



**PORT COLBORNE**

**Subject: Recommendation Report for Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East**

**To: Council**

**From: Development and Government Relations**

Report Number: 2024-153

Meeting Date: August 27, 2024

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### **Recommendation:**

That Development and Government Relations Department – Planning Division Report 2024-153 be received; and

That Council approve the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2024-153.

The Council approve the Draft Plan of Subdivision and associated conditions attached as Appendix B of Planning Division Report 2024-153, and set a lapsing date of August 27, 2027.

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### **Purpose:**

The purpose of this report is to provide Council with a recommendation regarding applications submitted by Kimberley Harrison-McMillan of Design Plan Services on behalf of the owner SG Real Estate Developments III LP for a proposed Draft Plan of Subdivision and Zoning By-law Amendment at 563 Killaly Street East and vacant lot to the south, legally known as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne.

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### **Background:**

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment were submitted by Design Plan Services on August 1, 2023. The applications were deemed complete on September 13, 2023, following the posting of the required signage on the

property. The following reports/plans have been submitted to help facilitate the development of the lands: Planning Justification Report, Land Use Compatibility Study, Noise and Vibration Impact Study, Traffic Impact Study, Geotechnical Study, Functional Servicing Report, Phase 1-2 Environmental Site Assessments, and Stage 1-2 Archaeological Assessments, as well as the proposed Draft Plan of Subdivision layout and Conceptual Site Plan (Appendix D). The entirety of the reports/plans can be found on the City's website under the "Current Applications" page.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision). The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed. The full zoning provisions can be found in the Zoning By-law Amendment, attached as Appendix A.

The Draft Plan of Subdivision proposes to divide the subject lands into 11 Blocks for street townhouses, semi-detached dwellings, stacked townhouses, a stormwater management area, flood compensation zone, and an archeological area.

A Public Meeting was held on October 3, 2023, where Council received oral and written comments from members of the public, and received a presentation from the applicant and planning staff. Key issues raised at the Public Meeting have been provided under the "Public Engagement" section of this report.

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## **Discussion:**

### **Planning Legislation:**

Planning staff reviewed these applications with consideration of several 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 (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

### **Planning Act, 1990:**

Section 2 of the *Planning Act* (the "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 34 of the Act allows for the consideration of amendments to the Zoning By-law. Section 51 of the Act allows for the consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, and to:

- *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- *whether the proposed subdivision is premature or in the public interest;*
- *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- *the suitability of the land for the purposes for which it is to be subdivided;*
- *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- *the dimensions and shapes of the proposed lots;*
- *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- *conservation of natural resources and flood control;*
- *the adequacy of utilities and municipal services;*
- *the adequacy of school sites;*
- *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- *the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

- *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

Planning staff have analyzed the considerations as shown above and provide the following in response to each:

- *Effect of the development on matters of provincial interest*

Planning staff have reviewed applicable provincial plans to ensure the applications are consistent with, and conform the Provincial Policy Statement (PPS), and Growth Plan for the Greater Golden Horseshoe (Growth Plan). These provincial policy documents will be further analyzed in this report. In the opinion of Planning staff, the proposal addresses all matters of Provincial interest as outlined in Section 2 of the Act.

- *Whether the proposal is premature in the public interest*

This proposal is not premature in the public interest. The development is contiguous with the existing built-up area of the city. The proposal conforms with the City's Official Plan and will contribute additional housing units within the City's Urban Area.

- *Whether the plan conforms to the Official Plan and adjacent plans of subdivision*

The proposal conforms to the City's Official Plan. The plan is considerate of the adjacent existing residential uses and provides future connection points to the east, should the adjacent lands develop in the future.

- *Suitability of the land for the purposes of which it is to be subdivided*

The proposal is located within the City's Built-Up Area and Designated Greenfield Area which has been planned for residential development. The uses proposed are suitable for the land and conform to applicable Regional and City plans.

- *The number, width, location, proposed grades, elevations of highways, their adequacy, and the highways linking the highways in the proposed subdivision with the established highway system*

The subdivision will have two main accesses from the existing Bell Street and Johnston Street road allowances, together with an access to Killaly Street East, by way of a condominium road. Additionally, potential access points have been provided to adjacent lands to the east to ensure connectivity, should these lands be developed in the future. As designed, the subdivision will provide sufficient connectivity to the current streets in the area. Preliminary grading and servicing plans have been reviewed and verified at this stage, further review and approvals will be undertaken through conditions of draft plan approval.

