

# City of Port Colborne Public Meeting Agenda

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

**Pages**

<b>1. Call to Order</b>	
<b>2. Adoption of Agenda</b>	
<b>3. Disclosures of Interest</b>	
<b>4. Statutory Public Meetings</b>	
<p>Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act. Requests to delegate, both written and appearing in-person or virtually, will be accepted until noon the day of the meeting by contacting <a href="mailto:deputyclerk@portcolborne.ca">deputyclerk@portcolborne.ca</a>. Material accepted after this time will be circulated with the minutes and included as public record.</p>	
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	1
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	17
<b>5. Stop up and Close Public Meeting</b>	
5.1 Laneway Stop up and Close Between Jefferson Avenue and Homewood Avenue, 2023-199	85
<b>6. Procedural Motions</b>	
<b>7. Information Items</b>	
<b>8. Adjournment</b>	

**Subject: 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**

**To: Council - Public Meeting**

**From: Development and Legislative Services Department**

Report Number: 2023-196

Meeting Date: October 3, 2023

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**Recommendation:**

That Development and Legislative Services – Planning Division Report 2023-196 be received for information.

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**Purpose:**

The purpose of this report is to provide Council with information regarding applications submitted by Kimberley Harrison-McMillan of Design Plan Services Inc. on behalf of the owner SG Real Estate Developments III LP for a proposed Draft Plan of Subdivision and Zoning By-law Amendment at 563 Killaly Street East and adjacent vacant lot, legally known as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne.

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**Background:**

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment were submitted by Design Plan Services on August 1, 2023. The applications were deemed complete on September 13, 2023, following the posting of the required signage on the property. The following reports/plans have been submitted to help facilitate the development of the lands: Planning Justification Report, Land Use Compatibility Study, Noise and Vibration Impact Study, Traffic Impact Study, Geotechnical Study, Functional Servicing Report, Phase 1-2 Environmental Site Assessments, and Stage 1-2 Archaeological Assessments, as well as the proposed Draft Plan of Subdivision layout and Conceptual Site Plan (Appendix A). The entirety of the reports/plans can be found on the City's website under the "Current Applications" page.

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## Internal Consultations:

### Enbridge Gas

- No concerns with the proposed development at this time.
- Enbridge retains the right to add development conditions through the draft plan approval process.

### District School Board of Niagara (DSBN)

- No concerns with the proposed development at this time.
- Students from the area will attend Dewitt Carter for JK-grade 8, and Port Colborne High School for grades 9-12.

### Drainage Superintendent

*The parcel is within the boundary of the Port Colborne and Wignell Municipal Drain and as such will require a drainage apportionment agreement. This will not be completed by municipal staff and it is recommended that the drainage engineer who has completed the Port Colborne and Wignell Drain Reports complete that. The cost will be completely paid by the developer requesting the reapportionment. The contact information for the Engineer can be provided at the request of the developer.*

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## Public Engagement:

Notice of the Public Meeting was circulated in accordance with Sections 34 and 51 of the *Planning Act*. The Notice was mailed to property owners within a 120-metre radius of the subject property on September 13, 2023. Signs have been posted on the property as well. As of the date of preparing this report, the following public comments have been received:

(Full comments attached as Appendix C)

### Rick McLean – 525 Killaly Street East

- Concerns with the signs being posted by non-City employees.
- Requests information for when the developer first made intentions known to the City.
- Are the drainage notices that were recently received by the neighbourhood connected to this development?
- Have indigenous groups been contacted with respect to archaeology?

- Has the Ministry of Natural Resources been consulted with respect to an impact study?
- Concerns with respect to the existing cut/ditch being converted to a road and what will be done for homeowners that will now have a corner lot.
- Concerns with respect to traffic and risk mitigation.
- Concerns with the land's suitability for development with respect to environmental/soil quality and nearby machine shop to the south.

#### **Adrienne Favero – No address provided**

- Concerns with the soil quality and whether proper testing has been completed.
- Concerns with traffic and impact to housing costs and whether a study was completed for this.
- Concerns with the access to the site and whether it will be through Killaly Street.
- Concerns with the number of dwelling units and type of the units as they will attract low to mid income families, it may impact the resale of homes within the area.

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#### **Discussion:**

These applications will be reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, *the Niagara Official Plan (2022)*, *the City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. According to the PPS, settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area as well as a delineated built-up area and designated greenfield area. Development within built-up areas and designated greenfield areas is to be planned, designated, zoned, and designed in a manner that: supports the achievement of complete communities, supports active transportation, and encourages integration and sustained viability of transit services.

The Niagara Official Plan (NOP) designates the subject lands as within the “Urban Area Boundary” and partially within the “Delineated Built-Up Area” and “Designated Greenfield Areas”. Policies within the NOP generally encourage development within the Urban Area and Greenfield Areas provided the development builds a compact, mixed use, transit supportive, active transportation friendly community. A density target of 50 people and jobs per hectare is targeted for Greenfield development. Chapter 2 of the



NOP sets out specific policies for the above and will be used to assess the application when a recommendation report is brought forward at a future date.

### **City of Port Colborne Official Plan**

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan (OP) designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include, residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas.

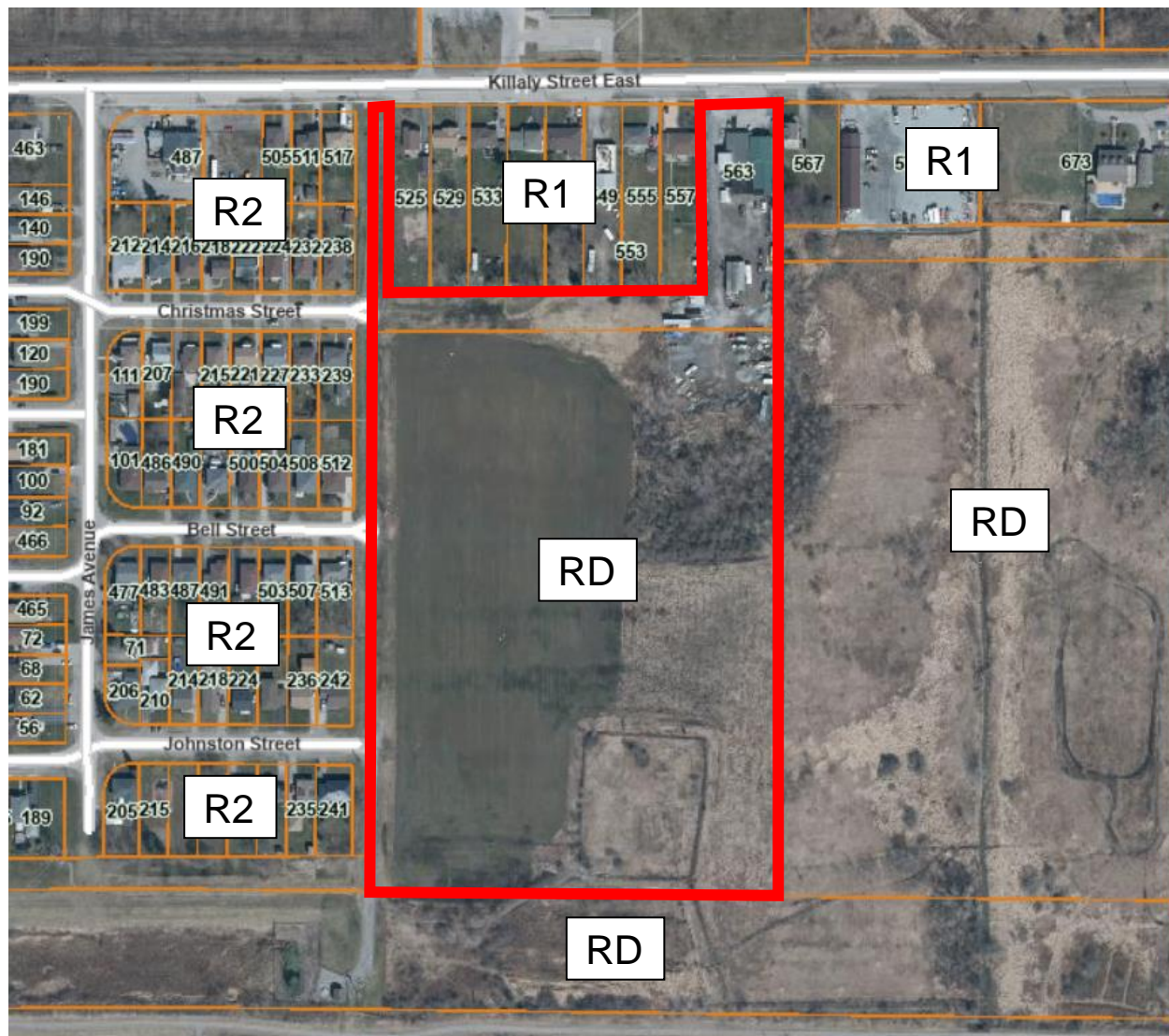
Additionally, the land is within the Built Boundary and Designated Greenfield Area, based on Schedule A1 of the OP. Policies within sections 2.4.3, 2.4.4 and 3.2.1 of the Official Plan will be used to assess the application when a recommendation report is brought forward to a future meeting of council. The sections provide policy direction on lands within the built boundary, greenfield areas as well as the general policies of the Urban Residential designation.

### **City of Port Colborne Zoning By-law 6575/30/18**

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision). The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed. The full zoning provisions can be found in the draft Zoning By-law Amendment, attached as Appendix B.

### **Adjacent Zoning and Land Use**

The lands surrounding the proposed development is predominantly zoned residential, which First Density Residential (R1) to the north, Residential Development (RD) to the east and south, and Second Density Residential (R2) to the west. A key map with adjacent land uses is shown below.



### Financial Implications:

There are no direct financial implications with this report. However, considering Bill 109 legislation, this application is subject to the refund of planning application fees, should Council not make a decision on the proposed Zoning By-law Amendment within 90-days. Staff anticipate bringing a recommendation report back to Council on or before the November 28, 2023, council meeting, being the last meeting before the 90-day requirement.

### Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
  - Increased Housing Options
- 

## **Conclusion:**

Planning staff are not providing a recommendation on the proposed Zoning By-law Amendment and Draft Plan of Subdivision at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to Council at a future meeting.

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## **Appendices:**

- a. Draft Plan and Conceptual Site Plan
- b. Draft Zoning By-law Amendment
- c. Public Comments

Prepared by,

David Schulz, BURPI, MCIP, RPP  
Senior Planner  
(905) 835-2900 x202  
david.schulz@portcolborne.ca

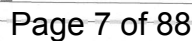
Respectfully submitted,

Denise Landry, MCIP, RPP  
Chief Planner  
(905) 835-2900 x203  
denise.landry@portcolborne.ca

## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.





**CITY OF PORT COLBORNE**  
**(GEOGRAPHIC TOWNSHIP OF HUMBERSTONE)**

REGIONAL MUNICIPALITY OF NIAGARA

**DESIGN PLAN SERVICES INC.**  
Town Planning Consultants

100 The East Mall, Suite 300  
Toronto, ON M9B 6K2  
Telephone: 416.626.5445  
[www.designplan.ca](http://www.designplan.ca)

1:1500 Scale	July 25th /2023 Date	212114 Drawing Number	Rev.	Drawn	Design	RW
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### ADDITIONAL INFORMATION REQUIRED UNDER THE PLANNING ACT

## NOTES

**NOTES**

D. Residential  
H. Piped water to be provided  
I. Primarily clayey silt.  
K. Sanitary and storm sewers to be provided

All measurements are in meters.  
All elevations refer to Geodetic Datum.  
All curbs shown are diagrammatic only.

## SURVEYOR'S CERTIFICATE

hereby certify that the boundaries of the lands to be subdivided as shown on this plan, and their relationship to the adjacent lands are correctly and accurately shown.

Date: 26 / 07 / 2023  
 Day Month Year

**OWNERS AUTHORIZATION**

We, SG RED III LAND CORP., representing the registered owner of the registered lands hereby authorize DESIGN PLAY SERVICES INC. to prepare a draft plan of subdivision for submission and approval.

**DRAFT SUBMISSION APPROVAL**

Subject to the conditions, if any, set forth in our letter dated \_\_\_\_\_ 20\_\_\_\_ this draft plan of subdivision is approved under section \_\_\_\_\_ of the Planning Act on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Authorized Signature \_\_\_\_\_  
THE CORPORATION OF THE CITY OF PORT COLBORNE

## UNIT TABLE

UNIT TABLE	
Street Townhouses	45 u
Condo Townhouses	93 u
Stacked Condo Townhouses	138 u
Semi-Detached	10 u
TOTAL	286 u

## ROAD LENGTH

ROAD LENGTH	
20 m R.O.W	489.31 m
5 m Condo Road	896.07 m
TOTAL	1385.38 m

### LEGEND

- Boundary of Subdivision  
Pavement (Diagrammatic Only)  
Lot Line  
Easement Line  
Boundary of City-Owned Lands

## AREA TABLE

Street Townhouses	Block 2, 4 & 5	0.99 ha
Condo Townhouses	Block 1 & 6	3.03 ha
Stacked Condo Townhouses	Block 3	1.21 ha
Semi-Detached	Block 7	0.27 ha
Archaeological Area	Block 8	0.39 ha
R.O.W		1.07 ha
TOTAL		6.96 ha

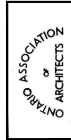
### KEY PLAN

Subject Property





CYNTHIA  
ZAHORUK  
ARCHITECTS  
1000 SHEPPARD AVENUE EAST  
SUITE 100, SCARBOROUGH, ONTARIO  
M1S 1T5  
416-291-4488



ONTARIO ASSOCIATION  
OF ARCHITECTS  
CENTRAL ZONE  
LICENSE  
4488

NOTES:  
1. THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION.  
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.  
3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.  
4. THE DESIGNER IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT.  
5. THE DESIGNER IS NOT RESPONSIBLE FOR THE MAINTENANCE OF THE PROJECT.  
6. THE DESIGNER IS NOT RESPONSIBLE FOR THE OPERATION OF THE PROJECT.  
7. THE DESIGNER IS NOT RESPONSIBLE FOR THE SAFETY OF THE PROJECT.  
8. THE DESIGNER IS NOT RESPONSIBLE FOR THE ENVIRONMENT OF THE PROJECT.  
9. THE DESIGNER IS NOT RESPONSIBLE FOR THE SOCIAL ASPECTS OF THE PROJECT.  
10. THE DESIGNER IS NOT RESPONSIBLE FOR THE ECONOMIC ASPECTS OF THE PROJECT.  
11. THE DESIGNER IS NOT RESPONSIBLE FOR THE POLITICAL ASPECTS OF THE PROJECT.  
12. THE DESIGNER IS NOT RESPONSIBLE FOR THE LEGAL ASPECTS OF THE PROJECT.  
13. THE DESIGNER IS NOT RESPONSIBLE FOR THE ETHICAL ASPECTS OF THE PROJECT.  
14. THE DESIGNER IS NOT RESPONSIBLE FOR THE PROFESSIONAL ASPECTS OF THE PROJECT.  
15. THE DESIGNER IS NOT RESPONSIBLE FOR THE PERSONAL ASPECTS OF THE PROJECT.

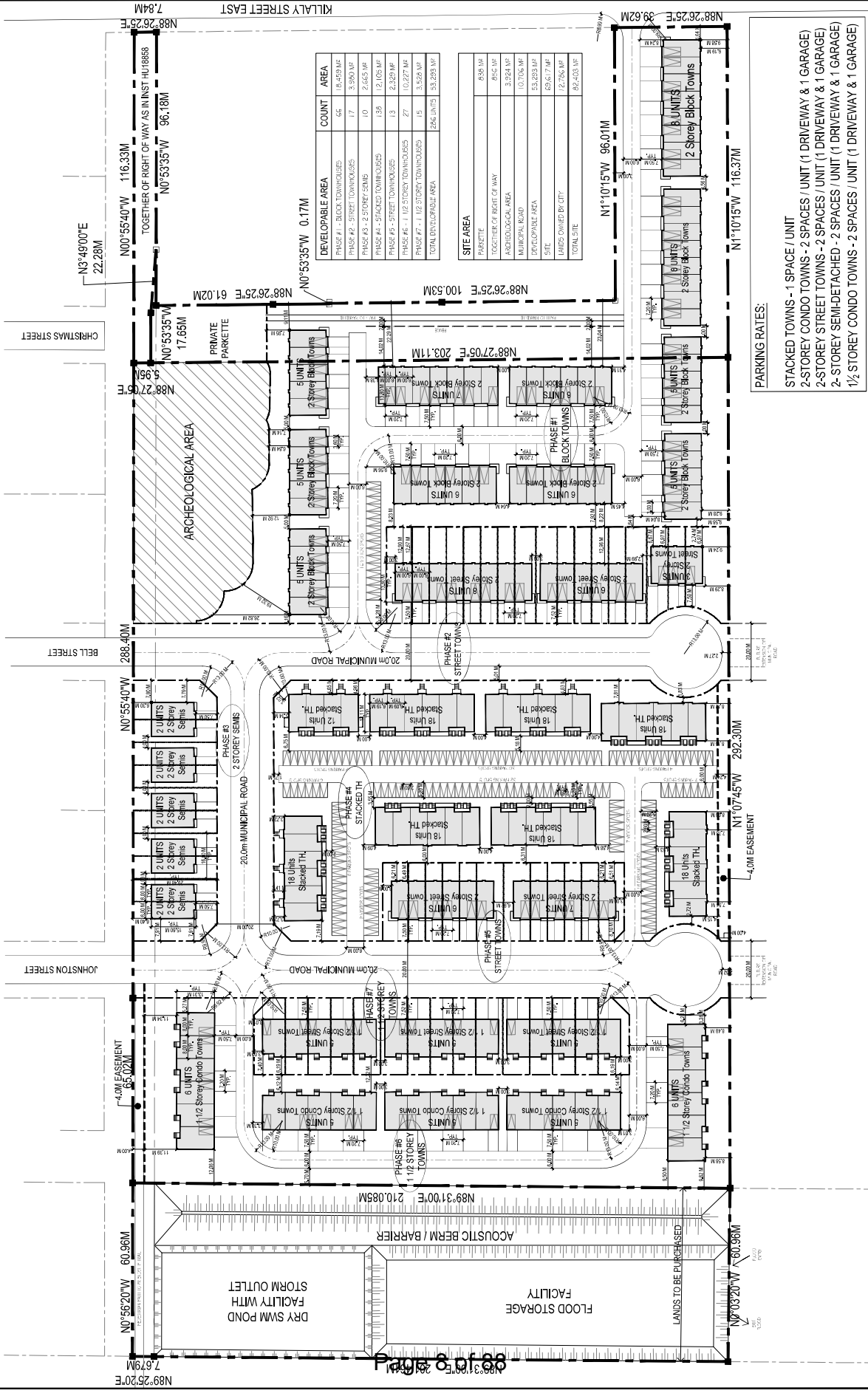
NO.	DATE	DESCRIPTION
001	2020/02/22	PRELIMINARY DESIGN
002	2020/03/05	REVISED DESIGN
003	2020/03/12	REVISED DESIGN
004	2020/03/19	REVISED DESIGN
005	2020/03/26	REVISED DESIGN
006	2020/04/02	REVISED DESIGN
007	2020/04/09	REVISED DESIGN
008	2020/04/16	REVISED DESIGN
009	2020/04/23	REVISED DESIGN
010	2020/04/30	REVISED DESIGN

