



Subject: Recommendation Report for Zoning By-law and Official Plan Amendments D09-05-23 and D14-10-23 – 174 Mitchell Street

To: Council

From: Development and Legislative Services Department

Report Number: 2024-91

Meeting Date: April 9, 2024

Recommendation:

That Planning and Legislative Services Department Report 2024-91 be received; and

That the By-law to adopt amendment no. 15 to the Official Plan for the City of Port Colborne, attached as Appendix A, be approved; and

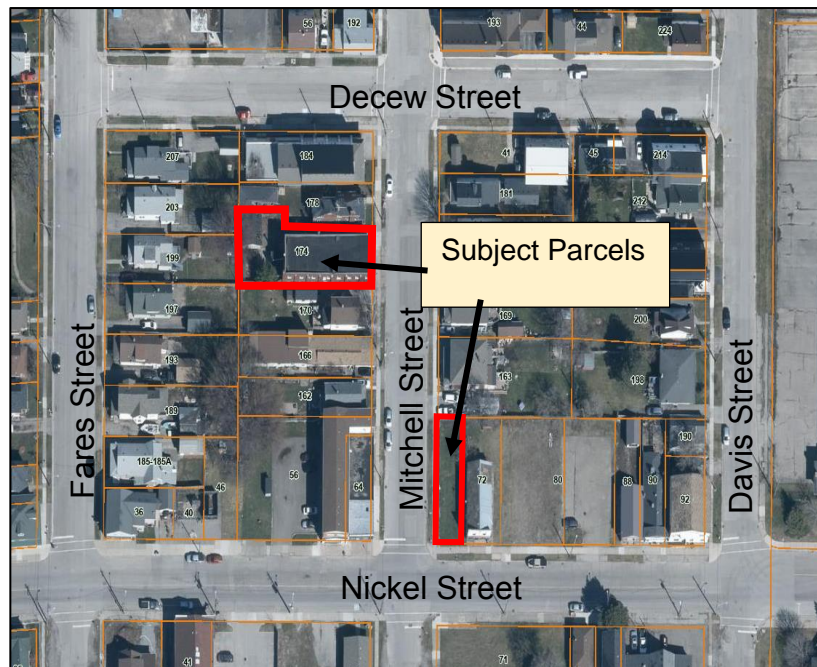
That the by-law to amend Zoning By-law 6575/30/18 for the lands legally known as Part of Lots 15 and 16 on Plan 849, municipally known as 174 Mitchell Street and the lands known as Lot 26 on Plan 19, on the northeast corner of Nickel and Mitchell Street formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, be approved; and

That the Acting 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 applications for Zoning By-law and Official Plan Amendments submitted by LandPro Planning Solutions, on behalf of the owner 2866403 Ontario Inc. for the lands known as Part of Lots 15 and 16 on Plan 849, municipally known as 174 Mitchell Street and the lands known as Lot 26 on Plan 19, on the northeast corner of Nickel and Mitchell Street formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara. The applications propose to rezone and redesignate the lands to facilitate the renovation of an existing building into a 12-unit apartment, with parking located at the corner of Nickel Street and Mitchell Street.

The subject parcels are outlined in red in the following image:



Background:

The applications for Zoning By-law and Official Plan Amendments were submitted on December 20, 2023, and deemed complete on January 11, 2024. The applicant is requesting an amendment to the Official Plan to redesignate the 174 Mitchell Street property from Medium Density Urban Neighbourhood to a Medium Density Urban Neighbourhood special policy area designation to permit a maximum density of 192 units per net hectare.

The application for Zoning By-law Amendment proposes to change the zoning of 174 Mitchell Street from Third Density Residential with Conversion Holding provision (R3-CH) to a site-specific Fourth Density Residential zone (R4-80). The site-specific amendment seeks the following:

- A reduced minimum lot frontage from 18 metres to 14.158 metres;
- A reduced minimum lot area per unit from 125 square metres to 52.22 square metres;
- A reduced minimum front yard setback from 9 metres to 0 metres;
- A reduced minimum interior side yard setback from 3 metres to 0 metres;
- A reduced minimum landscaped area from 25% to 0%;
- A reduced minimum floor area per unit from 50 square metres to 24 square metres;
- An increased lot coverage of 43.5% where 40% is permitted;

- A reduced driveway width of 3.6m where 7.5m is required; and
- A landscape buffer of 0m where 3m is required.

The above provisions are proposed to permit the conversion of the existing building to a 12-unit apartment building.

