



**PORT COLBORNE**

**Subject: Recommendation Report for Proposed Zoning By-law Amendment at 281 Chippawa Road**

**To: Council**

**From: Development and Government Relations Department**

Report Number: 2024-192

Meeting Date: October 22, 2024

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### **Recommendation:**

That Development and Government Relations Department – Planning Division Report 2024-192 be received;

That the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2024-192 be approved.

That the City Clerk be directed to issue the Notice of Passing in accordance with the *Planning Act*.

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### **Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application initiated by the owners Talia Dosa, Tisiana Recine and Salvatore Carrera, for the property legally known as Concession 2 Part Lot 25, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 281 Chippawa Road.

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### **Background:**

The application for Zoning By-law Amendment proposes to change the zoning from Residential Development (RD) to a special provision of the Third Density Residential zone (R3-85). The Zoning By-law Amendment is being requested to permit a condominium development consisting of 169 residential units. Due to the nature of the proposal, the special provisions are being requested for lot area, front yard setback, exterior side yard setbacks, lot coverage and principal buildings on one lot. More details

on the special provisions have been provided under the “Discussion” section of this report.

A Public Meeting was held on April 11, 2023, where Council received written and oral correspondence 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.

The following reports/plans have been submitted with the application to help facilitate the review: Planning Justification Report, Air Quality Assessment, Noise Impact Assessment, Environmental Constraints Analysis, Functional Servicing Report, Traffic Impact Study, and Stage One and Two Archaeological Assessments. These reports can be found on the City’s website under the “Current Applications” webpage.

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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 Planning Statement (2024)*, 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.

### **Provincial Planning Statement (2024)**

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. Planning authorities are required to support the achievement of complete communities.

The applications propose to develop in a settlement area in which municipal services are currently available. Single-detached, semi-detached, and 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.

### **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. Measures related to the protection of the Significant Woodland and noise impacts have been recommended to ensure the development will coexist cohesively with the surrounding environment.

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

Policy 3.1.1.2 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.

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

*a) Low Density Residential will:*

*i) Be developed as single-detached or semi-detached dwellings ranging from 12 to 20 units per net hectare;*

*ii) Be encouraged to be developed in an orderly manner through Plan of Subdivision; and*

*iii) May be subject to Site Plan Control.*

*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 low-density portion (single-detached and semi-detached) is proposed at a density of roughly 19 units per hectare, which falls within the required density range of 12-20 units per hectare.

The medium-density portion of the site (townhouses) is proposed to be developed at a density of roughly 35 units per hectare, which meets the required density range of 35-70 units per hectare identified above.

The development is proposed to be adjacent to Chippawa Road, which is a collector 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 parkettes within the condominium development which is intended to serve current and future residents. The lands will be subject to Parkland Dedication through the future draft plan and/or site plan control applications.

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 submitted with the application. The reports indicate that the proposed development will conform to Section 8 of the OP. The development will incorporate a stormwater management pond along the south end of the of the subject property. Additional review of detailed plans and reports will occur as part of the future draft plan and/or site plan control applications on the subject lands.

Staff find that the proposed Zoning By-law Amendment conforms to the City's Official Plan.

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

The subject property is currently zoned Residential Development (RD). The applicant is proposing to change the zoning to a special provision of the Third Density Residential (R3) which will permit detached, semi-detached and block townhouse dwellings.

Due to the nature of the proposal, special provisions are being sought to reduce the minimum lot area for detached dwellings from 0.04 ha to 0.032 ha, semi-detached dwellings from 0.05 ha to 0.045 ha and block townhouse dwellings from 0.02 ha to 0.015 ha. Additionally, the special provisions seek to reduce the front yard setback to detached dwellings from 6.5 metres to 4.5 metres, semi-detached dwellings from 6.5 metres to 4.5 metres and townhouse dwellings from 7.5 metres to 4.5 metres. The

special provisions also seek to reduce the exterior side yard to detached dwellings from 3.5 metres to 2 metres, block townhouses from 4.5 metres to 3 metres, permit an increased maximum lot coverage for detached dwellings from 50% to 55%, and permit more than one principle building on the property under condominium ownership.