- *Dimensions and shapes of proposed lots*

The subdivision proposes to have lot shapes and sizes that are generally in compliance with the City's Zoning By-law and will provide adequate space for future dwellings and associated accessory uses.

- *Restrictions or proposed restrictions, if any, on the land proposed to be subdivided of the buildings and structures proposed to be erected on it and restrictions, if any, on adjoining land*

Adequate conditions of Draft Plan Approval have been included in Appendix B. These conditions include requirements from the Niagara Peninsula Conservation Authority (NPCA) to ensure permits are obtained prior to construction.

- *Conservation of Natural Resources and Flood Control*

The NPCA has reviewed the proposal to ensure conformity with their policies and applicable conservation authority regulations. Applicable conditions regarding the above have been provided in the draft plan conditions. Preliminary stormwater management and servicing plans have been reviewed by Public Works with additional recommendations and design to follow as a draft plan condition.

- *Adequacy of utilities and municipal services*

The applications have been circulated to applicable agencies and departments to verify the adequacy of the above. Appropriate draft plan conditions have been recommended with respect to the detailed design of the proposed services.

- *Adequacy of school sites*

The applications were circulated to local school boards and no comments have been received with respect to schools being inadequate for the development.

- *Area of land, if any, within the proposed subdivision that, exclusive of highway, is to be conveyed or dedicated for public purposes*

The development proposes to convey a Block of land to the City for infrastructure and trail purposes. Applicable conditions have been included in the draft plan conditions to ensure the quantity of land and/or cash-in-lieu is collected.

- *The extent to which the plan's design optimizes the available supply, efficient use and conservation of energy*

The proposal optimizes the available land and will efficiently make use of existing services in the vicinity.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area under Subsection 41(2) of the Act*

The proposed stacked townhouse blocks will be subject to site plan control in the future. The lands proposed for mixed-use residential and commercial will be subject to site plan control in the future.

Given the above, Planning staff are confident that the proposed applications have regard for the provisions of the Planning Act.

### **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 applications propose to develop in a settlement area in which municipal services are currently available. Semi-detached, street townhouses, condo townhouses and stacked townhouses all contribute to an appropriate range and mix of housing types and densities. These proposed uses align with the PPS with respect to promoting efficient development.

Planning staff are of the opinion that the applications are consistent with the policies of the PPS.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out a specific policy framework for the Greater Golden Horseshoe area, focusing on sustainable growth. According to the Growth Plan, the subject parcel is located within a settlement area as well as a designated greenfield area. Development in designated greenfield areas is to be planned, designated, zoned, and designed in a manner that: supports the achievement of complete communities, supports active transportation, and encourages integration and sustained viability of transit services.

The applications facilitate growth within a settlement area, adjacent to the delineated built boundary. Municipal services are currently available to the site. The applications contribute to a complete community by adding more housing stock to the area to support future non-residential uses.

The Growth Plan also states that new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that supports active transportation. Active transportation is encouraged through the site's access to the Friendship Trail to the south.

Minimum density targets for Designated Greenfield Areas are established in the Growth Plan for municipalities under its purview. The density target for the Niagara Region greenfield areas is 50 people and jobs per hectare. The density target is to be applied across all of the greenfield lands in the City. The development proposes approximately

110 people and jobs per hectare in the portion of the lands within the Greenfield Area in which meets the policy.

Planning staff are of the opinion that the applications conform to the policies of the Growth Plan.

### **Niagara Official Plan (2022)**

The Niagara Official Plan (NOP) provides a policy framework for planning matters under the Region's purview. The NOP sets out growth management objectives for the Niagara Region

In alignment with NOP policy 2.3.1.1, it is encouraged that developments provide a range and mix of densities. Lot and unit sizes and housing throughout the urban area in order to meet the housing needs of people at all stages of life.

Planning staff are of the opinion that the applications conform to policies of the NOP. The Niagara Region has also reviewed the applications with consideration of applicable Provincial and Regional policy. The Region has confirmed the proposal is consistent with, and conforms with applicable Provincial and Regional policies, subject to their requested conditions.

