



**Subject: Recommendation Report for a Zoning By-law Amendment
for a Vacant Lot on Neff Street**

To: Council

From: Development and Legislative Services Department

Report Number: 2022-146

Meeting Date: June 28, 2022

Recommendation:

That Development and Legislative Services Department Report 2022-146 be received;
and;

That Council approve the Zoning By-law Amendment attached as Appendix A, to
amend the subject lands from Fourth Density Residential 'R4-61' to Downtown
Commercial 'DC-68'.

Purpose:

The purpose of this report is to provide Council with an update and recommendation
regarding a Zoning By-law Amendment application initiated by the owner, Grandstone
Living.

The application was received on March 3, 2022, and was deemed complete on March
22, 2022, and is requesting to change the zoning from Fourth Density Residential 'R4-
61' to Downtown Commercial 'DC-68'. The requested amendment is being sought to
facilitate a 6-unit apartment on the subject property with a special provision requesting
that the required landscape buffer not apply to the subject lands. A site plan for the
proposed apartment has been attached as Appendix B.

Background:

Location:

The subject lands are located on the north side of Neff Street at the east end of the street. The legal description of the property is Part of Lot 4 in Block Letter A and Part of Lot 2 on the south side of Main Street west on Plan 762 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as a vacant lot on the north side of Neff Street.



Figure 1: Location of subject lands highlighted in red, from Niagara Navigator 2020.

Surrounding and Existing Land Uses:

The subject property is currently vacant. The properties to the north consist of commercial uses such as shops and restaurants. The properties to the west consist of residential uses with an existing apartment and detached dwellings. The surrounding parcels to the south consist of residential uses with detached dwellings and the lands to the east contain the old Welland Canal and an existing railway.

Discussion:

Planning Documents

Planning staff reviewed this application 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 an application to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act

Section 2 of the Planning 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 a zoning by-law amendment.

Provincial Policy Statement (2020)

The Provincial Policy Statement 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. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses and should efficiently use land and resources.

Staff are satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes growth within a settlement area and proposes an apartment that will result in a more diverse range of housing on Neff Street and mix of uses in the surrounding area.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff are satisfied that the proposed Zoning By-law Amendment conforms to the Growth Plan. The proposed application supports a range and mix of housing types by proposing additional diverse residential units.

Regional Official Plan

The subject property is located within the Built-up Area, according to the Regional Official Plan (ROP). Objective 4.A.1.2 states that a significant portion of Niagara’s future growth should be directed to the Built-up Area through intensification. Intensification includes all forms of development that occur within the Built-up Area and is generally

encouraged. Staff are satisfied that the proposed Zoning By-law Amendment conforms to the ROP.

City of Port Colborne Official Plan

The subject property is located within the Downtown Commercial designation according to the City's Official Plan (OP). Residential uses are permitted within the Downtown Commercial designation and Section 3.6.1 (c) of the OP states that new apartment buildings shall be developed so that they are appropriately integrated into the downtown area. Staff are of the opinion that the proposed 6-unit apartment is appropriately integrated into the downtown area as it is consistent with the placement and character of the surrounding built form, does not exceed a height of six (6) storeys and will generally maintain the established building line for the front yard setback, as required by the design guidelines of the OP.

Any new or expanding development in the Downtown Commercial area is subject to Site Plan Control, as such, the applicant will be required to submit a Site Plan Control application. The purpose of site plan control is to provide Staff with controls over development proposals with respect to exterior design including but not limited to, the character, scale, appearance, design, and sustainability features, as outlined in the Planning Act.

Staff are of the opinion that the proposed Zoning By-law Amendment conforms to the OP.

Port Colborne Zoning By-law 6575/30/18

The subject property is currently zoned Fourth Density Residential 'R4-61'. The property was rezoned in 2021 as part of Zoning By-law Amendment application D14-08-21, as the property had no zoning. This amendment was sought to permit the construction of a multi-unit residential dwelling with special provisions to address deficiencies in front and rear yard setbacks, as well as the maximum parking area width.

Since the passing of application D14-08-21, the applicant has reconfigured the layout of the proposal, which has triggered the requirement for an additional Zoning By-law Amendment. The current application proposes to change the zoning from Fourth Density Residential 'R4-61' to Downtown Commercial 'DC-68'. The special provision is being sought for the parking lot landscape buffer abutting a residential property to not apply, whereas the By-law requires a 3m buffer. The applicant is requesting the amendment as the zone requirements of the DC zone better suit the reconfigured layout of the proposed apartment building.

Planning Staff are of the opinion that the proposed application is appropriate and compatible with the surrounding area. The proposal adds to a mixture of housing types and makes efficient use of existing services. The proposal is also compatible with adjacent uses as an existing apartment building is located immediately to the west of

the subject property and more residential lots are located to the south. The reduction in parking lot landscape buffer is justified in order to provide the required amount of parking to the proposed building. Furthermore, re-zoning the subject parcel to a special provision of the DC zone more closely aligns with the objectives of the Official Plan as locating DC zones within the Downtown Commercial Official Plan designation would also permit commercial uses, should any be considered in the future.

Internal Consultations:

The Notice of Public Meeting was provided to internal departments and commenting agencies on April 28, 2022. As of the date of preparing this report, the following comments have been received.

Port Colborne Fire and Emergency Services

Port Colborne Fire and Emergency Services have no objection to the proposed application.

Drainage Superintendent

There are no concerns with the application regarding municipal drains.

NPCA

The NPCA has no objection to the proposed application and will not require any fee payments to be submitted for the review of these files.

Financial Implications:

The development will be fully serviced by water, wastewater and is within the storm water boundary.

Assessing the financial implications at this stage is reliant on a number of factors that include assessment and water usage. To provide context to the potential financial implications:

If the property is valued between \$800,000 and \$1,000,000 by the Municipal Property Assessment Corporation (MPAC), the resulting property taxes are estimated between \$7,800 and \$10,000.

Based on a review of other 6-unit apartments, the average combined water charge is \$2,085 and the wastewater and storm sewer charges are \$2,140 and \$1,270 respectively. These figures are based on a 2 inch compound sized meter.

Public Engagement:

Notice of Public Meeting was circulated by mail to property owners within 120m of the subject property, as per Section 34 (13) of the Planning Act. A public notice sign was also posted on the property by April 27, 2022, and notices were posted on the City's website under "Current Applications". A public meeting was also held on May 17, 2022. As of the date of preparing this report, no comments from the public have been received.

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
 - Attracting Business Investment and Tourists to Port Colborne
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
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Conclusion:

Based on the review of the application and applicable Provincial, Regional and City planning policies, Planning staff are of the opinion 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 Zoning By-law Amendment attached as Appendix B be approved.

Appendices:

- a. Zoning By-law Amendment
- b. Site Plan

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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.