



**PORT COLBORNE**

**Subject: Recommendation for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Stonebridge Village Subdivision**

**To: Council**

**From: Development and Government Relations Department**

Report Number: 2024-211

Meeting Date: November 12, 2024

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**Recommendation:**

That Development and Government Relations Department – Planning Division Report 2024-211 be received;

That the Official Plan Amendment attached as Appendix A to Planning Division Report 2024-211 be approved;

That the Zoning By-law Amendment attached as Appendix B to Planning Division Report 2024-211 be approved;

That the Draft Plan of Subdivision and associated Draft Plan Conditions attached as Appendix C to Planning Division Report 2024-211 be approved; and

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

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**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding applications submitted by Upper Canada Consultants on behalf of the owner Elevate Fourth Developments Ltd. and Liberato Sardella for the lands legally known as Part of Lot 31 Concession 3 Part 1 on Plan 59R-17017 and Part 7 on Plan 59R-944, in the Geographic Township of Humberstone, City of Port Colborne, and Regional Municipality of Niagara.

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## **Background:**

Applications for an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision were submitted by Upper Canada Consultants on May 29, 2024. The applications were deemed complete on June 20, 2024. The following reports/plans have been submitted to help facilitate the development of the lands:

- Draft Plan of Subdivision
- Streetscape Plan
- Environmental Impact Study (EIS)
- Functional Servicing Report (FSR)
- Stormwater Management Plan/Report (SWM)
- Hydrogeological and Water Balance Report
- Noise Impact Study
- Stage One and Two Archaeological Assessment
- Transportation Impact Study (TIS); and
- Planning Justification Report (PJR)

All of these aforementioned plans/materials can be found on the City's website under the "Current Applications" page.

A Public Meeting was held on August 6, 2024, 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 Planning Statement (2024)*, the *Niagara 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 22 of the Act allows for the consideration of amendments to the City's Official Plan.

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 the Provincial Planning Statement (PPS). These policies of the PPS 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 builds on the current policies of 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 policies of the City's Official Plan. The plan is considerate of the adjacent existing residential uses and provides future connection points to the north, 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 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 Barrick Road. Additionally, potential access points have been provided to adjacent lands to the north to ensure connectivity, should these lands be developed in the future. As designed, the subdivision will provide sufficient connectivity to Barrick Road. 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 suitable for the dwelling types proposed. The lots vary in size, in an effort to cater lot sizes to the future housing affordability.

- *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 C. These conditions include requirements from the Niagara Region and City to ensure Regional and City interests are addressed 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. No comments with respect to any flooding hazards have been raised on the subject lands.

- *Adequacy of utilities and municipal services*

The applications have been circulated to applicable agencies and departments to verify the adequacy of the above. The reports submitted note that upgrades to municipal infrastructure will be required prior to the development proceeding. 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 park 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 apartment and stacked townhouse blocks 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 Planning Statement, 2024**

The Provincial Planning 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 2.2.1 of the PPS states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including the development and introduction of new housing options within previously developed areas.

Section 2.3.1.1 provides that settlement areas shall be the focus of growth and development. Section 2.3.1.2 adds that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure.

Based on staff’s review of the applications against the policies of the PPS, Planning staff find that the applications are consistent with 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.

### **City of Port Colborne Official Plan**

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan (OP) currently designates the subject property as **Urban Residential**. Land uses in the Urban Residential designation include residential uses, neighbourhood commercial uses, cemeteries, parks, schools, community facilities, and institutional uses normally located in residential areas.

Additionally, the land is located within the Designated Greenfield Area, based on Schedule A1.

The application for Official Plan Amendment (OPA) proposes to amend the Official Plan to facilitate the proposed Draft Plan of Subdivision. Highlights of the proposed policy changes include the following:

- Implement a comprehensive plan to ensure the orderly development of the subject lands.
- Establish a vision and associated policies for the development of the lands.
- Provide for increased densities within the development.

