



LANDPRO
PLANNING SOLUTIONS

Report 2024-91
Appendix E

Planning Justification Report

Local Official Plan Amendment, Zoning By-law Amendment &
Site Plan Control



Address: 174 Mitchell St. Port Colborne

Date: December 2023

Prepared for 2866403 Ontario Inc.

LANDPRO PLANNING SOLUTIONS Inc.
Landproplan.ca
info@landproplan.ca

204-110 James St. St. Catharines
Ontario L2R 7E8

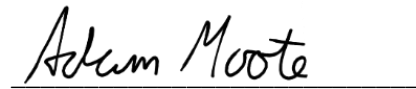
DISCLAIMER

This report was prepared by the team at LandPro Planning Solutions Inc. It is based on the information provided to us by the applicant. The planning policy research and opinions are based on our own research and independent analysis of the applicable policy.

Adam Moote, RPP Project Manager, Quality Control, Research

This report was written by professionals and supervised by Registered Professional Planners, who are full members of the Ontario Professional Planners Institute as defined by the *Ontario Professional Planners Act*, 1994. The contents of this report represent the author's independent professional opinions and comply with the OPPI Code of Professional Practice and the opinions presented herein will be defended as required.

LandPro Planning Solutions Inc.



Adam Moote BA, M.Plan, RPP, MCIP
Senior Planner

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1 INTRODUCTION

LandPro Planning Solutions Inc. (LandPro) has been retained by **2866403 ON Inc.** c/o Ajay Kahlon (“The Owner”) to assist with planning approvals for the property located at 174 Mitchell St., Port Colborne in Niagara Region. The property is legally described as PLAN 849 PT LOT 15 PT LOT 16.

In addition to the proposed residential property, there is another property located at the corner of Mitchell St. and Nickel St. that is proposed to serve as the parking for the residential property and is legally described as PLAN 19 LOT 26 NP857

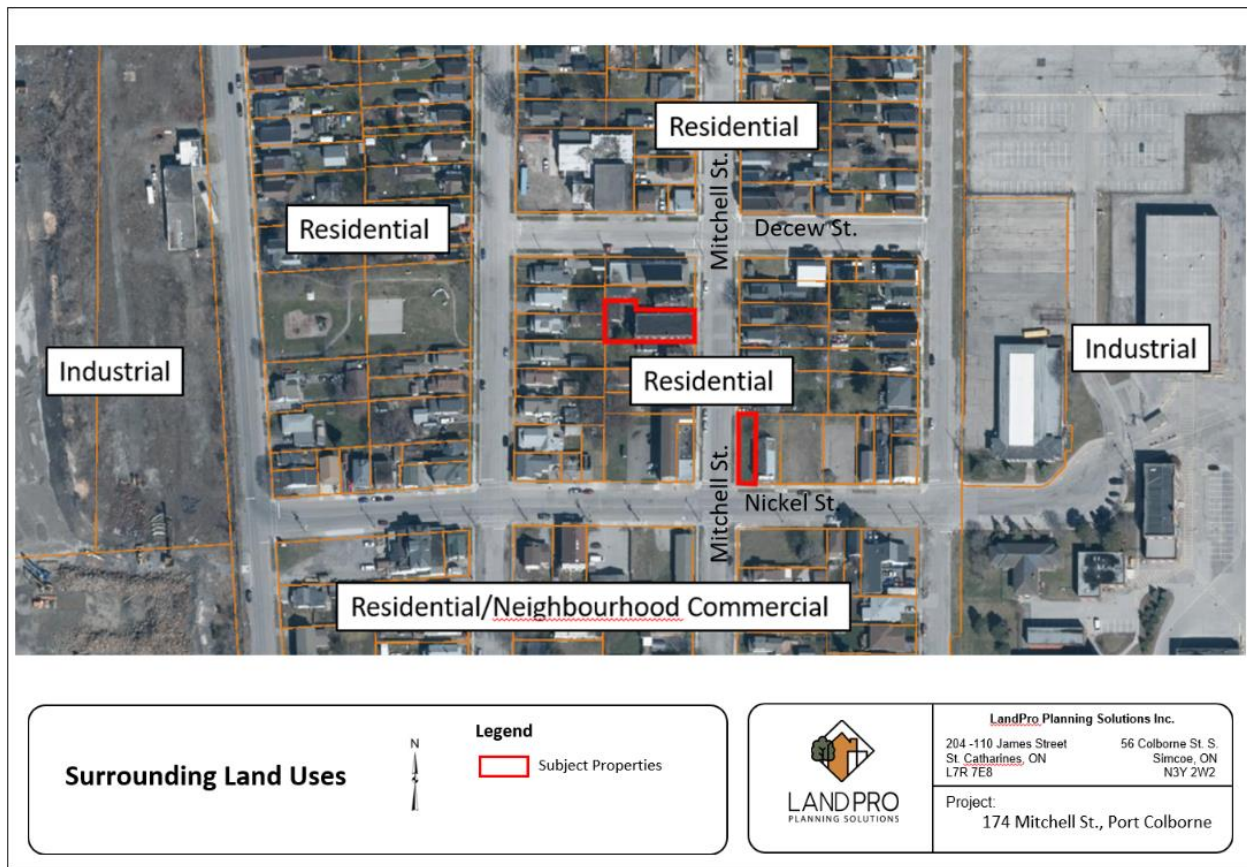
The accompanying applications propose to increase the density of the property and rezone the properties with site specific provisions to facilitate the renovations of the building on the property and to permit parking.

