
Development and Legislative Services
Planning Division Report

June 9th, 2023

Secretary-Treasurer
Port Colborne Committee of Adjustment
66 Charlotte Street
Port Colborne, ON L3K 3C8

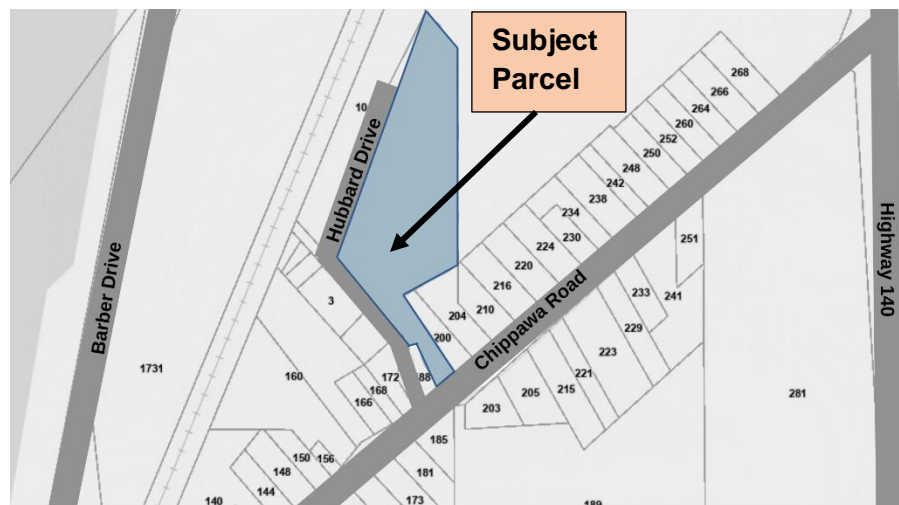
Re: Application for Consent B12-23-PC
194 Chippawa Road
Concession 2 lot 26
Agent: N/A
Owner(s): Barbara Evangelista

Proposal:

The proposed application is being requested to permit the severance of Part 1 having a lot frontage of 66.72m on Hubbard Drive and a lot area of 1.703ha for future residential development. Part 2 will retain a lot frontage of 19.07m on Chippawa Road and a total lot area of 1753.5m for an existing detached dwelling. The survey sketch, attached as Appendix A illustrates the proposed parcels.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Gateway Industrial (GI) to the north, Residential Development (RD) and First Density Residential (R1) to the east, and R1 to the south and west. The surrounding



uses consist of a storage yard to the north, vacant land and detached dwellings to the east, south and west.

Environmentally Sensitive Areas:

The subject property does not contain any environmentally sensitive areas.

Public Comments:

Notice will be circulated on May 31st, 2023, to adjacent landowners within 60m of the subject property as per Section 53 (5) of the Planning Act.

Agency Comments:

Notice was circulated on May 15th, 2023 to internal departments and external agencies. As of June 9th, 2023, the following comments have been received.

Drainage Superintendent

There are no comments regarding municipal drains for these applications.

Fire Department

No objection to the proposed application.

Engineering Technologist

There are no engineering comments for this application.

Discussion:

This application was 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. 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 should efficiently use land and resources.

Staff are satisfied that the proposed consent is consistent with the PPS. The application proposes to create a lot that can be used for future residential development within a settlement area, where growth and development are to be focused.

The subject property is located within a Delineated Built-Up Area, in accordance with the Growth Plan for the Greater Golden Horseshoe. The guiding principles of the Growth Plan provide for 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 provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe and support a range and mix of housing types.

Staff is satisfied that the proposed consent application conforms to the Growth Plan. The proposed application supports and encourages development in the delineated built-up area, which will contribute to intensification. Furthermore, the size of the proposed severed parcel will be large enough to accommodate a range and mix of housing types, contributing to a diverse community.

The Niagara Official Plan (NOP), designates the subject lands as within the "Urban Area Boundary" and "Built-up Area". Section 2.2.1 of the ROP sets out policies for managing urban growth. Section 2.2.1.1 b) and c) state that development in urban areas should support a compact built form, a mix of land uses, and a diverse range and mix of housing types, units sizes, and densities.

Planning Staff is satisfied that the application conforms to the NOP as the proposed severance has the ability to support a range and mix of housing types by creating a lot that is sufficiently large enough to accommodate multiple dwellings.

The City of Port Colborne Official Plan

The subject property is designated as Urban Residential in the City's Official Plan (OP). This designation permits residential uses and the creation of new residential lots and intensification is encouraged.

Proposals for the creation of new lots are assessed by the policies of Section 3.2.4 of the OP. Staff are satisfied that the proposal meets the relevant criteria. An Ontario Land Surveyor sketch has been submitted and Part 1 will have frontage on a public road. Part 2 has frontage on a private lane, which is generally discouraged in the urban area in the Official Plan but may be accepted where provided in the Zoning By-law. The review of the Zoning By-law will elaborate more on this.

As per section 3.2.4 of the OP, the condition of cash-in-lieu of parkland dedication may be imposed on the approval of a land severance. Staff has included the condition that the owner submits a signed Memorandum of Understanding stating that they are aware of the requirements of the parkland dedication by-law.

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

Part 1 of the subject lands are zoned R1 while Part 2 is zoned RD under Zoning by-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 66.72m and a lot area of 1.703ha.

Part 2: A lot frontage of 19.07m and a lot area of 1753.5m.

The RD zone requires a minimum lot frontage of 30m and a lot area that is 'as existing', and the R1 zone requires a minimum lot frontage of 15m and a minimum lot area of 500m². As shown on the attached sketch, both parcels are able to meet the zone requirements for a lot in each respective zone. Planning Staff are not concerned with the 'as existing' requirement for Part 1 as Part 1 is an existing lot of record that merged with Part 2.

Section 2.14 (b) of the Zoning By-law states that no lot creation shall be permitted on lanes within the urban area boundary. The applicant will need to request relief from this section of the Zoning By-law through a separate variance application. Staff has added this as a condition of the consent.

Recommendation:

Given the information above, Planning Staff recommends application B12-23-PC be **granted** subject to the following conditions:

1. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for the conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a paper copy and electronic copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
2. That a final certification fee of \$231 payable to the City of Port Colborne is submitted to the Secretary-Treasurer.
3. That the applicant applies for a minor variance to request relief from section 2.14 (b) of the Zoning By-law.
4. That the applicant signs the City of Port Colborne's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes, based on an appraisal, at the expense of the applicant, wherein the value of the land is to be determined as of the day before the issuance of a building permit, is required prior to the issuance of a building permit pursuant to Section 42 of the Planning Act. R.S.O 1990, as amended.
5. That all conditions of consent be completed by June 14th, 2025.
6. That a revised grading plan be submitted to the satisfaction of City Staff

For the following reasons:

1. The application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, City of Port Colborne Official Plan, and will also comply with the provisions of Zoning By-law 6575/30/18, as amended.

Prepared by,



Chris Roome, BURPI
Planner

Submitted by,



Denise Landry, MCIP, RPP
Chief Planner

Appendix A

