



PORT COLBORNE

City of Port Colborne

Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8
www.portcolborne.ca

Development and Government Relations

Planning Division Report

August 9, 2024

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

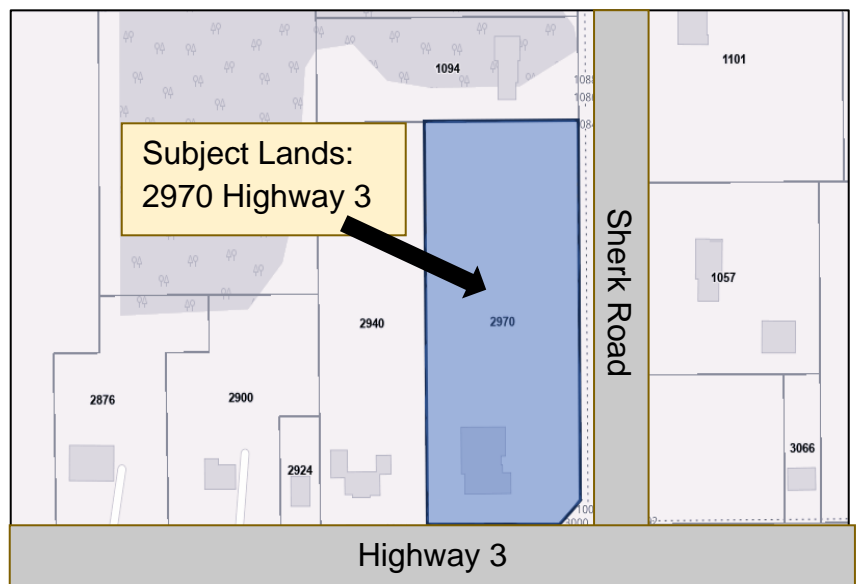
**Re: Application for Consent B10-24-PC
Concession 2, Part of Lot 13
2970 Highway 3
Agent: Joseph DeFilippis
Owner(s): Laverick Properties Ltd.**

Proposal

The purpose and effect of this application is to permit the conveyance of Part 2 on the proposed severance sketch attached as Appendix A, having a lot frontage of 88.79 metres along Sherk Road and a lot area of 5,775.82 square metres (approximately 0.58 hectares) for a proposed residential use. Part 1 will retain a lot frontage of 53.09 metres on Sherk Road with a lot area of 4,005.99 square metres (approximately 0.4 hectares) for a future residential use.

Surrounding Land Uses and Zoning

The subject lands are in the Hamlet Residential (HR) zone. The parcels surrounding the subject lands are zoned HR to the north, east, and west, and Hamlet Commercial (HMC) and Hamlet Development (HD) to the south. The surrounding uses consist primarily of residential dwellings to the north, south, east, and west, with a grocery store and farming operation to the south.



Environmentally Sensitive Areas

The subject lands do not contain any environmentally sensitive areas.

Public Comments

Notice was circulated on July 31, 2024, to properties within 60 metres of the subject lands, in accordance with section 44 (5) of the *Planning Act*. As of August 9, 2024, no comments from the public have been received.

Agency Comments

Notice of the application was circulated on July 16, 2024, to internal City departments and external agencies. As of August 9, 2024, the following comments have been received.

Ministry of Transportation Ontario (MTO)

The MTO is supportive of this consent application.

Niagara Region

Regional Growth Strategy and Economic Development staff do not object to the proposed consent application in principle, provided that City staff require that the owner enter into a development agreement with the City to implement the recommendations of the Revised Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated June 7, 2024) to the satisfaction of Niagara Region, for Part 1 and 2, prior to any construction or site alteration.

Note: Full comments are included in the Committee of Adjustment agenda package dated August 9, 2024.

Staff Response

A development agreement has been included as a condition of the severance.

Drainage Superintendent

The parcel is in the watershed of the Beaver Dam Municipal Drain. Should the severance application be approved a drainage apportionment agreement will be required to adjust the currently assessed costs to the entire parcel. The drainage apportionment agreement can be complete by the Drainage Superintendent at the municipal rate or by an approved Drainage Engineer, that cost will be determined by the Engineer. Once the plan of severance has been filed at the Registry Office, please provide to the Planning Department for internal consultation with the Drainage Superintendent.

Note: the report for this drainage system is under review is expected to be completed in the next 6 months. Notification of completion of report will be send to the owner of record.

Staff Response

A drainage apportionment agreement has been included as a condition of the severance.

Fire Department

No objections.

Engineering Technologist

Engineering Staff is satisfied with the sightline triangle identified by the site plan sketch that forms part of this application. Engineering Staff request that separate driveway entrances be created for each of the proposed lots.