This report serves to provide an overview of the planning merits for the Official Plan Amendment, Zoning By-Law Amendment and Site Plan Applications to demonstrate good planning.

2 SITE CONTEXT

The subject residential property is located on the west side of Mitchell St. and the proposed parking lot for 174 Mitchell Street is on the east corner of Mitchell St. and Nickel St. See the property location shown in **Figure 1** below.

Figure 1: Property Location



2.1 LAND USE CONTEXT

174 Mitchell Street contains a vacant building that once hosted a mixed-use building with a bakery on the ground floor and residential use upstairs.

The immediate surrounding land uses are described below.

North = Residential
 South = Residential | Commercial
 East = Residential | Industrial
 West = Residential | Industrial

The subject property at 174 Mitchell Street has frontage onto Mitchell Street. The proposed parking property at the corner of Mitchell Street and Nickel Street has legal frontage onto Nickel Street. The existing property dimensions are presented below in **Table 1**.

2.2 PROPERTY DIMENSIONS & PHYSICAL ATTRIBUTES

Table 1 – Existing Property Dimensions

	174 Mitchell St.	Vacant Lot (Proposed Parking)
Lot Frontage	14.15 m	7.7 m
Lot Depth	40.23 m	31.1 m
Lot Area	626.7 m ²	239.0 m ²

3 PROPOSED DEVELOPMENT

These applications are required to facilitate the renovations of the existing building to increase the density on the site to permit 12 residential units. Further, we are proposing to rezone the vacant lot across the street to permit parking for 174 Mitchell Street.

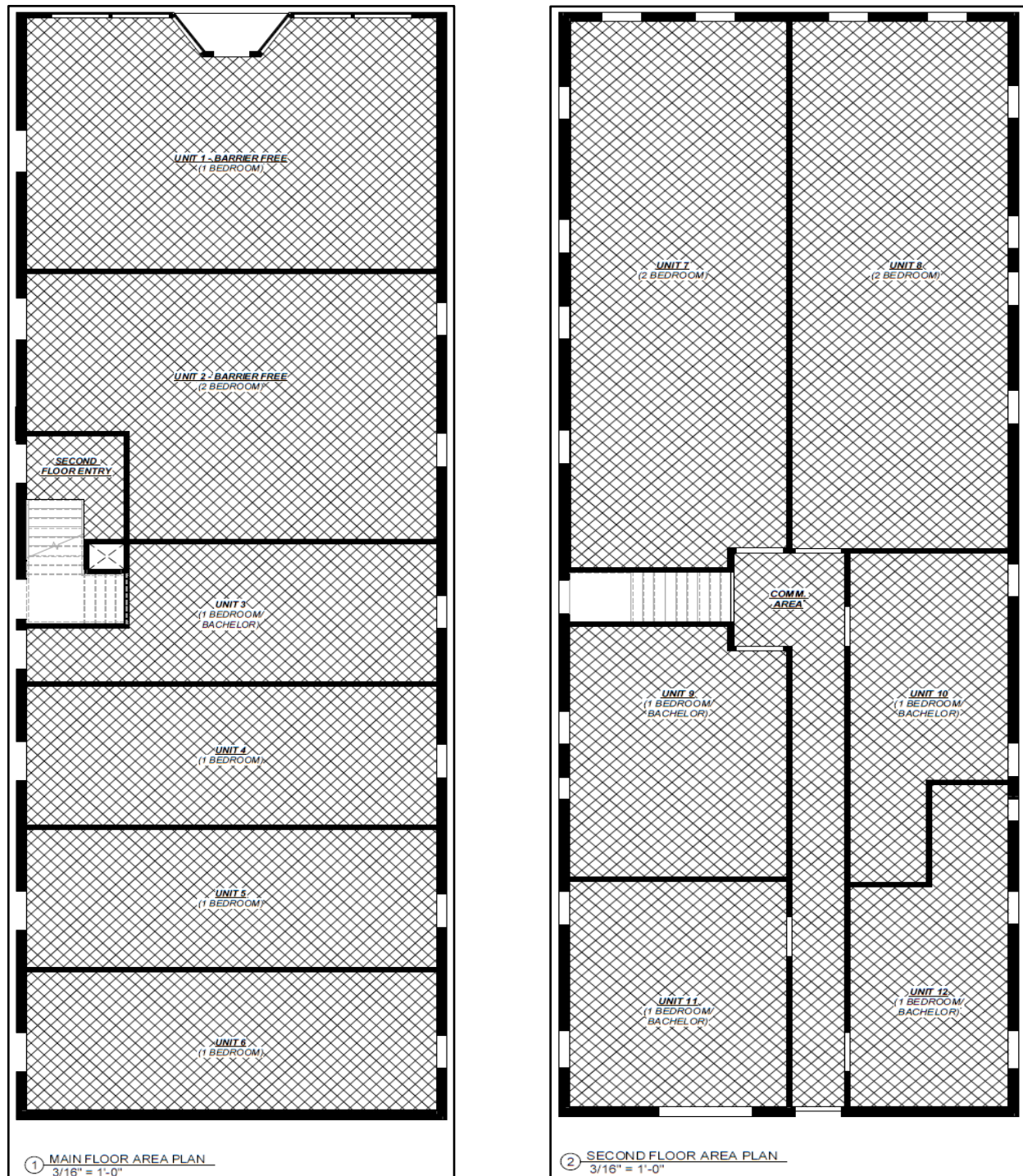
The Official Plan Amendment intends to permit an increase in density for the property. The current density is 35-70 units per hectare, whereas the application is seeking to increase it to 192 units per hectare. This will allow for the building to be renovated to include 12 residential apartment units.

