



**Subject: Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22**

**To: Council - Public Meeting**

**From: Development and Legislative Services Department**

Report Number: 2022-215

Meeting Date: September 20, 2022

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**Recommendation:**

That Development and Legislative Services – Planning Division Report 2022-215 be received for information.

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**Purpose:**

The purpose of this report is to provide Council with information regarding applications submitted by Matt Kernahan of Upper Canada Consultants on behalf of the owner 2600261 Ontario Inc. for a proposed Draft Plan of Subdivision and Zoning By-law Amendment at Northland Estates, legally known as Concession 2 Pt Lot 31, Concession 2 Pt Lot 31 RP 59R12021 Parts 1 & 2, and Con 2 Pt Lot 31 RP 59R11866 Parts 2 to 5.

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**Background:**

Applications for Draft Plan of Subdivision and Zoning By-law Amendment were submitted by Upper Canada Consultants in July 2022. The following reports/plans have been submitted to help facilitate the development of the land: Planning Justification Report, Functional Servicing Report, Environmental Impact Study, Noise Brief, Stage Two Archaeological Assessment, Traffic Impact Study, Water Balance Study as well as the proposed Draft Plan of Subdivision design (Appendix A). The entirety of the reports/plans can be found on the City's website under "Current Applications".

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**Internal Consultations:**

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

**Port Colborne Fire Department**

“Port Colborne Fire is requesting the following – provide the finished travel road width and all turning radius to ensure correct evaluation of the proposed development.”

**By-law Enforcement Division**

“No comments at this time, By-law Services will reserve comments for when detailed fence, tree and landscaping plans are available.”

**Drainage Superintendent**

“No comments at this time, however further comments will surface once the grading plans are presented.”

**Engineering Comments**

City Engineering staff have reviewed and provided technical comments on the submission materials. It is noted that some of the comments will need to be addressed through a subsequent submission prior to staff bringing forward a recommendation report on these files.

**Ministry of Transportation (MTO)**

(full comments attached in Appendix B)

We have no objection in principle with the proposed applications.

Subject lands are located within the ministry’s permit control limits (extends up to 800m from MTO property); hence, MTO permits will be required (e.g. grading/servicing, building and land use, etc.). Please be aware that ministry permits will need to be secured prior to the commencement of any on-site works.

**Niagara Region**

(full comments attached in Appendix B)

At this time, Regional Planning and Development Services staff do not consider the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications to be consistent with the PPS, or conform to the Growth Plan and ROP as an EIS Addendum is required to confirm the proposal will not have significant negative impacts on the Region’s Core Natural Heritage System. The requested EIS Addendum will impact the

Draft Plan and updated studies (Planning Justification Report, Noise Study, Servicing Reports, Stormwater Management Plan) will be required to support a revised proposal.

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## 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.

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## 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 designated greenfield area. Development in designated greenfield areas is to be planned, designated, zoned, and designed in a manner that: supports the achievement of complete communities, supports active transportation, and encourages integration and sustained viability of transit services.

The Regional Official Plan (ROP) designates the subject lands as within the “Urban Area Boundary” and “Designated Greenfield Area”. Policies within the ROP generally encourage development within the Urban Area and Greenfield Areas provided the development builds a compact, mixed use, transit supportive, active transportation friendly community. A density target of 50 people and jobs per hectare is targeted for Greenfield development. Section 4 of the ROP sets out specific policies for the above and 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.

Additionally, the land is designated as a Greenfield Area in the City's Official Plan. Policies within sections 2.4.4 and 3.2.1 of the Official Plan will be used to assess the application when a recommendation report is brought forward to a future meeting of council. The sections provide policy direction on greenfield lands as well as the general policies of the Urban Residential designation.

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

The proposed Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R3 (Third Density Residential), RD (Residential Development), and EC (Environmental Conservation) to a site-specific MU (Mixed Use) zone, EC (Environmental Conservation), (P) Public & Park, and a site-specific R3 zone. The site-specific MU zone proposes to allow a maximum height of 14 metres for both residential and non-residential buildings. The site-specific R3 zone proposes to permit a minimum lot area of 180 square metres and a minimum interior side yard of 1.5 metres for street townhouse dwellings and a minimum lot area of 327 square metres for detached dwellings. A copy of the Draft Zoning By-law Amendment can be found attached as Appendix C.

### **Adjacent Zoning and Land Use**

The land surrounding the proposed development is predominantly zoned residential (R1 and R3) to the north, south and east, Commercial Plaza (CP) to the southeast and Environmental Conservation (EC) to the west.

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### **Financial Implications:**

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

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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:**

Planning Staff are not providing a recommendation on the proposed Draft Plan of Subdivision 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.

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## **Appendices:**

- a. Proposed Draft Plan of Subdivision
- b. Agency Comments
- c. Draft Zoning By-law Amendment

Prepared by,

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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.