

# City of Port Colborne

## Public Meeting Addendum

**Date:** Tuesday, October 3, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
 66 Charlotte Street, Port Colborne

**Pages**

### 4. Statutory Public Meetings

#### 4.1 Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East – File Nos. D12-02-23 & D14-06-23, 2023-196

- \*a. Virtual Delegation from David Igelman, Senior Planner & Project Manager and Cynthia Zahoruk, Principal Architect, Design Plan Services Inc. , applicants 1
- \*b. Virtual Delegation from Roger Favero, resident
- \*c. Delegation from Lidia Favero, resident
- \*d. Delegation from Rick McLean, resident
- \*e. Delegation from Melissa Bigford-Lofquist, resident

#### 4.2 Public Meeting Report for Proposed Zoning By-law Amendment D14-07-23 and Official Plan Amendment D09-04-23, 650 Main Street West, 2023-198

- \*a. Delegation from Jesse Auspitz, Senior Planner and Max Fedchyshak, Planner, NPG Planning Solutions, applicants 9
- \*b. Comments from Regional Growth Strategy and Economic Development Department, Regional Municipality of Niagara 21
- \*c. Delegation from Robert Haymes, resident

### 5. Stop up and Close Public Meeting

#### 5.1 Laneway Stop up and Close Between Jefferson Avenue and Homewood Avenue, 2023-199

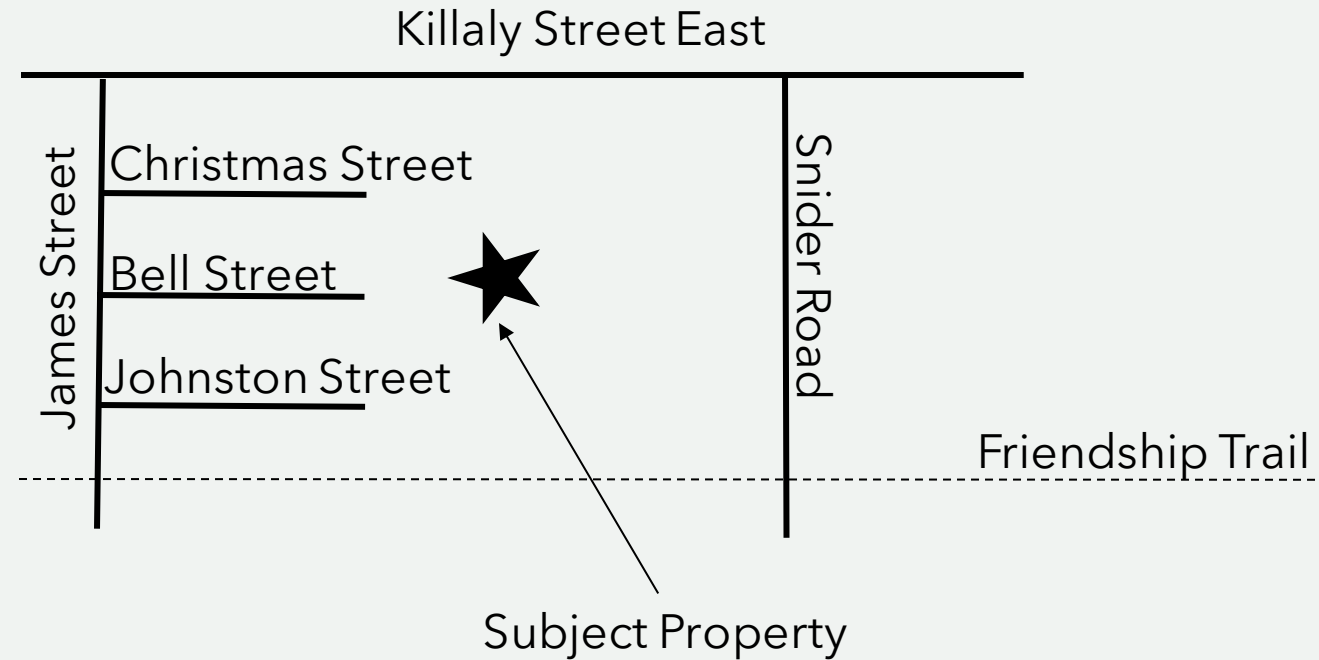
- \*a. Delegation from Mike Kryviak, resident 29



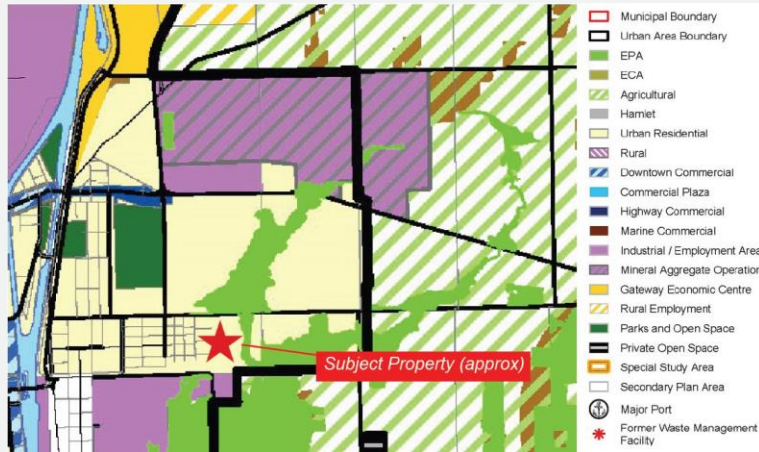
563 Killaly Street East & Part of Lots 23 and 24, Concession 1  
Public Meeting  
October 3rd, 2023