The Zoning By-law Amendment is required to rezone the property to Fourth Density Residential 4 (R4), as the current Third Density Residential 3 (R3) zoning of the property does not permit apartment units. The rezoning of 174 Mitchell Street also proposes site-specific provisions to accommodate zoning provision deficiencies. See details in Zoning Provisions Table in Section 4.7.

As part of the rezoning a lifting of the Holding Provision that is attached to the property is required. A Record of Site Condition is required to fulfill the lifting of the Holding Provision. Additionally, the proposed parking property at the corner of Mitchell Street and Nickel Street is zoned as Fourth Density Residential (R4), which we will be rezoning to R4 with site-specific provisions to add parking as the primary use.

A concept of the unit layout is shown in **Figure 2**.

Figure 2: Concept Plan Floor Layouts



4 LAND USE PLANNING FRAMEWORK

In preparing these applications, several policy and regulatory documents were reviewed and analyzed to demonstrate good planning. They include the following:

1. Planning Act, R.S.O 1990 c.P.13
2. Provincial Policy Statement, 2020;
3. A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019;
4. Niagara Region Official Plan, 2022;
5. City of Port Colborne Official Plan, 2017;
6. City of Port Colborne Comprehensive Zoning By-law (By-law 6575/30/18)

A detailed review is below.

4.1 PLANNING ACT, R.S.O 1990 c.P.13

The *Planning Act* is the provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use changes occur.

The purposes of the *Act* as outlined in **Section 1.1** are (a) to promote sustainable economic development in a healthy natural environment, (b) to provide for a land use planning system led by provincial policy, (c) to integrate matters of provincial interest in provincial and municipal decisions, (d) to provide for planning processes that are fair, (e) to encourage co-operation and coordination among various interests, (f) to recognize the decision-making authority and accountability of municipal councils in planning.

These matters of Provincial Interest are outlined in **Section 2** of the *Act*. This application *has regard to* the following matters: f), h), h.1), j), l), m), o), p), q), r).

This application has regard for the relevant sections of the *Planning Act*.

4.2 PROVINCIAL POLICY STATEMENT, 2020

The *Provincial Policy Statement* provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Comments, submissions, or advice that affect a planning matter that are provided *shall be consistent with* the PPS. The PPS is based on three overlying principles: 1) *Building Strong Healthy Communities*; 2) *Wise Use and Management of Resources*; and 3) *Protecting Public Health and Safety*.

The subject lands are in a residential area in the City of Port Colborne, defined as a **Settlement Area** by the PPS.

The PPS identifies settlement areas as being the focus of growth and development (1.1.3.1), by ensuring efficient and mixed land use patterns (1.1.3.2), promoting municipal public transit, housing options, and utilization of existing infrastructure (1.1.3.3), meeting appropriate development standards (1.1.3.4) and by providing a range and mix of housing options (1.4.3).

These applications will impact a property with a vacant building, and a vacant lot property located in a residential area of Port Colborne. This proposal aims to focus on growth and development within the settlement area through ensuring the efficient use of land. The proposed renovations will provide additional housing options by introducing new apartment units to the housing stock and will utilize existing infrastructure. The OPA will permit the increased density, and the ZBAs will permit the building to be used as an apartment, and the vacant lot to be used as parking to service the residential units at 174 Mitchell St. The rezonings will also recognize any zoning deficiencies.

These applications are consistent with the Provincial Policy Statement.

4.3 PROVINCIAL PLANNING STATEMENT, DRAFT 2023

The *Provincial Planning Statement (DRAFT 2023)* is a draft provincial policy planning document that will replace the current PPS, 2020 and A Place to Grow: Growth Plan, 2020 once approved. The Provincial Planning Statement is **not in force and effect** however, the draft policies are available for review and have been considered below on the assumption they will be approved *generally* as proposed.

The development(s) contribute towards providing an appropriate range and mix of housing options and densities to meet projected needs of current and future residents (2.2.1) through permitting and facilitating all types of residential intensification and redevelopment which results in a net increase in residential units (2.2.1.b.2). Settlement areas shall be the focus of growth and development (2.3.1).

Land use patterns within settlement areas should be based on densities and a mix of land uses which (a) efficiently use land and resources; (b) optimize existing and planned infrastructure and public service facilities; (c) support active transportation; (d) are transit-supportive, as appropriate (2.3.2).

