



Subject: Recommendation Report for a Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates

To: Council

From: Development and Legislative Services Department

Report Number: 2023-194

Meeting Date: September 26, 2023

Recommendation:

That Development and Legislative Services Department – Planning Division Report 2023-194 be received; and

That Council approve the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2023-194, rezoning the lands from Residential Development (RD), Third Density Residential (R3) and Environmental Conservation (EC) zones to R3-73 (Third Density Residential – Special), MU-74 (Mixed-Use – Special), EC (Environmental Conservation), and P (Public and Park) zones; and

That Council approve the Draft Plan of Subdivision and associated conditions attached as Appendix B of Planning Division Report 2023-194, approving the Northland Estates Draft Plan of Subdivision, associated draft plan conditions and to set a lapsing date of September 26, 2026.

Purpose:

The purpose of this report is to provide Council with a recommendation 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.

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 and Addendum, Noise Brief, Stage Two Archaeological Assessment, Traffic Impact Study, Water Balance Study, as well as the proposed Draft Plan of Subdivision design (found within Appendix B). The entirety of the reports/plans 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 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 is being sought to permit a maximum height of 14 metres for residential and non-residential buildings. The site-specific R3 zone is being sought to permit a minimum lot area of 180 square metres and a minimum interior side yard of 1.5 metres for townhouse dwellings, and a minimum lot area of 327 square metres for detached dwellings.

The Draft Plan of Subdivision proposes to divide the subject lands into 120 lots for single-detached dwellings, 10 blocks for 46 street-townhouse dwellings, one mixed use commercial and residential block, a park, one block for a stormwater management facility and an environmental conservation block.

A Public Meeting for the applications was held on September 20, 2022, where members of the public and Council were able to provide comments on the application. The key issues raised have been provided in chart under the "Public Engagement" section of this report.

Discussion:

Planning Legislation:

Planning staff reviewed these applications with consideration of several 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 (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*. For the applications to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

Planning Act, 1990:

Section 2 of the *Planning Act* (the “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 34 of the Act allows for the consideration of amendments to the Zoning By-law. Section 51 of the Act allows for the consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, and to:

- *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- *whether the proposed subdivision is premature or in the public interest;*
- *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- *the suitability of the land for the purposes for which it is to be subdivided;*
- *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- *the dimensions and shapes of the proposed lots;*
- *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- *conservation of natural resources and flood control;*
- *the adequacy of utilities and municipal services;*
- *the adequacy of school sites;*
- *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- *the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.*

Planning staff have analyzed the considerations as shown above and provide the following in response to each:

- *Effect of the development on matters of provincial interest*

Planning staff have reviewed applicable provincial plans to ensure the applications are consistent with, and conform the Provincial Policy Statement (PPS), and Growth Plan for the Greater Golden Horseshoe (Growth Plan). These provincial policy documents will be further analyzed in this report. In the opinion of Planning staff, the proposal addresses all matters of Provincial interest as outlined in Section 2 of the Act.

- *Whether the proposal is premature in the public interest*

This proposal is not premature in the public interest. The development is contiguous with the existing built-up area of the city. The proposal is consistent with the City's Official Plan and will contribute additional housing units within the City's Urban Area.

- *Whether the plan conforms to the Official Plan and adjacent plans of subdivision*

The proposal conforms to the City's Official Plan. The plan is considerate of the adjacent existing residential uses and provides future connection points to the north, should the adjacent lands develop in the future.

- *Suitability of the land for the purposes of which it is to be subdivided*

The proposal is located within the City's Designated Greenfield Area which has been long-planned for residential development. An Environmental Impact Study has been prepared to further delineate the on-site natural heritage features to ensure their long-term protection. The uses proposed are suitable for the land and conform to applicable Regional and City plans.

- *The number, width, location, proposed grades, elevations of highways, their adequacy, and the highways linking the highways in the proposed subdivision with the established highway system*

The subdivision will have two accesses from the existing Northland Avenue, together with an emergency access to West Side Road and future access points to the lands to the north and west. As designed, the subdivision will provide sufficient connectivity to the current streets in the area. Preliminary grading and servicing plans have been reviewed and verified at this stage, further review and approvals will be undertaken through conditions of draft plan approval.

