



**Subject: Recommendation Report for Official Plan and Zoning By-law Amendment at 54 George St., Files D09-03-21 and D14-15-21**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-71

Meeting Date: April 12, 2022

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### **Recommendation:**

That Development and Legislative Services Department Report 2022-71 be received;

That the Official Plan Amendment attached as Appendix A to Development and Legislative Services Department Report 2022-71 be approved;

That the Zoning By-law Amendment attached as Appendix B to Development and Legislative Services Department Report 2022-71 be approved; and

That Planning staff be directed to issue the formal Notice of Adoption/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 proposed Official Plan and Zoning By-law Amendments initiated by NPG Planning Solutions Inc. on behalf of the owner 2852479 Ontario Ltd. (Estate Hill) for the lands known as Lots 9, 10, and Part of Lot 11 on Plan 767 and Block 'A' and Part of Block 'B' on Plan 775, on the southwest corner of George Street and Erie Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 54 George Street and/or 192-200 Erie Street.

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### **Background:**

The application for Official Plan Amendment proposes to add a site-specific policy to the Urban Residential designation to the property to permit a 30-unit stacked townhouse

development. The amendment is required to alter the Official Plan policy to permit a density of 103 units per hectare.

The application for Zoning By-law Amendment proposes to change the zoning from Institutional (I) to R4-67, a special provision of the Fourth Density Residential (R4) zone that will permit a 30-unit stacked-townhouse development with a front yard setback of 4 metres, corner side yard of 3.5 metres, maximum building height of 14.5 metres, and a landscape buffer of 2.5 metres between the edge of the parking area and lot lines abutting a public road and residential zone. Additionally, the proposed amendment will add a definition for a “Dwelling, Townhouse, Stacked” to Section 38 of Zoning By-law 6575/30/18.

A Public Meeting was held on January 18, 2022. Both Planning staff and the applicant provided a brief presentation of the proposal to Council and were available to answer questions from Council and members of the public. All public comments/questions and their corresponding responses from Planning staff can be found in Appendix C. A petition opposing the application has also been submitted and provided in Appendix C.

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### **Internal Consultations:**

Notice of Public Meeting was provided to internal departments and commenting agencies on December 17, 2021. As of the date of preparing this report, the following comment has been received:

#### **Port Colborne Fire & Emergency Services**

“No objection to the proposed zoning change”

#### **Drainage Superintendent**

“No concerns with respect to municipal drains”

#### **Niagara Region**

(Full comment attached in Appendix C)

Regional Planning and Development Services staff are satisfied that the proposed official plan amendment and zoning by-law amendment to permit the redevelopment of 54 George Street in the City of Port Colborne for a 30-unit stacked townhome development is consistent with the Provincial Policy Statement and conforms to the Growth Plan and Regional Official Plan, subject to any local compatibility concerns or requirements.

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## **Public Engagement:**

Notice of Public Meeting was circulated via regular mail to property owners within 120m from the subject property on December 17, 2021. Two public notice signs were also posted on the subject property by December 24, 2021. Finally, notices were posted on the City's website under "Current Applications". As of the date of preparing this report, a number of public comments and questions have been submitted. All public comments and questions along with the staff responses can be found in Appendix C to this report.

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## **Discussion:**

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

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the subject properties as Urban Residential. Land uses in the Urban Residential designation include residential, neighbourhood, commercial and community facilities and institutional uses.

The proposed Official Plan Amendment proposes to maintain the Urban Residential designation; however, a site-specific amendment has been requested to alter the specific policies under section 3.2.1 to permit a 30-unit stacked townhouse configuration at a density of 103 units per hectare. The proposed Official Plan Amendment has been attached as Appendix A.

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

The subject parcel is zoned Institutional (I). The I zone permits apartment buildings, public; community garden; cultural facility; cemetery; day care; dwelling, accessory; food vehicle; long term care facility; place of assembly/banquet hall; place of worship; public uses; social service facility; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning from Institutional (I) to R4-67, being a special provision of the Fourth Density Residential (R4) zone. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto. The special provision has been requested to permit a 30-unit stacked townhouse configuration with a front yard setback of 4 metres, corner side yard of 3.5 metres, maximum building height of 14.5 metres, and a landscape buffer of 2.5 metres between the edge of the parking area and lot lines abutting a public road and residential zone. Additionally, the proposed amendment will add a definition for a "Dwelling, Townhouse, Stacked" to Section 38 of Zoning By-law 6575/30/18. The proposed Zoning By-law Amendment has been attached as Appendix B.

## Adjacent Zoning and Land Use

<b>Northwest</b> George Street/ Humberstone Shoe Park Zoned: P	<b>North</b> Humberstone Shoe Park/ Townhouse Zoned: P and R4	<b>Northeast</b> Low-density residential Zoned: R2
<b>West</b> Low-density residential Zoned: I and R2	<b>Subject Property</b>	<b>East</b> Low-density residential Zoned: R2
<b>Southwest</b> Low-density residential Zoned: R4	<b>South</b> Low-density residential Zoned: R2	<b>Southeast</b> Low-density residential Zoned: R2

A sketch of the proposed development has been attached as Appendix D.