The proposed development is consistent with DRAFT PPS 2023, as proposed.

4.4 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2019

A *Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") provides a provincial policy framework for managing growth in the Greater Golden Horseshoe, which applies to Niagara Region and its lower-tier municipalities. The Growth Plan is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

The Growth Plan designates the subject property as being within the *Delineated Built-Up Area*. The vast majority of growth will be directed to settlement areas (2.2.1.2.a) with growth to be focused in delineated

built-up areas (2.2.1.2.c.i). The Growth Plan encourages intensification generally throughout the delineated built-up area (2.2.2.3.c) and shall be implemented through official plan policies and designations, updated zoning and other supporting documents (2.2.2.3.f). The applications aim to support housing choice through introducing new apartment units to the neighbourhood (2.2.6.1.a).

The applications align with the policies outlined in the Growth Plan as the properties are located in a built-up area and promote intensification of the neighbourhood. The proposal will facilitate the addition of twelve (12) new apartment units which will marginally increase the housing options in the area. The ZBAs will permit the building to be used as an apartment, and the vacant lot to be used as parking to service the residential units at 174 Mitchell St. The rezonings will also recognize any zoning deficiencies.

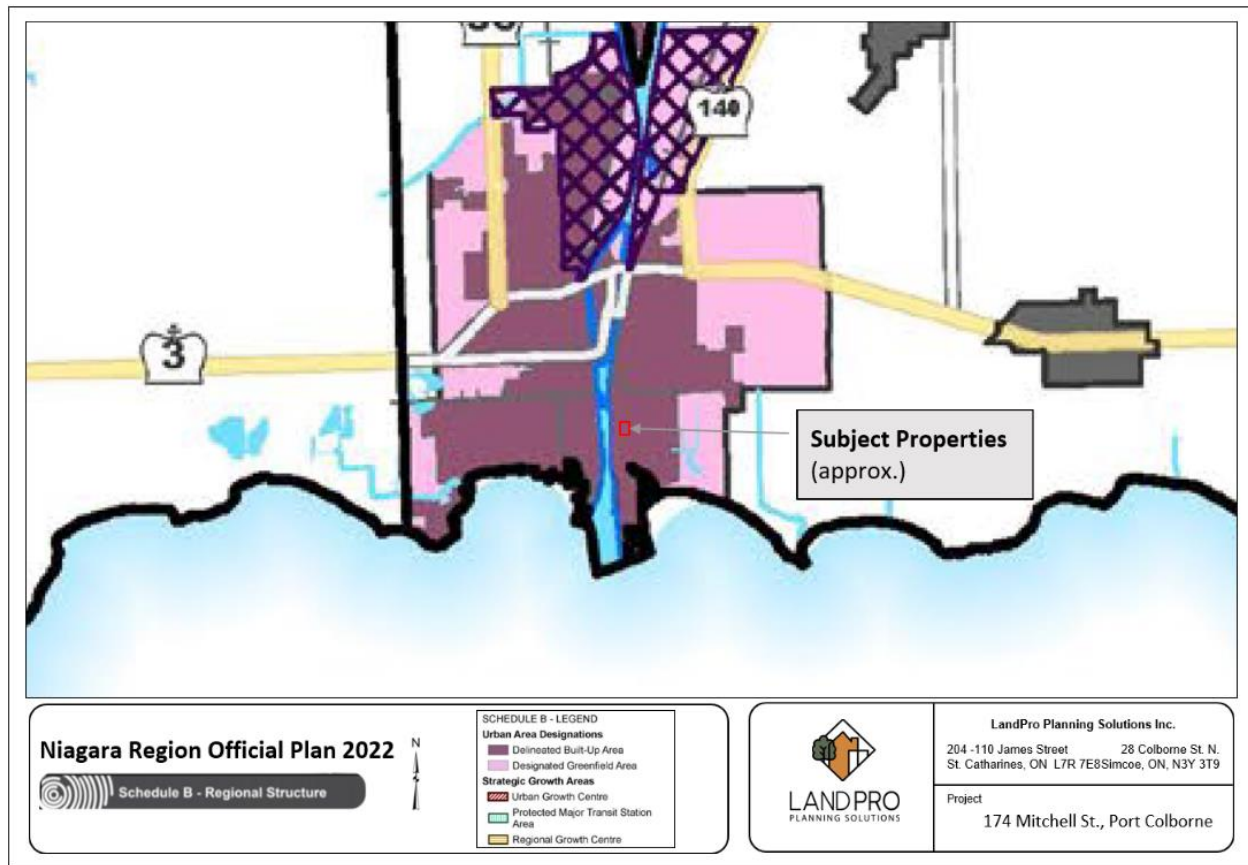
The proposed applications conform with the Growth Plan.

4.5 NIAGARA REGION OFFICIAL PLAN, 2022

The Niagara Region Official Plan (NROP) contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

The subject property is designated as *Delineated Built-Up Area* in the Niagara Region Official Plan. **Figure 3**, below, shows the property designation and surrounding land uses.

