



**Subject: Recommendation Report for Zoning By-law Amendment  
D14-02-20, 168 and 176 Elm Street**

**To: Council**

**From: Planning and Development Department**

Report Number: 2021-09

Meeting Date: January 11, 2021

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### **Recommendation:**

That the Zoning By-law Amendment attached as Appendix A to Planning and Development Department Report 2021-09 be approved, rezoning the subject property from I - Institutional and R4 – Fourth Density Residential to R4-56; and

That Planning and Development staff be directed to prepare and circulate the Notice of Passing in accordance with the *Planning Act*.

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### **Purpose:**

To provide Council with a recommendation regarding a Zoning By-law Amendment application by Steven Rivers on behalf of Hometown Properties Inc. for the property municipally known as 168 and 176 Elm Street.

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### **Background:**

The application for Zoning By-law Amendment accompanied by a Planning Justification Report proposes to change the zoning from I – Institutional and R4 – Fourth Density Residential to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business while recognizing the existing location of the building, and allow for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion from an institutional building into a 22-unit apartment building with a hall and office space.

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## Discussion:

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on November 24, 2020. Public notice signs were posted on the property on or before November 24, 2020. Meeting details have been provided along with the Council Agenda on the City's website.

The Public Meeting was held on December 14, 2020 where staff and the applicant presented the application to Council and members of the public.

At the time of writing this report, staff has received the following correspondence from the public, City divisions and commenting agencies:

### Patricia and Julius Premi – 171 Alexandra Street, Port Colborne

- In favour of the proposed Zoning By-law Amendment

### Jennifer Brooks – 115 Kent Street

- Concerns related to parking and greenspace on the proposed property

### Niagara Region

"The proposal is consistent with the PPS and conforms to the Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional perspective."

The full comment from the Niagara Region has been attached to this report as Appendix B.

### Planning Division

#### 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 property as **Urban Residential**. Land uses in the Urban Residential designation include residential, neighbourhood, commercial and community facilities and institutional uses.

The Official Plan designation is not proposed to be changed as a result of this application; however, this proposal is supported through the following policies in section 2.4.3 Intensification and Infill:

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.

This proposal is located in the Urban Area and is compatible with surrounding uses.

c) The objectives of the intensification policies of this Plan are to:

- i) Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- ii) Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;

This proposal is located directly adjacent to the Downtown and will support the Downtown by intensifying the area. The mixed-use building will provide much needed rental units to the City of Port Colborne and will be located near transit. Finally, the apartment building will help achieve the City's intensification target of 15% in the Built Up/Urban area.

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

The subject parcel is zoned **Institutional (I)** and **Fourth Density Residential (R4)**. The I zone permits public apartment buildings; 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 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 application for Zoning By-law Amendment proposes to change the zoning of the property from I – Institutional and R4 – Fourth Density Residential to R4-56, a special provision of the Fourth Density Residential zone which will permit the conversion into a 22-unit apartment building with accompanying hall and office space. A number of special provisions have been requested and outlined below and in the Draft Zoning By-law Amendment attached as Appendix A:

a)	Minimum Front Yard	4.5 metres
b)	Minimum Interior Side Yard	1.5 metres
c)	Minimum Corner Yard	1.5 metres
d)	Minimum Rear Yard	1.5 metres
e)	Maximum Lot Coverage	25 %
f)	Maximum Height	As existing
g)	Max Gross Floor Area	1450 square metres
h)	Minimum Landscape Area	25 %
i)	Minimum Floor Area / Unit	35 square metres
j)	Minimum Number of Parking Spaces	23 spaces
k)	Landscape Buffer Between the Edge of any Parking Area Abutting a Public Road	0 metres
l)	Landscape Buffer Between the Edge of any Parking Area Abutting a Residential Zone	1.5 metres

- m) Minimum Setback of a Building for the Purpose of Human Habitation to a Functioning Railway Right-of-way 1.5 metres

#### Adjacent Zoning and Land Use

<b>Northwest</b> City rail line	<b>North</b> Charlotte Street	<b>Northeast</b> Charlotte Street/Elm Street
<b>West</b> City rail line	<b>Applicant's Property</b>	<b>East</b> Elm Street
<b>Southwest</b> City rail line	<b>South</b> Residential dwellings Zoned: R4	<b>Southeast</b> Elm Street

#### Comment and Discussion

This proposal for 168 and 176 Elm Street is an example of an adaptive reuse development that is supported at a Provincial, Regional, and Local planning perspective. Such developments help revitalize neighbourhoods and, in this case, can add much needed rental units to the market. Staff would like to note that the developer is required to work with existing building conditions to facilitate the proposal. The setback reductions requested in the Zoning By-law Amendment are for the existing building, and no new construction will be built closer to the property lines.

As requested by Planning Staff, the applicant has submitted a Planning Justification Report analyzing Provincial, Regional, and City planning policies. The Report has been attached as Appendix C to this report. Some concerns regarding parking were raised by Council and members of the public (see Appendix D for Public Meeting minutes). As noted in the Planning Justification Report, the proposal will maintain more than one space per apartment unit. Staff find this to be reasonable for the site. The applicant noted that the hall will be removed as part of phase three of the project to allow for the remaining apartment units. Staff will ensure of this through the Site Plan Control process.

Further, the Site Plan Control process will ensure the site has adequate servicing, lighting, landscaping and screening. The process engages numerous staff from the City departments as well as stakeholders from the Niagara Region and other agencies. The construction cannot occur until an agreement between the City and property owner is registered on title. The preliminary site plan of the property has been attached as Appendix E.

**Financial Implications:**

This proposal will increase the tax base for the property and will be subject to the Development Charges By-law.

Additionally, the subject property is located within the boundaries of the Downtown Central Business District Community Improvement Plan (Downtown CIP). The Downtown CIP offers a number of incentives and grants for the property. No formal application has been made at this time; however, the property owner is eligible for the residential grant program for the new residential units proposed, planning and building fee grants (50% reduction in fees, no application required) and the tax increment grant. The tax increment grant program offers a grant equal to 80% of the increase in municipal property taxes for up to 10 years after the project completion. The project must result in an increase in assessment and property taxes to be eligible. The Niagara Region provides matching incentives.

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**Conclusion:**

In conclusion, Planning staff does not have any concerns with this Zoning By-law Amendment as it conforms with Provincial, Regional, and City policies. Therefore, staff recommends that the Zoning By-law Amendment be approved.

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**Appendices:**

- a. Zoning By-law Amendment
- b. Niagara Region Comment
- c. Planning Justification Report
- d. Draft Public Meeting Minutes from December 14, 2020
- e. Preliminary Site Plan

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 approval is by the Chief Administrative Officer.