

**City of Port Colborne
Council Meeting Addendum**

Date: Tuesday, November 28, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

9. Staff Reports

- *9.7 Recommendation Report for Proposed Zoning By-law Amendment for
395 Elm Street - File No. D14-05-23, 2023-241

1

**Subject: Recommendation Report for Proposed Zoning By-law
Amendment for 395 Elm Street - File No. D14-05-23**

To: Council

From: Development and Legislative Services Department

Report Number: 2023-241

Meeting Date: November 28, 2023

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2023-241 be received; and

That the Zoning By-law Amendment attached as Appendix A to Planning Division Report 2023-241 be approved; and

That Council require no further public notice in accordance with Section 34(17) of the *Planning Act*; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding an application for a Zoning By-law Amendment submitted by 13489116 Canada Inc. and Antech Design & Engineering for the lands legally known as Lot 29 on Plan 24, Parts 4 & 6 on Plan 59R-9034, and Concession 1, Part of Lot 29, being Part of Lot 2 on Plan 59R-2366, on the east side of Elm Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 395 Elm Street and the vacant hydro corridor to the south.

Background:

An application for a Zoning By-law Amendment was submitted on June 14, 2023. The application was originally deemed incomplete, pending the completion and submission

of the required Phase One and Two Environmental Site Assessments (ESA). Following the submission of the required ESAs on August 8, 2023, the application was deemed complete. The site was originally proposed to be developed as an 82-unit apartment building; however, given comments the applicant received from the Public Meeting and staff, the proposal has been revised to a 78-unit apartment building. The following reports and plans have been submitted to facilitate the development of the lands: a Conceptual Site Plan, a Planning Justification Report (PJR), Renderings, and Phase One and Two ESA Reports. The site plan, PJR and renderings are attached as Appendices B through D and are available on the City's website under the "Current Applications" webpage.

The Zoning By-law Amendment proposes to change the zoning from Second Density Residential with a Conversion Holding (R2-CH) and Second Density Residential (R2) to a special provision of the Downtown Commercial zone to permit a 78-unit apartment building. The original request for amendment to the Downtown Commercial zoning proposed a parking rate of 0.95 spaces per unit. Based on conversations with staff, the applicant was able to provide six additional parking spaces on-site, which will revise the parking rate being requested to 1.1 spaces per unit, where 1.25 spaces per unit is typically required. Further amendments requested in the amendment include: providing an aisle width of 6 metres, where 7.5 metres is typically required; to permit a landscape buffer of 1 metre, where a landscape buffer of 3 metres is typically required; permit a minimum landscaped area of 20% of the lot area, where 25% is typically required; and permit a parking space width of 2.5 metres, where a width of 2.6 metres is typically required.

A Public Meeting was held on September 5, 2023, where Council heard comments and questions from members of the public.

Discussion:

Planning Legislation

Planning staff reviewed these applications with consideration of several legislated planning documents including the *Planning Act, R.S.O., 1990*, as amended, the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Niagara Official Plan, the City of Port Colborne Official Plan, and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18. For any application to be supported by Staff, it must conform to or be consistent with the aforementioned plans and legislation.

Planning Act

Section 2 of the *Planning Act* outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of a Zoning By-law Amendment.

Planning staff have reviewed the applications in light of the provincial interests identified in Section 2 of the Planning Act, as well as the aforementioned planning documents, which are examined in greater detail below.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS directs growth to Settlement Areas and encourages development and land use patterns to be based on densities and a mix of land uses to efficiently use land and resources. The application proposes to develop in a settlement area in which municipal services are currently available. The proposed apartment building will help contribute to an appropriate range and mix of housing types and densities within the City and immediate neighbourhood. The proposed Zoning By-law Amendment requests additional site-specific amendments that will provide an efficient and compact development within the Downtown Commercial area, which is an area in which the City supports intensification and aligns with the PPS.

Planning staff are of the opinion that the applications are consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe (2020)

Like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan policies support the achievement of complete communities that are designed to support healthy and active living and meeting people’s needs for daily living throughout their lifetime. The Growth Plan encourages communities that 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.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the Growth Plan. The proposed application supports the priorities of the Growth Plan through intensification and providing a mix of housing types within the City and neighbourhood.

Niagara Official Plan (2022)

The subject property is located within the Delineated Built-Up Area according to the Niagara Official Plan (NOP). The main objectives of this section are as follows:

- Manage growth within urban areas;
- Accommodate growth through strategic intensification and higher densities;
- Promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community;

These objectives are supported by specific policies within Section 2 of the NOP. The proposed development will provide a higher density housing option and will provide intensification within the City's Built-Up Area. The proposal helps the City achieve its 30% intensification target. Overall, based on the policies of the NOP, the proposed development is generally encouraged. Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the NOP. Additionally, the Niagara Region has provided comments on the proposed application and have confirmed that in their opinion, the application conforms to the NOP.

City of Port Colborne Official Plan (2017)

The subject property is located within the Built-up Area and Downtown Commercial designation according to the City's Official Plan (OP). The OP supports intensification that is accommodated within the Urban Area and where development is compatible with surrounding uses. Section 2.4.3 of the City's OP provides direction for residential development proposals as follows:

2.4.3 Intensification and Infill

As identified on Schedule A1, intensification will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire Built-up area, which will count towards the municipality's 15% intensification target, shall occur in accordance with the applicable policies of this Plan.

- a) *The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*
- c) *The objectives of the intensification policies of this Plan are to:*
 - i) *Revitalize and support the Downtown by promoting intensification in the Downtown areas;*
 - ii) *Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;*

iii) Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;

Sections B and C, iv and v are not relevant to this application.

2.4.3.1 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.

The above policies are achieved through the proposed redevelopment as intensification is encouraged within the built boundary of the City and specifically in the Urban area. The proposed residential use of the property is compatible with the surrounding residential and commercial uses.

Section 3.6 of the OP sets out the policies for developments within the Downtown Commercial designation. Residential uses such as apartment buildings are permitted in the Downtown Commercial designation, subject to the following policies (policies b, c, d, f, j, and k have been omitted as they are not relevant to this application):

a) Any new or expanding development in the Downtown Commercial area is subject to Site Plan Control except for low density residential uses as described in Policy 3.2.1 (a), including new and expanding commercial uses.

The proposed development will be subject to Site Plan Control prior to being permitted to begin construction.

e) New apartment buildings shall be developed so that they are appropriately integrated into the downtown area.

In staff's opinion, the apartment building is proposed to be developed appropriately in the downtown area. There currently exists a mix of uses in the immediate area in which the apartment building will contribute to.

g) Adequate off-street parking facilities, including consideration for bicycles shall be required in well-organized, landscaped and well illuminated parking areas or structures.

Parking, including parking for bicycles will be provided on site. The application requests a minor reduction in parking rate that will still ensure there is adequate parking for all apartment units, as well as visitor's parking.

- h) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.*

A through driveway has been proposed through the site that will provide adequate access to the site for vehicles and fire purposes.

- i) New and expanding Commercial uses may be required to submit a Traffic Impact Assessment, prepared by a qualified professional which identifies the potential traffic generated by the development, methods of mitigating any potential impacts and any improvements that may be required to the existing road network in order to accommodate the proposed development;*

A Traffic Brief will be requested through the site plan control process to follow. This brief will ensure the site is designed adequately for traffic/access purposes. Additionally, if any turning lanes are required, this will be identified in the report. Any upgrades required to the City's right-of-way will be at the sole cost of the developer.

- l) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly.*

The Design Guidelines to follow have been reviewed through the application process.

Section 3.6.3 of the OP provides the Design Guidelines for developments within the Downtown Commercial designation. Relevant policies have been provided below:

- Development will be consistent with the placement and character of the surrounding built form.*
- The maximum height of buildings shall be six (6) storeys.*
- Buildings should generally maintain the established building line for the front yard setback.*
- All buildings shall front on and be oriented to the street.*

The building design and site layout is complimentary to the above-noted policies. The building will have a maximum height of six storeys and will be situated on site to limit any negative impacts to neighbouring properties.

Relevant policies under section 3.6.3.2 Parking, Access and Loading Areas have also been reviewed as follows:

- Where vehicular access is required from the front to the rear of the property, reduced standards for driveway widths shall be encouraged.*
- Service and loading areas should be oriented to the rear of the building.*

- *All parking areas shall be placed at the rear of buildings and accessed from side streets as to maintain a continuous building edge and a pedestrian-friendly street environment.*
- *Where parking areas are adjacent to side streets, a landscape buffer such as hedge or tree planting should be placed between the sidewalk and parking area.*
- *Larger parking areas are encouraged to incorporate landscape edge treatments along public streets and landscaping medians to break up larger areas of asphalt and should be designed as follows:*
 - *Screening should be provided between parking areas and adjacent residential properties.*
 - *Buffers should be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.*
 - *Landscape islands shall be placed at the ends of all parking aisles iv) Parking aisles with a length of more than 15 stalls should be broken up with landscape islands.*
 - *All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.*
 - *Large parking areas shall be broken up with linear 'pedestrian only' sidewalks planted with a consistent row of trees.*
 - *Parking for bicycles shall be included, which shall be consistent with professionally recognized guidelines.*

The above-noted policies have been considered through the design of the site plan. The site features reduced driveway width standards which helps provide more parking on site. Service and loading areas have been provided to the rear of the building (looking from Elm Street). Given the proposed plan, parking has been provided to the side of the building, however the building does provide some buffering from the Elm Street side. Landscape buffers and parking islands have been provided on the proposed site plan. Landscaping details such as plantings and screening will be further reviewed through the site plan control process to follow.