- *Dimensions and shapes of proposed lots*

The subdivision proposes to have lot shapes and sizes that are generally in compliance with the City's Zoning By-law and will provide adequate space for future dwellings and associated accessory uses.

- *Restrictions or proposed restrictions, if any, on the land proposed to be subdivided of the buildings and structures proposed to be erected on it and restrictions, if any, on adjoining land*

Other than the environmental natural heritage matters referenced previously, there are no restrictions on the land or uses proposed. The recommendations of the Environmental Impact Study will ensure the features are adequately protected and sufficient mitigation measures are implemented to limit any further restrictions on the land.

- *Conservation of Natural Resources and Flood Control*

The proposal allows for the long-term protection of the natural features including wetlands and woodlands as well as appropriate measures for flood control and management. Applicable conditions regarding the above have been provided in the draft plan conditions. Preliminary stormwater management plans have been reviewed by Public Works with additional recommendations and design to follow as a draft plan condition.

- *Adequacy of utilities and municipal services*

The applications have been circulated to applicable agencies and departments to verify the adequacy of the above. Appropriate draft plan conditions have been recommended with respect to the detailed design of the proposed services.

- *Adequacy of school sites*

The applications were circulated to local school boards and no comments have been received with respect to schools being inadequate for the development.

- *Area of land, if any, within the proposed subdivision that, exclusive of highway, is to be conveyed or dedicated for public purposes*

The development proposes to convey a Block of land to the City for park purposes. Applicable conditions have been included in the draft plan conditions to ensure the quantity of land and/or cash-in-lieu is collected.

- *The extent to which the plan's design optimizes the available supply, efficient use and conservation of energy*

The proposal optimizes the available land and will efficiently make use of existing services in the vicinity.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area under Subsection 41(2) of the Act*

The proposed single-detached lots proposed will not be subject to site plan control. The lands proposed for mixed-use residential and commercial will be subject to site plan control in the future.

Given the above, Planning staff are confident that the proposed applications are consistent with the provisions of the Planning Act.

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 PPS directs growth to Settlement Areas and encourages development and land use patterns to be based on densities and a mix of land uses to efficiently use land and resources.

The applications propose to develop in a settlement area in which municipal services are currently available. Single-detached, street townhouses, and mixed-use apartments with commercial uses all contribute to an appropriate range and mix of housing types and densities. More compact lot frontages and areas are proposed through the associated Zoning By-law Amendment which aligns with the PPS with respect to promoting efficient development.

Planning staff are of the opinion that the applications are consistent with the policies of the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) sets out a specific policy framework for the Greater Golden Horseshoe area, focusing on sustainable growth. According to the Growth Plan, 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 applications facilitate growth within a settlement area, adjacent to the delineated built boundary. Municipal services are currently available to the site. The applications contribute to a complete community by adding more housing stock to the area to support future non-residential uses.

The Growth Plan also states that new development taking place in designated greenfield areas will be planned, designated, zoned, and designed in a manner that supports active transportation. Active transportation is encouraged through the site's walkability to basic necessities to the south and future park.

Minimum density targets for Designated Greenfield Areas are established in the Growth Plan for municipalities under its purview. The density target for the Niagara Region greenfield areas is 50 people and jobs per hectare. The density target is to be applied across all of the greenfield lands in the City. The development proposes approximately 49.49 people and jobs per hectare in which staff find generally meets the intent of the policy. In reality, given recent legislation changes at the provincial level permitting two additional dwelling units within a single-detached dwelling, there is the potential that the target for the site will surpass the 50 people and jobs per hectare target.

Planning staff are of the opinion that the applications conform to the policies of the Growth Plan.

Regional Official Plan (2014)

The 2014 Regional Official Plan is being used to evaluate this application as it was deemed complete prior to the current Niagara Official Plan's approval by the Province on November 4, 2022.

