

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

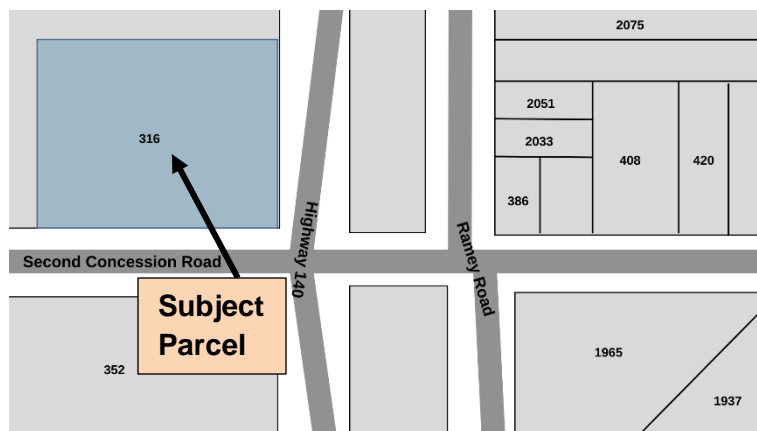
Re: Application for Consent B07-23-PC
316 Second Concession Road
Lot 366 and Part Lot 365 on Plan 836
Agent: N/A
Owner(s): Timothy Horst

Proposal:

The purpose and effect of this application is to permit the conveyance of Part 1 (see Appendix A) having a lot frontage of 73.11m and a lot area of 8160.8m² for future industrial. Part 2 will retain a lot frontage of 46m and a lot area of 6413m² for an existing legal non-conforming detached dwelling. The proposed application is being requested to facilitate the severance of an industrial parcel of land with a legal non-conforming residential dwelling on the property.

Surrounding Land Uses and Zoning:

The parcels surrounding the subject lands are zoned Gateway Industrial (GI) to the north and west, Residential Development (RD) to the south, and Agricultural Residential to the east. The surrounding land uses consist of industrial uses to the north and west and detached dwellings to the south and east.



Environmentally Sensitive Areas:

The northwest corner of the subject property is impacted by a Non-Provincially Significant Wetland. The Niagara Region has been contacted for comments.

Public Comments:

Notice was circulated on May 31st, 2023 as per Section 45 (5) of the Planning Act. As of June 9th, 2023, no comments from the public have been received.

Agency Comments:

Notice was circulated on May 15th, 2023. As of June 9th, 2023, the following comments have been received.

MTO

Although, in principle the Ministry has no objection to the above described Consent Application (**316 Second Concession** – Consent), the property owner(s) should be made aware that the lot is located within the MTO Permit Control Area for Highway 140 and as a result, an MTO Building and Land Use Permit may be required prior to the commencement of any on-site construction/works. All development must comply with the MTO Building and Land Use Policy.

Fire Department

The Fire Department has no objection to the proposed consent application but has added that providing access to the property may be an issue but can be addressed at the site plan stage.

Staff Response

All development within the Gateway Economic Centre will require Site Plan Control and the ingress and egress of emergency vehicles can be dealt with at this stage.

Engineering Technologist

A master lot grading plan is recommended to ensure the severed parcels will drain independently and without adversely affecting adjacent properties.

Staff Response

Staff will require a master lot grading plan as a condition of consent.

Niagara Region (please see agenda package for full comments)

Regional Staff has reviewed the application with regard to servicing, natural heritage, archaeological potential, land use compatibility as well as, provincial and regional Policies. Regional Growth Strategy and Economic Development staff do not object to the Consent Application as submitted. The proposed lot line does not fragment the feature under additional ownership, and an acknowledgment letter has been received that states there has been no identification of archeological resources

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

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 that efficiently use land and resources and are freight supportive.

Staff are satisfied that the proposed consent is consistent with the PPS. The application efficiently uses land and resources as the application proposes to create a viable parcel of land within a gateway economic zone and is freight supportive as the proposed location has convenient access to the Welland Canal and Highway 140.

The subject property is located within a Designated Greenfield Area within a Settlement Area in accordance with the Growth Plan for the Greater Golden Horseshoe. Section 2.2.1 of the Growth Plan provides for policies regarding the management of growth, which state that the vast majority of development will be directed to settlement areas that have a built boundary. The Employment Principles of the Growth Plan provide for more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities. Furthermore, they provide for the preservation of lands within settlement areas located near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing, and logistics, and appropriate associated ancillary uses.

Staff finds this proposal to be consistent with the Growth Plan, as the application proposes to create a lot within the gateway economic center designation of the City that would make efficient use of currently underused land. Since the property is currently used as a dwelling, Staff find that it would make efficient use of the land by providing a usable parcel within the gateway economic center. The site is also close to Highway 140 and the Welland Canal, which currently acts as a transit route for many of the nearby industries.

The Niagara Official Plan (NOP), designates the subject lands as within the “Designated Greenfield Area” and an “Employment Area”. Designated Greenfield Areas are lands within urban areas but are outside the built-up area and are designated within an Official Plan for development. Section 4.2.1.14 of the NOP states that employment areas near major goods movement facilities and corridors associated with the movement of goods shall be protected and planned for employment use.

Planning Staff is satisfied that the application conforms to the NOP as the proposed development is located near major good movement facilities, such as the Welland Canal and Highway 140 and development is encouraged within the settlement area.

The City of Port Colborne Official Plan

The subject property is designated as Gateway Economic Center in the City’s Official Plan (OP). This designation permits transportation and logistics, including facilities related to shipping and receiving; warehouses; offices; manufacturer’s showrooms; light manufacturing; laboratories; training facilities; hotels and other similar uses.

The Gateway Economic Centre section of the Official Plan does not set out any requirements for severance. It does provide for general policies as well as design guidelines that will be required to be met for any future development of the site.

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

The subject lands are zoned GI under Zoning By-law 6575/30/18. The proposed severance will leave the following dimensions.

Part 1: A lot frontage of 73.11m and a lot area of 8160.8m².

Part 2: A lot frontage of 46m and a lot area of 6413m².

The Gateway Industrial section of the Zoning By-law only requires 30m of frontage for new lots. There is no requirement for lot area.

As shown on the sketch and noted above, the lot frontage of each parcel exceeds the required 30m. Planning Staff are satisfied that the proposed consent application conforms to the requirements of the zoning by-law.

Recommendation:

Given the information above, Planning Staff recommends application B07-23-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 all conditions of consent be completed by June 14th, 2025.
4. That a master lot 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