SCALE: AS NOTED  
DRAWN BY: KREM  
PROJECT NO.: 20070203

PROPOSED TOWNHOUSES  
KILLARY STREET EAST  
PORT COLBORNE, ONTARIO  
CHEUNG  
20070203

PROPOSED  
SITE PLAN

A1.0



DEVELOPABLE AREA	COUNT	AREA
PHASE #1 - BLOCK TOWNHOUSES	66	16,459 M <sup>2</sup>
PHASE #2 - STREET TOWNHOUSES	17	3,904 M <sup>2</sup>
PHASE #3 - 2-STORY SEMI-D	10	2,652 M <sup>2</sup>
PHASE #4 - 2-STORY CONDO TOWNS	136	12,105 M <sup>2</sup>
PHASE #5 - STREET TOWNHOUSES	13	2,328 M <sup>2</sup>
PHASE #6 - 1 1/2-STORY CONDO TOWNS	27	10,227 M <sup>2</sup>
PHASE #7 - 1 1/2-STORY CONDO TOWNS	15	3,528 M <sup>2</sup>
TOTAL DEVELOPABLE AREA	286 UNITS	55,289 M <sup>2</sup>

SITE AREA	AREA
PARKETTE	65.98 M <sup>2</sup>
TOGETHER OF RIGHT OF WAY	85.5 M <sup>2</sup>
ARCHAEOLOGICAL AREA	3,924 M <sup>2</sup>
MUNICIPAL ROAD	10,704 M <sup>2</sup>
DEVELOPABLE AREA	55,289 M <sup>2</sup>
SITE	45,617 M <sup>2</sup>
LANDS OWNED BY CITY	12,756 M <sup>2</sup>
TOTAL SITE	82,453 M <sup>2</sup>

PARKING RATES:  
STACKED TOWNS - 1 SPACE / UNIT  
2-STORY CONDO TOWNS - 2 SPACES / UNIT (1 DRIVEWAY & 1 GARAGE)  
2-STORY STREET TOWNS - 2 SPACES / UNIT (1 DRIVEWAY & 1 GARAGE)  
2-STORY SEMI-DETACHED - 2 SPACES / UNIT (1 DRIVEWAY & 1 GARAGE)  
1 1/2-STORY CONDO TOWNS - 2 SPACES / UNIT (1 DRIVEWAY & 1 GARAGE)

The Corporation of the City of Port Colborne  
By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of Lots 23 and 24, Concession 1, City of Port Colborne, Regional Municipality of Niagara, municipally known as 563 Killaly Street and adjacent vacant lot.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Residential Development (RD) and First Density Residential zone with Conversion Holding (R1-CH) to:
  - Site-specific Fourth Density Residential Zone (R4-XX); and
  - Site-specific Fourth Density Residential Zone with Holding (R4-XX-H)
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-XX

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone, the following regulations shall apply:

Dwelling, Townhouse, Block

- |                               |                   |
|-------------------------------|-------------------|
| a. Minimum Lot Area           | 160 square metres |
| b. Minimum Interior Side Yard | 2.64 metres       |
| c. Minimum Corner Side Yard   | 2.91 metres       |
| d. Maximum Height             | 12 metres         |
- e. Notwithstanding the R4 zoning provisions, the first townhouse unit of the first townhouse dwelling block adjacent to Killaly Street East may be used for the following Neighbourhood Commercial Uses, provided the use meets the provisions set out above, and parking requirements as per Section 3 of the Zoning By-law:
- i. Convenience Store;
  - ii. Personal Service Business;
  - iii. Restaurant, Take-out; and
  - iv. Uses, structures and buildings accessory thereto.

Dwelling, Townhouse, Street

- |                               |            |
|-------------------------------|------------|
| a. Minimum Corner Side Yard   | 2.9 metres |
| b. Minimum Interior Side Yard | 1.4 metres |
| c. Maximum Height             | 12 metres  |

Apartment Buildings

- |   |                  |
|---|------------------|
| a. Minimum Lot Area Per Unit            | 85 square metres |
| b. Minimum Front Yard                   | 1.73 metres      |
| c. Minimum Corner Side Yard             | 3.31 metres      |
| d. Minimum Rear Yard                    | 2.62 metres      |
| e. Maximum Porch and Steps Encroachment | 3.45 metres      |
| f. Number of Park Spaces Per Unit       | 1 space          |

Dwelling, Semi-detached

- |                         |                   |
|-------------------------|-------------------|
| a. Minimum Lot Frontage | 16 metres         |
| b. Minimum Lot Area     | 470 square metres |

R4-XX-H

Notwithstanding the provisions of the Fourth Density Residential (R4) Zone, the following regulations shall apply:

- a. The uses permitted in the Fourth Density Residential (R4) Zone shall not occur until the Holding (H) symbol on the R4-XX-H is removed. The removal of the Holding (H) symbol is subject to the following condition:
  - i. Completion of a Stage 4 Archaeological Assessment and acknowledgement of the report by the Ministry of Citizenship and Multiculturalism, or successor.
- 4. That Section 38 entitled “Definitions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Lot Frontage:** means the horizontal distance between the interior side lot lines.

**Lot Line (applicable to block townhouse dwellings):** means the boundary of a lot and for the purposes of measuring required yard setbacks, individual unit property lines of a registerable plan pursuant to the COndominium Act, and includes:

- a) **Front Lot Line:** which means the lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot;
- b) **Rear Lot Line:** which means the lot line furthest from and opposite the front lot line, but if there is no such line, that point furthest from and opposite the front lot line; and
- c) **Interior Side Lot Line:** which means the lot line other than a front lot line, corner side lot line, or a rear lot line; and

- d) **Corner Side Lot Line:** which means the longest line along a public road where a lot has two or more lot lines along a public road.

**Yard Setback:** means the distance required by this By-law between a lot line, not including a corner lot line, and a building, or in the case of a multi-unit development under one ownership such as condominium tenure pursuant to the Condominium Act, any devising property line between a common element feature or another unit and includes:

- a) **Front Yard Setback:** which means the shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 2.20.
- i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line of that common element feature shall be deemed to be the front lot line; or
  - ii. The front lot line abutting a public street supersedes an internal front lot line.
- b) **Rear Yard Setback:** which means the shortest distance between the rear lot line and the nearest point of the principal building, not including a projection permitted under Section 2.20
- i. Where a building has front-loaded vehicle access from a private road or laneway, the lot line opposite the common element feature shall be deemed to be the rear lot line; or
  - ii. Where a building has vehicle access from a private road or laneway and has front entry onto a common element sidewalk, the private road or laneway devising lot line providing vehicle access shall be deemed to be the rear lot line.
- c) **Corner Side Yard Setback:** which means the shortest distance between the corner side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 2.20.
- i. Where a building fronts both a public street and private road or laneway, the devising lot line of that common element feature shall be deemed to be the corner side lot line.

5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the Planning Act.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act.

Enacted and passed this                      day of                      , 2023.

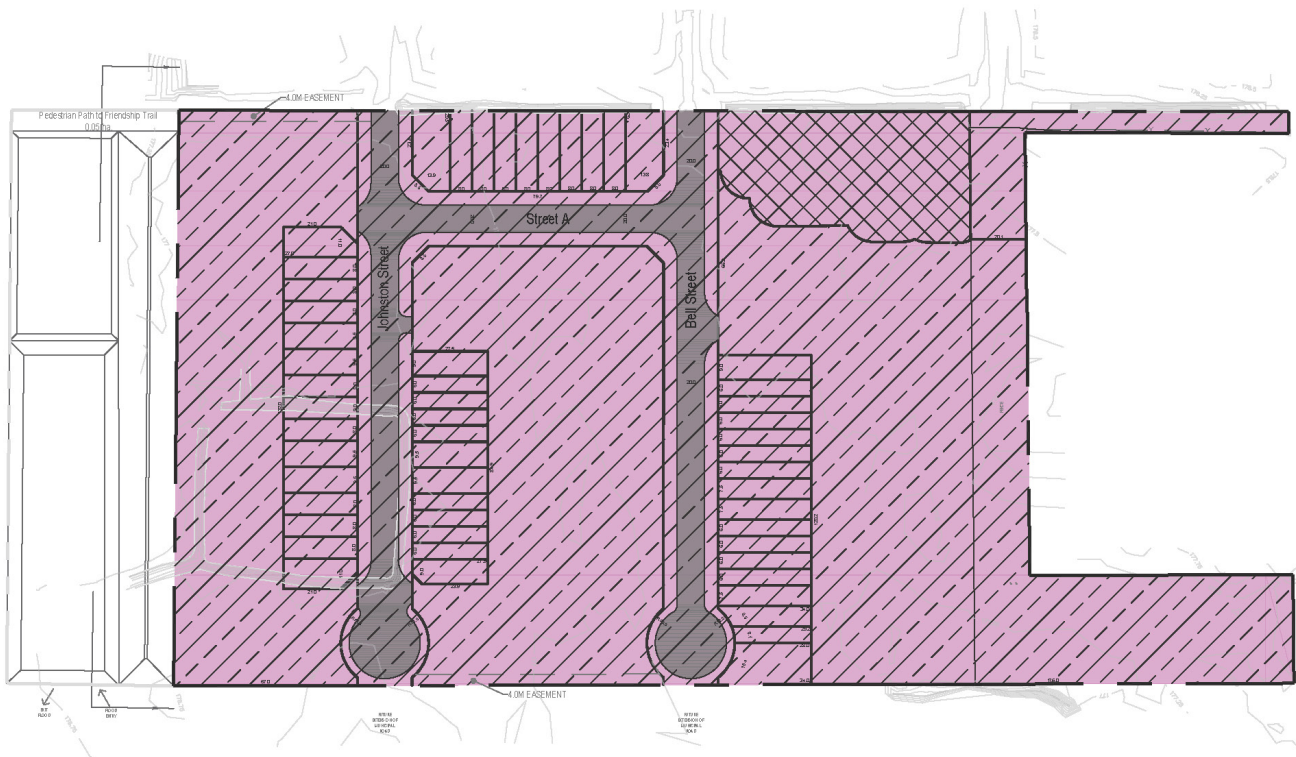
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William C Steele  
Mayor



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Saima Tufail  
Acting City Clerk





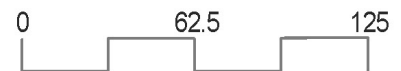
SCHEDULE "A"  
To By-law No. \_\_\_\_\_

Legend  
 R4-X  
 R4-X (H)

THIS IS SCHEDULE "A" TO BY-LAW No \_\_\_\_\_  
 PASSED THE \_\_\_\_\_ DAY OF \_\_\_\_\_

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_



City of  
Port Colborne

Draft Schedule A - Zoning By-law Amendment

**DESIGN PLAN SERVICES INC.**  
Town Planning Consultants



900 The East Mall, Suite 300  
Toronto, ON M9B 6K2  
Telephone: 416.626.5445  
www.designplan.ca

scale	NTS	July 27/2023	21211-SC3	Drawn	RW
	Date		Drawing No		Design

David Schulz, Senior Planner, City of Port Colborne, [david.schulz@portcolborne.ca](mailto:david.schulz@portcolborne.ca)

Regarding Proposed Subdivision, 563 Killaly east, lots 23&24 Concession 1

We, the homeowners around this development, are requesting more information on this matter and intend to appeal. We also have questions and some strong concerns, and we request a response from you at your earliest convenience.

On Friday, August 26<sup>th</sup>, a black truck pulled up in front of my home at 525 Killaly street east and began erecting a City of Port Colborne sign regarding the proposed development. I asked the workers, who were dressed in street clothes, who they were. They informed me that they worked for the developers of this project.

**Question #1- Is it standard practice for the City of Port Colborne to erect notifications using non-unionized non-City employees?**

The optics of this are obviously atrocious, especially after the Ford government was caught in bed with developers of the Greenbelt.

**Question #2 – What is the exact date that the developers made their intentions known to the City?**

Please do not disregard our letter as having conspiracy theories. You have done a poor job of communicating intent to consider development in this area. We would like to corroborate the dates of contact with the developers along with the notices you sent out in our water bills advising us that we should consider purchasing sewer line insurance. If indeed you knew that there would be this amount of development in this area with old infrastructure, then you also know legally that you would be expected to correct any water main issues from the street to the connection at the house. There would also need to be an avenue to seek recompense for damage to our existing older homes as major development occurred both across the street and in behind our properties.

**Question #3 – Are the notices we have been receiving regarding drainage and the quarry connected to all this development?**

Block 6 is listed as an archeological area. I spoke with the archeologist the previous 2 summers as they combed the land and they confirmed that it is a site of my Ancestors. You have a duty to consult with the appropriate Indigenous Peoples when such things are discovered.

**Question #4 - Have you contacted Six Nations of the Grand River and the Mississaugas of the Credit? And what will be done with the site on which my relations camped?**

Development does not just impact humans. That field back there regularly host a healthy herd of deer, wild turkeys, at least 2 distinct packs of coyotes and many plants and trees.

**Question #5 – Has there been any consultation with the Ministry of Natural Resources regarding an impact study? Has there been any consultation with the Ministry of the Environment?**

There is a drainage ditch beside my house and a significant “cut” of land beside it, enough for one vehicle to travel down. The cut is well used by school children and dog walkers. We are concerned that there are plans to cover this ditch and create a road from Killaly east beside my home down to Johnson street. There are a number of reasons this is a concern for us.

First of all, the salt and sand needed to keep roads passable in the winter would end up in the Johnson street pump house which does not have filtration capabilities for these things which would lead to environmental violations. Secondly, you would be creating 8 corner lots that were not previously corner lots. We all purchase these properties for the semi-rural privacy and feel. There would have to be compensation for that obviously. And third, the increase in traffic from 1,000 homes across from us and 206 dwellings behind us needs to be accounted for. Currently, Killaly east is dangerous to the school children due to high speed traffic to and from Gasline and the confusing intersection at Elizabeth and Killaly. Another 1,200 vehicles will make a significant impact.

**Question #6 – Will the cut be turned into a road? If so, has there been an environmental assessment? Is there a plan to compensate home owners for creating corner lots?**

**Question #7 – What is the risk mitigation plan for the increase in traffic?**

When I bought this property 8 years ago, I had to sign documents acknowledging that although Inco attempted to clean up the soil of nickel here, it still could be an issue. And the land across the road was tested and came back much worse than the south side of Killaly east.

**Question #8 – How did all this land suddenly become suitable for development?**

JTL Integrated Machine and Port Colborne Forge are felt all the way to my property. I understand things were different on Johnson street years ago so the homeowners there have had to live with the incredible decibel levels. We observed companies monitoring the decibel levels last summer and they were quite shocked at how loud the drop forge is. Again, how is this land suitable for development?

**Question #9 – Will there be changes to the operating hours of JTL Integrated Machine and the Drop Forge or other considerations with those companies?**

As you can see Mr. Shulz, your sign has prompted many questions and concerns and the notice of this plan to the citizens who live here was poorly planned if not outright disrespectful. You will notice that our steering committee have been CC'd on this

correspondence as we intend to act as a community group. Therefore I request that you Reply to All when you send the information and answers to our questions.

Chi Miigwetch;

Rick McLean [REDACTED]

Christine Arsenault [REDACTED]

Pierre Renaud [REDACTED]

Greg Scott [REDACTED]

## David Schulz

---

**From:** [REDACTED]  
**Sent:** September 18, 2023 10:49 AM  
**To:** David Schulz  
**Subject:** housing expansion 563 Killaly St E part of lot 23 and 24

You don't often get email from [REDACTED]. [Learn why this is important](#)

Good morning, David!

In reference to this housing proposal, I have several concerns.

- I though the soil was contaminated due to INCO, has the proper soiling testing been completed.
- Was there a study to determine impact to this area, i.e. traffic, housing cost of existing homes, etc.
- The number of units being built ( 286) which will impact the population – density in the area. I live at the end of Bell street in exceed of 60 years and one reasons many homeowners have purchase or built homes in this area was due to the dead-end Street and the quietness of this area. Will the main throughway to this subdivision be via Killaly Street.
- I am not opposed to the new subdivision, just the number of units,( type of units ) the traffic potential and as all the units will be townhomes, it will attract low to mid income families. Also, it may impact the resale of homes within this area.

Regards

*Adrianne*

[REDACTED]

**Subject: Public Meeting Report for Proposed Zoning By-law  
Amendment D14-07-23 and Official Plan Amendment D09-  
04-23, 650 Main Street West**

**To: Council - Public Meeting**

**From: Development and Legislative Services Department**

Report Number: 2023-198

Meeting Date: October 3, 2023

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**Recommendation:**

That Planning and Development Report 2023-198 be received as information.

---

**Purpose:**

The purpose of this report is to provide Council with information regarding a Zoning By-law Amendment application and Official Plan Amendment application initiated by the agent, Jesse Auspitz of NPG Planning Solutions, on behalf of the owner Priscilla Facey of M5V 650 Main Inc for the property legally known as Part of Lot 32, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 650 Main Street West.

---

**Background:**

The application for Official Plan Amendment proposes to change the designation from Highway Commercial to a special policy area of the Highway Commercial Designation to permit a mix of uses, including both ground-floor commercial and a combination of ground-floor and upper-storey residential uses.

The application for Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to a special provision of the Mixed Use Zone (MU-XX). Due to the nature of the proposal, special provisions are being requested for front yard setback, rear yard setback, interior side yard setback abutting a residential zone, maximum height, required parking, parking space dimensions, landscape buffer, ingress and egress, loading spaces, and landscaped open space within a parking area. More

details on the special provisions have been provided under the 'Discussion' section of this report.

Both applications are being requested to permit the construction of a 6-storey mixed-use building containing 95 residential units and 326 square meters of commercial space.

---

### **Internal Consultations:**

Notice of Public Meeting was provided to internal departments and commenting agencies on September 13, 2023. As of the date of the report, the following correspondence has been received.

#### Drainage Superintendent

There are no concerns regarding municipal drains for these applications.

#### Fire Department

As the driveway is being reduced, the fire department will still need to meet the Ontario Building Code and the fire hydrant location on the property could impact parking.

#### DSBN

DSBN Planning Staff has no objection to either application. Future students from this area would attend Oakwood Public School (Gr. JK-8 and Port Colborne High School (Gr. 9-12)

#### Enbridge

Enbridge Gas has no objection to the proposed applications however, they reserve the right to amend or remove development conditions.

---

### **Public Engagement:**

Notice of Public Meeting was sent to properties within a 120 m radius of the subject property on September 13, 2023, as per Section 5 (4) (a) of O. Reg 545/06. The notice was also posted on the website under "Current Applications". As of the date of preparing this report, no written correspondence from any member of the public has been received.

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## Discussion:

This application will be reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, *the Regional Official Plan*, *the City of Port Colborne Official Plan*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. According to the PPS, settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area as well as a delineated built-up area, where the Growth Plan states that growth should be focused in “Built-up” areas.

The Niagara Official Plan (NOP), designates the subject lands as within the “Urban Area Boundary” and “Delineated Built-Up Area. Chapter 2 of the NOP provides policy direction on the strategic management of growth and accommodating a variety of ages and incomes by diversifying the housing stock. Chapter 5 identifies objectives that address the existing and future needs of Niagara’s infrastructure, transportation, and services that provide connections within and between communities. Chapter 2 and Chapter 5 will be used to assess this application when a recommendation is brought forward at a future date.

## City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan (OP) designates the subject property as **Highway Commercial**. Land uses in the Highway Commercial designation include hotels and motels, automobile sales and service establishments, places of amusement or recreation, restaurants with wake-out and/or drive-thru facilities, and accessory uses to the aforementioned uses, including a residence for a caretaker.

As mentioned, the Official Plan Amendment proposes to change the land use designation of the subject lands from Highway Commercial, to a special policy area of the Highway Commercial designation. The special policies requested, as outlined in the Draft Official Plan Amendment (found in the Planning Justification Report – Appendix A) are as follows:

1. *Notwithstanding Section 3.8 of the Official Plan for the City of Port Colborne, a mix of uses including both ground-floor commercial and a combination of ground-floor and upper-storey residential uses are permitted on the Subject Lands as Shown on Schedule ‘A’ to this amendment.*



*The following changes are made to Schedule 'A' – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:*

- 1. That the area shown as "Highway Commercial" and entitles Schedule 'A' to Official Plan Amendment No. XX, shall be subject to Special Policy Area Provisions and shall be identified on Schedule 'A' – City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.*

The amendment to the Official Plan will be assessed against the existing policies of the Official Plan as well as applicable Provincial and Regional plans as referenced above.