Staff find that given the site's constraints with respect to required 14 metre MTO setback, the special provisions requested are reasonable and generally desirable for the orderly development of the site. Specifically, given the OP's density range requirements for medium-density residential (townhouses), the special provisions are needed in order to achieve the minimum 35 units per hectare of the 35-70 units per hectare range.

### **Air Quality and Noise Studies**

As part of the complete application, the Niagara Region required the submission of Air Quality and Noise Reports in order to determine if the site is compatible with surrounding industrial land uses. The Region retained a peer reviewer at the cost of the applicant to complete a third-party independent review of the materials. A number of readings of the noise levels was required through the study process to determine and accurate readout of the noise levels. Over the course of the study and peer review, it was determined that the noise and air quality impacts could be adequately mitigated through a number of recommendations. After the review, it was determined that existing mitigation measures for air quality conducted by Port Colborne Quarries is adequate for limiting air quality/dust concerns. With respect to noise, the noise consultant concluded with the following recommended mitigation measures:

- *All units to include mandatory air conditioning.*
- *That a recommended noise barrier of 5.7 m be constructed along the east side of the property boundary (closest to Highway 140) to address both transportation and stationary noise.*
- *That a Class 4 area (related to elevated levels of stationary noise) be applied to the subject land.*
- *Warning clauses to be included in future draft plan/site plan applications and purchase, sale, rent, and lease agreements that the dwelling has been installed with air conditioning to allow windows and doors to remain closed, a clause advising that due to the proximity to the adjacent industry, noise from the industry may at time be audible, and a clause advising of the class 4 area designation.*

Planning staff note that the above-noted mitigation measures will be included and implemented through the future condominium and/or site plan agreements.

## Adjacent Zoning and Land Use

The surrounding properties are zoned RD and R1 to the north, R1 to the west and south, and Mineral Aggregate Operations (MAO) to the east. The surrounding uses consist of residential dwellings to the north, west, and south and a quarry facility and pit to the east.

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### Internal Consultations:

Notice of Public Meeting was provided to internal departments and commenting agencies on March 15, 2023. As of the date of preparing this report, comments have been received from the Drainage Superintendent, Canadian Niagara Power, and Enbridge all noting they have no concerns with the application at this time.

The Fire Department has no concerns with the Zoning By-law Amendment at this time, however, the Fire Prevention Officer has requested that due to the one access point, the applicant will need to identify the units that are required to be sprinklered in accordance with OBC 9.10.1.3 (8). Staff have identified that future applications for either a draft plan of condominium and/or site plan control will be required, and the suitable time to identify the sprinklered units would be as part of those applications.

The Niagara Region has provided final comments on the proposal after a comprehensive review of the application materials, and conclusion of the peer review process. The full comments have been attached as Appendix B. The Region's concluding comment is as follows:

*Regional Growth Strategy and Economic Development staff do not object to the proposed Zoning By-law Amendment, subject to a Class 4 Area designation under the Ministry's Environmental Noise Guideline (NPC-300) being applied to the lands, the Zoning By-law Amendment noting the required height of the noise barrier (5.7 m) to meet Class 4 area noise thresholds, and the Significant Woodland and recommended buffers being placed into an appropriately restrictive environmental zone.*

*Staff reiterate that the decision to designate the lands as Class 4 is at the sole discretion of the City, as the land use planning authority.*

As mentioned previously, the above-noted mitigation measures can be adequately implemented through the future condominium and/or site plan agreements. Staff have included the recommended buffer area within the proposed Zoning By-law Amendment to ensure its long-term protection.

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## Financial Implications:

There are no direct financial implications with this report. However, through the subdivision approval, and in time, the development will be subject to development charges, it will also contribute to the City's tax base and include new City water/wastewater users.