Staff Response

A condition has been included to require the applicant to install separate driveway entrances on each of the proposed lots.

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 Niagara Official Plan (2022), the City of Port Colborne Official Plan (2013), and Zoning By-law 6575/30/18.

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 a “settlement area” according to the PPS. Section 1.1.3 of the PPS provides that settlement areas are urban areas or rural settlement areas that include cities, towns, villages, and hamlets. Settlement areas are to be the focus of growth and development, and land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources.

Planning Staff are satisfied that the proposed application is consistent with the PPS. The proposal efficiently uses land by appropriately severing the lands into similar lot sizes as existing neighbouring lots, encouraging gentle intensification and the redevelopment of an underused lot.

The Growth Plan designates the subject lands as within a “Rural Settlement Area”. Section 2.2.1 (2) (i) permits limited growth in rural settlement areas. Municipalities are encouraged to plan for a variety of cultural and economic opportunities to serve the needs of rural residents and settlements. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.

Planning staff are satisfied that the proposed consent application conforms to the Growth Plan. The proposed application will increase housing options within a rural settlement area, where development is to be directed. The grocery store across the street from the subject lands provides convenient access to groceries and other necessities for the future residents of both proposed dwellings.

The Niagara Official Plan (NOP) designates the subject lands as within a “Hamlet” within a “Rural Settlement”. Rural settlements shall be the focus of development outside of urban area boundaries and should be planned to encourage residential infill development that builds on the rural character and characteristics of the surrounding area. Furthermore, development should ensure there is adequate amenities to serve the needs of rural residents, businesses and the agricultural community as well as, protect the Region’s natural environment system.

Planning staff are satisfied that the proposed consent application conforms to the NOP. The proposed lot contributes to the intensification of the hamlet by creating a new infill lot within a Rural Settlement area. The proposed lots also consider the impacts of the development on the natural environment by proposing lots which can be safely serviced by private sewage systems with the implementation of the recommendations in the Hydrogeological Assessment that was completed, dated June 24, 2024, pursuant to section 4.1.9.2 (b) of the NOP.

City of Port Colborne Official Plan

The subject property is designated as Hamlet in the City’s Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is permitted. Proposals for the creation of new lots in the Hamlet designation are considered in accordance with the provisions of section 2.4.3 of the Official Plan, which encourages limited intensification and infill in Hamlets, and are also assessed by the policies of section 3.3.4, which provide that sections 3.2.2 and 3.2.4 apply. Section 3.2.4 sets out the requirements for severing a property, while section 3.3.2 outlines the requirements for intensification and infill.

Planning Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and the lots created will have frontage on a public road. New residential development created through severance may only permit up to three new lots. One new lot has been proposed as a part of this application, and both the lots proposed to be conveyed and retained comply with the Zoning By-law, in accordance with Section 3.3.2 of the OP. No Minimum Distance Separation formula was required as the property was not deemed to be in close proximity to any mitigating agricultural features.

The Official Plan also provides for the collection of cash-in-lieu of parkland dedication as a condition of consent. Parkland dedication is required when new development is proposed that would increase the population of the City and add more users to the parkland system. As a result of this application, the proposed lot can include a new unit

and is intended for residential use which means, the population will increase. As a result, the standard condition of a memorandum of understanding stating that the applicant is aware of the requirements of parkland dedication has been included as a condition of the consent.

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

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

Lands to be severed: A lot frontage of 88.79 metres and an estimated lot area of 0.58 hecatres.

Lands to be retained: A lot frontage 53.09 metres and an estimated lot area of 0.4 hecatres.

Planning staff are satisfied that all the requirements of the zoning by-law will be met. The requirements to create a new lot in the HR zone are 45m of lot frontage and 0.4 hectares which have been met or exceeded as a part of this application.

Recommendation:

Given the information above, Planning staff recommend application B10-24-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 the owner enters into a Development Agreement with the City Port Colborne to implement the recommendations of the Revised Hydrogeological Assessment, prepared by Terra-Dynamics Consulting Inc. (dated June 7, 2024), for Part 1 and 2, prior to any construction or site alteration, to the satisfaction of the Niagara Region and City staff.
4. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant. A copy of the deposited plan must be delivered to the Drainage Superintendent through the planning department for the apportionment agreement to be completed.
5. That Part 1 and Part 2 be provided with separate driveway entrances, to the satisfaction of City staff.

6. That the applicant(s) sign 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.
7. That all conditions of consent be completed by August 14, 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, will comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



Diana Vasu, BA, MA
Planner

Submitted by,



David Schulz, BURPI, MCIP, RPP
Senior Planner

Appendix A

