of the Province and the City of Niagara Falls over the long-term (Policy 1.1.1.a);
- The proposal will assist the City of Niagara Falls in meeting the long-term needs for residential uses, including a market-based range of unit types and sizes (a range of townhouse dwelling sizes/forms) (Policy 1.1.1.b);
- The proposal promotes cost-effective development, minimizes land consumption and reduce servicing costs as it is within the urban boundary, within the built-up area, and the lands are serviced by municipal infrastructure (Policy 1.1.1.e);
- The subject lands are located within the City of Niagara Falls, which is a settlement area where growth and development is generally to be focused (Policy 1.1.3.1);
- The density and uses proposed as part of the proposal contribute to a land use pattern that is efficient and supportive of transit and active transportation (Policy 1.1.3.2). The subject lands are in an appropriate location to support growth and development to make efficient use of lands and existing/planned infrastructure and services (Policy 1.1.3.2). The proposal represents the introduction of

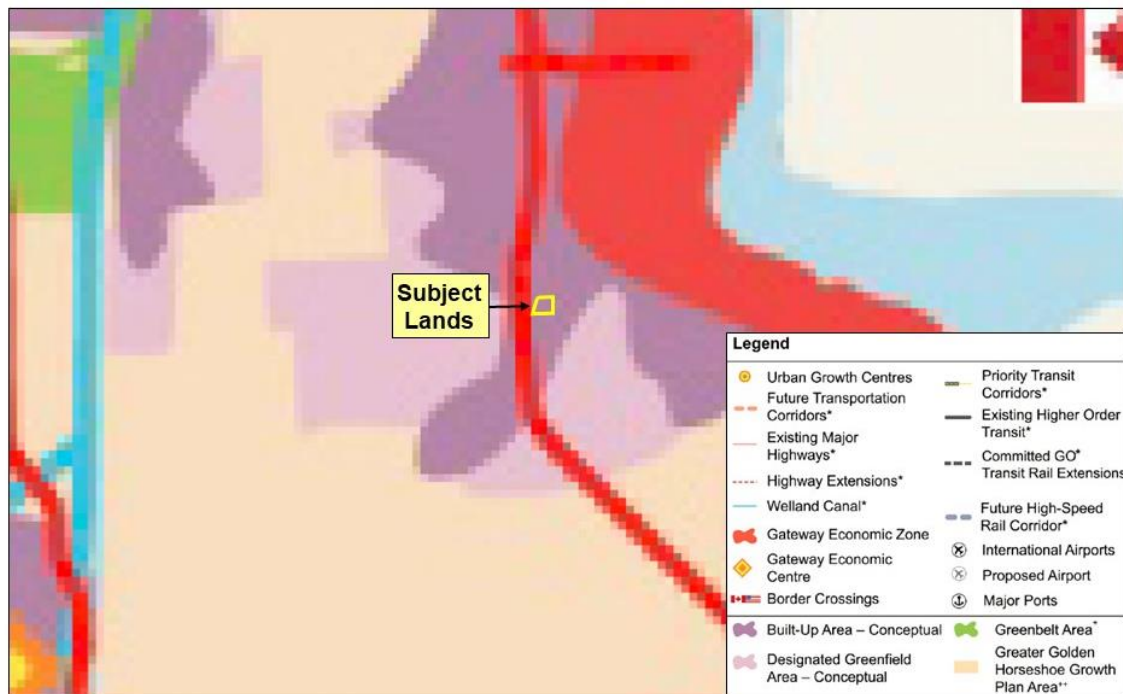
- additional residential uses that will be immediately proximate to a range of commercial opportunities and existing services (Policy 1.6.7.4);
- The proposal would introduce a compact form of intensification and mix of dwellings to the area, and represents a density that allows for the efficient use of land, existing infrastructure and public service facilities in an area appropriate for this scale of growth (Policy 1.1.3.4 and 1.4.3); and
 - The proposed development would introduce a sensitive land use within an existing commercial area and in proximity to a Provincial Highway, and accordingly a compatibility study has been prepared that offers recommendations to mitigate/minimize the impact of potential noise sources on future residents, as described further in Section 3 of this Report (Policy 1.2.6.1).

4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) was approved and modified by the Province, and took effect on May 16, 2019. Amendment 1 to the Growth Plan took effect August 28, 2020. All decisions that affect a planning matter will conform to the Growth Plan.

According to “Schedule 2: A Place to Grow Concept”, the subject lands are within the “Built-Up Area – Conceptual” (Figure 3).

Figure 3 – Excerpt of Schedule 2: A Place to Grow Concept – Growth Plan



Location and boundaries are approximate

Relevant managing growth policies include:

- 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 systems; and iii. can support the achievement of complete communities (2.2.1.2.a);
- 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 (2.2.1.2.c);
- Applying the policies of this Plan will support the achievement of complete communities that (2.2.1.4):
 - feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate

people at all stages of life, and to accommodate the needs of all household sizes and incomes;

- Expand convenient access to: i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; and iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- provide for a more compact built form and a vibrant public realm, including public open spaces.

By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows: a) A minimum of 50 per cent of all residential development occurring annually within the Region of Niagara will be within the delineated built-up area (2.2.2.1).

All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will (2.2.2.3):

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) encourage intensification generally throughout the delineated built-up area;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and

4.2.1 Planning Analysis

The proposed development conforms with the Growth Plan and the goal to build compact, vibrant and complete communities for reasons including:

- The proposal provides new residential uses within the Niagara Falls settlement area on lands that have access to existing municipal water and wastewater systems. The introduction and proposed scale of new residential uses within this existing community, and the manner in which the proposal supports active transportation and street activity, is supportive of the achievement of complete communities (Policy 2.2.1.2.a);

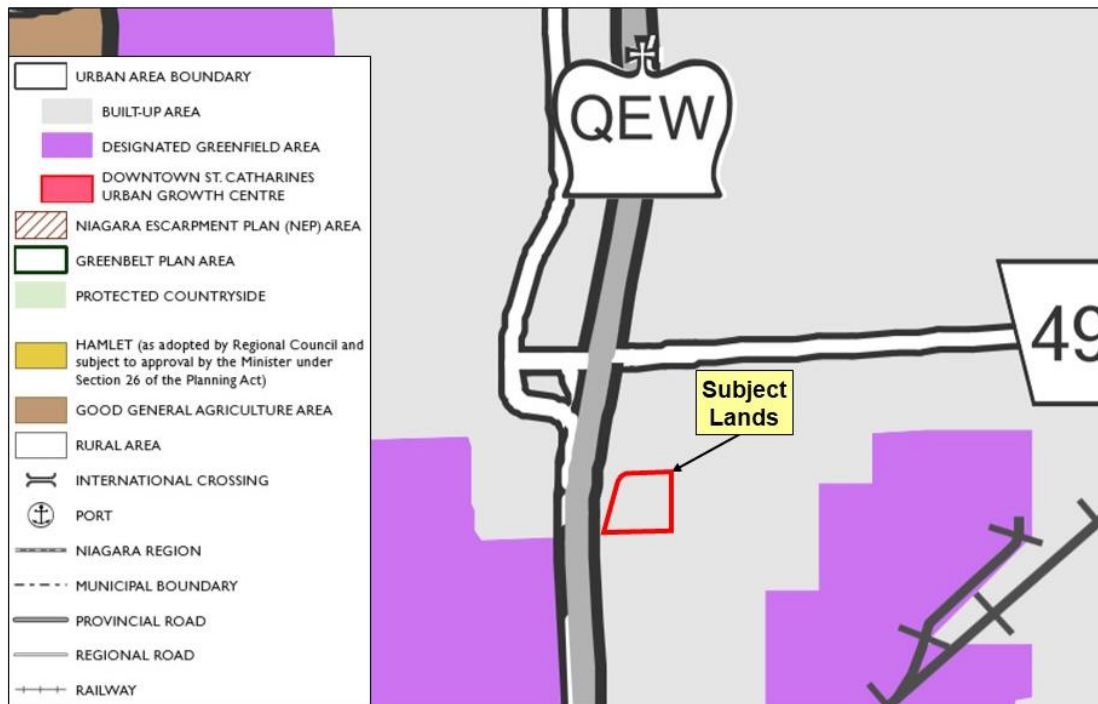
- The subject lands are located within a delineated built-up area, is in proximity to existing transit services, and is in area appropriate for growth (Policy 2.2.1.2.c);
- The proposed built form will assist in achieving the overall policy direction of encouraging the development of complete communities (Policy 2.2.1.4);
- The proposed development will contribute to Niagara Falls meeting Provincial growth targets (Policy 2.2.2.1);
- The Zoning By-law Amendment will zone the subject lands in a manner that will facilitate an appropriate degree of intensification in considering the existing/planned context of the area. In our submission, the subject lands represent an appropriate opportunity for intensification, which is to be generally encouraged in appropriate locations throughout the municipality (Policy 2.2.2.3); and
- The proposed development would introduce a use and built form that will be supportive of the existing and surrounding commercial retail sector, primarily located to the north of the subject lands. There are positive synergies that occur through integration of residential and commercial uses within a mixed-use area (Policy 2.2.5.15).

4.3 NIAGARA REGION OFFICIAL PLAN

The Niagara Region Official Plan (“ROP”) provides policy direction regarding land use and development for the various local municipalities, including the City of Niagara Falls.

According to “Schedule A: Regional Structure”, the subject lands are within the “Urban Area Boundary” and are a part of the “Built-up Area” (Figure 4).

