



PBDD-2024-007

## Report

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<b>Report to:</b>	General Manager of Planning, Building and Development, or designate
<b>Date:</b>	May 22, 2024 <b>AM-2024-001</b> <b>Rezoning Application</b> <b>9234 Sodom Road and Part of Lot 19, Concession 2</b> <b>Willoughby</b> <b>Applicant: Polocorp Inc.</b>
<b>Title:</b>	<b>Agent: Larry Kotseff</b>

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### Recommendation(s)

1. That the application to amend the Zoning By-law be approved, subject to the regulations outlined in this report.

### Executive Summary

Polocorp Inc. has submitted a zoning by-law amendment application to rezone 3.4 hectares (8.4 acres) of land on the east side of Sodom Road south of Mann Street (see Schedule 1) to facilitate development of the subject property in accordance with the Ontario Land Tribunal approved Draft Plan of Subdivision.

As a result of the revisions made to the Draft Plan of Subdivision through the OLT settlement process, the approved zoning does not align with the approved Draft Plan of Subdivision. A zoning by-law amendment application is required to align the site-specific regulations and to facilitate development of the subject property as per the OLT decision.

The application proposes approximately 100 dwelling units consisting of the following options:

- Option 1 for the Draft Plan of Subdivision show changes to Block 26 and Block 27 for lands to be conveyed back to owner if Street A extension is not approved within 8 years of the OLT decision (see Schedule 2 and Schedule 4): 21 detached dwellings, 36 on-street townhouses, 8 townhouses, 1 block for 11 townhouses, and between 28 to 32 back-to-back townhouses (i.e. apartment dwelling).
- Option 2 for the Draft Plan of Subdivision show changes to Block 26 with a future road conveyance to the City of Block 27, if Street A is approved within 8 years of



the OLT decision (see Schedule 3 and Schedule 4): 24 detached dwellings, 40 on-street townhouses, and 1 block for 11 townhouses and between 28 to 32 back-to-back townhouses (i.e. apartment dwelling).

Planning staff recommends the application, for the following reasons:

- The zoning by-law if approved, will align the zoning parcels with the future road network and will facilitate development of the subject property as per the approved Draft Plan of Subdivision;
- The proposed development conforms to Provincial, Regional, and City policies as it meets the Greenfield density target, provides a variety of housing types, offers efficient expansion of infrastructure which can support the proposed development and is transit supportive; and,
- The requested residential zones maintain appropriate regulations for the proposed dwelling types and ensures the proposed development will be compatible with surrounding properties.

## **Background**

### **Proposal**

Polocorp Inc., the owners of lands municipally addressed as 9234 Sodom Road, has applied to amend Zoning By-law No. 79-200, as amended by By-law No. 2022-098 to zone the proposed detached lots to a Residential R1F Density (R1F) zone, the on-street townhouse blocks to a site specific Residential Mixed (R3) zone, and the two multiple residential blocks to two site specific Residential Low Density, Grouped Multiple Dwellings (R4) zones (see Appendix A).

On August 9, 2022, the subject lands received approval for the Draft Plan of Subdivision application (26T-11-2019-002). On August 30, 2022, Zoning By-law No. 2022-098 was passed, permitting the development of the subject property for approximately 100 dwelling units. On August 9, 2022, Polocorp Inc. appealed Condition 7 of the draft plan conditions to the Ontario Land Tribunal (OLT-22-004465).

Condition 7 stated that the draft plan of subdivision be redlined to show a public street access, to the satisfaction of the City, adjacent to the abutting land to the north (9200 Sodom Road), or that Block 25 – Future Development block be merged in title with part or all of the abutting lands to the north (9200 Sodom Road), at the time of registration of the subdivision agreement.

