

UEM PROJECT NO.: 24-210

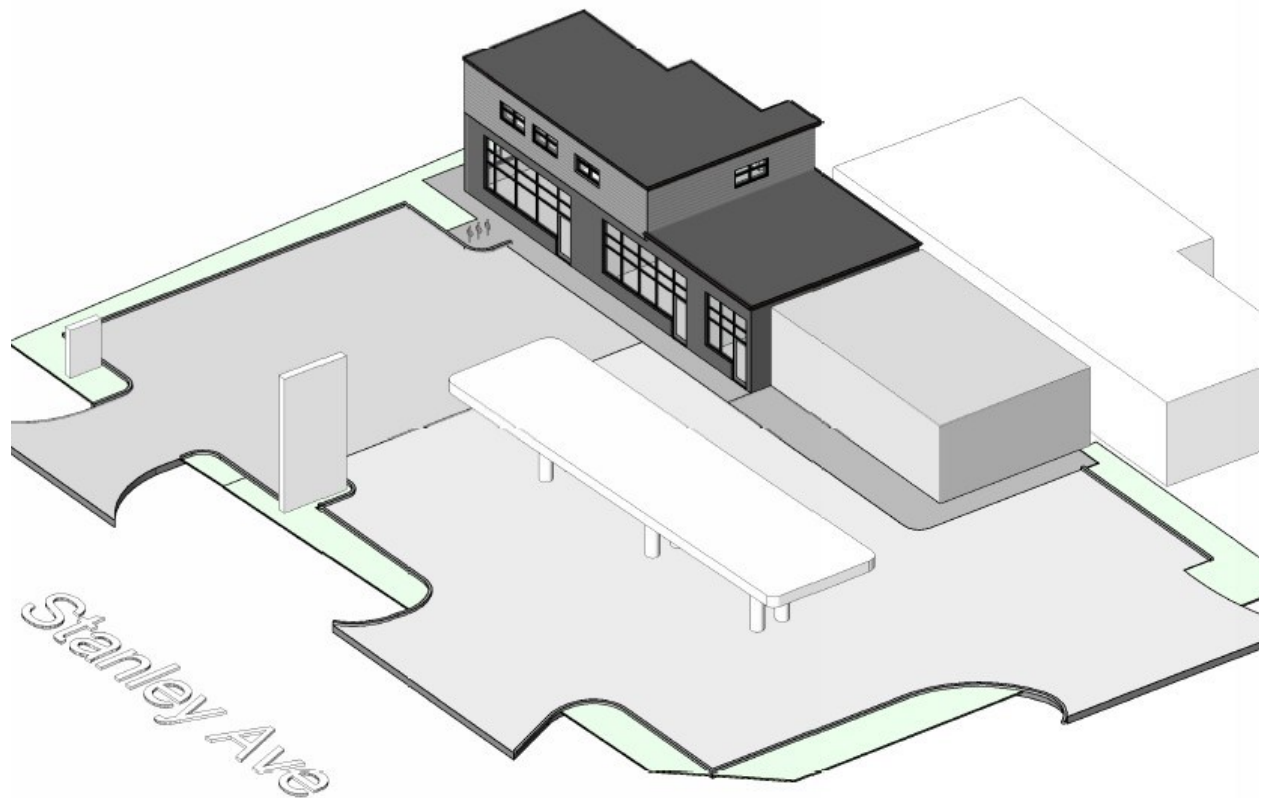
DATE: FEBRUARY 12, 2026

PLANNING JUSTIFICATION REPORT PREPARED FOR:

2742556 ONTARIO LTD

NIAGARA FALLS, ON

**PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
5190 & 5204 STANLEY AVENUE, NIAGARA FALLS**



UEM

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1.0 INTRODUCTION

1.1 PROPONENT AND AGENT

Urban & Environmental Management Inc. (UEM) was retained by the proponent, 2742556 Ontario Limited, to assist with an application for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) in support of the proposed development of 3 new commercial units and 2 residential units above the ground floor at 5190 and 5204 Stanley Avenue in the City of Niagara Falls.

1.2 PRE-CONSULTATION

A pre-consultation meeting was held on March 6, 2025 with City of Niagara Falls staff, Niagara Region staff, and a representative from the Mississaugas of the Credit First Nation (MCFN). The meeting was attended by the proponent and staff from UEM and the proponent's architect, Raimondo & Associates Inc. (Raimondo). A pre-consultation checklist was prepared and issued by the City on March 6, 2025.

At the pre-consultation meeting, reports, studies, plans, and documentation were identified as being required to support the OPA and ZBA. A complete list of documents is found in **Section 3.7** of this report.

1.3 APPLICATIONS TO BE SUBMITTED

A ZBA application, OPA application, and supporting documentation are being submitted by the proponent to the City of Niagara Falls.

1.4 PURPOSE OF THE PLANNING JUSTIFICATION REPORT

The purpose of this Planning Justification Report is to analyze the proposed development in consideration of relevant Provincial, Regional, and Municipal planning documents and policies. The conformance of the proposed development is evaluated, and where deviations exist, justification is provided, or mitigation measures are proposed (as required).

2.0 SITE CONTEXT

2.1 SITE DESCRIPTION (EXISTING)

The subject properties are located at 5190 and 5204 Stanley Avenue in the City of Niagara Falls.

5204 Stanley Avenue contains an existing convenience store and gasoline bar (Petro-Canada). The property is located on the northeast corner of Stanley Avenue and McRae Street, has a lot frontage of 35.4 m along McRae Street, a lot depth of 33.3 m, and an area of 1,345 m². There is an existing 5m x 5m daylighting triangle on the southwest corner of the property (at the northeast corner of McRae Street and Stanley Avenue). The legal description of the property is Plan 307, Part Lots 330, 331, & 332.

5190 Stanley Avenue is a vacant lot located on the east side of Stanley Avenue, immediately north of 5204 Stanley Avenue and south of a single-detached residential dwelling located at 5176 Stanley Avenue. The property has a lot frontage of 16.9 m along Stanley Avenue, a lot depth of 36.9 m, and an area of 648 m². The legal description of the property is Plan 332, Part Lot 18.

Figure 2-1 shows the location of the site and the approximate boundaries of the two properties together. **Figures 2-2** and **2-3** show Google street view photographs of each property.



Figure 2-1: Site Location and Approximate Property Boundaries (Source: Niagara Navigator)



Figure 2-2: Streetview of the Vacant Property at 5190 Stanley Avenue (Source: Google Maps, 2015)



Figure 2-3: Streetview of the Existing Convenience Store and Gasoline Bar on 5204 Stanley Avenue
(Source: Google Maps, 2015)

The proponent is planning to consolidate the 2 properties into a single lot with a lot frontage of 35.4m along McRae Street, a lot depth of 56.3m, and an area of 1,991.2m².

2.2 SURROUNDING LAND USES

Land uses surrounding the properties are as follows:

- North – Immediately north of the subject lands are 2 single-detached dwellings and then Valley Way.
- East – Immediately east of the subject lands appears to be a single-storey apartment building (5439 McRae Street), followed by single-detached residential dwellings.
- South – Immediately south of the subject lands is McRae Street and then single-detached residential dwellings.
- West – Immediately west of the subject lands is Stanley Avenue and a commercial plaza (Town Centre Plaza - 5233 Stanley Avenue) on the other side of the roadway.

2.3 IDENTIFICATION OF ANY CONSTRAINTS AFFECTING THE SITE

An 8-foot wide transmission easement (Instrument No. RO670210) exists along the southern property line of 5190 Stanley Avenue. Niagara Peninsula Energy Inc. and Enbridge Gas Inc. were contacted, but neither identified existing infrastructure within the easement, historical records of any infrastructure removed, nor any disconnections or transfers being made. Further investigation will be undertaken at Site Plan Approval stage.

City of Niagara Falls staff were also contacted in regard to this easement. An email from City staff dated December 15, 2025 (**Appendix A**) indicates that the City of Niagara Falls has a blanket easement across the entire 5190 Stanley Avenue property permitting staff to access for the purpose of maintaining the trunk sewer located in the property to the north on 5176 Stanley Avenue. To provide access, the City will not permit a rear yard setback less than 3.0 metres for the proposed building.

2.4 IDENTIFICATION OF ANY LANDS REGULATED BY NPCA

There are no lands regulated by the Niagara Peninsula Conservation Area (NPCA) on or in close proximity to the subject lands. It was confirmed during the pre-consultation process that the NPCA had no further requirements related to this proposed rezoning.

2.5 IDENTIFICATION OF ANY OTHER KNOWN DEVELOPMENT PROPOSALS

UEM and the proponent are not aware of any other development proposals that have the potential to affect the site.

3.0 DESCRIPTION OF PROPOSAL

3.1 EXISTING AND PROPOSED LAND USES ON THE PROPERTIES

5204 Stanley Avenue currently has a convenience store and gasoline bar on-site. The remainder of the property is used for parking, landscaping, signage, and waste collection. 5190 Stanley Avenue is currently a vacant lot, but according to satellite imagery from 1965 (see **Figure 3-1**), used to contain a single-detached dwelling.



Figure 3-1: *Satellite imagery showing house on 5190 Stanley Avenue (Source: Niagara Navigator)*

The proponent is proposing to expand the commercial footprint from the existing convenience store (5204 Stanley Avenue) in a northward direction, into the adjacent vacant lot, adding 3 commercial units. 2 residential units will be located above the commercial units on the second storey. The gasoline bar will remain as-is, but the existing parking lot will also be expanded north into the vacant lot. No physical changes are proposed to the exterior of the existing convenience store building.

A Conceptual Site Plan (Raimondo, February 6, 2026) was prepared in support of the ZBA application, showing the proposed layout of the site. A partial visual of the changes is indicated in **Figure 3-2** below.

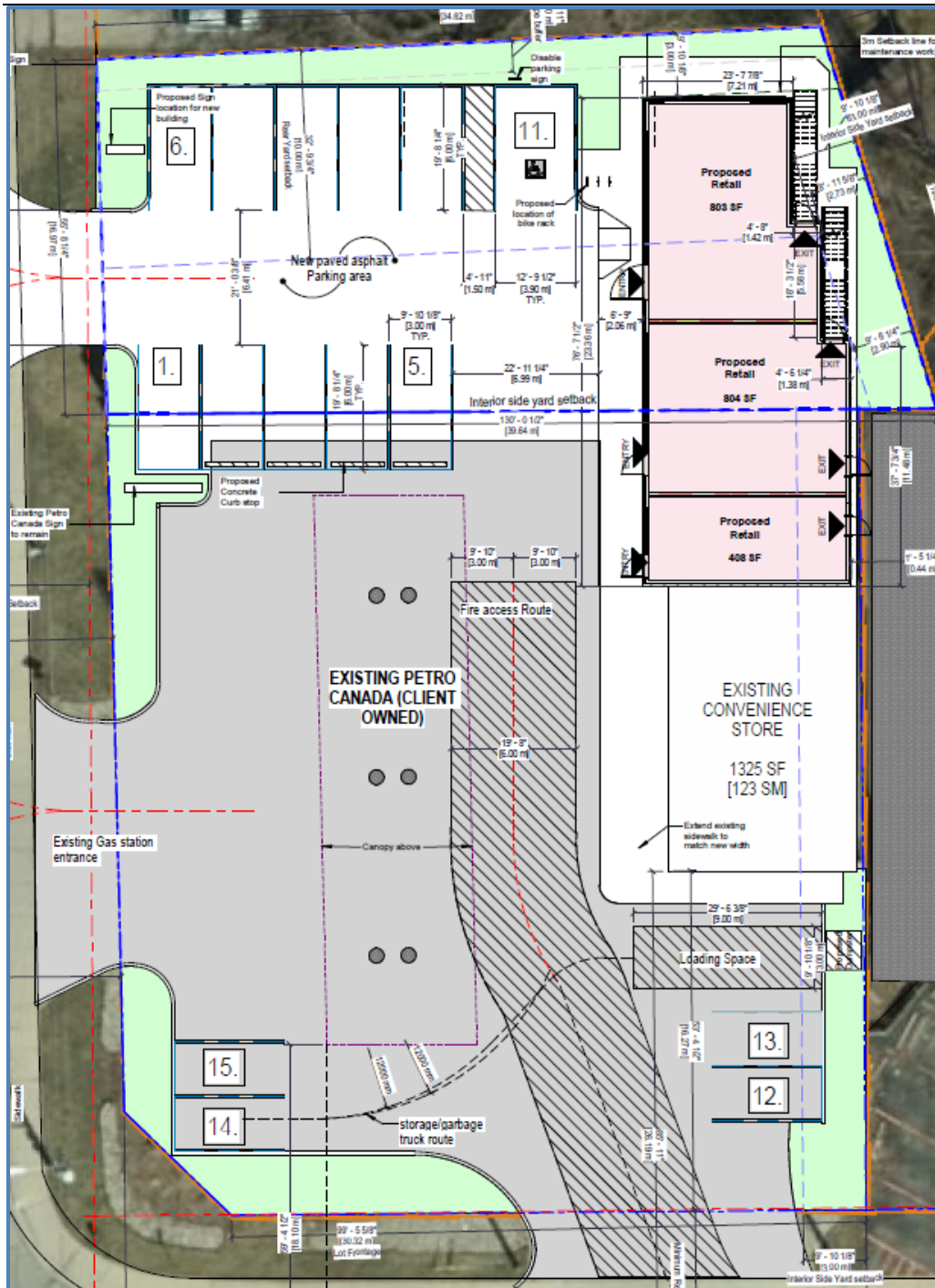


Figure 3-2: Conceptual Site Plan illustrating the proposed development on the consolidated property.

3.2 PLANNING HISTORY OF THE SITE

Both properties (5190 and 5204 Stanley Avenue) are currently designated Residential in Schedule A (Land Use) of the City of Niagara Falls Official Plan (see **Appendix B**).

The properties are currently zoned as follows in the City of Niagara Falls Zoning Bylaw (**Appendix C**):

- 5190 Stanley Avenue – Residential 1D Density Zone (R1D)

- 5204 Stanley Avenue – Automotive Service Station and Gasoline Bar Zone with Site-Specific Provisions (AS-835)

5204 Stanley Avenue was approved for a site-specific Zoning By-law Amendment on August 18th, 2008 (By-law 2008-130) (**Appendix D**) to add a retail store as a permitted use, subject to the following provisions:

- (a) Minimum interior side yard width 0 metres
- (b) Maximum lot coverage 23%
- (c) Minimum landscaped open space 15% of the lot area, which shall include the landscape strips having the prescribed widths in the following locations, save and except for any driveways:
 - (i) along and adjacent to the front lot line 3 metres
 - (ii) along and adjacent to the rear lot line and interior side lot line, save and except for any building or structure 1.5 metres
 - (iii) along and adjacent to the exterior side lot line 2.4 metres
- (d) Maximum floor area of a retail store 120 square metres
- (e) Notwithstanding any of the above clauses, no pump, pump island, or canopy shall be located any closer to any lot line than 4.2 metres
- (f) All other provisions of By-law No. 79-200 shall continue to apply.

No further planning history for the property is known.

3.3 SITE SERVICING

Site servicing for the subject property includes:

- Municipal sewers and water
- Storm sewer
- Natural gas
- Electricity
- Communications (telephone and internet)

3.4 DESCRIPTION OF PREVIOUS CONSULTATIONS WITH RELEVANT AGENCIES

As noted, a pre-consultation meeting was held with City staff, Region staff, and a Mississaugas of the Credit First Nation (MCFN) representative on March 6, 2025. The history of any other previous consultations with City staff or other agencies is unknown.

3.5 PROPOSED MODIFICATIONS TO OFFICIAL PLAN DESIGNATIONS

Both properties (5190 and 5204 Stanley Avenue) are currently designated Residential in the City's Official Plan, which was maintained when 5204 Stanley Avenue was rezoned to a site-specific Automobile Service

Station and Gasoline Bar (AS) zone under the policies of Part 4, Section 5 of the Official Plan, which relate to non-complying uses.