## Public Engagement:

Notice of the Public Meeting was circulated in accordance with Section 34 of the *Planning Act*. The Notice was mailed to property owners within a 120-metre radius of the subject property on March 21, 2023, and the following comments have been received from Melissa Bigford-Lofquist and Roseann Shields.

| Question/Inquiry/Concern  | Response  |
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| Speeding and volumes of traffic on Chippawa Road. Concerns that the road width is too narrow at 7m.   | Chippawa Road is a City-maintained road. The development charges collected from this proposed development can be an opportunity for the City to allocate funds to assist with mitigating measures if required.  |
| Why after implementing traffic mitigation measures would the City recommend the addition of at least 169 cars entering and exiting Chippawa Road? | Chippawa Road is the only access to this site and the City and Region reviewed the Traffic Impact Study (TIS) prepared by TraffMobility.<br><br>Both the City and Region offered no major concerns or comments on the results of the TIS that indicated all movements generated from this development is expected to operate at acceptable levels on the local road with 91 movements from 7-9 am peak hour and 112 movements from 4-6 pm peak hours. |
| Why are operational and safety issues of vehicles turning left onto Hwy 140 from Chippawa Road not being considered?                              | Operational and safety was considered in the Traffic Impact Study (TIS) and it was concluded that there will be no sightline issues at the access of Chippawa Road and Highway 140.<br><br>The traffic data used was from MTO (2016, 2017, 2018), Region (May 2019) and was supplemented by traffic counts completed by TraffMobility in July 2021 at   |

| Question/Inquiry/Concern   | Response  |
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|  | <p>Chippawa Road and Main Street intersection.</p> <p>The proposed site access is located within 190 metres of Highway 140, however operations at the site access will not impact operations along Highway 140. The TIS operations analysis showed that queues under all future horizons will not extend from the site access on Chippawa Road to Highway 140.</p>  |
| <p>How will a single entrance onto the development affect police, ambulance and fire response times?</p>                               | <p>The private road has been designed to accommodate the minimum 12 metre turning radius requirement for emergency vehicles to enter and manoeuvre within the site as per regulations.</p> <p>As a precaution, the City Fire Department recommended that some interior townhouse and single detached units be sprinklered and will be further designed during the site plan phase.</p>  |
| <p>Have the individual agencies been contacted to address any concerns that single entrance will have on emergency response times?</p> | <p>The Ministry of Transportation (MTO) is the upper tier approval authority, followed by the Region and City all of which examined alternative options for access to the development. Upon further investigations to provide an emergency access to Berkley Avenue to the south, it was concluded that movements could be appropriately accommodated by the one main access to Chippawa Rad and an access to Berkley Avenue is not required.</p> <p>Additionally, the proposed emergency access to Berkely Avenue would have potential impacts to the south section of the site containing the woodlands identified as significant key natural heritage feature. It was recommended to maintain the feature because the new Regional Official Plan policies prohibit development and site alteration within woodland communities of this type unless</p> |