As part of the OLT decision on May 23, 2023, Condition 7 was removed from the Draft Plan conditions and the plan was amended to show Street A, extending northward and terminating at the northern property boundary with 9200 Sodom Road and introduced



Block 27 (Future Road Conveyance) along the western property line that abuts 9200 Sodom Road. The OLT decision addresses that the severance and consolidation of lands from 9200 Sodom Road is required to construct the future road conveyance (Block 27) (see Schedule 4). As a result, two options of development for Block 26 (see Schedule 4) have been proposed by the applicant as outlined below:

**Severance and Consolidation Options for Block 26 and 27:**

- Option 1 (see Schedule 2): 21 detached dwellings, 36 on-street townhouses, 8 townhouses and 1 block for 11 townhouses between 28 to 32 back-to-back townhouses (i.e. apartment dwelling).
- Option 1 applies if the severance and consolidation of the lands required for the Street A extension does not occur within 8 years of the OLT decision. In that event, Street A would terminate in a cul-de-sac. Block 26 is proposed to be developed for townhouse dwelling units fronting on a private street (see Schedule 2). Block 27 will be conveyed back to Polocorp and constitute a part of the privacy yards of the proposed townhouses on this block.
- Option 2 (see Schedule 3): 24 detached dwelling, 40 on-street townhouses, 1 block for 11 townhouses and between 28 to 32 back-to-back townhouses (i.e. apartment dwelling).
- Option 2 applies if the Street A extension lands are severed and consolidated within 8 years of the OLT decision. In this case, the northern portion of Block 26 (see Schedule 4) is proposed to be developed as 3 detached residential lots fronting on the Street A extension, while the southern portion will be developed as 4 on-street townhouse dwelling units, fronting on the draft plan approved Street A. Block 27 (see Schedule 4) will be conveyed to the City to form part of the municipal road allowance.

In addition, the applicant has proposed to amend the zoning permissions for Block 26 (see Schedule 4) and has requested that the zoning permissions for the R3 zone be amended to revert back to the parent regulations of the R3 zone that were in place prior amended to the passage of the amending By-law No. 2022-098.

As a result of the revisions made to the Draft Plan through the OLT settlement process, the approved zoning does not align with the approved Draft Plan of Subdivision. A zoning by-law amendment application is required to align the site-specific regulations and to facilitate development of the subject property as per the approved Draft Plan of Subdivision.



## Site Conditions and Surrounding Land Uses

The subject land contains one detached dwelling, which will be demolished, with fallow agricultural land at the rear. It is predominately flat with a hedgerow along its northern boundary which is not a designated natural heritage feature. A single gravel driveway from Sodom Road provides access to 9200 and 9234 Sodom Road—a block is proposed to be conveyed to the owner of 9200 Sodom Road to maintain this access.

The subject land is bounded by Sodom Road and low and medium density residential development to its west; a detached dwelling lot to its north; and the draft approved Chippawa East subdivision to its north, east, and south.

## Circulation Comments

- Niagara Region:
  - No objections, The Niagara Region requirements have been captured in the approved draft plan conditions.
- Building, Fire, Municipal Works, Transportation Services, Business Development, GIS, Landscape & Legal Services:
  - No objections.

## Neighbourhood Comments

A neighbourhood open house was held on May 13, 2024, and was attended by the applicant's agents as well as 1 individual of the public on the Zoom platform.

An individual was in objection to option one (see Schedule 2), in relation to the OLT decision outlining the 8-year timeframe to convey the land from 9200 Sodom Road to the City for the construction of the Street A extension.

The response to the concern is that the OLT imposed the eight-year timeframe in regards to the future road allowance conditions. The minor changes to the zoning is required to facilitate development and to implement zoning that conforms to the OLT's decision that amended the draft plan.

## Analysis

### 1. Provincial Policies

The *Planning Act* requires City planning decisions to be consistent with the Provincial Policy Statement and conform to the Provincial "A Place to Grow" Plan. To achieve compact development and reduce urban sprawl Provincial policies require a minimum



density of 50 jobs and persons per hectare in Greenfield Areas. The proposed development is consistent and conforms as follows:

- The proposed development satisfies matters of provincial interest as outlined in Section 2 of the *Planning Act*;
- The proposed development is within a settlement area, is transit supportive, assists in the creation of a complete community, and minimizes land consumption and servicing costs;
- The proposed subdivision's density ranges from 58 - 79 jobs and persons per hectare which complies with Provincial targets; and,
- The recommended regulations will facilitate the development of land in a manner that offers a mixture of housing that will accommodate the needs of people of all ages and abilities while maintaining appropriate levels of health and safety.