However, given the proposed expansion of the commercial use to encompass both properties, the City indicated an OPA application is required to re-designate the lands to a Minor Commercial land use designation. A draft by-law to amend the Official Plan is included in **Appendix E**.

3.6 PROPOSED MODIFICATIONS TO ZONING BY-LAW PROVISIONS

The properties are currently zoned site-specific Automobile Service Station and Gasoline Bar with site-specific provisions (AS-835) for the convenience store and gasoline bar at 5204 Stanley Avenue and Residential 1D Density Zone (R1D) for the vacant lot at 5190 Stanley Avenue.

The site-specific Automobile Service Station and Gasoline Bar (AS-835) zone permits the existing convenience store (“retail store”) and gasoline bar, but not the expansion of the retail store footprint proposed to the north. Therefore, to permit the proposed development, it is proposed that the subject property be rezoned to a General Commercial (GC) zone with site-specific provisions to permit the existing gasoline bar.

The Residential 1D Density (R1D) zone does not permit the proposed mixed-use building (3 commercial units and 2 apartment dwelling units). Therefore, it is proposed that the subject property be rezoned to a General Commercial (GC) zone with site-specific provisions to accommodate the new uses and modified setbacks to what will be the minimum required rear yard and interior side yard upon consolidation. Due to consolidation of the property with the property to the south, the existing lot lines will be defined as follows:

- The front lot line along Stanley Avenue will become the exterior side lot line
- The rear lot line will become the interior side lot line
- The northern interior lot line will become the rear lot line
- The southern interior lot line between 5190 and 5204 Stanley Avenue will no longer exist

The above modifications to the zoning by-law are further expanded upon in **Section 4.4.2** of the report and A draft by-law to amend the Zoning By-law is included in **Appendix F**.

3.7 TECHNICAL SUPPORTING STUDIES REQUIRED

Between the March 6, 2025 pre-consultation meeting and further discussions with the City, it was identified that the following studies were required to support the OPA and ZBA:

- Planning Justification Report
- Stage 1 Archaeological Assessment and Ministry Clearance/Acknowledgement Letter
- Site Plan
- Floor Plans
- Unit Plan
- Draft OPA and ZBA
- Architectural Elevations & Renderings
- Phase 1 Environmental Site Assessment (ESA) (at minimum) & Record of Site Condition
- Functional Servicing and Stormwater Management Report (3rd Party Infrastructure Modelling may be required)
- Parcel Register and PIN
- Noise Impact Study
- Housing Impact Statement
- Plan of Survey

- A Parking Demand Study and Terms of Reference
- Tree Inventory and Preservation Plan
- Urban Design Brief

Upon further discussions, it was determined that:

- A Phase 1 Environmental Site Assessment would not be required in the event that:
 - No portion of the proposed residential dwelling units would be located on 5204 Stanley Avenue, which currently contains a gasoline bar and convenience store.
 - It could be demonstrated to the City of Niagara Falls that any previous uses for the property were residential.

The Conceptual Site Plan (Raimondo, February 6, 2026) was revised to ensure all portions of the proposed residential units remained on the currently vacant lot (5190 Stanley Avenue). Further, UEM provided information and photographs showing that the previous use of the property was residential. In an email dated October 22, 2025, the City confirmed their waiver of the Phase 1 ESA requirement based on the prior residential use of 5190 Stanley Avenue.

- A Parking Demand Study and Terms of Reference would not be required if the proposal met the minimum parking requirements in accordance with Section 4.19.1 the City of Niagara Falls Zoning By-Law. This requirement, from the March 6, 2025 pre-consultation meeting, was based on a preliminary site plan dated February 11, 2025, showing 11 parking spaces for the proposed development, which was short of the minimum 15 parking spaces required. The Conceptual Site Plan was updated and the City confirmed via email dated September 30, 2025, that a Parking Demand Study would not be required due to the parking requirements being met. Further updates to the Conceptual Site Plan have since occurred, but the 15 proposed parking spaces remain, including 1 accessible space, and are sufficient to accommodate the existing and proposed uses on the site.

4.0 POLICY AND PLANNING ANALYSIS

In support of the required OPA and ZBA, a summary and analysis of relevant planning documentation is provided. Planning guidance documents addressed include Provincial (i.e. Provincial Policy Statement), Regional (Niagara Official Plan) and Municipal (City of Niagara Falls Official Plan and Zoning By-Law) planning legislation. The purpose of this review is to identify and consider relevant policies and discuss the appropriateness and conformity of the requested amendments with those policies.

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS, 2024) provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

The policies of the PPS may be complemented by Provincial Plans or by locally generated policies regarding matters of municipal interest. The Planning Act sets a minimum standard that requires all municipal planning decisions 'to be consistent with' the policies of the PPS. Together the PPS and Municipal Official Plans provide a framework for comprehensive, integrated and long-term planning.

4.1.1 ANALYSIS OF PROVINCIAL POLICY STATEMENT

In Part IV – Vision for Ontario’s Land Use Planning System the PPS states:

Ontario’s land use planning framework, and the decisions that are made, shape how our communities grow and prosper. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians.

The proponent is proposing to expand the footprint of an existing commercial building to add additional commercial and residential units, expanding development into an adjacent vacant lot while also promoting a mix of land uses. This would provide additional housing, space for commercial quality employment, and services utilizing existing infrastructure and public service facilities, including existing active transportation and public transit networks. These aspects of the proposed development support the PPS vision statement above.

Table 4-1 provides an analysis of the proposed development compared to relevant PPS policies.

Table 4-1: Review of the Provincial Policy Statement (PPS)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 2.1.6 a)	<p>Planning authorities should support the achievement of complete communities by:</p> <p>Accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.</p>	The proposed development helps achieve complete communities through the mix of land uses proposed (commercial and residential). Employment will increase and long-term community needs will be better satisfied through the addition of 3 commercial units.
Section 2.1.6 b)	<p>Planning authorities should support the achievement of complete communities by:</p> <p>Improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society.</p>	The commercial units will be designed and built to meet accessibility requirements.
Section 2.1.6 c)	<p>Planning authorities should support the achievement of complete communities by:</p> <p>Improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.</p>	The proposed development will improve social equity by increasing employment opportunities and commercial services within walking distance, and along two Niagara Region Transit routes (routes 102 and 115) and by providing rental housing options to residents.
Section 2.2.1 b)	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of</p>	The proposed development facilitates the provision of lower-cost rental housing options relative to the majority of new housing supply.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>current and future residents of the regional market area by:</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> 1. all housing options required to meet the social, health, economic, and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3; 	<p>Therefore, the 2 proposed apartment dwellings serve the requirements of current and future residents arising from employment opportunities in the local service industry.</p> <p>The proposed development involves residential intensification through the addition of new commercial and residential uses on a lot that is currently vacant (5190 Stanley Avenue).</p>
Section 2.2.1 c)	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</p> <p>promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and</p>	<p>The proposed development increases the density of what is currently a 2-parcel site that includes a significant amount of vacant land (5190 Stanley Avenue). Both parcels take advantage of existing infrastructure (including existing sidewalks and possible future bike lanes), resources, and public service facilities. The proposed increase in density through additional commercial and residential units represents a more efficient use of the site.</p>
Section 2.2.1 d)	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:</p> <p>requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.</p>	<p>The intensification of the site, arising from the proposed development, supports Niagara Region Transit routes 102 and 115, which connect the Morrison/Dorchester hub with the train/bus terminal in downtown Niagara Falls.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 2.3.1.1	Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	The proposed development is located entirely within the City of Niagara Falls settlement area, in accordance with Schedule A (Local Area Municipalities) of the Niagara Official Plan.
Section 2.3.1.2	Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate; and e) are freight-supportive.	The proposed development efficiently uses land and resources, optimizes existing infrastructure, supports active transportation (existing sidewalks and possible future bike lanes), and is transit supportive (Niagara Region routes 102 and 115). Short-term bicycle parking is proposed on-site.
Section 2.3.1.3	Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.	The proposed development represents intensification and redevelopment on an under-utilized 2-parcel site and a movement towards more complete communities with additional commercial services, employment opportunities, and rental housing units being introduced into an area with existing infrastructure and public service facilities.
Section 2.8.1.1	Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs	The proposed development is mixed-use and increases the mix and range of employment by introducing more commercial units into an existing community. It also meets the long-term needs of nearby residents who rely on commercial services.
Section 2.8.1.1	Planning authorities shall promote economic development and competitiveness by: b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses	The proposed development provides opportunities for a diversified economic base through the addition of 3 commercial units.
Section 2.8.1.1	Planning authorities shall promote economic development and competitiveness by:	The proposed development represents the intensification of a 2-parcel site, in-part by adding

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities;	employment uses in the form of 3 commercial units. The proposal is also mixed-use and supports complete communities through the addition of 2 apartment dwelling units on the same site.
Section 2.8.1.3	In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.	<p>The proposed development does not present any issues to the long-term economic viability of existing employment areas within 300 metres of the subject site.</p> <p>The employment areas include uses such as the Niagara Regional Police 2nd District Headquarters, the Niagara Falls Collision Reporting Centre, a machining company, and multiple automotive businesses.</p>
Section 2.9.1	<p>Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:</p> <p>a) support the achievement of compact, transit-supportive, and complete communities;</p>	The proposed development supports compact, transit-supportive, and complete communities by adding a mix of commercial services and additional residential units within an existing urban area along Niagara Region Transit routes 102 and 115.
Section 2.9.1	<p>Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:</p> <p>d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and</p>	<p>The proposed development promotes active transportation by adding residential apartment units as well as commercial units where an existing sidewalk already exists.</p> <p>Additionally, the site is located along Niagara Region’s Strategic Cycling Network (designated to include future bike lanes) and includes short-term bicycle parking included in the design.</p>
Section 4.6.2	Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.	A Stage 1-2 Archaeological Assessment Report (Detritus Consulting Ltd., August 20, 2025) was completed for 5190 Stanley Avenue in support of the OPA/ZBA application. No archaeological resources were found on the site and no further archaeological study is required.

4.1.2 SUMMARY OF PPS ANALYSIS

The proposed OPA and ZBA for 5190 and 5264 Stanley Avenue will provide new commercial amenities, employment opportunities, and new rental housing options in the City of Niagara Falls in the form of mixed-use development on underutilized lands. The mixed-use nature of the proposed development supports the City’s goal of achieving complete communities and reducing greenhouse gas emissions.

The subject lands are located within the City’s settlement area and the proposed development supports the use of public transit and active transportation facilities while continuing to utilize existing municipal infrastructure.

Based on the above, it is concluded that the proposal is consistent with the policies set out in the PPS (2024).

4.2 NIAGARA REGION OFFICIAL PLAN

The subject lands are located within the “Delineated Built-Up Area” of Niagara Region’s Urban Area for the City of Niagara Falls as identified on Schedule B of the Niagara Official Plan (2024). Development proposals within urban areas are subject to the availability of adequate municipal water, sanitary sewer, stormwater and road services.

4.2.1 ANALYSIS OF NIAGARA OFFICIAL PLAN POLICIES

The Niagara Official Plan (Niagara Region) has two basic functions: first to provide guidelines for the location and type of development in both urban and rural areas and second, to identify the environmental resources of the Region and to develop measures for their protection and management. **Table 4-2** summarizes the review of applicable Niagara Official Plan policies with respect to the proposed Official Plan and Zoning By-law amendments.

Table 4-2: Review of Applicable Regional Official Plan Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
2.2	<p>The objectives of this [Regional Structure] section are as follows:</p> <p>b) accommodate growth through strategic intensification and higher densities.</p> <p>e) promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.</p>	<p>The proposed development represents intensified development through the addition of 2 apartment dwellings and three 3 commercial units on underutilized and vacant lands.</p> <p>The subject lands are served by Niagara Region Transit routes 102 and 115, active transportation infrastructure, add to an existing stock of employment opportunities and nearby commercial services, and represent a decrease in greenhouse gas emissions relative to the development of car-dependent greenfield communities.</p>
2.2.1	<p>Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:</p>	<p>The proposed development will intensify the residential density of the subject lands and provide additional housing options.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	a) the intensification targets in Table 2-2 (of the Niagara Official Plan) and density targets outlined in this Plan; c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.	
2.2.2.5	A Regional minimum of 60 percent of all residential units occurring annually will be within built-up areas.	The 2 apartment dwelling units in the proposed development will be within the built-up area and will contribute to the minimum Regional target of 60%.
2.3	A diverse housing stock with a range of tenures, sizes, types, and supports should be made available to meet the needs of our communities. As a priority, the Region must retain, protect, and increase the supply of affordable housing for low- and moderate-income households.	The 2 apartment dwelling units in the proposed development will increase the housing supply and the rental nature of the dwellings means they are more likely to be affordable to low- and moderate- income households than the average of new-build dwellings in the City of Niagara Falls.
2.3.1.5	New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.	Universal design standards are not required for the residential portion of the proposed development for the following reasons: <ul style="list-style-type: none"> • The building is less than 3 storeys in height. • The total building area is less than 600m². • No portion of the building contains specific occupancies requiring accessibility provisions. This policy and the related response is also referenced in Section 3.1.1.1 of the Urban Design Brief, completed by UEM (February 12, 2026) in support of the OPA/ZBA application.
2.3.2.4	The Region will consult with Local Area Municipalities, school boards, and Federal and Provincial agencies to: identify brownfield and greyfield sites, including underutilized commercial sites or strip plazas, outside employment areas for	5190 Stanley Avenue is a greyfield site that is currently sitting vacant. The proposed mixed-use development introduces residential uses to the property in the form of apartment units.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	mixed-use residential intensification and affordable housing development.	
2.3.2.5	Affordable housing, specialized housing needs, and community housing should be located: in areas with existing or planned municipal water and wastewater services/systems and urban amenities;	The proposed development, containing rental housing units, is in an area with existing municipal water and wastewater services. Urban amenities already exist in the area such as convenience stores, restaurants, bars, grocers, parks, schools, and convenient access to Highway 420, a GO Transit stop, and Niagara Region Transit routes 102 and 115.
2.3.2.5	Affordable housing, specialized housing needs, and community housing should be located: near existing or planned transit, including higher order transit and frequent transit service, and active transportation facilities;	The proposed development, containing rental housing units, is located along existing Niagara Region Transit routes 102 and 115. Sidewalks exist along both Stanley Avenue and McRae Street. The site is located along Niagara Region’s Strategic Cycling Network (designated for future bike lanes) and short-term bicycle parking is included in the site design.
5.2.1.5	Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.	The proposed development optimizes the use of existing infrastructure through the redevelopment of a vacant lot (5190 Stanley Avenue) that has access to existing municipal services.
5.2.2.12	Within urban settlement areas full municipal services are the preferred form of servicing.	The proposed development will utilize full municipal infrastructure that is existing.
6.2.1.8.	The Region shall promote: b. community design that: i. offers a range of transportation options, including public transit and active transportation;	The proposed development is located on a site containing public sidewalks on both sides of Stanley Avenue and McRae Street, while also offering public transit via Niagara Region Transit routes 102 and 115. The site is located along Niagara Region’s Strategic Cycling Network (designated to include future bike lanes) and includes short-term bicycle parking included in the design.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
6.2.1.8	The Region shall promote: b. community design that: iii. encourages a mix of land uses, a vibrant public realm and compact built form;	The proposed development includes a mix of commercial and residential land uses.

4.3.2 SUMMARY OF NIAGARA REGION OFFICIAL PLAN ANALYSIS

The Niagara Official Plan policies require consideration related to proposals in built-up urban areas. The proposed expansion of commercial uses from 5204 Stanley Avenue into the currently vacant site at 5190 Stanley Avenue, as a mixed-use building with residential apartments proposed above, meets the intent of the Niagara Official Plan. The partially greyfield site is located within the Delineated Built-Up Area of Niagara Falls, constitutes intensification and transit-supportive development in the built-up area, and will provide new and more affordable housing options where municipal infrastructure already exists.

