



**Subject: Public Meeting Report for Proposed Zoning By-law  
Amendment at 607 Barrick Road, File D14-11-21**

**To: Council - Public Meeting**

**From: Planning and Development Department**

Report Number: 2021-204

Meeting Date: July 19, 2021

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### **Recommendation:**

That Planning and Development Department Report 2021-204 be received for information.

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### **Purpose:**

The purpose of the report is to provide Council with information regarding a proposed Zoning By-law Amendment application submitted by Matt Kernahan of Upper Canada Consultants on behalf of the owner Kulwant Sodhi for the lands legally known as Part of Lot 31, Concession 3, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 607 Barrick Road.

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### **Background:**

The application for Zoning By-law Amendment proposes to change the zoning on Parcel 1 of the severance sketch from Residential Development (RD) to First Density Residential (R1). A holding provision is being sought for Parcel 2 in order to restrict development until a Secondary Plan is adopted by City Council. Parcel 2 will remain zoned as Residential Development (RD), with an added holding provision. The Zoning By-law Amendment is being sought to satisfy a condition of a severance under consent application B05-20-PC.

The area that is proposed to be rezoned to R1 is roughly 1178 square metres and is presently occupied by a single-detached dwelling.

The area that is proposed to be subject to a holding provision is roughly 3.23 hectares and is presently vacant with the exception of a garage that will be demolished through the clearing of consent conditions.

A Planning Justification Brief has been submitted in support of the application (Appendix B).

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## **Discussion:**

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

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

Section 3.2.1 e) of the Official Plan speaks to large vacant tracts of land and states the following:

*Prior to the development or redevelopment of any large vacant area within the Urban Residential designation, a Secondary Plan shall be prepared, with appropriate background reports that will:*

- i) Address the protection and enhancement of the natural environment, through the preparation of an Environmental Planning Study;*
- ii) Identify the market demand for residential and non-residential development which can be served by the study area lands;*
- iii) Identify the appropriate land uses in keeping with the Vision and Strategic Directions of the Official Plan;*
- iv) Allocate the appropriate land uses within the study area boundary;*
- v) Establish urban design guidelines, if appropriate, for each type of land use;*
- vi) Establish requirements for water and wastewater servicing and stormwater management;*
- vii) Address transportation issues such as traffic mitigation, road upgrades, off-road trail and bicycle route implications including connectivity and safety, signalization and transit planning;*
- viii) Address a phasing scheme, if appropriate; and*
- ix) Include open and transparent stakeholder consultation*

The purpose of the Zoning By-law Amendment is to implement the requirement of the Secondary Plan through a Holding provision that will prevent the development of the large vacant area until the Plan has been adopted by Council.

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

The subject property is zoned **Residential Development (RD)**. The RD zone permits a detached dwelling; and uses, structures and buildings accessory thereto.

As mentioned, the application for Zoning By-law Amendment proposes to change the zoning to First Density Residential (R1) and Residential Development with a Holding Provision (RD-H). The R1 zone permits one single-detached dwelling on one lot, and uses, buildings and structures accessory to the use. Once a Holding (H) provision is added to a zone, the symbol cannot be removed from the zoning until the prescribed conditions have been met. In this case, the condition for the removal of the H will be the completion of a Secondary Plan and its adoption by City Council. The Secondary Plan will outline how the lands will be orderly developed in the future through a Draft Plan of Subdivision.

There are several instances in which a Secondary Plan is required for a property. In some cases, Secondary Plans, and the studies associated with them are completed by the municipality and in other cases they are completed by the applicant. Works typically required through the Secondary Plan process include archaeology, environmental, hydrogeological, servicing, stormwater management, urban design and phasing. Unless Council directs staff otherwise, this property would be an example of where the developer will be submitting the completed secondary plan. City Council is ultimately the approval authority of the Secondary Plan, with final adoption being by Regional Council. The applicant has undertaken planning for the area and staff cannot say for sure when Council can expect to see the completed plan, but it could be as soon as 2022.

The Draft Zoning By-law Amendment has been attached hereto as Appendix A.

### Surrounding Land Uses and Zones:

<b>Northwest</b> Use: Vacant Zone: Residential Development (RD)	<b>North</b> Use: Vacant Zone: Residential Development (RD)	<b>Northeast</b> Use: Vacant Zone: Residential Development (RD)
<b>West</b> Use: Vacant Zone: Residential Development (RD)	<b>Applicant's Property</b>	<b>East</b> Use: Vacant/Single Detached Res. Zone: Residential Development (RD)/First Density Residential (R1)
<b>Southwest</b> Use: Single Detached Residential Zone: First Density Residential (R1)	<b>South</b> Use: Single Detached Residential Zone: First Density Residential (R1)	<b>Southeast</b> Use: Single Detached Residential Zone: First Density Residential (R1)

A sketch of the subject property is shown in Appendix C of this report.

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### **Internal Consultations:**

The Notice of Public Meeting was circulated to required agencies and internal departments on June 29, 2021 and no comments have been received as of the date of preparing this report.

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### **Financial Implications:**

There are no financial implications.

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### **Public Engagement:**

The Notice of Public Meeting was circulated to property owners within 120 metres of the property on June 28, 2021. A public notice sign was also posted on the property by June 29, 2021. Meeting details have been posted on the City's website under "Current Applications". As of the date of preparing this report comments have been received from the following:

- Domenic and Linda Sardella – 531 Barrick Road
- Gary Breda – Bremont Homes Corporation
- Josephine Sardella – 577 Barrick Road
- Lidia Di Lorenzo – 541 Barrick Road

The above property owners all submitted the same letter with similar concerns that have been provided below:

*Please be advised I live at [respective address as shown above] and I understand that there will be a meeting to allow any adjoining landowners to express any concerns with the 607 Barrick Road Severance application.*

*My primary concerns are that if the severance is to commence and whomever owns, lives, or potentially buys the severed lot that they acknowledge and accept that they will not oppose any secondary plan designs prepared prior to or after the date of this approval where the Sardella family has shown on any submitted secondary plans.*

*The access road may be shifted to the east or west of this severed lot and they may not contest or oppose any design submissions.*

*I request this as a condition of approval.*

### **Conclusion:**

Planning staff is not providing a recommendation on the proposed Zoning By-law Amendment at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. Given the time constraints with the clearing of consent conditions from application B05-20-PC, staff will be bringing a report back for Council's consideration as soon as possible.

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### **Appendices:**

- a. Draft Zoning By-law Amendment
- b. Planning Justification Brief
- c. B05-20-PC Severance Sketch

Respectfully submitted,

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### **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.