| Question/Inquiry/Concern  | Response  |
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|   | an Environmental Impact Study (EIS) is completed.   |
| Why was a new detailed traffic study not required? The consultant referred to traffic studies from 2018.  | The traffic consultant completed traffic counts in July 2021 which supplemented the traffic data provided by the MTO and Region. The cumulative traffic data from all sources concluded that the movements from this development are expected to operate at acceptable levels in the site and on Chippawa Road.   |
| Concerns with the increase in accidents due to the speed of traffic exiting Hwy 140 onto Chippawa Road.   | <p>Comment noted that traffic speed is a concern on the highway and on local roads although this development is not intended to resolve or contribute to the speeding on these roads.</p> <p>The proposed development will have an internal posted speed limit of 40 km similar to Chippawa Road and the sidewalk on one side of the road will provide safe connections for pedestrians.</p>  |
| Why are the Ministry of Transportation and the City allowing the application to be submitted for approval of non-compliance of the 400m required setback from a highway? Where is the 190m measured from? | <p>The 190 metres was measured from Highway 140 centreline to the edge of the access.</p> <p>The Ministry of Transportation (MTO) is the upper tier approval authority and reviewed the Traffic Impact Study (TIS) prepared by TraffMobility. In an email dated November 2, 2022, MTO was prepared to approve the single entrance design (190 metre spacing from Highway 140 on Chippawa Road) with additional highway improvements (e.g., northbound left turn lane). Prior to the MTO providing this approval, the owner/developer requires to agree to the following:</p> <ul style="list-style-type: none"> <li>- The subject lands can adequately operate with the proposed single access from Chippawa Road as verified by the TIS. The site will not be permitted to request any additional access of any kind in the future that does not meet ministry standards.</li> </ul> |

| Question/Inquiry/Concern   | Response  |
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|  | <p>- Confirm, in writing, that all required highway improvements, as per TIS in the Year 2026 will be completed to the ministry's satisfaction. Highway works will require owner to enter into a legal agreement with the ministry to provide a letter of credit and secure the necessary MTO permits.</p>  |
| <p>How many homes are to be built on this property?</p>  | <p>Currently the development shows 169 units with 108 townhouses units; 40 semi-detached units; 21 single detached units.</p> <p>Depending on the final detail design of the private road, stormwater management pond, the number of units may fluctuate and potentially decrease but cannot be confirmed until the detail design is completed.</p> <p>The new zoning by-law will be the tool used to regulate the built form of the development.</p> |
| <p>How will the 8 single detached homes abutting Chippawa Road be prevented from entry/ exit onto the road way?</p>  | <p>These units will only be accessed by the private laneway behind the houses. There will be no private driveways onto Chippawa Road for these units.</p>   |
| <p>Will there be basements in this development? If so why were monitoring wells not installed?</p>   | <p>The allocation of basements will be confirmed during the subsequent site plan and draft plan of condominium phases when further details on the building footprints are established. Any monitoring wells (if required) would need to be installed during construction.</p>   |
| <p>Will there be any blasting involved with development? If so how will noise and vibration be monitored? If there are any damages to existing homes, who will pay for them?</p> | <p>No blasting will occur since the City does not permit blasting. Only if required, alternative approaches to remove rock will need to be considered for this development.</p> <p>The construction activities will be conducted during the hours allowed under the City's noise by-law.</p> <p>If removal of rock is necessary, Traditional construction methods and</p>   |

| Question/Inquiry/Concern  | Response  |
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|   | <p>good engineering practices will be used such that there will be no affect on surrounding buildings. Considering that there are no existing buildings in close proximity to the proposed plan and that there will be a 10 metre buffer, plus a minimum rear yard set back of an additional 6 metres to the nearest proposed building, and also 7 plus acres of adjacent Significant Woodland buffering to the west side and Highway #140, adverse impacts are not anticipated at this time.</p> |
| <p>Given the shallow depth of bedrock, will fill be added? If so, how will it affect the grading of the surrounding properties?</p> | <p>It is too preliminary to confirm if fill is required and this will be determined during the subsequent site plan and draft plan of condominium phases.</p> <p>The City must be satisfied with the final grading plan of the development to ensure there are no drainage impacts onto adjacent properties. No building permits for construction will be issued if the grading plan is not approved by the City.</p>   |
| <p>How will the surrounding properties be protected against flooding due to increased grade and added fill?</p>                     | <p>See comment above.</p>   |
| <p>If fill is being added, where will it come from and what assurances are there that it will be clean fill?</p>                    | <p>It is too preliminary to confirm if fill is required and this will be determined during the subsequent site plan and draft plan of condominium phases.</p> <p>Regardless, fill coming in or out of the site must meet the current Ministry of the Environment regulations.</p>   |
| <p>Can the existing water infrastructure support this development and design flows?</p>   | <p>According to the conceptual site servicing design, the City will take the estimated demand values for the proposed development and complete the water network management model to confirm that the existing network can adequately support these design flows. However, it appears with the given information there</p>  |