In summary, the proposed development of the site meets the above policies with respect to intensification and the applicable design guidelines as the proposed development will contribute to a variation in building typology and density. Staff find the proposal conforms with the City's OP.

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

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject property as Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2). The Zoning By-law Amendment proposes to change the zoning from Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2) to DC-76, being a site-specific Downtown Commercial zone

that will permit a 78-unit apartment building. The following site-specific amendments to the DC zone are proposed (full proposed amendment is attached as Appendix A):

Notwithstanding the provisions of sections 3 and 23 of Zoning By-law 6575/30/18, the following regulations shall apply:

a) Minimum parking spaces	1.1 spaces per unit (1.25 typically required)
b) Minimum standard parking space width	2.5 metres (2.6 metres typically required)
c) Minimum driveway aisle width	6 metres (7.5 metres typically required)
d) Minimum landscape buffer	1 metre (3 metres typically required)
e) Minimum landscaped area	20% of the lot area (25% typically required)

Staff have reviewed the proposed amendments to the Zoning By-law and find that they are appropriate for the development of the site. The proposed reductions in parking spaces and parking space width will allow for additional residential units to be accommodated in the development while still providing sufficient parking on site. The site-specific provisions are not anticipated to negatively impact the surrounding land uses as there will still be landscaping and screening established through the site plan control process. Staff recommend that the proposed Zoning By-law Amendment be approved.

Internal Consultations:

The application was circulated internally to applicable departments and agencies on August 16, 2023, and the following comments have been received as of the date of preparing this report:

Fire Department

“Port Colborne Fire has no objection to the application.”

Ministry of Transportation

“The subject property is located outside the MTO Permit Control Area and therefore, we have no comments.”

Niagara Region

(Full comment attached as Appendix E)

“Staff of the Growth Strategy and Economic Development Department is satisfied that the proposal is consistent with the *Provincial Policy Statement*, and conforms to Provincial and Regional plans, subject to an RSC being filed for the subject lands. As noted above, this requirement can be managed through the future Site Plan application.”

Financial Implications:

The change in land use from a vacant property to residential will result in an increase in the assessment base in the City and new water and wastewater users over time.

Public Engagement:

Morgan MacLean – No address provided

- Concerns with the proposed height of the building blocking sunlight to neighbouring homes.
- Concerns with the reduction in parking and vehicles using Catharine Street to park.
- Concerns with snow removal and piling on the subject property with the reduced landscape buffers and area.
- Concerns with the type of apartment building tenure and impact to property values.
- Questions regarding remediation of the site and its suitability for residential development.

Additional comments were orally heard at the Public Meeting, with the main concerns being the following:

- Concerns with the number of units and lack in parking – worried about cars overflowing onto the street.
- Concerns with respect to the timing of the development and construction.
- Concerns with bedrock being blasted and damage to nearby homes.
- Height of the building and overlook is a concern for the neighbouring properties.

Staff have provided responses to each of the concerns raised below.

Parking Concerns

The applicant has revised the plan to reduce the number of apartment units to 78. Additionally, the applicant was able slightly revise the site plan to provide an additional

six space on site, for a total of 86 parking spaces. The revised parking rate provides 1.1 spaces per unit. This will ensure that each unit on site will have a parking space, as well as additional spaces to accommodate visitor parking. Any vehicles parked on municipal streets are required to comply with the City's Parking By-law.

Snow Concerns

In response the comment regarding snow removal on site, staff will require a clause in the registered site plan agreement that acknowledges that the owner is responsible for all snow clearing and/or removal, if required.

Apartment Unit Tenure

Apartment unit tenure is not something that is subject to this application.

Environmental/Remediation Concerns

The applicant has completed Phase One and Two Environmental Site Assessments which have reviewed the property. As a result of the studies, the applicant is required to file a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks (MECP). The RSC will not be filed by the Ministry until it is confirmed that the site is remediated/clean. The final building permit for the residential use cannot be issued until the RSC is filed.

Timing and Construction

There were concerns raised with respect to the timing of the construction as well as blasting/hoe ramming during construction. The timing of the construction is not certain at this point; however, if this application is approved, a site plan control process will follow. This process typically takes about four to six months. Following that, construction would be able to begin. There are factors out of the City's control that could alter these timelines. The developer has indicated that construction would likely to start in 2025.

With respect to blasting/hoe ramming concerns, the applicant has indicated based on their geotechnical study that there will be limited need to go into the bedrock due to the existing depth.

Building Height

The City's OP provides policy direction for the Downtown Commercial area. The policies permit a maximum height of six-storeys for residential buildings such as this one. Typically, higher densities and height are permitted along arterial roads. It is staff's position that the proposed development is suitable for the area given its location along Elm Street, which is an arterial road. The height of the building is within the policies of the Official Plan for the Downtown Commercial area.

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
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Based on the review of the application and applicable Provincial, Regional, and City planning policies, Planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Niagara Official Plan, and City Official Plan, and represents good planning. Staff recommends that the Zoning By-law Amendment attached as Appendix A, be approved.

Appendices:

- a. Zoning By-law Amendment
- b. Site Plan
- c. Planning Justification Report
- d. Renderings
- e. Niagara Region Comment

Respectfully submitted,

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

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 for the lands legally known as Lot 29 on Plan 24, Parts 4 & 6 on Plan 59R-9034, and Concession 1, Part of Lot 29, being Part of Lot 2 on Plan 59R-2366, on the east side of Elm Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 395 Elm Street and the vacant hydro corridor to the south

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 “A7” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Second Density Residential with Conversion Holding (R2-CH) and Second Density Residential (R2) to DC-76, being a special provision of the Downtown Commercial (DC) zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

DC-76

Notwithstanding the provisions of sections 3 and 23 of Zoning By-law 6575/30/18, the following regulations shall apply:

- | | |
|---|---------------------|
| a) Minimum parking spaces | 1.1 spaces per unit |
| b) Minimum standard parking space width | 2.5 metres |
| c) Minimum driveway aisle width | 6 metres |
| d) Minimum landscape buffer | 1 metre |
| e) Minimum landscaped area | 20% of the lot area |

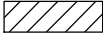
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

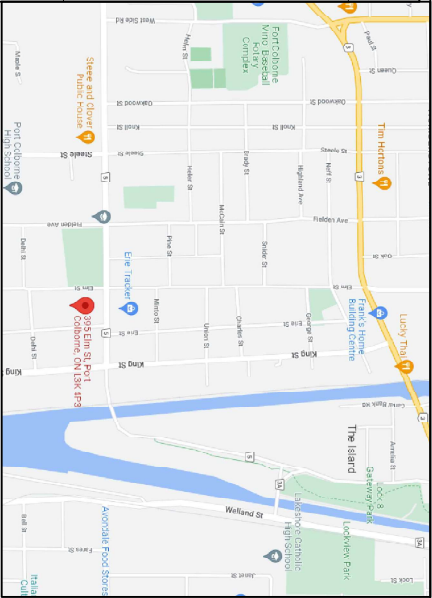
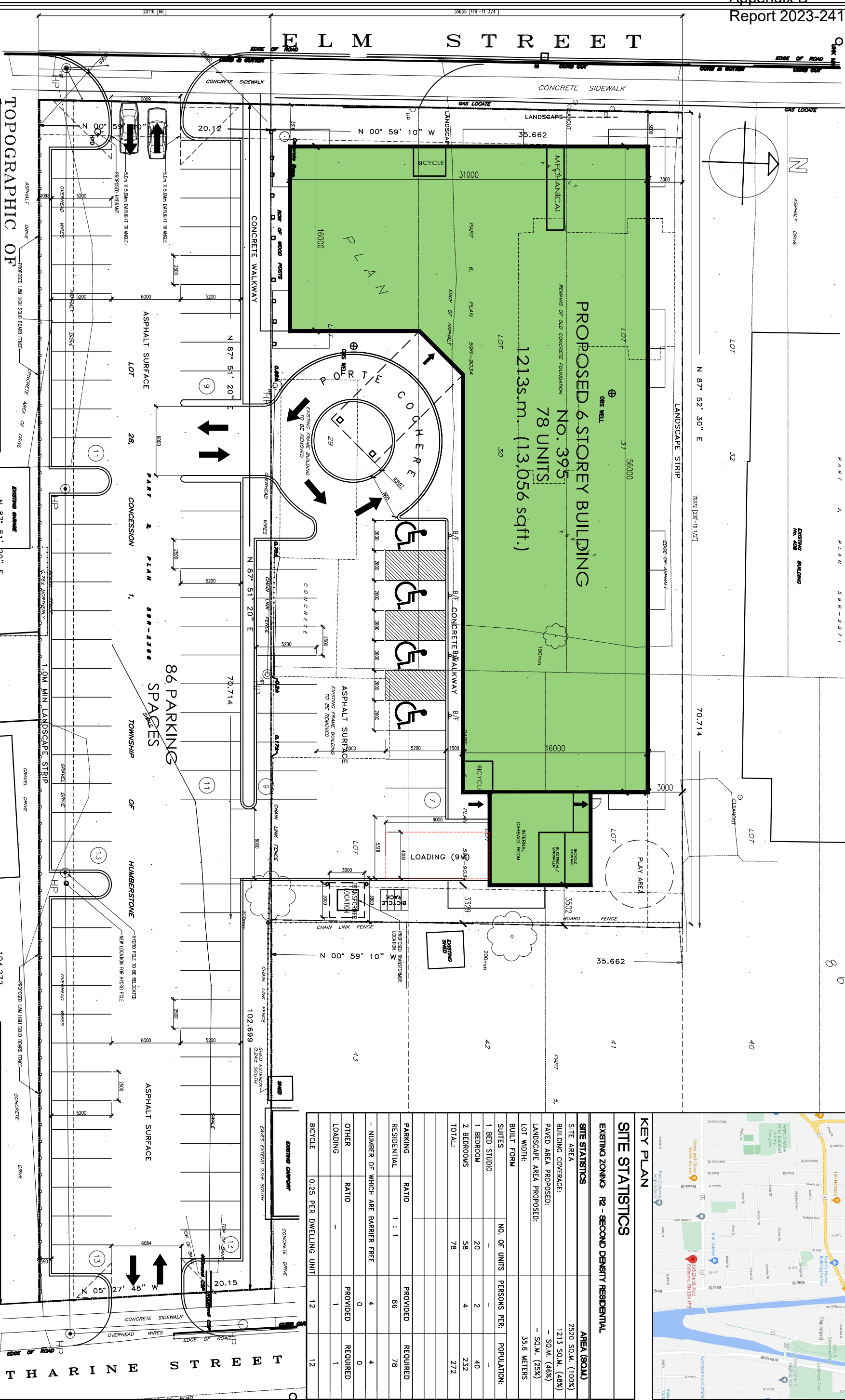
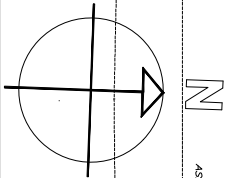
Enacted and passed this day of , 2023.

