



PORT COLBORNE

Subject: Public Meeting Report for Proposed Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street, File No. D07-01-22 & D14-13-21

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2022-213

Meeting Date: September 20, 2022

Recommendation:

That Development and Legislative Services – Planning Division Report 2022-213 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding applications submitted by Curtis Thompson of Better Neighbourhoods Inc. on behalf of the owner Topwide Property Development Inc. for a proposed Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street.

Background:

Applications for Draft Plan of Condominium and Zoning By-law Amendment were submitted by Better Neighbourhoods Inc. in May 2022. The application was deemed complete on July 6, 2022, following the erection of the public notice sign. The following reports/plans have been submitted to help facilitate the development of the land: Planning Justification Report, Functional Servicing Report, Site Plan, Servicing and Grading Plans, Geotechnical Report, proposed elevations and conceptual renderings, Topographic Survey, and a Storm Drainage Plan. These materials can be found on the City's website under "Current Applications".

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R4-CH (Fourth Density with Conversion Holding) and R2 (Second Density Residential) to a site-specific R4 zone that will permit a development of

71 total dwelling units (five single-detached, 10 semi-detached, 15 block townhouses, and 41 apartment dwelling units).

The Draft Plan of Condominium will implement the proposed Zoning By-law Amendment and legally allow each unit to be held in independent ownership and establish common elements such as the internal condominium road.

Internal Consultations:

The applications and supporting materials were circulated internally to applicable departments and agencies in July 2022. As of the date of preparing this report, the following comments have been received by applicable departments and agencies:

Port Colborne Fire Department

“Fire has no concerns at this time”

Drainage Superintendent

“There are no concerns regarding municipal drains for this parcel”

By-law Enforcement Division

“By-law Services have no adverse comments at this time”

Engineering Comments

City Engineering staff have reviewed and provided technical comments on the submission materials. It is noted that the majority of the comments are minor and can be addressed through the future site plan control process.

Niagara Region

(full comment attached as Appendix C)

Regional Planning and Development Services staff does not object to the Zoning By-law Amendment and Draft Plan of Condominium Applications, in principle, as the proposed redevelopment is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the conditions of the attached Appendix [of the comment letter] being fulfilled. City staff should be satisfied that the proposed development is compatible with the surrounding urban fabric and that all local requirements are met.

Public Engagement:

The Notice of Public Meeting is required to be sent to property owners within a 120m radius of the subject property, as per Sections 34 (13) and 51 (20.1) of the *Planning Act*. Notice was circulated on August 31, 2022, and no comments from the public have been received as of the date of preparing this report.

Any/all comments submitted on the applications will be reviewed and responded to through a future recommendation report.

Discussion:

These applications will be reviewed with consideration of applicable policies in 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*.

The Provincial Policy 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. 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 that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area as well as a delineated built-up area, where the Growth Plan states that growth should be focused in “Built-up” areas.

The Regional Official Plan (ROP) designates the subject lands as within the “Urban Area Boundary” and “Built-up Area”. Policies within the ROP generally encourage intensification throughout the Built-up Area. Section 4.A.1 will be used to assess the application when a recommendation report is brought forward at a future date.

City of Port Colborne Official Plan

According to Schedule A: City Wide Land Use, the City of Port Colborne’s Official Plan (OP) 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.

Residential land uses such as the uses proposed are permitted in the Urban Residential designation. The land use designation is not proposed to be changed as a result of this application.

Sections 2.4.3 and 3.6 of the OP will be used to assess the application when a recommendation report is brought forward at a future date. These sections provide

policies on intensification and infill, as well as the general policies of the Urban Residential designation.

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

The subject property currently has two zones assigned to it. The larger portion of the property is zoned R4-CH (Fourth Density Residential with a Conversion Holding) and the remaining is zoned R2 (Second Density Residential). The Conversion Holding (CH) requires the filing of a Record of Site Condition (RSC) prior to its ability to be lifted from the property. The applicant has successfully filed an RSC with the Ministry of the Environment, Conservation and Parks. A site-specific R4 zone with the CH removed is proposed for the entirety of the lands through this application. Key changes proposed within the Zoning By-law are summarized below, the full draft Zoning By-law Amendment can be found within Appendix D:

- Revisions to the accessory dwelling unit provisions to set a maximum unit size and building height
- Revisions to the home-based business provisions
- Deletion of Section 2.12 – Buildings on One Lot provision
- Revisions to the permitted encroachment provisions
- Revisions to the ingress and egress provisions to reduce the minimum two-way traffic driveway width
- Revisions to the R4 zoning requirements to reflect the proposed condominium configuration

Adjacent Zoning and Land Use

The parcels surrounding the subject lands are predominantly zoned R2 (Second Density Residential) to the north, west and south. Additionally, there is a church to the south that is zoned I (Institutional).

Financial Implications:

There are no financial implications at this point as no decisions are being made on the applications.

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:

Planning Staff are not providing a recommendation on the proposed Draft Plan of Condominium and Zoning By-law Amendment at this time to allow all agency, public and Councillor comments to be received and considered prior to a decision being made. The recommendation report will return to Council at a future meeting.

Appendices:

- a. Proposed Site Plan
- b. Proposed Draft Plan of Condominium
- c. Niagara Region Comment
- d. Draft Zoning By-law Amendment

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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.