4.3 CITY OF NIAGARA FALLS OFFICIAL PLAN

The Official Plan for the City of Niagara Falls outlines the long-term objectives and policies of the City with respect to the growth and development of urban lands, the protection of agricultural lands, the conservation of natural heritage areas, and the provision of the necessary infrastructure.

4.3.1 ANALYSIS OF CITY OF NIAGARA FALLS OFFICIAL PLAN POLICIES

The subject lands are designated Residential in the City of Niagara Falls Official Plan (OP) and the existing convenience store and gasoline bar exist as a Neighbourhood Commercial ancillary use, bordering onto an arterial road with public transit service, as per Section 2, Policy 1.2 of the City of Niagara Falls OP. Although Neighbourhood Commercial uses are permitted on an ancillary basis, they must remain at the appropriate scale and not be permitted to expand beyond a scale prescribed by the City’s OP.

At the March 6, 2025 pre-consultation meeting, the City recommended the site be re-designated to a Minor Commercial land use designation due to the proposed expansion of the retail use by the proponent and for consistency with the existing Minor Commercial designation immediately west of the subject lands (Town Centre Plaza - 5233 Stanley Avenue).

Therefore, the analysis below is based on the Minor Commercial land use designation the proponent is proposing to re-designate the subject lands to.

Table 4-3 provides an analysis of the proposed development relative to the relevant policies of the City of Niagara Falls OP.

Table 4-3: Review of Applicable City of Niagara Falls Official Plan Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Part 1, Section 2 – Growth Objectives	1. To direct growth to the urban area and away from non-urban areas. 3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.	The property is located within an urban area. The proposed addition of 3 commercial units and 2 apartment dwelling units will increase the density of the property and direct growth away from non-urban area,

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>6. To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review.</p> <p>7. To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2 by the year 2015.</p> <p>9. To encourage alternative forms of transportation such as walking, cycling and public transit.</p>	<p>contributing to the minimum 40% target of all residential development occurring annually within the Built-Up Area shown on OP Schedule A-2.</p> <p>The proposed development accommodates growth in accordance with the household, population, and employment forecasts of the Region’s Comprehensive Review.</p> <p>The property is located close to employment opportunities and essential amenities, supporting the use of transit and active transportation such as sidewalks. Furthermore, the site is located along Niagara Region’s Strategic Cycling Network (designated to include future bike lanes) and includes short-term bicycle parking included in the design.</p> <p>Further, the property will continue to use existing municipal infrastructure.</p>
Part 1, Section 2.4 Growth Objectives	The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.	The proposed development will increase the density of the site, utilize existing buildings (convenience store and gasoline bar), as well as existing municipal infrastructure.
Part 1, Section 3.1 – Intensification General Policies	Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of	The proponent is proposing to re-designate the properties from Residential to Minor Commercial, which still permits residential units on the site in the context of mixed-use development.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>sufficient land area shall be developed through plans of subdivision.</p>	<p>The proponent is also proposing to consolidate and rezone the properties from currently separate Residential 1D Density (R1D) site-specific Automobile Service Station and Gasoline Bar (AS-835) zones to a singular site-specific General Commercial (GC) zone that adds the existing gas bar as a permitted use. The GC zone also permits residential uses on the site.</p>
<p>Part 1, Section 3.4 – Intensification General Policies</p>	<p>The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5(iii) of this Plan, which states:</p> <p>Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads.</p> <ul style="list-style-type: none"> • <i>transit routes and in proximity to commercial areas. Development shall comply with the following:</i> • <i>architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;</i> • <i>rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;</i> • <i>street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;</i> • <i>parking is to be encouraged to be located within parking structures that are integrated with the development; and</i> 	<p>PART 2, Section 1.10.5ii of the OP prescribes a range of 50-75 units per hectare for apartments under 4-storeys.</p> <p>At 2-storeys, the proposed density is approximately 10 residential units per hectare, but that includes a significant surface parking area required for the existing and proposed commercial uses. The existing and proposed buildings are partially located on McRae Street, a City of Niagara Falls collector road. Setbacks are appropriate for the building heights proposed, even as abutting lands are zoned for single-detached dwellings.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<ul style="list-style-type: none"> • where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets. 	
Part 1, Section 4 Housing - Goals	<ol style="list-style-type: none"> 1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents. 2. Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership). 	The proposed development includes rental housing units that assist in diversifying the City's housing supply and meeting the varying financial needs of existing and future residents.
Part 1, Section 4.1 Housing	<p>The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:</p> <ul style="list-style-type: none"> • Provide opportunities for the development of affordable housing across the municipality. • Promote a greater diversity of housing types. • Ensure a healthy supply of rental units. 	The proposed development represents an opportunity to add rental housing supply in the City of Niagara Falls. The proposal would diversify the housing stock, and the new units would be comprised of housing at a cost below the average of new housing units being constructed across the city.
Part 1, Section 4.3.1 Housing	<p>Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:</p> <p>Multiple unit developments, smaller lot sizes and innovative housing forms.</p>	The proposed development includes multiple unit residential.
Part 1, Section 4.3.2 Housing	<p>Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:</p>	The proposed development involves the re-development of vacant land (5190 Stanley Avenue) and consolidation with the currently developed 5204 Stanley Avenue for achieving greater site efficiency.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.	
Part 1, Section 4.3.3 Housing	<p>Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:</p> <p>The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.</p>	The proposed development involves the consolidation of 2 properties; 5190 and 5204 Stanley Avenue. This permits efficient integration between the existing commercial uses at 5204 Stanley Avenue and the mixed-use development proposed on the vacant 5190 Stanley Avenue lot that will include 2 apartment dwelling units.
Part 1, Section 4.3.4 Housing	<p>Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:</p> <p>Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.</p>	The proposed development includes a mix of commercial and residential units that will contribute towards the creation of a walkable neighbourhood.
Part 1, Section 4.4 Housing	<p>Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large-scale projects, or as a section within a planning justification report for small-scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:</p> <ul style="list-style-type: none"> a) The proposed housing mix by dwelling type and number of bedrooms, as applicable; b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b); 	A stand-alone Housing Impact Statement has been prepared and included in Appendix G of the Planning Justification Report. The Housing Impact Statement concludes that the proposed development will meet the City's definition of affordable housing and contribute towards the City's target of building 674 residential housing units, annually.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;</p> <p>d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region’s and the City’s definition of affordable to be provided per phase, where applicable; and,</p> <p>e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.</p>	
<p>Part 1, Section 4.6 Housing</p>	<p>The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.</p>	<p>The proposed rezoning will include a purpose-built rental housing form at a unit size smaller than the city average, contributing to housing affordability.</p>
<p>Part 1, Section 4.8 Housing</p>	<p>Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.</p> <p>As such, the City has set an annual target of 40% of all new units meeting the definition of “affordable”. In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure</p>	<p>The two (2) apartment dwelling units will contribute 0.3% towards the City’s annual residential housing requirement and enhance affordability through supply and demand economics. Additionally, the future rental rates are estimated to be affordable according to the Province’s definition of affordability for the City of Niagara Falls, and therefore the Region’s definition of affordability by extension.</p> <p>A stand-alone Housing Impact Statement has been prepared</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>below provides an illustration of this for further clarity):</p> <p>a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region’s definition of affordable.</p> <p>b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City’s annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region’s Consolidated Housing Master Plan and dependent on available resources.</p>	<p>and included in Appendix G for the Housing Impact Statement of the Planning Justification Report, providing a more detailed response to this policy.</p>
<p>Part 1, Section 4.9 Housing</p>	<p>The City will consult with all levels of government and government agencies to: Identify brownfield and greyfield sites, including underutilized commercial sites or strip plazas, outside employment areas for mixed-use residential intensification and affordable housing development.</p>	<p>The proposed mixed-use development is primarily (5190 Stanley Avenue) located on a greyfield, vacant site, outside of employment areas, and is proposing to intensify the site with apartment dwellings that will be more affordable than the average of housing units being developed in the City of Niagara Falls.</p>
<p>Part 2, Section 3 Commercial – Part of Preamble</p>	<p>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.</p>	<p>The proposed development involves the intensification of an underutilized site, is mixed-use, and includes 2 apartment dwelling units.</p>
<p>Part 2, Section 3.3.1 Minor Commercial</p>	<p>Minor Commercial Districts shown on Schedule "A" represent a moderate concentration of commercial space and approximate range in size from 3,700 square metres to 10,200 square metres of gross leasable retail floor area. The predominant land uses include a wide range of retail outlets and personal service</p>	<p>The proposed development can accommodate a range of retail outlets, personal service shops, and limited offices. It is also a mixed-use development that includes apartments above the commercial units,</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	shops and limited offices, all on a small scale to serve a segment of the population. In addition, mixed use development, recreational uses and community and cultural facilities such as churches and libraries may be permitted subject to appropriate provisions in the Zoning By-law and other relevant sections of this Plan.	subject to reduced rear yard and interior side yard setbacks.
Part 2, Section 3.3.1.1 Minor Commercial	In order to maintain and improve the economic viability of Minor Commercial Districts, continued consolidation of properties is encouraged to ensure functionally obsolescent structures are renovated or removed and a more efficient and intensive utilization of land is achieved.	The proposed development will involve consolidation of the 2 properties, 5190 and 5204 Stanley Avenue.
Part 2, Section 3.3.1.2 Minor Commercial	Development and redevelopment shall be oriented toward the street in the form of plazas and multi-unit buildings to ensure orderly development which is integrated with adjacent properties and to achieve economic stability. Single use buildings will only be allowed when developed on a comprehensive scale where no land use conflicts would occur or where an expansion of an existing single use would allow for improved design and functioning of the site such that it is integrated with adjacent development.	The proposed development is a mixed-use plaza that includes additional commercial and residential units facing Stanley Avenue. Expansion of the existing commercial footprint from 5204 Stanley Avenue into 5190 Stanley will permit orderly development that is integrated with adjacent properties, such as the existing Town Centre commercial plaza at 5233 Stanley Avenue, to achieve economic stability. Consolidation of the 2 parcels will result in deeper integration between them.
Part 2, Section 3.3.1.3 Minor Commercial	Amalgamation of properties to provide significant frontages and exposure to arterial roads shall be encouraged.	The proposed development involves the amalgamation of 5190 and 5204 Stanley Avenue, which will result in 55.3m of frontage along Stanley Avenue, a regional arterial road, including the existing 5m x 5m daylighting triangle at the northeast intersection of Stanley Avenue

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		and McRae Street. The proposal includes new commercial and residential uses fronting onto this roadway.
Part 2, Section 3.5.1 Commercial General Policies	Commercial areas will be designed to effectively minimize their incompatibility with adjacent residential, institutional and recreational areas. Appropriate screening and landscaping shall be incorporated on site in order to buffer noise, light, dust or undesirable visual impacts emanating from the commercial uses. Outdoor storage uses and display areas may be provided for seasonal goods where the areas are designed as an integral part of the commercial development and are subject to the appropriate provisions in the Zoning By-law.	The proposed development includes fencing along the rear (northern) yard and interior (eastern) side yard property lines, shielding the existing and proposed buildings from adjacent low-rise residential neighbourhoods. Per the Conceptual Site Plan (Raimondo, February 6, 2026), a combination of landscaping, fencing, and setbacks will be employed along all property lines ensuring appropriate screening and buffers for undesirable visual impacts emanating from the existing and proposed commercial uses.
Part 2, Section 3.5.2 Commercial General Policies	The preferred location of automobile service stations, fuel bars and car washes will be adjacent to arterial roads within commercially designated areas where the impact of vehicular movement can be minimized. The Zoning By-law shall provide minimum setbacks from lot lines for buildings and structures with increased distance separation from Residential zones for improved landscaping. Significant areas of landscaping will be provided to compensate for the large paved areas required for on-site vehicular movements. No outside storage will be permitted other than the temporary keeping of vehicles. Gas bar facilities which are part of a retail or service commercial facility shall be functionally separated so that on-site vehicular conflicts are not created.	The subject lands include an existing gasoline bar that will remain in place as part of the proposed development. The existing gasoline bar is situated adjacent to Stanley Avenue, an arterial road, and will be added as a permitted use to the General Commercial zoning being sought with site-specific exceptions. In accordance with the Conceptual Site Plan (Raimondo, February 6, 2026), landscaping will be utilized to screen views from Stanley Avenue and McRae Street to the gasoline bar and surrounding paved area. Additionally, a curb-stop will be utilized to create functional

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		separation between vehicular circulation associated with the existing gasoline bar and the new parking area to the north, associated with the proposed mixed-use building.
Part 2, Section 3.5.3.2 Commercial General Policies	<p>Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high-density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied:</p> <p>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 1.10.5.</p>	<p>Commercially designated lands are not in excess of demand, but the zoning bylaw amendment is proposing apartments in addition to the expansion of commercial uses.</p> <p>PART 2, Section 1.10.5ii of the OP prescribes a range of 50-75 units per hectare for apartments under 4-storeys. At 2-storeys, the proposed density is approximately 10 residential units per hectare, but that includes a significant surface parking area required for the existing and proposed commercial uses. The existing and proposed buildings are partially located on a collector road, which McRae Street is considered to be. Setbacks are appropriate for the building heights proposed, even as abutting lands are zoned for single-detached dwellings.</p> <p>PART 2, Section 1.10.5iii is partially satisfied in that development is proposed on current public transit routes and mixed with commercial areas. The street frontages are proposed to be engaged through the use of landscaping.</p>
Part 2, Section 3.5.3.3 Commercial General Policies	Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high-density apartments as a form of residential intensification may be considered	The 2-storey height of the proposed mixed-use building on 5190 Stanley Avenue is compatible with the adjacent 1 and 2-storey (excluding