The Regional Official Plan (2014) (ROP) provides a policy framework for planning matters under the Region's purview. The ROP sets out Growth Management Objectives for the Niagara Region, including:

- *Direct the majority of growth and development to Niagara's existing Urban Areas;*
- *Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas; and*
- *Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.*

The ROP further states that Designated Greenfield Areas will be planned as compact, complete communities by:

- *Creating street patterns that are fine grain and in grid pattern, supporting transit and active transportation within the area and to adjacent areas; and*
- *Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.*

The applications would facilitate growth within the City's existing urban area. The proposed lots are proposed to be slightly reduced in lot frontage and area, which helps encourage a more compact development and more efficient use of the land. Additionally, the streets are planned in an orderly manner, compatible with the surrounding land uses.

Planning staff are of the opinion that the applications conform to policies of the ROP.

Port Colborne Official Plan

The City of Port Colborne Official Plan (OP) is a long-term, planning document designed to secure the health, safety, convenience and welfare of the present and future residents of Port Colborne. The OP's general planning principles as follows:

- *Providing for a mix of land uses;*
- *Taking advantage of compact building design, where appropriate;*
- *Providing guidance for the location and character of new development;*
- *Creating a range of housing opportunities and choices;*
- *Creating walkable neighbourhoods;*
- *Fostering distinctive, attractive communities with a strong sense of place;*
- *Identifying and preserving open space, farmland, natural beauty and critical environmental areas;*
- *Strengthening and directing development towards existing communities;*
- *Making development decisions predictable, fair and cost effective; and*
- *Encouraging community and stakeholder collaboration in development decisions.*

Section 2 of the OP builds on the above planning principles to provide a comprehensive growth and development strategy for Port Colborne. Generally, there are six strategic directions for the city including:

1. *Enhancing Quality of Life (2.3.1)*
2. *Developing and Economic Gateway Centre (2.3.2)*
3. *Strengthening and Integrating Nature, Cultural and Heritage Resources (2.3.3)*
4. *Enhancing Public Areas (2.3.4)*
5. *Protecting Hamlet, Rural and Agricultural Lands (2.3.5)*
6. *Taking Advantage of Underutilized lands. (2.3.6)*

In the case of this application, items one and three above apply. As referenced previously, a compact urban form, quality urban design, mix of housing typologies and land uses, efficient use of infrastructure, among others, all contribute to the enhancement of one's quality of life. Item three encourages the protection and enhancement of the City's natural, cultural and heritage resources. An Environmental Impact Study was completed to adequately delineate the extent of the environmental features on the site. The study has recommended mitigation measures, for example: ensuring lighting is not encroaching into the features; that fuel not be stored within 30m of a watercourse or provincially significant wetland (PSW) boundary; and that fencing be put in place during construction.

The City OP designates the land as “Urban Residential” and “Designated Greenfield Area”. Land uses permitted in the Urban Residential designation include residential, neighbourhood commercial, community facilities and institutional uses.

Policy 3.1.1.2 provides direction on how Greenfield lands should be developed as follows:

- a) Promote compact, mixed use and transit supportive development.*
- b) Promote higher densities and a greater mix of housing types.*
- c) Improve connections between greenfield areas and the built-up area.*
- d) Enhance the physical design of new neighbourhoods.*
- e) Support the Regional greenfield density target of 50 people and jobs per gross hectare by:
 - i) Adopting minimum and maximum densities for residential development;*
 - ii) Designating portions of the Greenfield area for low, medium and high density development;*
 - iii) Providing separate housing mix targets; and*
 - iv) Encouraging and allowing for mixed use development in greenfield areas.**
- f) Support phasing greenfield development over time to ensure a balance of intensification and development.*

Staff are of the opinion that the proposal supports the above-noted policies by providing a compact, efficient development that is well-connected to adjacent lands and nearby commercial areas.

Policy 3.2.3.1(a) of the OP provides direction on how residential communities shall be designed as follows:

- a) New residential communities shall be limited in size, have a clearly defined character and edges:
 - i) The extent of a neighbourhood should be generally defined by a 400-metre radius (5-minute walk) from centre to edge.*
 - ii) The built form and landscaping of a new neighbourhood should have similar high quality architectural and vegetative treatments that provide it with identity while also allowing it to be differentiated from existing neighbourhoods.**

iii) Parks, woodlots, watercourses, trails, topographic features, major roads and infrastructure elements such as railway lines can define the neighbourhood periphery.