The proposed site-specific policies seek to expand on Policy 3.2.1 c) i) and ii) to permit a maximum density of 192 units per hectare and to reflect an apartment building as a permitted use to allow the conversion of the existing building to a 12-unit apartment building.

Additionally, the lands known as Lot 26 on Plan 19 are proposed to be rezoned from Fourth Density Residential to a site-specific Fourth Density Residential (R4-81) zone to permit additional parking spaces for the proposed apartment building conversion referenced above. The site-specific zoning proposes a 0-metre landscape buffer.

Discussion:

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 16 of the Act allows for the consideration of an Official Plan Amendment.

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 apartment will contribute to a range and mix of housing types in the City, as well as the immediate neighbourhood. The Zoning By-law Amendment proposes site-specific amendments that would provide for a compact and efficient development and have been requested to acknowledge existing deficiencies with the site.

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 to 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

The subject lands are located within the East Waterfront Secondary Plan Area. According to Schedule F: East Waterfront Secondary Plan, the City of Port Colborne's Official Plan (OP) designates the subject property as **Medium Density Urban Neighbourhood**.

The OP provides for Growth Management Strategies that are identified in Section 2.2 and state the following:

2.2 Growth Management Strategy

The City of Port Colborne is committed to supporting the conservation of valuable economic, environmental and cultural resources, recognizing that growth should be directed to the appropriate areas through strategic planning. Throughout this Plan there are additional policies which support and implement the Growth Management Strategy for the City of Port Colborne and the Niagara Region.

The City of Port Colborne's Growth Management Strategy shall:

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

Sections a, d, e, and g are not relevant to this application.

The above policies are achieved in this application as the proposal is serviced by municipal sewer and water services. Currently, on-demand transit is available within the City and the proposal offers a unique alternative to supply the site with parking. Growth is being strategically directed to the East Waterfront Secondary Plan Area where the long-term vision of the East Waterfront includes neighbourhood renewal and infill development, as set out in Section 5.2.1 of the OP.

5.2 East Waterfront Secondary Plan

As the lands are located within the East Waterfront Secondary Plan Area, the applications will also be assessed against section 5.2 of the OP. Within the Secondary Plan, the lands are designated as Medium Density Urban Neighbourhood which provides for a density ranging from 35 to 70 units per net hectare. The proposed Official Plan Amendment is requesting a density of 192 units per net hectare. While the request appears to be over double the permitted density of the designation, Staff notes that the

request is to accommodate the renovation of an existing building and no additions or new development is being proposed. Staff is satisfied that the proposed density is suitable for the site as the application proposes to make efficient use of an existing underused site, and the intent of the Zoning By-law will also be met, as discussed below. As such, Staff is satisfied that the application meets the intent of the Official Plan.

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

The City of Port Colborne Zoning By-law currently zones the property as Third Density Residential with a conversion holding provision (R3-CH).

The Zoning By-law Amendment proposes to change the zoning from R3-CH to a site-specific Fourth Density Residential (R4-80) zone. The following site-specific amendments to the R4 zone are proposed.

Table 1: Site-specific Fourth Density Residential Zone (174 Mitchell Street)			
Apartment Building Provisions			
Regulation Type	Existing R4 Zone Regulations	Proposed R4-XX Zone Regulations	Recommended R4-XX Regulations
Minimum Lot Frontage	18 metres	14.158 metres	14.1 metres
Minimum Lot Area Per Unit	125 square metres	52.22 metres	52.2 metres
Minimum Front Yard Setback	9 metres	0 metres	0 metres
Interior Side Yard Setback	3 metres	0 metres	0 metres
Minimum Landscaped Area	25%	0%	0%
Minimum Floor Area Per Unit	50 square metres	24 square metres	24 square metres
Lot Coverage	40%	43.5%	43.5%
Driveway Width	7.5 metres	3.6 metres	3.6 metres
Landscape Buffer	3 metres	0 metres	0 metres

*Recommended numbers are rounded to one decimal place from the proposed.

Additionally, the Zoning By-law Amendment proposes to change the zoning of the vacant lot on the north-east corner of Mitchell and Nickel Street from R4 to a site

specific R4 (R4-81) zone. The following site-specific amendments to the R4 zone are proposed.