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>provided the following general criteria are satisfied:</p> <p>Development will be arranged in a gradation of building heights and densities.</p>	<p>basements) heights of the adjacent residential dwellings and the Town Centre commercial plaza (1 and 2-storey) at 5233 Stanley Avenue.</p>
<p>Part 2, Section 3.5.3.4 Commercial General Policies</p>	<p>Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high-density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied:</p> <p>The proposed development is designed to be compatible with commercial development in the surrounding area.</p>	<p>The proposed development is designed to be compatible with the Town Centre commercial plaza immediately west of the site (5233 Stanley Avenue), as the proposal involves an OP amendment to include the subject site into the same OP land use designation, thereby creating a single cohesive district.</p>
<p>Part 2, Section 3.5.3.5 Commercial General Policies</p>	<p>Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high-density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied:</p> <p>The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment.</p>	<p>A detailed landscaping plan will be provided at the Site Plan Approval stage.</p> <p>See Table 4-4 for the proposed setbacks (separation distances).</p>
<p>Part 2, Section 3.5.3.6 Commercial General Policies</p>	<p>Where commercially designated lands are in excess of demand, zoning bylaw amendments for medium and high-density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied:</p> <p>The proposal does not hinder commercial traffic patterns.</p>	<p>The proposal does not hinder commercial traffic patterns. The Conceptual Site Plan (Raimondo, February 6, 2026) shows a 6-metre wide fire route access lane between McRae Street and the northernmost proposed access to Stanley Avenue, as well as a dedicated loading space to the south of the existing convenience store.</p>
<p>Part 2, Section 3.5.4 Commercial General Policies</p>	<p>While this Plan promotes and encourages residential intensification of lands designated Major and Minor Commercial, it also recognizes that there is the potential for land use conflicts with</p>	<p>Per the pre-consultation minutes dated March 6, 2025, the only studies required for determining impacts and providing mitigation measures</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	intensification. Accordingly, an applicant may be required to undertake studies to determine impacts and provide mitigation measures.	as a result of intensification were the Stage 1-2 Archaeological Assessment (Detritus Consulting Ltd., August 20, 2025) and the Noise Impact Study (Pinchin Ltd., November 25, 2025), both completed in support of the OPA/ZBA application.
Part 3, Section 1.2.4 – Water and Sanitary Sewage	Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.	The property is currently utilizing and will continue to utilize existing municipal water, storm, and sanitary sewer infrastructure. Furthermore, please see the Functional Servicing and Stormwater Management Report (UEM, February 12, 2026) completed in support of the OPA/ZBA application.
Part 3, Section 1.3.1 – Storm Drainage	It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.	The property is currently utilizing, and will continue to utilize, existing municipal storm sewer infrastructure. Furthermore, please see the Functional Servicing and Stormwater Management Report (UEM, February 12, 2026) completed in support of the OPA/ZBA application.
Part 3, Section 1.3.4 – Storm Drainage	Storm water management plans shall incorporate the use and creation of naturalized overland systems. Naturalized off-stream ponds and wetlands are encouraged to properly regulate and control water quantity and quality flows going into natural watercourses. In addition to controlling water quality and quantity, such systems shall be as natural as possible to create habitat areas and	A detailed Stormwater Management Report was required for the Official Plan and Zoning Bylaw amendment applications for the proposed development. A combined Functional Servicing and Stormwater Management Report (UEM, February 12, 2026) completed in support of the OPA/ZBA application.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	where applicable, will be used to provide linkages to other natural features.	
Part 3, Section 1.5.26 Transportation	All new development abutting Arterial Roads shall provide adequate off-site loading and unloading facilities located in such a manner to minimize the detrimental impact by vehicles using such facilities.	A single loading space has been provided immediately south of the existing convenience store in accordance with Section 4.20.1 of the City of Niagara Falls Zoning By-law. The location of the loading space does not interfere with the 6-metre-wide fire access route or vehicular movements in-and-around the existing gasoline bar.
Part 3, Section 1.5.31 Transportation	Council shall require 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.	A Noise Impact Study, as required by the Regional Municipality of Niagara, is included in (UEM, February 12, 2026) completed in support of the OPA/ZBA application.
Part 3, Section 3.1.1.1 Energy Resources	A compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate.	The proposed development will intensify the use of the subject lands and promote increased residential density where no housing currently exists.
Part 3, Section 4.10 Cultural Heritage Conservation	The City recognizes that there are many archaeological sites containing artifacts or other physical evidence of past human use or activities throughout the municipality. Every effort will be taken to ensure archaeological resources are protected in situ. No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist. Any fieldwork and investigation shall adhere to Provincial guidelines and requirements. The archaeological report shall be prepared to the satisfaction of the Ministry of Culture or its designate to address, among other	Please see the Stage 1-2 Archaeological Assessment Report (Detritus, August 20, 2025) for 5190 Stanley Avenue, which was completed in support of the OPA/ZBA application. The document also includes the expedited review request letter sent to the Ministry of Citizenship and Multiculturalism (MCM).

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	things: site findings, analysis of findings, a statement of heritage value, any further assessment needed, methods of protecting archaeological sites/artefacts (buffer areas, landscaping, avoidance strategy) and a construction monitoring schedule.	
Part 3, Section 4.11 Cultural Heritage Conservation	The City shall refer to the Niagara Falls Heritage Master Plan and the Region of Niagara to identify sites having potential for archaeological resources. Where potential archaeological resources have been identified, the submission of an archaeological assessment shall be required as part of complete planning application as prescribed under the Planning Act.	Please see the Stage 1-2 Archaeological Assessment Report (Detritus, August 20, 2025) for 5190 Stanley Avenue, completed in support of the OPA/ZBA application.
Part 3, Section 5 Urban Design Strategy	Refer to the whole of Part 3, Section 5 in the City of Niagara Falls Official Plan.	Refer to Section 3.1.2.2 of the Urban Design Brief (UEM, February 12, 2026), completed in support of the OPA/ZBA application.

4.3.2 SUMMARY OF CITY OF NIAGARA FALLS OFFICIAL PLAN ANALYSIS

The subject property is currently designated Residential and is proposed to be re-designated to Minor Commercial, functioning as a singular cohesive district with the adjacent Minor Commercial District to the west. The proposed mixed-use building will provide new rental housing options within the City of Niagara Falls, within the Built-Up Area, while also utilizing existing municipal infrastructure, transit routes, and active transportation infrastructure. The development will intensify the use of the future consolidated property without hindering commercial traffic patterns. Therefore, it is concluded that the proposed re-designation of the subject property is consistent with the City of Niagara Falls Official Plan.

4.4 CITY OF NIAGARA FALLS ZONING BY-LAW

4.4.1 EXISTING ZONING

The 2 properties comprising the subject lands are currently zoned under the City of Niagara Falls Zoning By-law (Bylaw 79-200) as follows:

5190 Stanley Avenue

The property is zoned Residential 1D Density (R1D), which is designed to accommodate detached (residential) dwellings and related uses such as home occupations, bed and breakfast establishments, additional dwelling units, and accessory buildings and structures.

Although the lot remains vacant, a single-detached residential dwelling existed on the property in at least 1965 (based on available historic photos) and was demolished sometime between 1965 and 2000.

5204 Stanley Avenue

The property is zoned Automobile Service Station and Gasoline Bar (AS-835) with site-specific provisions from 2008 (Bylaw No. 2008-130, **Appendix D**) permitting a retail store in association with the pre-existing gasoline bar. The original AS zoning is designed to accommodate certain automotive uses such as automobile service stations, gasoline bars, any convenience store accessory to these, and car washes.

The site-specific provisions associated with the convenience store and pre-existing gasoline bar include the following:

- (a) Minimum interior side yard width 0 metres
- (b) Maximum lot coverage 23%
- (c) Minimum landscaped open space 15% of the lot area, which shall include the landscape strips having the prescribed widths in the following locations, save and except for any driveways:
 - (i) along and adjacent to the front lot line 3 metres
 - (ii) along and adjacent to the rear lot line and interior side lot line, save and except for any building or structure 1.5 metres
 - (iii) along and adjacent to the exterior side lot line 2.4 metres
- (d) Maximum floor area of a retail store 120 square metres
- (e) Notwithstanding any of the above clauses, no pump, pump island, or canopy shall be located any closer to any lot line than 4.2 metres

4.4.2 PROPOSED ZONING

The proposed development seeks to consolidate the 5190 Stanley Avenue and 5204 Stanley Avenue properties and rezone to a site-specific General Commercial (GC) Zone that adds a gasoline bar as a (existing) permitted use, all uses permitted under Section 8.2.1 of the City of Niagara Falls Comprehensive Zoning By-Law (79-200), as amended (i.e. permitted uses in the General Commercial ‘GC’ Zone), while also amending multiple required yard setbacks.

Tables 4-4 and **4-5** summarize the required zoning provisions for the consolidated property (5190 and 5204 Stanley Avenue).

Table 4-4: General Commercial (GC) Zoning Provisions

Parameter	GC Requirements	Proposed	Meets Requirement?
Permitted Uses	The uses permitted in the GC zone, Section 8.2.1 of By-law No. 79-200	Gasoline Bar Retail Use Dwelling units in a building in combination with one or more of the	No – A site-specific zoning amendment will be required to permit the Gasoline Bar as a permitted use.

		uses listed in section 8.6.1.	
Minimum Lot Frontage	6 m	35.4 m with the 5m x 5m daylighting triangle	Yes
Minimum Front Yard Depth	In accordance with Section 4.27.1 10 metres from the original centreline of McRae Street	26.19 metres from the McRae Street centreline	Yes – Existing condition
Minimum Rear Yard Depth where any part of the building is used for residential purposes	10 metres whichever is greater plus any applicable distance specified in section 4.27.1	3.0 metres	No – A site-specific zoning amendment will be required to reduce the setback for the proposed mixed-use building
Minimum interior side yard width where the side lot line abuts a residential, institutional or open space zone	3.0 metres	0.44 metres	No – A site specific zoning amendment will be required to recognize the setbacks for the proposed mixed-use building on both 5190 & 5204 Stanley Avenue. The existing convenience store was permitted to have a 0-metre setback under By-law No. 2008-130 (Appendix D), but this legal non-conforming setback applies only to 5204 Stanley Avenue.
Minimum Exterior Side Yard Width	In accordance with section 4.27.1 13.1 m setback is required from the Stanley Avenue centreline	The mixed-use building is proposed to be located 39.53 metres from the Stanley Avenue centreline.	Yes
Maximum Lot Coverage	70%	16.56%	Yes
Maximum Height of Building or Structure	12 metres	7.32 m	Yes
Maximum Floor Area	Not specified	332.28 m ²	N/A

Parking and Access Requirements	In accordance with Section 4.19.1 <u>Retail:</u> 1 parking space for each 25 m ² 310.32 m / 25 m = 12.41 spaces <u>Dwelling Units:</u> 1.4 parking spaces for each dwelling unit 1.4 spaces x 2 units = 2.8 spaces <u>Total required:</u> 12.41 + 2.8 = 15.21 spaces	15 parking spaces	Yes
Minimum parking space width	3.0 metres	3.0 metres	Yes
Minimum parking space length	6.0 metres	6.0 metres	Yes
Minimum maneuvering aisle	5.9 metres	6.0 metres	Yes
Loading Area Requirements	In accordance with Section 4.20.1, one (1) loading space is required where the floor area is between 300 m ² and 3,700 m ² for the receipt or distribution of materials or merchandise. The total gross floor area of all existing and proposed retail uses is 310.32 m ² .	One (1) loading space	Yes
Accessory Buildings	In Accordance with Zoning By-law Sections 4.13 and 4.14	N/A	N/A

The gasoline bar was approved as an existing structure under By-law No. 2008-130 (**Appendix D**), which added Retail Store as a permitted use and incorporated site-specific exceptions for the property (5204 Stanley Avenue) that was zoned Automotive Service Station and Gasoline Bar Zone (AS) at the time. In relation to Section 8.9.3 of the current City of Niagara Falls Zoning By-law (By-law No. 79-200), which prescribes standard regulations for gasoline bars, this by-law permitted the following site-specific exception:

- (e) Notwithstanding any of the above 4.2 metres clauses, no pump, pump island, or canopy shall be located any closer to any lot line than

For 5204 Stanley Avenue, as a stand-alone property, the reduced 4.2-metre setback was required to permit the existing gasoline bar to remain in place with a reduced rear yard (north lot line) depth. However, with the proposed consolidation of the two properties (5190 and 5204 Stanley Avenue), the property line will disappear and the site-specific exception is no longer applicable to the former rear lot line.

The gasoline bar currently exists with a front yard depth of approximately 18-metres from the McRae Street centreline, which is less than the 20-metre standard regulation as per Section 8.9.3 of the City of Niagara Falls Zoning By-law (By-law 79-200).

Table 4-5: Zoning Provisions for the Gasoline Bar

Parameter	Requirements	Proposed	Meets Requirement?
Minimum Lot Frontage	30 metres	35.4 m with the daylighting triangle	Yes
Minimum Lot Depth	30 metres	56 metres	Yes
Minimum Front Yard Depth	In 10 metres + 10 metres from the original centreline of McRae Street	Fuel bar is located approximately 8.1m from the property line and 18.1m from the McRae Street centreline	No – Existing Condition
Minimum Rear Yard Depth	5 metres	Approximately 21.3 metres	Yes
Minimum Interior Side Yard Width	5 metres	Approximately 18.6 metres	Yes
Minimum Exterior Side Yard Width	10 metres + 13.1 from the original centreline of Stanley Avenue	Approximately 23.8 metres from the Stanley Avenue centreline	Yes
Maximum Lot Coverage	20%	9.34%	Yes
Maximum Height of Building or Structure	8 metres	Approximately 4 metres	Yes
Minimum Landscape Open Space	5%	18.70%	Yes
Notwithstanding any of the above provisions, no pump, pump island or canopy shall be located closer to any lot line than	6 metres	9.8 metres	Yes

Parking and Access Requirements	In accordance with Section 4.19.1 of By-law 79-200	6 pumps exist on-site, representing at least 6 parking spaces	Yes
Minimum Parking Space Width	3.0 metres	3.0 metres	Yes
Minimum Parking Space Length	6.0 metres	6.0 metres	Yes
Minimum Maneuvering Aisle	5.9 metres	6.0 metres	Yes
Maximum floor area of a convenience store	200 square metres	123.18 square metres	Yes

4.4.3 DRAFT ZONING BY-LAW AMENDMENT

The proponent is proposing a General Commercial (GC) Zone with the following site-specific provisions:

- The addition of the existing gasoline bar as a permitted use with a reduced Minimum Front Yard of 18.1 metres from the McRae Street centreline.
- Reduced Minimum Rear Yard of 3.00 m
- Reduced Interior Side Yard Setback of 0.44 m

The draft by-law for the Zoning By-law Amendment can be viewed at **Appendix F**.

5.0 SUPPORTING STUDIES

The following summarizes required specialist studies completed in support of the OPA and ZBA application, as identified during pre-consultation. The reports are also provided separately with the OPA and ZBA application submission.

5.1 ARCHAEOLOGICAL ASSESSMENT

A Stage 1-2 Archaeological Assessment was completed (Detritus Consulting Ltd., August 20, 2025) for the vacant lot at 5190 Stanley Avenue. No Archaeological Assessment was required at 5204 Stanley Avenue due to the entirely disturbed nature of the property.

The Stage 1 Assessment determined that there was archaeological potential on the site and that a Stage 2 Archaeological Assessment (field assessment) was required. A Stage 2 field assessment was undertaken on July 28, 2025 that consisted of a typical test pit survey at 5-metre intervals throughout the lot. The test pits were excavated to a depth of 50 centimetres and featured a very compact brown sandy loam soil layer with varying amounts of gravel and modern debris. No archaeological resources were encountered and the results of Stage 2 Archaeological Assessment deemed that no further archaeological assessment was recommended.

The Stage 1-2 Archaeological Assessment Report (Detritus, August 20, 2025) was submitted to the Ministry of Citizenship and Multiculturalism (MCM). A clearance/acknowledgement letter has not yet been received, however, an expedited review request letter dated December 5, 2025 was submitted to the Ministry and has been included along with the report, was completed in support of the OPA/ZBA application.

5.2 PHASE 1 ENVIRONMENTAL SITE ASSESSMENT AND RECORD OF SITE CONDITION

At the pre-consultation meeting held on March 6, 2025, a Phase 1 Environmental Site Assessment (ESA) and Record of Site Condition (RSC) were identified as required documentation in support of the OPA and ZBA. It was further clarified that this requirement could be waived if it was determined that:

- No portion of the proposed residential dwelling units would be located on 5204 Stanley Avenue, which currently contains a gasoline bar and convenience store.
- It could be demonstrated to the City of Niagara Falls that any previous uses for the property were residential.

The Conceptual Site Plan (Raimondo, February 6, 2026) was revised to ensure all portions of the proposed residential units remained on the currently vacant lot (5190 Stanley Avenue). On October 22, 2025, imagery from 1949, sourced from the Niagara Falls Public Library website, showing a newly built house on the property, was provided to the City. The Stage 1-2 Archaeological Assessment Report also indicated in the archaeologist's professional opinion that a residential dwelling was on the property. The City subsequently confirmed that the Phase 1 ESA and RSC was not required.

5.3 FUNCTIONAL SERVICING AND STORMWATER MANAGEMENT REPORT

A Functional Servicing and Stormwater Management Report was completed (UEM, February 12, 2026) and concludes that the proposed mixed-use building (3 commercial units and 2 residential dwelling units) can be serviced with existing municipal infrastructure.

The existing water service at the site consists of a 150mm diameter PVC watermain located on the south side of McRae Street, which currently services the existing convenience store with a 25mm diameter copper water service. This service is proposed to remain in place while the proposed mixed-use building will be serviced by a new 38mm Type K soft copper water service from a second location on the same watermain, which will travel along the Stanley Avenue frontage, inside the property, before turning east and connecting to the proposed building. If the City prefers a single water service connection, the existing 25mm diameter copper water service may be tied into the proposed 38mm water service while the existing connection to the 150mm watermain is abandoned. Fire protection can be provided to the site through existing City of Niagara Falls fire hydrants located on the southeast corner of Stanley Avenue and McRae Street and on the southwest corner of Stanley Avenue and Valley Way. A hydrant flow test is recommended to confirm the available flow and pressure in the area at the Site Plan Approval stage.