| Question/Inquiry/Concern  | Response   |
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|   | <p>are no impediments to water supply and distribution servicing for the development using currently existing municipal water supply infrastructure. Should any upgrades be required, the developer would be required to fund the upgrades.</p>  |
| <p>How will a wet well be established in the limestone bedrock and who will maintain this well?</p> | <p>This is a private condominium development and if a wet well is proposed in this development, each individual home owner is responsible for the maintenance of the well.</p>   |
| <p>How far will this sewage travel from the South end to the PVC sewer on Chippawa Road?</p>        | <p>There is an existing 200mm sanitary sewer on Chippawa Road. Due to the site's topographic characteristics and shallow municipal sanitary sewer on Chippawa Road, the sanitary flows generated from the development cannot discharge to the sewer on Chippawa Road by gravity. It is proposed that the sanitary sewage flows be collected through a new 200mm diameter on-site sewer system and flow to a prefabricated lift station wet well at the south limit of the site. Sewage will be pumped from there to the 200mm PVC sewer on Chippawa Road.</p>  |
| <p>How will the current ditch and stormwater drainage be affected?</p>                              | <p>The Drainage Superintendent has indicated that there does not appear to be any concerns with respect to drainage at this time.</p> <p>The existing site topography features a general slope down from north to south. The elevation of the site varies from 184.75 to 179.85. The outlet point of the site for existing overland runoff appears to be the very southeast point of the property. A natural watercourse conveys runoffs and discharges to the west roadside ditch of Highway 140 which flows south towards Main Street.</p> <p>Minor system stormwater flows will be collected by new storm sewers in the</p> |

| Question/Inquiry/Concern  | Response  |
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|   | private road and drained to a stormwater management pond. Flows in excess of the minor system will be temporarily stored in a stormwater management pond prior to being discharged. It is proposed to locate a stormwater management dry pond at the south-east limit of the site and discharge the managed flows to the Highway 140 east side ditch as happens currently. As indicated above, flows will be managed to pre-development level for 2- through 100-year return period storms. The sizing of the pond and the details of the outlet onto the Highway 140 right-of-way are pending review by and discussion with the MTO. |
| What is the proposed base elevation of the proposed stormwater management?  | The details of the proposed stormwater management pond are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.   |
| Concerns regarding the amount of limestone bedrock that will be removed to facilitate the SWM pond. Who is responsible for the maintenance of the SWM pond? | This is a private condominium development, and the condominium corporation is responsible for the long term maintenance of the pond.  |
| Will a fence be erected around the SWM pond?  | <p>The details of the proposed stormwater management pond are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.</p> <p>The pond may include a passive unpaved, recreational path leading to a parkette, although details will not be confirmed until the site plan and draft plan of condominium phase.</p>  |
| Why has the size of the SWM pond not been established yet?  | The details of the proposed stormwater management pond are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.   |
| How will proper overland flow be ensured to prevent ponding and protection of the significant woodlot during major storm events?                            | <p>The final grading details are yet to be confirmed during the subsequent site plan and draft plan of condominium phase.</p> <p>The City must be satisfied with the final grading plan of the development to</p>   |