## **2. Regional Official Plan**

The subject land is designated as Urban Area (Designated Greenfield Area) in the Regional Official Plan. The proposed development conforms as follows:

- The proposed development complies with the Regional Greenfield density target of 50 people and jobs per hectare and offers a variety of housing types; and,
- The proposed street network offers connectivity to the abutting subdivision and the proposed development will be sequential and orderly with that of the draft approved Chippawa East subdivision.

## **3. City's Official Plan**

The Official Plan designates the subject land as Residential within a Designated Greenfield Area. The proposed development conforms as follows:

- The proposed development will have a range of dwelling types with a density of 58 - 79 jobs and persons per hectare, which complies with the minimum 53 people and jobs per hectare City Greenfield Area density target, contributes to the creation of a complete community, and is transit supportive; and,
- It utilizes land efficiently, is designed as a modified grid pattern with appropriate block lengths, and compatibly integrates with the draft approved Chippawa East subdivision.



#### 4. Zoning By-law

The subject land is currently zoned R1F, in part, a site specific R3 zone (R3-1244) zone, in part, and two site specific R4 zones (R4-1245 and R4-1246), in part, in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2022-098.

Since the passage of By-law No. 2022-098, the City amended the parent regulations of the R3 zone. The applicant has requested that the parent R3 regulations apply with the existing site-specific regulation for maximum height of a building or structure of 12 metres, subject to Section 4.7 of By-law No. 79-200 being maintained.

The departures requested from the standard R4 zone regulations for Parcel R4-1245 are summarized in the following table:

<b>ZONE REGULATION</b>	<b>EXISTING REGULATION</b>	<b>PROPOSED REGULATION</b>	<b>STAFF RECOMMENDATION (Details to follow)</b>
Permitted uses	No detached dwellings	Add detached dwellings, in accordance with the regulations contained in section 7.5 A.2	support
Permitted uses	No on-street townhouse dwellings	Add on-street townhouse dwellings, in accordance with the regulations contained in section 7	support
Minimum front yard depth for a townhouse dwelling	6 metres	4.1 metres	support

The requested zoning is appropriate as follows:

- The addition of the detached dwellings and on-street townhouse dwellings uses will allow option 2 (see Schedule 3) to be developed should the future road



extension of Street A occur. The proposed uses and regulations are appropriate and compatible with the surrounding lot fabric.

- The decrease of the front yard depth of 4.1 metres is to accommodate the turning bulb of Street A should Option 1 (see Schedule 2) be developed. A 4.2 metre front yard depth is provided at the west and there is a more than 10 metres at the east which provides a suitable setback from the road.

The departures requested from the standard R4 zone regulations for Parcel R4-1246 are summarized in the following table:

<b>ZONE REGULATION</b>	<b>EXISTING REGULATION</b>	<b>PROPOSED REGULATION</b>	<b>STAFF RECOMMENDATION (Details to follow)</b>
Minimum interior side yard	On-half the height of the building = 6 metres	On-half of the height or 5.2 metres whichever is lesser	support

The requested zoning is appropriate as follows:

- The decrease of the interior side yard is minor in nature and still allows for adequate landscape areas and assists in the provision of suitable grading of the subject property.

### **Operational Implications and Risk Analysis**

No operational implications and risk analysis.

### **Financial Implications/Budget Impact**

The proposed development will generate development charge contributions and property tax revenue for the City. Extension of services is to be at the applicant's cost. There are no other financial implications.

### **Strategic/Departmental Alignment**

The proposed development supports the Diverse and Affordable Housing Strategic Priority by providing housing to meet the needs of people of all ages, incomes and abilities with an arrangement of housing types from detached, on-street townhouses, townhouses and stacked townhouses within the subdivision.