The existing sanitary services at the site consist of a 250mm diameter PVC sanitary sewer on the south side of McRae Street, in addition to an existing 300mm diameter sanitary sewer located on the east side of Stanley Avenue. The existing convenience store will continue to be serviced by the existing 150mm PVC lateral connection from the 250mm diameter PVC sanitary sewer on McRae Street. The mixed-use building is proposed to be serviced by a sanitary service connection to Stanley Avenue to avoid disruption to the existing convenience store operations and underground gasoline bar infrastructure. Third-party modelling may be completed to confirm the available capacity of the existing 300mm diameter sanitary sewer.

No stormwater quantity management is proposed for the existing gasoline bar and convenience store area at 5204 Stanley Avenue, but only for the currently vacant lot at 5190 Stanley Avenue. Preliminary calculations indicate that approximately 8m³ of storage will be required to detain the post-development 5-year storm (minor drainage system) to the 5-year pre-development flow rate. The 5-year storm runoff is proposed to drain to the existing catch basin in front of 5190 Stanley Avenue, via storm pipe, to the catch basin on the east side of Stanley Avenue which will be replaced with a catch basin manhole. The required storage can be provided using oversized pipes, underground storage structures, or infiltration

trenches, and the preferred method will be confirmed during Site Plan Approval. Any excavation will be kept as far away from the tree roots as possible.

It is preferred that the storm connection for 5190 Stanley Avenue be made to Stanley Avenue rather than McRae Street to avoid disruptions to the existing convenience store operations and underground gas bar infrastructure. However, an alternate connection to the McRae Street storm sewer is feasible via connection to the existing catch basin within the 5204 Stanley Avenue property.

Two oil-grit separators (OGS) are required to address quality control for the existing and proposed development if stormwater for the 5190 Stanley Avenue property is directed towards the Stanley Avenue storm sewer. If the proposed development directs stormwater to the existing catch basin on the 5204 Stanley Avenue property, only one OGS will be required to service the entire site. The OGS units will be sized for enhanced protection with a minimum of 80% total suspended solids removal. Final OGS unit quantity, type, and sizing will be confirmed at the Site Plan Approval stage.

Major storm event runoff is proposed to be directed overland towards Stanley Avenue via the development driveway.

5.4 NOISE IMPACT STUDY

A Noise Impact Study was completed by (Pinchin Ltd., November 25, 2025), in support of the OPA and ZBA application, determining noise impacts on the proposed development at specific receptor sites. The study concluded that:

- Road traffic noise impacts on the proposed development meet NPC-300 noise criteria with the provision for the future installation of air conditioning systems, which are proposed in both the residential and commercial units.
- Warning clause Type C is required for the proposed residential units.
- The predicted noise control impacts from external stationary sources on the development, as well as from the development on external receptor locations, also meet the NPC-300 noise criteria for Class 1 area. Therefore, noise control measures are not required.

5.5 PARKING DEMAND STUDY AND TERMS OF REFERENCE

A Parking Demand Study and Terms of Reference was included in the March 6, 2025 pre-consultation checklist as a required study. This was based on the preliminary site plan (dated February 11, 2025) submitted with the Pre-Consultation for Development Application, which showed 11 parking spaces for the proposed development. During the pre-consultation meeting, City of Niagara Falls staff clarified that the study would not be required if the proposal met the minimum parking requirements in accordance with Section 4.19.1 of the City of Niagara Falls Zoning By-Law, which require a minimum of 15 parking spaces for the proposed development.

An updated Conceptual Site Plan (Raimondo, February 6, 2026) was provided to the City showing 15 parking spaces, including 1 accessible space. On September 30, 2025, City staff confirmed that a Parking Demand Study would not be required as a result of the proposed changes. Further updates to the Conceptual Site Plan have since occurred, but the 15 proposed parking spaces remain, including 1 accessible space, and are sufficient to accommodate the existing and proposed uses on the site.

5.6 TREE INVENTORY AND PRESERVATION PLAN

An Arborist Report and Tree Protection Plan was completed (Summit SKS Limited, December 19, 2025) in support of the OPA and ZBA application. During the tree assessment completed on December 16, 2025, 9 trees were identified that had the potential to be impacted by the proposed development. Seven trees

were recommended to be preserved, 1 was identified as requiring removal, and the remaining tree was identified as likely to be injured as a result of the proposed works.

During construction, hoarding is recommended to be installed in the tree protection zones for all identified trees, with the exception of the Common Pear tree in the municipally owned boulevard, located closest to the northeast corner of the Stanley Avenue and McRae Street intersection. This Common Pear tree is recommended for removal, but excavation must otherwise occur outside of the hoarding for all other trees identified.

Additionally, a large Silver Maple tree exists on the adjacent 5176 Stanley Avenue and the proposed parking lot is expected to encroach into its tree protection zone. During construction, a qualified arborist is to be present to direct, inspect, and photo document any excavation required in this encroachment area, even outside the recommended hoarding, and to perform any necessary remedial arboricultural actions at that time.

The complete Tree Inventory and Preservation Plan is included in **Appendix H**.

5.7 URBAN DESIGN BRIEF

An Urban Design Brief was completed (UEM, February 12, 2026) for the proposed development. The Urban Design Brief was structured in accordance with the City of Niagara Falls Urban Design Brief Terms of Reference and, in accordance with Section 2 of the document, addresses urban design related policies from the following documents:

- Niagara Region's Model Urban Design Guidelines (July 2025)
- The Niagara Official Plan (May 2024)
- The City of Niagara Falls Official Plan (January 2024)

Specific to this proposal, the Urban Design Brief demonstrates that objectives are met for the proposed development (2-storey mixed-use building) and provides details on how it:

- Provides additional commercial amenities and rental housing on underutilized lands
- Utilizes existing municipal and regional public infrastructure
- Supports the City's priorities related to intensification
- Supports active transportation through the inclusion of short-term bicycle parking
- Supports safe and efficient site-circulation for vehicular users
- Proposes a high-quality design with complementary exterior cladding materials
- Proposes a compatible building height and massing, thereby protecting the privacy of existing nearby residences

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 CONCLUSIONS

Based on the analysis of relevant planning documentation in this Planning Justification Report and the Conceptual Site Plan, the following is concluded with respect to the proposed rezoning and Official Plan amendments for 5190 and 5204 Stanley Avenue within the City of Niagara Falls:

- The proposed development meets the intent of the Provincial Policy Statement, as it will utilize existing municipal infrastructure while adding new lower-cost housing stock, employment opportunities, and commercial amenities by introducing mixed-use development on underutilized lands, therefore achieving complete communities and reducing greenhouse gas emissions.

- The proposed development supports the policies within the Niagara Official Plan, as the proposed mixed-use building is located on a partially greyfield site within the Delineated Built-Up Area of Niagara Falls, will constitute intensification and transit-supportive development in the built-up area, and will provide new and more affordable housing options where municipal infrastructure already exists.
- The proposed development supports the policies within the City of Niagara Falls Official Plan by integrating the consolidated site into a cohesive Minor Commercial District, providing new rental housing options within the built-up area of the City of Niagara Falls, intensifying vacant lands, and utilizing existing municipal infrastructure.
- The proposed rezoning of the subject lands from a combination of Residential 1D Density (R1D) and Automobile Service Station and Gasoline Bar (AS-835) zoning with site-specific exceptions, to a single consolidated General Commercial (GC) zone with site-specific exceptions, will permit the expansion of the existing commercial plaza and parking lot with proposed apartments provided overtop of the commercial space. The proposed mixed-use development is supported by the planning policies analyzed in this Planning Justification Report and the requested site-specific zoning exceptions are as follows:
 - The addition of gasoline bar as a (existing) permitted use, with a reduced Minimum Front Yard of 18.1 metres from the McRae Street centreline.
 - Reduced Minimum Rear Yard of 3.00 m
 - Reduced Interior Side Yard Setback of 0.44 m

6.2 RECOMMENDATIONS

Based on the analysis presented in the Planning Justification Report, it is recommended that City of Niagara Falls Council approve the following applications:

- An Official Plan Amendment application to re-designate the properties at 5190 and 5204 Stanley Avenue in the City of Niagara Falls from Residential to Minor Commercial to better reflect the expansion of existing commercial uses and their shared compatibility with the adjacent Minor Commercial lands located west of Stanley Avenue.
- A Zoning By-Law Amendment application to rezone the properties at 5190 and 5204 Stanley Avenue in the City of Niagara Falls from a Residential 1D Density (R1D) and Site-Specific Automobile Service Station and Gasoline Bar (AS-835) zoning to a Site-Specific General Commercial (GC) zoning that would permit a proposed commercial building, with 2 second-storey apartments overtop, to expand into an adjacent vacant residential lot as an extension of the existing commercial footprint (convenience store) while permitting the existing gasoline bar to remain in place, reducing minimum rear yard and interior side yard requirements for the building, and reducing the minimum front yard requirement for the existing gasoline bar.

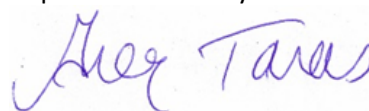
URBAN & ENVIRONMENTAL MANAGEMENT INC.

Report Prepared By:



Michael Benson, RPP
Planner

Report Reviewed By:



Greg Taras, RPP
Senior Planner

Appendix A

**City of Niagara Falls Blanket Easement
For Trunk Sewer**

Mike Benson

From: Brian Kostuk <bkostuk@niagarafalls.ca>
Sent: December 15, 2025 3:00 PM
To: Mike Benson
Cc: Greg Taras; mwdev; Jessica Abraham
Subject: RE: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave
Attachments: 24-102 ~ Wang - 5190 Stanley Avenue - Site plan and 3D view.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Mike,

Sorry I keep missing your calls. I've been in and out of the office a lot the last couple weeks.

Our Legal Services Department has confirmed that the City does have an easement on 5190 Stanley Avenue. It appears to be a blanket easement since there's no associated reference plan.

I've also spoken to our Infrastructure group about the sewer. They confirmed the easement on 5190 is for access. The actual location of the sewer has never been 100% confirmed on the surface. It's only estimated based on CCTV. Although the sewer is likely entirely on 5176, it may be near the property line and extra space would be required on 5190 to access it for maintenance.

Given this new information, Municipal Works won't support the reduction of side-yard setback in the ZBA application. We would like it to remain 3.0m from the property line. Based on the plan provided at pre-con, this will affect the extent of the proposed building, and may also be an issue for the access stairs for the second floor residential.

Let me know if you'd like to discuss further.

Regards,

Brian Kostuk, C.Tech. | Development Services Supervisor | Municipal Works - Development | City of Niagara Falls
4343 Morrison Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4102 | Fax 289-296-0048 | bkostuk@niagarafalls.ca

From: Mike Benson <mbenson@uemconsulting.com>
Sent: Thursday, December 11, 2025 3:27 PM
To: Brian Kostuk <bkostuk@niagarafalls.ca>
Cc: Greg Taras <gtaras@uemconsulting.com>; mwdev <mwdev@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave

Hi Brian

Do you have an estimated date for when we'll hear from Legal?

Regards,

Mike Benson RPP | **Urban & Environmental Management Inc.**
4701 St. Clair Avenue, Suite 301, Niagara Falls, ON L2E 3S9 | T (905) 371-9764 ext. 202

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From: Brian Kostuk <bkostuk@niagarafalls.ca>
Sent: December 9, 2025 4:08 PM
To: Mike Benson <mbenson@uemconsulting.com>
Cc: Greg Taras <gtaras@uemconsulting.com>; mwdev <mwdev@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave

Hi Mike,

As I mentioned on the phone, our records show the trunk sewer crossing through 5176 Stanley Avenue, not 5190. I'm not sure why the City would have an easement on 5190. I've reached out to our Legal Department to see if they can dig up any records.

In the meantime, I've attached the record drawings we have for this area.

I'll let you know when I hear back from Legal.

Regards,

Brian Kostuk, C.Tech. | Development Services Supervisor | Municipal Works - Development | City of Niagara Falls
4343 Morrison Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4102 | Fax 289-296-0048 | bkostuk@niagarafalls.ca

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From: Mike Benson <mbenson@uemconsulting.com>
Sent: Tuesday, December 9, 2025 10:46 AM
To: Brian Kostuk <bkostuk@niagarafalls.ca>
Cc: Greg Taras <gtaras@uemconsulting.com>; mwdev <mwdev@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave

Good morning Brian,

I just found out about the existing easement (see attached) on 5190 Stanley Avenue. Do you know what this is referring to and are you able to provide mapping of underground services (storm, sanitary, water) for both the properties themselves (5190 & 5204 Stanley Avenue) and the immediate vicinity? We will need to be clear regarding what the implications are for the proposal, as it sounds like there is a trunk sewer spanning the lot.

The pre-con minutes have a list of underground services for each road, but not the associated mapping.

Regards,

Mike Benson RPP | Urban & Environmental Management Inc.

4701 St. Clair Avenue, Suite 301, Niagara Falls, ON L2E 3S9 | T (289) 248-0851

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From: Brian Kostuk <bkostuk@niagarafalls.ca>
Sent: December 4, 2025 3:17 PM
To: Mike Benson <mbenson@uemconsulting.com>
Cc: Greg Taras <gtaras@uemconsulting.com>; mwdev <mwdev@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave

Hi Mike,

Very sorry for the long delay in response.

We've discussed this internally. We're not in support of multiple connections at this location, due mainly to the poor infrastructure available on Stanley Avenue. According to our records, the sanitary sewers are 70-100 years old and carrying some combined flows. The sanitary and storm sewers on McRae that the site is currently connected to are both from 2006 and part of a newer separated system. Also, for some reason, the Municipal watermain running south from Valley Way is 50mm poly that dead-ends in front of 5190 Stanley. I'm not sure if the flow provided there would even be sufficient for your development.

As we discussed on the phone, we'd recommend abandoning the existing 25mm water service in place and installing your new 50mm service along the east side of the site with a new connection at the main on McRae. The 25mm service would need to be disconnected from the main for decommissioning, but the pipe does not need to be removed.

For sanitary, we would recommend Option A, however either option is acceptable to us.

For storm, again, either option is acceptable, however, as I mentioned on the phone, the previous site plan drawing doesn't indicate that there is quality control on the storm service. Considering the use of the site as a gas station, this is something we would want addressed as part of the new site plan design. In this case, it may make more sense to pursue Option B and replace the existing manhole with an OGS unit. I will leave that to you to decide the best approach.

Let me know if you have any further questions.

Regards,

Brian Kostuk, C.Tech. | Development Services Supervisor | Municipal Works - Development | City of Niagara Falls
4343 Morrison Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4102 | Fax 289-296-0048 | bkostuk@niagarafalls.ca

From: Brian Kostuk <bkostuk@niagarafalls.ca>
Sent: Monday, November 24, 2025 11:56 AM
To: Mike Benson <mbenson@uemconsulting.com>
Cc: mwdev <mwdev@niagarafalls.ca>; Greg Taras <gtaras@uemconsulting.com>
Subject: RE: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave

Hi Mike,

Thanks for sending this information. We're reviewing it internally and we'll provide a response shortly.

Regards,

Brian Kostuk, C.Tech. | Development Services Supervisor | Municipal Works - Development | City of Niagara Falls
4343 Morrison Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4102 | Fax 289-296-0048 | bkostuk@niagarafalls.ca

From: Mike Benson <mbenson@uemconsulting.com>
Sent: Wednesday, November 19, 2025 3:25 PM
To: Brian Kostuk <bkostuk@niagarafalls.ca>
Cc: mwdev <mwdev@niagarafalls.ca>; Greg Taras <gtaras@uemconsulting.com>
Subject: [EXTERNAL]-Municipal Service Connections to 5190 Stanley Ave

Good afternoon Brian,

Further to our discussion this morning, please see the following attachments for reference:

1. The city-approved site plan package approving the existing Petro-Canada gas station and convenience store at 5204 Stanley Ave (to remain and be combined with new building at 5190 Stanley Ave). Note that municipal service connections are shown on the 3rd page (C1) of the package.
2. The latest drawing package we have drafted for the proposed development, encompassing both 5190 and 5204 Stanley Avenue, which will be consolidated.
3. A mark-up of the site plan (see #1 above) showing to servicing options described below.