Figure 4 – Excerpt of Schedule A: Regional Structure – Niagara Region Official Plan



Location and boundaries are approximate

The key components of the Region's Urban Structure include, in part, Urban Areas that are composed of Built-up Areas, as the subject lands are considered (Policy 4.G.5.1).

Relevant policies related to the Built-up Areas include:

- Urban Areas will be the focus for accommodating the Region's growth and development (Policy 4.G.6.2);
- Urban Areas will be the focus of the Region's long-term growth and development (Policy 4.G.7.2); and
- Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

The ROP defines intensification to include all forms of development that occur within the Built-up Area, and that the Region will promote intensification (Policy 4.C.1.1). The Official Plan directs that each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting

intensification and achieving the intensification targets of the Official Plan. Local official plans shall incorporate the Built Boundary for identifying the Built-up Area, and shall generally encourage intensification throughout the Built-up Area (Policy 4.C.2.1).

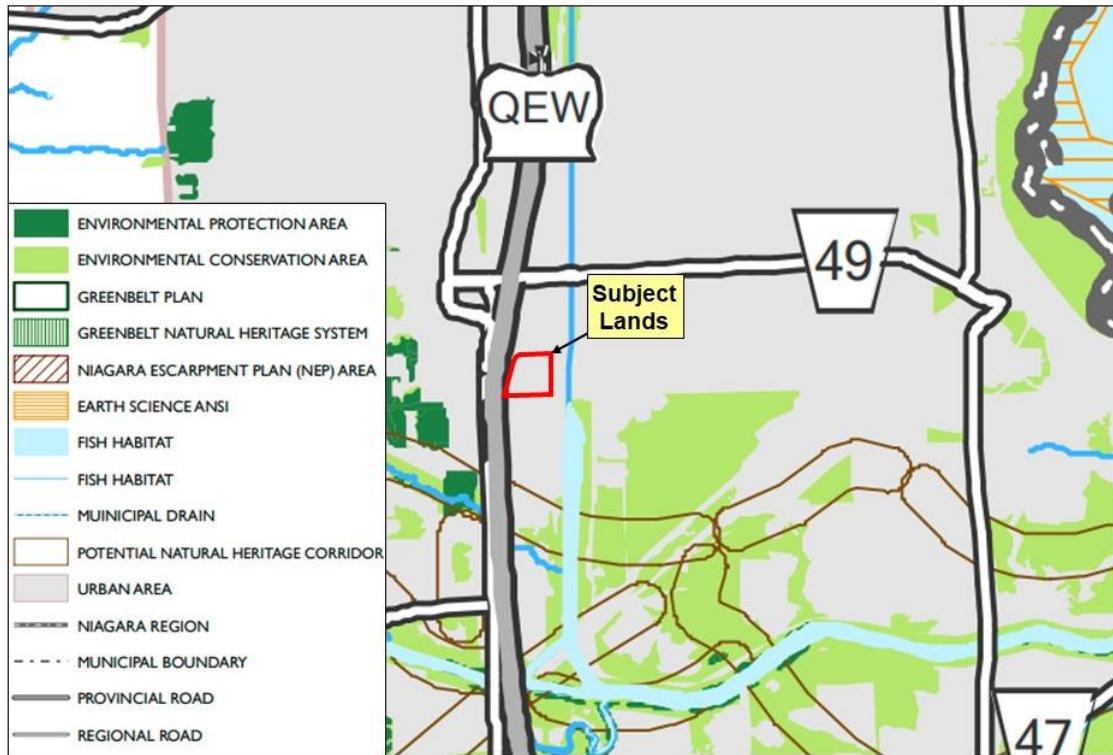
The Region encourages the development of mixed-use areas in Niagara. Mixed use areas should be planned to accommodate a variety of complementary land uses, including residential, commercial, employment, recreation, institutional, the Core Natural Heritage System, hydrological features and open space (Policy 4.I.1). Applicable policies include the following:

- Mixed use areas should be planned to accommodate a variety of housing types, with an emphasis on providing opportunities for medium and high density residential development (Policy 4.I.2);
- Mixed use areas should be planned to allow for the mixing of land uses at several scales. Land use could be mixed within neighbourhoods, blocks, parcels and buildings (Policy 4.I.3);
- Mixed use areas should be planned to accommodate a variety of transportation modes, including walking, cycling and transit (Policy 4.I.4);
- Mixed use areas should be located in both greenfield and intensification areas (Policy 4.I.5);
- Local municipalities are encouraged to identify mixed use areas in their official plans and create a set of land use policies to guide development in these areas (Policy 4.I.6); and
- The planning of mixed use areas should direct particular attention to providing an attractive streetscape environment and public realm. A higher quality of public realm design is expected for mixed use areas compared to other residential areas, as mixed use areas often have a higher proportion of public space as compared to private space (Policy 4.I.7).

4.3.1 Core Natural Heritage

As identified on “Schedule C” of the Niagara Region Official Plan, the subject lands are not located within a Core Natural Heritage Feature, including Environmental Protection or Conservation Areas (Figure 5).

Figure 5 – Excerpt of Schedule C: Core Natural Heritage – Niagara Region Official Plan



Location and boundaries are approximate

4.3.2 Transportation Infrastructure

Oakwood Drive is identified as part of the “Strategic Cycling Network” on “Schedule E2” (Figure 6). The portion of Oakwood running along the northern lot line of the subject lands accommodates existing bike lanes, the segment to the west of the subject lands is identified as an “infill link,” to be upgraded through future retrofit investments.

Figure 6 – Excerpt of Schedule E2: Strategic Cycling Network – Niagara Region Official Plan

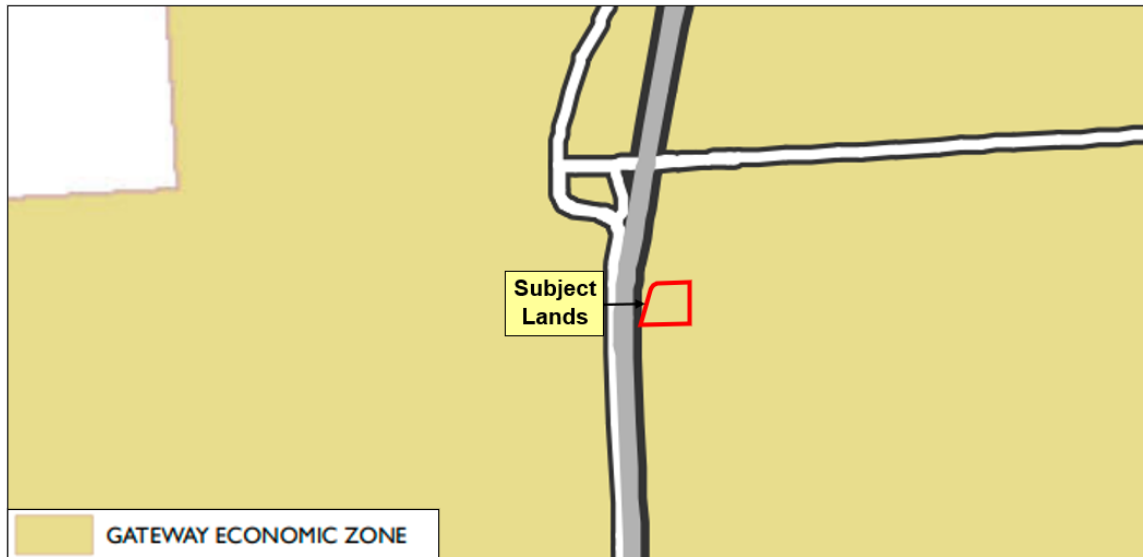


Location and boundaries are approximate

4.3.3 Niagara Economic Gateway

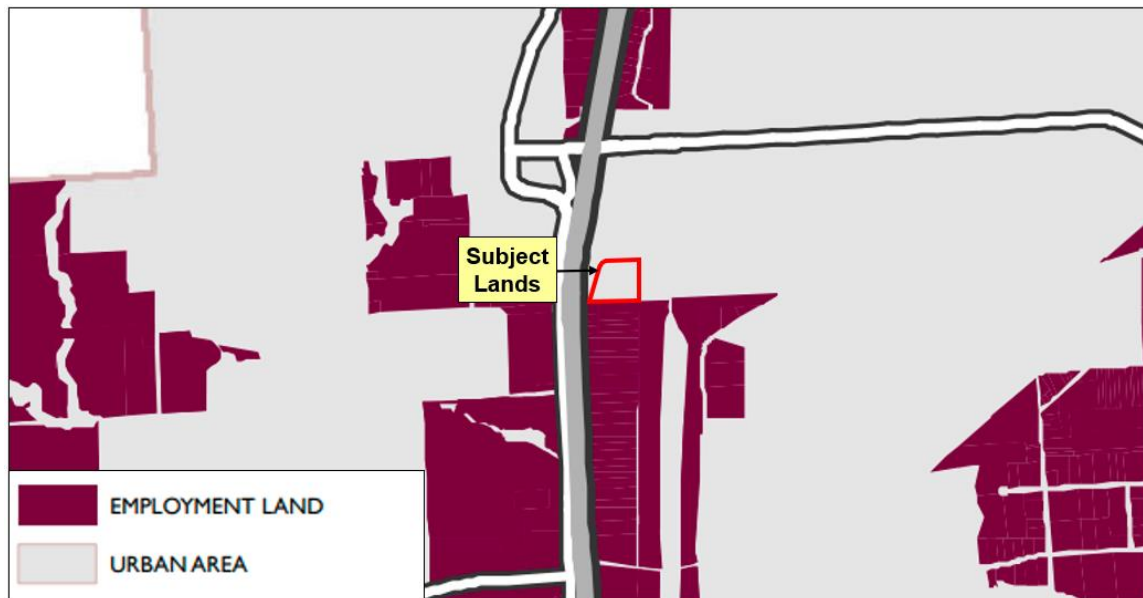
The subject lands are identified as forming part of the "Niagara Economic Gateway" as depicted in "Schedule G1" (Figure 7), but do not form a part of the employment lands that form the core of the gateway area, as shown in Schedule G2 (Figure 8). The policies applicable to the Niagara Economic Gateway are focused on the vacant employment lands, which the subject lands do not form part of.