### **City of Port Colborne Zoning By-law 6575/30/18**

The subject property is zoned as Highway Commercial in the City of Port Colborne Zoning By-law 6575/30/18.

The Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to a special provision of the Mixed-Use Zone (MU-XX). The following site-specific amendments to the R4 zone are proposed:

Notwithstanding the provisions of Section 21.3 of the City of Port Colborne Zoning By-law 6575/30/18, the following regulations shall apply.

Minimum Front Yard Setback	4.15 meters where 9 meters is required.
Minimum Rear Yard Setback	3 meters where 4.5 meters is required.
Minimum Side Yard Abutting a Residential Zone	5 meters where 10 meters is required.
Maximum Height	20 meters where 11 meters is required.
Parking Spaces Required	132 where 136 parking spaces are required.
Parking Space Dimension – Standard Space Obstructed on One Side	2.6 meters wide where 3 meters is required.
Landscape Buffer	3 meters where 4 meters is required for a parking area with 100 spaces or greater.
Ingress and Egress	A driveway width of 6 meters where 7.5 meters is required where 2-way traffic is permitted.
Loading Spaces	A loading space is permitted in a rear yard abutting residential uses.
Minimum Landscaped Open Space within Parking Areas	A minimum landscaped open space of 0% where 10% is required within parking areas with over 100 spaces.

## **Adjacent Zoning and Land Use**

The lands surrounding the subject property are zoned Highway Commercial to the north, south and west and First Density Residential to the east. The uses surrounding the subject property consist of dwellings to the east and commercial uses to the north, south and west.

---

## **Financial Implications:**

There are no direct financial implications with this report. However, considering Bill 109 legislation, this application is subject to the refund of planning application fees, should Council not make a decision on the proposed Official Plan Amendment and Zoning By-law Amendment within 120 days. Staff anticipates bringing a recommendation report back to Council on or before the December 12, 2023, council meeting, which is the last meeting before the 120-day requirement.

---

## **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Increased Housing Options
- 

## **Conclusion:**

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendment at this time to allow all agency, public, and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to Council at a future meeting.

---

## **Appendices:**

- a. Planning Justification Report
- b. Conceptual Site Plan

Please note that all submission documents have been posted on the City's website under 'Current Applications'.

Prepared by,

Chris Roome, BURPI,  
Planner  
(905) 835-2900 x205  
Chris.Roome@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP  
Chief Planner  
(905) 835-2900 x203  
denise.landry@portcolborne.ca

### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



## Planning Justification Report

### **Official Plan Amendment & Zoning By-law Amendment**

650 Main Street West, Port Colborne

Date: August 2023

For: M5V 650 Main Inc.

By: NPG Planning Solutions Inc.  
4999 Victoria Avenue  
Niagara Falls, ON L2E 4C9  
T: 905 321 6743

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## **1.0 Introduction**

NPG Planning Solutions Inc. (NPG) are planning consultants to M5V 650 Main Inc., “Owners” of 6,095 square metres of land in the City of Port Colborne, municipally known as 650 Main Street West (Subject Lands). NPG has been retained to provide professional planning advice on the proposed mixed-use development consisting of at-grade commercial spaces, 95 apartment units and 132 parking spaces. Implementation of the proposed development requires an Official Plan Amendment and a Zoning By-law Amendment.

This Planning Justification Report (PJR) provides an analysis of the proposed development and evaluates the appropriateness of applications for Amendments to the Official Plan and Zoning By-law when assessed against policies in the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (Region’s OP), the City of Port Colborne Official Plan and the City of Port Colborne Zoning By-law No. 6575/30/18 (City Zoning By-law).

Sections 5.1, 5.2, 5.3 and 5.4 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformance with the general intent and objectives of the City’s OP while Sections 6.0 and 7.0 provide justification for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment respectively.

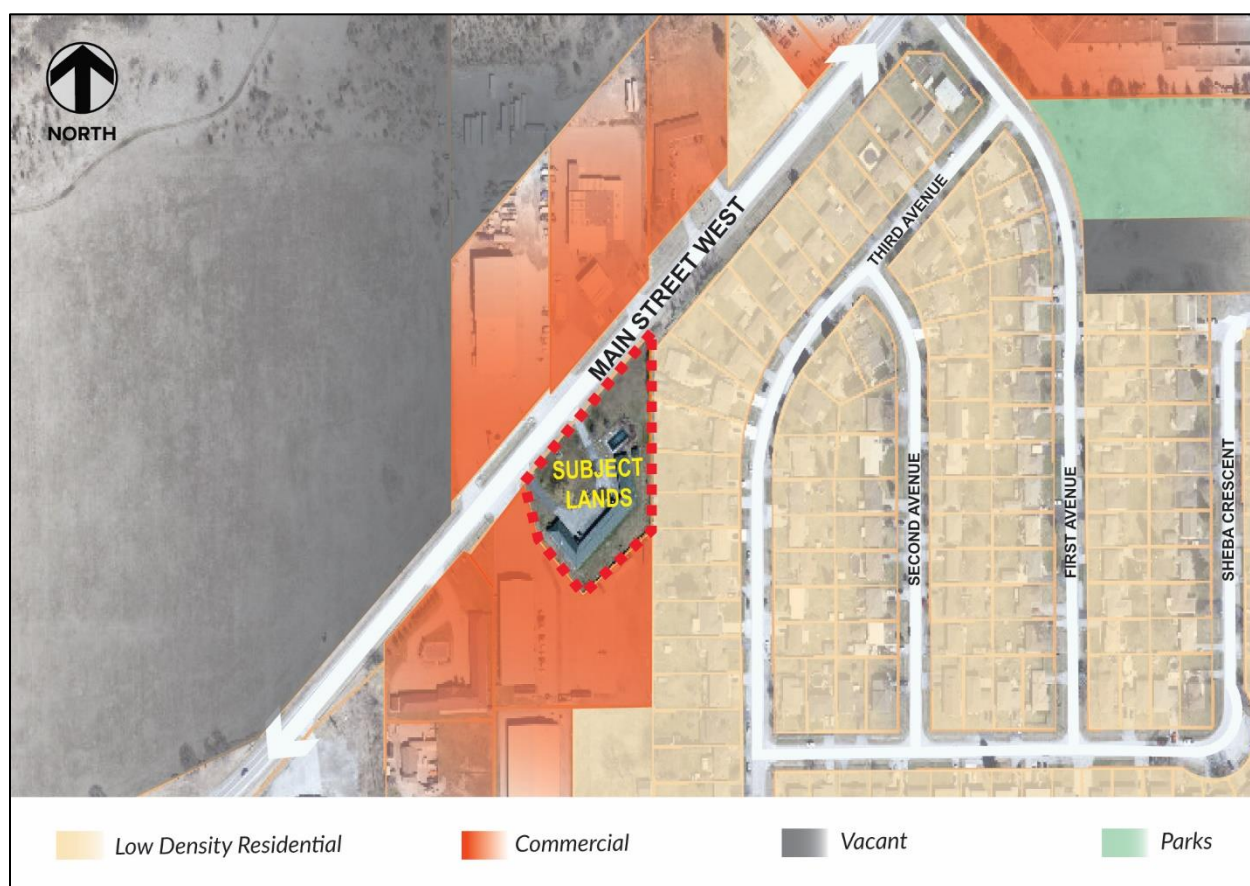
## **2.0 Description of Subject Lands and Surrounding Area**

As shown in **Figure 1 – Aerial Context of Surrounding Uses**, the Subject Lands are in an urban area of the City of Port Colborne, along the southside of Main Street West (Regional Road No. 3).

The Subject Lands are irregularly shaped with an approximate frontage of 110 metres on Main Street West, an approximate depth of 82 metres, and a total gross area of 6,095 square metres. A road widening of approximately 7.3 metres along the lot frontage has been illustrated as requested by Regional staff. The net site area is 5,307.7 square metres due to the required road widening.

There is a one-storey building, at the southern portion of the Subject Lands, and a swimming pool with a concrete deck, last used by Seaway Motel. There are no natural heritage features on the Subject Lands or on adjacent lands. Please see Photos 1 - 9 for visual context of the Subject Lands.

The Subject Lands are surrounded by residential, and commercial and vacant land uses. Figure 1 highlights the surrounding land uses around the Subject Lands. The abutting lands to the east are lands primarily used for low density residential purposes in the form of single-detached dwellings. Lands on the north side of Main Street West and south and west of the Subject Lands are designated Highway Commercial as per Schedule A: City-Wide Land Use of the Town OP.



**Figure 1 – Aerial Context of Surrounding Uses**

**Figure 2 – Community Facilities** on the following page illustrates the available amenities and active transportation facilities within a 500-metre and 1-kilometre radius of the Subject Lands.

The Subject Lands are within the commercial area along Main Street West. This corridor contains a mix of uses, including residences and local servicing commercial uses such as retail, restaurants, and gas stations.

The Subject Lands have access to a range of transportation options. Port Colborne operates NRT On-Demand transit services. On-Demand Transit offers a shared-ride public transportation option that doesn't follow a fixed schedule or route. Instead, computer software optimizes bus travel based on rider trip requests. This service covers the entire town, enabling riders to travel directly between points without requiring transfers.

Main Street West is owned and maintained by Niagara Region. The road is part of the Niagara Region's Strategic Cycling Network. There are currently no sidewalks or bicycle trail provided along the Regional Road. As per Policy 6.2.2.8, the Region supports the design of Regional Roads within community cores to improve accessibility and include pedestrian and cycling infrastructure.



***650 Main Street West, Port Colborne - Planning Justification Report***

Parks and recreational facilities are also located in proximity to the Subject Lands, including Rose Shymansky Memorial Park which is within 500 metres of the Subject Lands. Harry Dayboll Park, Westdale Park and Maple Park are within the 1-kilometer radius of the Subject Lands. Additionally, Port Colborne Minor Baseball Rotary Complex is located less than 1 kilometer from the Subject Lands.

Oakwood Public School is located approximately 1.2 kilometres northeast of the Subject Lands. St. John Bosco Catholic Elementary School and St. Patrick Catholic Elementary School are located within the 1-kilometre radius from the Subject Lands. Port Colborne Secondary School is located just outside the 1-kilometer radius southeast from the Subject Lands.

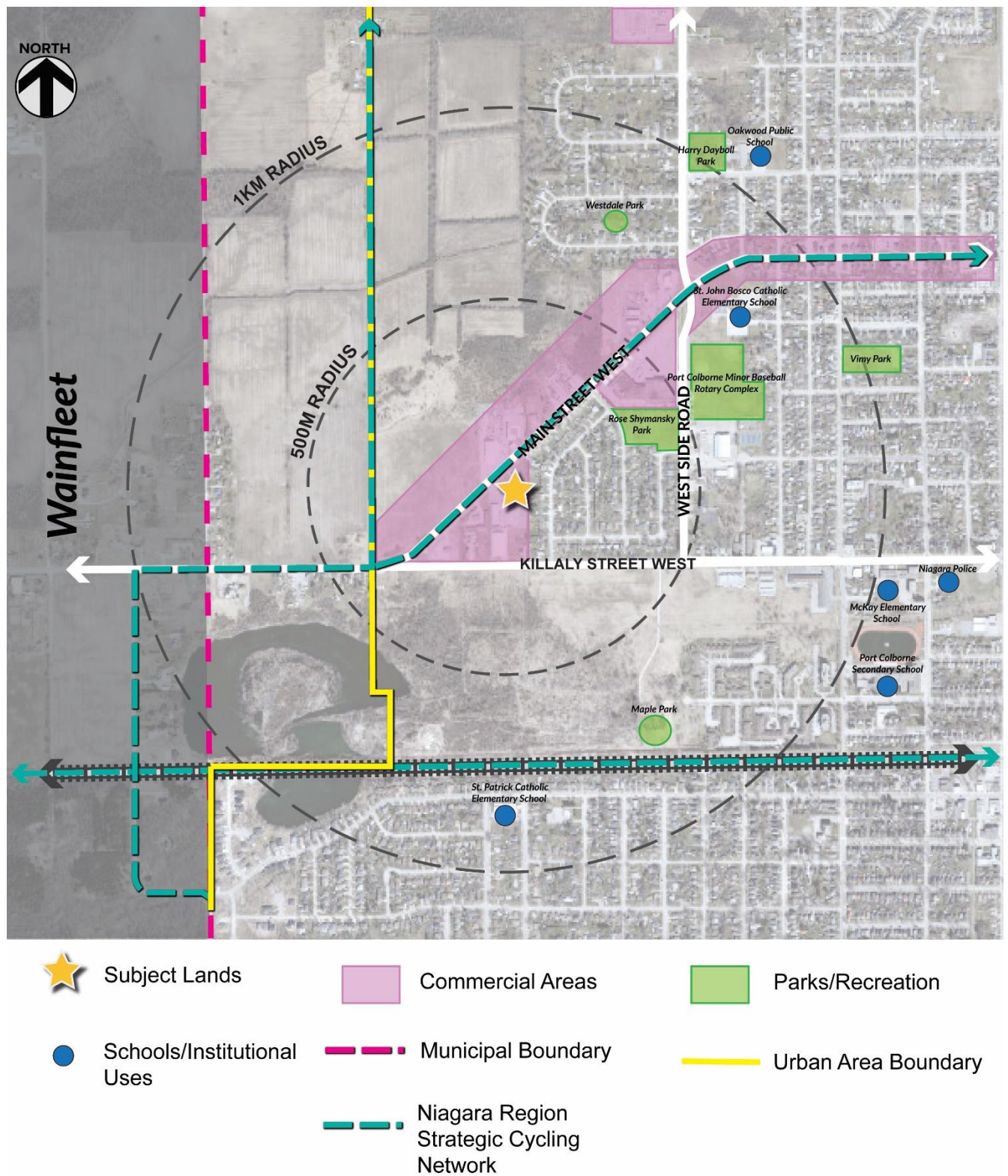


Figure 2 – Community Amenities Map



**650 Main Street West, Port Colborne - Planning Justification Report**



***Photo 1 – Looking northeast towards entrance to Subject Lands on Main Street West***



***Photo 2 – Looking southwest along the Front Lot Line from northeast corner of the Subject Lands***



***Photo 3 – Looking south along the eastern lot line from the northeast corner of the Subject Lands. Adjacent residential uses are located on the left side of the photo. Dwellings are not visible in photo.***



***Photo 4 – Looking northeast towards the treeline screening residential dwellings to the East.***





***Photo 5 –Looking south from the western side lot line dividing 658 Main Street West from Subject Lands.  
Structure on Subject Lands is on left side of the photo.***



***Photo 6 – Looking southwest along the rear lot line.***



***Photo 7 – Looking south towards the shed on the eastern portion of Lot.***





***Photo 8 – Looking south towards the break between landscaped buffer and fence adjacent to residential uses. Break appears to be along 21 Third Avenue.***



***Photo 9 – Looking south towards the existing concrete pool***

### **3.0 Proposed Development**

M5V 650 Main Inc. is proposing to develop a 6-storey mixed-used development containing 95 residential units and 326 square metres of commercial space, with a density of 179 units per hectare. Access to the Subject Lands is proposed from the northeast corner, connecting to a parking area in the rear yard. A conceptual site plan is included in **Appendix F** to this report.

The building is situated along the northwest property line at a height of twenty (20) metres. Ground floor space will contain commercial uses and five (5) residential units fronting Main Street West. The ground floor will also contain the entrance and lobby, amenity spaces, garbage room and a mechanical and electric room. Floors two (2) through six (6) will each have eighteen (18) residential units. All residential units will be provided with private amenity areas in the form of balconies and/or private terraces and are accessible by an elevator.

The proposed development would provide for 51% lot coverage and 28% landscaped open space based on net site area. Landscaping is comprised of the proposed walkways and landscaped areas around the building. Parking for the development will be provided at grade (50 spaces) and a two level parking structure (82 spaces), totaling 132 spaces, including six (6) accessible spaces. Of the total parking spaces, eight (8) spaces are allotted for hybrid vehicles. As a result, four (4) Electric Vehicle (EV) Charging Stations will be provided along the eastern lot line. The proposal also contains bicycle parking at grade with four (4) for the commercial space located at the front of the building, and twelve (12) for the residential units situated at the back of the building.

The building's location has been strategically planned to minimize potential impacts on nearby residential areas related to height. To achieve this, a substantial interior side yard setbacks of 16 meters on the east side and 3-meter-wide landscape buffers is proposed to be implemented.

The City of Port Colborne Official Plan designates the Subject Lands Highway Commercial according to Schedule A – City Wide Land Use Plan (see Appendix D – City Schedules). As per Section 3.8 of the City's Official Plan, lands in this designation primarily cater the travelling public, in proximity to arterial roads and highways. The proposed residential use is currently not permitted in this designation. A site-specific request is being made through the proposed Official Plan Amendment application to permit the proposed residential use. The proposed Official Plan Amendment is described in Section 6.0 of this PJR.

The Subject Lands are zoned Highway Commercial (HC) in the City Zoning By-law. The HC zone does not permit residential units. The Applications propose to rezone the Subject Lands Mixed Use (MU) with site-specific provisions related to the minimum front yard setback, minimum interior side yard abutting Residential Zones, minimum rear yard, maximum building height, parking requirements, obstructed parking space size, ingress and egress requirements, location of loading spaces and minimum landscaped open



space within parking areas. The proposed Zoning By-law Amendment is described in Section 7.0 of this PJR.

### **3.1 Pre-consultation Summary**

A formal Pre-consultation meeting was held on April 14, 2022. The conceptual site plan was updated based on feedback and was subsequently shared with staff for feedback. Some key points discussed at the meeting are listed below:

- Concerns regarding the proposed number of residential units in relation to the Highway Commercial designation.
- Staff note that if new commercial uses are introduced a market study will be required prepared by a qualified professional. The uses proposed as part of these applications will be in accordance with the Zoning By-law, thereby negating the need for such a study.
- The proximity of Main Street West (Regional) requiring higher standard of urban design.
- Site and building design mitigation measures from the nearby commercial uses.

Please refer to the Pre-consultation Summary document, enclosed with these applications for a complete list of required studies and agency comments.

## **4.0 Supporting Studies Review**

### **4.1 Environmental Site Assessment**

Phase One and Phase Two Environmental Site Assessments (ESA) dated March 3, 2022, and April 21, 2022, respectively, were conducted by Niagara Soils Solutions Ltd. to investigate any Potentially Contaminating Activities (PCAs) on the site to support the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks for the planned change in land use. Both the soil and groundwater results met applicable Ontario Regulation 153/04 criteria. Niagara Soils Solutions Ltd. concluded that no additional soil and/or groundwater environmental investigation is required and a submission of an RSC for the change in land use is justified.

### **4.2 Municipal Servicing Study**

A Functional Servicing Report was prepared regarding the proposed development by S. Llewellyn & Associates Ltd, dated June 2023. The Functional Servicing Report provides the following information:

1. Stormwater storage is required for the proposed development. The storage is proposed to be provided via surface ponding on the asphalt parking lot as well as rooftop ponding on the proposed building as capacities are within the required amount needed during the 100-year storm event.
2. The proposed development will be serviced with a 200mmØ watermain feeding off the existing 250mmØ watermain along Main Street West.
3. The proposed development will be serviced by a 200mmØ sanitary sewer system and will discharge to the existing 450mmØ sanitary sewer along Main Street West. Peak sanitary discharge is described as 4.79 litres per second.

4. A hydrant flow test will be completed at a later date to confirm that the municipal distribution system has adequate pressure and capacity to service the proposed development.