William C Steele
Mayor

Saima Tufail
Acting City Clerk



<p>This is Schedule "A" to By-law No _____</p> <p>Passed _____, 2023</p> <p>_____ Mayor</p> <p>_____ Clerk</p>	<p> - Lands to be rezoned to DC-76</p> <p>August 2023</p> <p>File No. D14-05-23</p> <p>Drawn by: DS - City of Port Colborne Planning Division</p> <p>Not to scale</p>
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KEY PLAN

SITE STATISTICS

EXISTING ZONING: R2 - SECOND DENSITY RESIDENTIAL

SITE STATISTICS		AREA (90M)
SITE AREA		2520 SQ.M. (100%)
BUILDING COVERAGE:		1213 SQ.M. (48%)
PAVED AREA PROPOSED:		- SQ.M. (48%)
LANDSCAPE AREA PROPOSED:		- SQ.M. (25%)
LOT WIDTH:		35.6 METERS
BUILT FORM		
SUITES	NO. OF UNITS	PERSONS PER:
1 BED STUDIO	-	-
1 BEDROOM	20	40
2 BEDROOMS	58	232
TOTAL:	78	272
PARKING		
RATIO	1 : 1	PROVIDED 86 REQUIRED 78
- NUMBER OF WHICH ARE BARRIER FREE		4 4
OTHER	RATIO	0 0
LOADING	PROVIDED 1 REQUIRED 1	
BICYCLE	0.25 PER DWELLING UNIT	12 12

1 SITE PLAN

A1 SCALE 1:200

LANDS MUNICIPALLY KNOWN AS
#395 ELM STREET
CITY OF PORT COLBORNE
TAKEN FROM PLAN BY: SUDA & MALESZYK SURVEYING INC. (2022)

ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED. THIS ARE
TAKEN TO FOUNDATION UNLESS OTHERWISE NOTED

PARK LOT 8.

WIDE LANE

PLAN 987, 988, 989

NOT TO BE USED
FOR CONSTRUCTION

LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: info@lintack.com
www.lintack.com

FOR REZONING
ASSOCIATION OF ARCHITECTS
RICHARD F. LINTACK
4146

This drawing shall not be sealed
or used for any other purpose
without the written consent of
the architect. All areas and levels prior
to this drawing are to be
rechecked immediately to the architect.

10 ISSUED FOR REZONING
DATE 2023.03.23

10 UNIT REDUCTION
DATE 2023.03.23

PROPOSED DEVELOPMENT:
395 ELM STREET APARTMENTS
395 ELM STREET
PORT COLBORNE, ONTARIO

job no.	22.088
dwg. file	A1 SITE...
dwn. by	JD
scale	AS NOTED
date	APRIL 2023
dwg. title	

SITE PLAN
DA-23

dwg. A1



PLANNING JUSTIFICATION REPORT

PROJECT NAME:

Elm Street Apartments

PROJECT ADDRESS:

395 Elm Street, City of Port Colborne, Ontario

PROJECT NO.

223407

DATE SUBMITTED

June 1, 2023

ANTECH DESIGN

Project Summary

Project No.

223407

Client

Client Contact

--

Consultant Team

Joseph Lefaive, M.Pl. P.Eng.

Candice Micucci MCIP, RPP, OALA

Property Address

395 Elm Street

Port Colborne, Ontario

Version	Date	Description
1.0	2023.06.01	Initial Release



Signature



Signature

Disclaimer

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1.0 INTRODUCTION

Antech Design & Engineering Group has been retained to prepare a Planning Justification Report for the development of the property located at 395 Elm Street, Port Colborne, Ontario located along Elm Street between Highway 5 (Killaly Street West) and Delhi Street. This proposal contemplates the construction of a six (6) storey 82-unit apartment building together with parking, landscaping, playground.

The proposed re-development of the existing lands represents an investment in the continued development and enhancement in the Municipality of Port Colborne. The proposed development will promote the use of existing transportation networks, local transit, and existing municipal infrastructure. In addition, the proposed development will contribute to the further investment in the municipality and create housing opportunities.

The purpose of this Justification Report is to outline the technical planning details of the proposed development and to evaluate the proposed Zoning By-Law Amendment for its consistency with the Provincial Policy Statement and conformity with the City of Port Colborne's Official Plan and the City of Port Colborne's Zoning Bylaw. The proposed Zoning for the subject property is Downtown Commercial (DC) Special; the proposed Special Zone is to include:

- Amending Section 3.1 of the Zoning By-Law from the required 1.25 spaces per unit to the proposed 0.97 spaces per unit (82 units and 80 parking spaces).
- Amending Section 3.7 of the Zoning By-law from the required ingress / egress width of 7.5 meter to the proposed 6.0 meter.
- Section 3.11.1 reduce the required 3.0 meter landscape buffer to a minimum of 1.0 meter.
- Reduce the required Landscape space from 25% of the lot area to the proposed 20%.

1.1 POLICY FRAMEWORK

The Subject Lands are currently designated as "Downtown Commercial" within the City of Port Colborne's Official Plan and "Residential Second Density" within the City of Port Colborne's Zoning By-law.

Accordingly, the justification report addresses the:

- Ontario Planning Act
- Provincial Policy Statement
- Regional Official Plan
- Municipal Official Plan
- Zoning Bylaw.

1.2 OUR APPROACH

In response to the vision for the subject lands to accommodate a multi-residential development, Antech Design and Engineering, on behalf of the Owner, has prepared this Planning Justification Report to illustrate how the proposed development is in accordance with the Ontario Planning Act, Provincial Policy Statement, City of Port Colborne's Official Plan and City of Port Colborne's Zoning Bylaw. Specifically, relevant policies of these documents will be evaluated.

2.0 LOCATION AND EXISTING CONDITIONS

The site is currently developed. The subject lands are a total of 4602 square meters in area. The lands are located with access from Elm Street and Catherine Street. Below in Figure 1, is a Google Earth location map of the property.

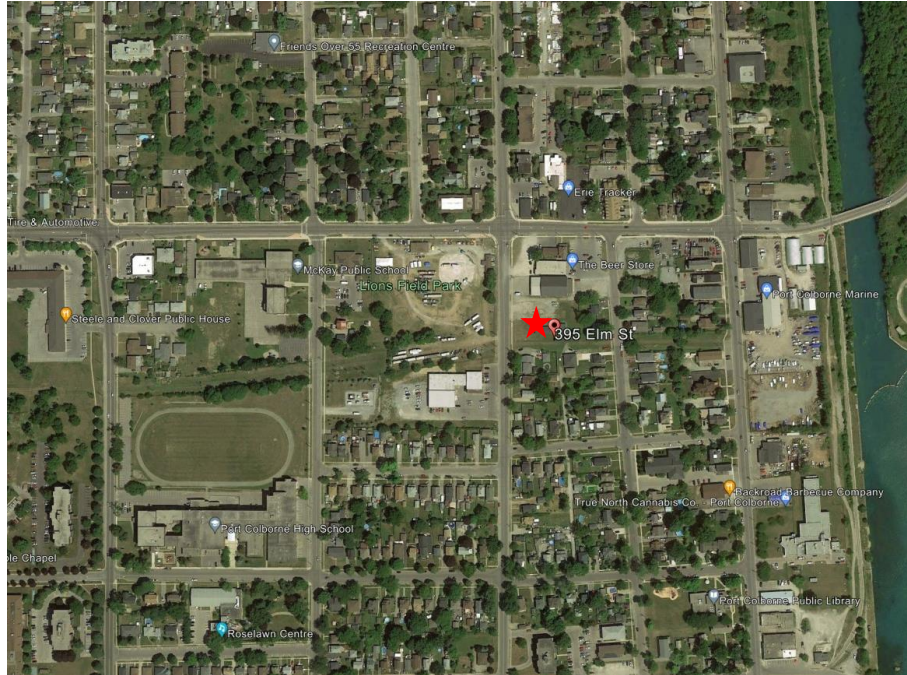


Figure 1: Site Location Map

To the north of the subject property are existing commercial developments. To the south of the subject property are predominately one and two storey single family dwellings. To the east of the lands are more single-family dwellings with commercial uses fronting on Highway 5. To the west of the subject property is parkland.