## List of Attachments

Schedule 1 – Location Map  
Schedule 2 – Option One  
Schedule 3 – Option Two  
Schedule 4 – Draft Plan  
Appendix A – Draft By-law

### Written by:

  
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Nick DeBenedetti, Planner 2

### Submitted by:

  
\_\_\_\_\_  
Julie Hannah, Senior Manager of Current Planning

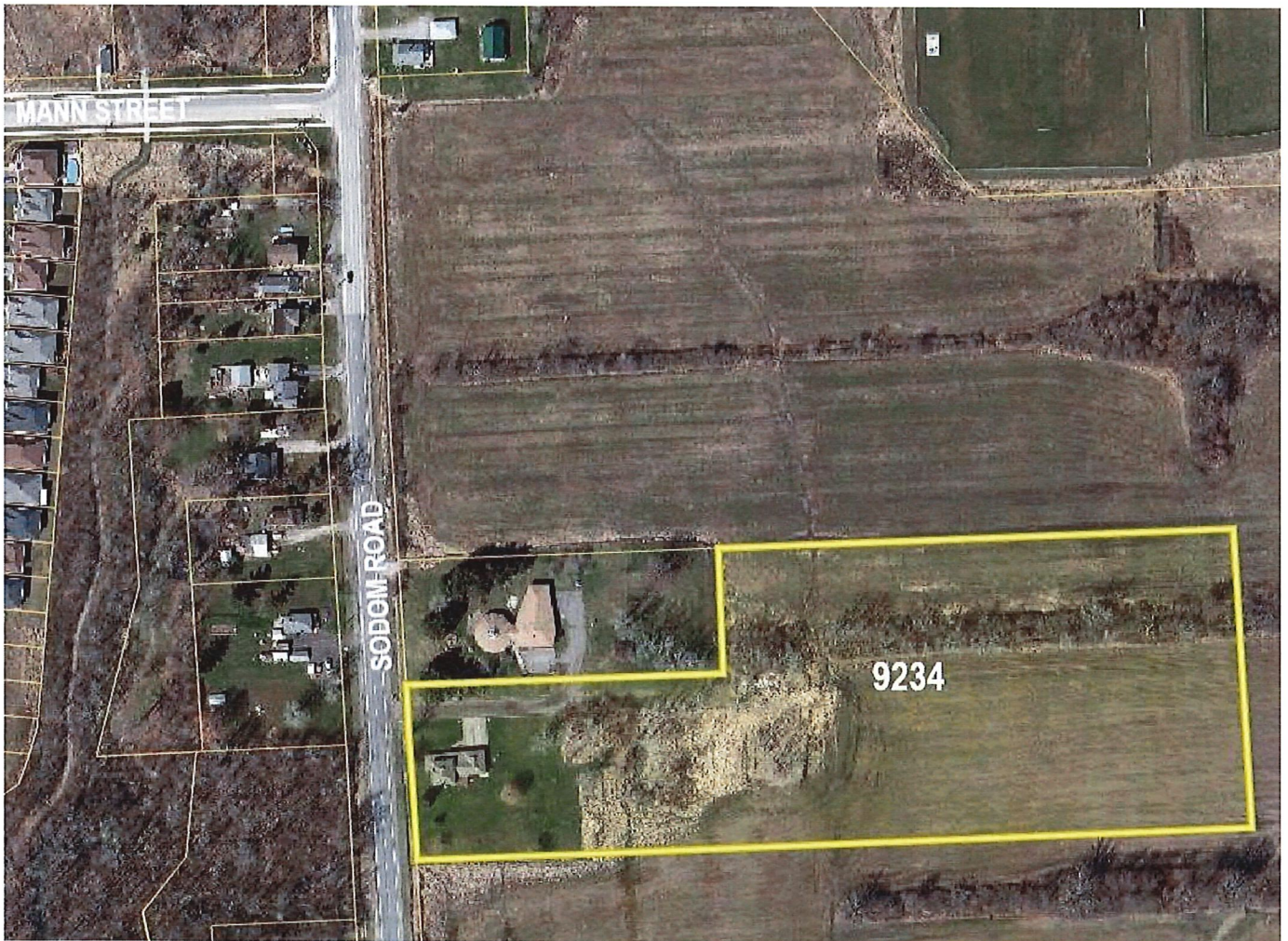
### Submitted by:

  
\_\_\_\_\_  
Signe Hansen, Director of Planning



SCHEDULE 1

LOCATION MAP





# SCHEDULE 2 - OPTION ONE



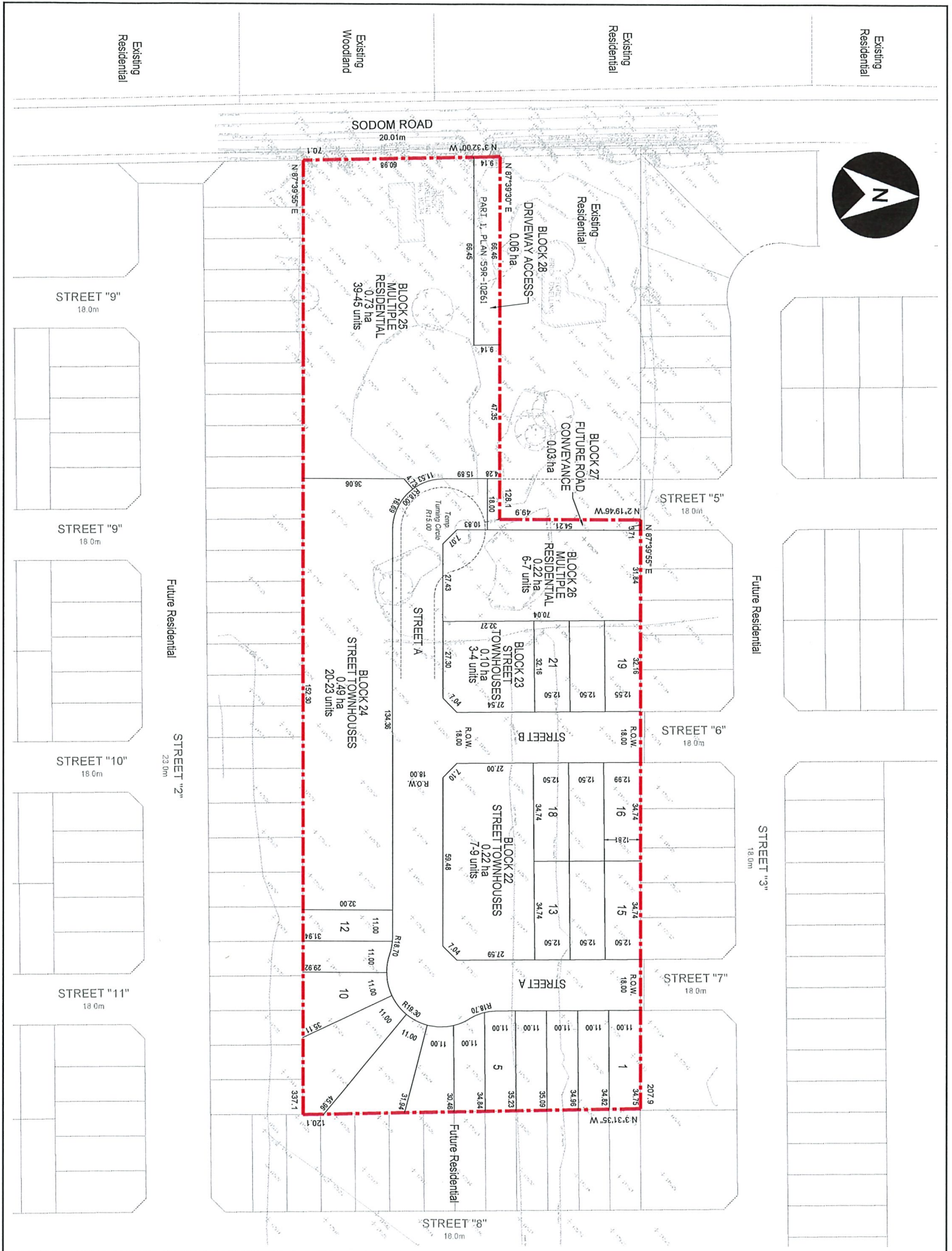


# SCHEDULE 3 - OPTION TWO





## SCHEDULE 4 - DRAFT PLAN





## **CITY OF NIAGARA FALLS**

### **By-law No. 2024-xxx**

A By-law to amend By-law Nos 395, 1966 and 79-200, to regulate the plan of subdivision and to repeal By-law No. 2022-098 (AM-2024-001).