Policy 3.2.3.2(a) requires the layout of streets and blocks to enhance the connectivity and appearance of new neighbourhoods:

- i) New streets and blocks should be consistent with and extend from the existing grid pattern.*
- ii) The street and block pattern should fit into the existing built and natural environments and accentuate the presence of features including watercourses, heritage elements and topographic features.*
- iii) The road network should be designed with frequent cross streets to maintain the grid pattern of the Port Colborne community.*
- iv) Blocks and streets should be designed to enhance views, or to achieve a distinctive character around a neighbourhood focus through deliberate variations in the street alignment.*
- v) Block lengths should not exceed 200 metres.*

Staff find that the proposal meets the above-noted policies. The design of the subdivision is generally linear and grid-like. Future detailed design review will further build on the above.

Policy 3.2.3.2 (b) encourages residential blocks to have a positive interface with environmental areas, parks and public open spaces and roads. Staff find that the proposed layout provides a positive interface with the environmental areas and parks. The environmental areas will be fenced in accordance with the recommendations of the Environmental Impact Study (EIS).

Policies under 3.13 provide direction for parks and open space. The park provided within the subdivision designed to be used by the neighbourhood within a 0.8km radius. The 0.8km radius is achieved and the entirety of the development is captured within this buffer. The park is linked to the stormwater management pond and the environmental blocks in the south end of the subdivision.

Section 4 of the Official Plan provides policy direction on natural heritage features. The goal is to promote the long-term protection and enhancement of the features. Section 4.1.2 requires the submission of an EIS prior to development on or near these lands to demonstrate the extent of the feature and ensure the development does not negatively impact the features. The boundaries of the environmental conservation features on site may be refined through the EIS process.

The applicant has submitted an EIS completed by Beacon Environmental to investigate the features found on site. The EIS and subsequent addendum concludes that:

“with the implementation of the mitigation measures and enhancement plans, the proposed Northland Estates plan of subdivision will not result in a significant negative impact to the natural features or functions of the Core Natural Heritage System of the Niagara Region of the City of Port Colborne. This EIS has demonstrated that the proposed development plan is in conformity with the Natural Heritage planning policies of the City, Niagara Region and NPCA, as well as the Province’s Natural Heritage Policies under the Provincial Policy Statement (PPS 2020). The EIS has identified the need for NPCA review and permit requirements for the proposed development of lands within a wetland area pursuant to Ontario Regulation 155/06.” (Beacon EIS)

Based on comments received from the Niagara Region and Niagara Peninsula Conservation Authority (NPCA), the City retained Anne McDonald of Ecological and Environmental Solutions (EES) to review the EIS and addendum, along with the comments from the Region and NPCA. Costs of this peer review were invoiced to the applicant. The peer review findings conclude that the information provided within the Beacon EIS and addendums have provided sufficient information to demonstrate that the site has been designed to protect significant features and functions, that all anticipated impacts have been considered, and appropriate mitigation measures have been recommended. The Region has provided applicable draft plan conditions to address the implementation of the required mitigation measures. Staff find that the environmental aspects of this application have been sufficiently addressed as confirmed by Anne McDonald’s peer review.

Section 7 of the OP provides policies for the protection of Cultural Heritage. A Stage 1-2 Archaeological Assessment was submitted with the application to demonstrate the potential for archaeological discovery. No archaeological resources were encountered through the assessment. The Region has provided standard draft plan conditions with respect to archaeological potential to be included in any draft plan approval.

Section 8 of the OP outlines servicing requirements for new developments within the urban area. The applicant has submitted a Functional Servicing Report and Stormwater Management Report prepared by Upper Canada Consultants (UCC) to demonstrate the site’s servicing strategy. These reports have been reviewed by R.V. Anderson and Associates (RVA) on behalf of the City. A significant dialogue between RVA and UCC has been undertaken in the time since the public meeting to the preparation of this recommendation report. The City Public Works department, together with RVA are in a position to provide applicable draft plan conditions representing the detailed design and further analysis of key aspects of the services.

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.