#### **4.3 Traffic Impact Study**

Paradigm Traffic Solutions prepared a Traffic Impact Brief, dated August 28, 2023, to address potential traffic impacts resulting from the proposed development.

A total of 44 AM new vehicle trips and 62 PM new vehicle trips are forecast to be generated by the proposed development using the average rates. An operational analysis was completed to determine future traffic volumes under the 2028 horizon and the proposed site driveway is forecast to operate with minimal delay, with volume/capacity ratios well within capacity during the AM and PM peak hours. A left turn warrant analysis was conducted to determine if the projected traffic volumes warrant the installation of a left turn lane along Main Street West. It was determined that a left turn lane is not warranted at the intersection.

The Traffic Impact Brief noted that the Concept Plan depicts an offset arrangement with respect to the opposing driveways on the north side of Main Street West. The primary issues to consider with offset driveways are the possibility of overlapping left turns and the potential difficulty in making a weaving maneuver to travel between the offset legs of the intersection. The offset would create left-turn lane overlaps, and as such the Traffic Impact Brief recommended that the proposed driveway be restricted to right-in only with right/left-out operations.

A parking analysis was included within the Traffic Impact Study. It was discovered that the commercial parking requirements within the City's Zoning By-law are significantly higher than those provided by the Institute of Transportation Engineers (ITE). The ITE parking rates stipulate that 125 parking spaces are required for the residential component and 7 spaces for the commercial component, for a total of 132 parking spaces for the subject site. It was concluded that a supply of 132 parking spaces is supportable for the proposed development.

Overall, the proposed development can be supported from a traffic and parking impact perspective.

#### **5.0 Planning Policies**

The purpose of this PJR is to provide a thorough analysis of the proposed development and evaluate the appropriateness of advancing applications for an Amendment to the Official Plan and Zoning By-law in the context of the *Planning Act*, Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Official Plan, the City of Port Colborne Official Plan and the City Zoning By-law (No. 6575/30/18). The following provides a thorough analysis of these documents.

## 5.1 *Planning Act R.S.O. 1990, c. P.13*

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. These matters are analyzed in **Table 1**, below:

**Table 1: Matters of Provincial Interest**

Matter of Provincial Interest	Analysis
<b>(a) the protection of ecological systems, including natural areas, features and functions</b>	There are no natural heritage areas, features and functions that have been identified on the Subject Lands or that are anticipated to be impacted.
<b>(b) the protection of the agricultural resources of the Province</b>	The Subject Lands are within an Urban Area Boundary. Facilitating development in the Urban Area Boundary reduces pressure to urbanize agricultural areas.
<b>(c) the conservation and management of natural resources and the mineral resource base</b>	The proposed development will not impact natural resources or mineral resources.
<b>(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</b>	There are no known significant cultural heritage or archaeological features on the Subject Lands.
<b>(e) the supply, efficient use and conservation of energy and water</b>	The proposed development is an energy efficient form of development as it provides for a compact built-form and intensification where available municipal services exist.
<b>(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</b>	The proposed development would optimize the use of existing municipal services.
<b>(h) the orderly development of safe and healthy communities</b>	The proposed development will facilitate appropriate development standards for intensification, redevelopment, while avoiding or mitigating risks to public health and safety, in accordance with policies contained within Section 1.0 of the PPS, regarding building strong healthy communities. This matter is discussed in Section 5.2 of this PJR.
<b>(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</b>	The City of Port Colborne is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities.

	<p>The Applications are anticipated to be circulated to the JAAC for review and comment. Future Site Plan Applications will need to comply with O. Reg. 191/11: <i>Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11</i>. Of note, accessible parking spaces are proposed for this development.</p>
<b>(k) the adequate provision of employment opportunities</b>	<p>The proposed mixed-use building is anticipated to result in job creation. Residents of the proposed development are also anticipated to support existing commercial uses within this area of Port Colborne.</p>
<b>(l) the protection of the financial and economic well-being of the Province and its municipalities</b>	<p>The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and infrastructure, increasing cost efficiencies related to maintenance.</p>
<b>(o) the protection of public health and safety</b>	<p>The Subject Lands are not impacted by any known hazards.</p>
<b>(p) the appropriate location of growth and development</b>	<p>The Subject Lands are within the Built-up Urban Area of Port Colborne. Intensification is generally encouraged within the Urban Area.</p>
<b>(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</b>	<p>There are no fixed transit routes in the City of Port Colborne. Port Colborne is serviced by on-demand transit. On-demand transit is a shared-ride public transit service without a fixed schedule or route. Should the City choose to revert to traditional transit, it is anticipated that such transit would be concentrated on higher-order transportation corridors such as regional roads. The proposed development creates demand along a regional road, where future transit may be accommodated.</p> <p>The proposed density and compact built form support the achievement of development at a walkable scale.</p>
<b>(r) the promotion of built form that, (i) is well-designed,</b>	<p>As per the analysis regarding Design Guidelines included within Section 5.4 of this PJR, this criterion is met.</p>

(ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	The compact built form and mix of land uses is anticipated to reduce automobile dependence, and consequently the necessity to consume fossil fuels.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan.

Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

## 5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

### 5.2.1. Managing and Directing Land Use

Section 1.1 of the PPS provides the following with respect to managing and directing land use. The following applies to the proposed development:

## POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*



- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
  - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- 1.1.3.1** *Settlement areas shall be the focus of growth and development.*
- 1.1.3.2** *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
- a) efficiently use land and resources;*
  - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion...*
  - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
  - e) support active transportation;*
  - f) are transit-supportive, where transit is planned, exists or may be developed...*
- 1.1.3.4** *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

## **ANALYSIS**

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The Subject Lands are located within a Settlement Area as defined by the PPS, on lands with existing municipal services. The proposed development is consistent with the Settlement Area policies of the PPS by permitting appropriate development standards that support intensification through a range and mix of residential and commercial uses, the efficient use of land and resources, and the optimized use of existing municipal infrastructure.

Regional Roads such as Main Street West, are locations most likely to accommodate transit in the future. Providing higher densities including a mix of uses along Regional Roads supports future transit and active transportation. Reduced automobile dependence is also anticipated to reduce impacts to air quality and climate change through reduced greenhouse gas emissions.

### 5.2.2. Employment

Section 1.3 of the PPS provides the following with respect to Employment. The following applies to the proposed development:

#### **POLICY**

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- 1.3.1 *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...*
  - d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4...*

#### **ANALYSIS**

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The Applications will facilitate a mix of commercial (employment) and residential uses, within the same building. This compact built-form and mix of uses is consistent with the employment policies of the PPS.

### 5.2.3. Housing

Section 1.4 of the PPS provides the following policies with respect to housing:

#### **POLICY**

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- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
- b. permitting and facilitating:*
    - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
    - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
  - c. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
  - d. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
  - e. requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
  - f. establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of*

*housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

## **ANALYSIS**

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The Applications are consistent with the housing policies of the PPS as they propose to permit and facilitate development standards for residential intensification, compact form, and the provision of a range of housing options in the urban area where infrastructure and public service facilities exists or is planned to be accommodated to support such use. Of note, the proposed apartment units would increase housing choice in a community where single-detached housing types and other ground-oriented developments heavily prevail.

### **5.2.4 Infrastructure and Public Service Facilities**

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

## **POLICY**

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- 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

## **ANALYSIS**

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The Applications propose to facilitate intensification, optimizing the use of existing municipal services, consistent with the policies of the PPS. Please see the Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited dated June 2023 included with these Applications for more information.

### **5.2.5. Transportation Systems**

Section 1.6.7. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

## **POLICY**

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- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

## **ANALYSIS**

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Main Street West is a Regional Road as per Schedule J1 of the Niagara Official Plan. The Subject Lands are also located on the Regional Strategic Cycling Network as identified on Schedule J2 of the NOP. Focusing higher density developments in proximity to bicycle routes provides the necessary demand for such infrastructure to ensure its long-term viability.

Presently on-demand transit is in place. Should the City choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services.

The mixed-use form of development is also consistent with policy direction to reduce the length and number vehicle trips and support active transportation.

#### **5.2.6 Human-Made Hazards**

Section 3.2 of the PPS provides direction regarding human-made hazards. The following policies apply to the proposal:

#### **POLICY**

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- 3.2.2 *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.*

#### **ANALYSIS**

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The Phase One and Phase Two Environmental Site Assessments completed by Niagara Soils Solutions Limited confirmed that soil and groundwater test results met applicable regulations. A Record of Site Condition is being prepared for submission to the Ministry of the Environment, Conservation and Parks to support the proposed change in land use.

#### **SUMMARY**

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Based on the foregoing, the Applications are consistent with the policies of the PPS.

#### **5.3 Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)**

The Growth Plan for the Greater Horseshoe (Office Consolidation 2020) emphasizes compact and well-designed development in the Built-up Areas. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

##### **5.3.1. Growth Management**

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

#### **POLICY**

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2.2.1(2) a) *the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

2.2.1(2) c) *within settlement areas, growth will be focused in:*

- i. delineated built-up areas;*

2.2.1(4) *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

## **ANALYSIS**

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The Applications will support the creation of complete communities by facilitating mix of land uses including commercial uses and a mix of housing options within the built-up area, where single-detached dwellings dominate. The Subject Lands are also in proximity to a range of commercial uses. This location makes the Subject Lands well situated to provide for a higher density that would provide occupants of the dwelling units with convenient access to a range of necessities for daily living, including an appropriate mix of jobs, local stores, and services.

### **5.3.2 Built-up Area**

Section 2.2.2 of the Growth Plan provides the following regarding Built-up Areas:

## **POLICY**

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

- c) encourage intensification generally throughout the delineated built-up area;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;...*
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.*

## **ANALYSIS**

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The Applications would facilitate intensification within the delineated built-up area and would contribute to the achievement of complete communities through the provision of commercial uses and a full range of housing options in an area supported by convenient access to local stores, and a range of transportation options.

### 5.3.3 Employment

Section 2.2.5 of the Growth Plan provides policy direction towards employment uses. The following policies apply:

#### **POLICY**

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- 2.2.5(3) *Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*
- 2.2.5(4) *In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

#### **ANALYSIS**

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The proposed development includes areas for commercial uses within a mixed-use structure supporting active transportation networks. Parking is provided through a mix of surface spaces and a two (2) level parking structure located at the rear of the building, meeting the intent of the Growth Plan of ensuring that lands are being used efficiently, and creating a pedestrian, non-automobile dominated built-form.

### 5.3.4 Housing

Section 2.2.6 of the Growth Plan provides policies with respect to housing. The following policies apply:

#### **POLICY**

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- 5.3.3.1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
    - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and*
- 5.3.3.2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
- a) planning to accommodate forecasted growth to the horizon of this Plan;*
  - b) planning to achieve the minimum intensification and density targets in this Plan;*

c) considering the range and mix of housing options and densities of the existing housing stock; and

d) planning to diversify their overall housing stock across the municipality.

## **ANALYSIS**

The Applications conform with the Housing policies of the Growth Plan by facilitating the provision of a full range of housing options, through intensification of the Subject Lands, which supports the achievement of complete communities.

## **SUMMARY**

Based on the foregoing, the Applications conform with and do not conflict with the Growth Plan.

### **5.4 Niagara Official Plan (2022)**

The Niagara Official Plan (NOP) is Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the NOP are intended to guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The following table identifies the Regional Schedules pertaining to the Subject Lands:

*Table 2 – NOP Schedules and Designations of Subject Lands*

<b>SCHEDULE</b>	<b>SUBJECT LAND DESIGNATION</b>
<b>B – Regional Structure</b>	Delineated Built-up Area
<b>J1 – Transportation infrastructure</b>	Main Street West is a Regional Road
<b>J2 – Strategic Cycling Network</b>	Main Street West is identified as part of the Strategic Cycling Network.

#### **5.4.1 Managing Growth**

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

## **POLICY**

**2.2.1.1** *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

*b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*

- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) *social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
  - i. *a range of transportation options, including public and active transportation...*
- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas...*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities;*
- l) *mitigation and adaptation to the impacts of climate change by:...*
  - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

**2.2.2.5** *A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.*

## **ANALYSIS**

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The Applications meet all the above objectives of the NOP. To summarize, the Applications would facilitate the achievement of complete communities through intensification and the provision of a mix of uses including housing types within the built-up area. The Subject Lands are also ideally located to support the proposed density for the following reasons:

- There are existing municipal services to support the proposed dwelling units.
- The Subject Lands front onto a Regional Road, a preferred location for higher density development, due to the capacity to accommodate higher levels of traffic.
- The proposed development is also considered to be transit-supportive, as Regional Roads are an anticipated location where future transit may be accommodated.
- The Subject Lands are close (within 1.5km) to several parks and schools.

- There is a mix of uses in proximity to the Subject Lands which support residential use.
- The Subject Lands are located on a regional cycling network, and residential uses would optimize the use of such infrastructure.

#### 5.4.2 Strategic Intensification and Higher Densities

Section 2.2.2 of the NOP provides policies with respect to intensification, as follows:

##### **POLICY**

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2.2.2.1 *Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:*

*b) areas with existing or planned public service facilities;*

*c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit...*

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 690 units and a 30% intensification rate for Port Colborne).*

*Note: Local Area Municipalities may plan for additional intensification units and higher intensification rates within built-up areas than those identified in Table 2-2 for infrastructure purposes as it reflects development trends and land use permissions at the time of Local conformity.*

2.2.2.9 *Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

##### **ANALYSIS**

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The Applications would facilitate intensification as promoted in the NOP and would contribute to meeting Regional intensification targets within the built-up area of the City of Port Colborne, in an area well-served by a range of existing and planned public service facilities, as described in Section 2.0 of this PJR, and along a Regional Road, where in the future, transit may be accommodated. The Applications would also facilitate appropriate development standards to support the achievement of complete communities and facilitate compact built-form. For these reasons, the Applications conform with Section 2.2.2 of the NOP.

#### 5.4.3 Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the region. The following policies apply:

##### **POLICY**

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- 2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*
- 2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*
- a) facilitating compact built form...*

## **ANALYSIS**

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The Applications would facilitate the development of apartment dwelling units with varying unit sizes in an area where single-detached dwellings prevail, contributing to the range and mix of housing densities and types. This form of residential development also conforms with policies encouraging compact built-form.

### **5.4.4 Multimodal Transportation System**

Section 5.1 of the NOP identifies policies regarding the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

## **POLICY**

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- 5.1.1.4 *Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.*
- 5.1.5.1 *As conditions of the approval of a development application under the Planning Act:*
- a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region...*
- 5.1.5.6 *Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.*

## **ANALYSIS**

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Notes from the April 14, 2022 pre-consultation meeting regarding the Applications identified that the current Regional road allowance is deficient of the NOP planned width of 34.7 metres. Therefore, a road widening of 7.29 metres is required. This road widening has been shown in the conceptual site plan included with this submission.

Regional Transportation Engineering staff requested that only one access be proposed. This request has been incorporated into the conceptual site plan. During the pre-



consultation meeting it was also noted that a noise study will not be required as part of these Applications.

#### 5.4.5 Healthy Communities

Section 6.3 of the NOP identifies policies regarding healthy communities. The following applies:

#### **POLICY**

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**6.3.1.5** *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.*

#### **ANALYSIS**

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As discussed in Section 4.1 of this PJR, a Phase One and Phase Two ESA were conducted to investigate any PCAs on the site. The ESAs findings concluded that soil and groundwater met all regulations and a change in land use is justified.

#### **SUMMARY**

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For the reasons identified above, the Applications conform with the goals and policies of the Niagara Official Plan.

#### 5.5 City of Port Colborne Official Plan (Updated: January 27, 2020)

The City of Port Colborne Official Plan provides a comprehensive 20-year vision for the future of the municipality. The Plan identifies and addresses matters that influence the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing.

**Table 3. Subject Land Designation on City Schedules**

<b>SCHEDULE</b>	<b>SUBJECT LAND DESIGNATION</b>
<b>Schedule A: City-Wide Land Use</b>	Highway Commercial; Within Urban Area Boundary
<b>Schedule A1: Greenfields</b>	Built Boundary
<b>Schedule B: Natural Heritage</b>	No designation
<b>Schedule B3: Vulnerable Aquifer Areas</b>	High Vulnerable Aquifer
<b>Schedule C: Mineral Aggregate and Petroleum Resources</b>	Petroleum Resource Areas
<b>Schedule D: Transportation</b>	Main Street West is a Regional Road

### **5.5.1 Purpose of the Plan**

Section 1.2 of the Port Colborne Official Plan outlines the Official Plan's purpose. The following is relevant to the Applications:

#### **POLICY**

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- a) The general purpose of this Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The Plan has been developed in consideration of the following planning principals:*
- i) Providing for a mix of land uses;*
  - iv) Creating a range of housing opportunities and choices;*
  - v) Creating walkable neighbourhoods;*

#### **ANALYSIS**

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The Applications would implement the purpose of the Port Colborne Official Plan by facilitating the development of a mixed-use building and also provide a housing type uncommon to the City. The proposed density and mix of units support the creation of walkable neighbourhoods.

### **5.5.2 Growth Management Strategy**

Section 2.2 of the Port Colborne Official Plan outlines the City's growth management strategy, and provides that the City of Port Colborne's Growth Management Strategy shall:

#### **POLICY**

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- b) Direct growth in a strategic manner.*
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands.*

#### **ANALYSIS**

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The Applications would facilitate appropriate intensification through mixed-use development along a Regional Road in an area serviced by municipal water and sanitary services, within the City's Urban Area Boundary. Presently on-demand transit is in place. Should the City choose to revert to traditional transit, it is anticipated that such transit would be focused on Regional Roads. Intensifying along Regional Roads contributes to the establishment of appropriate capacities to provide future transit services.

### **5.5.3 Strategic Directions – Enhancing Quality of Life**

Section 2.3 of the Port Colborne Official Plan outlines the City's strategic directions. Section 2.3.1 Enhancing Quality of Life is relevant in regard to the Applications, as follows:

## POLICY

*The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by: ...*

- c) Promoting residential intensification in the urban area with a flexible approach that encourages a mix of housing types and densities appropriate to location...*

## ANALYSIS

The Applications meet the above objective by facilitating residential intensification, and by also contributing to the provision of a mix of housing types by appropriately locating high density residential development.

### 5.5.4 Strategic Planning Policies

Section 2.4 of the Port Colborne Official Plan outlines the City's strategic planning policies. The following are relevant to the proposed development:

#### 5.5.4.1 Housing

Section 2.4.2.1(a) of the Port Colborne Official Plan provides policies related to housing, as analyzed in the following Table:

## POLICY & ANALYSIS

*Table 4. Analysis of Section 2.4.2.1(a) of Port Colborne Official Plan*

Policy	Analysis
<b><i>New housing development should:</i></b>	
<b><i>i) Be located in the urban area to make use of existing infrastructure and facilities;</i></b>	The Subject Lands are located within the urban area and will make use of existing infrastructure.
<b><i>ii) Be accessible to medical facilities, shopping and any future public transportation system;</i></b>	Featuring a mix of commercial and residential uses and being in proximity to Highway Commercial lands, the proposed development will be in proximity to a range of commercial uses.  While on-demand transit is presently in place, the Subject Lands have frontage on a Regional Road. Regional Roads are an ideal location to establish traditional transit, should such a system be reinstated, ensuring that residents have access to any future transportation system that may be established.
<b><i>iii) Be close to or be developed with on-site parks and open space;</i></b>	Rose Shymansky Memorial Park which is within 500 metres of the Subject Lands. Harry Dayboll Park, Westdale Park and

	Maple Park are within the 1-kilometer radius of the Subject Lands.
<b>iv) Incorporate design features for an aging population;</b>	The proposed development will include accessibility features (barrier free units, elevator and accessible parking) to assist an aging population. Furthermore, the provision of a mix of uses will ensure that future residents will not be required to travel long distances for certain necessities.
<b>v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;</b>	The proposed development will feature apartment dwelling units, a housing form suitable for an aging population.
<b>vi) Provide for a range of smaller lots and homes suitable to smaller households; and</b>	The proposed development will feature unit sizes ranging from one (1) to two (2) plus den, suitable to smaller households.
<b>vii) Be close to or be developed with social and recreational facilities.</b>	The proposed development will include 55 square metres of private amenity space and is located within one (1) kilometer of the Port Colborne Baseball Rotary Complex and the Port Colborne Tennis Club.