# Location of Site

- The Subject Property is located on Killaly Street E.
- South of Killaly Street East
- North of Friendship Trail
- East of James Street
- Lands subject to the proposed development
  - 563 Killaly Street E.
  - Vacant land, legally known as Part of Lots 23 and 24 Concession 1



# Current Planning Framework



*City of Port Colborne Official Plan Schedule A  
– City Wide Land Use*

- Within the "Urban Area Boundary"
- Designated as "Urban Residential"



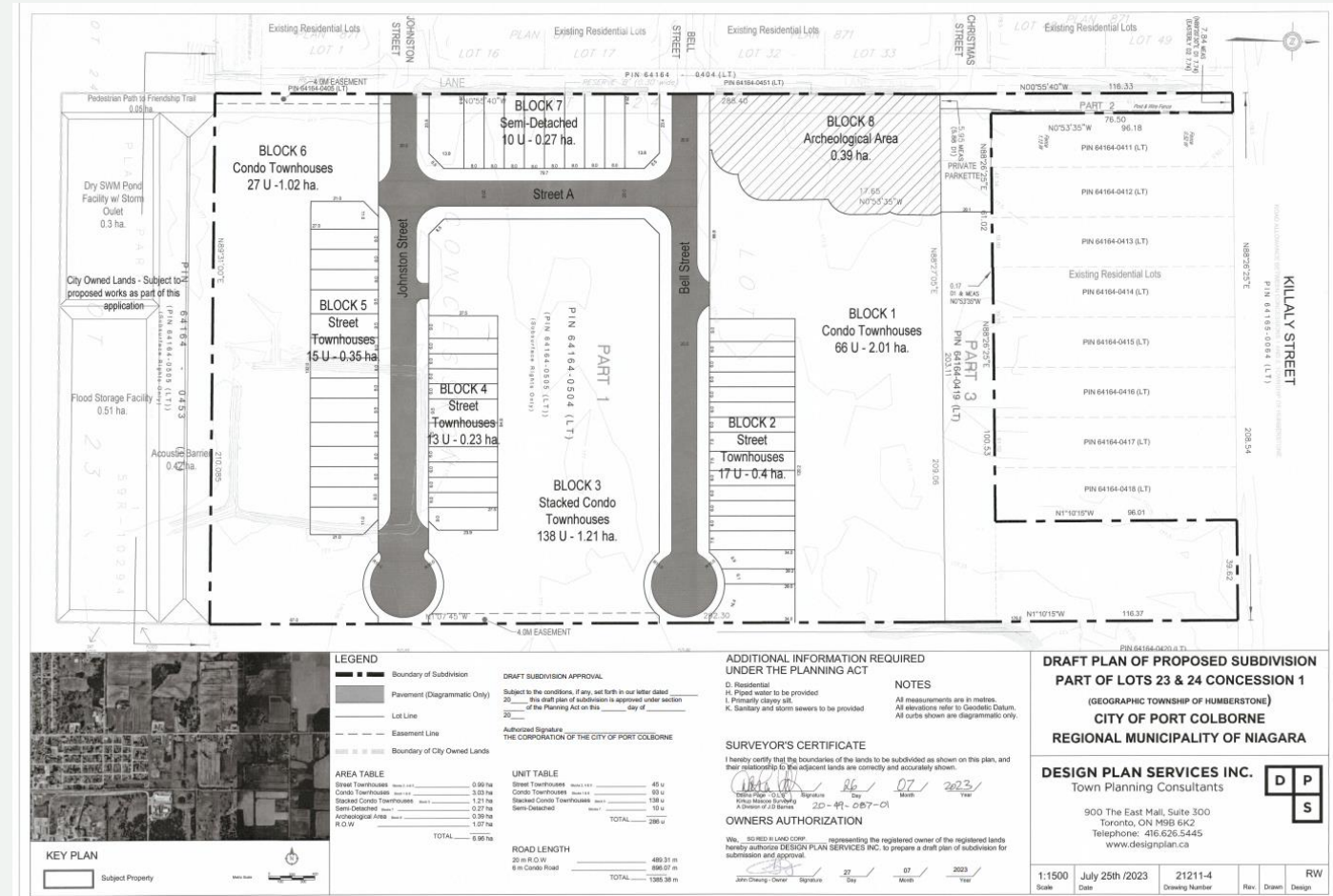
*City of Port Colborne Official Plan Schedule D –  
Transportation*

- Killaly Street East is designated as "Arterial Road"
- Johnston and Bell Street are designated as "Local Roads"
- Friendship Trail is designated as a "Bike Trail"