Figure 7 – Excerpt of Schedule G1: Niagara Economic Gateway – Niagara Region Official Plan



Location and boundaries are approximate

Figure 8 – Excerpt of Schedule G2: Niagara Economic Gateway Employment Lands – Niagara Region Official Plan



Location and boundaries are approximate

4.3.4 Planning Analysis

The proposed development conforms with the ROP for reasons that include:

- The subject lands are located within the existing Built-up Area portion of the Urban Area, which is identified as where the majority of the Region's growth and development will be focused (Policy 4.G.6.2, 4.G.7.2 and 4.G.8.1);

- The proposed development is a form of intensification as it is occurring within the Built-up Area, which is promoted by the Region (Policy 4.C.1.1). The proposal will contribute to the City of Niagara Falls meeting intensification targets (Policy 4.C.2.1);
- The Region encourages the development of mixed-use areas in Niagara that offer a number of complimentary uses, which the proposed development will contribute towards realizing (Policy 4.I.1). The proposal will contribute to a mixed-use area by providing opportunities for a mix of dwelling types/sizes (Policy 4.I.2) as well as land uses within the area (Policy 4.I.3);
- The proposed development represents a form of intensification that is transit-supportive and will be proximate to existing transit and transportation infrastructure (Policy 9.C.3); and
- The subject lands are not proximate to a Core Natural Heritage Feature, Environmental Protection or Conservation Area as identified by the Official Plan.

4.4 NIAGARA REGION MODEL URBAN DESIGN GUIDELINES

The Region of Niagara's Model Urban Design Guidelines provide comprehensive and detailed urban design direction for new development.

As described in Section 5 of this Report, the proposed development responds to and seeks to implement the various applicable guidelines presented by the Guidelines.

4.5 NIAGARA REGION OFFICIAL PLAN REVIEW

The Region of Niagara recently undertook a Municipal Comprehensive Review ("MCR") to update the ROP. Niagara Region adopted the new ROP on June 23, 2022 through By-law No. 2022-47. The Minister of Municipal Affairs and Housing is the approval authority for the new ROP. As of the date of this Report, the Minister has not yet made a decision on the new ROP, and it is therefore not yet in full effect.

Notwithstanding that the adopted Regional Official Plan is not yet determinative, we note the following:

- The Region anticipates a population increase of over 200,000 people by the year 2051, while the City of Niagara Falls is to meet or exceed an intensification target of 10,100 units, representing at least 50% of the growth of the municipality;

- The objectives of the Region’s adopted housing policies include providing a mix of housing options to meet current and future housing needs; and
- The adopted ROP encourages intensification within built-up areas in a compact built form to support climate mitigation and land use efficiency.

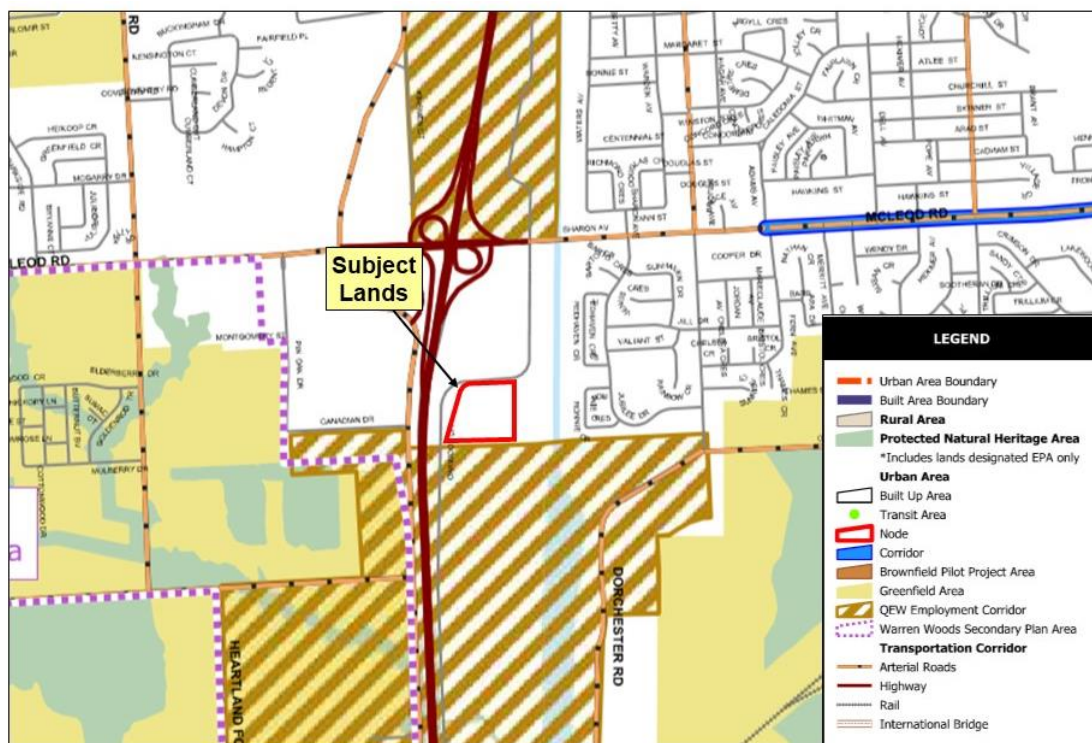
4.6 NIAGARA FALLS OFFICIAL PLAN

The City of Niagara Falls Official Plan (April 2019 consolidation) (“OP”) outlines the long-term objectives and policies of the City with respect to growth and development.

4.6.1 Urban Structure

According to “Schedule A2: Urban Structure Plan”, the subject lands are within the “Built-up Area” (Figure 10). The subject lands do not form a part of the identified growth structure of the City, which includes the Nodes and Corridors as delineated on “Schedule A2”.

Figure 10 – Excerpt of Schedule A2: Urban Structure Plan – Niagara Falls Official Plan



Location and boundaries are approximate

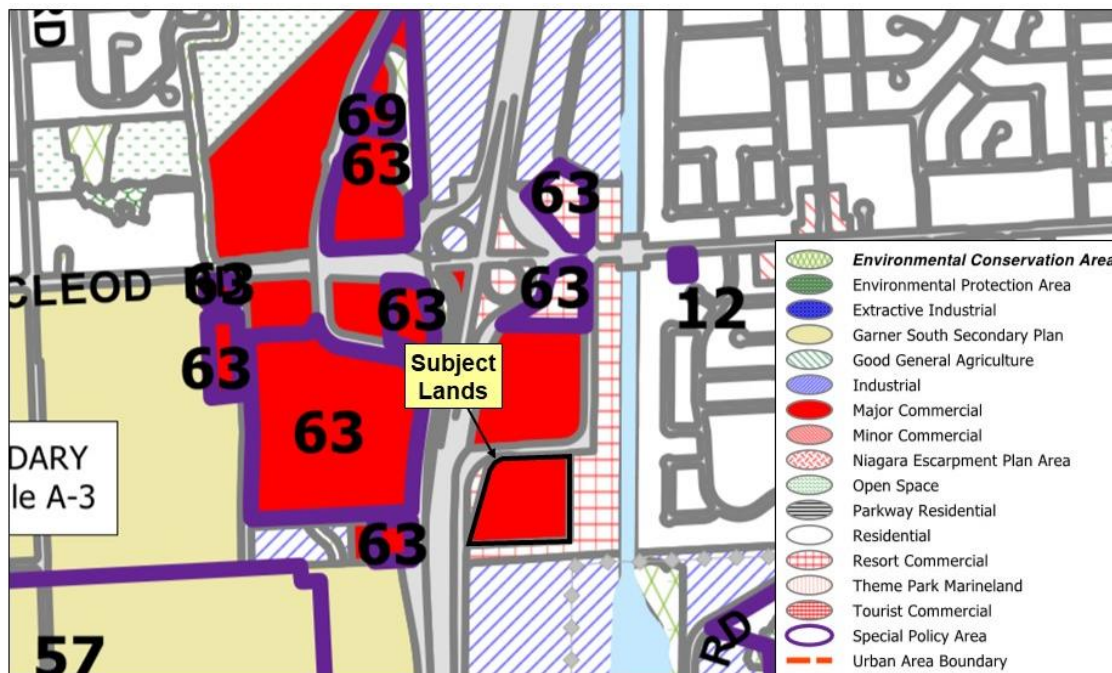
The various growth objectives provided by the OP include the following as they relate to the proposed development:

- To direct growth to the urban area and away from non-urban areas; and
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.

4.6.2 Existing Designation

According to “Schedule A: Future Land Use”, the subject lands are designated “Major Commercial” (Figure 9).