3.0 DESIGN VISION, GUIDING PRINCIPALS AND OBJECTIVES

The goal of the proposed development is to establish a residential project on the subject lands that allows for an efficient use of the lands. The proposed development supports the City of Port Colborne's vision for residential growth and intensification. Consideration of the following principles has been given to the design of the proposed development:

1. Outstanding Design Quality

Develop a high-quality architectural theme and material selection for the site that provides a revitalized development that is distinguishable.

2. Distinct Identity

Establish a distinct identity and sense of place for the development, while appropriately integrating the design of the building into the existing neighbourhood.

3. Pedestrian Connectivity

Provides a design the encourages pedestrian movement.

4. Community Safety

Use design practices that contribute to neighbourhood safety.

5. Attractive Streetscape

Provide an attractive streetscape that demonstrates continuity of design elements and provide an appealing initial aesthetic for the development.

6. Efficiency

Use design practices that efficiently utilize existing municipal infrastructure and support the use of public transportation.

4.0 POLICY AND REGULATORY FRAMEWORK

4.1 PLANNING ACT

The Planning Act R.S.O. 1990 provides a framework for planning in the Province of Ontario. The Act serves the following purposes:

1. To promote sustainable economic development in a healthy natural environment
2. To provide a land use planning system led by provincial policy
3. To integrate matters of provincial interest in provincial and municipal planning decisions
4. To provide for planning processes that are fair by making them open, accessible, timely and efficient
5. To encourage co-operation and co-ordination among various interests; and,
6. To recognize the decision-making authority and accountability of municipal councils in planning.

Under Section 34 (10) of the Act, an amendment may be made to a Zoning-Bylaw.

The proposed application is seeking an amendment to the Zoning By-law and subsequent multi residential development.

4.2 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act establishes key provincial interests with regard to land use planning. The PPS requires that decisions affecting planning matters “shall be consistent with” policy statement issued under said Act. Part III, How to Read the Provincial Policy Statement, of the document states, “the Provincial Policy Statement is to be read in its entirety, and all relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together”

The general purpose of the PPS is to provide policy direction on matters of provincial interest related to land use planning and development in Ontario. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land and it supports the provincial goal to enhance the quality of life for all Ontarians. As the focus of the PPS is on the outcomes or end-states, the process used to achieve these outcomes is at the discretion of the development team. The following is a brief commentary on the application for proposed Site Plan with regard to the PPS.

Table 1: PPS policy statement analysis and rationale

<u>Applicable Policy Statements</u>	<u>Rationale</u>
<p><u>Section 1.1.1</u> Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> 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; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; 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; f) improving accessibility for persons with disabilities and older persons by addressing 	<p>The subject lands are located within the urban settlement boundary. The development of the subject lands is an efficient redevelopment of existing urban land that will sustain the financial well-being of the municipality for the long term.</p> <p>The development is proposed to contain residential uses, which do not pose an environmental or safety concern and will increase the mix of residential types available within the City of Port Colborne.</p> <p>The construction of the proposed development, complete with municipal services, will reuse the existing supply of lands ready for development within the City of Port Colborne urban boundary. The development will further support for transit, intensification of the downtown area and make efficient use of existing services and land.</p>

<p>land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate</p>	
<p><u>Section 1.1.2</u></p> <p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p> <p>Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.</p>	<p>The lands are currently designated as Downtown Commercial within the Official Plan and Residential within the Zoning By-law. The proposed Zoning is Downtown Commercial.</p> <p>The development of these lands will repurpose under utilized land to increase the housing supply through intensification and redevelopment</p>
<p><u>Section 1.1.3.1</u></p> <p>Settlement areas shall be the focus of growth and development.</p>	<p>The subject property is located within the Urban Service Boundary and is located within an area of existing residential developments.</p>
<p><u>Section 1.1.3.2</u></p> <p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p> <p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p>	<p>The subject property is an efficient use of resources as the proposed development is located within an area of existing residential and commercial development. The proposed development is appropriate for the existing infrastructure and public service facilities.</p> <p>The proposed development is an efficient use of the land and of the existing infrastructure. The proposed density is transit supportive and located within close proximity to regional transit routes. Provisions to support active transportation such as secure bike parking shall be included in the development.</p>

<p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p> <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>	
<p>1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p> <p>Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed residential development will assist the municipality in ensuring the ability to accommodate residential growth.</p>
<p><u>Section 1.6.1</u></p> <p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:</p>	<p>The proposed development is located within an existing developed area and will be developed to utilize the existing infrastructure. No municipal infrastructure upgrades are required to support the proposed development.</p>

<ul style="list-style-type: none"> a) financially viable over their life cycle, which may be demonstrated through asset management planning; and a) available to meet current and projected needs. 	
<p><u>Section 1.6.6.2</u></p> <ul style="list-style-type: none"> b) 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. 	The proposed development will contain municipal sewage and water.
<p><u>Section 1.6.6.7</u></p> <p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and <p>promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	The development of this proposal is designed to meet the Municipal Stormwater standards and will be confirmed during the site plan process.
<p><u>Section 1.6.7.1</u></p> <ul style="list-style-type: none"> f) Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. 	The proposed development is located on an existing municipal road.
<p><u>Section 1.7.1</u></p> <p>Long-term economic prosperity should be supported by:</p>	The proposed development promotes the long-term economic prosperity of the City of Port Colborne by creating a development that supports

<ul style="list-style-type: none"> a) promoting opportunities for economic development and community investment-readiness; b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets; e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; f) promoting the redevelopment of brownfield sites; g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people; h) providing opportunities for sustainable tourism development; i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network; j) promoting energy conservation and providing opportunities for increased energy supply; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and <p>encouraging efficient and coordinated communications and telecommunications infrastructure.</p>	<p>the continued growth of the City, optimizing the use of existing infrastructure and development compatible within the existing neighbourhood. The increased density will help enhance the vitality and viability of the downtown.</p>
<p><u>Section 2.1.1</u></p> <ul style="list-style-type: none"> l) Natural features and areas shall be protected for the long term. 	<p>The subject property is located on a currently developed site and is located on lands that are not designated natural heritage features.</p>

<p><u>Section 2.2.1</u></p> <p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <ul style="list-style-type: none"> a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts; c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level; d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed; e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas; f) implementing necessary restrictions on development and site alteration to: 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; h) ensuring consideration of environmental lake capacity, where applicable; and ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces. 	<p>The proposed development will meet the required standards for water quality and quantity.</p>
<p><u>Section 2.4.1</u></p> <ul style="list-style-type: none"> i) Minerals and petroleum resources shall be protected for long-term use 	<p>There are no perceived mineral and petroleum resources on these lands.</p>

<u>Section 2.5.1</u> Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.	There are no perceived mineral aggregate resources on these lands.
<u>Section 2.6.1</u> Significant built heritage resources and significant cultural heritage landscapes shall be conserved	There are no perceived built heritage resources on these lands.
<u>Section 3.1.1</u> Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards; b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and hazardous sites.	There are no perceived natural hazards in the development of these lands.

In conclusion the proposed applications for Zoning By-law Amendment and Site Plan Control and subsequent development meets the intent of the policies of the Ontario Provincial Policy Statement 2020.

4.3 REGIONAL OFFICIAL PLAN

The subject property is designated as a delineated built-up area in the Regional Official Plan and is identified as an urban area.

Section 2.2.1 Managing Urban Growth indicates that

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

- a) *The intensification targets in Table 2-2 and density targets outlined in this Plan*
The proposed development is for a multi residential building which is a high-density use. The proposed development will assist with providing suitable housing opportunities to meet the regional targets. The proposed development represents 11% of the minimum intensification target of 690 units by 2051 for Port Colborne.
- 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.*

The proposed apartment building is of compact built form, contributing to the complete community by providing purpose built rental, residential options.

- c) *A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*

The proposed development consists of an apartment building with one- and two-bedroom units.

This development contributes to a mixed type of housing within the neighbourhood.

- 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 transit and active transportation*
 - ii. *Affordable, locally grown food and other sources of urban agriculture*
 - iii. *Co-located public service facilities; and*
 - iv. *The public realm, including open spaces, parks, trails and other recreational facilities*

The subject property is located within an area of existing public transportation and municipal infrastructure and in close proximity to amenities including but not limited to Lions Field Park, Restaurants, Commercial Plaza, fitness centre, McKay Public School and Port Colborne High School.

- 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;*

The proposed apartment development repurposes existing underutilized land and will not require any municipal water or wastewater upgrades.

- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19*
The proposed development is located within an area of existing municipal transportation and will assist in supporting this existing infrastructure.

- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*

The proposed development is an infill development acting as a transition between the existing commercial and single family developments.

- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*

As per above the proposed development is a natural transition development between the existing commercial and the existing single-family residential developments.

- 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;*

As per above the proposed development is a natural transition development between the existing commercial and single family residential developments.

- j) *conservation or reuse of cultural heritage resources pursuant to Section 6.5;*

The proposed development will not have an impact on cultural heritage resources within the City of Port Colborne.

- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*

The proposed development utilizes the existing planned infrastructure.