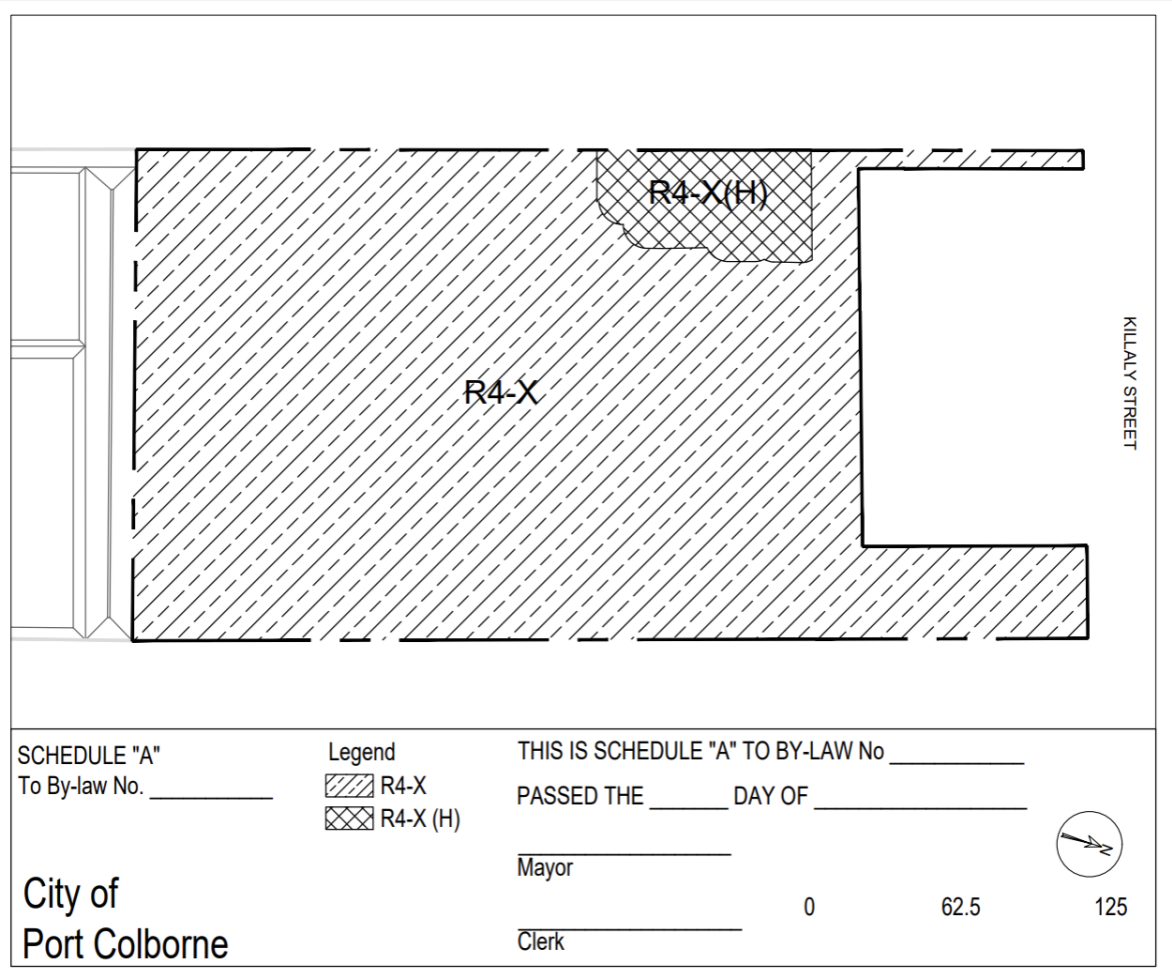
# Draft Plan of Subdivision

- Total of 286 residential dwelling units
  - Block 1: 2 Storey Condo Townhouse Units
  - Block 2: 2 Storey Street Townhouse Units
  - Block 3: 2 ½ Storey Stacked Condo Townhouse Units
  - Block 4: 2 Storey Street Townhouse Units
  - Block 5: 1 ½ Storey Street Townhouse Units
  - Block 6: 1 ½ Storey Condo Townhouse Units
  - Block 7: 2 Storey Semi-detached Dwelling Units
  - Block 8 Archeological Area



# Zoning By-law Amendment

- Proposed Zoning for the Subject Property
  - Residential Fourth Density Zone, site-specific R4-X; and
  - Residential Fourth Density Zone, site specific R4-X (H)



# Dwelling Types

- Four Dwelling types being proposed:
  - Stacked townhouses (identified as "Apartment" within the Zoning By-law)
  - Street townhouses
  - Block townhouses
  - Semi-detached dwellings.



*Figure above is an example of Stacked Townhouses*



*Figure above is an example of Street Townhouses*

# Contact Information

- **City Planner Contact:**

David Schulz, Senior Planner

66 Charlotte Street, Port Colborne, ON, L3K 3C8

[David.Schulz@portcolborne.ca](mailto:David.Schulz@portcolborne.ca)

905-835-2900

- **Applicant Information:**

David Igelman, Senior Planner & Project Manager

900 The East Mall Suit 300, Toronto, ON, M9B 6K2

[David@designplan.ca](mailto:David@designplan.ca)

416-626-5445 x 204

Kimberley Harrison-McMillan, Senior Planner & Project Manager

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[Kimberley@designplan.ca](mailto:Kimberley@designplan.ca)

416-626-5445 x 209



Thank you

# 650 Main Street West

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Official Plan Amendment and  
Zoning By-law Amendment  
Application