Figure 3: Niagara Region Official Plan



The NROP aims to manage growth within the urban area (2.2.a) by accommodating growth through strategic intensification (2.2.b). Urban growth shall have a diverse range and mix of housing types/sizes (2.2.1.1.c) and shall support opportunities for intensification including infill development (2.2.1.1.g). The NROP shall also support opportunities for gentle density (2.2.1.1.h) and the development of a mix of residential built forms in appropriate locations, such as local growth centres (2.2.1.1.i). Additionally, Port Colborne has an intensification target of 690 units or 30% from 2021 to 2051 (NROP, Table 2-2).

This application facilitates strategic growth within the built-up area of Port Colborne and represents an opportunity for gentle density in an appropriate location by providing additional residential units on the subject property. The proposed renovations will support intensification targets by creating new apartment units.

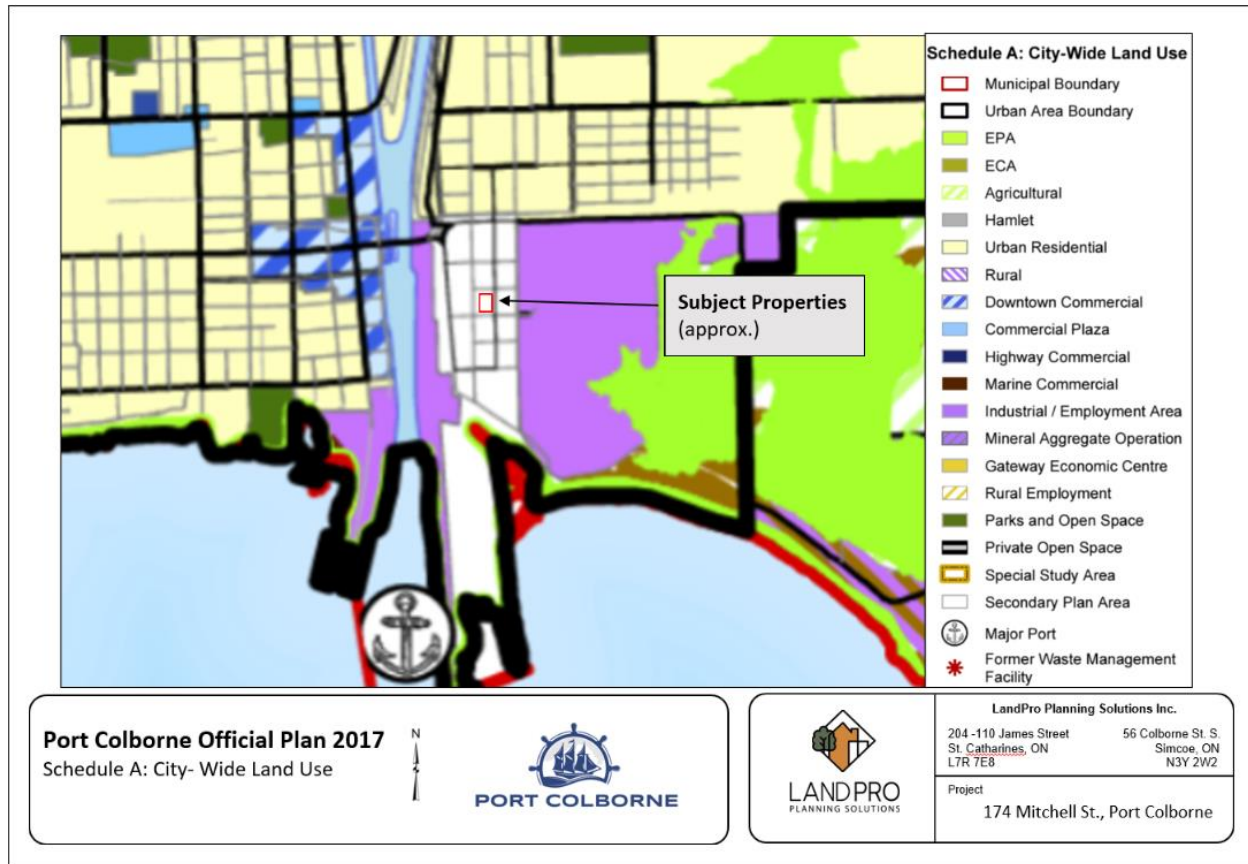
It shall be noted that each local area municipality shall establish intensification targets in their own Official Plans that meet this NROP target (2.2.2.6). However, since this NROP is newly adopted in June 2022 and was recently approved by the Ministry of Municipal Affairs and Housing, the Port Colborne Official Plan does not reflect these updated targets. This application conforms to the Niagara Region Official Plan.

4.6 CITY OF PORT COLBORNE OFFICIAL PLAN, 2017

The City of Port Colborne Official Plan (PCOP) designates the properties as *East Waterfront Secondary Plan* in Schedule A, see **Figure 4**, and with respect to that, *Medium Density Urban Neighbourhood* (Schedule F), please see **Figure 5**.

Additionally, the subject properties are within the IPZ-2 source water protection zone designated by the Niagara Region Official Plan (Schedule H) **Figure 6**. As per the pre consultation on April 13th, 2023, city staff stated no concerns in regard to this since the property (174 Mitchell St.) is a proposed residential use.