The proposed OPA is broken down in the following sections:

### 1. Introduction

- This section provides the direction and vision for the proposed development
  - Providing a variety of housing types
  - Integrating a modified grid pattern to maximize connectivity
  - Incorporate a unique community that is easily identifiable, yet compatible with adjacent land uses
  - Protect and preserve existing environmental features from any negative impacts associated with new and adjacent development
  - Coordinate the design of road networks, land uses and servicing requirements

### 2. Land Use

- This section sets out the land use framework for the proposed development
  - Achieving a minimum density of 50 people and jobs per hectare in accordance with Provincial, Regional and City policies
  - Promoting live/work professional home occupational uses
  - Medium Density Residential (Single-detached, semi-detached/duplexes, triplexes, townhouses, live/work townhouses, accessory apartments/secondary suites, home occupations, and home occupations)
    - Developed at maximum density of 70 units per hectare
    - Location and lot fabric
  - Medium/High Density Residential (semi-detached, townhouses, stacked townhouses, and low to mid-rise apartments)
    - Developed at a range of 80 to 150 units per hectare
    - Maximum height to not exceed six-storeys

- Site Plan Control requirement for high density residential development
- Open Space (parkland)
  - Establish a five-minute walking distance to public parkland for all residents
  - Provide convenient access
  - Coordinate with proposed watercourses, stormwater management facilities, hydro corridors, protected woodlands, and school grounds

### 3. Policies for the Public Realm

- This section comprises public roads, amenities, open spaces and stormwater management facilities
  - Native tree species lining the streets
  - Sidewalks provided on one side of the streets and laneways where feasible, at minimum
  - Provide clear, safe and efficient streets and access with pedestrian access throughout. Promoting walking and cycling and providing on-street parking for a complete street approach

### 4. Policies for the Private Realm

- Relationship of the built form to open spaces and roads
  - Providing for an appropriate size and configuration of development blocks
  - Promoting active transportation
  - Visual diversity and avoiding long blocks
  - Minimize impacts of noise, wind and shadows on adjacent properties
  - Varying architectural elements and cladding to provide a distinct character and compliment surrounding architecture

The above has been provided as a summary of the proposed Official Plan Amendment. The full proposed OPA can be found attached as Appendix A to this report.

Based on staff's review of applicable Provincial and Regional policies, Planning staff find that the Official Plan policies proposed through this development application will build on the current Provincial and Regional direction. The Official Plan Amendment will establish a vision and, policy, and land use framework that will contribute to an orderly development, while being sensitive to the established residential uses in the area.



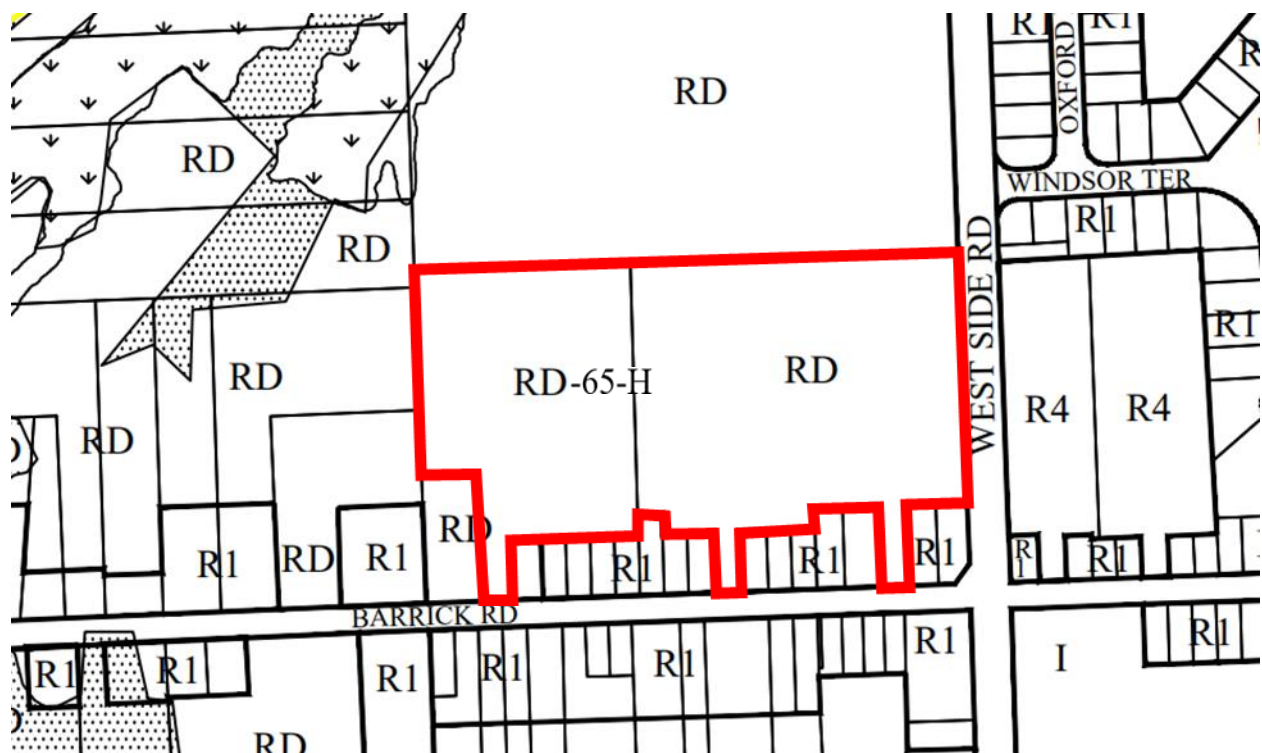
### City of Port Colborne Zoning By-law 6575/30/18