Figure 9 – Excerpt of Schedule A: Future Land Use – Niagara Falls Official Plan



Location and boundaries are approximate

The OP describes Major Commercial Districts as representing (Part 2, Policy 3.2.1):

“The largest concentrations of commercial space in excess of 10,200 square metres of gross leasable retail floor area. The predominant land uses include a full range of retail outlets, personal service shop, accommodations, medical services, and office space to serve the needs of the entire market population and

may include mixed use developments, recreational, community and cultural facilities as secondary uses. In addition, residential projects may be permitted subject to appropriate provisions in a zoning bylaw amendment and other relevant sections of this Plan.”

The OP provides specific policy direction for lands designated for commercial purposes, where the supply may be in excess of demand, allowing for residential intensification in such scenarios without amendment to the OP. Specifically, we note the following policies:

- Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium density residential as a form of residential intensification may be considered provided the following general criteria are satisfied. The policies of PART 1, Section 3.10 to 3.19 shall apply lands that are designated a Node on Schedule A-2 to this Plan. Intensification is to be consistent with the height and density parameters for each node, should the lands be so designated. For lands not designated a node, height and density should be consistent with the policies of PART 2, Section 1.15.5.5. Development will be arranged in a gradation of building heights and densities. The proposed development is designed to be compatible with commercial development in the surrounding area. The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment. The proposal does not hinder commercial traffic patterns (Part 2, Policy 3.5.3); and
- While this Plan promotes and encourages residential intensification of lands designated Major and Minor Commercial, it is also recognizes that there is the potential for land use conflicts with intensification. Accordingly, an applicant may be required to undertake studies to determine impacts and provide mitigation measures (Part 2, Policy 3.5.4).

The subject lands do not form a part of a Node, and so according to Part 2, Policy 3.5.3 referenced above, Part 2 Section 1.15.5.5 of the OP is applicable, which states:

- Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing

within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:

- (i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighbourhood.

4.6.3 Proposed Designation

The OP contemplates compatible residential uses within the Commercial land use category to create mixed-use areas, including within the Major Commercial designation that currently applies to the subject lands. The Official Plan discusses residential use within the Commercial component of the City as follows:

Commercial areas can also be strengthened through the introduction or expansion of residential uses to create mixed use areas. This Plan promotes and encourages residential intensification in order to regenerate and increase the vitality of existing commercial areas. It is not, however, the intention of this Plan to promote the dislocation and re-designation of non-residential uses in order to achieve intensification. Rather, this Plan provides guidance for long-term compatible coexistence of residential and non-residential uses within these nodes.

The subject lands have existing policy context that permits residential uses up to and including 6 storeys and a density of 100 units per hectare. Residential uses are permitted as standalone, and do not need to be integrated with a commercial function.

Taking into account that the OP currently contemplates Residential uses on the subject lands, including standalone residential uses, the existing Major Commercial designation is considered appropriate.

A new site specific “Special Policy Area” is proposed to be applied to the subject lands. The “Special Policy Area” will introduce a new policy framework that will permit the residential uses on the subject lands, including the format of housing contemplated (i.e. townhouse dwellings).

4.6.4 Urban Design/Built Form

Part 3 Section 5 of the OP presents the Urban Design Strategy for the City of Niagara Falls. As noted by the OP, the policies are to provide guidance for development to both the public and private sectors.

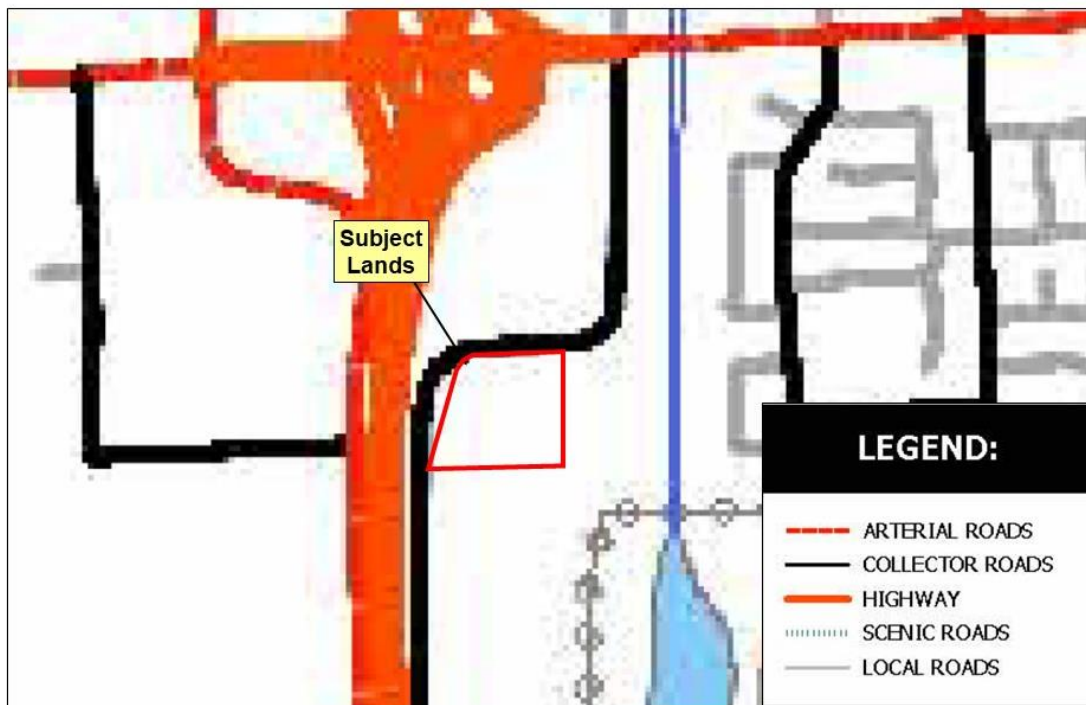
Part 3 Section 5.1 of the OP states that new development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features. We note the following policies applicable to the proposed development:

- 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 (Part 3 Policy 5.1.1);
- 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 (Part 3 Policy 5.1.2); and
- Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site-specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act (Part 3 Policy 5.1.3).

4.6.5 Major Roads Plan

As shown in Figure 12, “Schedule C: Major Roads Plan” of the OP, Oakwood Drive is identified as a “Collector Road”.

Figure 12 – Excerpt of Schedule C: Roads – Niagara Falls Official Plan



Location and boundaries are approximate

The OP describes Collector Roads as follows:

- Collector Roads - include all roadways under the City’s jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads. The roadways in this classification are generally two lanes, undivided with a road allowance width of 20 metres to 23 metres which will allow the addition of turning lanes, bicycle paths, bus lay-bays and shelters, landscaping, sidewalks and utility corridors. Traffic and parking controls should be considered. Access to abutting properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted (Part 3 Policy 1.5.18.5).

Part 3 Policy 1.5.29 states that in considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system, noting further that a transportation study may be required to assess the impact of the development.

According to Part 3 Policy 1.5.31, Council requires the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads, as the subject lands would be considered.

4.6.6 Planning Analysis

The proposed development conforms with the general intent of the OP, for reasons that include:

- The subject lands are located within the existing built-up area of the City, where it is an objective of the OP to direct growth;
- The lands form a part of the broader retail area, but remain undeveloped. The lands are proposed to be developed in a manner that is supportive of, and enhances the function of the Niagara Square Retail district, as encouraged by Policy 3.2.3.4, by expanding the proximate clientele base;
- The OP contemplates and anticipates residential uses within Major Commercial Districts (Policy 3.2.1 and Policy 3.5.3) by recognizing the synergistic and supportive relationship between commercial and residential use of lands, as is proposed by these applications. Further, the OP allows residential development as standalone, and not required to be associated with a commercial land use on the same site;
- As demonstrated through the D-6 Compatibility & Mitigation Study prepared by SLR, the proposal is anticipated to be compatible with the surrounding land uses. The Study recommends measures to mitigate impacts of proximate major facilities to air quality, which will be incorporated at the detailed design phase. The introduction of the sensitive uses on the subject lands is not anticipated to compromise the viability of the established commercial functions is not compromised through the introduction of a more sensitive land use (Policy 3.5.1, 3.5.4, and Part 3 Policy 1.5.31);

- The subject lands have frontage along a collector roadway (Oakwood Drive). The Traffic Impact Study prepared by GHD investigated the impact of the proposed development on the existing surrounding road network, including the proposed access points to these networks, and concluded that no geometric improvements are warranted as a result of the anticipated traffic generated by the proposed development beyond the reconfiguration of the McLeod / Oakwood intersection planned by the Region (Part 3 Policy 1.5.29);
- The site and building design are compatible with surrounding land uses (Part 3 Policy 5.1.1);
- Staff pre-consultation comments note that the Planning Justification Report is to address Part 2, Policy 3.4, which is related to Neighbourhood Commercial uses in the Residential land use designation. The policy of Part 2, 3.4, are not directly applicable to these lands, which are designated Major Commercial; and
- The proposed development contributes to the range and mix of housing options in the Montrose area. The proposal is anticipated to contribute to affordability as the proposed townhouses will help increase the supply of housing in the City and are generally more affordable than the average sing-detached dwelling, which is the most common housing form in the City (Policy 1.10.1 and Policy 1.10.2).