- l) *mitigation and adaptation to the impacts of climate change by:*
 - i. *protecting natural heritage features and areas, water resource systems, and other components of the Region’s natural environment system pursuant to Section 3.1;*
 - ii. *where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
 - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

To mitigate climate change the proposed development is located within an existing area of mixed use with municipal infrastructure. Low impact development methods will be incorporated into the design to support the Stormwater management for the site.

Overall, the proposed development is located within the Urban Area and is designed in a manner to support the future growth and utilize existing municipals infrastructure while providing a transition between the existing commercial and residential developments.

Section 2.2.2 Strategic Intensification and Higher Densities indicates that *“within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following growth areas...”*

The proposed high density residential development is the intensification of a current built up area and will assist the municipality in meeting the intensification targets.

Section 2.3 of the Regional Official Plan pertains to housing policies. In general, these policies require the provision of an adequate supply of housing, a diverse housing stock, increase in the supply of affordable housing, and design that mitigates climate change.

The proposed development is a high-density infill use within an existing built-up area containing the required municipal infrastructure. Employment, housing and recreational needs can all be met within walking distance.

4.4 MUNICIPAL OFFICIAL PLAN

The subject property is designated Downtown Commercial (Blue on Blue Stripes) within the Local Official Plan Schedule A: City-Wide Land Use. An excerpt of Schedule A is included as Figure 2 below. The existing Official Plan designation permits the proposed development, and no amendment is required.

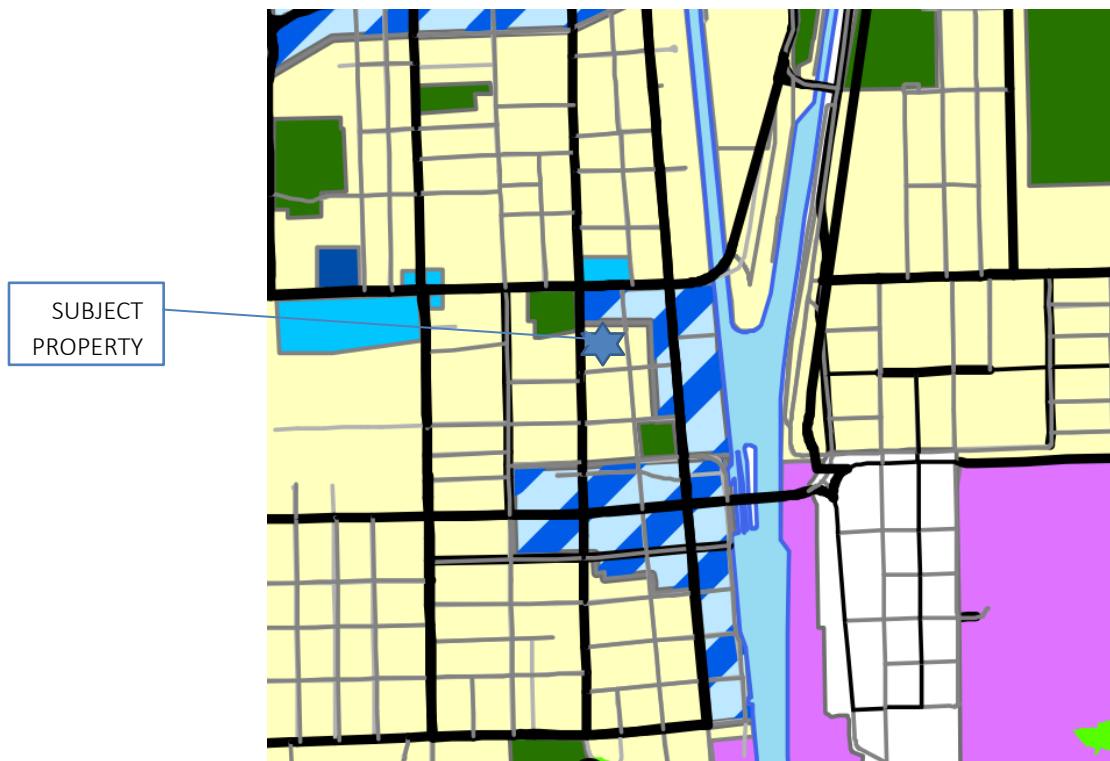


Figure 2: Official Plan Schedule A: City Wide Land Use

Below is a chart summarizing the designations of the subject lands within the Official Plan Schedules.

Table 2: Municipal OP Land Designations from Schedules A to H

Official Plan Schedule	Designation
Schedule A: City-Wide Land Use	Downtown Commercial Within the Municipal Boundary
Schedule A1: Greenfields	Built Boundary
Schedule A2: Hamlets - Bethel	Not Applicable
Schedule A3: Hamlets- Gasline	Not Applicable
Schedule A4: Hamlets – Sherkston	Not Applicable
Schedule B: Natural Heritage	No Natural Heritage Features
Schedule B1: Environmental Protection Area	No Environmental Protection Area
Schedule B2: Environmental Conservation Area	No Environmental Conservation Area
Schedule B3: Vulnerable Aquifer Area	High Vulnerable Aquifer
Schedule C: Mineral Aggregate and Petroleum Resources	Petroleum Resource Areas
Schedule D: Transportation	Elm Street is an Arterial Road
Schedule E: Sherkston Shores Secondary Plan	Not Applicable
Schedule F: East Waterfront Secondary Plan	Not Applicable
Schedule G: Westwood Park Secondary Plan	Not Applicable
Schedule H: Source Water Protection	IPZ - 2

Section 2.1, Vision Statement, that part of the vision for Port Colborne will “provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and desires;”. The approval of the proposed development will assist Port Colborne with providing more residential opportunities, specifically an increase in purpose based rental.

Section 2.2, Growth Management Strategy continues to support infill and intensification within the Downtown Commercial designation as well as the Urban Residential and Hamlet designations. Further support for compact and transit supportive development within the built boundary and on designated greenfield lands. The proposed development is designed to support the Growth Management Strategy by repurposing the existing underutilized lot with multi residential development.

Section 2.3.1, Enhancing Quality of Life promotes 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 businesses. The proposed multi-residential development will support these needs.

Section 2.4.2, Strategic Planning Policies, Housing indicates that the City will promote the development of an appropriate mix of housing types, densities, and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations. New housing development should:

- i) Be located in the urban area to make use of existing infrastructure and facilities;
- ii) Be accessible to medical facilities, shopping and any future public transportation system;
- iii) Be close to or be developed with on-site parks and open space;
- iv) Incorporate design features for an aging population;
- v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;
- vi) Provide for a range of smaller lots and homes suitable to smaller households; and
- vii) Be close to or be developed with social and recreational facilities.”

The proposed multi-residential development will support the needs of the Community of Port Colborne by providing 82 purpose built, one- and two-bedroom rental units. The proposed development is located within the urban area and the Downtown Commercial area where shopping and public transportation are available. Across the street from the proposed development is the Niagara Region Parks Service with grass and sports field area. The proposed building design will incorporate design features for an aging population.

Section 3.6 of the Official Plan contains policies related to the Downtown Commercial designation. In general, “The predominant uses for lands designated Downtown Commercial shall include, but not be limited to; retail stores; professional and business offices; personal service shops; restaurants; speciality shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes.” The proposed multi residential use is permitted.

“3.6.1 General Policies

- a) Any new or expanding development in the Downtown Commercial area is subject to Site Plan Control except for low density residential uses as described in Policy 3.2.1 (a), including new and expanding commercial uses.
- b) The municipality may take cash-in-lieu of parking to provide for the consolidation and/or reorganization of off-street parking facilities.
- c) Retail uses, personal service shops and restaurants are encouraged to locate on the first floor of commercial buildings.
- d) Professional offices and new residential uses are encouraged to locate on the upper floors of commercial buildings.
- e) New apartment buildings shall be developed so that they are appropriately integrated into the downtown area.
- f) New Commercial uses grouped in a planned development are encouraged while extensive strip development without interconnecting access is discouraged.
- g) Adequate off-street parking facilities, including consideration for bicycles shall be required in well-organized, landscaped and well illuminated parking areas or structures.
- h) A minimum number of driveways to the site will be allowed and driveway entrances will be configured for maximum safety.
- i) New and expanding Commercial uses may be required to submit a Traffic Impact Assessment, prepared by a qualified professional which identifies the potential traffic generated by the development, methods of mitigating any potential impacts and any improvements that may be required to the existing road network in order to accommodate the proposed development.
- j) New and expanding Commercial uses may be required to submit a Market Study, prepared by a qualified professional, to demonstrate that the proposed commercial floor space is warranted.
- k) The development of any single commercial use greater than 1,000 square metres will not be approved unless a Market Study, prepared by a qualified professional, that identifies the need for the development, and confirms that there will be no negative impacts to existing commercial activities in the downtown.
- l) Where more detailed guidelines, policies or secondary plans have been developed by the City in accordance with the Official Plan policies, then the specific direction provided in these shall be implemented accordingly”

The proposed multi residential development meets the requirements of the above Official Plan policies and will be subject to site plan control to ensure conformity.