Table 2: Site-specific Fourth Density Residential Zone (Vacant Lot, north-east corner of Nickel Street and Mitchell Street)			
Apartment Building Provisions			
Regulation Type	Existing R4 Zone Regulations	Proposed R4-XX Zone Regulations	Recommended R4-XX Regulations
Landscape Buffer	3 metres	0 metres	0 metres

Staff have reviewed the proposed amendments to the Zoning By-law and find that they are appropriate for the development of the site. The majority of the special provisions are being requested to address existing deficiencies with the zoning requirements. The existing deficiencies include the lot frontage, lot area, lot coverage, front yard setback, side yard setback, landscaped area and driveway width. Staff notes that the applications do not propose any additions to the existing building resulting in no enlargements to the existing footprint or further non-conformity with the by-law. Staff recognizes the aforementioned deficiencies as ‘existing’ and as such, have no concerns.

The requested decrease in minimum unit size is deemed to be acceptable as not every proposed unit will be 24 m². As per the attached unit sizes and layout (Appendix D), four units will exceed the requirement of 50 m², while the remaining eight units will range in size from 24.82 m to 34.86 m². Staff do not object to the proposed unit sizes as they are proposed to be bachelor-style units, which are generally smaller in nature. Furthermore, the proposal will contribute to a range and mix of unit types which is consistent with the PPS and the Growth Plan.

The proposed landscape buffer for 174 Michell and the vacant lot at the corner of Nickel Street and Mitchell Street has been requested to accommodate parking for 174 Mitchell Street. Staff has no concerns with the proposed landscape buffer as fencing or other materials may be used to negate the negative side effects of vehicles headlights. These alternatives can be implemented during the site plan process.

Planning Justification Report

The property owner retained the agent to prepare a Planning Justification Report (PJR) to help facilitate the application. The report, prepared by LandPro Planning Solutions, analyzes the policies outlined in the relevant Provincial, Regional, and City plans referenced above. The report concludes that the proposed development is consistent with the objectives of the Provincial Policy Statement (PPS 2020), Places to Grow, for the Greater Golden Horseshoe (Growth Plan 2019), Niagara Official Plan (NOP), and

the City of Port Colborne Official Plan. The development is contributing to residential intensification and making use of existing infrastructure. Given the findings of the report, the author concludes that the Official Plan and Zoning By-law Amendments represent good planning. The full PJR is attached as Appendix E.

Internal Consultations:

Niagara Region (Full Comments Attached as Appendix F)

Regional Growth Strategy and Economic Development staff do not object to the proposed Official Plan Amendment in principle. Staff note that the future Site Plan application will need to address the requirement for an archaeological assessment on Lot 26 Plan 19 Nickel Street. Provided this requirement is addressed at the site plan stage, staff are satisfied that Provincial and Regional policies are met.

Staff Response

Staff have worked with Regional Staff since the submission of their comments and have established that an Archaeological Assessment will no longer be required as it has been discovered that the vacant lot on the corner of Mitchell and Nickel has been previously disturbed.

Enbridge

Enbridge Gas does not object to the proposed applications however, they reserve the right to amend or remove development conditions.

Drainage Superintendent

There are no comments with regards to municipal drains.

Financial Implications:

The increase in units will raise the assessment base in the City and provide for new water and wastewater users over time.

Public Engagement:

A public meeting was held on February 6, 2023, and notice of the meeting was administered on January 16, 2024, as per Section 5 of O. Reg 545/06 and Section 3 of O. Reg 543/06. One member of the public provided a delegation during the public meeting. Their comments have been summarized below.

John McNall – 170 Mitchell Street

- Has concerns with regards to a privacy fence and would like one to remain a part of the proposal.
- Has concerns with the state of the current brick façade and states that bricks are falling off the building.
- Stated that only one parking spot could be located in front of the building and would not be fair if it were dedicated to a 'time-specific' parking stall.

Staff Response

The applicant has ensured that a privacy fence would be installed and maintained between the subject lands, which can be enforced by Staff during the Site Plan process. The façade of the building will be restored during the renovation; however, property standards provisions still apply and could be addressed through the City's By-law Enforcement Services.

Strategic Plan Alignment:

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

- Economic Prosperity
 - Increased Housing Options
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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 Official Plan Amendment and Zoning By-law Amendments attached as Appendix A, B and C, respectively, be approved.

Appendices:

- a. Official Plan Amendment
- b. Zoning By-law Amendment – 174 Mitchell Street
- c. Zoning By-law Amendment – VL Mitchell and Nickel Street
- d. Unit Sizes and Layout

- e. Planning Justification Report
- f. Regional Comments
- g. Site Plan

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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.