4.7 CITY OF NIAGARA FALLS ZONING BY-LAW 79-200, AS AMENDED

The subject lands are zoned “Planned Shopping Centre Commercial Zone” (“SC Zone”) under Zoning by-law 79-200, as amended (see Figure 13). The SC Zone permits a range of commercial uses, however residential uses are not listed as a permitted use.

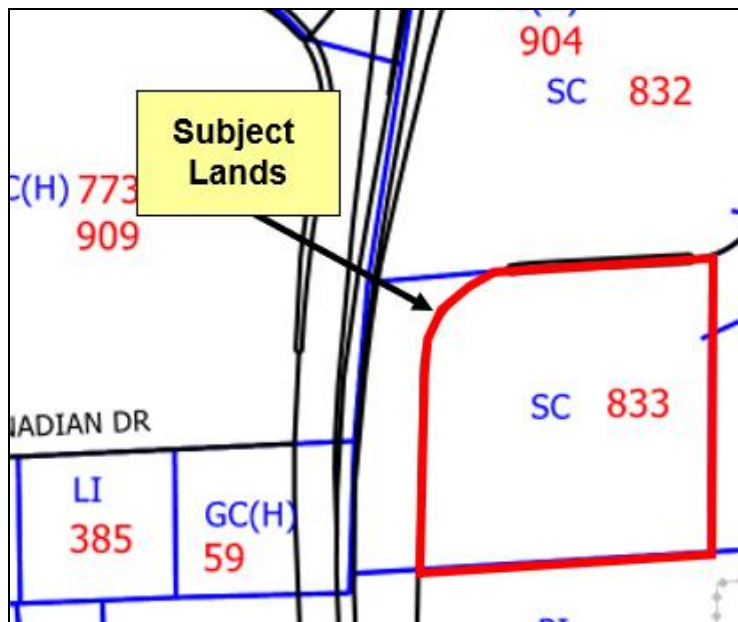
The lands are also subject to site specific provision No. 833, which states:

“Notwithstanding the provisions contained within the definition “lot”, Table 1 of clause (a) of section 4.19.1 and sections 4.19.1, 8.4.1 and 8.4.2 of By-law No. 79-200, no person shall use the land on the south and east sides of Oakwood Drive, designated SC and numbered 833 on Sheets B6 and C6 of Schedule “A”, or erect or use any building or structure thereon, except in compliance with By-law No. 2008-108.”

By-law 2008-108 includes site-specific development permissions that would facilitate the development of the subject lands as a shopping plaza, including additional permitted

uses, establishing maximum gross leasable floor areas for specific uses, amongst numerous other matters.

Figure 13 – Excerpt of Sheet B6 from Niagara Falls Zoning By-law No. 79-200, as amended



4.7.1 Proposed Zone

The subject lands are proposed to be rezoned in the context of the proposed development of the subject lands for residential use. Accordingly, as described in Section 2.2 of this Report and displayed in Appendix C, the subject lands are proposed to be rezoned to a site-specific “Residential Low Density, Group Multiple Dwelling (R4-XXXX)” zone, which permits the proposed townhouses.

At this conceptual stage, the following is an analysis of the proposed site-specific zoning standards:

- Permitting back-to-back townhouses

- While townhouses are currently permitted within the proposed R4 zone, the back-to-back built form is not contemplated by the Zoning By-law, in any zone.
- It is appropriate to consider a mix of dwelling types within this zone in order to create a community while maintaining the intent of the R4 zone by providing a medium density form of housing. The proposed addition of a back-to-back townhouse configuration will make efficient use of the lands while enhancing the proposed range of housing options on the subject lands.
- The additional permitted use is considered technical in nature.
- The subject lands shall be deemed one lot, and the northern property line shall be deemed the front lot line
 - These provisions are strictly technical in nature, in contemplation of future Part Lot Control and/or condominium plans. This adds clarification and certainty in interpreting the Zoning By-law.
- A maximum building height of 12.3 metres, whereas 10.0 metres is permitted
 - A maximum building height is proposed at 12.3 metres to accommodate architectural features in order to break up the townhouse block facades, creating distinction between units and visual interest on the street.
 - The additional 2.3 metres in height is not anticipated to have significant impacts on the surrounding lands (predominantly non-residential in nature).
 - The Official Plan permits building heights up to 6 storeys.
- A minimum maneuvering aisle width of 6.0 metres, whereas 6.5 metres is required
 - The provision a minimum aisle width of 6.0m is comparable to the established industry standard for private condominium road networks. The modest reduction in the travelled portion of the road is not anticipated to result in any significant traffic or safety issues.
 - A reduced width represents a more efficient use of land, and is a reduction in permeable surfaces, which align with Provincial policy;
- A minimum parking stall width of 2.69 metres, whereas 2.75 metres is required
 - A variety of parking amenities are provided on the subject lands, including private garages, front yard driveways, and recessed visitor parking areas.

The minor reduction in parking stall width from 2.75 metres to 2.69 metres is in recognition of specific proposed conditions, being double-car driveways with widths of 5.38 metres, which still provides adequate space for two vehicles to park safely.

- The condition is specific to buildings at the exterior of the site, which are proposed to accommodate a potential second unit. A double-car driveway would avoid a tandem parking situation, which is less desirable for a multiple unit scenario.
- The reduced width that is still functional, represents a more efficient use of land, which aligns with Provincial policy
- A minimum privacy yard depth of 6.05 metres, whereas 7.5 metres is required
 - The majority of contemplated lots meet or exceed the minimum privacy yard depth of the parent zone. In order to achieve the design objectives of the proposal and create visual interest on the street, small variations in lot configuration are proposed. The proposal exceeds the minimum landscaped open space requirements per unit, and suitable outdoor amenity space will still be provided for future residents. Detailed lot design and configuration is subject to future Part Lot Control and/or condominium plans.
- For the back-to-back townhouses, the minimum privacy yard depth of 0.0 metres
 - This provision is technical in nature. By design, back-to-back townhouses are defined as a group of dwelling units divided by vertical common walls, including a common rear wall. As such, no rear yard is provided. Landscaped amenity areas are provided in the form of front and/or side yards, and common amenity space provided on the subject lands. The four (4) back-to-back townhouse blocks are located adjacent to the central common amenity area.
- A minimum lot area of 231 square metres per unit, whereas 250 square metres per unit is required
 - The proposed development makes efficient use of the subject lands, while being designed in a manner than ensure appropriate design in response to current urban design efforts. A slightly reduced minimum lot area of 231 square metres per unit is reflective of the efficient use of the lands, and is not a significant deviation from what is otherwise permitted

under the parent zone. The proposed minimum area per unit still provides future residents with adequate space as units are proposed in a compact built form and provides excess landscaped open space per unit.

- Second units interior to the primary dwelling unit are permitted in townhouses in the R4-XXXX zone, whereas the zoning by-law does not permit a second unit within R4 zones, or on private road townhouses.
 - The proposed standard would add to the unit mix achievable within the subject lands, and additional housing opportunity within a similar built form.

5.0 URBAN DESIGN BRIEF

The Regional Municipality of Niagara adopted Model Urban Design Guidelines in 2005 to encourage development and redevelopment in a progressive manner that addresses the Region's core design objectives. Accordingly, the Region of Niagara has adopted a number of smart growth principles, which are used as structuring elements for the Guidelines. These guiding principles include the following:

- Create a mix of land uses
- Promote a compact built form
- Offer a range of housing opportunities and choices
- Produce walkable neighbourhoods and communities
- Foster attractive communities and a sense of place
- Preserve farmland and natural resources
- Direct development into existing communities
- Provide a variety of transportation choices
- Make development predictable and cost effective
- Encourage community stakeholder collaboration

Critical to the implementation of the established Guidelines is the inherent flexibility to allow for contextual design considerations and innovation. The following section offers a summary of how the proposed development implements or addresses the direction of sections within the Guidelines most relevant to the proposal.

The following design principles provide general guidance for residential development in the Region (s. 4a.1):

1. *Positive Image: A positive residential image is a key design consideration for enhancing the quality and character of the overall streetscape and neighbourhood. Housing should incorporate architectural design elements to create a positive street image. Elements such as front-attached garages or blank walls must be avoided.*

The proposed development will provide new housing options to the area while improving the visual character of Oakwood Drive. The proposed variety of built forms, and the orientation to frame the adjacent public areas, is a positive contribution.

- 2. Context Sensitive: The mass, scale, and architectural elements of residential buildings should be sensitive to adjoining areas. Design elements such as the height, building mass, and architectural features should complement the overall neighbourhood character. Context sensitive design will support the creation of a unique sense of place that respects local cultural and natural environmental features.*

The proposed development is situated between clusters of commercial lands to the north, west, and south. The height and scale of the proposed development is compatible with the surrounding context. The proposed variety of built forms, and the orientation to frame the adjacent public areas, is a positive contribution.

- 3. Housing Variety & Choice: A full range of housing types (i.e., detached, semi-detached, townhouse, apartments) and tenures (for sale, rent, affordable, and aged-care) should be provided so as to provide options for a wide range of residents/family types (i.e. single parents, couples, families with children, seniors, people with special needs, and others). A range of housing types will address changes in market conditions and provide flexibility for people at a variety of income levels.*

The proposed development is comprised of standard and back-to-back townhouses, which offer different options for varied family types and needs. The proposed development provides an alternative housing choice to the area, as the predominate residential built form in the neighbourhood is single-detached dwellings. Further, certain townhouses are designed to accommodate secondary suites, which contributes to the variety of housing options.