The subject lands currently have two different zones established. The easterly parcel is zoned Residential Development (RD) while the westerly parcel is zoned RD-65-H, being a special provision of the Residential Development zone.

The proposed Zoning By-law Amendment (ZBA) proposes to rezone the subject lands to site-specific R2, R3 and R4 zones. Some highlights of the proposed special provisions for the zones include the following:

- Establishing reduced setbacks for elevated decks/platforms
- Revised setbacks for the R2, R3 and R4 zones
- Reduced lot frontages for detached dwellings and semi-detached
- Increased accessory building lot coverage from 10% to 15%
- Allowing home-based businesses to occupy a maximum of 50% of the total dwelling unit
- Allowing one parking space per apartment unit, instead of 1.25 spaces
- Allowing a maximum height of 23 metres for apartment buildings, instead of 20 metres

The above has been provided as a summary of the proposed Zoning By-law Amendment. The full proposed ZBA can be found attached as Appendix B to this report.



## **Internal Consultations:**

The applications were circulated internally to applicable departments and external agencies on July 17, 2024, and the following comments have been received as of the date of preparing this report:

### **Fire Department**

- No objection to the application.
- No above ground building is permitted until fire hydrants have been installed, tested and functioning.
- No parking is permitted in the proposed laneways, on Street A, B, C, D, and the south section (entrance) of Street E.

### **Drainage Superintendent**

- The roadside ditch is not sufficient outlet for stormwater.
- Recommended to petition for a Branch Drain to outlet the parcel to the Biederman Drain.
- Further along in the process, a revised assessment schedule for the Biederman Drain will be required, this will be funded solely by the developer.

### **By-law Enforcement**

- By-law Services have no major concerns with the development at this time.
- It is noted that parking has been reduced by 26 spaces, By-law Services have no objections to this, subject to Planning approval.
- Additional comments may follow at the detailed design stage.

### **Enbridge**

- No objection to the proposed applications, however, Enbridge reserves the right to amend or remove development conditions.

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

- DSBN Planning staff has completed its review and has no objections to the application. Currently, students from this area attend Oakwood PS (JK – Gr.8) and Port Colborne High School (Gr. 9-12).

### **Niagara Catholic District School Board (NCDSB)**

- The Board does not object to the approval of the proposed application
- The development is located within the St John Bosco Catholic School (JK-Gr8) and Lakeshore Catholic High School (Gr9-12) boundaries. At this time, sufficient space exists within the local elementary and secondary schools to accommodate additional students from the development as proposed.

## **Hydro One**

- No comments or concerns at this time.