As you can see in the 3rd attachment, there is a 25mm water service connecting from the south side of the convenience store to McRae Street. Given that the proposed building is to directly connect to this convenience store on the north side, the proposal will likely involve replacing the 25mm pipe with a 50mm in the current location, servicing the entire building.

Sanitary and sewer connections are more complicated. In terms of options to keep common servicing connections in McRae Street, the following options are being explored:

Sanitary – Option A

Dig under the convenience store and extend the 150mm sewer west to service all units in the new building. This option is expensive and logistically challenging.

Sanitary – Option B

Construct a new 150mm sewer lateral from the proposed building at 5190 Stanley Ave to in front of the Petro-Canada convenience store, adding a new manhole in front of the store, and then connecting to the existing manhole at McRae Street. This option may not be feasible since it is a gas station property and there are underground tanks to work around (unsure where the boundaries of the tanks are), presenting potential safety issues associated with excavation.

Storm – Option A

Convert the existing catch basin on 5204 Stanley Ave (STM CB 1) to a manhole and extend the lead to a new catch basin on 5190 Stanley Ave. This is the preferred option if the 250mm diameter lead can be maintained with the additional flow coming from the new commercial and residential units.

Storm – Option B

Create a new lead from manhole STM MH 2 at 5204 Stanley Ave and extend it directly west to a new catch basin on 5190 Stanley Ave. This is the preferred option in the event the existing 250mm storm connection is insufficient and requires expansion/replacement, as it may not be feasible to excavate through the existing gasoline bar.

Given the potential constraints inherent in the above options, particularly with respect to sanitary, would the City entertain any option to connect the new development at 5190 Stanley Ave to city infrastructure in the Stanley Ave right-of-way?

Regards,

Mike Benson RPP | Urban & Environmental Management Inc.

4701 St. Clair Avenue, Suite 301, Niagara Falls, ON L2E 3S9 | T (289) 248-0851

Urban & Environmental Management Inc. respects and supports flexibility in our employees' work hours. Regardless of the time this email is received, we do not expect your acknowledgement or response outside of your working hours.

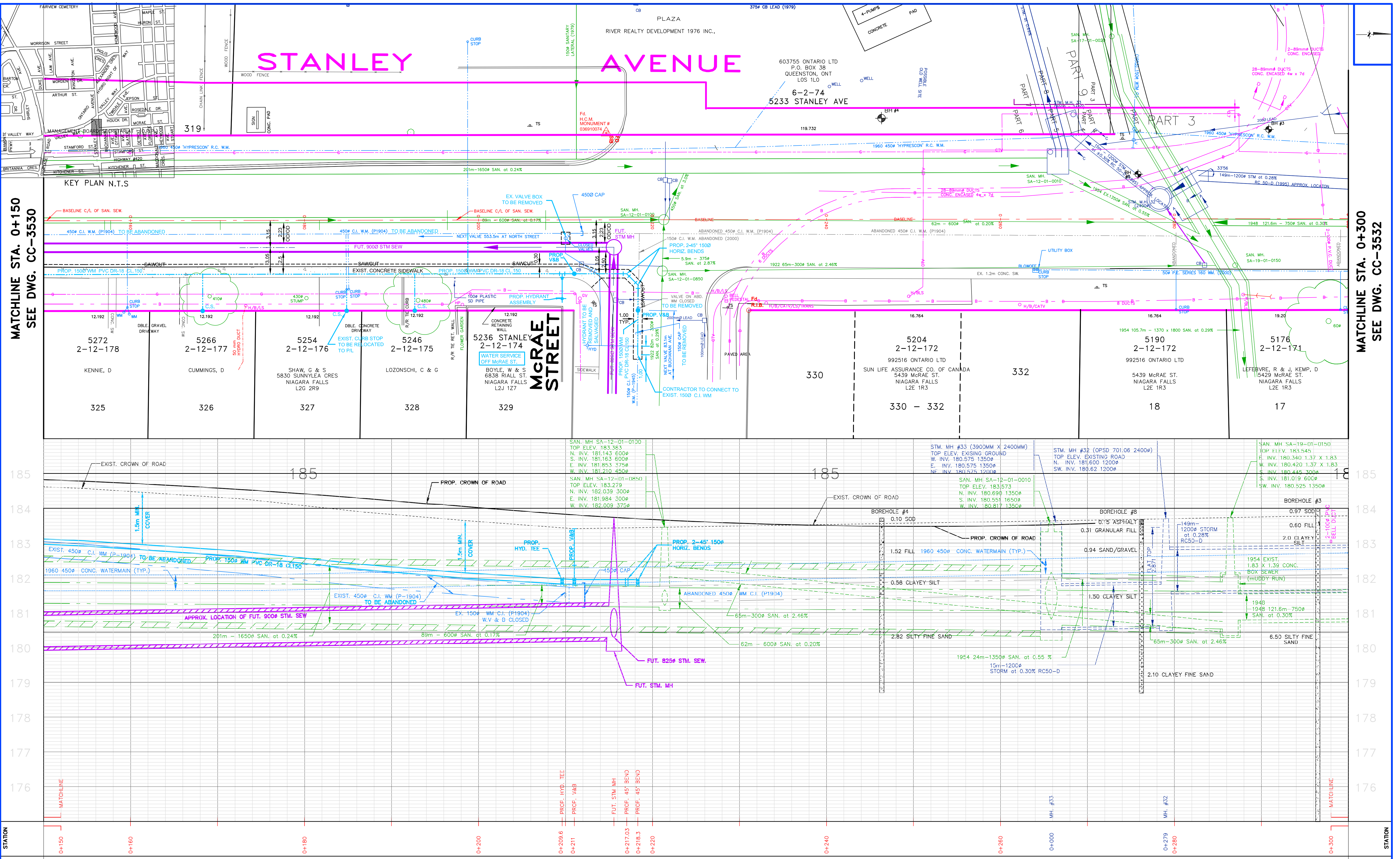
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CC-3531

T: CC-DRAWINGS-CC-3531.DWG
 XREF'S: T: PLANS/PROP/VALLEYWAY/PLAN/VALLEYWAY.DWG
 XREF'S: T: PLANS/PROP/VALLEYWAY/PROP/STAMFORD
 ROTATION - ORIGINAL - AS SHOWN BASE CO



STATION	0+150	0+160	0+180	0+200	0+209.6	0+211	0+217.03	0+218.3	0+220	0+240	0+260	0+000	0+279	0+280	0+300
EXIST. CROWN RD. ELEV.	184.568		184.269	183.889	183.640	183.416							183.679		183.768
PROP. CROWN RD. ELEV.															
PROP. EDGE OF PMT. X															
PROP. EDGE OF PMT. X															
PROP. CROWN RD. GRADE															
PROP. X-FALL - X. LANE															
PROP. X-FALL - X. LANE															

REVISION	DATE	INIT.	NOTES
8	00/08/31	B.D.	ISSUED FOR CONSTRUCTION - CONTRACT 00-190-00
7	00/08/01	B.D.	ISSUED FOR TENDER - CONTRACT 00-190-00
6	2000/06/12	B.D.	500# WM. E. SIDE STANLEY, S. OF VALLEYWAY
5	96/11/20	B.D.	ADDED PROP. WATERMAIN
4	95/05/08		ADDED PROP. ROAD INFO ON PLAN
3	95/0/11		2nd TENDER & MOE APPLICATION
2	95/02/07		TENDER
1	95/01/02		MOE APPROVAL APPLICATION

REVISION	DATE	INIT.	NOTES
11	09/03/06		CONSTRUCTED - APPROX LOCATION CONT. 94-121
10	02/07/29	F.H.	ISSUED FOR APPROVALS CONT. 109-01 & 02-118-02
9	02/06/14	F.H.	ADDED PROP. WM AND FUT. STM SEW CONT. 109-01

LEGEND	UNDERGROUND UTILITIES	DRAFTING
○ L.S.	— H—	B.E.S., R.C., D.V., G.F.
○ T.L.	— W—	DESIGN
○ S.I.	— G—	R.C.
○ H.P.	— B—	CHECKED BY
○ H.C.	— C—	B.D.
○ G.U.	— P—	PROJ. SUPVR.
○ M.A.	— S—	
○ M.H.	— C—	
○ C.B.	— COM—	
○ S.I.B.		

The City of
Niagara Falls
Canada

BENCH MARK DATUM
 MONUMENT No. 90036042
 ONT. PROVINCIAL POLICE BLDG.
 ON STANLEY AVE. AT STAMFORD
 ST. BRASS TABLE SET HORIZ.
 IN CONCRETE FOUNDATION, IN
 THE EAST WALL OF THE MAIN
 OFFICE BLDG. 41m WEST OF THE
 CENTRELINE OF STANLEY AVE.,
 2.54m SOUTH OF THE NORTH-
 EAST CORNER OF BLDG. & 15cm
 BELOW BOTTOM COURSE OF
 BRICK SIDING
 ELEV. 185.906

STANLEY AVENUE
 FROM 70m SOUTH OF McRAE STREET
 TO VALLEY WAY

DATE: 95/04/07
 SCALE HOR: 1:200
 VER: 1:50
 DWG NO: CC-3531
 MUN. REF. No: CC-3531
 REV: 11

Appendix B

Official Plan Map

Schedule A to the Official Plan FUTURE LAND USE

Transit Stat on
Secondary Plan
see Schedule A-5

Legend

- Environmental Conservation Area
- Environmental Protection Area
- Extractive Industrial
- Good General Agriculture
- Industrial
- Major Commercial
- Minor Commercial
- Niagara Escarpment Plan Area
- Open Space
- Parkway Residential
- Residential
- Resort Commercial
- Theme Park Marineland
- Tourist Commercial
- Intake Protection Zone IPZ-1
- Secondary Plan Area
- Special Policy Area
- Urban Area Boundary

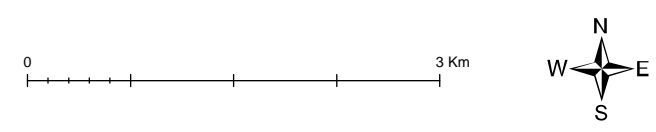
Urban Area Expansion as per the 2022 Niagara Region Official Plan, for illustration only. Implementation of the boundary will require an approved Secondary Plan

CITY OF THOROLD

CITY OF WELLAND

TOWN OF FORT ERIE

NOTE: THIS MAP MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT OF THE OFFICIAL PLAN APPROVED OCTOBER 1993 UPDATED TO January 2024



Appendix C

Zoning By-law Map

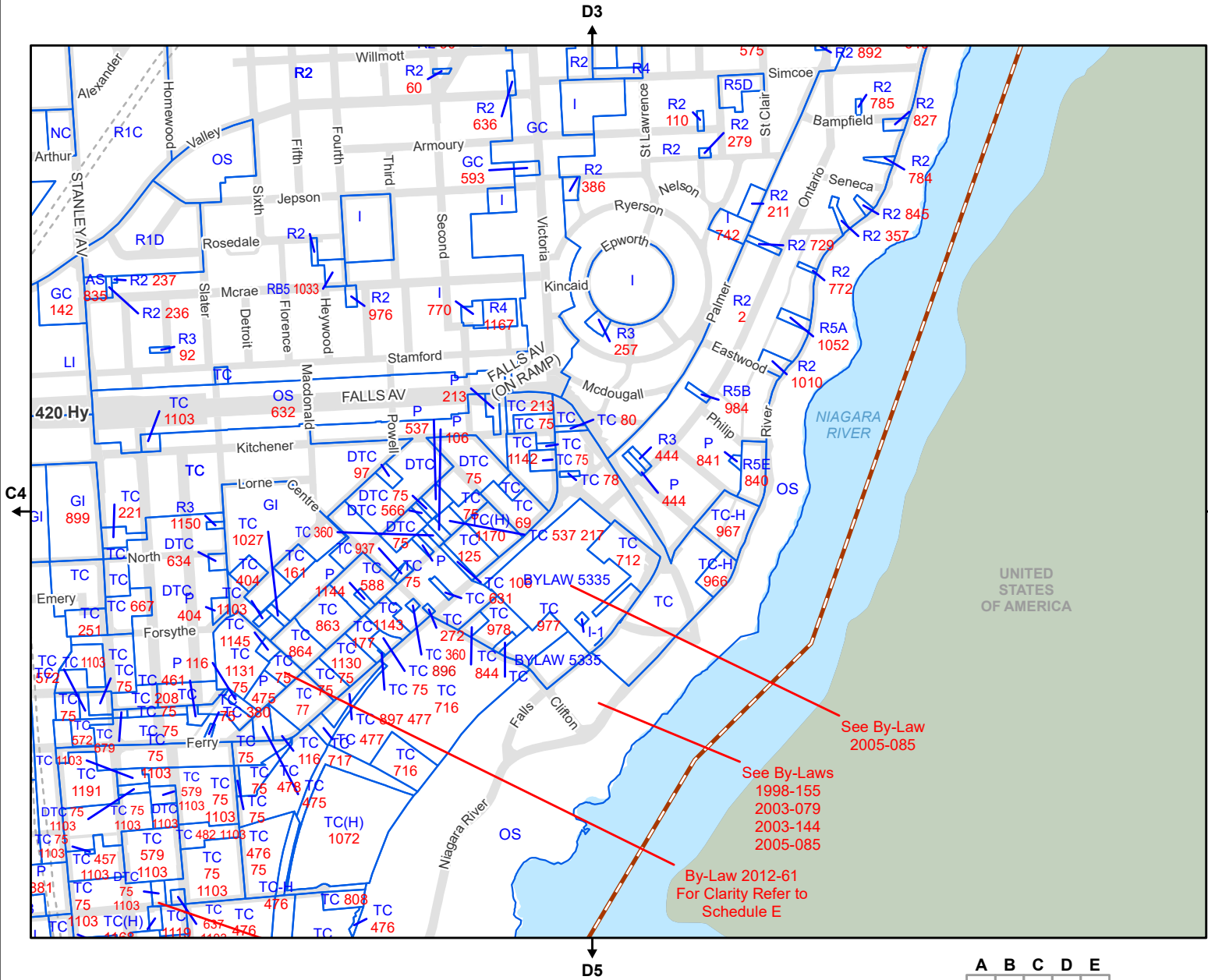
ZONING BY-LAW 79-200



— ZONE LINES

EXCEPTIONS & SPECIAL PROVISION NO.
SEE SECTION 19

81-019	03-164	07-208	13-031
98-155	03-169	08-013	13-090
98-196	03-180	08-039	15-051
99-052	03-181	08-130	15-056
99-078	03-190	08-100	16-053
99-104	03-204	08-207	16-077
92-240	04-017	08-219	17-001
01-021	04-112	08-174	17-062
01-050	04-156	09-084	17-124
01-085	04-183	09-085	19-083
01-265	04-192	09-139	20-006
02-112	04-210	10-040	20-045
02-143	04-216	10-041	20-098
02-148	05-085	10-067	21-007
02-180	05-174	10-068	21-011
02-202	05-188	11-031	21-030
03-009	06-093	11-092	21-103
98-155	07-022	12-016	22-013
03-079	07-040	12-061	22-065
03-123	07-051	12-062	22-118
03-144	07-118	12-136	
03-157	07-119	13-029	
03-159	07-152	13-030	



UNITED STATES
OF AMERICA

See By-Law
2005-085

See By-Laws
1998-155
2003-079
2003-144
2005-085

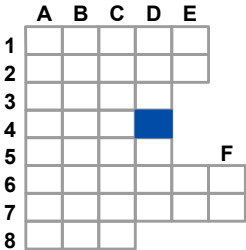
By-Law 2012-61
For Clarity Refer to
Schedule E

CITY OF NIAGARA FALLS
Planning & Development Department



Scale 1:13,000

Print Date: FEBRUARY, 2023



CONSOLIDATION
DECEMBER 2022

SHEET D4

Appendix D

By-law 2008-130



September 16, 2008

Mr Chris Cristelli
Chris Cristelli & Associates Inc.
6255 Pinegrove Avenue
Niagara Falls, ON L2G 4J1

Dear Mr Cristelli.