- 4. Flexible & Adaptable: Multiple unit and apartment housing should create opportunities for a wider range of uses, other than residential, such as home-office and apartments situated above street commercial. Mixing land uses*

gives a social and economic focus for new and existing residential neighbourhoods.

The subject lands are proximate to a range of retail, entertainment, and employment land uses. Certain townhouses are designed to accommodate secondary suites, which contributes to the variety of housing options and ensures flexibility.

5. *Environmentally Sustainable: Residential development should be designed to achieve a high degree of environmental sustainability and address opportunities for solar orientation and water runoff minimization.*

Opportunities to integrate sustainable features into the design will be identified during a detailed design phase further into the approvals process. Aspects which may be considered include enhanced stormwater retention features and quality control on site. Further, the efficient form of development and reduced development standards can be a more environmentally sensitive approach to growth.

Guidelines are provided relating to the variation and density of residential development (s. 4a.2):

- a) *Housing variety should be achieved on each street and block as a means of strengthening neighbourhood character and identity. Repetition of house type, size and design (style, elevation, materials, etc) should therefore be avoided.*
- b) *A full range of housing types (i.e., detached, semi-detached, townhouse, apartments) should be provided to promote variety and diversity, and to address changes in market conditions.*
- c) *Identical house elevations should not be located on adjacent or opposite lots, including flanking lots. Identical elevations, either in design or color, should not comprise more than 25% of the same street.*
- d) *Residential density should be increased at appropriate locations to promote transit use. Density is the ratio of residential units on a given area of land, and is typically measured in dwelling units per acre. ... Townhouse up to 40 units/acre.*

- e) *The highest density development should occur at appropriate locations. Appropriate locations include areas that benefit from increased population and have a variety of movement and travel options, including: - the centre of a neighbourhood; - larger public open spaces (e.g. neighbourhood parks); - transit facilities or major transit corridors; and - larger institutional uses (eg. universities).*
- f) *High density development should transition to adjacent areas through appropriate setbacks and building form.*

The proposed development will make efficient use of the lands with a density of 43.3 units per hectare, which is comparable to the target density for townhouse developments. The proposed built form expands the range of housing types in the area, which primarily offers single-detached residential dwellings. The proposal will contribute to creating a mix of uses along Oakwood Drive in a manner which will support the existing commercial facilities without impeding on their long-term viability. Further, the development provides a variety of housing options and styles within the townhouse format. This includes traditional townhouses, back-to-back townhouses, townhouses of differing sizes, and townhouses designed to accommodate a secondary unit.

Guidelines are provided for the orientation of residential uses, including the following (s. 4a.3):

- a) *All housing should face adjacent streets and open spaces. Rear lotting should not be permitted unless it is required to achieve a reasonable design objective (such as to limit access to environmentally sensitive open space).*
- b) *Dwellings on corner and flanking lots should be designed so both exposed façades are oriented towards the street. At these locations, building elements and design should emphasize their visibility and potential role as landmark or orienting structures within the community.*

The proposed townhouse buildings are to be oriented towards both Oakwood Drive and the private road network internal to the subject lands. Interaction between building façades and the public and private road networks will be further refined during a detailed design phase.

Guidelines are provided for building heights for residential uses including the following (Section 4a.6):

- a) ... appropriate heights for typical housing types ... Townhouse 3-5 storeys

The proposed townhouse buildings achieve a height of 3 storeys, in accordance with the design direction.

6.0 ADDITIONAL PLANNING CONSIDERATIONS

This report has identified and addressed the relevant current planning policy and regulatory framework in Section 4 of this Report. The following section analyses several themes identified through the planning assessment of the proposed redevelopment of the subject lands.

6.1 MITIGATING IMPACT

The proposed development is supported by technical studies and reports as outlined in Section 3 of this Report, and include a Compatibility Study. The supporting studies collectively offer recommendations and conduct background analysis to ensure the site can be developed safely. The reports offer recommendations, where necessary to minimize or mitigate potential concerns regarding compatibility. Based on the recommendations, the proposed development can be implemented in a safe manner.

Further field studies are to be undertaken through the review of the applications, during appropriate seasons, which may result in updated recommendations for development.

6.2 CONTRIBUTING TO INTENSIFICATION TARGETS AND STRATEGIES

The current policy framework gives priority to intensification as a means of accommodating new growth. The Provincial Policy Statement requires that planning authorities identify and promote opportunities for intensification (Policy 1.1.3.3) and the Provincial Growth Plan identifies that a minimum of 50 percent of all residential development occurring annually within the Niagara Region will be within the delineated built-up area. It is the objective of the Niagara Region Official Plan to focus new growth within existing built-up areas (Policy 4.G.8.1), and to direct a minimum of 40 percent of new residential development within the City of Niagara Falls as intensification (Policy

4.C.4.2). In order to meet targets for residential intensification, the Niagara Falls Official Plan has identified a number of Growth Areas. The subject lands are not located within an identified growth area, however are underutilized and in an area appropriate to accommodate growth. The Growth Plan directs through Policy 2.2.2.3 that intensification is be encouraged generally throughout the delineated built-up area

The proposed redevelopment represents intensification of a vacant lot within the built boundary, in an area of the City that is appropriate for intensification.

6.3 ACCOMMODATING INTENSIFICATION APPROPRIATELY

In addition to targets for intensification, the applicable planning policy and regulatory framework identifies criteria/requirements for intensification and redevelopment, including the policies in the Growth Plan relating to managing growth, which amongst other matters directs through Policy 2.2.2.3 that intensification is be encouraged generally throughout the delineated built-up area.

The following points summarize how the various criteria for intensification and redevelopment are met by the proposed development:

- **Compatibility:** The subject lands are currently vacant and are located just south of an existing commercial plaza. The introduction of additional residents by way of the proposed development will be supportive of the existing commercial uses on the surrounding lands, by providing an additional consumer base while also reducing the number of vehicular trips generated. The subject lands are located in an area that can accommodate the degree of intensification as proposed.
- **Housing Options:** The proposed development provides a market-based range and mix of dwelling unit sizes and types. The dwelling types include traditional townhouses, back-to-back townhouses, townhouses of differing sizes, and townhouses designed to accommodate a secondary unit. The proposed built form is generally a more affordable housing opportunity than traditional greenfield development forms of housing.

Staff noted support for apartment buildings internal to the subject lands, through pre-consultation. The mix of townhouse unit types, and in particular the ability to

accommodate secondary suites, provides an efficient and appropriate built form for the subject lands that makes efficient use of the lands.

- **Urban Design/Built Form:** The site has been designed so as to frame the adjacent public road, effectively creating a street wall that will contribute to creating a pedestrian scaled environment in the public realm. The site layout naturally screens internal areas used for the functionality of the site, including open spaces, short term parking and access and parkland. The proposed development is adjacent to a collector road, just southeast of a major highway interchange, and given the prominent location of the lands, the design and scale of the proposed development is done so as to reflect and enhance the positioning of the site as a complimenting feature to the surrounding commercial land uses. Units that are facing Oakwood Drive are reverse lot frontages. Urban Design Brief is included in Section 5 of this Report, which further expands upon the design considerations applied to the site and buildings. The development will be subject to a future Site Plan Approval application that will ensure specific design elements meet the City's desired direction for the type of built form proposed.
- **Transit and Connectivity:** The location of the subject lands will offer new residents access to a variety of transportation options, including alternative transportation modes. The proposal is transit supportive, providing additional user base for existing transit. The subject lands are in proximity to a number of existing local transit routes (Routes 103, 101, and 112), and is within a 10-minute driving distance from the Highway 420 Park & Ride, which offers connections to Burlington and Toronto via GO Transit Route 12. In addition, the subject lands have immediate access to the Queen Elizabeth Way that offers a broader regional connection by private automobile, reducing the demand on existing local road networks.
- **Infrastructure and Public Service Facilities:** The subject lands are located within an area where appropriate levels of infrastructure and public service facilities are available to support current or projected needs.
- **Complete Communities:** The proposal assists in creating a complete community by contributing to a full range of housing options, within an area

already well serviced by a range of commercial and employment uses. The introduction of residential units is supportive of existing commercial functions in the area (in particular located north/south of the subject lands) by providing additional clientele base within walking/cycling distance.

- **Efficient and Appropriate Use of Existing Vacant Lands:** The subject lands are designated for commercial purposes as part of a major retail node, however have remained undeveloped for this purpose. There is a surplus of commercially-designated lands in this area, as is evidenced by the longstanding supply of vacant lands that are designated for commercial uses, including the subject lands. The use of the subject lands for residential purposes will not compromise the intent of the commercial node, nor is it anticipated that the addition of sensitive uses on the subject land will impact the viability of established commercial uses. The introduction of residents in the immediate proximity of vacant commercial lands could have the effect of improving the demand for commercial development and redevelopment on the surrounding lands through an increased catchment population, and the noted synergistic relationship between residential and commercial uses. As noted, there are OP policies that recognize that there may be instances where commercial land is in excess of demand, and allows for residential uses in these instances, including standalone residential. It is our opinion that there is a surplus of vacant and/or underutilized lands in the area designated for commercial purposes, and that it is therefore appropriate to introduce residential uses on the subject lands.