Figure 4: City of Port Colborne Official Plan Schedule A



174 Mitchell St.

2866403 ON Inc. c/o Ajay Kahlon

Figure 5: City of Port Colborne East Waterfront Secondary Plan Schedule F

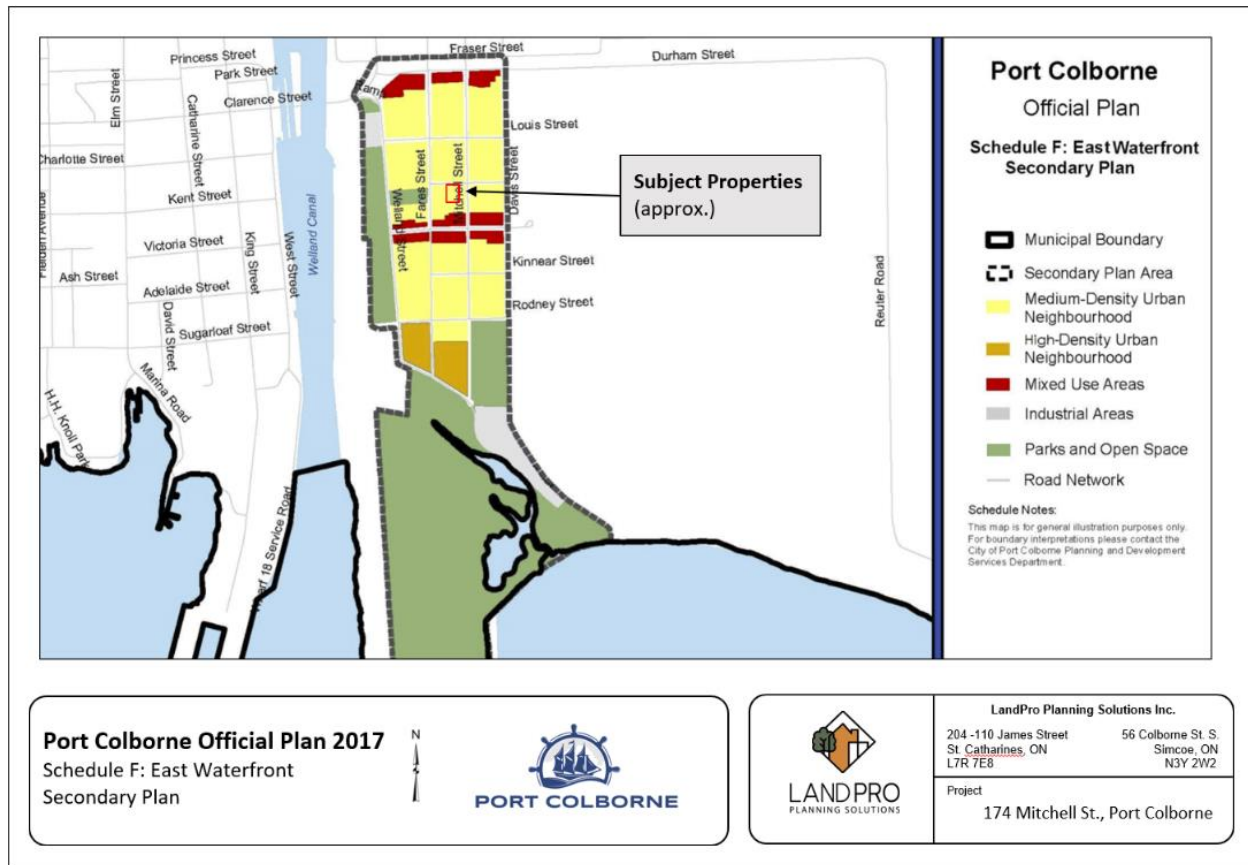
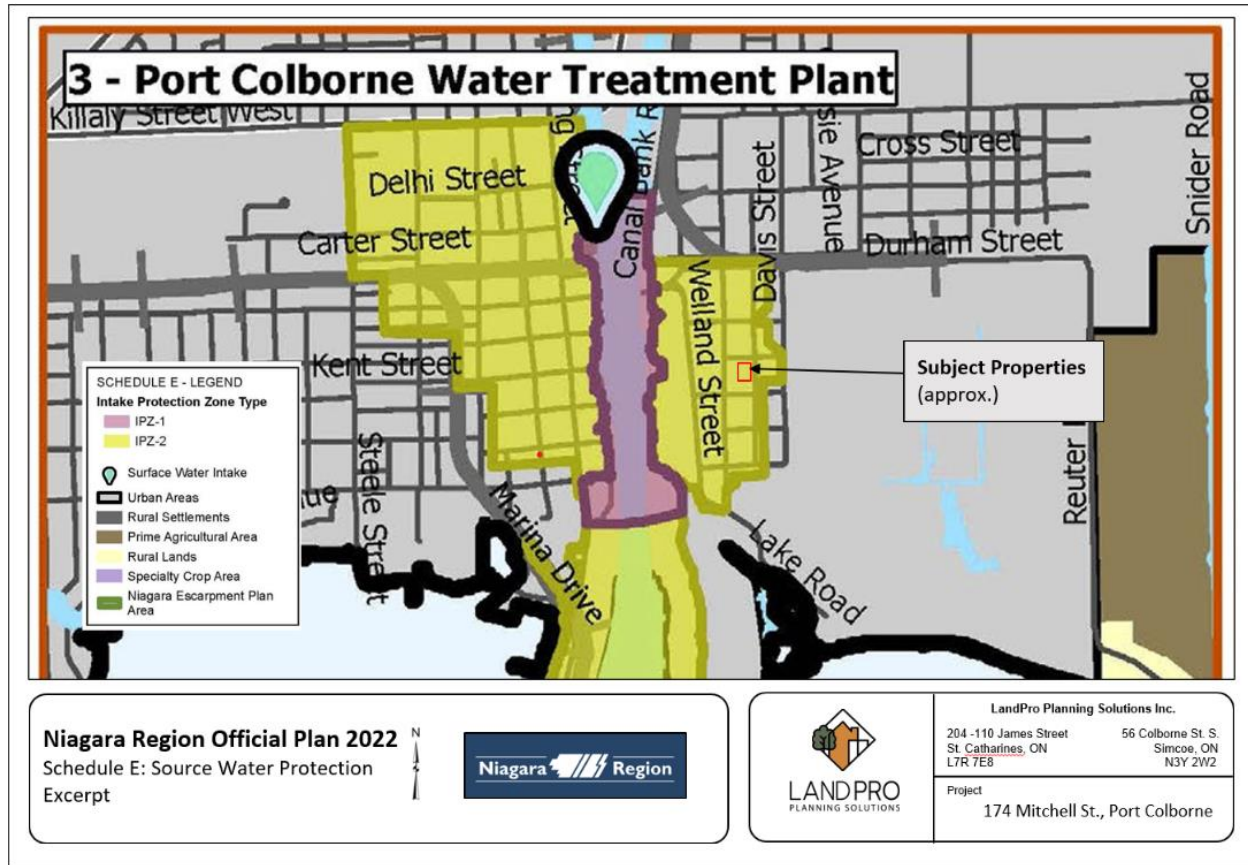