#### 5.5.4.2 Intensification and Infill

Section 2.4.3 of the Port Colborne Official Plan provides policies related to intensification and infill. The following policies apply:

#### **POLICY**

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*

#### **2.4.3.1 Intensification Target**

- a) The Municipality will plan to achieve an intensification target of 15%.*
- b) Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area.*

#### **2.4.3.2 Design Guidelines**

- a) Infill and intensification sites should match the pre-established building character of adjacent buildings.*
- b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*

- c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*
- d) The design of infill and intensification development should be consistent with all other applicable policies of this Plan.*

## **ANALYSIS**

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The Subject Lands are located within the Urban Area, the preferred location for intensification. The proposed development will significantly contribute to achieving of the City's intensification targets.

The Subject Lands are surrounded by commercial uses to the north, south, and west and abuts residential uses to the east. While buildings are typically low-rise (1-2 storeys in height), the adjacent buildings and structures do not share a cohesive character. The neighbouring commercial uses feature varying setbacks and built forms, with parking scattered across the sites. The residential uses to the east front onto Third Ave, with rear perimeter fencing of varying designs and landscaping visible from Main Street West. As per Policy 2.4.3.2 consistency with the applicable Design Guideline Policies is discussed in Section 5.5.5.2 of this PJR.

To achieve compatibility, the mixed-use building is proposed to be setback 16 metres from the residential uses east. Further mitigation will be implemented as part of a future site plan application including the provision of fencing where none exists and landscape buffers. Through the same process appropriate connections will be secured to proposed pedestrian and bicycle networks.

### **5.5.4.3 Potentially Contaminated Properties**

Section 2.4.7 of the Port Colborne Official Plan provides policies related to potentially contaminated properties within the City. The following are related to the proposed development:

## **POLICY**

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- a) The city will utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.*
- d) Where a proposed change in use to a more sensitive use has been identified through the City's planning application circulation and review process as "potentially contaminated", the City and/or the Region shall:
  - i) Require the filing of a Record of Site Condition (RSC), signed by a Qualified Person, with the Environmental Site Registry and submission to the City and Region of proof that the Ministry of the Environment has acknowledged the receipt of the RSC.**

## **ANALYSIS**

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The Phase One and Phase Two Environmental Site Assessments (ESA) dated March 3, 2022, and April 21, 2022, respectively, conducted by Niagara Soils Solutions Ltd. confirmed that both soil and groundwater results met applicable Ontario Regulation 153/04 criteria. As of the date of submission of this PJR, an RSC is in the process of being submitted to the Ministry for review.

#### **5.5.4.4 Energy Conservation and Climate Change**

Section 2.4.9 of the Port Colborne Official Plan provides policies related to energy conservation and climate change within the City. The following are related to the proposed development:

### **POLICY**

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- a) In order to reduce energy consumption, reasonably compact forms of development shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.*
- c) When considering building forms, development which results in extensive loss of sunlight to adjacent land uses shall be discouraged.*

### **ANALYSIS**

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The proposed development features a compact form, including appropriate densities and a mix of uses, which is supportive of active transportation and planned active transportation networks. This form of development is anticipated to reduce automobile dependence. Additionally, significant setbacks are proposed from adjacent residential uses to mitigate impacts regarding loss of light from the proposed 20 metre tall building.

#### **5.5.5 General Land Use Policies**

Section 3 of the Port Colborne Official Plan provides policies General Land Use Policies within the City.

##### **5.5.5.1 Highway Commercial**

Section 3.8.1 of the Port Colborne Official Plan provides policies related to the Highway Commercial designation. The following apply to the proposal:

### **POLICY**

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- b) Commercial uses that would be more appropriate in the Downtown Commercial areas such as retail stores, banks, medical clinics and professional offices shall not be permitted.*
- d) Adequate off-street parking facilities, including consideration for bicycles, are required in well-organized, landscaped and well-illuminated parking areas or structures.*
- e) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.*

- f) *At the time the existing residential or commercial development fronting Main Street between the Welland Canal and Elizabeth Street are redeveloped, they should be redeveloped to a higher order of mixed use comprising ground floor commercial integrated with upper storey residential uses, and generally comply with the design guidelines in the Downtown designation.*

## **ANALYSIS**

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The future commercial uses will comply with the permitted uses within the Mixed-Use Zone. The proposed Zoning By-law Amendment would not permit any additional uses for the Subject Lands that are directed to the Downtown Commercial Area.

The conceptual site plan includes the provision of 132 automobile and 16 bicycle parking spaces at grade and via a two level parking structure as described in Section 3.0 of this PJR. As per the Traffic Impact Brief prepared by Paradigm Transportation Solutions Limited, dated August 28, 2023, the proposed parking supply is deficient from the City's Zoning requirements which stipulate a total supply of 136 spaces are required. A review of Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) parking data and comparable zoning requirements from adjacent municipalities (City of Welland and Town of Pelham) support the proposed parking supply.

One (1) driveway is proposed to provide access to the proposed development. The Traffic Impact Brief also considered the proposed driveway shown on the Conceptual Plan. The Traffic Impact Brief recommended that access to the Subject Lands is restricted to right-in only with right/left-out operations to mitigate the negative offset arrangement.

Residential uses are not permitted as-of-right within the Highway Commercial designation; however, such uses are contemplated east of the Subject Lands between Welland Canal and Elizabeth Street.

In considering the appropriateness of allowing for the Applications, consideration should be given towards the contemporary context. The City of Port Colborne Official Plan was approved by the Ontario Municipal Board on November 25, 2013, with the most recent update ensuring conformity with provincial policies occurring on January 27, 2020.

The contemporary planning context should be considered regarding the proposal to establish residential uses on the Subject Lands. In this regard, the Report of the Ontario Housing Affordability Task Force was released February 8, 2022. The Task Force, through its report made sweeping recommendations aimed at dramatically boosting the supply of housing in the Province." Report notes that "it is too easy to oppose new housing and too costly to build. We are in a housing crisis and that demands immediate and sweeping reforms." Fifty-five (55) recommendations were proposed to address the housing supply crisis. Subsequent legislation that has resulted from the recommendations of the Housing Affordability Task Force Report includes Bill 109: More Homes for Everyone Act, 2022 and Bill 23: More Homes Built Faster Act, 2022. Implementing appropriate opportunities to provide housing is essential to address the housing supply crisis.

The Subject Lands are an appropriate location to provide housing for the following reasons:

- The Subject Lands do not present a cohesive character. In particular, the Subject Lands are surrounded by a large mix of uses and built-form characteristics as described in Section 5.5.4.2 of this PJR. The provision of a six-storey mixed use building would not be out of place in this regard.
- The Subject Lands are adjacent to both residential and highway commercial uses to the east and west, respectively. As the interface between residential and highway commercial uses has already been established in proximity to the Subject Lands, the proposed development is not anticipated create a new land use compatibility impact that had not previously existed.
- The proposed development would not significantly impact the supply of commercial lands, as such uses would continue to exist on the ground floor. There are also highway commercial lands in proximity to the Subject Lands available for such uses.
- The proposed development would facilitate a mix of commercial and residential uses which would facilitate the achievement of both complete communities and compact built form, and support local commercial and recreational infrastructure.
- Appropriate infrastructure is available, and in particular:
  - there are existing municipal services to support the proposed use, and
  - the Subject Lands front onto a Regional Road, a preferred location for higher density development, due to the capacity to accommodate higher levels of traffic and being where future transit may be accommodated.
- There are community amenities available to support the use including parks, schools, recreation facilities and commercial uses.

#### **5.5.5.2 Commercial Plaza Design Guidelines**

Section 3.8.2(a) of the Port Colborne Official Plan provides that Highway Commercial uses are subject to the design guidelines for Commercial Plaza as specified in Section 3.7.2. The following is an analysis of relevant guidelines. Of note, several matters that have been analyzed will be further refined through a future Site Plan Application.

### **GUIDELINES & ANALYSIS**

#### **3.7.2.1 General Appearance and Signage**

*Table 5. Analysis of Section 3.7.2.1 of Port Colborne Official Plan*

<b>Guideline</b>	<b>Justification</b>
<b>a) Buffering shall be provided between the commercial establishment and other land uses. This shall include grassed areas and appropriate planting of trees and shrubs and/or the provision of other suitable screening materials. The types of</b>	The proposed development will feature a 3-metre landscaping strip around the perimeter. The Subject Lands are surrounded by Highway Commercial uses to the north, west and south. Adequate setbacks and areas for landscaping have been incorporated in the conceptual site

<b>trees and shrubs will be subject to the approval of the Director of Planning and Development Services.</b>	plan to ensure compatibility with residential land uses to the east.
<b>b) Building entrances and display windows should be oriented to street frontages, and a minimum of one major building entrance should front directly onto the main street frontage</b>	Entrances and windows for the commercial units will be oriented to Main Street West. The principal residential entrance to the building will be located at the rear with a secondary entrance at the Main Street West frontage.
<b>c) Buildings should be built to a minimum setback at intersections to help frame the streets</b>	The building is proposed to be setback 5 metres from the street line following the road widening helping to ensure that the building appropriately frames the street, while that its height and massing does not have an overpowering effect.
<b>d) A minimum of 40% of the main street frontage of a given property should be defined by building edge.</b>	The building occupies 64.7% of the frontage is occupied by the building.
<b>e) No front yard parking should be permitted for those portions of the building frontage constituting the minimum 40%.</b>	No front yard parking is proposed.
<b>f) Where large setbacks can be justified for large commercial stores, smaller commercial buildings (i.e. restaurants, banks) should be located at the street edge.</b>	The building is anticipated to contain small commercial uses and is located 5 metres from the street edge.
<b>g) Commercial garbage receptacles will be adequately screened or in an enclosed storage area contiguous with the building.</b>	A waste storage room is proposed within the building.

### 3.7.2.2 Parking, Access and Loading Areas

Table 6. Analysis of Section 3.7.2.2 of Port Colborne Official Plan

<b>Policy</b>	<b>Justification</b>
<b>Parking and landscaping for commercial establishments should be designed as follows:</b>	
<b>i. Screening shall be provided between parking areas and adjacent residential properties.</b>	A board-on-board fence is proposed to match the existing fence to ensure adequate screening of parking areas from residential uses.
<b>ii. Buffers shall be located at the perimeter of the property line adjacent to parking areas and</b>	A 3.0 metre landscape buffer is proposed along the perimeter of the Subject Lands.

<b>laneways to accommodate landscaping and tree planting</b>	Landscaping of this buffer will be determined at the site plan stage.
<b>iii. Landscaped islands shall be placed at the end of all parking aisles.</b>	An island is proposed near the residential access at the rear of the building, adjacent to the accessible parking space labelled as #13 and at the northeastern most corner of the Subject Lands. Landscaping will be determined at the site plan stage.
<b>iv. Parking aisles with a length of more than 15 stalls shall be broken up with landscaped islands.</b>	Parking islands are provided after a maximum of 25 parking stalls. In considering the density of development proposed, the size of the parking area, and compact form of development, the provision of additional islands appears to be unnecessary and would be difficult to install while at the same time maintaining sufficient parking on the Subject Lands.
<b>v. All parking islands shall be planted with hardy, strongly branched and salt tolerant trees</b>	This will be detailed at the site plan stage.
<b>vi. Large parking areas shall be broken up with linear pedestrian only sidewalks planted with a consistent row of trees.</b>	The size of the parking area, proximity of spaces to the building, and the compact form of development does not necessitate the need for sidewalks within the parking area.
<b>vii. The placement of sidewalks shall be oriented to link building entrances</b>	A concrete sidewalks 1.5 m in width is proposed along the frontage of the Subject Lands providing connection to all commercial and residential uses.
<b>viii. Parking for bicycles shall be included, which shall be consistent with professionally recognized design guidelines.</b>	Bicycle parking is proposed at the front and rear of the building to support its commercial and residential uses. The design of the proposed bicycle parking spaces will be confirmed as part of a future Site Plan Application.
<b>b) Service and loading areas shall be oriented to the rear of the building.</b>	A loading area is proposed at the rear of the building.

#### 5.5.6 Servicing and Stormwater Management

Section 8 of the Port Colborne Official Plan provides policies related to Servicing and Stormwater Management within the City:

##### 5.5.6.1 Water and Sanitary Servicing

Section 8.1 of the Port Colborne Official Plan provides policies related to water and sanitary servicing. The following policies apply to the proposed development:

#### **POLICY**



*The systems for water distribution and treatment, wastewater collection and treatment and stormwater collection and release shall be developed and operated in a manner which protects public health and safety, supports development and minimizes any potential impacts on the natural environment in accordance with the following policies:*

### **8.1.1 Servicing Within the Urban Area**

- a) New Development in the urban area is required to be on full municipal water services and municipal sanitary services.*
- d) In the Urban Area, where adequate municipal infrastructure services exist, a developer or subdivider shall provide on their site, approved engineered systems for water service, sanitary sewers and storm sewers; and where the City deems necessary, and shall also provide extensions beyond said lands for connections to City mains. The City shall continue its present practice of obtaining Subdivider Agreements or Site Plan Agreements relating to services, standards, specifications, levies, etc. The City may amend these Agreements from time to time. The City may waive this policy in the case of development it considers as 'infill'*

## **ANALYSIS**

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The proposed development will be on full municipal water and sanitary services. A Functional Servicing Report and Stormwater Management Report dated June 2023, has been prepared, as described in Section 4.2 of this PJR described implementation of the method of servicing.

### **5.5.6.2 Stormwater Management**

Section 8.2 of the Port Colborne Official Plan provides policies related to stormwater management. The following policies apply to the proposed development:

## **POLICY**

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### **8.2 Stormwater Management**

- a) Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area*
- b) A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on the scale and nature of the proposal and site specific environmental conditions. Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, of the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area. A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral aggregate operation or the expansion to an existing operation where these matters are adequately*

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addressed through studies prepared to meet the requirements of the Aggregate Resources Act.

- c) *A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sediments, and impervious services as well as meeting the requirements of Policy 8.2 (b) and Section 8.2.1 of this Plan. Stormwater management facilities shall not be constructed in Natural Heritage Features as identified in Section 4 or key hydrologic features, or in required buffer zones unless permitted under Section 4 of this Plan.*
- d) *Combined storm and sanitary sewers are not permitted and the City will endeavour to separate existing combined storm and sanitary sewers.*

### **ANALYSIS**

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The Subject Lands provide separate systems for storm and sanitary sewers. Sufficient stormwater storage would be provided on the surface of the asphalt parking lot and on the roof of the proposed building. Measures as described in the Functional Servicing & Stormwater Management Report prepared by S. Llewellyn & Associates Limited will be implemented to ensure that the proposed development meets applicable standards regarding stormwater quantity and quality, erosion and sediment control.

#### **5.5.7 Transportation**

Section 9 of the Port Colborne Official Plan provides policies related to Transportation within the City. The following applies to the proposal:

### **POLICY**

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#### **9.1.1 Walking, Cycling and Transit**

- a) *From environmental, economic, health and traffic management perspectives, non-automobile modes of transportation are the preferred methods of movement within the City and full consideration will be given to accommodating pedestrians and cycling in the planning, design and evaluation of any new development.*
- d) *Bicycle racks will be provided at all new public facilities and will be required, through Site Plan Control, for any new non-residential private development.*

#### **9.1.2 Road Policies**

- a) *Roads under the jurisdiction of the City, the Region of Niagara and the Province of Ontario are classified according to their functions as noted below in the following table identified as Figure 9.1.*

<b>Roadway Classification</b>	<b>Typical Width</b>	<b>Right-of-way</b>	<b>Average Annual Daily Traffic (AADT)</b>
<b>Arterial</b>	26-40 metres		1000 and over

b) Roadway classifications are defined as follows:

vii) Regional – roads that are owned and maintained by the Regional Municipality of Niagara.

## **ANALYSIS**

The proposed development is mixed-use which supports alternative methods of travel, including non-automotive methods of transportation. A bicycle rack with four (4) parking spaces will be provided in front of the commercial areas to encourage cycling as a transportation method. Twelve (12) additional bicycle parking spaces will be provided at the rear for residential use.

Main Street West is Regional arterial road. The current Regional road allowance is deficient of the Niagara Official Plan policy width of 34.7 metres. The proposed development has included a road widening dedication of 7.29 metres to satisfy this requirement.

## **SUMMARY**

Overall, the Applications have appropriate regard for the Port Colborne Official Plan and would implement its purpose, growth management strategy, strategic directions and strategic planning policies.

### **6.0 Proposed Official Plan Amendment**

M5V 650 Main Inc. is proposed to amend the Official Plan to facilitate the proposed development. The specific change to the Official Plan is as follows:

1. Notwithstanding Section 3.8 of the Official Plan for the City of Port Colborne, a mix of uses including both ground floor commercial and a combination of ground floor and upper storey residential uses are permitted on the Subject Lands as shown on Schedule “A” to this amendment.

As indicated, the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Official Plan. The proposal also does not conflict with the broader policy direction of the Town Official Plan.

### **7.0 Proposed Zoning By-law Amendment**

The subject property is zoned Highway Commercial in accordance with Zoning By-law No.6575/30/18 (See Appendix E). To facilitate the proposed development the Owner is proposing to rezone the Subject Lands to a Site-Specific Mixed-Use Zone. The following zoning compliance tables identify the site-specific provisions required:

**Table 6. Zoning Analysis of Mixed-Use Zone**

Mixed-Use Regulation	Zone	Required	Proposed	Compliance
Permitted Use		Apartment Building	Apartment Building	Yes

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	Restaurant (fast-food, full-service, take-out) Service Commercial, etc.	Restaurant (fast-food, full-service, take-out) Service Commercial, etc.	
<b>21.3 Zone Requirements – Mixed-use Buildings</b>			
<b>Minimum Frontage Lot</b>	15 m	109 m	Yes
<b>Minimum Lot Area</b>	0.5 ha	0.53 ha (5,307 sq. m. net site area)	Yes
<b>Minimum Front Yard</b>	9 m	4.15 m (to balcony) 5.0 m (to building)	No
<b>Minimum Interior Side Yard</b>	1.2 m	3 m (southwestern line to parking structure)	Yes
<b>Minimum Interior Side Yard abutting Residential Zone</b>	7.5 m or half the height of a Residential Zone the building, whichever is greater	5.0 m	No
<b>Minimum Corner Side Yard</b>	2 m	N/A	Yes
<b>Minimum Rear Yard</b>	4.5 m	3 m (to parking structure) 34.87 (to building)	No
<b>Maximum Building Height</b>	11 m	20 m (building) 4.5 m (parking structure)	No
<b>Minimum Landscape Buffer abutting Residential Zone</b>	3 m	3m	Yes

**Table 7. Zoning Analysis of Section 3 General Provisions**

<b>No.</b>	<b>Provision</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliance</b>
<b>3.1.1 Parking Space Requirements for Residential Use</b>	Parking Requirements for: Apartment Building	1.25 per unit = $95 \times 1.25 = 119$ (118.75)		No
<b>3.1.2 Parking Space Requirements for Non-</b>	Parking Requirements for: Animal Care Establishment,	1 space per 20 sq. m. GFA $326 \text{ sq m} / 20 = 17$ (16.3)		

No.	Provision	Required	Proposed	Compliance
<b>Residential Uses</b>	Restaurant, Service Commercial,			
	<b>Total Parking Required 136</b>		<b>Total Parking Proposed: 132</b>	
<b>3.2 Parking Space Dimension</b>	Standard Parking Space Dimension	2.6 m x 5.2 m	2.6 x 5.2	Yes
	Standard Space Obstructed on One Side	3.0 m x 5.2	2.6 x 5.2	No
<b>3.3 Accessible Parking</b>	Accessible parking spaces shall be provided at the following rate:	Number of required standard parking spaces: 101-150 = 6 accessible spaces	6	Yes
<b>3.7 Ingress and Egress Standards</b>	Driveways shall have a minimum unobstructed width of 7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.	7.5 m	6 m	No
<b>3.10 Loading Spaces</b>	b)	No loading space shall be located within a required yard that abuts a Residential Zone.	Loading spaces are proposed in the rear yard which partially abuts a Residential Zone.	No
	c)	Access to loading spaces shall be by means of a	6 m in width	Yes



No.	Provision	Required	Proposed	Compliance
		driveway at least 3.5 metres in width, contained within the lot on which the loading spaces are located and leading to either an improved or unimproved road or lane not less than 7.5 metres in width.		
	d)	A loading space shall be a minimum of 3.5 metres by 9 metres with a minimum clearance height of 4 metres.	3.5 x 9	Yes
<b>3.11.2 Minimum Landscaped Open Space within Parking Areas</b>	a)	a landscaped open space equal to 10% of the parking area shall be required within all parking areas with 100 or more parking spaces.	No landscaped open space proposed	No

**Minimum Front Yard**

The front yard setback for the development is proposed at 4.15 metres to the balcony overhang/ground floor patio and 5.0 metres to the building wall, which falls short of the City's requirement of 9 metres. Bringing the building closer to the street helps to create a street wall fostering a sense of space and a pedestrian-friendly environment along Main Street West. The intent of a 9 metre front yard setback within the Highway Commercial Zone is to ensure adequate space for site access and parking in front of the commercial uses on site. The proposed development features parking at the rear of the building with access to the east of the building. Locating parking at the rear and having buildings located as close to the street as possible is consistent with the urban design objectives of commercial/mixed-use buildings. The requested variance is not anticipated to cause significant negative impacts on the existing streetscape and can be supported.