Staff find that the proposed Zoning By-law Amendment is supportable as the requested site-specific amendments contribute to a more compact efficient development, as referenced previously in the above sections of this report. The requested amendments are not anticipated to lead to any negative impacts. The full proposed Zoning By-law Amendment can be found in Appendix A.

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

As a Condition of Approval:

- 1. Fire break lot(s) shall be outlined on the final plan as necessary.*
- 2. During construction streets shall be left clear in conformance with the requirements of the Ontario Building Code (i.e. minimum 6 m width and a minimum 12 m centreline turning radius). Streets are to be hard surfaced (first layer of asphalt) prior to construction above ground to ensure that they will accept the weight of fire fighting vehicles and provide emergency access at all times and under all weather conditions.*
- 3. Access for fire department vehicles shall be maintained to new buildings, construction trailers and material storage areas at all times during construction.*
- 4. Fire hydrants are to be in place, operational and secured prior to construction above ground. The water supply for fire fighting purposes must be kept accessible and operational at all times.*
- 5. A detailed site plan, noting all services / hydrant locations shall be submitted for review and comment.*
- 6. Construction waste material is not to accumulate on site in quantity's or locations so as to create a fire hazard.*

7. Open burning is not permitted.

8. When hot work is being utilized portable fire extinguishers shall be on site and accessible.

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

- A petition for a branch drain has been submitted by the applicant for an outlet to the Eagle Marsh Drain.
- The petition process will need to be completed before the stormwater outlet can be established.

Public Works

The City retained R.V. Anderson and Associates (RVA) to review the proposal from an Engineering perspective. After significant dialogue between RVA, Upper Canada Consultants and the City on the servicing plans and reports, RVA has provided a number of draft plan conditions for the additional works required through the detailed design process.

Ministry of Transportation (MTO)

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 Peninsula Conservation Authority

- Suggest that the original wetland staking from 2019 be used to inform avoidance and mitigation measures. Otherwise, a new wetland staking exercise should be conducted to revise the original wetland limit.
- Not supportive of the wetland compensation proposed as a minimum ratio of 1:1 should be achieved.
- Suggests that additional botanical and bat surveys be undertaken to speak to the aspects of wetland reconfiguration and compensation.
- Not in a position to express support for the file.

Following these comments, a peer review was conducted to confirm the EIS provided the required information and analysis (Appendix C). City staff are satisfied that the relevant concerns with respect to natural heritage and non-provincially significant

wetlands have been sufficiently addressed, as reconfirmed by the peer reviewer, Anne McDonald of EES. The City is satisfied with the proposed draft plan conditions in order to address and monitor the natural heritage/environmental features. These conditions can be found within the draft plan conditions attached as Appendix B.

Niagara Region

Regional Planning and Development Services staff remain concerned that the proposal will have a significant negative impact on the Region's Core Natural Heritage System. In alignment with the Memorandum of Understanding, the EIS must be prepared to the satisfaction of City staff. Regional staff suggest that an environmental peer review be completed given the differing environmental opinions and concerns from Council. In the event that City Council approves the subdivision as proposed, staff has provided recommended conditions to be considered for incorporation in the approval.

As referenced in the above sections of the report, following these comments, a peer review was conducted to confirm the EIS provided the required information and analysis (Appendix C). City staff are satisfied that the relevant concerns with respect to natural heritage and non-provincially significant wetlands have been sufficiently addressed, as reconfirmed by the peer reviewer, Anne McDonald of EES. The City is satisfied with the proposed conditions provided by the Region with respect to the natural heritage/environmental features, noise mitigation measures, archaeological warning clauses, additional plans required through the detailed design stage, clauses related to capacities, stormwater management and waste collection. These conditions can be found within the draft plan conditions attached as Appendix B.

Financial Implications:

There are no immediate financial implications with this report. However, the recommendation, if approved, will result in new assessment and new water and wastewater users, in time.