## Traffic

In response to concerns raised by Council and members of the public at the public meeting, the applicant has retained a traffic consultant to review the proposal. A Transportation Opinion Letter was provided and has been included as part of Appendix E. The opinion outlined in the letter concludes that the increase to traffic in the area is nominal and within the typical daily variation of traffic expected along local roads. Additionally, the nearby intersections are expected to continue to operate with no noticeable increases in delays or queuing during peak periods.

## Analysis

Staff have reviewed the Planning Justification Report and corresponding addendum submitted for this application. The report and addendum, prepared by NPG Planning Solutions (found in Appendix E) concludes that the proposal represents good land use planning, is in the interest of the City and should be supported for the following reasons:

1. The proposed development is consistent with the Provincial Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Region Official Plan, and the City of Port Colborne Official Plan.
2. The proposed development will provide an opportunity for residential intensification within the Built Up Area designated for residential growth and is a focus for intensification. It will make efficient use of the existing municipal services and facilities.
3. The proposed density is appropriate for the subject lands due to its proximity to the arterial roads – Elm Street and King Street with access to local public transit and other active transportation choices.

4. The proposal creates new housing in the City of Port Colborne contributing to a more diversified housing mix.
5. The development is appropriately distanced from the existing low-density residences to the south and west.

Further to the above reasons to support the proposal provided by NPG Planning Solutions, Planning staff have completed their own thorough review of the proposal and applicable policies.

The Provincial Policy Statement (PPS) guides planning and development in Ontario. The PPS focuses on guiding development to settlement areas, making use of existing infrastructure, while at the same time, providing a wide-range of housing types through intensification. Policy 1.1.3.2 states the following:

“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.”

Further, policy 1.4.3 provides the following:

“Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market...”

Planning staff are of the opinion that the above policies are achieved through this development proposal. The proposal is efficiently using infrastructure already available and will be providing a new form of housing that is not currently abundant in Port Colborne.

The City's Official Plan (OP) offers further guidance on new development proposals City-wide. Much like the overarching PPS, the OP supports infill intensification proposals that make use of existing infrastructure. This direction helps limit urban sprawl and the consumption of greenfield and agricultural lands through municipal comprehensive reviews. Section 2.4.3 of the OP provides the following:

“The identification and intensification of residential and employment areas and corridors within the built boundary of the City is directed by the Provincial Growth Plan. Intensification supportive policies will offer opportunities to promote economic development, reduce the consumption of greenfield land, meet the municipality’s intensification target of 15% and maximize the efficiency of existing infrastructure. Intensified development is compact, mixed-use and transit-supportive in nature, which reflects the vision of this plan.”

Staff note the above policy supports the proposed development as the intensification is helping achieve the City’s established 15% target. The development is compact in nature, while providing suitable space for parking. The proposal is not mixed-use in nature; however, it should be noted that mixed-use developments are typically found in the Main Street and Downtown areas of Port Colborne. This site, located in the Urban Residential designation would not be supported from a mixed-use perspective. Finally, the newly established Niagara Regional Transit OnDemand, will assist with transportation in the area. Planning staff are satisfied that the proposal meets the intent of the Official Plan and supports the goals and vision set out within it.

Finally, perhaps the leading concern raised by Council and the public is surrounding the site’s parking. Currently, 38 parking spaces have been proposed for the 30 dwelling units, working out to a rate of 1.26 spaces per unit. Staff would like to reference the general parking provisions of the Zoning By-law to address this concern. The residential parking provisions have been set at one space per dwelling unit for the majority of housing types set out in the by-law, including single-detached, semi-detached, duplex, triplex, fourplex, and block/street townhouse dwellings. The one space per unit provision is seen as the standard for dwelling types in Port Colborne. On the higher end of residential parking requirements lies apartment buildings at 1.25 spaces. Planning staff would consider the use of a stacked townhouse development to fall somewhere in between apartment buildings and block/street townhouses. Based on this consideration, the proposed parking is on the higher end of municipal parking requirements. Therefore, staff are of the opinion that the parking requirements have been satisfied.

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### **Financial Implications:**

There are no financial implications.

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**Strategic Plan Alignment:**

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - People: Supporting and Investing in Human Capital
  - Governance: Communications, Engagement, and Decision-Making
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**Conclusion:**

Based on the review of the application and applicable Provincial, Regional and City planning policies, Planning staff confirm that the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan and Regional Official Plan and represents good planning. Staff recommend that the Official Plan and Zoning By-law Amendments attached as Appendices A and B, respectively, be approved.

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**Appendices:**

- a. Official Plan Amendment
- b. Zoning By-law Amendment
- c. Public Comments/Questions and Responses
- d. Site Plan
- e. Planning Justification Report, Traffic Brief and Addendum

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.