### **Port Colborne Official Plan**

The City of Port Colborne Official Plan (OP) is a long-term, planning document designed to secure the health, safety, convenience, and welfare of the present and future residents of Port Colborne. The OP's general planning principles as follows:

- *Providing for a mix of land uses;*
- *Taking advantage of compact building design, where appropriate;*
- *Providing guidance for the location and character of new development;*
- *Creating a range of housing opportunities and choices;*
- *Creating walkable neighbourhoods;*
- *Fostering distinctive, attractive communities with a strong sense of place;*
- *Identifying and preserving open space, farmland, natural beauty and critical environmental areas;*
- *Strengthening and directing development towards existing communities;*
- *Making development decisions predictable, fair and cost effective; and*
- *Encouraging community and stakeholder collaboration in development decisions.*

Section 2 of the OP builds on the above planning principles to provide a comprehensive growth and development strategy for Port Colborne. Generally, there are six strategic directions for the city including:

1. *Enhancing Quality of Life (2.3.1)*
2. *Developing and Economic Gateway Centre (2.3.2)*
3. *Strengthening and Integrating Nature, Cultural and Heritage Resources (2.3.3)*
4. *Enhancing Public Areas (2.3.4)*
5. *Protecting Hamlet, Rural and Agricultural Lands (2.3.5)*
6. *Taking Advantage of Underutilized lands. (2.3.6)*

In the case of this application, items one and three above predominantly apply. As referenced previously, a compact urban form, quality urban design, mix of housing typologies and land uses, efficient use of infrastructure, among others, all contribute to the enhancement of one's quality of life. Item three encourages the protection and enhancement of the City's natural, cultural and heritage resources. Significant measures, including a flood storage compensation zone have been included in the proposed plans to ensure the development will not be impacted by the nearby flood hazard. Adequate conditions ensuring NPCA matters have been addressed have been included within the Draft Plan conditions.

The City OP designates the land as "Urban Residential", "Built-Up Area" and "Designated Greenfield Area". Land uses permitted in the Urban Residential designation include residential, neighbourhood commercial, community facilities and institutional uses.

Policy 3.1.1.1 provides direction on the development of lands within the Built Boundary. All growth and development within the Built Boundary is considered to be intensification and will count toward the City's intensification target.

Policy 3.1.1.2 provides direction on how Greenfield lands should be developed as follows:

- a) *Promote compact, mixed use and transit supportive development.*
- b) *Promote higher densities and a greater mix of housing types.*
- c) *Improve connections between greenfield areas and the built-up area.*
- d) *Enhance the physical design of new neighbourhoods.*
- e) *Support the Regional greenfield density target of 50 people and jobs per gross hectare by:*
  - i) *Adopting minimum and maximum densities for residential development;*



*ii) Designating portions of the Greenfield area for low, medium and high density development;*

*iii) Providing separate housing mix targets; and*

*iv) Encouraging and allowing for mixed use development in greenfield areas.*

*f) Support phasing greenfield development over time to ensure a balance of intensification and development.*

Staff are of the opinion that the proposal supports the above-noted policies by providing a compact, efficient development that is well-connected to adjacent lands and nearby recreation areas.

Section 3.2 sets out the policies regarding Urban Residential development. The majority of the proposal falls within the Medium Density Residential policies, which provide the following policies:

*b) Medium Density Residential will:*

*i) Be developed at a density ranging from 35 to 70 units per hectare as: Townhouses; Stacked townhouses; triplexes; and/or fourplexes.*

*ii) Be encouraged adjacent to arterial or collector roads; and*

*iii) Be subject to Site Plan Control.*

The residential units will be developed at a density of roughly 41 units per hectare, which meets the density range provided. The development is adjacent to Killaly Street East, which is an arterial road. Site Plan Control will be required in accordance with the City's Site Plan Control By-law.

Policy 3.2.3.1(a) of the OP provides direction on how residential communities shall be designed as follows:

*a) New residential communities shall be limited in size, have a clearly defined character and edges:*

*i) The extent of a neighbourhood should be generally defined by a 400-metre radius (5-minute walk) from centre to edge.*

*ii) The built form and landscaping of a new neighbourhood should have similar high quality architectural and vegetative treatments that provide it with identity while also allowing it to be differentiated from existing neighbourhoods.*

*iii) Parks, woodlots, watercourses, trails, topographic features, major roads and infrastructure elements such as railway lines can define the neighbourhood periphery.*

Staff find that the proposal meets the above-noted policies. The design of the subdivision is generally linear and grid-like. Future detailed design review will further build on the above.