The Commercial function of the subject lands was intended as a comprehensively planned shopping centre. As outlined in the 2008 Recommendation Staff Report (PD-2008-46), the design of the subject land was to include large format retail/commercial uses, in a similar format as what was developed to the north across Oakwood Drive. The proposed development differs from the original intent of the lands, but remains appropriate. We understand that small scale commercial uses were not intended for the subject lands, but rather a comprehensively developed commercial plaza. Given the context of the subject lands as not having frontage along McLeod Drive, and requiring a setback from the vacant MTO parcel adjacent to Oakwood Drive, the viability of small scale commercial uses are questionable.

6.4 EFFICIENTLY USING INFRASTRUCTURE AND COMMUNITY FACILITIES

The proposed new residential infill community represents a more efficient and intensive use of the subject lands, which have remained vacant. The planning policy and regulatory framework is designed to ensure more efficient use of existing infrastructure and public service facilities. The proposed infill development will contribute to ensuring efficient, cost-effective development by making more efficient use of existing infrastructure and public service facilities prior to developing new or expanded works/facilities in the city.

In particular we note that the development will make efficient use of existing transit infrastructure, existing community services, as well as existing civil infrastructure, generally as follows:

- The proposed development will introduce a number of new dwelling units within proximity to an existing community centre (MacBain Community Centre) located at Montrose Road and McLeod Road, northwest of the subject lands. New residents will be able to make efficient use of this existing infrastructure, which will be within walking/cycling distance, reducing the demand on the roadways/parking infrastructure;
- The proposed development will make efficient use of existing civil infrastructure by proposing private extensions to service the subject lands, as demonstrated by the Servicing & Stormwater Management Report prepared by S. Llewellyn & Associates Limited;
- The proposed development will be bound by a public road (Oakwood Drive). The proposed development will have access to and make efficient use of the existing road network without compromising the level of service of proximate intersections, as demonstrated by the GHD Study; and
- As noted, the proposed development is proximate to existing local transit routes. The proposed development will make efficient use of transit investments.

6.5 LOCATION AND COMPATIBILITY

The subject lands are well suited for the proposed redevelopment, as evidenced by the following:

- Intensification of the subject lands and surrounding parcels, is contemplated by the existing policy context;
- The subject lands are in proximity to the Queen Elizabeth Way Provincial Highway, existing local and regional transit service (Local Routes 103, 101, 112, and 203; short drive to Highway 420 Park & Ride), and existing and planned cycling infrastructure. The location of the subject lands will offer new residents access to a variety of transportation options, including alternative transportation modes;
- The subject lands are within walking distance to a number of commercial establishments, notably those located immediately to the north. The subject lands are proximate to an existing community centre. The neighbourhood offers a range of opportunities characteristic of a complete community, where residents can access their daily needs within walking distance;
- The subject lands are underutilized, remain undeveloped, and are appropriate for the scale of development as proposed; and
- The future required site plan approval process can readily address details such as landscaping, lighting and waste containment to ensure compatibility with surrounding land uses.

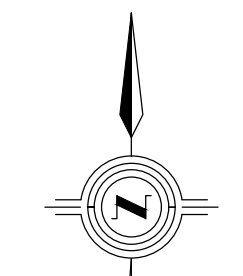
7.0 CONCLUSIONS

Given the findings of this Report and the supporting materials, it can be concluded that the subject lands are well suited for the proposed residential development. The proposal is consistent with and conforms to the applicable provincial and municipal land use planning policies, and represents good land use planning as follows:

- The proposed development is consistent with the Provincial Policy Statement, and conforms with the intent of the policies outlined in the Growth Plan, Niagara Region Official Plan and the City of Niagara Falls Official Plan. The Niagara Falls Official Plan contemplates potential residential intensification of the subject lands in the context of surplus commercially-designated lands. The proposed OPA and ZBA will recognize site specific development considerations to facilitate the proposed development;
- The subject lands are currently undeveloped, underutilized, and are appropriate for intensification. There is a surplus of existing designated commercial lands within the area, and redevelopment of this parcel for residential purposes has numerous benefits to the economic health of the established land uses;
- The proposed redevelopment is an appropriate scale to support the existing neighbourhood and community facilities, including existing transit and commercial uses;
- The proposed specific development standards to accommodate the proposed redevelopment are appropriate;
- The technical submission materials prepared in relation to the Zoning By-law Amendment support the development as proposed;
- A future required Site Plan Approval application will facilitate the development of the subject lands while ensuring site design matters are implemented appropriately; and
- The subject lands are well located for the proposed development, and are compatible with the existing surrounding land uses. The proposed development contributes to the established mix of uses and dwelling sizes to support a complete community in the Montrose area.

APPENDIX A

THE QUEEN ELIZABETH WAY
OAKWOOD DRIVE



UNIT LEGEND

Color	Description	# units
Green	20' (6.1m) 3 STOREY REAR LANE TOWN	46 units
Orange	20' (6.15m) 2 STOREY TOWN	69 units
Yellow	21' (6.4m) 3 STOREY B2B	54 units
Purple	16' (4.88m) 3 STOREY TOWN	67 units
	TOTAL	236 units

**16' 3S RL, 20' 3S RL TOWNS - RM3 S.4.1261.2b
BUILDINGS 10-13, 17, 18, 29, 30**

REGULATION	REQUIRED	PROPOSED	COMPLY
MAXIMUM LOT (MINIMUM)	250 sq.m / DWELLING 54,532/250 = 218 UNITS	236 UNITS = 231 sq.m./UNIT	NO
LOT FRONTAGE (MINIMUM)	30.0 m	181.31 m	YES
LOT FRONTAGE FOR UP TO FOUR TOWNHOUSE DWELLING UNITS (CORNER LOT)	25.5 m	N/A	YES
FRONT YARD DEPTH (MINIMUM) / DWELLING	6.0 m	3.10 m	NO
REAR YARD DEPTH (MINIMUM)	7.5 m	21.57 m	YES
INTERIOR SIDE YARD (MINIMUM)	1/2 BUILDING HGT. (5.10 m)	11.05 m	YES
EXTERIOR SIDE YARD (MINIMUM)	4.50 m	15.57 m	YES
LOT COVERAGE BASED ON SITE (MINIMUM)	54,532 x 35% = 19,086.2 sq.m.	16,552 sq.m. (30.35%)	YES
BUILDING HEIGHT (MAXIMUM)	10.0 m	12.3 m	NO
NUMBER OF DWELLING UNITS ON ONE LOT (MAXIMUM)	54,532 sq.m. / 200 = 272 UNITS	236 UNITS	YES
PARKING ACCESS REQUIREMENTS (MINIMUM)	1.4 SPACES / UNIT = 332 SPACES	630 SPACES	YES
PARKING STALL WIDTH (MINIMUM)	2.75 m	2.69 m	NO
PARKING STALL LENGTH (MINIMUM)	6.00 m	6.00 m	YES
MANEUVERING AISLE (MINIMUM)	6.30 m	6.00 m	NO
LANDSCAPE OPEN SPACE (MINIMUM)	45 sq.m. / DWELLING	LANDSCAPE AREA = 23,367 sq.m. / 236 = 99.01 sq.m. / DWELLING	YES
PRIVACY YARD DEPTH (MINIMUM)	7.50 m	0 sq.m.	NO

PARKING REQUIREMENTS

PARKING PROVIDED:	= 563 SPACES
GARAGE AND DRIVEWAY	= 67 SPACES
VISITOR PARKING	= 67 SPACES
TOTAL PARKING PROVIDED	= 630 SPACES

GENERAL NOTES

GARBAGE COLLECTION WILL BE DOOR TO DOOR USING PRIVATE PICK-UP

LEGEND

PROPERTY LINE	---
INDIVIDUAL UNIT PARCELS	---
MAN DOOR ENTRANCE / EXIT	▼
6.0m WIDE FIRE ROUTE	---
PAINTED CROSS WALK	▨
DEPRESSED CURB	DC
FIRE HYDRANT	HYD.
PAD MOUNT TRANSFORMER	▲
AREA STREET LIGHT - REFER TO ELECTRICAL DRAWINGS	SS
STOP SIGN	■
FIRE ROUTE NO PARKING SIGN	F.R.

BRANTHAVEN BELMONT OAKWOOD INC.

PROJECT: OAKWOOD TOWNHOMES
 FILE: 14869 - Oakwood Site Plan.dwg
 SCALE: 1:600
 DRAWN BY: KSR
 DATE: MARCH, 2022
 REVISED: 22/03/22
 JOB NO.:

TITLE: **SITE PLAN**

SHEET No. **A1.01**

APPENDIX B

AMENDMENT NO. XXX

TO THE

CITY OF NIAGARA FALLS

OFFICIAL PLAN

CITY OF NIAGARA FALLS

By-law No. 2022-

A by-law to provide for the adoption of Amendment No. XXX to the City of Niagara Falls Official Plan.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACTS AS FOLLOWS:

1 Amendment No. XXX to the City of Niagara Falls Official Plan, consisting of the attached text and map, is hereby adopted.

Read a First, Second and Third time, passed, signed and sealed in open Council this XXXX day of XXXX, 2022.

.....
CITY CLERK

.....
MAYOR

OFFICIAL PLAN AMENDMENT NO. XXX

PART 1 – PREAMBLE:

(i) **Purpose of the Amendment:**

The purpose of this Amendment is to allow for the development of residential townhouses on certain lands currently in a Major Commercial designation.

(ii) **Location of the Amendment:**

The subject lands are located on Oakwood Drive, south of McLeod Road and the existing commercial plaza at 7481 Oakwood Drive, east of the Queen Elizabeth Way, and west of the Welland River/Hydro Canal (ALL OF PIN 64257-0245(LT), PT LOT 187, PTS 1-4 OF DRAFT R-PLAN 36947-LT). The lands have an area of approximately 5.45 hectares.