### **Minimum Interior Side Yard abutting**

The proposed parking structure is located 5 metres from the nearest residential lot, deficient the 7.5 metres required in the City Zoning By-law. This reduced setback can be supported as:

- The parking structure will be screened by a 2.6 metre high board fence.
- The dwelling on the residential parcel is setback approximately 31 metres from the shared rear lot line, meaning the dwelling will be setback approximately 36 metres from the parking structure.
- The entirety of the 5 metre setback will consist of landscaping, helping mitigate any land use compatibility concerns.

### **Rear Yard Setback**

The City Zoning By-law determines rear yard setback from the rear lot line and the nearest point of the principal building. The proposed parking structure is connected to the mixed-use building and is setback 3 metres from the rear lot line, deficient the 4.5 metres required. This reduced setback can be supported as:

- The parking structure will be screened by a 2.6 metre high board fence, mitigating impacts from the reduced setback.
- The rear property line abuts a parking area for the commercial use to the south, ensuring there will be no land use compatibility impacts from the reduced setback.

### **Building Height**

The City Zoning By-law establishes a maximum building height of 11 metres for mixed-use buildings. The proposed development features a building height of 20 metres. This increase in height can be supported as:

- The mixed-use building is adequately buffered from the residential dwellings located to the east mitigating any shadowing concerns. The increased height would not result in any negative impacts for the commercial uses to the north, west, or south.

- The proposed development is located on a Regional Road, the preferred location for higher density and taller development due to the existing and planned capacity of such infrastructure to support higher traffic volumes than local roads.
- The proposed development facilitates intensification within the Built-up Area as encouraged in the City's Official Plan.
- The increase in height would enhance the Main Street West streetscape creating a visually appealing urban environment.
- The increase in height supports the creation of residential units significantly contributing to housing supply.

### **Total Parking Spaces**

The proposed development features 95 residential units, best characterized as apartment building dwelling units. The City Zoning By-law requires 1.25 spaces per apartment building unit for a total of 119 parking spaces required. Service commercial and restaurants represent the most restrictive parking requirements for the uses permitted. These uses require 1 space for 20 square metres of gross floor area for a total of 18 parking spaces for commercial use. Therefore, the required parking for all uses on the site is 136 spaces. The proposed development provides for 132 spaces. The proposed reduction in total parking spaces is minor and can be supported as:

- The Subject Lands are located on the Region's Strategic Cycling Network, an active transportation network. Future residents can utilize such planned infrastructure as a transportation option.
- A review of ITE parking data and comparable zoning requirements from adjacent municipalities (City of Welland and Town of Pelham) support the proposed parking supply of 132 spaces as sufficient.
- The Subject Lands are located on a Regional Road, the preferred location for transit should the Region choose to expand transit infrastructure in the future.

### **Parking Space Dimension for Obstructed Spaces**

All parking spaces are proposed to be 2.6 by 5.2 metres. As some spaces will be obstructed on one side, they are deficient the 3.0 by 5.2 metres required in the City Zoning By-law. This reduction can be supported as:

- The average vehicle width in North America is 1.8 metres.<sup>1</sup> Therefore, there will be 0.8 metres provided to ensure adequate access to the vehicle, despite the obstructed side.
- There are only 3 parking spaces with obstructed sides, representing a infrequent occurrence with no negative impacts anticipated.
- The proposed 2.6 metre width is consistent with the standard requirement for parking spaces in the City Zoning By-law.

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<sup>1</sup> [Average Car Length: All You Need to Know About It » Way Blog](#)

## **Ingress and Egress**

The City Zoning By-law requires driveways to be 7.5 metres in width for two lane traffic, the proposed development provides a drive aisle 6.0 metres in width. A reduction in ingress and egress can be supported as the width of the drive aisle will be large enough to accommodate two lanes of traffic and access to parking spaces. Additionally, no parking will be permitted in the drive aisles reducing the risk of obstructions.

## **Loading Space**

A loading space is proposed at the rear of the building. The rear lot line abuts several residential lots resulting in non-compliance with the City By-law. Locating the loading area within the rear yard will not result in any negative impacts to the abutting residential uses due to the provision of an adequate setback, landscaping strip and a 2.6 m high screening fence.

## **Minimum Landscaped Open Space within Parking Areas**

No landscaped open space for the proposed development can be supported as:

- An intent of this provision is to ensure that parking areas are not dominated by asphalt. The proposed development feature a landscaping buffer around the perimeter of the site and parking islands which can be landscaped at the more detailed site plan stage.
- In considering the density of development proposed, the size of the parking area, and compact form of development, the provision of additional landscape open space appears to be unnecessary and would be difficult to incorporate while maintaining sufficient parking on the Subject Lands.

## **8.0 Summary and Conclusion**

It is our opinion the proposed Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The Applications have regard to matters of Provincial Interest, as required in Section 2 of the *Planning Act*.
2. The Applications are consistent with the Provincial Policy Statement (2020) and in conformity with the Growth Plan, Niagara Official Plan (2022), and the City of Port Colborne Official Plan, for the following reasons:
  - a. The proposed development will make efficient use of lands and existing municipal services and facilities.
  - b. The mixed-use form of the proposed development is considered to be an example of compact built-form and contributes to complete communities.
  - c. The density of development is appropriate for the Subject Lands due to their location on a Regional Road and planned active transportation infrastructure.
  - d. The proposed development is compatible with the surrounding residential lands and the proposed units will contribute to diversify the existing housing stock in the area.
  - e. An Environmental Site Assessment has been completed which supports the submission of a Record of Site Condition for the change in land use.

Report prepared by:



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Report reviewed and approved by:



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Senior Planner  
NPG Planning Solutions Inc.



## **9.0 Appendices**

### **Appendix A – Draft Official Plan Amendment**

#### **THE AMENDMENT**

All of this part of the document titled “Details of the Amendment” consisting of the following text and map designated Schedule “A”, constitutes Amendment No. XX to the Official Plan for the City of Port Colborne.

#### **DETAILS OF THE AMENDMENT**

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

1. Notwithstanding Section 3.8 of the Official Plan for the City of Port Colborne, a mix of uses including both ground floor commercial and a combination of ground floor and upper storey residential uses are permitted on the Subject Lands as shown on Schedule “A” to this amendment.

The following changes are made to Schedule A – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That the area shown as “Highway Commercial” and entitled “Schedule A to Official Plan Amendment No. XX”, shall be subject to Special Policy Area provisions and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.

#### **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.



Appendix B – Draft Zoning By-law Amendment

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. \_\_\_\_\_

**BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18, RESPECTING LANDS LEGALLY DESCRIBED AS LOTS 9, 10 AND PART OF LOT 11, REGISTERED PLAN NO. 767 AND BLOCK 'A' AND PART OF BLOCK 'B', REGISTERED PLAN NO. 775 IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA, AND MUNICIPALLY KNOWN AS 54 GEORGE STREET.**

**WHEREAS** By-law 6575/30/18, is a by-law of the Corporation of the City of Port Colborne regulating the use of lands and the location and use of buildings and structures within the City of Port Colborne;

**AND WHEREAS**, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

**NOW THEREFORE**, and pursuant to the provisions of Section 34 of *The Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule 1 from Highway Commercial (HC) to Mixed-Use (MU) Zone, being a special provision of the Non-Residential Buildings and Mixed-Use (Residential and Non-Residential) Buildings Zone.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Special Provision: MU-XX**

The zoning of the land is changed from Highway Commercial to MU-XX and the following special regulations shall apply

Minimum Front Yard	4.0 metres from the balcony 5.0 metres from building
Minimum Interior Side Yard abutting Residential Zone	5.0 metres from parking structure
Minimum Rear Yard	3.0 metres from parking structure
Maximum Height	20 metres (building)

**650 Main Street West, Port Colborne - Planning Justification Report**

Parking Spaces Required	132 total parking spaces on site
Parking Space Dimension – Standard Space Obstructed on One Side	2.6 x 5.2 metres
Ingress and Egress	Driveways shall have a minimum unobstructed width of 6.0 metres where two-way traffic is permitted
Loading Spaces	A loading space is permitted in a rear yard abutting residential uses
Minimum Landscaped Open Space within Parking Areas	No landscaped area proposed

4. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of *The Planning Act, R.S.O 1990*.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with *The Planning Act*.

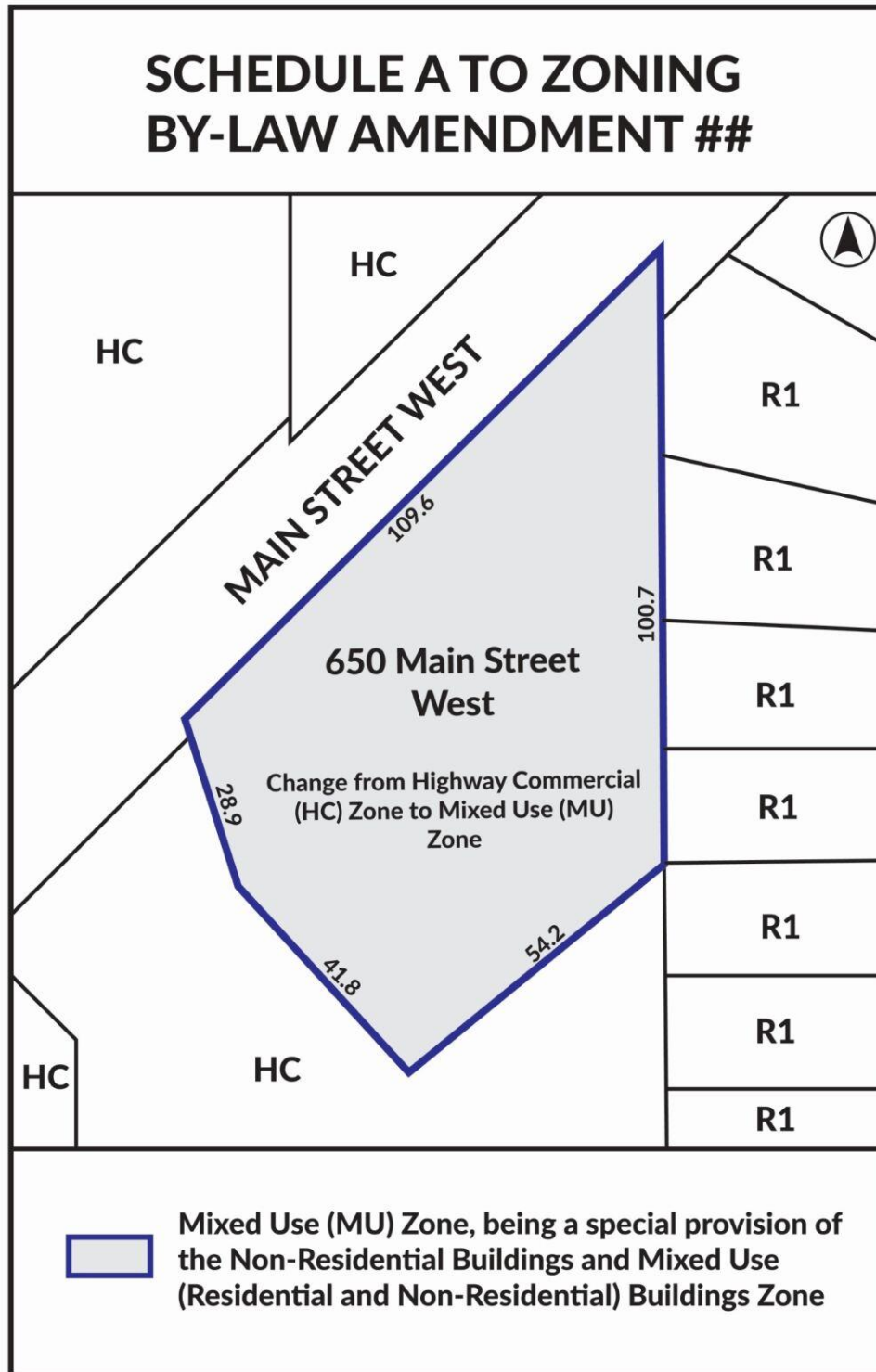
**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH DAY OF XXX, 2023**

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**William C Steele, MAYOR**

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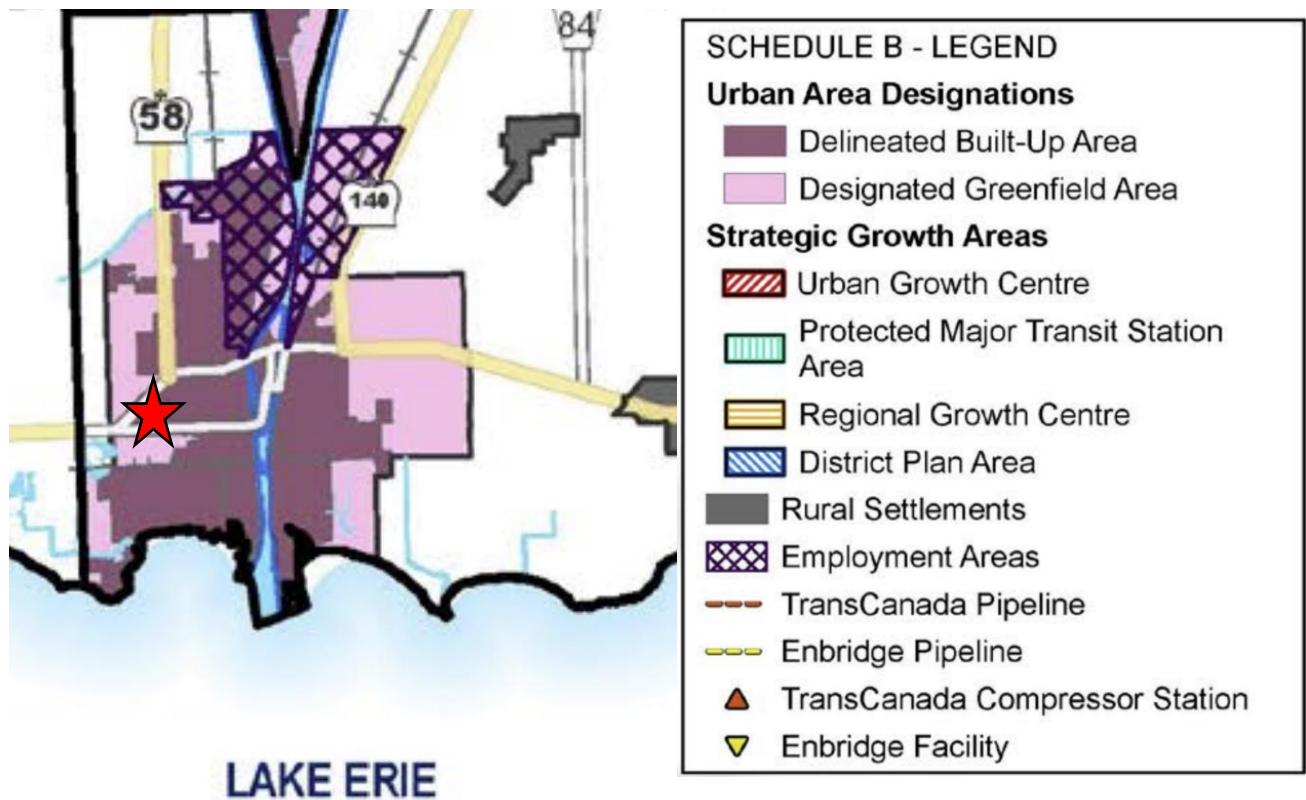
**Amber LaPointe, CLERK**





Appendix C – Niagara Region Schedules

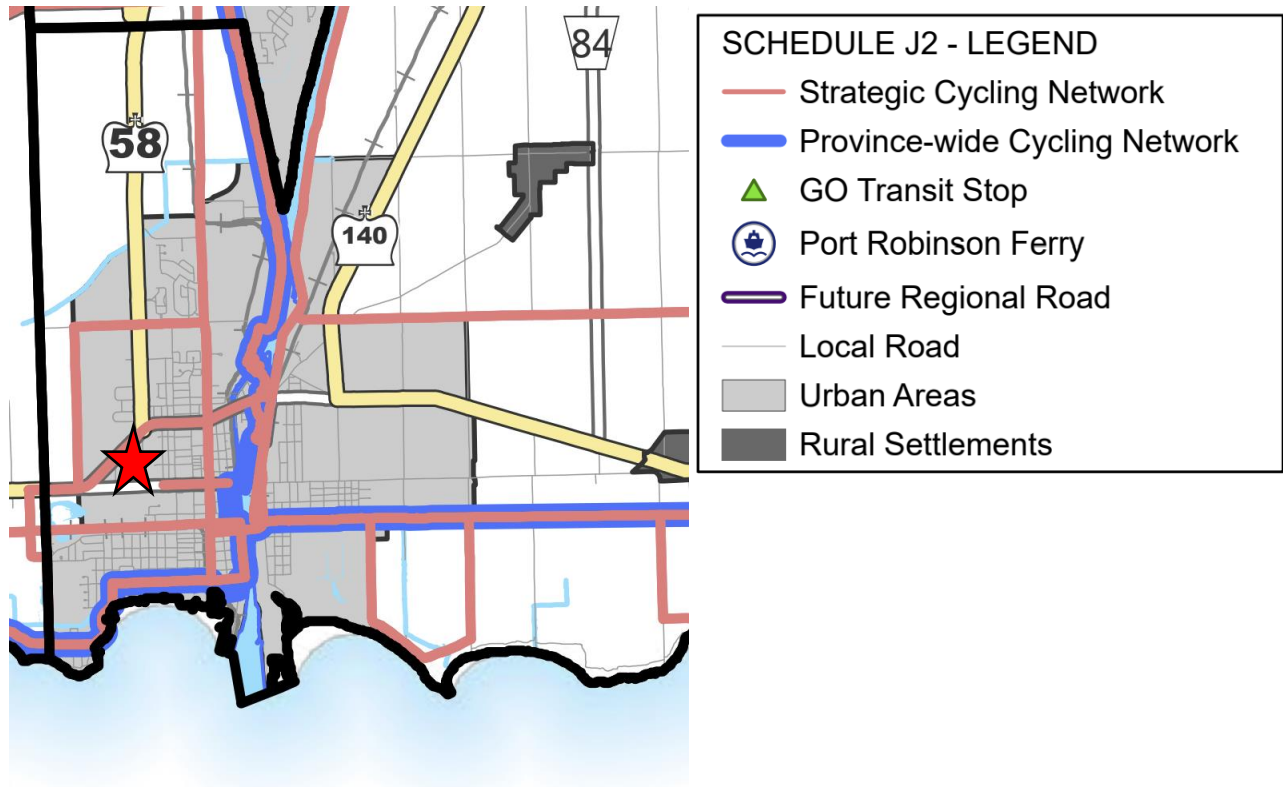
Schedule B – Regional Structure (Subject Lands marked with Red Star)