October 3, 2023

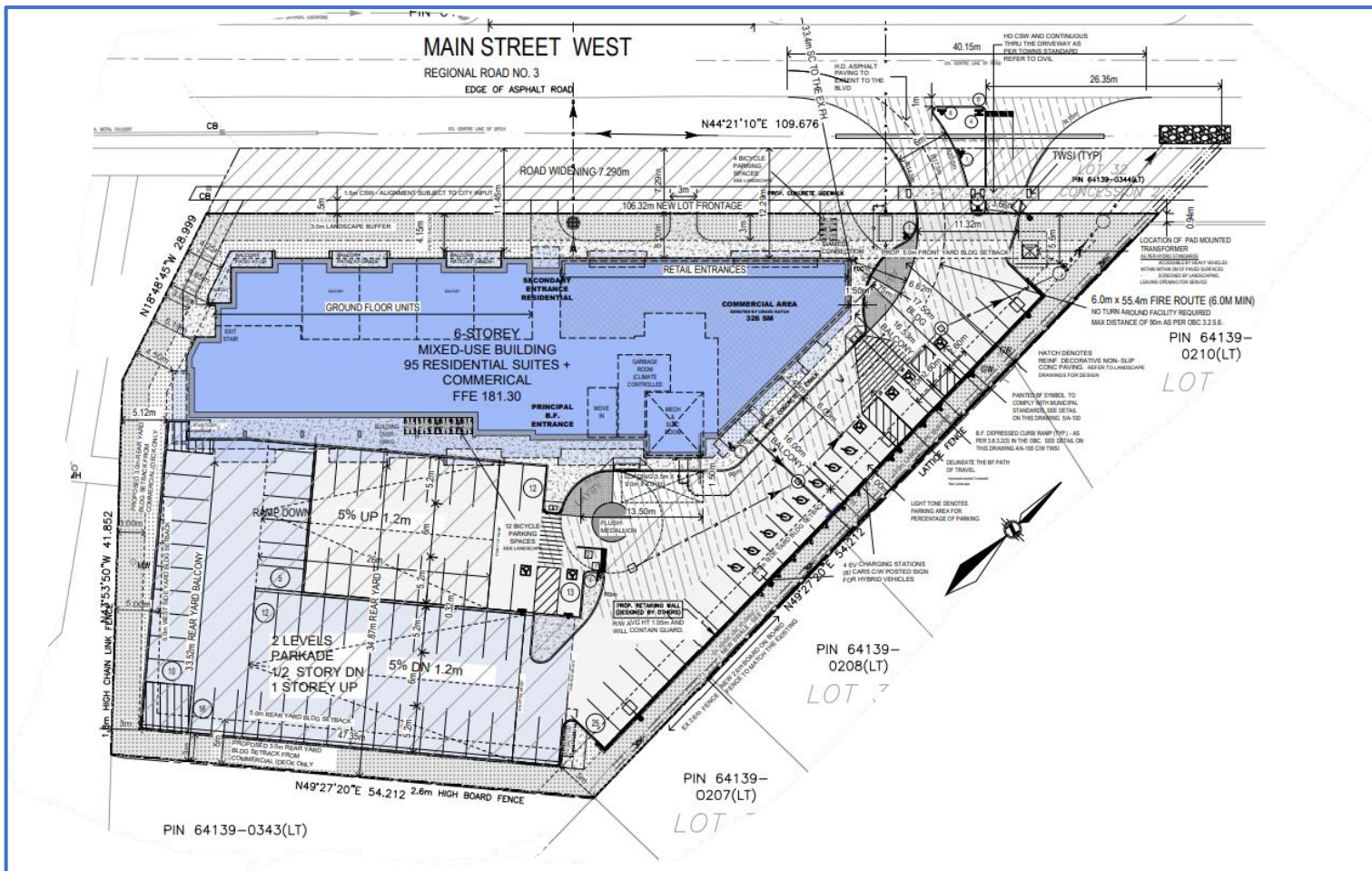


# Subject Lands & Surrounding Context



- **Frontage:** 110 m on Main Street West
- **Depth:** 82 m
- **Area:** 5,307 square metres (net)
- Highway Commercial uses to north, south, and west
- Residential uses to the east

# Proposed Development



## Mixed Use Development featuring:

- 6 storeys (20 metres)
- Parking structure 4.5m in height
- 95 dwelling units
- 326 square metres of Commercial Area
- 132 parking spaces (surface and parking structure)
- 4 electric vehicle charging stations



# Proposed Development



# Official Plan Amendment Application

**Existing Designation:** Highway Commercial

**Proposed Designation :** Special Policy Area

To permit a mix of uses include both ground floor commercial and a combination of ground floor and upper storey residential uses.