## **Ministry of Transportation Ontario (MTO)**

- The MTO has provided the following conditions of approval to be included in the Draft Plan Conditions:
  1. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a Stormwater Management Report indicating the intended treatment of the calculated runoff.
  2. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a Traffic Impact Study to assess the impacts to Hwy 403 [sic] and identify any related highway improvements.
  3. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, erosion & sediment control plans, survey, and internal road construction plans.
  4. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a detailed Lighting Plan.
  5. That prior to final approval, the owner shall enter into a Legal Agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of all necessary associated highway improvements.

## **Development Services Engineering**

- Engineering staff has completed their review of the preliminary Engineering drawings/plans.
- Based on their review, Engineering has no further comments at this stage.
- Further review will take place at the detailed design stage.

## Niagara Region

*Regional Growth Strategy and Economic Development staff are satisfied that the proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision applications are consistent with the Provincial Policy Statement and conform to Provincial and Regional policies, subject to meeting all comments and conditions as outlined in the attached Appendices.*

*Regional staff note that in accordance with NOP Policies 7.4.1.6 and 7.4.1.7, the Local Official Plan Amendment as reviewed is exempt from Regional Council Approval given the site-specific nature of the proposal.*

The Region has provided a number of Draft Plan Conditions to be included in any approval. The full Regional comment letter can be found attached as Appendix D.

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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 by July 17, 2024, in accordance with Sections 22, 34 and 51 of the *Planning Act*. As of the date of preparing this report, the following comments have been received:

#### **Ron Rienas – 29 Bartok Crescent**

(full comment letter attached as Appendix E)

- Concerns with respect to the wastewater sewershed being inadequate for the development.
- Based on the Region's Master Servicing Plan, this area will exceed the proposed population in the report.

**Staff response:** The application has been reviewed by City Engineering staff and the Niagara Region. Sufficient conditions have been included in the Draft Plan approval to address the concerns regarding the wastewater sewershed.

#### **Phelan Collins – 517 Barrick Road (virtually at the Public Meeting)**

- Concerns with how close the development will be to his property
- Concerns with the walking path next to 517 Barrick

- Concerns with the traffic on Barrick Road and the Highway 58 intersection
- Would like to request a fence along the walking path

**Staff response:** Staff find that the development is sensitive to the adjacent existing residential uses. A privacy fence will be implemented along the rear yards of the houses that abut the development. Staff can ensure that a fence is installed along the walking path adjacent to 517 Barrick Road as well. The Traffic Impact Study has been reviewed by City Engineering staff and the Ministry of Transportation and no major concerns have been raised at this time.

### **George Edwards – 643 Barrick Road (orally at the Public Meeting)**

- Concern with his horses and how they will impact the apartment building.
- Does not like the idea of a six-storey apartment building.
- His property is used as a corridor for wild animals.

**Staff response:** The apartment building will be set back a significant distance from the property, staff do not anticipate that the horse will have an impact on the apartment building. Staff find the height of the proposed building to be reasonable given the setbacks.

### **Cameron Gunn – 550 Barrick Road (orally at the Public Meeting)**

- Concerns with the traffic and amount of people in the area
- Concerned with Barrick Road being the only access.

**Staff response:** The Traffic Impact Study has been reviewed by City Engineering staff and the Ministry of Transportation and no major concerns have been raised at this time. The MTO has stated that no future accesses to the Highway are permitted.

### **Donna and Jan Putman – 805 Barrick Road (orally at the Public Meeting)**

- Question about how the stormwater will be funnelled to the Biederman Drain.
- Question about whether the water will be directed to the Minor Road road allowance, or directly to the Biederman Drain.

**Staff response:** The full design of the stormwater pipe will be evaluated through the detailed design stage. The applicant indicated at the Public Meeting that the stormwater system would be piped along Barrick Road.

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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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision 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. Official Plan Amendment
- b. Zoning By-law Amendment
- c. Draft Plan of Subdivision and Conditions

Respectfully submitted,

David Schulz, BURPI, MCIP, RPP  
Manager of Planning  
(905) 228-8117  
[david.schulz@portcolborne.ca](mailto:david.schulz@portcolborne.ca)

## **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.