Schedule J1 – Transportation Infrastructure (Subject Lands marked with Red Star)



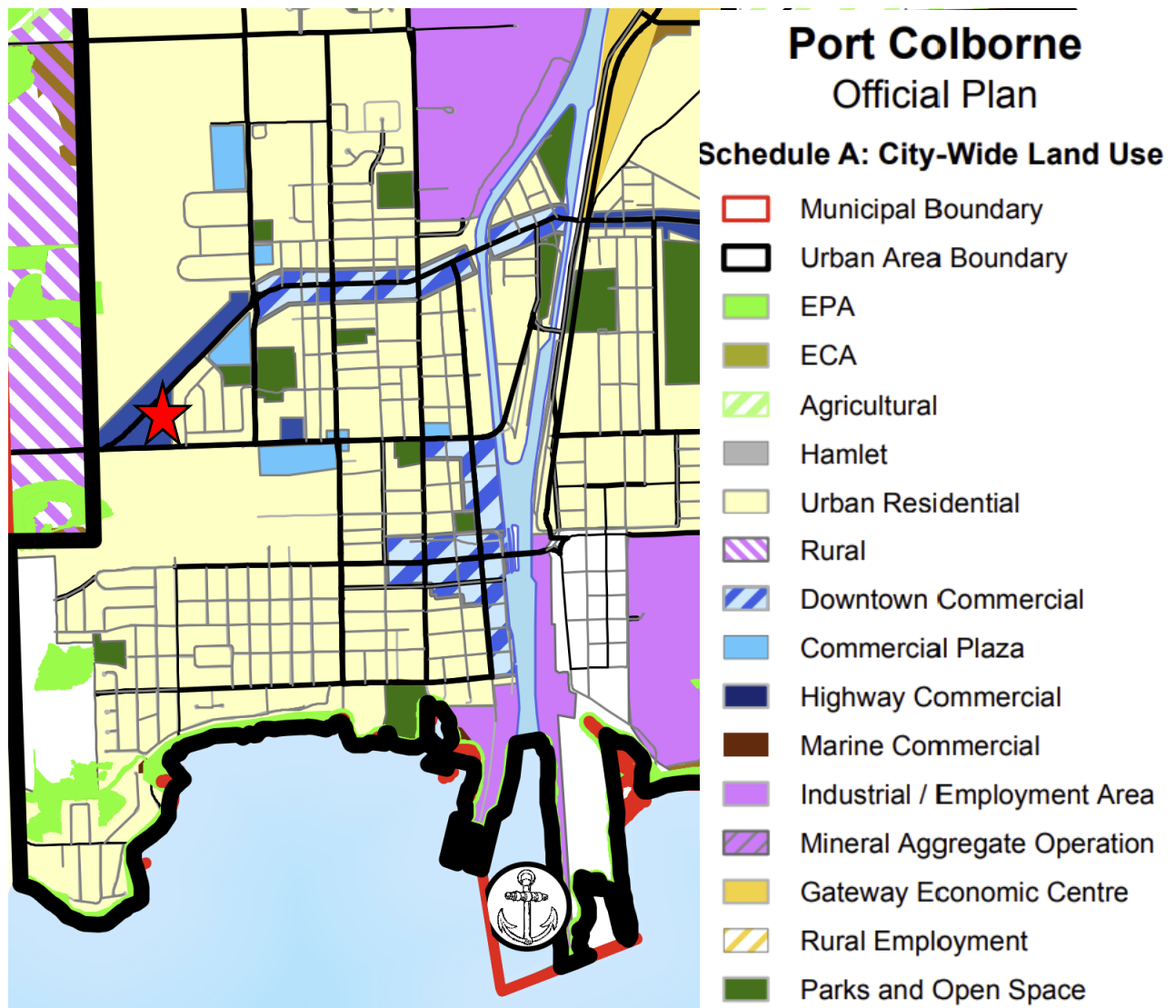
**Schedule J2 – Strategic Cycling Network (Subject Lands marked with Red Star)**



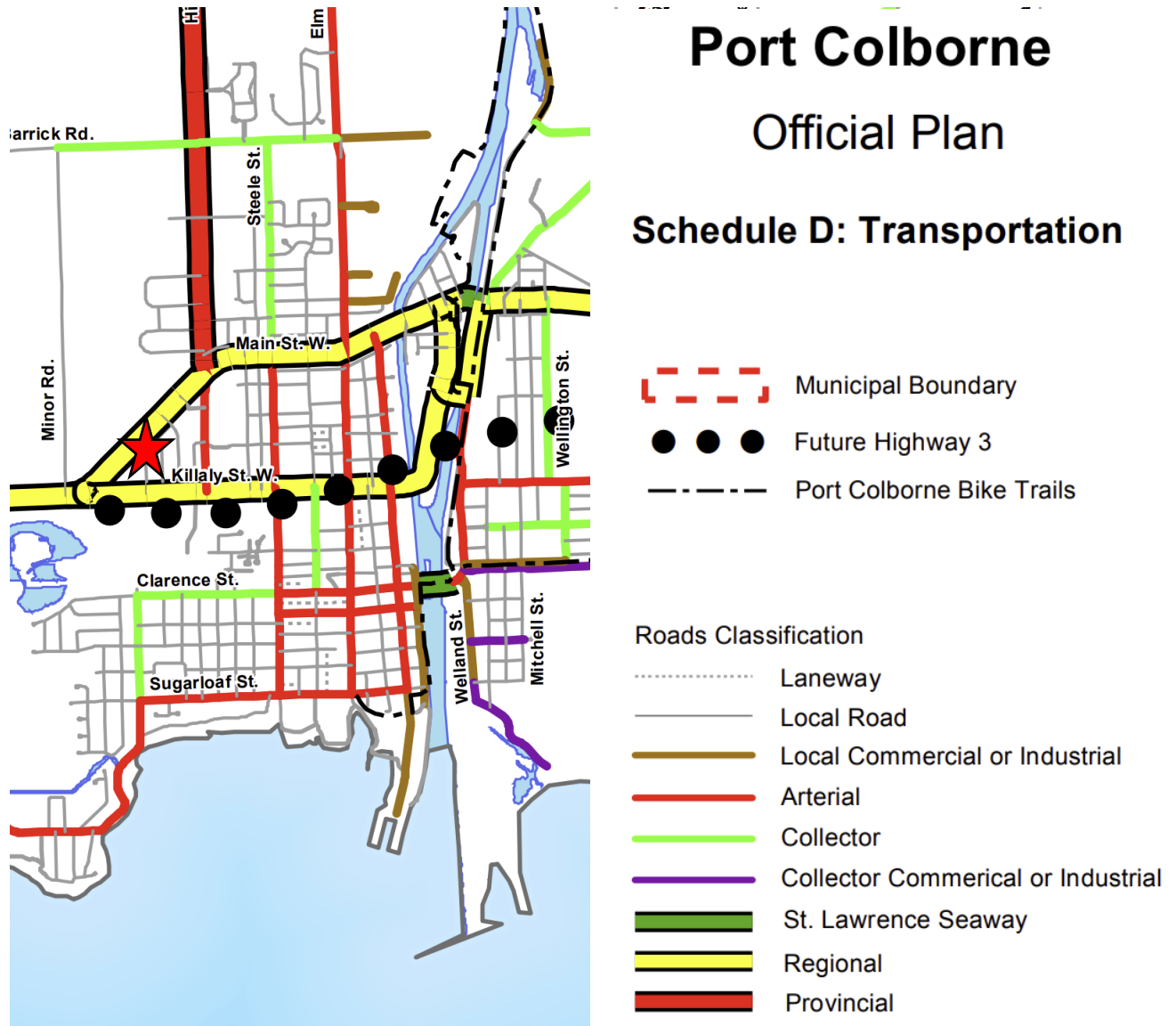
**LAKE ERIE**

Appendix D – City of Port Colborne Official Plan Schedules

Schedule A – Land Use Plan (Subject Lands marked with Red Star)



Schedule D – Transportation (Subject Lands marked with Red Star)



Appendix E – Zoning Schedule

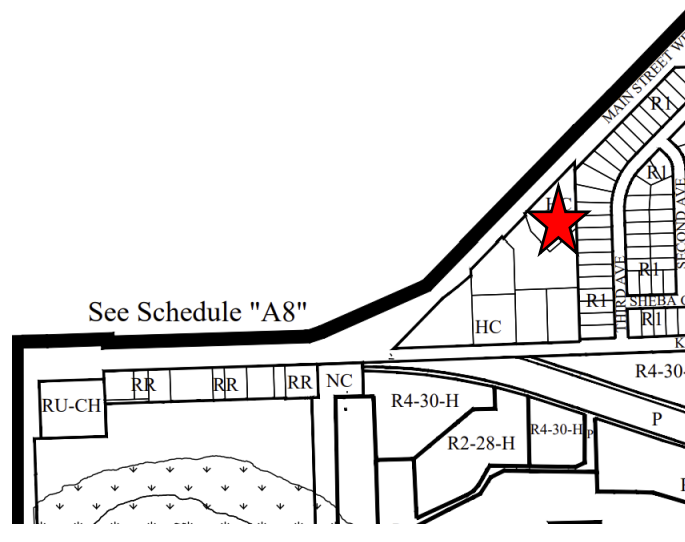
City of Port Colborne



**SCHEDULE "A7"**  
to By-law No. 6575/30/18

LEGEND

Symbol	Zone
R1	FIRST DENSITY RESIDENTIAL
R2	SECOND DENSITY RESIDENTIAL
R3	THIRD DENSITY RESIDENTIAL
R4	FOURTH DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
NC	NEIGHBOURHOOD COMMERCIAL
DC	DOWNTOWN COMMERCIAL
HC	HIGHWAY COMMERCIAL
MC	MARINE COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
HI	HEAVY INDUSTRIAL
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION



This is Schedule "A7" to By-law No. 6575/30/18



Appendix F – Site Plan

DEVELOPMENT STATISTICS				
NO.	SF	ACRES	%	
GROSS SITE AREA	6,384.9	65.008	1.006	100%
PAVING AREA	872.3	8.974	0.139	1.3%
LANDSCAPING - HARD	5,207.9	53.813	83.2%	
LANDSCAPING - SOFT	1,089.1	11.279	0.247	18.8%
LANDSCAPING - TOTAL	6,297.0	65.092	1.025	
LANDSCAPING - HARD	554.4	5.721	0.089	0.9%
TOTAL LANDSCAPING OPEN SPACE	1,484.6	15.380	0.237	23.0%
ASPHALT AREA	1,079.9	11.054	0.173	20.3%
MISC (CURBS ETC.)	34.4	0.353	0.005	0.0%
PARKING DECK	1,484.6	15.384	0.237	23.0%
GROUND FLOOR BLDG	1,384.2	14.223	0.211	24.2%
LOT COVERAGE	2,768.8	28.557	0.433	35.6%
BLDG GROSS FLOOR AREA (GFA) 100%	6,384.9	65.008		

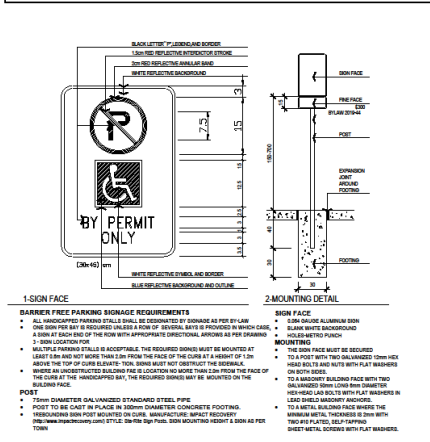
PARKING CALCULATIONS ZONING BY-LAW NO. 857/50/18				
USES	#	REQ'D	PROV'D	TOTAL
APARTMENT BUILDING - UNITS	85.0	1.28 SPACES PER DWELLING UNIT	108	108
COMMERCIAL SPACE - SQUARE METERS (SM)	336.0	1 SPACE PER 1000 GFA	3	3
TOTAL PARKING REQUIRED				111
PARKING DECK (SM) BELOW SPACE			43	43
AT GROUND FLOOR START OF PARKING DECK			58	58
AT SECOND LEVEL PARKING			132	132
TOTAL ON SITE PARKING			190	190
PARKING DEFICIT			0	0

LOADING SPACES CALCULATIONS ZONING BY-LAW NO. 857/50/18				
USES	#	REQ'D	PROV'D	COMPLY
101-150				COMPLY

ACCESSIBLE PARKING CALCULATIONS ZONING BY-LAW NO. 857/50/18				
USES	#	REQ'D	PROV'D	COMPLY
101-150				COMPLY

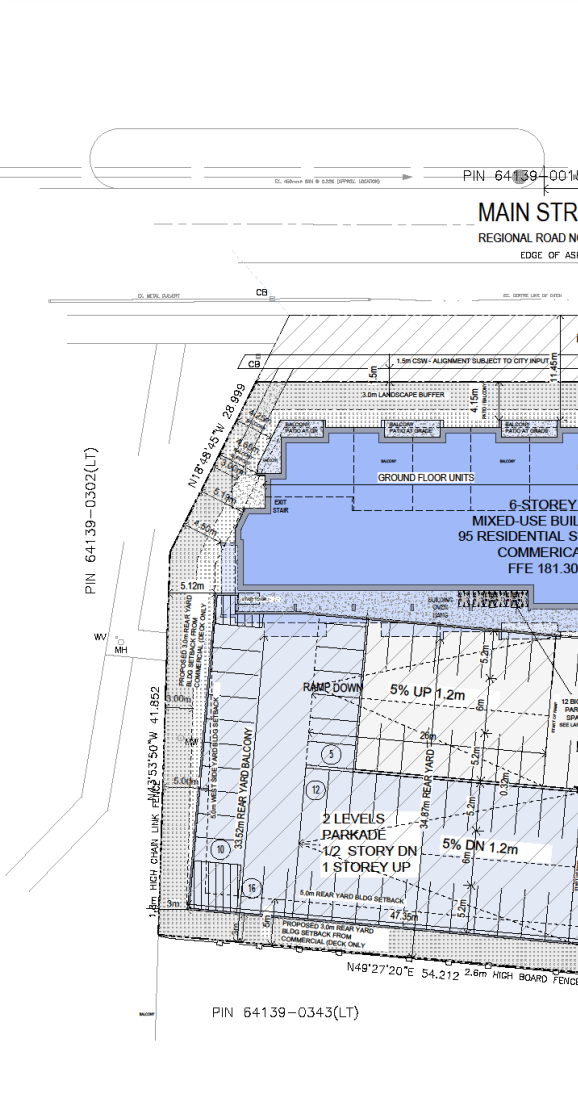
BIKEWAY PARKING CALCULATIONS ZONING BY-LAW NO. 857/50/18				
USES	#	REQ'D	PROV'D	TOTAL
APARTMENT BUILDING	85.0	ADDITIONAL 10 UNITS ABOVE 20	14	14
COMMERCIAL SPACE	336.0	1 SPACE PER 1000 GFA	1	1
TOTAL BIKEWAY PARKING REQUIRED			15	15
TOTAL ON SITE BIKEWAY PARKING			16	16

ZONING INFORMATION - ZONING BY-LAW NO. 857/50/18				
ZONED HC - HIGHWAY COMMERCIAL ZONE				
PERMITTED USES				
APARTMENT BUILDING				
COMMERCIAL				
ZONE REQUIREMENTS 24.3				
	REQUIRED	BLDG	PARKING	
MIN LOT FRONTAGE (AFTER DEDICATION)	15.0	105.3	5.0	
MIN LOT AREA (AFTER DEDICATION)	0.91A	0.921	NA	
MIN FRONT YARD	6.0M	NEW 5.15M BLDG	NA	
MIN INTERIOR SIDEYARD (WEST)	1.3M	5.15M BLDG	3	
MIN INTERIOR SIDEYARD (EAST) - RESIDENTIAL	2.0M / 2.5M	17.5M BLDG	5	
7.5M OR HALF OF THE HEIGHT OF THE RESIDENTIAL	4.5M	15.5M BLDG	3	
MAX WALKWAY HEIGHT - AVG OR GRASS TO PARAPET	1.1M	3.82	3	
LANDSCAPING (SEE SECTION 3.1)	REQ'D (M)	2.0M	4.4	
LOT LINE ADJACENT TO A PUBLIC ROAD	3	4.15		
LOT LINE ADJACENT TO A NON-ADJACENT LOT OF PUBLIC AND PARK ZONE	4			
LANDSCAPING OPEN SPACE WITHIN A PARKING AREA (FOR OR MORE SPACES)	REQ'D (M)	PROV'D		
PARKING SPACES + DRIVEWAYS + PARKING DECK (SEE TONE AREA)	10%	0.5M	2.38M	0%
LANDSCAPING (BLDG)	REQ			
PARKING STANDARDS				
PARKING STALL (2.3)	2.5 x 5.2			
PARKING STALL (2.3) - ACCESSIBLE	2.5 x 5.2			
ACCESSIBLE PARKING STALL (2.3)	2.5 x 5.2			
ACCESSIBLE STALL (2.3)	2.5 x 5.2			
BIKEWAY PARKING (2.1)	1.5 x 0.9 x 4.9			
LOADING STALL DIMENSION (3.1)	3.5 x 9.0 x 4.9			
DRIVEWAY (2-WAY TRAFFIC) (3.7)	7.5	6.0		