Re: Final Approval of By-law No. 2008-130
File No.: AM-2008-010
5204 Stanley Avenue

The attached zoning by-law was passed by City Council on August 18, 2008 and circulated to area property owners on August 22, 2008. No appeals were received.

I now attach my declaration that Notice of the Passing of the By-law was given as required by the Planning Act and that no Notice of Appeal was filed within the time allowed. Under the circumstances, By-law No. 2008-130 became effective on the day it was passed.

Yours truly,

Alex Herlovitch
Director of Planning & Development

:gd
Attach.

- c. **VD** Iorfida, Director of Council Services & City Clerk
Ken Beaman, City Solicitor
K. Mech, Manager of Current Planning
N DeBenedetti, Sr Zoning Administrator
J Castrilli, Director of Building & By-law Services
S Felicetti, Director of Business Development Services
Penny Christie, Municipal Property Assessment Corporation
J Monteith, Monteith Brown Planning Consultants
Herman Heikoop, 1746951 Ontario Inc., 7516 Industrial Street, Niagara Falls, ON L2H 1B1
Huynh Nguyet, 5204 Stanley Avenue, Niagara Falls, ON L2E 5A4

S:\ZONING\AMS\2008\AM-10\Bylawpassed.ltr wpd

Community Services Department
Planning & Development
Ext 4231 Fax 905-356-2354
aherlovitch@niagarafalls.ca

Working Together to Serve Our Community

NIAGARA FALLS DEMOS 708 0923 11:40

CANADA)
Province of Ontario)
Regional Municipality)
of Niagara)

IN THE MATTER OF Subsection 34(22)
of The Planning Act, and

IN THE MATTER OF By-law No. 2008-130
of The Corporation of the
City of Niagara Falls

)
)
)
)
)
)
TO WIT)

I, ALEX HERLOVITCH, of the City of Niagara Falls, in the Regional Municipality of Niagara do solemnly declare that:

1 I am the Director of Planning and Development of The Corporation of the City of Niagara Falls and, as such, have knowledge of the facts herein declared,

2. That By-law No. 2008-130 was passed by the Council of The Corporation of the City of Niagara Falls on the 18th day of August, 2008,


3 Written Notice of the Passing of By-law No. 2008-130 was given on the 22nd day of August, 2008, pursuant to Subsection 34(18) of The Planning Act.

4 No Notice of Appeal was filed with the City Clerk pursuant to Subsection 34(19) of The Planning Act, within the time allowed for appeal, namely within 20 days from the date of the written Notice of the Passing of the By-law;


5 The decision of Council and the passing of the by-law is therefore final and binding and the by-law is deemed to come into effect on the day that it was passed;

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the City)
of Niagara Falls)
in the Regional Municipality)
of Niagara)
this 16th day of September, 2008)



ALEX HERLOVITCH



A Commissioner of Oaths, etc.

Susan Alice Jean Scerbo
a Commissioner, etc.,
Regional Municipality of Niagara, for
The Corporation of the City of Niagara Falls.
Expires March 17, 2009.

CITY OF NIAGARA FALLS

By-law No. 2008 - 130

A by-law to amend By-law No. 79-200, to add a retail store as a permitted use and adjust the regulations that apply to the lands.

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

1 Sheet D4 of Schedule "A" to By-law No 79-200 is amended by numbering 835, the land on the northeast corner of Stanley Avenue and McRae Street, being All of Lts 330, 331 & 332 P1307 Save & Except Pts 4, 5 & 6 On 59R11727; S/T Ease As In RO282584, Niagara Falls and shown hatched and designated AS and numbered 835 on the plan Schedule 1, attached to and forming part of this by-law

2. None of the provisions of section 8.9 1 of By-law No 79-200 shall apply to prevent the use of the land described in section 1 of this by-law and shown hatched and designated AS and numbered 835 on the plan Schedule 1 attached hereto, or the erection or use of any building or structure thereon, for the purpose of a retail store.

3 Notwithstanding the provisions of clauses (e), (g), (i) and (j) of section 8.9.3 of By-law No. 79-200, no person shall use the land described in section 1 of this by-law and shown hatched and designated AS and numbered 835 on the plan Schedule 1 attached hereto, or erect or use any building or structure thereon, except in compliance with the following regulations:

- | | | |
|-------|---|--|
| (a) | Minimum interior side yard width | 0 metres |
| (b) | Maximum lot coverage | 23 % |
| (c) | Minimum landscaped open space | 15 % of the lot area, which shall include the landscape strips having the prescribed widths in the following locations, save end except for any driveways: |
| (i) | along and adjacent to the front lot line | 3 metres |
| (ii) | along and adjacent to the rear lot line and interior side lot line, save and except for any building or structure | 1.5 metres |
| (iii) | along and adjacent to the exterior side lot line | 2.4 metres |
| (d) | Maximum floor area of a retail store | 120 square metres |

(e) Notwithstanding any of the 4.2 metres
above clauses, no pump, pump
island or canopy shall be
located closer to any lot line
than

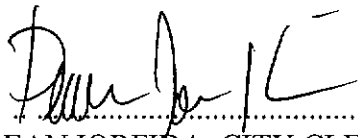
(f) All other provisions of By-law No. 79-200 shall continue to apply


3 Section 19 of By-law No. 79-200 is amended by adding thereto the following:

19 1.835 (a) None of the provisions of section 8.9 1 of By-law No. 79-200 shall apply to prevent the use of the land on the northeast corner of Stanley Avenue and McRae Street, designated AS and numbered 835 on Sheet D4 of Schedule "A", or the erection or use of any building or structure thereon, for the purpose of a retail store, except in compliance with By-law No. 2008-130

(b) Notwithstanding the provisions of clauses (e), (g), (i) and (j) of section 8.9.3 of By-law No. 79-200, no person shall use the land on the northeast corner of Stanley Avenue and McRae Street, designated AS and numbered 835 on Sheet D4 of Schedule "A", or erect or use any building or structure thereon, except in compliance with By-law No. 2008-130

Passed this eighteenth day of August, 2008.


.....
DEAN IOREDA, CITY CLERK


.....
R. T. (TED) SALCI, MAYOR

First Reading: August 18, 2008
Second Reading: August 18, 2008
Third Reading: August 18, 2008

SCCHEDULE 1 TO BY-LAW No. 2008-130

Subject Land 



Amending Zoning By-law No. 79-200

Description: All of Lts 330, 331 & 332 P1307 Save & Except Pts 4, 5 & 6
On 59R11727; S/T Ease As In RO282584; Niagara Falls

Applicant: 1746951 Ontario Inc.

Assessment #s: 272502001217300



1:NTS

AM-2008-010

Appendix E

Draft Official Plan Amendment

CITY OF NIAGARA FALLS

By-law No. 2026-xxxx

A by-law to provide for the adoption of Amendment No. xxxx to the City of Niagara Falls Official Plan (AM-2026-xxxx).

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 ENACT AS FOLLOWS:

1. Amendment No. xxxx to the City of Niagara Falls Official Plan, constituting 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, 2026.

.....
BILL MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR

OFFICIAL PLAN AMENDMENT NO. xxxx

PART 1 – PREAMBLE

(i) **Purpose of the Amendment**

The purpose of the amendment is to redesignate the property from Residential to Minor Commercial.

(ii) **Location of the Amendment**

The amendment applies to lands located at 5190 and 5204 Stanley Avenue in the City of Niagara Falls.

(iii) **Details of the Amendment**

Map Changes

MAP 1 – Schedule “A” to the Official Plan – Future Land Use has been amended to show the Minor Commercial designation.

(iv) **Basis of the Amendment**

The applicant proposes to retain the existing commercial plaza located at 5204 Stanley Avenue and expand its footprint into the neighbouring vacant parcel at 5190 Stanley Avenue, simultaneously adding two (2) apartment dwelling units over the ground floor of the new expansion.

The subject lands are designated Residential as shown on Schedule A – Future Land Use of the City’s Official Plan. The Official Plan Amendment requests to redesignate the site to Minor Commercial.

Part 2, Section 3.3 of the Official Plan provides policies to guide development within Minor Commercial land use districts. The amendment meets the intent of these policies as follows:

- Minor Commercial districts represent a moderate concentration of commercial space and approximately range in size from 3,700m² to 10,200m² of gross leasable retail floor area (GLRFA). The proposed amendment enlarges the existing Minor Commercial District immediately west of Stanley Avenue, which has a GLRFA far below this range (approximately 2,582.8m²). The amendment permits a contiguous district with approximately 2,893.1m² of gross leasable retail floor area, therefore working towards the target GLRFA range recommended by the Official Plan.
- Mixed-use development is permitted within Minor Commercial districts, subject to the appropriate provisions in the Zoning By-law and other relevant sections of the Official Plan. The amendment seeks to include two (2) apartment dwelling units into the proposed expansion of the commercial plaza and a

Zoning By-law is concurrently being submitted to address relief being requested for multiple required yard setbacks.

- The proposed amalgamation of 5190 and 5204 Stanley Avenue will result in increased frontage onto Stanley Avenue, a Regional arterial road and the largest frontage. The proposed expansion of the commercial plaza and two (2) apartment dwelling units on 5190 Stanley Avenue will be oriented towards Stanley Avenue in order to ensure economic stability and integration with existing commercial plaza on the adjacent property (5204 Stanley Avenue).

PART 2 - BODY OF THE AMENDMENT

DETAILS OF THE AMENDMENT

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

1. MAP CHANGE

The "Area Affected by this Amendment", shown on the map attached hereto, entitled "Map 1 to Amendment No. xxxx", shall be identified as Minor Commercial on Schedule A – Future Land Use of the Official Plan.

Appendix F

Draft Zoning By-law Amendment

CITY OF NIAGARA FALLS

By-law No. 2026- xxxx (DRAFT)

A by-law to amend By-law No. 79-200, to permit the use of the lands for the mixed-use expansion of an existing commercial plaza into an adjacent vacant lot, inclusive of two (2) apartment dwellings on the second storey. (AM-2026-xxxx).

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The Lands shall be identified as a parcel, known as Parcel GC- xxxx.
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by 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.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
5. The permitted uses shall be:
 - (a) For Parcel GC-xxxx, the uses permitted in the GC zone.
 - (b) Gasoline bar
6. The regulations governing the gasoline bar on Parcel GC–xxxx, shall be:
 - (a) Minimum front yard depth 8.1 metres (9.84 ft.) from the property line plus any applicable distance specified in section 4.27.1
 - (b) The balance of the regulations specified for Gasoline Bars under Section 8.9.3 of By-law No. 79-200.
7. The regulations governing all other permitted uses on Parcel GC–xxxx, shall be:
 - (a) Minimum rear yard dept 3.0 metres (9.84 ft.)
 - (b) Minimum interior side yard width 0.44 metres (1.44 ft.)
 - (c) The balance of the regulations specified for a GC use.

Appendix G

Housing Impact Statement

**Housing Impact Statement
5190 & 5204 Stanley Avenue, Niagara Falls
Proposed Mixed-Use Development**

Introduction

The owner of 5190 & 5204 Stanley Avenue in the City of Niagara Falls, is undertaking an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to expand the existing commercial use onto the adjacent vacant lot, to add three additional commercial units with two (2) apartments above the commercial ground floor and permit multiple variances to required yard setbacks. In support of the OPA and ZBA, a Housing Impact Statement is required and is prepared in accordance with Part 1, Section 4, Policies 4.4 and 4.8 of the City of Niagara Falls Official Plan.

A) The proposed housing mix by dwelling type and number of bedrooms, as applicable

The proposed development will permit two (2) new purpose-built residential apartments within the City of Niagara Falls, including one (1) 1-bedroom unit and one (1) 2-bedroom unit.

B) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b)

As identified in Part 1, Section 4.8 of the Official Plan, the City anticipates 20,220 new residents to Niagara Falls between 2021 and 2051, which results in a requirement for 674 new residential housing units annually. The two (2) apartment dwelling units will contribute 0.3% towards the City's annual residential housing requirement for the year in which they are built and anticipated to be occupied and will enhance housing affordability through supply and demand economics.

Although 5190 Stanley Avenue is zoned Residential 1D Density (R1D), the parcel is currently vacant. It previously contained one (1) single-detached dwelling from at least 1955 to a minimum 1965, at a minimum, according to imagery available from Niagara Navigator and Niagara Falls historic photos. The proposed addition of two (2) residential apartments to the parcel not only represents an improvement over current conditions (vacant) but permits a net of one (1) additional dwelling unit beyond what existed on the property previously. Additionally, the proposed units are purpose-built apartments designed for rental occupancy, instead of single-detached dwellings for purchase, resulting in more affordable options. As indicated in "C)" below, the rental rates are estimated to be affordable according to the Province's definition of affordability.

C) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City

The proposed development is still within the early stages of the planning approvals process. It is estimated that it will be 1 to 2 years before the planning process, site plan approval, building permit approval process and construction are completed. Therefore, it is very difficult to provide estimated rental rates at this time for when the units will be completed and rented out. However,

at this time, a very preliminary estimate is \$1,200 per month for the 1-bedroom unit and \$1,350 per month for the 2-bedroom unit.

According to the City of Niagara Falls, from an email sent October 9, 2025 (see the email on the next page), the affordable monthly rental price for a 1-bedroom apartment in Niagara Falls was \$1,203 and under, whereas the average rental price for a 2-bedroom apartment was \$1,395 and under. These rental thresholds were provided to the City of Niagara Falls by the Province on September 22, 2025.

D) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable

This policy is not applicable, since the proposed development will be constructed in a single phase.

E) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable

The proponent has provided a preliminary estimate of rental rates considering various factors including other residential apartment properties they own and rent, estimated construction costs, City and Region application and approval fees, development charges, market demand, etc. Changes in any of these factors can impact final estimated rental rates once the apartments are built and ready for occupancy. The proponent is not proposing any subsidized or rent-geared-to-income (RGI) units where an agreement through Niagara Regional Housing (NRH) would be entered into and result in a legal commitment to the rental rate.

In Conclusion...

The proposed apartment units are predicted to meet the definition of "affordable housing". This proposed development will result in 2 new purpose-built apartment units, providing one (1) new 1-bedroom unit and one (1) 2-bedroom unit to the apartment housing stock, contributing to the City's target of building 674 new residential housing units, annually. Furthermore, the proposed development not only represents an improvement over current conditions but permits a net of one (1) additional dwelling unit beyond what previously existed on the property and introduces purpose-built rental units onto the market that are expected to meet the Province of Ontario's definition of affordability.