“3.6.3 Design Guidelines for the Downtown Commercial Area

3.6.3.1 General Appearance and Signage

- a) Development will be consistent with the placement and character of the surrounding built form.
- b) The maximum height of buildings shall be six (6) storeys.
- c) Proportions of alterations and new buildings should complement the proportions of the surrounding heritage buildings.
- d) Buildings with commercial uses at grade should maximize the amount of glazing and entries to create visual interest and to animate the sidewalk. T

- e) Large building blocks should have facades that appear to be a collection of smaller buildings in keeping with the narrow proportions of the heritage built form.
- f) Buildings should generally maintain the established building line for the front yard setback.
- g) All buildings shall front on and be oriented to the street.
- h) Corner buildings are visually prominent, and the side elevations should be given equal design treatment as the main street facade, and the building identity at corner locations will be reinforced by taller building elements such as towers, entrance structures or roof elements.
- i) Buildings at the terminus of streets shall, where appropriate, employ building elements and details that reinforce the landmark position of the building.
- j) Canopies and awnings are encouraged as a means of weather protection for pedestrians.
- k) Where possible, community facilities and institutional uses should be located adjacent to public open spaces or at the termination of primary streets or view corridors to emphasize civic presence.
- l) Buffering shall be provided between commercial establishments 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 trees and shrubs shall be subject to the approvals of the Director of Planning and Development.
- m) Commercial signs should be of high quality, complementary to the historic character of the Downtown and not backlit.
- n) Green building technologies will be encouraged, including reference to Leadership in Energy and Environmental Design (LEED) as promoted by the Canada Green Building Council.”

In the design of the proposed building the above policies will be taken into consideration and applied where applicable.

“3.6.3.2 Parking, Access and Loading Areas

- a) Where vehicular access is required from the front to the rear of the property, reduced standards for driveway widths shall be encouraged.
- b) Where pedestrian access is required from the front to the rear of the property, a minimum 3.0 metre walkway and outdoor lighting shall be provided.
- c) Service and loading areas should be oriented to the rear of the building.
- d) All parking areas shall be placed at the rear of buildings and accessed from side streets as to maintain a continuous building edge and a pedestrian-friendly street environment.
- e) Where parking areas are adjacent to side streets, a landscape buffer such as hedge or tree planting should be placed between the sidewalk and parking area.
- f) Larger parking areas are encouraged to incorporate landscape edge treatments along public streets and landscaping medians to break up larger areas of asphalt and should be designed as follows:
 - i. Screening should be provided between parking areas and adjacent residential properties.
 - ii. Buffers should be located at the perimeter of the property line adjacent to parking areas and laneways to accommodate landscaping and tree planting.
 - iii. Landscape islands shall be placed at the ends of all parking aisles

- iv. Parking aisles with a length of more than 15 stalls should be broken up with landscape islands.
- v. All parking islands shall be planted with hardy, strongly branched and salt tolerant trees.
- vi. Large parking areas shall be broken up with linear 'pedestrian only' sidewalks planted with a consistent row of trees.
- vii. Parking for bicycles shall be included, which shall be consistent with professionally recognized guidelines."

The proposed development meets the overall intent of the above policies of the Official Plan by providing parking, landscaping, pedestrian movements, etc. Please see Appenedix A that includes the proposed site plan.

"3.6.3.3 Residential Housing

- a) Townhouses and multiple-unit housing without at-grade commercial uses should:
 - i. Have frontage on a local road;
 - ii. Be aligned parallel to the street from which the principal entrance shall be visible and accessible; and
 - iii. Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements."

The proposed multi residential development is not proposed to have commercial at grade. The proposed development has frontage on Elm Street and is aligned to the street. The overall massing and form have considered the surrounding areas and the building is designed to improve the streetscape. In summary the proposed development meets the policies of the Official Plan and will be designed, where possible to meet the design criteria as laid out within the Official Plan.

4.5 ZONING BY-LAW

The subject property is currently designated Second Density Residential (R2-CH and R2) as per Schedule "A7" to By-law No 6575/30/18. The proposed Zoning is Downtown Commercial (DC) Special. The proposed Special Zone is for:

- Section 3.1 of the Zoning By-Law amend the parking from the required 1.25 spaces per unit to the proposed 0.95 spaces per unit.
- Section 3.7 of the Zoning By-law to amend the required ingress / egress from the required 7.5 meter to the proposed 6.0 meter.
- Section 3.11.1 reduce the required 3.0 meter landscape buffer to a minimum of 1.0 meter.
- Reduce the required Landscape space from 25% of the lot area to the proposed 20%.

Below, Figure 3 is an excerpt from the City of Port Colborne Zoning By-law.

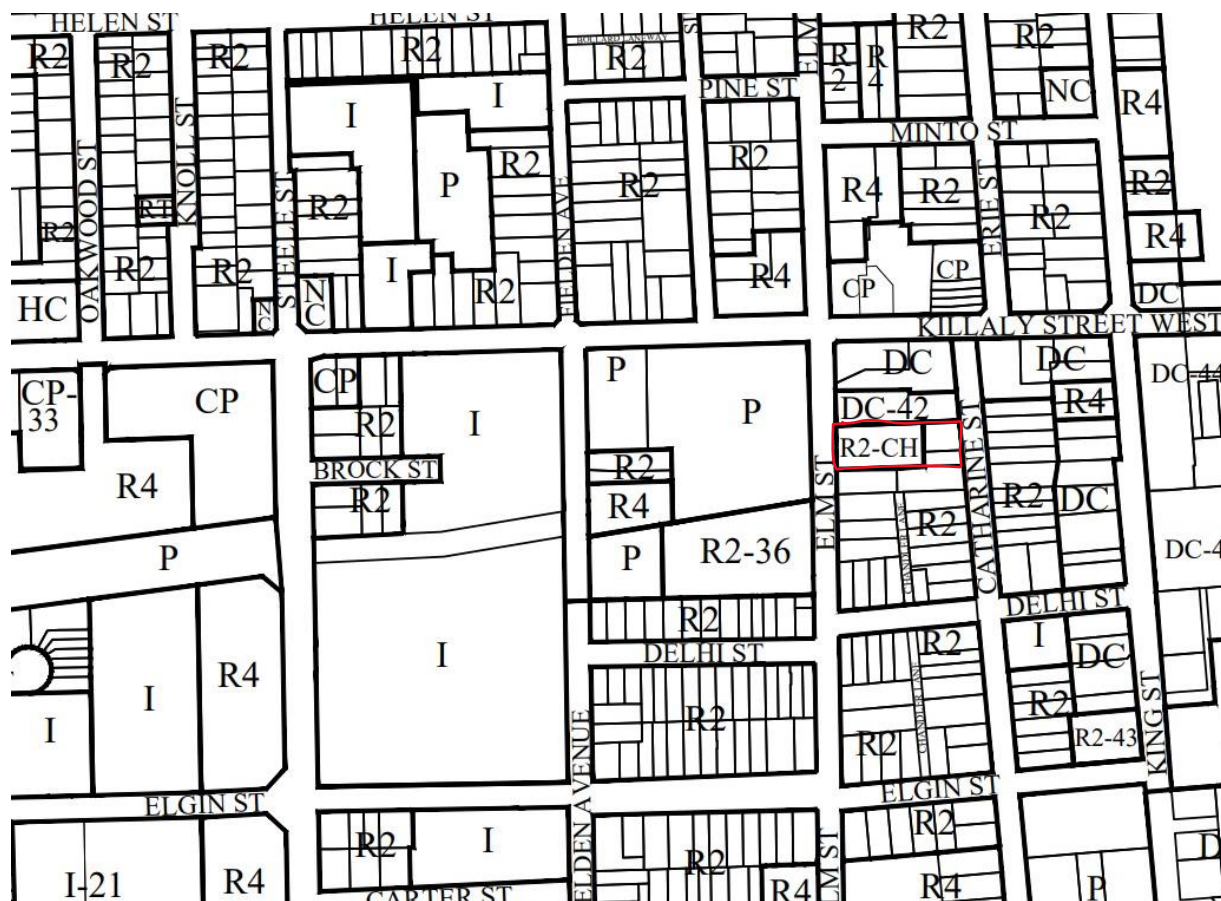


Figure 3: City of Port Colborne Zoning By-law Schedule "A7"

The permitted uses for the existing and proposed zones are indicated in the chart below. The proposed Zoning is Downtown Commercial which permits an Apartment Use.

Table 3: Permitted uses for the proposed and existing zones

Permitted Uses	Proposed DC	Existing R2
Dwelling, Detached		X
Dwelling, Duplex		X
Dwelling, Semi-Detached		X
Uses, structures and buildings accessory thereto		X
Animal Care establishment	X	
Apartment Building	X	
Apartment Building Public	X	
Brew Pub	X	
Day Care	X	
Drive Thru Facility	X	
Dwelling, Accessory	X	
Existing Motor Vehicle Gas Station	X	

Existing Motor Vehicle Repair Garage	X	
Food Vehicle	X	
Hotel	X	
Medical Clinic	X	
Office	X	
Personal Service Business	X	
Place of Assembly / Banquet Hall	X	
Place of Worship	X	
Private Club	X	
Public Use	X	
Recreation Facility	X	
Restaurant, Fast Food	X	
Restaurant, Full Service	X	
Restaurant, Take-Out	X	
Retail Store	X	
Service Commercial	X	
Social Service Facility	X	
Studio	X	
Veterinary Clinic	X	
Uses, Structures and Buildings Accessory Thereto	X	

The permitted setbacks and lot requirements for the existing, proposed and proposed site specific special zone are included in the chart below.

Table 4: Zoning requirements for the existing and proposed zone including special site-specific provisions for the proposed development.