# Zoning By-Law Amendment Application

## Minimum Front Yard

**Required: 9m**

**Proposed: 4m (to balcony)**

## Minimum Side Yard to Residential Zone

**Required: 7.5m**

**Proposed: 5m**

## Maximum Height

**Required: 11m**

**Proposed: 20m**

## Minimum Rear Yard

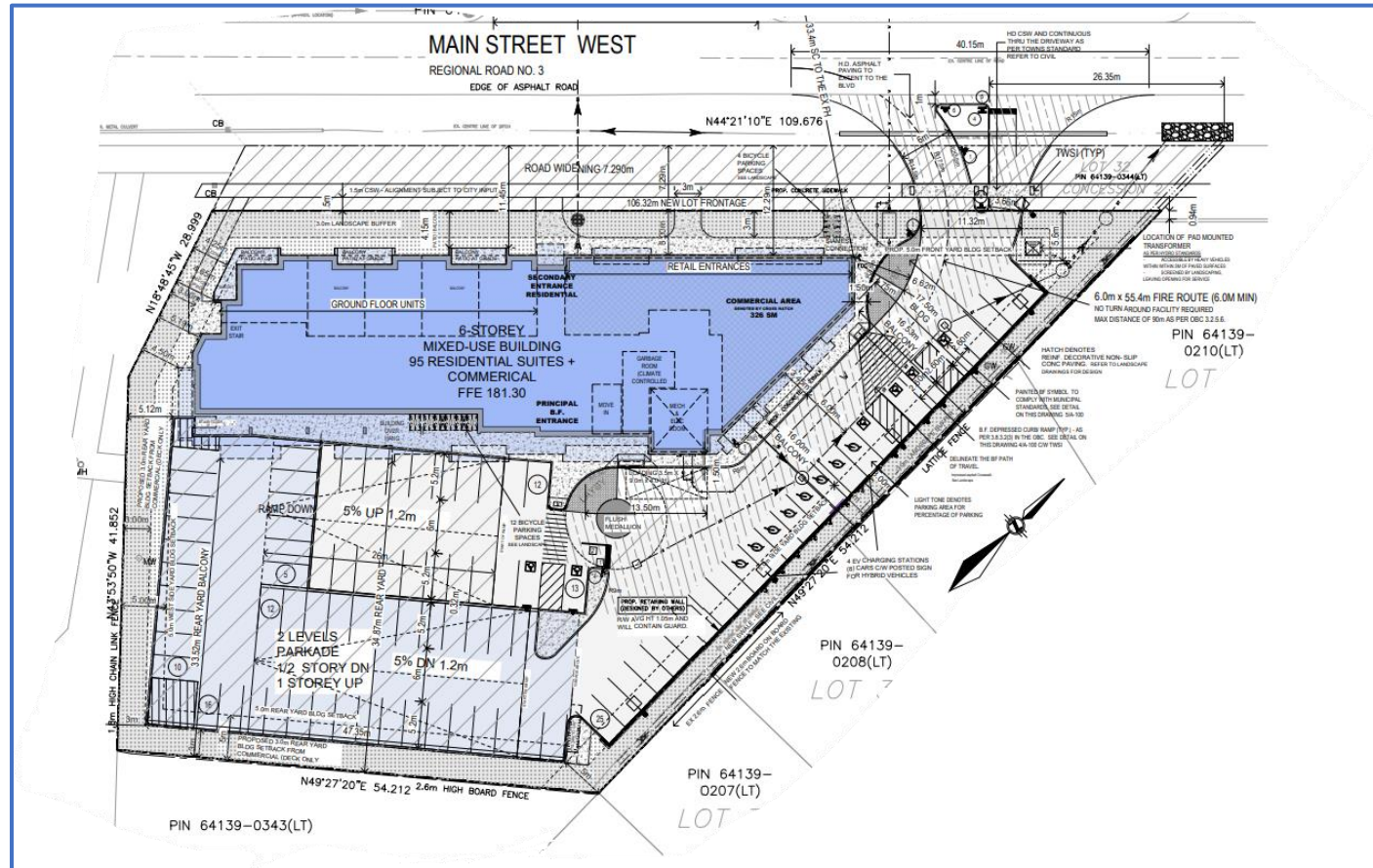
**Required: 4.5m**

**Proposed: 3m**

## Parking Spaces

**Required: 136**

**Proposed: 132**



## Rezoning

## Existing: HC

**Proposed:** MU-XXX

## Parking Dimensions (when obstructed on one side)

**Required: 3.0m x 5.2m**

**Proposed: 2.6m x 5.2**

## Ingress and Egress

**Required: 7.5m**

**Proposed: 6m**

## Loading Space Location

**Required:** Not abutting residential zone

**Proposed:** Partially abuts residential zone

## Landscaped Open Space in Parking Areas

**Required:** 10% of parking area

**Proposed:** 0% of parking area



# Need for Housing Diversity

- **Port Colborne Strategic Plan 2023-26** (adopted June 2023)
  - “develop policies, by-laws, and processes that provide more and diverse housing options”
- **City of Port Colborne – Affordable Housing Strategy** (adopted September 2022)
  - “Increase diversity of built form and tenure to provide more housing options for residents”
- Housing supply is not keeping up with housing demands
- Recent Provincial legislative changes are geared towards addressing current housing supply shortage



# Provincial and Regional Policy

- **Provincial Policy Statement (2020)**
  - *1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options ... to meet ... housing needs of current and future residents*
- **Niagara Official Plan (2022)**
  - *2.2.1.1 Development in urban areas will ... support:*
    - c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*

# City Policies

- **Port Colborne Official Plan (2013)**

- **1.2 Purpose of the Plan:**

- a) ... policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area... Consideration of the following planning principals:*

- i) Providing for a mix of land uses;*

- ii) Taking advantage of compact building design, where appropriate;*

- iv) Creating a range of housing opportunities and choices;*






- **2.1 Vision Statement:**

- b) Provide the opportunity for a mix of residential accommodations ... which can accommodate households with diverse social and economic characteristics, needs and desires;*

# Land Use Compatibility

- Building is adequately setback and aligned away from abutting residential uses
- Fencing provided along property line
- Building is located along a Regional Road/Regional Cycling Network
- Parking structure location is aligned to commercial uses
- Landscape buffer provided along perimeter

# Summary

-  Consistent with the Provincial Policy Statement
-  Conforms to Growth Plan, Region and City's Official Plans
-  Facilitates compact residential intensification within the Built-Up Area where growth is directed
-  Contributes to the diversification of housing options in the City
-  Compatible with the surrounding land uses





## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

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### **Via Email Only**

October 3, 2023

Region File: D.10.07.OPA-23-0048

D.18.07.ZA-23-0095

Chris Roome, BURPI  
Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON, L3K 3C8

Dear Mr. Roome:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment and Zoning By-law Amendment  
City Files: D09-04-23 & D14-06-23  
Owner: Priscilla Facey  
Agent/Applicant: NPG Planning Solutions c/o Jesse Auspitz  
650 Main Street West  
City of Port Colborne**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above mentioned Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications for lands municipally known as 650 Main Street West in the City of Port Colborne.