| Question/Inquiry/Concern  | Response  |
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|   | ensure there are no drainage impacts onto adjacent properties and the woodlands. No building permits for construction will be issued if the grading plan is not approved by the City.   |
| Will stormwater management controls be implemented in order to treat stormwater runoff prior to discharge from the site?  | Yes, this is a requirement of the Region and the City.  |
| What are the potential direct and indirect impacts to the natural features including the significant woodlot?   | <p>The Environmental Constraints Analysis provides suitable mitigation measures to limit the direct and indirect impacts.</p> <p>In order to protect adjacent and abutting natural features from potential impacts due to sediment, an erosion and sediment control (ESC) Plan will be developed prior to any construction activities on-site. The primary principles associated with sedimentation and erosion protection measures are to: (1) minimize the duration of soil exposure, (2) retain existing vegetation, where feasible, (3) encourage re-vegetation, (4) divert runoff away from exposed soils, (5) keep runoff velocities low, and (6) trap sediment as close to the source as possible.</p> |
| What is the proposed height of the townhouses?  | The height of the townhouses will meet the zoning by-law regulation of 11 metres (36 feet).   |
| Where is the park/parkette located? Also, is the park/parkette large enough to suit the proposed size of the development?   | The parkette will be included into the development and likely situated close to the stormwater management pond. Further details will be provided during the subsequent site plan and draft plan of condominium phases.  |
| Where is the Stage 3 site-specific assessment that was required for Sites 1, 3 and 6 from the archeological Stage 2 assessment?   | The Archaeological Stage 1 and 2 was completed and is under review by the Region and the Ministry of Tourism Culture and Sport for the clearance.   |
| With the development being under condominium ownership to what standard will the pavement structure of the roads be will it be to the city's standards or the condominiums? | Yes, this is a private condominium corporation and is required to meet the necessary Region and City standards for private road developments.   |



| Question/Inquiry/Concern   | Response   |
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| If the condominium ownership goes bankrupt (or folds) who is responsible for the maintenance of the roads, infrastructure and properties? Is it the city and ultimately taxpayers who become liable?             | No, the City and taxpayers will not be responsible for the private condominium maintenance of the road or infrastructure.  |
| The project is not compatible with Port Colborne Quarries and does not honour the Site Plan agreement in place with PCQ that states Pit 1 needs to be rehabilitated before development around it can take place. | The applicant has submitted suitable Air Quality and Noise reports which prove the development can coexist with the nearby quarry operations provided the recommended mitigation measures are installed.   |
| The MECP D6 Guidelines state that for a class 3 use, the minimum distance separation is required to be 300m  | The Niagara Region has reviewed the proposal and corresponding air quality and noise studies. Recommended mitigation measures have been provided and will be included in future condominium and/or site plan agreements.   |
| Are there any parks/ open spaces being proposed?   | The parkette will be included into the development and likely situated close to the stormwater management pond. Further details will be provided during the subsequent site plan and draft plan of condominium phases. Parkland Dedication will be required through the future application processes.                      |
| Who will be responsible for any damage to Chippawa Road as a result of the construction vehicles using it to access the proposed development?  | Chippawa Road is a City asset and is responsible to maintain the road conditions. The development charges collected from this proposed development can be an opportunity for the City to allocate funds to improve the condition of the road. Any damage created to Chippawa Road will be responsibility of the developer. |
| What is a dripline and dripline buffer?  | <p>The dripline is the area directly located under the outer circumference of the tree branches.</p> <p>The dripline buffer is an area of land located adjacent to natural heritage feature and usually bordering lands that</p>   |

| Question/Inquiry/Concern  | Response   |
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|   | are subject to development or site alteration. The purpose of a buffer is to protect the features and areas and their ecological functions by mitigating impacts of the proposed development or site alteration. |
| Why do the roads appear to be open-ended facing Berkley Avenue? | The road extension shown beside of stormwater management pond at the south end of the site will be eliminated as there will be no road connection south to Berkley Avenue.                                       |

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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

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### Conclusion:

It is the opinion of Planning staff that the proposed Zoning By-law Amendment application is consistent with the PPS, conforms to Regional and City policies and requirements, are appropriate for the subject lands and are compatible with the surrounding area, subject to the recommendations to be implemented through future condominium and/or site plan agreements.

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

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### Appendices:

- a. Zoning By-law Amendment
- b. Niagara Region Comments
- c. Public Comments

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.