Figure 6: Niagara Region East Source Water Protection Schedule E



The PCOP identifies land use policies that guide development for the East Waterfront Secondary Plan in **Section 5.2**. The proposed development encourages the *repair and renovation of existing housing stock and other buildings (5.2.1 a.)* by redeveloping the current vacant building to a fully residential apartment. The proposed development aims to make efficient use of land in the residential area to facilitate the creation of twelve (12) new apartment units within the existing building. The renovation of the existing building will also help to *improve the quality of streetscape in the neighbourhood (5.2.1 c.)* by taking this unused property and refurbishing it, resulting in streetscape improvements for the area.

The character of the existing neighbourhood within the Built-up Area shall be retained. Accordingly, the residential redevelopment will promote intensification and complement the built form of a neighbourhood by improving an existing structure. Development within the Built-up Area will be at a higher density than what currently exists in the neighbourhood. The application aims to increase the density of the property through renovating the existing building. This application intends to address housing needs and create a community that makes use of the existing and available public infrastructure **(2.1 p.)**.

Further, increasing the number of residential accommodations will provide for an overall mix of housing and progress towards achieving intensification targets. Medium density urban neighbourhood can be

developed with a density of 35-70 units per hectare (**5.2.2 b.**) which is to be addressed through the OPA & ZBA to permit higher density.

The Local Official Plan Amendment intends to permit the increased density on the 174 Mitchell St. property. The proposed renovations to the building would bring the density to approximately **192 units per hectare**.

In alignment with the City's strategic planning policies established for the East Waterfront, the City has been assisting with this development by promoting and facilitating improvements to private property in the area (5.2.3.). These applications also assist the City in accomplishing community improvement through redevelopment and upgrading of areas characterized by "obsolete or deteriorated buildings" (6.1.a).

Lastly, as per O. Reg 153/04, the change in the property from commercial to residential use requires a Record of Site Condition (RSC). This work is underway and has been requested to be an approval condition of the Site Plan Approval.

Subject to approval of this application, this proposal will conform to the City of Port Colborne Official Plan.

4.7 CITY OF PORT COLBORNE COMPREHENSIVE ZONING BY-LAW (BY-LAW 6575/30/18)

The subject properties are currently zoned Third Density *Residential with a Conversion Holding (R3-CH)*, where the holding provision can be removed upon receiving a satisfactory RSC or a letter from a qualified professional in lieu of a filed RSC as per the City's pre consultation comments. As mentioned, this has been requested to be a condition of the Site Plan approval as the RSC is currently underway. The proposed parking property is currently zoned *Fourth Density Residential (R4)*. See **Figure 7** below.

A Zoning By-law Amendment (ZBA) proposes to rezone the 174 Mitchell St. property, currently zoned R3-CH to *Fourth Density Residential (R4)* zone. Additionally, a rezoning of the vacant lot is required to permit parking without a principle use.

Figure 7: City of Port Colborne By-law No. 6575/30/18



See Residential Density (R4) Zone provisions below in Table 3.