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. A Public Meeting was held on September 20, 2022. The following comments have been received through the public consultation process of this application:

Shane Parisi – 315 West Side Road

- Concerns with respect to dwellings being 14m right behind 315 West Side Road and the impact that will have on the sunlight. Requests that council reduce the height permitted.
- Concerns with water and sewage systems being inadequate. The City will need to upgrade current systems before this development can move forward.
- Concerns with traffic and the subdivision only having one access point.
- Suggests the developer should consider eliminating residences backing onto existing properties on West Side Road to allow for more greenspace.
- Some additional questions are:
 - Are the residences to be built adjoining the rear of our properties to be 14m in height?
 - How far from our property line will the residences be built?
 - How far from the property line will the fence stand?
 - Of what height is the fence? What material will the fence be constructed of?
 - How is the elevation being changed by this development?
 - What is the time frame for the build of this development?
 - What kind of street lighting will the development use?
 - Will noise impact studies be conducted?

Ron Rienas – 29 Bartok Crescent

- Significant concerns with respect to this development as not only the Steele Street sewage pumping station has capacity. The Steele Street SPS is within the catchment area of the Omer Avenue SPS, which also has significant capacity issues. These issues should be addressed before any development is approved.

The public comments received on this application have been included in Appendix D.

Staff Responses to Public Comments

Comment/Question	Staff Response
Concerns with height of proposed dwellings. Will the dwellings be 14m in height?	Single-detached and townhouse dwellings will be bound by the 11m height restriction found within the R3 zone. This height is a maximum, which doesn't mean every dwelling will be constructed to the full legal height. The mixed-use block at the northwest corner of Northland and West Side Road is proposed to be permitted a height of 14m.

Concerns with traffic flow and only one access point.	A Traffic Impact Study (TIS) was submitted as part of this application. The study finds that the development will not have a significant impact on the existing road network and queuing at the traffic signal. It has identified that there is sufficient capacity for the development without any required modifications. An emergency access has been provided directly to West Side Road to address the concern with access to the site. The above has been confirmed by the Ministry of Transportation (MTO), the authority that has jurisdiction over the intersection at Northland Avenue and the West Side Road corridor.
How far will residences be built from the mutual property line of the West Side Road properties?	The R3 zone requires a minimum rear yard setback of 6m to the rear lot line.
How far from the property line will the fence stand? Of what height is the fence? What material will the fence be constructed of?	Typically, fences are built on the development side of the property line. Fence details will be reviewed further through the detailed design stage of the development.
How is the elevation being changed by this development?	Any elevation changes would be identified at the detailed engineering design stage. Developments are required to ensure all drainage is captured and directed to the stormwater management pond on site.
What is the time frame for the build of this development?	If the draft approval is given by Council, the developer will be working to clear conditions on the site. The timing of this is not certain and can be impacted by many factors.
What kind of street lighting is proposed?	This will be something worked out through the detailed engineering design stage. The City has a standard street light that is used for new subdivisions.
Will noise impact studies be conducted?	Yes. A noise impact study has been completed and submitted as part of this application. The Region has provided applicable draft plan conditions with respect to noise.
Concerns with the Omer Avenue and Steele Street sewage pumping stations.	This matter has been reviewed at length by the City, Region, RVA and UCC

	<p>through this draft plan process. These issues have been identified. The Region, being the authority with jurisdiction over pumping stations, has provided the following draft plan condition “Draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.”</p> <p>The draft approval process is in place and designed in a way to ensure matters like the above are addressed prior to the development moving forward. If approval is given, it will provide the developer with a number of conditions that will be required to be cleared before the development can move forward, however it will also provide a level of assurance that the City is supportive of the development. The detailed engineering design of a proposed subdivision is a significant financial undertaking. It is unrealistic to complete this work without a level of assurance that the City is in favour of the development.</p>
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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
 - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
 - People: Supporting and Investing in Human Capital
 - Governance: Communications, Engagement, and Decision-Making
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Conclusion:

It is the opinion of Planning staff that the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications are consistent with the PPS, conform to Provincial, Regional and City policies and requirements, are appropriate for the subject lands and are compatible with the surrounding area.

Planning staff recommend that Council approve the applications to facilitate the proposed development.

Appendices:

- a. Zoning By-law Amendment
- b. Draft Plan of Subdivision and Conditions
- c. Environmental Peer Review Memo
- d. Public Comments

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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.