



Subject: Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive

To: Council

From: Development and Legislative Services Department

Report Number: 2023-154

Meeting Date: September 26, 2023

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2023-154 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-154 be approved; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-154 be approved, with the recommended Holding provision.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding applications for an Official Plan and Zoning By-law Amendment submitted by Jeremy Tran of NPG Planning Solutions on behalf of the owner, Sobeys Capital Inc., for the property legally known as Lot 8 to 13 on Registered Plan 61, on the north side of Coronation Drive, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive.

Background:

Applications for an Official Plan Amendment and Zoning By-law Amendment were submitted by NPG Planning Solutions on June 2, 2023. The applications were deemed complete on June 19, 2023. The site is proposed to be developed as six stacked townhouse blocks with a total of 114 dwelling units. The following reports/plans have been submitted to help facilitate the development of the lands: Conceptual Site Plan, Planning Justification Report, Noise Feasibility Study and Renderings. These

reports/plans can be found attached as Appendices C through F and on the City's website under the "Current Applications" page.

The Official Plan Amendment is being requested to redesignate the lands from Commercial Plaza to an Urban Residential special policy area designation. The proposed site-specific policies seek to expand on Policy 3.2.1 to allow an increase in density range for stacked townhouses, from 35 to 70 units per hectare, to 70 to 100 units per hectare. Additionally, the special policy area seeks to add policies related to the siting of buildings, visual barriers for parking, landscaping, and principal entrances so as to enhance the visual quality from the public realm. The specific policy changes requested can be found in the Discussion section of this report.

The Zoning By-law Amendment proposes to change the zoning from Commercial Plaza (CP) to a site-specific Fourth Density Residential zone (R4). The site-specific zoning seeks to reduce the minimum lot area per unit from 125 square metres to 114 square metres; reduce the minimum corner side yard balcony setback from 7.5 metres to 6.4 metres; and reduce the minimum lower-level terrace corner side yard setback from 7.5 metres to 4.5 metres.

This report was deferred from the August 15, 2023, Council Meeting. The deferral was requested in order to allow additional time for discussions to take place between the neighbourhood residents, the developer, City Councillors and Planning division staff. An on-site meeting was held on September 22, 2023.

Discussion:

Planning Legislation

Planning staff reviewed these applications with consideration of several legislated 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 (2020)*, the *Niagara Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications 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 21 of the Act allows for the consideration of an Official Plan Amendment.

Section 34 of the Act allows for the consideration of a Zoning By-law Amendment.

Planning staff have reviewed the applications in light of the provincial interests identified in Section 2 of the Planning Act, as well as the aforementioned planning documents, which are examined in greater detail below.

Provincial Policy Statement (2020)

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 (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) and should efficiently use land and resources. Further, the PPS states that the mix of housing and densities shall be provided to meet projected market-based housing needs of current and future residents.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications are consistent with the PPS. The applications propose to make use of existing infrastructure and help contribute to suitable mix of densities and housing.

Growth Plan for the Greater Golden Horseshoe (2020)

Much like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “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 meeting people’s needs for daily living throughout their lifetime. The Growth Plan encourages communities that provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the Growth Plan. The proposed application supports the priorities of the Growth Plan through intensification and providing a mix of housing types.

Niagara Official Plan (2022)

The subject property is located within the Delineated Built-Up Area according to the Niagara Official Plan (NOP). The main objectives of this section are as follows:

- Manage growth within urban areas;
- Accommodate growth through strategic intensification and higher densities;

- Promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community;

These objectives are supported by specific policies within Section 2 of the NOP. The proposed development will provide a higher density housing option and will provide intensification within the City's Built-Up Area. The proposal helps the City achieve its 30% intensification target. Overall, based on the policies of the NOP, the proposed development is generally encouraged. Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the NOP. Additionally, the Niagara Region has provided comments on the proposed application and have confirmed that in their opinion, the application conforms to the NOP.

City of Port Colborne Official Plan

The subject property is located within the Built-up Area and Commercial Plaza designation according to the City's Official Plan (OP). The Official Plan supports intensification that is accommodated within the Urban Area and where development is compatible with surrounding uses. Section 2.4.3 of the City's OP provides direction for residential development proposals as follows:

2.4.3 Intensification and Infill

As identified on Schedule A1, intensification will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire Built-up area, which will count towards the municipality's 15% intensification target, shall occur in accordance with the applicable policies of this Plan.

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*
- c) The objectives of the intensification policies of this Plan are to:*
 - i) Revitalize and support the Downtown by promoting intensification in the Downtown areas;*
 - iii) Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;*

Sections B and C ii, iv and v are not relevant to this application.

2.4.3.1 Design Guidelines

- a) Infill and intensification sites should match the pre-established building character of adjacent buildings.*

b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.

c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.

d) The design of infill and intensification development should be consistent with all other applicable policies of this Plan.

The above policies are achieved through the proposed redevelopment as intensification is encouraged within the built boundary of the City and specifically in the Urban area. The proposed residential use of the property is compatible with the surrounding residential and commercial uses.