**THE GENERAL MANAGER OF PLANNING, BUILDING AND DEVELOPMENT OF THE CITY OF NIAGARA FALLS, UNDER DELEGATED AUTHORITY OF COUNCIL AS PER BY-LAW NO. 2023-107 AND BY-LAW NO. 2023-108 ENACTS AS FOLLOWS:**

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. None of the provisions of By-law No. 395, 1966 shall apply to prevent the Lands from being added to and placed under the control of By-law No. 79-200.
3. The Lands shall be identified as four parcels, known as Parcels R1F, R3-1244, R4-1245 and R4-1246.
4. The purpose of this by-law is to amend the provisions of By-law Nos. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
5. Notwithstanding any provision of By-law Nos. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
6. The permitted uses shall be:
  - (a) For Parcel R1F, the uses permitted in the R1F zone.
  - (b) For Parcel R3-1244, the uses permitted in the R3 zone.
  - (c) For Parcel R4-1245
    - (i) the uses permitted in the R4 zone
    - (ii) detached dwelling
    - (iii) on-street townhouse dwelling
  - (d) For Parcel R4-1246, the uses permitted in the R4 zone.



7. The regulations governing the permitted uses on Parcel R3-1244:
- (a) Maximum height of a building or structure 12 meters, subject to Section 4.7 of By-law No. 79-200
  - (b) The balance of regulations specified for a R3 use.
8. The regulations governing the permitted uses on Parcel R4-1245:
- (a) For a detached dwelling In accordance with the regulations contained in section 7.5A.2 of By-law 79-200
  - (b) For an on-street townhouse dwelling In accordance with the regulations contained in Section 7 of this By-law
  - (c) Minimum lot area for a townhouse dwelling 230 square meters for each dwelling unit
  - (d) Minimum front yard depth for a townhouse dwelling 4.1 metres
  - (e) Maximum height of a building or structure 12 meters, subject to Section 4.7 of By-law No. 79-200
  - (f) Minimum rear yard depth for a townhouse dwelling 3 meters
  - (g) Location of parking for a townhouse dwelling unit May locate in a front and/or exterior side yard, subject to requirements of clause (c) of Section 4.19.3 of By-law No. 79-200
  - (h) Balance of the balance of regulations specified for a R4 use.
9. The regulations governing the permitted uses on Parcel R4-1246:
- (a) Minimum lot area for an apartment dwelling or stacked townhouse dwelling 160 square meters for each dwelling unit
  - (b) Minimum rear yard depth for an apartment dwelling or stacked townhouse dwelling 6 meters
  - (c) Maximum height of a building or structure 12 meters, subject to Section 4.7 of By-law No. 79-200



- (d) Minimum interior side yard One half of the building height or 5.2 meters, whichever is lesser
- (e) For the purposes of R4-1246, Street 'A' shall be deemed as the front lot line.
- (f) The balance of regulations specified for a R4 use.
- The regulations governing the permitted uses on Parcel R1F shall be the regulations specified for a R1F zone.
- All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
- No person shall use the Lands for a use that is not a permitted use.
- No person shall use the Lands in a manner that is contrary to the regulations.
- The provisions of this by-law shall be shown on Sheets D7 and E7 of Schedule "A" of By-law No. 79-200 by designating the Lands R1F, in part, R3 and numbered 1244, in part, R4 and numbered 1245, in part, R4 and numbered 1246, in part.
- By-law No. 2022-098 is repealed.
- Section 19 of By-law 79-200 is amended by adding thereto:
- 19.1.1244 Refer to By-law 2024-xxx
- 19.1.1245 Refer to By-law 2024-xxx
- 19.1.1246 Refer to By-law 2024-xxx

Signed and sealed under the delegated authority of Council to the General Manager of Planning, Building and Development, as per By-law No. 2023-107 and By-law No. 2023-108, this 22<sup>nd</sup> day of May, 2024