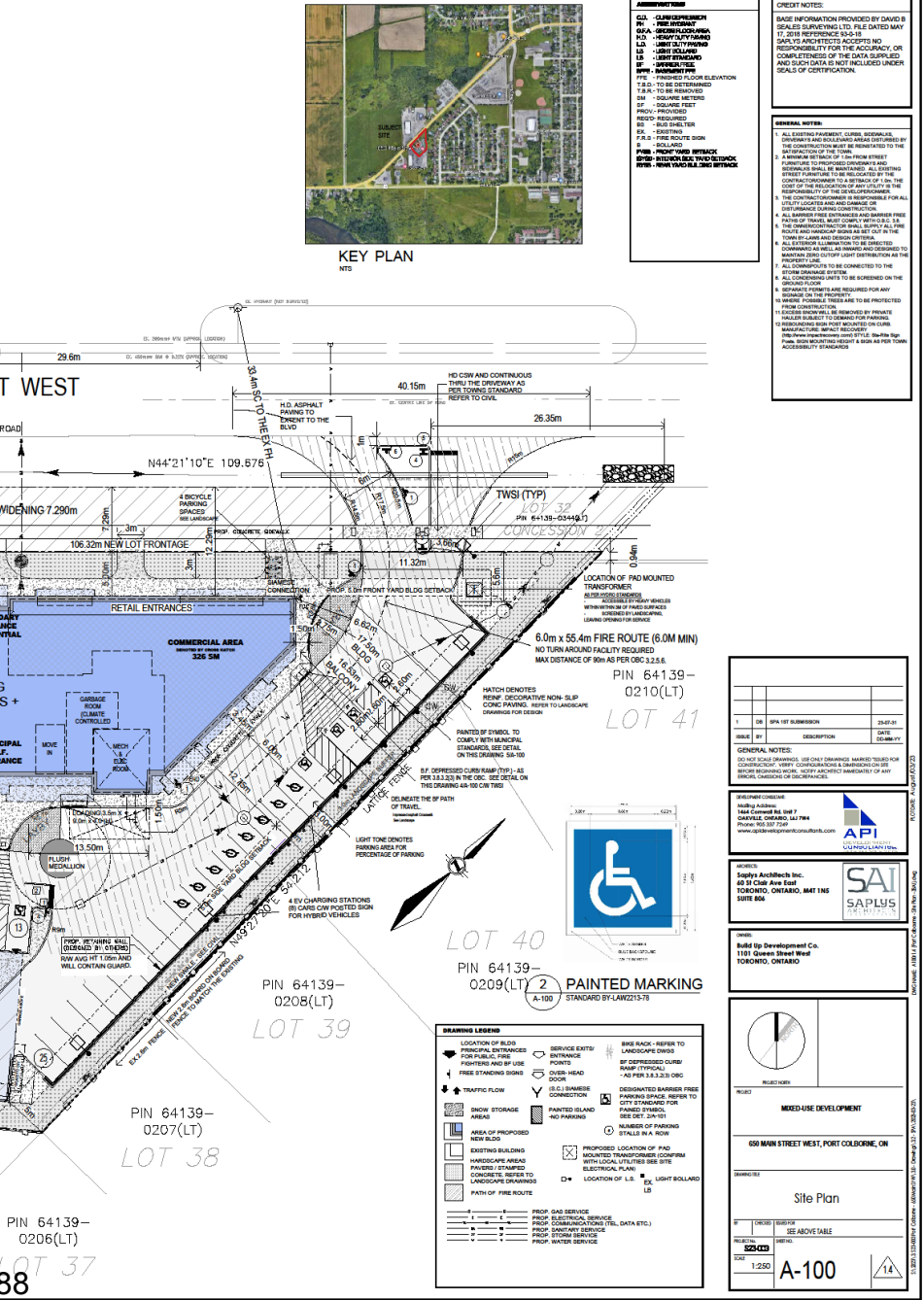


1. BARRIER FREE SIGN DETAIL  
A-100 N.T.S.

Port Colborne Mixed-use														
FL	HEIGHT	COMMERCIAL	AMENITIES	18+D	2B	2B+D	18 BF	2B BF	TOTAL	FLOOR PLATE	18+D	2B	2B+D	TOTAL
1	13.75	4.20	3.99	326.0	3,115	299.4	4	1	13,951	3,284.2				
2	9.68	2.95					8	4	15,244	1,416.2				
3	9.68	2.95					8	4	15,244	1,416.2				
4	9.68	2.95					8	4	15,244	1,416.2				
5	9.68	2.95					8	4	15,244	1,416.2				
6	11.15	3.4					8	4	15,244	1,416.2				
PARP	3.97	0.90					44	21	15	10	5			
T	65.62	20.00	3,599	326.0	3,115	299.4	46.3%	22.1%	15.8%	90,042	8,363.2			



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Site Plan  
A-100



DEVELOPMENT STATISTICS				
	SM	SF	ACRES	%
GROSS SITE AREA	6,095.0	65,606	1.506	100%
ROAD WIDENING AREA	787.3	8,474	0.195	13%
NET SITE AREA	5,307.7	57,132	1.312	87%
LANDSCAPING - SOFT	1,001.1	10,775	0.247	18.9%
LANDSCAPING - WALKWAYS	433.2	4,663	0.107	8.2%
LANDSCAPING - HARD	50.4	542	0.012	0.9%
TOTAL LANDSCAPE OPEN SPACE	1,484.6	15,980	0.367	28.0%
ASPHALT AREA	1,079.9	11,624	0.267	20.3%
MISC (CURBS ETC.)	34.4	370	0.009	0.6%
PARKING DECK	1,424.6	15,334	0.352	26.8%
GROUND FLOOR BLDG	1,284.2	13,823	0.317	24.2%
LOT COVERAGE	2,708.8	29,157	0.669	51.0%
BLDG GROSS FLOOR AREA (GFA) *OBC	8,365.2	90,042		

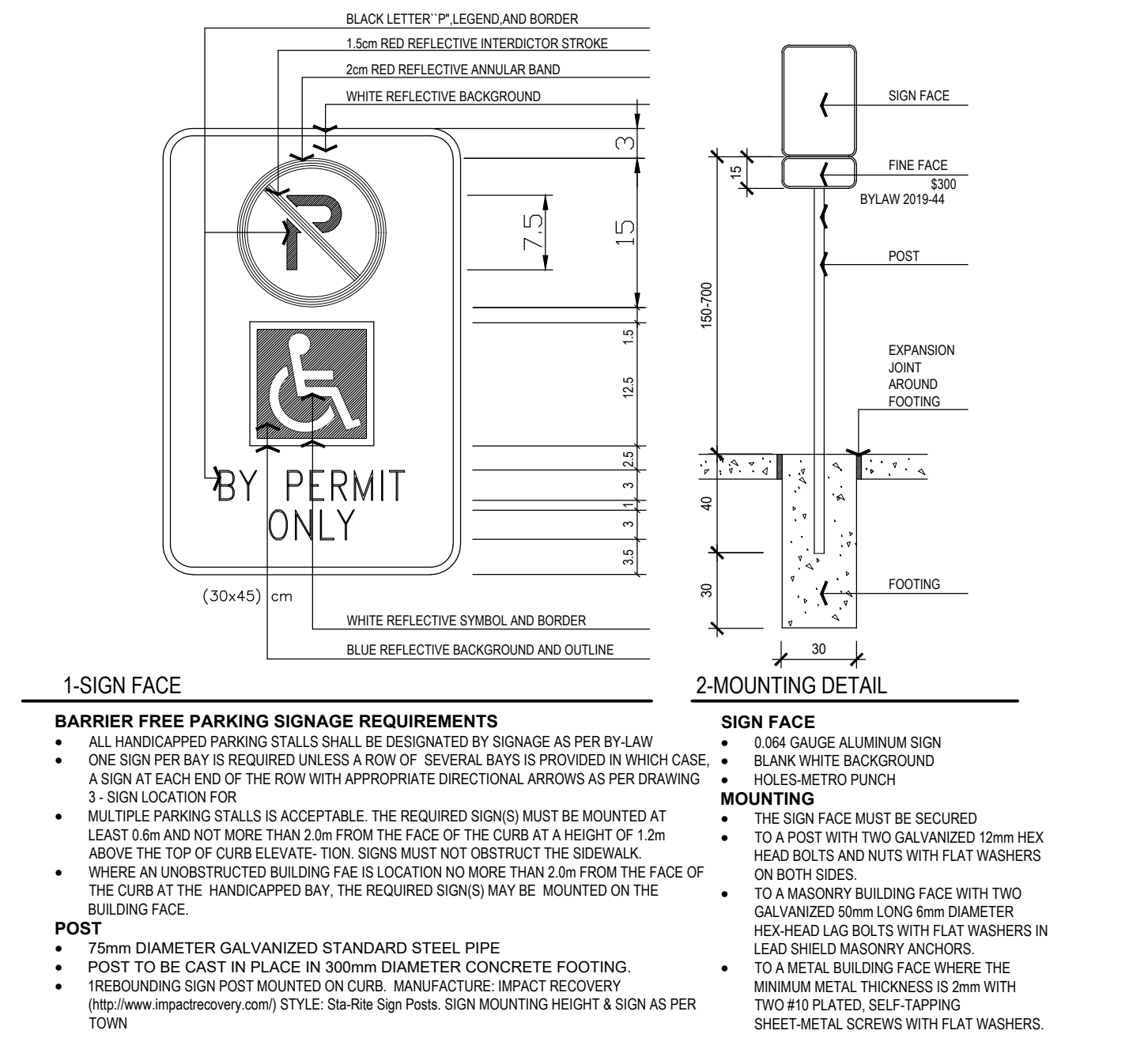
PARKING CALCULATIONS ZONING BY-LAW NO. 657/30/18			
USES	#	REQ'D	TOTAL
APARTMENT BUILDING - UNITS	95.0	1.25 SPACES PER DWELLING UNIT	119
COMMERCIAL SPACE - SQUARE METERS (SM)	326.0	1 SPACE PER 205M GFA	17
TOTAL PARKING REQUIRED			136
PARKING DECK SEMI BELOW GRADE			43
AT GRADE PARKING / START OF PARKING DECK			50
AT SECOND LEVEL PARKING			39
TOTAL ON SITE PARKING			132
PARKING DEFICIT			4

LOADING SPACES CALCULATIONS ZONING BY-LAW NO. 657/30/18			
USES	#	REQ'D	COMPLY
		N/A	1
			-

ACCESSIBLE PARKING CALCULATIONS ZONING BY-LAW NO. 657/30/18			
USES	#	REQ'D	COMPLY
101-150	6	6	YES

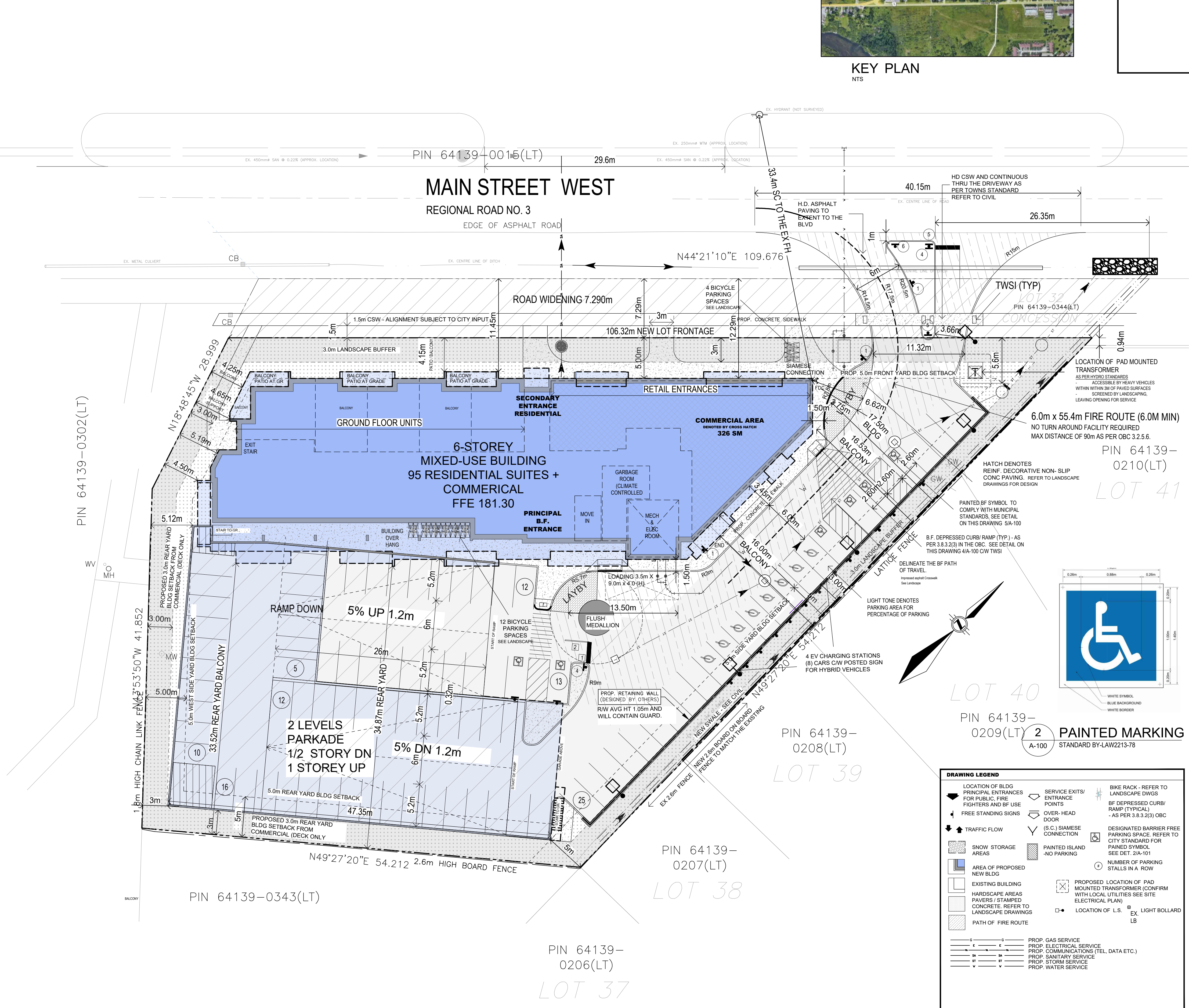
BICYCLE PARKING CALCULATIONS ZONING BY-LAW NO. 657/30/18			
USES	#	REQ'D	TOTAL
APARTMENT BUILDING	95.0	6 SPACES + 1 FOR EVERY ADDITIONAL 10 UNITS ABOVE 20	14
COMMERICAL SPACE	310.0	1 SPACE PER 1000SM GFA	1
TOTAL BICYCLE PARKING REQUIRED			15
TOTAL ON SITE BICYCLE PARKING			16

ZONING INFORMATION - ZONING BY-LAW NO. 657/30/18			
ZONED: HC - HIGHWAY COMMERCIAL ZONE			
PERMITTED USES			
APARTMENT BUILDING			
COMMERCIAL			
ZONE REQUIREMENTS 24.3			
	REQUIRED	BLDG	PARKING STRUCTURE
MIN LOT FRONTAGE (AFTER DEDICATION)	15.0	106.3	
MIN LOT AREA (AFTER DEDICATION)	0.5HA	0.531	
MIN FRONT YARD	9.0M	NEW PL 4.15m	N/A
MIN INTERIOR SIDE YARD (WEST)	1.2M	5.15m BLDG 4.25 BALCONY	3
MIN INTERIOR SIDE YARD (EAST) - RESIDENTIAL	20M / 2 = 10m	17.5m BLDG 16.0 BALCONY	5
7.5m OR HALF OF THE HEIGHT OF THE RESIDENTIAL			
MIN REAR YARD	4.5m	33.52	3
MAX BUILDING HEIGHT - AVG GRADE TO PARAPET	11M	20M	4.5
LANDSCAPE BUFFER PROVISIONS 3.1.1	REQ'D (M)	PROV.	
LOT LINE NOT ABUTTING A PUBLIC ROAD	3	4.15	
Lot Line Abutting a Residential, Institutional or Public and Park Zone	4	3	
LANDSCAPE OPEN SPACE WITH IN A PARKING AREA (100 OR MORE SPACES)	REQ'D (M)	PROV.	
PARKING SPACES + DRIVE AISLE + PARKING DECK (SEE TONE AREA)	10%	2,376.7	0%
LANDSCAPE AREA (ISLANDS)		0 SM	
PARKING STANDARDS	REQ	PROV.	
PARKING STALL (3.2)		2.6 x 5.2	
PARKING STALL OBSTRUCTED ON ONE SIDE (3.2)		2.6 x 5.3	
ACCESSIBLE PARKING STALL (3.2)		2.6 x 5.4	
ACCESSIBLE AISLE (SHARED) (3.2)		2.6	
BICYCLE PARKING (3.13)		1.8 x 0.3	
LOADING STALL DIMENSION (3.10)		3.5 x 9.0 x 4.0	
DRIVEWAY (2-WAY TRAFFIC) (3.7)	7.5	6.0	



1 BARRIER FREE SIGN DETAIL N.T.S.

Port Colborne Mixed-use													
FL	HEIGHT	COMMERCIAL	AMENITIES	1B+D	2B	2B+D	1B BF	2B BF	TOTAL	FLOOR PLATE	SQFT	SQM	
1	13.78	4.20	3,509	326.0	3,115	289.4	4	1	5	13,823	1,284.2		
2	9.68	2.95					8	4	3	18	15,244	1,416.2	
3	9.68	2.95					8	4	3	18	15,244	1,416.2	
4	9.68	2.95					8	4	3	18	15,244	1,416.2	
5	9.68	2.95					8	4	3	18	15,244	1,416.2	
6	11.15	3.4					8	4	3	18	15,244	1,416.2	
PARP	1.97	0.60	TOTAL	TOTAL	44	21	15	10	5	TOTAL	TOTAL		
T	65.62	20.00	3,509	326.0	3,115	289.4	46.3%	22.1%	15.8%	95	90,042	8,365.2	





**Subject: Laneway Stop up and Close Between Jefferson Avenue and Homewood Avenue**

**To: Council - Public Meeting**

**From: Office of the Chief Administrative Officer**

Report Number: 2023-199

Meeting Date: October 3, 2023

---

**Recommendation:**

That Chief Administrative Office Report 2023-199 be received; and

That the Economic Development and Tourism Services Division be directed to bring a Stop Up and Close By-law for the property shown on Appendix A to the October 24, 2023, Council meeting for City consideration.

---

**Purpose:**

This report has been written to bring forth a Stop-up and Close By-law for the property shown in Appendix A. The decision to sell this property is not the subject of this report.

---

**Background:**

The Economic Development and Tourism Services Division has undertaken a review of City-owned property to identify potential surplus lands that could be made available to support development opportunities, expand the City tax base, and save the City maintenance cost and potential liability.

One such property is the unimproved laneway lying between Jefferson Avenue and Homewood Avenue, abutting 17 Jefferson Avenue and 16 Homewood Avenue to the South and 459, 451 Sugarloaf Street and 2 Homewood Avenue to the north.

This property was declared surplus April 11, 2023 (Report 2023-56) Council meeting. Council will be in a position to consider the sale of this parcel at a future date. In order to make that decision, the laneway must be closed first through a stop-up and close process and by-law.

---

**Discussion:**

The subject parcel is currently generating no tax revenue for the City and serves no operational purposes. Additionally, the property could be a liability for the City. Staff feel that the better use of the property would be achieved by private ownership. The EDTS team has determined that the Stop-up and Close process is the next necessary step after the property was declared surplus to move to divest the property in the future.

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**Internal Consultations:**

Other City departments were consulted on this report and no comments were forthcoming.

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**Financial Implications:**

There are no financial implications to this report.

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**Public Engagement:**

Public Notice was provided through ads in the Port Colborne Leader on August 24, 31, September 7 and September 14, 2023.

No comments have been received as of September 25, 2023.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar of the strategic plan:

- Welcoming, Livable, Healthy Community
- 

**Conclusion:**

The Economic Development and Tourism Services Division has undertaken a review of City-owned property to identify potential surplus lands as part of the City Real Estate project. The unimproved laneway lying between Jefferson Avenue and Homewood Avenue, abutting 17 Jefferson Avenue and 16 Homewood Avenue to the South and

459, 451 Sugarloaf Street and 2 Homewood Avenue to the north was identified as part of this project.

The laneway was declared surplus at the April 11, 2023 (Report 2023-56) Council meeting and the next step is to prepare for a potential future property sale.

It is recommended that Council direct staff to bring forward a Stop up and Close By-law to the October 24, 2023, Council meeting.

---

## **Appendices:**

- a. Laneway Property Map

Respectfully submitted,

Bram Cotton  
Economic Development Officer  
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[Bram.Cotton@portcolborne.ca](mailto:Bram.Cotton@portcolborne.ca)

Gary Long  
Manager of Strategic Initiatives  
(905) 835-2900 Ex. 502  
[Gary.Long@portcolborne.ca](mailto:Gary.Long@portcolborne.ca)

## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



Public highway lying between Jefferson Avenue (left) and Homewood Avenue (right) north of Sugarloaf Street.