As the applicant proposes to amend the Official Plan designation to an Urban Residential special policy area, the development is subject to the policies found within the Urban Residential designation. Section 3.2.3.1 (Urban Residential designation), policy c) provides further direction for development in existing neighbourhoods as follows:

New residential communities and new development in existing neighbourhoods should be visually interesting such that:

- i) A variety of residential building types, sizes and setbacks should be provided on any given street to encourage a diverse, non-repetitive community fabric.*

In addition to the above, the Official Plan sets out further, more specific policies for higher density uses. Section 3.2.1 sets out the density and design aspects of all dwelling types within the City's urban residential areas as follows:

High Density Residential will:

- i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*
- ii) Have frontage on an arterial or collector road;*
- iii) Have commercial or ground-oriented residential uses on the main floor;*
- iv) Be oriented on the site to minimize shadows on adjacent low and medium density residential development;*
- v) Be encouraged to be developed in proximity to public transit and active transportation routes; and*
- vi) Be subject to Site Plan Control.*

Although stacked townhouses technically fall within the Medium Density Residential policies of the OP, the applicant is proposing to amend the plan to facilitate the development with the following site-specific policies:

1. Redesignate the lands from Commercial Plaza to a Special Policy Area of the Urban Residential designation that permits stacked townhouse dwellings.
2. Provide the following site-specific policies:
 - a. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, the land may be developed for stacked townhouse dwellings ranging in density from 70 to 100 units per hectare;
 - b. Stacked townhouse blocks located nearest to the lot lines running parallel to them must be oriented towards the street;
 - c. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;
 - d. Principal entrances of blocks oriented towards the street should be accessible and visible from the street and connected to public sidewalks;
 - e. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.

In summary, the proposed development of the site meets the above policies with respect to intensification and the applicable design guidelines as the proposed development will contribute to a variation in building typology and density. Also, the proposed Official Plan Amendment provides additional design criteria for the siting of the buildings so as to enhance the overall streetscape.

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

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject property as Commercial Plaza (CP).

The Zoning By-law Amendment proposes to change the zoning from Commercial Plaza (CP) to a site-specific Fourth Density Residential zone (R4). The following site-specific amendments to the R4 zone are proposed:

Notwithstanding the provisions of section 8.7 of the Zoning By-law 6575/30/18, following regulations shall apply:

a) Permitted uses	Stacked townhouse dwellings; and Uses permitted in the R4 zone
b) Minimum lot area per dwelling unit	114 square metres (where 125 square metres is typical)
c) Minimum setback of balconies from the corner side lot line	6.4 metres (where 7.5 metres is typical)

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| d) Minimum setback of lower-level terraces from the corner side lot line | 4.5 metres (where 7.5 metres is typical) |
| e) The balance of the regulations under section 8.7 | |

Additionally, the amendment proposes to add the following Definition to Section 38:

Dwelling, Townhouse, Stacked: means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

Staff have reviewed the proposed amendments to the Zoning By-law and find that they are appropriate for the development of the site. The reductions in lot area per unit and setbacks represent minor deviations from the By-law and will help achieve a more compact development. The site-specific provisions are not anticipated to negatively impact the surrounding land uses as the buildings will still be sufficiently setback from the travelled portion of the road. As referenced below, and in response to comments heard from members of the public and Council, staff are recommending that a Holding (H) provision be implemented with the Zoning approval to require the completion of a Traffic Impact Study (TIS) to the satisfaction of City staff.

Planning Justification Report prepared by NPG Planning Solutions Inc.

The property owner retained an independent planning consultant to prepare a Planning Justification Report (PJR) to help facilitate the application. The report, prepared by NPG Planning Solutions, analyzes the policies set forth in relevant Provincial, Regional, and City plans referenced above. The report concludes that the proposed development is consistent with the objectives of the Provincial Policy Statement (PPS 2020), Places to Grow, for the Greater Golden Horseshoe (Growth Plan 2019), Niagara Official Plan (NOP), and the City of Port Colborne Official Plan. The development is contributing to residential intensification and making use of existing infrastructure. Given the findings of the report, the author concludes that the Zoning By-law Amendment represents good planning. The full PJR can be found attached following the NPG response letter as Appendix D.

In follow up to the public meeting, NPG Planning Solutions provided a formal response letter to address comments from the Public Meeting. This letter can be found attached as Appendix D.

Internal Consultations:

The applications were circulated internally to applicable departments and agencies on June 19, 2023, and the following comments have been received as of the date of preparing this report:

Drainage Superintendent

No specific comments at this time. Comments regarding grading and drainage will apply at the site plan control stage when applicable plans are submitted.

Fire Department

No comments at this time. Detailed comments will be provided through the site plan control process.

By-law Enforcement Division

The By-law Enforcement Division will review the City's Fence By-law and Tree By-law to ensure compliance through the site plan control process.

Ministry of Transportation (MTO)

The subject site is located within the MTO Permit Control Area and as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. Additional materials will be required as part of the Site Plan Application circulation.

