



City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
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Planning and Legislative Services

Planning Division Report

April 5, 2024

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

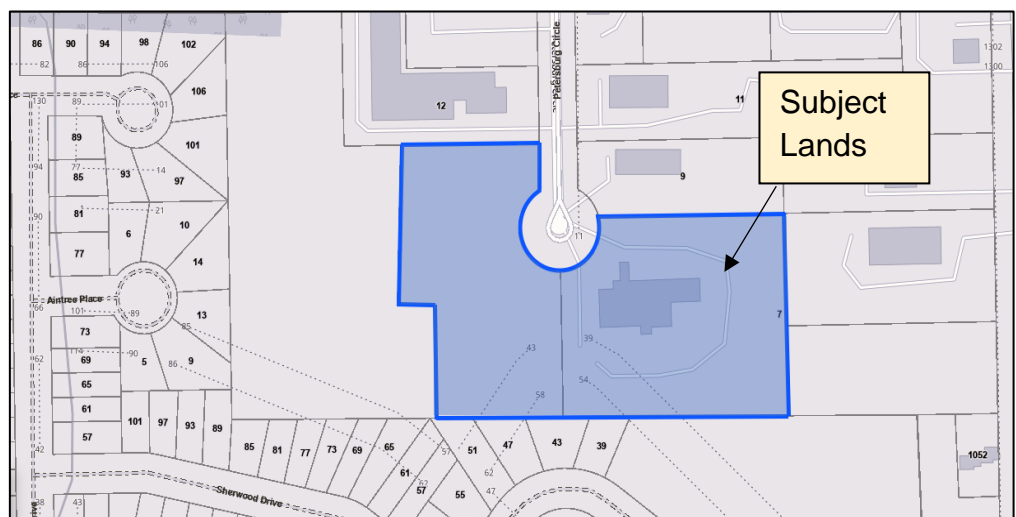
Re: Application for Consent B03-24-PC
7 Petersburg Circle
Part Lot 29 Concession 3
Agent: Jason Brouwer
Owner(s): Peter Vieveen

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 2 having a lot frontage of 30.61m on Petersburg Circle and a lot area of 3002m² for the creation of a new lot for industrial purposes. Part 3 will retain a lot frontage of 45.35m on Petersburg Circle and a lot area of 3002m² for future industrial use.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Light Industrial (LI) to the north, east, and west with Second and Fourth Density Residential to the south. The surrounding uses consist of industrial uses to the north and east with vacant industrial



land to the west and vacant residential land to the south.

Environmentally Sensitive Areas:

The subject lands do not contain any environmentally sensitive areas.

Public Comments:

Notice was circulated on March 27th, 2024, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act. As of April 5th, 2024, no correspondence from the public has been received.

Agency Comments:

Notice was circulated on March 11th, 2024, to internal staff and agencies. As of April 5th, 2024, the following has been received.

Drainage Superintendent

The parcel is assessed within the Biederman Municipal drain report. If the application is approved, a drainage apportionment agreement will be required. This can be completed by the Drainage Superintendent or by an approved drainage engineer at the cost of the applicant. The cost for the drainage superintendent to complete the reapportionment of assessment will be \$118.00. Upon the planning departments receipt of the deposited plan, the plan and the application are to be provided to the Drainage Superintendent to complete the reapportionment. Please allow for 1 week to complete.

Staff Response

Staff have added the Drainage Apportionment Agreement as a condition of the consent.

Fire Department

Port Colborne Fire has no objection to the application.

Engineering Technologist

Engineering has no comments.

Niagara Region

Staff of the Regional Growth Strategy and Economic Development Department are satisfied that the proposed consent application is consistent with the *Provincial Policy Statement* and conforms to Provincial and Regional plans, subject to Part 1 being merged on title with Part 4.

Staff Response

Staff have added the condition that Part 1 merges with Part 4.

Discussion:

This application was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, *the Regional Official Plan*, *the City of Port Colborne Official Plan*, *the City of Port Colborne Strategic Plan (2023-2026)*, and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*.

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 subject lands are within an “employment area” according to the PPS. Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. Economic development and competitiveness shall be supported by providing for a mix and range of employment uses to meet long-term needs and provide opportunities for a diversified economic base.