Appendix H

Tree Inventory and Preservation Plan



Prepared for:

Urban & Environmental Management Inc.
4701 St. Clair Avenue, Suite 301, Niagara Falls, ON
L2E 3S9
T (289) 248-0851

Project Address:

5190 & 5204 Stanley Avenue, Niagara Falls, Ontario

Data Collection and Report Prepared by:

Alex Sharp
info@summitsks.ca
19 December 2025

Arborist Report - 5190 & 5204 Stanley Avenue, Niagara Falls, Ontario

Project Overview	3
Municipal Trees	3
Neighbouring Trees	4
Private Trees	4
Data Graph	4
Limitations of Assessment	5
Author's Qualifications	6
Tree Protection Plan	7

Arborist Report - 5190 & 5204 Stanley Avenue, Niagara Falls, Ontario

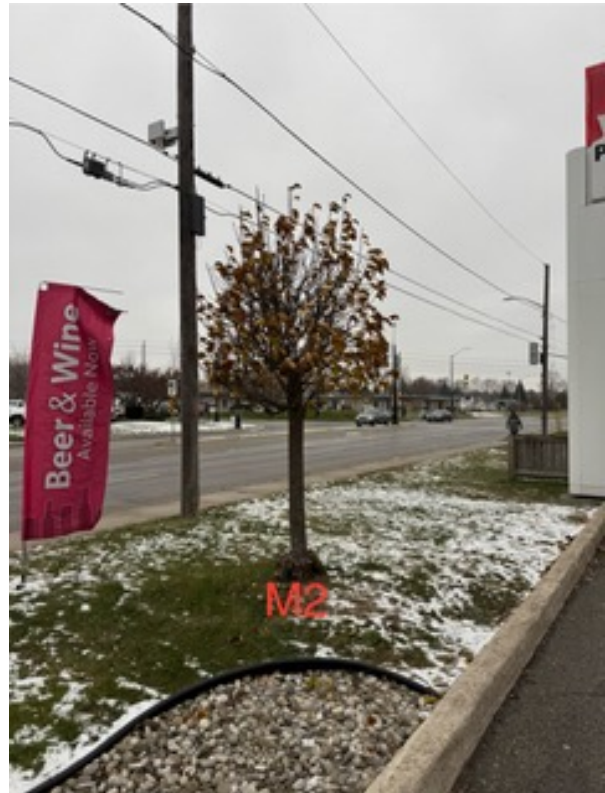
Summit SKS Limited have been retained by the property owner to prepare this Arborist Report and Tree Protection Plan for 5190 Stanley Avenue, Niagara Falls, Ontario. The property owner intends to expand upon the existing commercial footprint (existing convenience store) through the addition of a 2-storey mixed-use building, the installation of new paving surfaces, and by adding new hardscaping elements. The tree assessment was completed on the 16th day of December 2025. All field and appraisal work was conducted by qualified consultants.

The purpose of this report is to inventory and assess trees 15cm in diameter, measured at breast height and larger on the subject property, in the city road allowance adjacent to the property and any trees within 6m of the property line. There is one (1) existing tree that is recommended for removal as a result of this proposed construction.

Municipally Owned Trees

Tree number M1 is a 13cm dbh Pear Common that is growing on the municipally owned boulevard. This tree is in fair condition however it is recommended for removal due to development impacts.

Tree number M2 is a 13cm dbh Pear Common that is growing on the municipally owned boulevard. This tree is in fair condition and requires a tree protection zone of 2.4m.



Tree Number	Tree Species	Diameter of Appraised Tree (cm)	Area Of Appraised Tree (cm)	Diameter of Replacement Tree (cm)	Area of the Replacement Tree (cm)	Cost of Replacement Tree	Basic Price	Species Rating	Basic Value	Location Rating	Condition's Rating	Appraised Value
M1	Pear	13	132.665	6	28.26	750	26.5392781	67.00%	2606.45833	65.00%	80.00%	1355.358333
M2	Pear	13	132.665	6	28.26	750	26.5392781	67.00%	2606.45833	75.00%	80.00%	1563.875

Arborist Report - 5190 & 5204 Stanley Avenue, Niagara Falls, Ontario

Neighbouring Trees

Tree number N1 is a 24cm dbh Elm Chinese that is growing near the south property line of 5176 Stanley Avenue. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number N2 is a 86cm dbh Maple Silver that is growing near the south property line of 5176 Stanley Avenue. This tree is in good condition and requires a tree protection zone of 5.4m. An encroachment is expected into this trees recommended tree protection zone to allow for the proposed parking lot. A qualified arborist shall be present to direct, inspect and photo document any excavation required in this encroachment area and to perform any necessary remedial arboricultural actions at that time. This encroachment is minor and no negative impacts to the tree are expected.

Tree number N3 is a 22cm dbh Mulberry White that is growing near the south property line of 5176 Stanley Avenue. This tree is in good condition and requires a tree protection zone of 2.4m.

Tree number N4 is a 20-17cm dbh Heaven Tree Of that is growing near the south property line of 5176 Stanley Avenue. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number N5 is a 60cm dbh Maple Silver that is growing near the south corner of the property line in the backyard of 5424 Houck Drive. This tree is in good condition and requires a tree protection zone of 3.6m.

Tree number N6 is a 20-20cm dbh Maple Silver that is growing near the south west corner of the property line in the backyard of 5412 Houck Drive. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number N7 is a 26cm dbh Willow Corkscrew that is growing near the south west corner of the property line in the backyard of 5412 Houck Drive. This tree is in poor condition and requires a tree protection zone of 2.4m.

Privately Owned Trees

There are no privately owned trees associated with this project.

Tree #	Common Name	Latin Name	DBH (cm)	Height (m)	Crown Reserve (m)	Crown Height (m)	Canopy Cover Area (m)	Health	Structure	TPZ (m)	Site Plan Results
M1	Pear Common	Pyrus communis	13	3	2	1.5	4	fair	fair	2.4m	remove
M2	Pear Common	Pyrus communis	13	3	2	1.5	4	fair	fair	2.4m	preserve
N1	Elm Chinese	Ulmus parvifolia	24	9	9	3	81	fair	fair	2.4m	preserve
N2	Maple Silver	Acer saccharinum	86	18	18	3	324	good	good	5.4m	injure
N3	Mulberry White	Morus alba	22	9	6	3	36	good	good	2.4m	preserve
N4	Heaven Tree Of	Ailanthus altissima	20-17	8	6	3	36	fair	fair	2.4m	preserve
N5	Maple Silver	Acer saccharinum	60	15	15	6	225	good	good	3.6m	preserve
N6	Maple Silver	Acer saccharinum	20-20	10	7	3	49	fair	fair	2.4m	preserve
N7	Willow Corkscrew	Salix matsudana 'Totuosa'	26	9	4	3	16	poor	poor	2.4m	preserve

Arborist Report - 5190 & 5204 Stanley Avenue, Niagara Falls, Ontario

Limitations of Assessment

It is the policy of Summit SKS Limited to attach the following clause in regards to limitations. This is to ensure that the client is fully aware of what is technically and professionally realistic in the preservation and assessment of trees in the urban environment.

The assessment of the trees in this report has been done in conjunction with and according to accepted arboriculture methods and techniques. These include an examination of the above ground parts of the tree for structural defects, scars, cracks, the overall condition of the visible root structures, the severity and direction of lean (if any), the general condition of the trees and the surrounding environment, external indications of decay such as fungal fruiting bodies, evidence of attack by insects, symptoms of infestation and pathogens, discoloured foliage, and the proximity of potential targets should a tree fail. Except where specifically noted, the trees not cored, probed or climbed and there was no detailed inspection of the root crowns involving excavations, or samples taken to be scientifically tested.

Notwithstanding the recommendations and conclusions presented in this report, it must be acknowledged that trees are living organisms. They are not immune to changes in site conditions, dramatic weather events or seasonal variations in climate. Therefore it should always be recognized that trees are ever evolving and their health and vigour constantly vary over time. While all reasonable efforts have been made to ensure that the subject trees are healthy, no guarantees are offered or implied that these trees or part(s) of any trees will remain intact.

It is professionally and practically impossible to predict with absolute certainty the behaviour of any tree or its component parts under all circumstances and variables. Most trees have the potential for failure under adverse weather conditions and the risk can only be completely eliminated if the tree is removed. Inherently, a standing tree will always pose some level of risk. Although every effort has been made to ensure that this assessment is reasonably accurate, trees should be re-assessed periodically. The assessment presented in this report is valid at the time of inspection.

The report is the property of Summit SKS Limited and/or its agents and may not be used until payment is made in full unless written permission is granted to do so. Summit SKS Limited reserves the right to withdraw this report and its recommendations, if any requirements are not met. All details and graphics are copyright of Summit SKS Limited.

On Behalf of Summit SKS Limited



Alex Sharp,
Certified Arborist ON-0542AT





The International Society of Arboriculture

Hereby Announces That

Alex Mackenzie Sharp

Has Earned the Credential

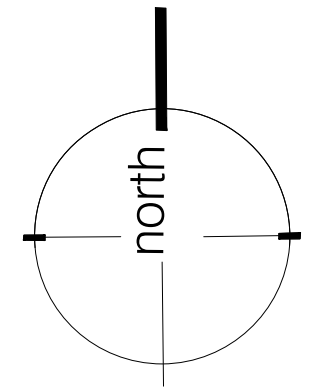
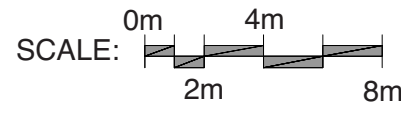
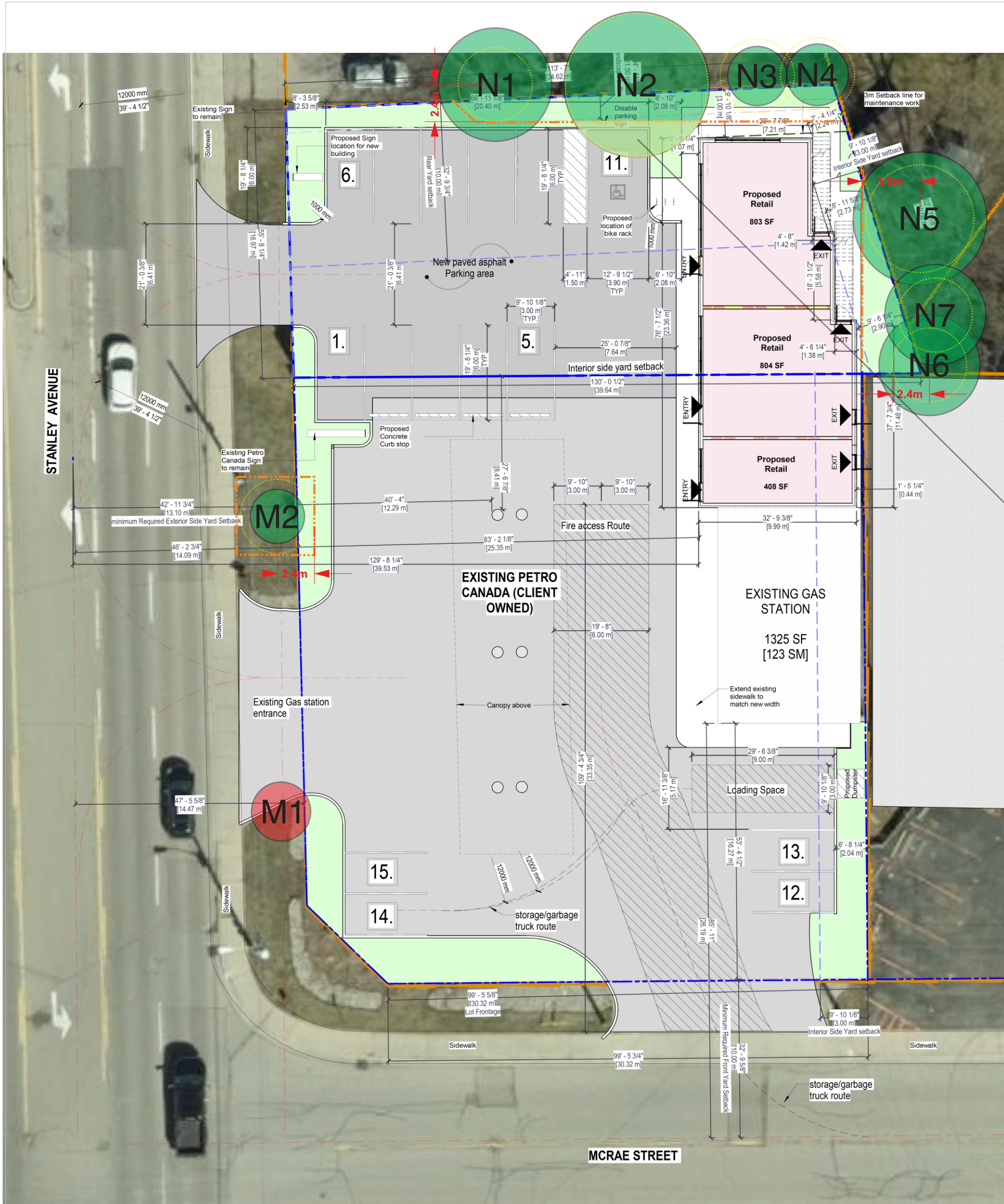
ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
CEO & Executive Director

9 January 2016	30 June 2025	ON-2026A
Issue Date	Expiration Date	Certification Number

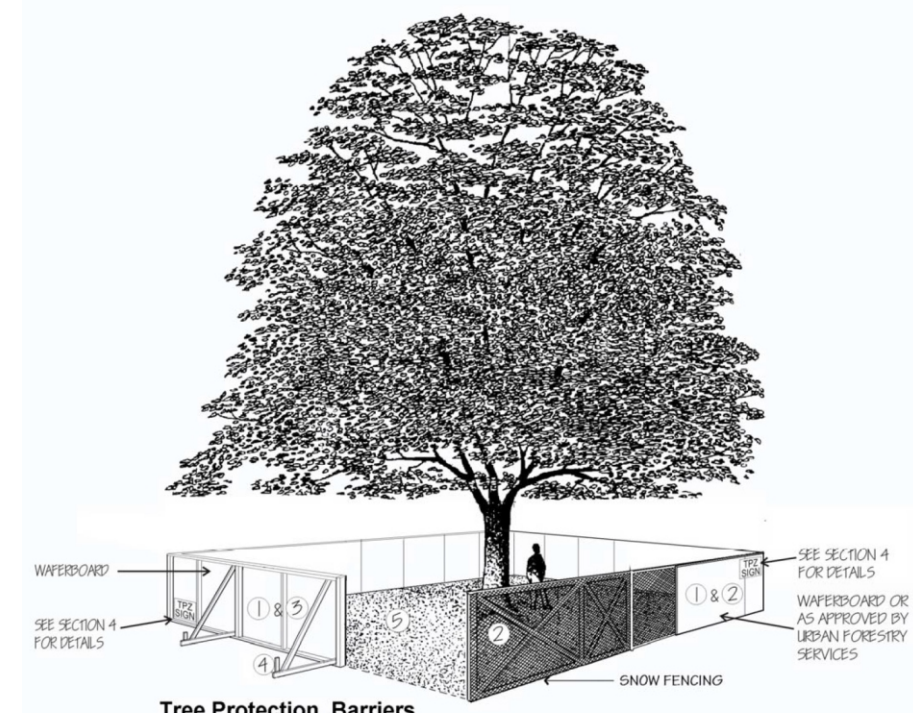




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AREA OF ENCROACHMENT ALL EXCAVATION IN THIS AREA TO BE OVERSEEN BY PROJECT ARBORIST.



- Tree Protection Barriers**
- Tree protection barriers must be 1.2m (4ft) high, waferboard hoarding or an equivalent approved by Urban Forestry Services.
 - Tree protection barriers for trees situated on the Town road allowance where visibility must be maintained can be 1.2m (4ft) high and consist of plastic web snow fencing on a wood frame made of 2"x 4"s.
 - Where some excavate or fill has to be temporarily located near a tree protection barrier, plywood must be used to ensure no material enters the Tree Protection Zone.
 - All supports and bracing should be outside the Tree Protection Zone. All such supports should minimize damaging roots outside the Tree Protection Barrier.
 - No construction activity, grade changes, surface treatment or excavations of any kind is permitted within the Tree Protection Zone.

REVISIONS/ SUBMISSIONS

#	DATE	DESCRIPTION
1	19/Dec/2025	1st Submission
2		
3		
4		
5		



CLIENT
Urban & Environmental Management Inc.
MUNICIPALITY
City of Niagara Falls
PROJECT
5190 & 5204 Stanley Avenue

MUNICIPAL FILE NUMBER
n/a
SHEET
Tree Protection Plan