KIRA DOLCH, GENERAL MANAGER  
OF PLANNING, BUILDING AND  
DEVELOPMENT



# SCHEDULE 1 TO BY-LAW NO. 2024-xxxx (Draft)

Area Affected by this Amendment



R1F



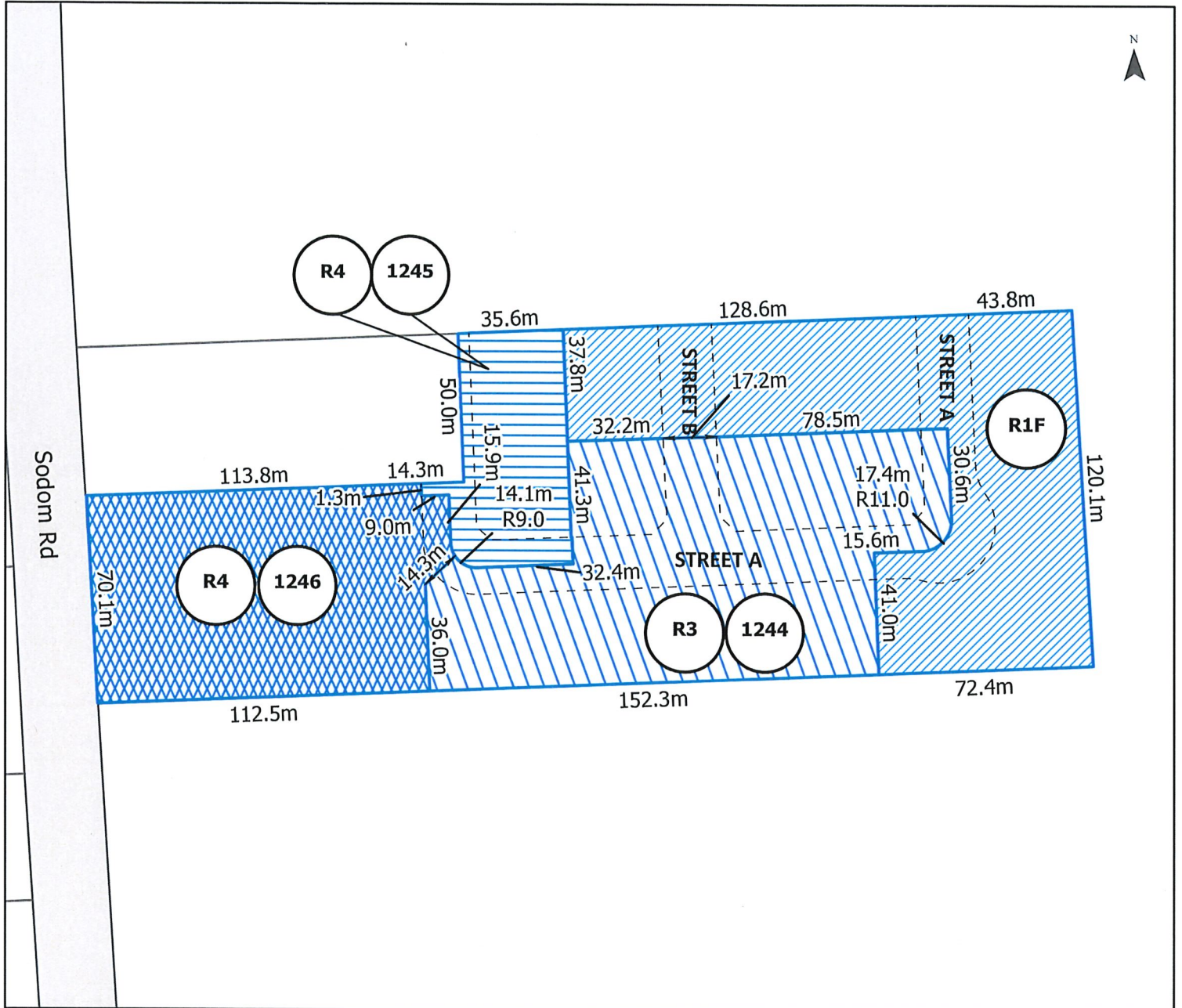
R3-1244



R4-1245



R4-1246



## Amending Zoning By-law No. 79-200

Description: Part of Lot 19, Concession II, PL 59R2740 PTS 02, 03; PL 59R16074 PT 01, Township of Willoughby

Applicant: Polocorp Inc.

Assessment: 272513000214804