The OPA application is requested to redesignate the lands from Highway Commercial to a site-specific Highway Commercial designation to permit the development of a mixed-use building consisting of a combination of ground-floor commercial and residential units, together with upper-storey residential units. The six-storey mixed-use building is proposed to contain 95 residential units and 326 m<sup>2</sup> of commercial space.

The ZBA application is requested to change the zoning from Highway Commercial (HC) zone to a site-specific Mixed-Use (MU) zone. The site-specific zoning seeks special provisions with respect to the reduction in the minimum front yard setback, minimum rear yard setback, minimum side-yard, parking spaces required and their dimensions, landscape buffer, ingress and egress, and minimum landscaped open space within parking areas. The site-specific zoning also seeks an increase in the maximum height permitted and to permit a loading space in a rear yard abutting residential uses.

A pre-consultation meeting to discuss a variation of the proposal was held on April 14, 2022 with staff from the City and Region in attendance. The following comments are provided from a Provincial and Regional perspective to assist the City with its consideration of the application.

## **Provincial and Regional Policies**

The property is within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), designated 'Delineated Built-up Area' under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan") and designated 'Built-Up Area' in the *Niagara Official Plan, 2022* ("NOP").

The PPS directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan contains policies that encourage accommodating forecasted growth in complete communities that are well designed to meet people's needs for daily living by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. To support the concept of complete communities, the Growth Plan sets minimum intensification targets within the Delineated Built-Up Area. The NOP builds on the direction of both the PPS and Growth Plan, setting the minimum intensification target for the Built-Up Area of Port Colborne to 30% as set out within Table 2-2 of the NOP.

The NOP encourages opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods. As the interface with surrounding land uses is primarily a local planning responsibility, the City should be satisfied that the proposed development is compatible with the surrounding local context and its built-form provides for a transition that is in harmony with nearby existing and planned land uses.

Regional staff has reviewed the Planning Justification Report, prepared by NPG Planning Solutions (dated August 2023) and are generally satisfied with the analysis and conclusions. The proposed mixed-use building will contribute to the City's intensification target (30%) and will contribute to the diversification of housing supply (apartment units) in Niagara.

## **Site Condition**

The PPS and NOP state that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The subject lands are currently used as a motel, which is considered a commercial use as defined by the *Environmental Protection Act* ("EPA"). The EPA and associated regulations, O.Reg 153/04, 511/09, and 407/19, require that a Record of Site Condition ("RSC") must be filed to the Ministry of the Environment, Conservation and Parks ("MECP")

Environmental Site Registry prior to any change in land use to a more sensitive use (i.e. commercial to residential).

Regional staff has reviewed the submitted Phase One Environmental Site Assessment, (“ESA”) prepared by Niagara Soil Solutions Ltd. (dated March 3, 2022). The Phase One ESA identified seven potentially contaminating activities that resulted in five on-site areas of potential environmental concern on the subject lands. Accordingly, a Phase Two ESA was recommended to investigate the potential for soil and/or groundwater contamination, resulting from historical heating oil use and off-site gasoline service, car wash service, manufacturer, and commercial trucking terminal.

Regional staff has reviewed the submitted Phase Two Environmental Site Assessment, prepared by Niagara Soil Solutions Ltd. (dated April 21, 2022). The Phase Two ESA evaluated seven soil samples, with three monitoring wells utilized for groundwater investigation. The Qualified Person (“QP”) evaluated the samples against the MECP Table 6: Generic Site Condition Standards for Shallow Soil in a Potable Ground Water Condition for Residential / Parkland property use, fine-textured soils. The results found that the soil and groundwater results met applicable O.Reg 153/04 Table 6 site condition standards, and therefore, no additional soil and/or groundwater environmental investigation is required. The QP has indicated that a RSC can be filed for the change in land use on the subject lands.

Regional staff require a reliance letter from the QP to indicate that, despite any limitations or qualifications included in the above submitted reports, the Region is authorized to rely on all information and opinions provided in the reports submitted. Regional staff has not received a copy of the filed RSC or acknowledgement from the MECP regarding a filed RSC. Staff note this can be managed as a condition through the future Site Plan application.

## **Urban Design**

Regional Urban Design staff will provide comment through the future Site Plan submission.

## **Regional Road Allowance**

The current Regional road allowance is deficient of the recommended NOP Policy width of 34.7 metres. Accordingly, to satisfy the NOP requirements, the Region will require a road widening dedication of approximately 7.29 metres. A condition will be included through the future Site Plan submission.