Table 3: City of Port Colborne Zoning By-Law No. 6575/30/18 - R4 Zone

R4 Zone Provisions			
Zone Provisions	Required	Proposed (174 Mitchell St.)	Comment
Min. Lot Frontage	18m	14.158m	Existing but does not comply
Min. Lot Area per unit	125 sq.m (125*12=1500 sq.m)	52.22 sq.m (626.7/12=52.22 sq.m)	Does not comply
Min. Front Yard	9m	0m	Does not comply
Min. Interior Side Yard	3m	4.05m and 0m	Existing Complies and does not comply
Min. Rear Yard	6m	12.99m	Complies
Max. Lot Coverage	40%	43.5	Complies

R4 Zone Provisions			
Max. Height	20m	2-storey (6.7 metres)	Complies
Minimum Landscaped Area	25%	0%	Existing but does not comply
Min. Floor Area for a Unit	50 sq. m	Varies 24.82– 64.81 sq.m	Complies and does not comply
Number of Apartment Buildings on Lot	1	1	Complies
Parking Requirements (1.25 spaces per unit)	15 standard spaces (1.25 per unit) 1 accessible space	Onsite: 1 - Accessible 4 - Standard 7 – Bicycle Offsite: 11 - Standard	Complies

There are no proposed changes to the existing building footprint, the proposed applications will facilitate internal building renovations, and the site-specific provisions will recognize the zoning deficiencies that currently exist on the property.

The proposed provisions are reasonable in nature as the proposed development aligns with Provincial and Regional Policy. The zoning is proposed to be changed to a more appropriate R4 residential zone which allows the redevelopment of the existing building to optimize the use of the property.

5 SITE-SPECIFIC REQUESTS

Whereas the Official Plan designates the property for medium density residential permitting 35-70 residential units per hectare, the Official Plan Amendment would permit approximately 192 residential units per hectare.

A Zoning By-law Amendment proposes to rezone the 174 Mitchell St. property to *Fourth Density Residential* (R4) zone, which permits apartment units. Further, site-specific provisions requested include recognizing the zoning deficiencies as presented above in Table 3.

6 PLANNING ANALYSIS

These applications propose to facilitate the renovations of the existing building on the property. To reiterate, 174 Mitchell Street contains an existing vacant building proposed to be renovated to include 12 apartment units, this requires the Official Plan Amendment to permit a density of 192 units per hectare. The Zoning By-law Amendment to the site will permit an apartment as a use and will recognize deficiencies. Additionally, another rezoning for the vacant lot to permit parking is required.

This proposal has regard to the purposes of the *Planning Act* listed in **Section 1.1**. The applications also have regard to the matters of provincial interest outlined in **Section 2**; specifically, items c), e), f), g), h), j), l), m), n), o), p), q), r).

The *Provincial Policy Statement* supports the planning applications for the property as it ensures efficient development and use of land aligning with the existing uses of the surrounding area. The proposed renovations will provide additional housing options by introducing new apartment units to the housing stock while utilizing existing infrastructure. The applications aim to focus on growth and development within the settlement area through ensuring the efficient use of land.

The *Growth Plan* has a similar intent to the PPS and reflects similar provincial policies. The property is located in a built-up area and promotes intensification of the neighbourhood. The proposal will facilitate the addition of twelve (12) new apartment units which will marginally increase the housing options in the area. Both the OPA and ZBA are required to facilitate this intensification.

The *Niagara Region Official Plan* and *Port Colborne Official Plan* designates the property as **Delineated Built-Up Area** and **Medium Density Urban Neighbourhood**, respectively. The applications facilitate strategic growth within the built-up area of Port Colborne. The proposed Official Plan Amendment intends to permit increased density; the proposed renovations would bring the 174 Mitchell Street density to **192 units per hectare**, where 35 - 70 units per hectare is currently permitted.

The Zoning By-law Amendment is included as part of this application package. The ZBA intends to permit building renovations to facilitate the proposed 12-unit apartment building without an associated commercial use. The ZBA proposes to rezone the properties to *Residential R4 Density* zone to permit an apartment building and recognize the zoning deficiencies that are listed in **Table 3**. Another rezoning is required of the vacant lot located on the corner of Mitchell St and Nickel St, to add parking as a principle use of the property to serve as parking for 174 Mitchell St.

The proposed applications are consistent with the PPS, the Growth Plan and Regional planning policy. Subject to approval of these applications, the proposal will conform to the Port Colborne Official Plan and the City's Zoning By-law.

7 CLOSING

It is our opinion that the applications represent good planning and should be approved because of the following:

1. Has regard to the *Planning Act*;
2. Are consistent with the *Provincial Policy Statement*;
3. Conforms to the *Growth Plan* and *Niagara Region Official Plan*;
4. Subject to approval of the OPA, will conform to *Port Colborne Official Plan*;
5. Subject to approval of the ZBA, will conform to the *City of Port Colborne Zoning By-Law*.

LandPro Planning Solutions Inc.

Adam Moote

Adam Moote, M.Pl., RPP, MCIP
Senior Planner



289-680-5189



adam@landproplan.ca



landproplan.ca

Michael Sullivan

Michael Sullivan, M.Pl., RPP, MCIP
President | Founder



289-687-3730



mike@landproplan.ca



landproplan.ca