Policies under 3.13 provide direction for parks and open space. The proposal provides a parkette within the condominium development which is intended to serve current and future residents. Additionally, the site will have sufficient access to the Friendship Trail to the south and Johnston Street Park to the west. Parkland and/or cash-in-lieu of parkland will be required as a condition of the Draft Plan approval.

Section 7 of the Official Plan provides direction with respect to archaeological resources. According to the Stage 1 & 2 Archaeological Assessment submitted with the application, the study area contains an archaeological site which has cultural heritage value and interest. This area will be protected and not developed. Proposed dwellings have been setback from this area to ensure it will remain undisturbed. This area will also be fenced, to further prevent any disturbance.

Section 8 of the Official Plan provides policies with respect to servicing and stormwater management. New developments within the Urban Area are required to be on full municipal services, including sanitary, storm and water. The developer, by way of retaining the services of a Professional Engineer, is required to ensure that adequate services exist (or are proposed) to not have an impact to neighbouring properties or the infrastructure in the area.

The proposal and accompanying engineering reports and plans have been reviewed by the City's Development Engineering review staff. The reports indicate that the proposed development will conform to Section 8 of the OP. The development will incorporate a stormwater management pond and flood storage facility along the south end of the of the subject property. Applicable Draft Plan conditions representing the detailed design requirements have been included within Appendix B.

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

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision). The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is

proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed.

The proposed provisions have been summarized in the chart below:

<b>Table 1: Site-specific R4 zone</b>		
<b>Block Townhouse Provisions</b>		
<b>Regulation Type</b>	<b>Existing R4 Zone Regulation</b>	<b>Proposed R4-XX Zone Regulation</b>
Minimum Interior Side Yard	3 metres	2.64 metres
Minimum Corner Side Yard	4.5 metres	2.9 metres
Maximum Height	11 metres	12 metres
		Addition of Neighbourhood Commercial uses in the first townhouse unit adjacent to Killaly Street East
<b>Street Townhouse Provisions</b>		
<b>Regulation Type</b>	<b>Existing R4 Zone Regulation</b>	<b>Proposed R4-XX Zone Regulation</b>
Minimum Lot Area	200 sq. m.	195 sq. m.
Minimum Corner Side Yard	4.5 metres	1.9 metres
Minimum Interior Side Yard	3 metres	1.4 metres
Maximum Height	11 metres	12 metres
<b>Apartment Buildings (Stacked Townhouses)</b>		
<b>Regulation Type</b>	<b>Existing R4 Zone Regulation</b>	<b>Proposed R4-XX Zone Regulation</b>
Minimum Lot Area Per Unit	125 sq. m.	85 sq. m.
Minimum Front Yard	9 metres	3.9 metres
Minimum Corner Side Yard	7.5 metres	3.3 metres
Minimum Rear Yard	6 metres	4.9 metres
Maximum Porch and Steps Encroachment	N/A	3.45 metres
Minimum Parking	1.25 spaces per unit	1 space per unit
<b>Semi-detached Dwelling Provisions</b>		
Minimum Lot Frontage	18 metres	16 metres

Minimum Lot Area	0.05 hectares	0.047 hectares
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Staff find that the proposed Zoning By-law Amendment is supportable as the requested site-specific amendments contribute to a more compact efficient development, as referenced previously in the above sections of this report. The requested amendments are not anticipated to lead to any negative impacts. The full proposed Zoning By-law Amendment can be found in Appendix A.

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### **Internal Consultations:**

The applications and supporting materials were circulated internally to applicable departments and agencies in September 2023. Concerns were initially raised with respect to Engineering and Niagara Peninsula Conservation Authority requirements. A number of resubmissions were required to address these concerns. The following concluded comments internal departments and agencies have been provided below.

#### **Enbridge Gas**

- No concerns with the proposed development at this time.
- Enbridge retains the right to add development conditions through the draft plan approval process.