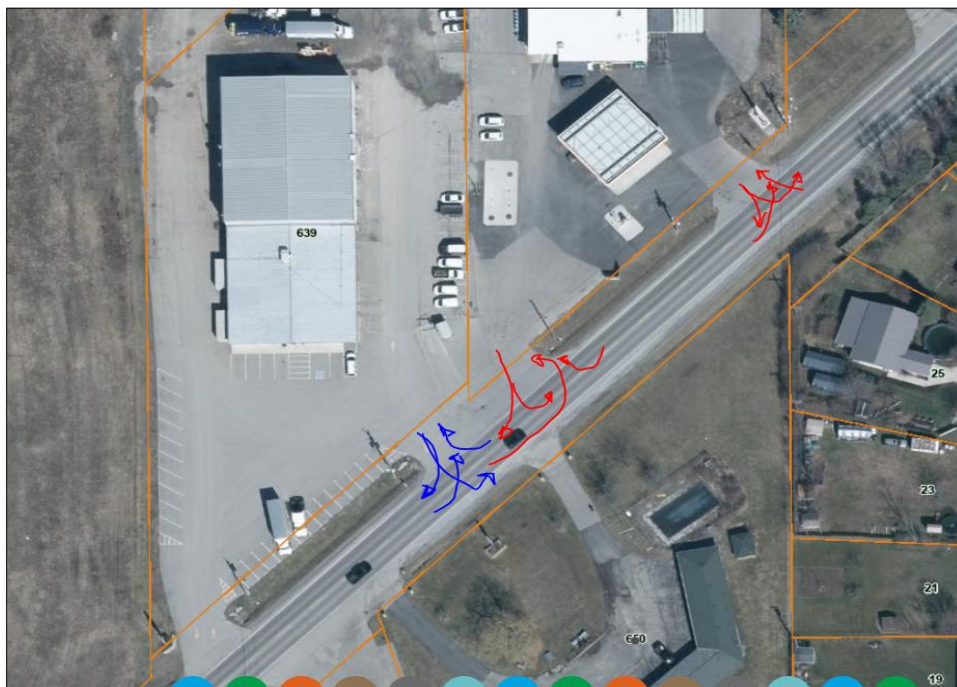
## **Traffic Brief**

Regional Transportation Planning staff has reviewed the Traffic Brief prepared by Paradigm (dated August 28, 2023) and offer the following comments:

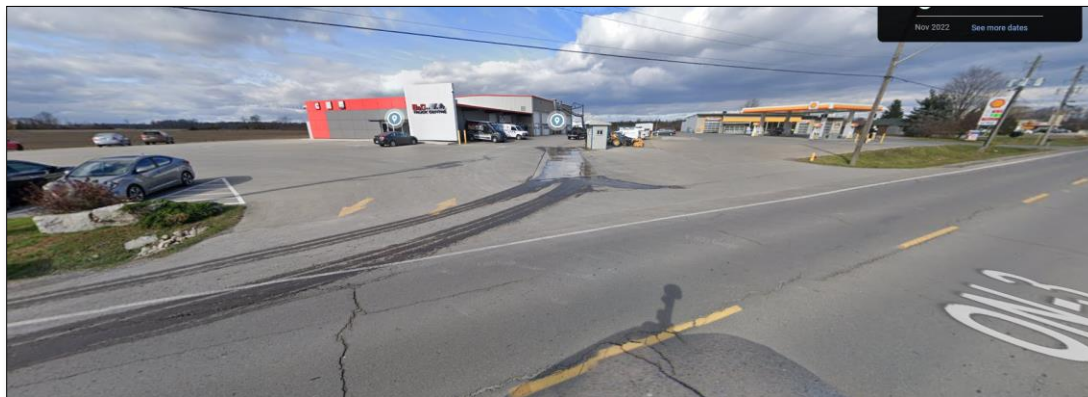


The existing and background trip distribution for the traffic entering/exiting from the Shell gas station (633 Main Street West) is not accurate (Figures 3 and 5 of the Traffic Brief). It assumes that the gas station has only one driveway access, whereas the existing access to the left is shared between the gas station and B&C Trucks establishment, as shown in the below images

**Image 1:** Aerial Image looking over 639 Main Street West (B&C Trucks Establishment), 633 Main Street West (Shell Gas Station), and 650 Main Street West (Proposed Development Site)



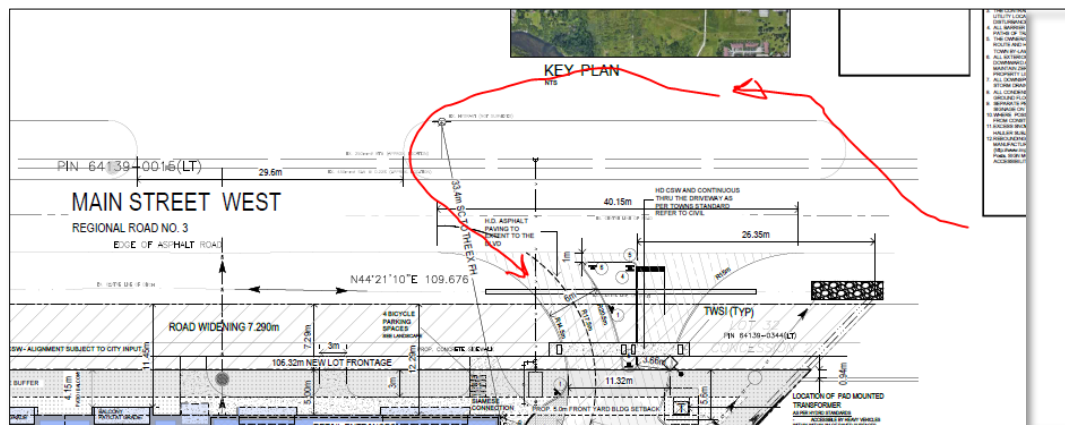
**Image 2:** Google Street View Image of shared entrance between 639 Main Street West (B&C Trucks Establishment) and 633 Main Street West (Shell Gas Station).



October 3, 2023

The Traffic Brief notes that the site left-turn lane is not warranted, but the site access is proposed in the middle between the existing two accesses with short spacings. The proposed access configuration with the island is planned to restrict left-in trip movements, but drivers can still attempt the movement by using the opposite existing accesses as shown below in Image 3. Access islands are not effective in prohibiting left-in movements unless a central median is constructed.

**Image 3:** Red illustrative lines over submitted Site Plan demonstrating how drivers may still attempt the left-in trip movements by using the opposite existing accesses.