The lands subject to this amendment are shown more specifically on the Location Map attached as Figure 1.

(iii) **Details of the Amendment:**

Map Changes

- Schedule A – Land Use of the Official Plan is amended by
 - Applying a new Special Policy Area to the subject lands.

Text Change

The Amendment adds a new subsection to PART 2, SECTION 13 – SPECIAL POLICY AREAS to create a new Special Policy Area XXX, which applies a site-specific policy framework to the lands subject to this Amendment, including site specific residential permissions

(iv) **Basis of the Amendment:**

The lands affected by this Amendment are presently designated Major Commercial in the City of Niagara Official Plan in recognition of their location within the Niagara Square Mall Retail District. The lands affected by this Amendment have remained vacant of structures and are undeveloped. This Amendment facilitates intensification of the lands for residential use, at a scale appropriate for the existing context.

The Amendment provides for efficient use of the lands in consideration of the existing and planned function of the area. The planned function of the area includes policies/permissions for lands to develop for residential purposes up to 12 storeys in building height within an apartment building form. The lands to the north are lands built for existing commercial and retail purposes and are generally occupied by commercial/retail uses. The Amendment provides for a land use that is synergistic and compatible with the area.

The Amendment meets Provincial policies including the Provincial Policy Statement and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, by facilitating a complete community that offers a range of uses and opportunities for housing.

The full basis for this Amendment has been set out in the Planning Justification Report and related supplementary reports submitted in support of this 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 Map Changes and Text Changes, constitutes Amendment Number XXX 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 Changes

- i) SCHEDULE A – FUTURE LAND USE to the Official Plan is amended by identifying as “Special Policy Area XXX” the lands shown as “Area Affected by this Amendment” on Schedule 1, attached hereto and forming part of this Amendment.

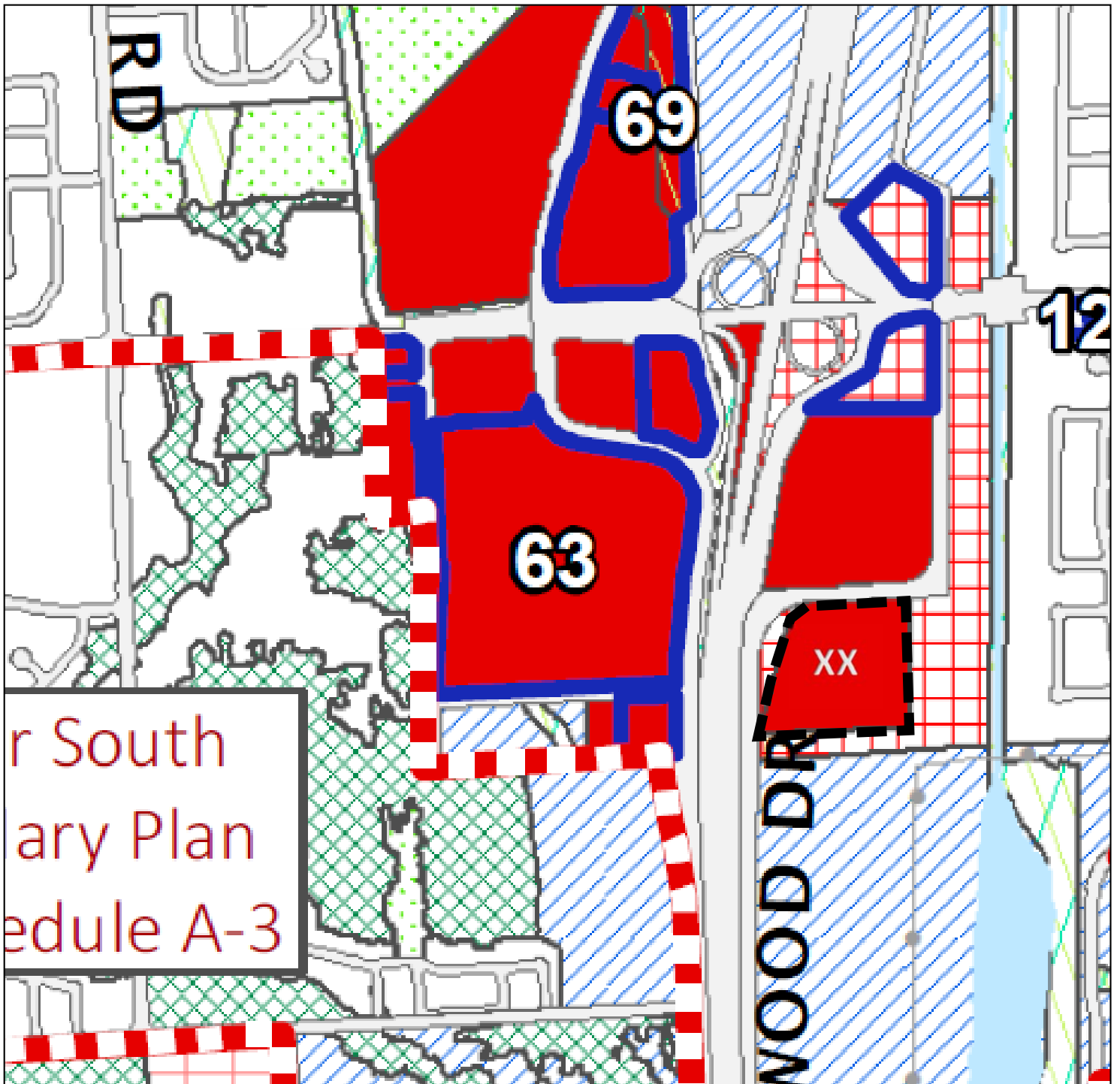
2. Text Changes

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

“13.XXX

Special Policy Area “XXX” applies to approximately 5.45 hectares of land located south and east of Oakwood Drive, south of McLeod Road and the existing commercial plaza at 7481 Oakwood Drive, east of the Queen Elizabeth Way, and west of the Welland River/Hydro Canal. Notwithstanding Policy 3.5.3, residential townhouse uses shall also be permitted, at an overall density not to exceed 45 units per hectare.

Schedule '1'



New Special Policy Area "XX"
Area Affected by this Amendment

PART 3 – APPENDIX

The following appendix does not constitute part of this Amendment and is included for information purposes only.

1. LOCATION MAP

The Location Map, which shows the location of those parts of the subject lands being affected by this Amendment, is attached hereto for information purposes only.

LOCATION MAP



NTS. Boundaries are approximate.

APPENDIX C

CITY OF NIAGARA FALLS

By-law No. 2022-____

A by-law to amend By-law No. 79-200, being a zoning by-law.

WHEREAS it is deemed advisable to amend By-law Number 79-200, as amended,

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY 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 part of this by-law.
2. Deleting from By-law 79-200 Schedule ‘A’, Sheet B6, the Planned Shopping Centre Commercial (SC-833) zone on the subject lands, and substituting therefore on Schedule ‘A’, Sheet B6 the Residential Low Density, Group Multiple Dwelling (R4-XXXX) Zone.
3. Section 19 – Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:

2022-XXX	19.1.XXXX	<p>Notwithstanding any provision of By-law 79-200 to the contrary, the lands zoned R4 and numbered XXXX shall be subject to the following:</p> <ul style="list-style-type: none">• In addition to the permitted uses, back-to-back townhouses shall be permitted;<ul style="list-style-type: none">○ For the purpose of this by-law, a back-to-back townhouse shall be defined as: a dwelling unit within a building containing four or more dwelling units divided by vertical common walls above grade, including a common rear wall.• One second unit is permitted per unit, within the primary building that is a townhouse dwelling in the R4-XXXX zone, subject to the following:<ul style="list-style-type: none">○ The primary dwelling unit or second unit is occupied by the owner of the lot;○ The floor area of the second unit shall not exceed 40% of the floor area of the primary dwelling unit, excluding any attached garage; and○ One parking space shall be provided for the occupant of the second unit in addition to the parking space required for the primary dwelling.• For the purpose of determining compliance with section 7.9 of this by-law, and all other provisions of Zoning By-law No. 79-200, notwithstanding land ownership, all the land described in Section 1 of this by-law and shown hatched and designated R4(XX) and numbered (XX) on the plan Schedule 1 attached hereto, shall be considered one lot;• The north property line shall be deemed to be the Front Lot Line;• Minimum lot area is 231m² per unit;• Minimum front yard depth is 3.10m;• Maximum height of buildings or structures is 12.3m;
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		<ul style="list-style-type: none"> • Minimum maneuvering aisle width is 6.0m; • Minimum parking stall width is 2.69m; • For the townhouse units, the following lot regulations apply: <ul style="list-style-type: none"> ○ Minimum privacy yard depth is 6.05m; and ○ For the back-to-back townhouses, the minimum privacy yard depth is 0.0m.
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4. AND THAT all other provisions of By-Law 79-200, as amended, shall apply to the lands subject to this By-Law.
5. This Bylaw shall come into force and take effect upon the approval of Official Plan Amendment No.____, and in accordance with the Planning Act, R.S.O. 1990, c.P.13.

Passed this XXXX day of XXXX 2022.

.....
CITY CLERK

.....
MAYOR

First Reading:
Second Reading:
Third Reading:

Schedule '1'



Lands Rezoned From SC-833 to R4-XXXX