#### **District School Board of Niagara (DSBN)**

- No concerns with the proposed development at this time.
- Students from the area will attend Dewitt Carter for JK-grade 8, and Port Colborne High School for grades 9-12.

#### **Drainage Superintendent**

*The parcel is within the boundary of the Port Colborne and Wignell Municipal Drain and as such will require a drainage apportionment agreement. This will not be completed by municipal staff and it is recommended that the drainage engineer who has completed the Port Colborne and Wignell Drain Reports complete that. The cost will be completely paid by the developer requesting the reapportionment. The contact information for the Engineer can be provided at the request of the developer.*

#### **Niagara Region**

- Recommend that an addendum to the Stage 1 and 2 Archaeological Assessment be provided to confirm the area subject to the site-specific holding provision is sufficient. Regional staff generally concur with the recommended Holding provision in this area to ensure archaeological resources are conserved.

- Recommend that a Holding provision is placed on the remainder of the lands until such a time as a Record of Site Condition (RSC) is filed with the Ministry of Environment, Conservation and Parks. It is noted that if the City wishes to proceed without a Holding provision, an appropriate condition to the Draft Plan approval has been provided.

### **Niagara Peninsula Conservation Authority**

*The NPCA has reviewed a Floodplain Hydraulic Analysis titled 563 Killaly Street East, Port Colborne and digital floodplain modelling both prepared by Exp. And dated July 24th, 2024. NPCA staff offer no objections to the conclusion of this report which states the proposed development will not negatively impact the floodplain hazard.*

*As such, the NPCA offers no objections in principle to this proposal subject to the following conditions (conditions have been included within the proposed Draft Plan conditions attached as Appendix B).*

### **Development Services Supervisor (Engineering Review)**

- Development Engineering is satisfied that all matters have been addressed with respect to the Draft Plan approval.
- Engineering conditions have been included within Appendix B.

### **Fire Department**

- No concerns with the proposed development.
- Want to confirm that the Bell and Johnston Street road ends will continue into the development.

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### **Financial Implications:**

There are no immediate financial implications with this report. However, the recommendation, if approved, will result in new assessment and new water and wastewater users, in time.

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### **Public Engagement:**

Notice of the Public Meeting was circulated in accordance with Sections 34 and 51 of the *Planning Act*. The Notice was mailed to property owners within a 120-metre radius of the subject property on September 13, 2023. Signs have been posted on the property as well. As of the date of preparing this report, the following public comments have been received:

(Full comments attached as Appendix C)

### **Rick McLean – 525 Killaly Street East**

- Concerns with the signs being posted by non-City employees.
- Requests information for when the developer first made intentions known to the City.
- Are the drainage notices that were recently received by the neighbourhood connected to this development?
- Have indigenous groups been contacted with respect to archaeology?
- Has the Ministry of Natural Resources been consulted with respect to an impact study?
- Concerns with respect to the existing cut/ditch being converted to a road and what will be done for homeowners that will now have a corner lot.
- Concerns with respect to traffic and risk mitigation.
- Concerns with the land's suitability for development with respect to environmental/soil quality and nearby machine shop to the south.

### **Adrienne Favero – 557 Killaly Street East**

- Concerns with the soil quality and whether proper testing has been completed.
- Concerns with traffic and impact to housing costs and whether a study was completed for this.
- Concerns with the access to the site and whether it will be through Killaly Street.
- Concerns with the number of dwelling units and type of the units as they will attract low to mid income families, it may impact the resale of homes within the area.

### **Melissa and Mary Bigford – 147 Killaly Street East**

- Concerned with respect to servicing of the site and capacity of the Johnston Street Pumping Station as well as aging infrastructure in the area.
- Concerned with watermain easements – are these something the City does and/or permits?
- Concerned with the maintenance, construction and access to the stormwater management area and its relation to the proposed acoustic barrier.
- Concerned with the condominium development and private roads – who will maintain them and how will traffic be accommodated through a 6m roadway?
- Concerned with the flood hazard.
- What is the height of the stacked townhouses?
- Concerned with the traffic study.
- Concerned with the disposing of on-site soils and potential air quality.

### Brian Rose – 508 Bell Street (oral comments at Public Meeting)

- Concerned with stormwater management in the area with the additional houses in the area. The infrastructure is very old in the area.
- Concerned with the archaeological assessments to ensure protection of the archaeological resources.
- Concerned with the extra people and community resources and its impact on traffic.
- Concerned with the development and its impact on property values.