Transportation Planning prefers locating the site access at the existing eastern site access, the same as the pre-consultation plan (April 14, 2022), which is aligned with the opposite existing access and far from the eastern Shell gas station access (633 Main Street West).

**Image 4:** Concept provided by the Applicant at the time of pre-consultation (April 14, 2022)



Regional staff request an update to the Traffic Brief with regard to the site and require the driveway to be located as previously noted. A restriction using a median is not acceptable. Access configuration must be redesigned to address the above noted comments. This will be required prior to the approval of the ZBA application as changes to the overall site design may need to be implemented through the ZBA.

## **Regional Road, Entrance and Permits**

Regional operations and engineering staff from the Transportation Services Division has reviewed the site servicing and grading plan and provide the following comments:

- With respect to re-ditching, consideration for re-grading any ditches in this area should be looked at due to bedrock in Port Colborne that can be close to the surface. Should ditches need to be dug deeper, it should be ensured that there is capacity to do so if bedrock exists;
- The outlet pipe is to be shortened to outlet at the property and flow overland to the ditch to avoid backflow onto private property;
- Any culverts that are installed longer than 30m have an access cleanout (C/B or M/H) for maintenance preferably at the midway point of the culvert;
- Any boulevards installed within the right-of-way ("ROW") do not have any type of garden or landscaping that would need maintenance required by Regional staff with the exception of trees;
- Design allows for snow storage for winter maintenance along the roadside (typically minimum 1 m but 1.5m would be preferred);
- Regarding riprap where MH1(Hydrostorm HS5) outlets into the ditch, the riprap layout shall be as per OPSD 810.010;
- Proposed entrance shall be as per Niagara Region Standard Drawings (NRS 600);
- Existing entrance at the southwest corner of the property shall be removed. Road, shoulder, boulevard and ditch is to be reinstated as per Niagara Region Construction Encroachment Specs ("NRCES"). The second existing entrances reinstatements shall follow the same spec; and
- Road reinstatements for sanitary and watermain are not shown on the plan. Reinstatements are to be as per NRCES.

## **Regional Permit Requirements**

Prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Any existing access to be closed must be reinstated with boulevard to Regional standards. Applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

## **Regional Sign Permit**

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Main Street West will require a Regional Sign permit. Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

## **Site Servicing**

Region staff acknowledge that new water, storm, and sanitary servicing infrastructure will be required for the proposed development and servicing connections are to be made to the existing City owned infrastructure located along Main Street West. Areas of restoration are to be indicated on the plan for review by Regional Transportation staff as noted in the Regional Road Section above.

## **Stormwater Management**

The submitted 'Functional Servicing & Stormwater Management Report', prepared by S. Llewellyn (dated June 2023), proposes water quality and quantity control prior to the discharge to Main Street West roadside ditch. Regional staff offer no objection to the strategy, in principle; however, the plan details will be reviewed at the time of Site Plan stage to ensure the road will not to be negatively affected as a result of the development.

At the future Site Plan stage, the Region will require a clause with regard to the proposed rooftop drainage control to not to be altered if rooftop storage remains as part of the stormwater management plan to limit stormwater release rate from the rooftop.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject lands is eligible to receive Regional curbside waste and recycling collection provided that the Owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling: No Limit Blue/Grey Carts, collected weekly;
- Organics: No Limit Green Carts, collected weekly; and,
- Garbage: 8 Garbage Bags/Cans, collected bi-weekly.
- Curbside Collection Only.

The Planning Justification Report, prepared by NPG Planning Solutions (dated August 2023) noted a waste collection room in the building. There was no indication on any of the plans how this would be collected. It is unlikely that the site will meet the Regional limits due to the number of proposed units, therefore, future applications are to confirm the intention for collection of the site.

Based on the number of units and curbside collection limits for garbage bags/cans for mixed-use buildings, waste collection will be the responsibility of the Owner through a private contractor. Notwithstanding the above comments the site remains eligible for Regional curbside recycling and green bin collection.

## Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the Applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

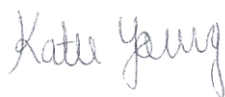
## Conclusion

Regional staff offer no objection to the proposed OPA application and are satisfied that the proposed OPA is consistent with the PPS and conforms to Provincial and Regional policies. Regional staff note that in accordance with NOP Policies 7.4.1.6 and 7.4.1.7 and the Memorandum of Understanding, the Local OPA as reviewed is exempt from Regional Council Approval.

With respect to the ZBA application, as detailed above, prior to approval of the ZBA application, Regional staff require an updated Traffic Brief as detailed above and require the driveway to be located as previously noted. This study is requested to be submitted prior to the approval of the ZBA application as this update may warrant additional changes to the proposed development layout.

Should you have any questions regarding the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca).

Kind regards,



Katie Young, MCIP, RPP  
Senior Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning  
Susan Dunsmore, P.Eng., Manager, Development Engineering  
Stephen Bureau, Development Approvals Technician









## SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TILES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 5th DAY OF OCTOBER, 2018.

OCTOBER 10, 2018 BRENT LAROCQUE

O.L.S.

### RICHARD LAROCQUE LIMITED

ONTARIO LAND SURVEYORS & CONSULTANTS

12 LYMAN STREET, ST. CATHARINES, ONTARIO

905-688-1413

6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO

905-358-8400

[www.larocquergroup.ca](http://www.larocquergroup.ca)

DATE : OCTOBER 10, 2018

FILE No. : NS2018-042  
DWG FILE : NS2018-042-Q1