	Proposed DC- Special	DC Apartment	Residential 2 Density – Detached Dwelling
Minimum Lot Frontage	No Minimum	No Minimum	12.0 m
Minimum Lot Frontage Corner Lot	Not Applicable		15.0m
Minimum Lot Frontage where used for Residential Purposes	18.0 meters min.	18.0 meters	
Minimum Lot Area	No Minimum	No Minimum	0.04 hectares
Minimum Front Yard Setback	No Min. 3.0m	No Minimum	6.5m
Minimum Interior Side Yard	No Min. 3.0m	No Minimum	1.0m
Minimum Side Yard Abutting a Residential Zone	No Min. 21.7m	No Minimum	
Minimum Corner Side Yard	No Minimum	No Minimum	3.5m
Minimum Rear Yard	No Min. 3.3m	No Minimum	6.0m
Maximum Lot Coverage			50%
Maximum Building Height	6 storeys Less than 26.0 m	26.0 meters	11.0 meters
Maximum Gross Floor Area	100% of lot area	100% of lot area	

23.4 b Buildings containing residential dwelling units will be subject to the residential parking provisions of Section 3 of the By-law	0.95 spaces	1.25 spaces	1.25 spaces
Minimum Lot Area per Unit	No Minimum	No Minimum	
Minimum Landscaped Area	20%	25%	25%
Minimum Floor Area for a Unit	50 square meters	50 square meters	
Parking Stall dimensions	2.6m X 5.2m	2.6m X 5.2m	2.6m X 5.2m
Parking Stall obstructed on Two Sides	3.5m X 5.2m	3.5m X 5.2m	3.5m X 5.2m
Parking Stall obstructed on One Side	3.0m X 5.2m	3.0m X 5.2m	3.0m X 5.2m
Accessible Parking Space	3.7m X 5.2m	3.7m X 5.2m	3.7m X 5.2m
Two accessible parking spaces side by side	2.6m common space between accessible spaces	2.6m common space between accessible spaces	2.6m common space between accessible spaces
No. of Accessible Parking Spaces	4 spaces	4 spaces	

Section 3.1 of the Zoning By-law deals with Parking. As per section 3.1.1 of the Zoning By-law an Apartment is required to have 1.25 spaces per unit. Part of the proposed Zoning is to amend the Zoning to permit 0.95 parking space per unit.

There are several reasons to support this request for a reduction in the required parking ratio:

1. Access to Public Transportation: Niagara Region Transit (NRT OnDemand) is available for residences of Port Colborne. NRT OnDemand is a on-demand rideshare service that has replaced the fixed route service. This service was created for smaller communities to have more equitable access to transit. The proposed reduction in parking supports NRT on demand.
2. Bicycle Parking: there will be ample bicycle parking spaces for the residents both secured parking within the building and additional bicycle racks outside of the building. Some residents may choose to bike to work to nearby amenities or for leisure activities, which will further reduce the need for parking spaces.
3. Given the site constraints, providing fewer parking spaces will allow the developer to create more affordable housing units that are desired in the community. The reduction in parking spaces to 0.95 spaces per unit minimizes the burden on the developer.
4. Limited parking will assist in promoting alternative modes of transportation.
5. Parking spaces are assigned to new tenants so that the parking spaces do not become over subscribed. More desirable parking spaces are assigned higher rents. 3% of the units (2 units) will not have access to on-site parking.

Section 3.3 deals with Accessible Parking Spaces. The number of required accessible parking spaces is 4 for parking 76 to 100 spaces. The proposed site plan meets the requirements of this section of the Zoning By-law.

Section 3.7 Ingress and Egress Standards states that:

- a) Required parking spaces shall have adequate access, from an improved or unimproved road, to permit ingress and egress of a motor vehicle by means of driveways, aisles, maneuvering areas, or similar area and except in the case of tandem parking in a driveway to a single detached, semi-detached, duplex or triplex dwelling, no part of this access is to be used for the temporary parking or storage of any motor vehicle.
- 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.

The proposed site plan has driveways and access aisles for two-way traffic with a proposed width of 6.0 meter. The proposed 6.0 meter is sufficient to meet the required fire access route and is sufficient to allow two-way traffic withing the parking area of the development.

Section 3.10 Loading Spaces of the Zoning By-law deals with the requirements of loading spaces. The proposed loading space is 3.5 meter by 9.0 meter minimum with a clearance of 4.0 meter and meets the requirements of this section of the Zoning By-law.

Section 3.11.1 Landscape Buffer Provisions requires a 3.0 meter buffer around the property abutting a public street and residential zone. We request that the proposed buffer be reduced to a minimum of 1.0 meters minimum. To prevent lighting impacts on the abutting property a board-on-board fence is proposed.

Section 3.13, Bicycle Parking Spaces, the proposed development is designed to meet the requires of having 6 spaces plus 1 space for every additional dwelling unit above 20 units. The minimum bicycle parking for the proposed development of 82 units is 12 spaces. These spaces are provided throughout the site and include internal secure spaces within the proposed building.

The proposed zoning and subsequent development, well varying some zoning requirements, is generally consistent with the intent to implement the policies of the Official Plan and to provide a safe, well-designed development that reflects the needs of the community.

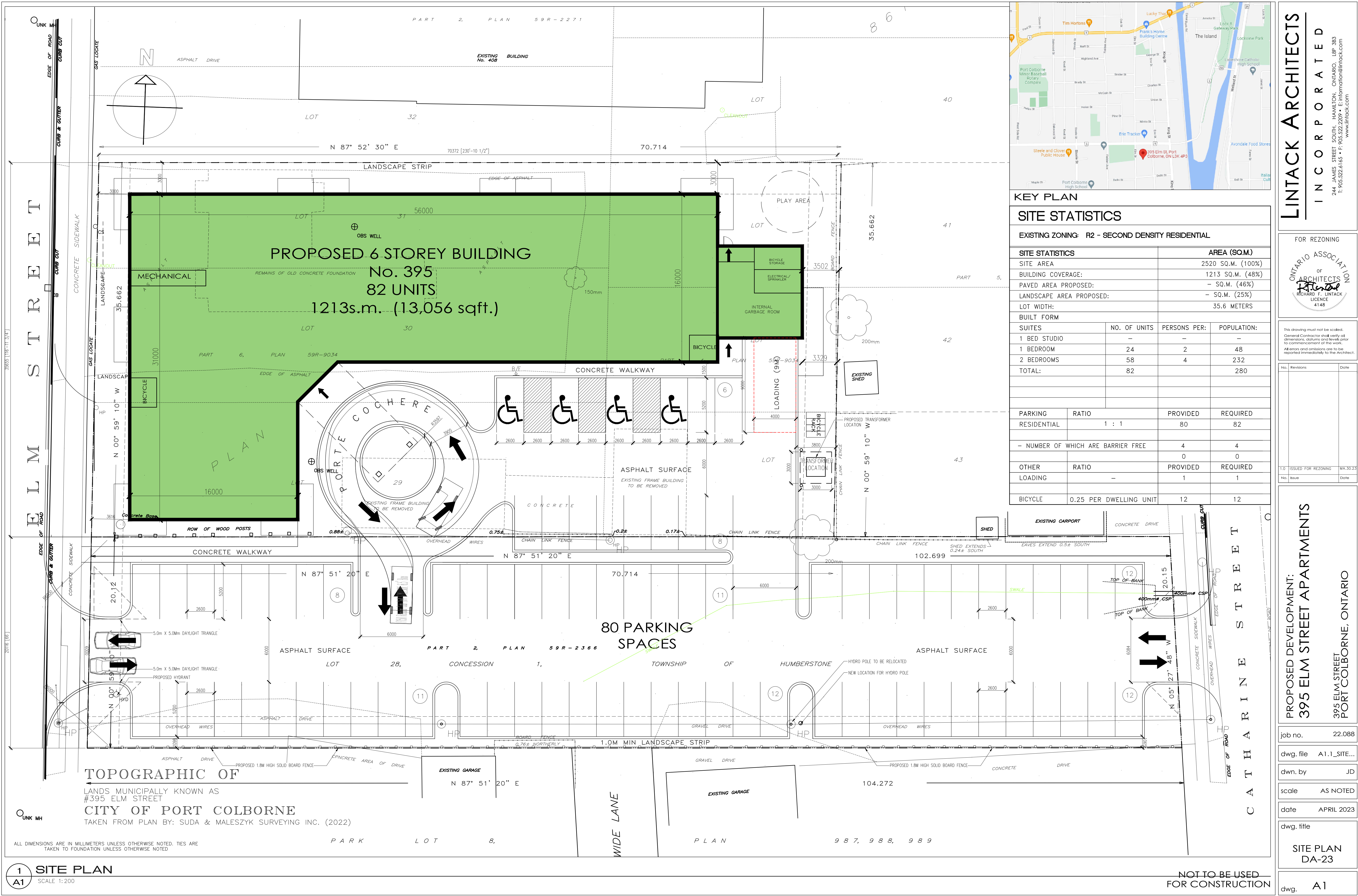
5.0 CONCLUSION

The application for Zoning By-law Amendment and subsequent development as described in this report has been fully reviewed from a land use planning perspective. It is our professional opinion that approval of the application should be granted for the following reasons:

- The approval of the application is consistent with the policies of the Planning Act.
- The approval of the application is consistent with the Provincial Policy Statement
- The approval of the application maintains the intent of the policies of the Regional Official Plan

- The approval of the application maintains the intent of the policies of the City of Port Colborne Official Plan
- The proposed application is in general compliance with the City of Port Colborne Zoning By-law with the proposed special provisions.
- The approval of the application represents good planning.