### Staff Responses to Public Comments

Comment/Question	Response
Concern/question for why the Public Notice sign was not posted by City employees?	Subdivision Public Notice signs are posted by the developer. The sign proof is reviewed by the City prior to posting. All costs associated with the posting/printing etc. are borne by the developer.
When did the developer first make their intentions known to the City about the proposed development?	A pre-consultation meeting was held on July 28, 2022 in which the developer presented their proposal to the City.
Are the drainage notices that were recently received by the neighbourhood connected to this development?	It is Planning staff's understanding that drainage notices would have been sent to all owners within the urban boundary that are on municipal services. The notices are not directly correlated with this development.
Have Indigenous groups been contacted with respect to archaeology?	Yes. The development notices were circulated to Indigenous groups and no comments have been received.
Has the Ministry of Natural Resources been consulted with respect to an impact study?	Typically, the Ministry of Natural Resources is not an agency circulated through the development process. The Niagara Region reviews development applications on behalf of applicable provincial ministries.
Concerns with existing lots becoming corner lots and the filling of ditches in the area.	Planning staff are not aware of any existing lots becoming corner lots as per the City Zoning By-law. The proposed development will be constructed to the full

	municipal standards with sanitary, water, and stormwater systems.
Concerns with respect to traffic.	The applicant has submitted a Traffic Impact Study which has been vetted by City Engineering staff. No concerns with respect to traffic have been identified.
Concerns with respect to soil quality and noise/vibration from the nearby industries.	The applicant has submitted Phase 1 & 2 Environmental Site Assessments and Noise/Vibration study to review these concerns. Recommendations have been made to limit the impact of these industries on the development. A Record of Site Condition is required to be filed with the Ministry of the Environment, Conservation and Parks to ensure the soil is clean before construction.
Concerns with the access point to Killaly Street East.	The access from Killaly Street East will be through a condominium road, with the main municipal road accessed by way of Bell and Johnston Streets.
Concerns with the number of dwelling units and them being affordable.	The number of dwellings fit within the City's vision and density range for housing. There is an affordable housing shortage in Ontario. The City's Official Plan and/or Zoning By-law does not differentiate between the tenure of dwellings or whether they are affordable or not.
Concerned with respect to servicing of the site and capacity of the Johnston Street Pumping Station as well as aging infrastructure in the area.	Servicing has been reviewed by the City's Engineering staff to ensure their adequacy for the development. Draft Plan conditions for future detailed design have been included within the conditions attached as Appendix B.
Concerned with watermain easements – are these something the City does and/or permits?	Servicing has been reviewed by the City's Engineering staff to ensure their adequacy for the development. No further concerns have been identified. Draft Plan conditions for future detailed design have



	been included within the conditions attached as Appendix B.
Concerned with the maintenance, construction, and access to the stormwater management area and its relation to the proposed acoustic barrier.	There will be sufficient access to the stormwater management facility by way of the City-owned road allowance directly west of the development, in addition to the City-owned lands further west. This access will be further designed at the detailed design stage.
Concerned with the condominium development and private roads – who will maintain them and how will traffic be accommodated through a 6m roadway?	Maintenance of condominium roads are the responsibility of the condo owners/condo corporation. No concerns have been raised with respect to traffic and the 6m right-of-way width.
Concerned with the flood hazard.	The NPCA has reviewed the flood hazard in relation to this development at length. The NPCA is satisfied that the flood hazard will be successfully mitigated through the flood compensation zone.
What height will the stacked townhouses be?	A maximum height of 12m has been requested through the Zoning By-law Amendment.

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### Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
- Increased Housing Options
- Sustainable and Resilient Infrastructure

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### Conclusion:

It is the opinion of Planning staff that the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications are consistent with the PPS, conform to Provincial, Regional and City policies and requirements, are appropriate for the subject lands and

are compatible with the surrounding area, subject to the recommended Draft Plan conditions.

Planning staff recommend that Council approve the applications to facilitate the proposed development.

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### **Appendices:**

- a. Zoning By-law Amendment
- b. Draft Plan of Subdivision and Conditions
- c. Public Comments

Prepared by,

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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.