Niagara Region

Regional Growth Strategy and Economic Development staff does not object to the proposed Official Plan Amendment and Zoning By-law Amendment as submitted subject to noted requirements (i.e., noise mitigation, site servicing and waste collection) being addressed through the future Draft Plan and/or Site Plan applications. Staff additionally notes the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Financial Implications:

There are no direct financial implications with this report. However, the change in land use from a vacant property to residential will result in an increase in the assessment base in the City and new water and wastewater users over time.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Sections 22 and 34 of the *Planning Act*. Notice was mailed to property owners within a 120-metre radius of the subject property on June 16, 2023. As of the date of preparing this report, the following comments have been received:

Kelly Rohe – No address provided

- Long-standing issues with traffic on Coronation Drive.
- Concerns with a traffic study not being completed at this point.
- Is there a plan to upgrade the street with sidewalks etc.?

Matthew Whynot – 81 Coronation Drive

- Long-standing issues with traffic on Coronation Drive.
- Concerns with a traffic study not being completed at this point.
- Is there a plan to upgrade the street with sidewalks etc.?
- A traffic light may be required at the Coronation Drive and Westside Road intersection.
- Concerns with the parking situation proposed – most residents have more than one car etc. This could cause people to park on Coronation Drive.
- Current issues with drainage in the area.

Kyra and Ryan Kirchmayer – No address provided

- Concerns with there not being enough parking onsite.
- Turning left is difficult on Westside Road from Coronation Drive – this will get worse with the development.
- Concerns with flooding and drainage will get worse with the proposed development as water will be displaced elsewhere.

Staff responses to Public Comments

Staff recognize that the following main concerns were raised by members of the public by way of written correspondence and oral presentations at the Public Meeting.

1. *Concerns with long standing traffic issues on Coronation Drive and a Traffic Study not being completed.*

Response: Staff recognize the residents' concerns with traffic in the area. The Ministry of Transportation has requested a Traffic Impact Study as part of the future site plan application to address traffic mitigation. As it is recognized that this is a concern at this stage, staff are recommending that Council implement a Holding provision on the

Zoning, requiring the completion of a Traffic Impact Study to the satisfaction of City staff prior to the Zoning taking place on the property.

2. *Concerns with the parking situation and there not being enough.*

Response: Staff note that the proposed development is meeting the minimum parking requirement as referenced in the Zoning By-law.

3. *Concerns with turning left on Westside Road.*

Response: The Traffic Impact Study as referenced above will review and analyze the intersection to determine if a traffic light is required.

4. *Overall drainage concerns in the area and the potential to get worse after the development.*

Response: New developments are required to meet minimum drainage requirements per City engineering policy. Typically, developments are required to match their existing pre-development flows to post-development flows. It is not anticipated that drainage will be negatively impacted by this development.

5. *Concerns with waste collection.*

Response: the applicant has noted that based on the proposed waste collection method at this time (Moloks), the property will not be eligible for Niagara Regional waste collection. The property owner will be responsible for private waste collection on their site. Additional details regarding the waste collection location and methods will be provided through the Site Plan stage.

6. *Loss of commercial space/land.*

Response: The City's Official Plan states that no new commercial plazas or shopping centres are needed at this time. Having vacant lands designated for commercial plaza is counterintuitive to this applicable policy.

7. *Reduction in landscaped area.*

Response: The proposal meets the minimum landscaped area requirements established by the Zoning By-law. Also, as referenced in the Official Plan Amendment, the applicant proposes to add site-specific policies to increase landscaping and enhance the overall streetscape.

8. *Pedestrian oriented development – will there be upgrades to Coronation Drive for sidewalks etc.?*

Response: Pedestrian connections are proposed to the east side of the property with the existing sidewalk along Westside Road. At this time, no sidewalks have been confirmed for the Coronation Drive frontage.

9. *Concerns with overall compatibility.*

Response: Staff find the use to be compatible with the existing residential uses surrounding the property. The proposed stacked townhouses will be setback from the established residential uses to the west and they are proposed to be under 11 metres in height, which is below the typical maximum height for residential uses in Port Colborne.

10. *Secondary access through 287 Westside Road.*

Response: As noted above, the Traffic Impact Study will review and analyze the area and determine any mitigation measures that may be required through the Site Plan Control process. The applicant has noted that it is not practical to bring a second entrance in behind the existing mall to the north as they are not the owners of the property.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
- Economic Prosperity
- Increased Housing Options

Conclusion:

Based on the review of the application and applicable Provincial, Regional, and City planning policies, Planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms with the Growth Plan, Niagara Official Plan, and City Official Plan, and represents good planning. Staff recommends that the Official Plan Amendment attached as Appendix A and the Zoning By-law Amendment (with a Holding provision) attached as Appendix B, be approved.

Appendices:

- a. Official Plan Amendment
- b. Zoning By-law Amendment
- c. Site Plan
- d. Response Letter and Planning Justification Report
- e. Noise Study
- f. Renderings

g. Region Comment Letter

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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.