Staff is satisfied that the proposed application conforms to the Provincial Policy Statement as it provides for the opportunity to create new employment uses on serviced land.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

The subject parcel is located within an “Employment Area” within The Growth Plan, where economic development and competitiveness are supported. The Growth Plan emphasizes making more efficient use of existing employment areas, vacant and underutilized employment lands, and increasing employment densities.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application promotes the efficient use of existing employment lands by converting an underutilized lot into additional parcels which can be used for a new employment use.

Niagara Region Official Plan

The Regional Official Plan (ROP), designates the subject lands as within a “Core Employment Area”. Core employment areas are clusters of traditional employment uses such as industrial, manufacturing, construction, transportation and warehousing. Core employment areas shall be protected and planned for similar employment uses, major facilities, and freight-supportive forms of development and redevelopment. Section 4.2 of the NOP provides objectives to enhance economic resilience through a diversified economy and identify opportunities for strategic investments that further economic prosperity.

Planning Staff is satisfied that the proposed consent application conforms to the ROP. The proposed lots can provide for a diverse range of employment uses as the lots are sufficiently large enough to accommodate traditional employment uses, such as industrial, manufacturing, construction, transportation, and warehousing services. Secondly, the application provides for economic prosperity by creating two lots that can support new jobs within the City of Port Colborne.

City of Port Colborne Official Plan

The subject property is designated as Industrial/ Employment Area in the City's Official Plan (OP). Section 3.10 does not provide for policies regarding the creation of new lots within Industrial/ Employment lands, however, it does provide for policies that regulate how development shall proceed. All development within these lands is subject to site plan control. Due to the proximity to a sensitive land use to the south, being the future rosdale subdivision, any future development on the subject lands will require buffering including, but not limited to increased setbacks, berming, landscaping, screening or fencing as required. Section 11.5 of the Official Plan provides for the collection of Parkland Dedication in accordance with the Planning act, which states that

“As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 percent and in all other cases 5 percent of the land be conveyed to the municipality for park or other public recreational purposes.”

Staff has added a condition to the recommendation that the applicant signs a Memorandum of Understanding stating that they are aware of the requirements for parkland dedication and are required to pay at the time of building or inform the future purchaser of the land of said requirement.

Staff is satisfied that the proposal meets the relevant criteria. All future applications for development of the subject lands are required to receive site plan approval and staff may comment on the design features at that time. Furthermore, the applications propose to create two lots in which industrial/ employment uses may be located.

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

The subject lands are zoned Light Industrial (LI) under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 2: A lot frontage of 30.61m and a lot area of 3002m².

Part 3: A lot frontage of 45.35m and a lot area of 3002m².

The LI zone permits a variety of Industrial uses and buildings accessory thereto. Additionally, Section 26.4 of the Zoning By-law outlines the zone requirements for a new lot within the LI zone with the minimum frontage being 30m and no required lot area. Based on the information above and attached as Appendix A, the proposal indicates that the frontage has been met. The creation of Parts 2 and 3 will leave Part 1 as an isolated parcel with no frontage on an improved roadway. To negate this, the applicant has proposed to merge Part 1 with Part 4 so a landlocked parcel is not created. Staff have added a condition to the recommendation that the concurrent boundary adjustment application be approved.

The existing building on Part 4 currently has a registered site plan on file with City Staff. Although, while not a part of this application, the existing site plan demonstrates that all the required setbacks have been met. Staff are satisfied that the proposed application will not affect the existing site plan and have no concerns regarding the creation of Parts 2 and 3.

Recommendation:

Given the information above, Planning Staff recommends application B03-24-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$240 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That application B04-24-PC be approved.
4. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
5. That all conditions of consent be completed by April 10th, 2026.

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan,

City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,

A handwritten signature in black ink, appearing to read 'Chris Roome', with a long horizontal flourish extending to the right.

Chris Roome, BURPI
Planner

Submitted by,

A handwritten signature in black ink, appearing to read 'Denise Landry', with a long horizontal flourish extending to the right.

Denise Landry, MCIP, RPP
Chief Planner

Appendix A