APPENDIX A: PROPOSED SITE PLAN



LINTACK ARCHITECTS
INCORPORATED
244 JAMES STREET SOUTH, HAMILTON, ONTARIO, L8P 3B3
T: 905.522.6165 • F: 905.522.2209 • E: info@lntack.com
www.lntack.com



This drawing must not be scaled.
General Contractor shall verify all dimensions, datum and levels prior to commencement of the work.
All errors and omissions are to be reported immediately to the Architect.

No.	Revisions	Date
1	ISSUED FOR REZONING	MA.30.23
2	Issue	

PROPOSED DEVELOPMENT:
395 ELM STREET APARTMENTS
395 ELM STREET
PORT COLBORNE, ONTARIO

job no.	22.088
dwg. file	A1.1_SITE...
dwn. by	JD
scale	AS NOTED
date	APRIL 2023
dwg. title	

SITE PLAN
DA-23

dwg. A1

KEY PLAN			
SITE STATISTICS			
EXISTING ZONING: R2 - SECOND DENSITY RESIDENTIAL			
SITE STATISTICS		AREA (SQ.M.)	
SITE AREA		2520 SQ.M. (100%)	
BUILDING COVERAGE:		1213 SQ.M. (48%)	
PAVED AREA PROPOSED:		- SQ.M. (46%)	
LANDSCAPE AREA PROPOSED:		- SQ.M. (25%)	
LOT WIDTH:		35.6 METERS	
BUILT FORM			
SUITES	NO. OF UNITS	PERSONS PER:	POPULATION:
1 BED STUDIO	-	-	-
1 BEDROOM	24	2	48
2 BEDROOMS	58	4	232
TOTAL:	82		280
PARKING		RATIO	PROVIDED
RESIDENTIAL		1 : 1	80
- NUMBER OF WHICH ARE BARRIER FREE			4
OTHER		RATIO	PROVIDED
LOADING		-	1
BICYCLE		0.25 PER DWELLING UNIT	12

NOT TO BE USED
FOR CONSTRUCTION













Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 1, 2023

Region File: D.18.07.ZA-23-0080

David Schulz, BURPI, MCIP, RPP
Senior Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment Application
City File: D14-05-23
Owner: 13489116 Canada Inc.
Agent/Applicant: Antech Design & Engineering
395 Elm Street & vacant hydro corridor to the south
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-noted Zoning By-law Amendment application for the lands municipally known as 395 Elm Street and the vacant hydro corridor to the south of 395 Elm Street in the City of Port Colborne. Regional staff received circulation of the application on August 16, 2023, with the associated review fee processed on August 17, 2023.

The application proposes to change the zoning from 'Second Density Residential with Conversion Holding (R2-CH)' and 'Second Density Residential (R2)' to a special 'Downtown Commercial' zone to facilitate the construction of a 6-storey, 82-unit apartment building. The special Downtown Commercial zoning proposes to further amend the Zoning By-law to permit 0.95 parking spaces per unit, whereas 1.25 per unit is required; permit an aisle width of 6m, whereas an aisle width of 7.5m is required; permit a landscape buffer of 1m, whereas a landscape buffer of 3m is required; and permit a minimum landscaped area of 20% of the lot area, whereas 25% is required.

A pre-consultation meeting was held to discuss a variation of the proposal on July 14, 2022, with City and Regional staff in attendance. The following comments are provided

from a Provincial and Regional perspective to assist City Council in their consideration of the application.

Provincial and Regional Policies

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

The PPS directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan contains policies that encourage accommodating forecasted growth in complete communities that are well designed to meet people's needs for daily living by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. To support the concept of complete communities, the Growth Plan sets minimum intensification targets within the Delineated Built-Up Area. The NOP builds on the direction of both the PPS and Growth Plan, promoting higher density development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The proposed applications will assist the City in achieving its intensification target of 30%, as set out in Table 2-2 of the NOP and would contribute to the diversification of housing supply (apartment units) in Niagara.

Regional staff has reviewed the submitted "Planning Justification Report", prepared by Antech Design & Engineering Group (dated June 1, 2023) and are generally satisfied with the analysis and conclusions. As the interface with surrounding land uses is primarily a local planning responsibility, the City should be satisfied that the proposed development is compatible with the surrounding local context and its built-form provides for a transition that is in harmony with nearby existing and planned land uses.

Site Condition

The subject lands are currently identified using MPAC data as an automotive fuel station, which is considered a commercial use as defined by the *Environmental Protection Act*. The *Environmental Protection Act*, and regulations O. Reg. 153/04, 511/09 and 407/19, require that a Record of Site Condition ("RSC") be filed on the Ministry of Environment, Conservation and Parks ("MECP") Environmental Site Registry prior to any change in land use to a more sensitive use (i.e. commercial to residential).

Regional staff has reviewed the following Environmental Site Assessments ("ESA"):

- "Phase One Environmental Site Assessment – 395 Elm Street, Port Colborne", prepared by Hallex Environmental Ltd. (dated December 13, 2021);

- “Phase One Environmental Site Assessment – Elm Street Hydro Corridor”, prepared by Niagara Soil Solutions Ltd. (dated June 13, 2022);
- “Phase Two Environmental Site Assessment – 395 Elm Street”, prepared by Fortis Environmental (dated July 21, 2023); and
- “Phase Two Environmental Site Assessment – Elm Street Hydro Corridor”, prepared by Fortis Environmental (dated July 21, 2023).

The Phase One ESA for 395 Elm Street noted that the site is currently utilized for storage purposes but was historically a coal yard between the late 1940s until 1965. In 1965 a commercial car wash was established on the lands until the early 1990s. The land has been vacant since the 1990s, other than two personal sheds on the southern edge of the site. The Phase One ESA found five (5) on-site and one (1) off-site potential contaminating activities (“PCA”) resulting in six (6) on-site Areas of Potential Environmental Concern (“APEC”). These areas included gasoline and associated products storage in fixed tanks, a coal yard, soap and detergent manufacturing, rail yard, tracks and spurs, and fill material of an unknown quality. As such, a Phase Two Environmental Site Assessment was recommended. The Phase Two ESA for 395 Elm Street utilized the MECP Table 3 Full-Depth Generic Site Condition Standards (“SCS”) in a Non-Potable Ground Water Condition, Residential Property Use with Medium / Fine textured soils. The Phase Two investigation found that the groundwater and soil samples did not exceed the Table 3 SCS and the qualified person has noted that the site is suitable for Residential Land Uses.

The Phase One ESA for the Elm Street Hydro Corridor noted that the land was historically a former rail corridor for the Grand Trunk Railway but has been utilized as a hydro corridor since at least 1921. The Phase One ESA found sixteen (16) PCAs that resulted in six (6) on-site APECs. These APECs include rail yards, tracks and spurs, pesticides, importation of fill material of an unknown quality, coal storage, and storage, maintenance, fuelling and repair of equipment, vehicles, and material used to maintain transportation systems. Accordingly, a Phase Two ESA was recommended. The Phase Two ESA for the Elm Street Hydro Corridor utilized the MECP Table 3 Full-Depth Generic SCS in a Non-Potable Ground Water Condition, Residential Property Use with Medium / Fine textured soils. The Phase Two ESA for the Elm Street Hydro Corridor found that groundwater and soil samples did not exceed the Table 3 SCS and the qualified person has noted that the site is suitable for Residential Land Uses.

Regional staff request that a Letter of Reliance is provided for the submitted ESA work and that an RSC is filed to the MECP Environmental Site Registry. A copy of the Ministry’s acknowledgement and RSC will need to be provided to Niagara Region. Staff note that this can be managed as a condition of Site Plan.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS policy 2.6.2 and NOP policy 6.4.2.1 state that development and site alteration shall not be permitted on lands containing

archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Staff note that with the approval of the NOP on November 4, 2022, the vacant land to the south of 395 Elm Street is mapped within Schedule K as an area of archaeological potential. NOP Policy 6.4.2.6 states that where a site proposed for development is located within an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, shall be circulated to the Region as part of a complete application. As this requirement was not identified through the pre-consultation agreement, staff will implement standard archaeological warning clauses through the future Site Plan agreement.

Stormwater Management

The development is within the City storm sewer. The Region will defer to City staff for review and approval to ensure that the local infrastructure requirements and an enhanced standard water treatment is met due to the proximity to surface water intake.

Waste Collection

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

- Recycling: Unlimited Blue/Grey Carts, collected weekly;
- Organics: Unlimited Green Carts, collected weekly; and,
- Garbage: 2 Garbage Bags/Cans per Unit to Maximum of 24 Bags/Cans, collected bi-weekly.
- Curbside Collection Only.

Regional staff note there were no indication of waste/recycling collection on the plans submitted. Based on the number of units, waste collection limits as set out above for Regional collection cannot be met and therefore will be the responsibility of the owner through a private contractor. Notwithstanding the above comments, the site remains eligible for Regional curbside recycling and green bin collection. A condition noting that the development does not comply with the Niagara Region's Corporate Policy for Waste Collection will be provided through the future Site Plan agreement.

Regional Bicycle Network

The subject property has frontage on Elm Street which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so

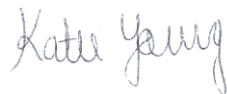
when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Conclusion

Staff of the Growth Strategy and Economic Development Department is satisfied that the proposal is consistent with the *Provincial Policy Statement*, and conforms to Provincial and Regional plans, subject to an RSC being filed for the subject lands. As noted above, this requirement can be managed through the future Site Plan application.

Should you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca. Please send a copy of the staff report and Notice of Council's decision on the application when available.

Kind regards,



Katie Young, MCIP, RPP
Senior Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning
Stephen Bureau, Development Approvals Technician