



Subject: Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East – File Nos. D12-02-23 & D14-06-23

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2023-196

Meeting Date: October 3, 2023

Recommendation:

That Development and Legislative Services – Planning Division Report 2023-196 be received for information.

Purpose:

The purpose of this report is to provide Council with information regarding applications submitted by Kimberley Harrison-McMillan of Design Plan Services Inc. on behalf of the owner SG Real Estate Developments III LP for a proposed Draft Plan of Subdivision and Zoning By-law Amendment at 563 Killaly Street East and adjacent vacant lot, legally known as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne.

Background:

Applications for a Draft Plan of Subdivision and Zoning By-law Amendment were submitted by Design Plan Services on August 1, 2023. The applications were deemed complete on September 13, 2023, following the posting of the required signage on the property. The following reports/plans have been submitted to help facilitate the development of the lands: Planning Justification Report, Land Use Compatibility Study, Noise and Vibration Impact Study, Traffic Impact Study, Geotechnical Study, Functional Servicing Report, Phase 1-2 Environmental Site Assessments, and Stage 1-2 Archaeological Assessments, as well as the proposed Draft Plan of Subdivision layout and Conceptual Site Plan (Appendix A). The entirety of the reports/plans can be found on the City's website under the "Current Applications" page.

Internal Consultations:**Enbridge Gas**

- No concerns with the proposed development at this time.
- Enbridge retains the right to add development conditions through the draft plan approval process.

District School Board of Niagara (DSBN)

- No concerns with the proposed development at this time.
- Students from the area will attend Dewitt Carter for JK-grade 8, and Port Colborne High School for grades 9-12.

Drainage Superintendent

The parcel is within the boundary of the Port Colborne and Wignell Municipal Drain and as such will require a drainage apportionment agreement. This will not be completed by municipal staff and it is recommended that the drainage engineer who has completed the Port Colborne and Wignell Drain Reports complete that. The cost will be completely paid by the developer requesting the reapportionment. The contact information for the Engineer can be provided at the request of the developer.

Public Engagement:

Notice of the Public Meeting was circulated in accordance with Sections 34 and 51 of the *Planning Act*. The Notice was mailed to property owners within a 120-metre radius of the subject property on September 13, 2023. Signs have been posted on the property as well. As of the date of preparing this report, the following public comments have been received:

(Full comments attached as Appendix C)

Rick McLean – 525 Killaly Street East

- Concerns with the signs being posted by non-City employees.
- Requests information for when the developer first made intentions known to the City.
- Are the drainage notices that were recently received by the neighbourhood connected to this development?
- Have indigenous groups been contacted with respect to archaeology?

- Has the Ministry of Natural Resources been consulted with respect to an impact study?
- Concerns with respect to the existing cut/ditch being converted to a road and what will be done for homeowners that will now have a corner lot.
- Concerns with respect to traffic and risk mitigation.
- Concerns with the land's suitability for development with respect to environmental/soil quality and nearby machine shop to the south.

Adrienne Favero – No address provided

- Concerns with the soil quality and whether proper testing has been completed.
- Concerns with traffic and impact to housing costs and whether a study was completed for this.
- Concerns with the access to the site and whether it will be through Killaly Street.
- Concerns with the number of dwelling units and type of the units as they will attract low to mid income families, it may impact the resale of homes within the area.

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 Niagara Official Plan (2022)*, *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 delineated built-up area and designated greenfield area. Development within built-up areas and 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 Niagara Official Plan (NOP) designates the subject lands as within the "Urban Area Boundary" and partially within the "Delineated Built-Up Area" and "Designated Greenfield Areas". Policies within the NOP 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. Chapter 2 of the

NOP 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.

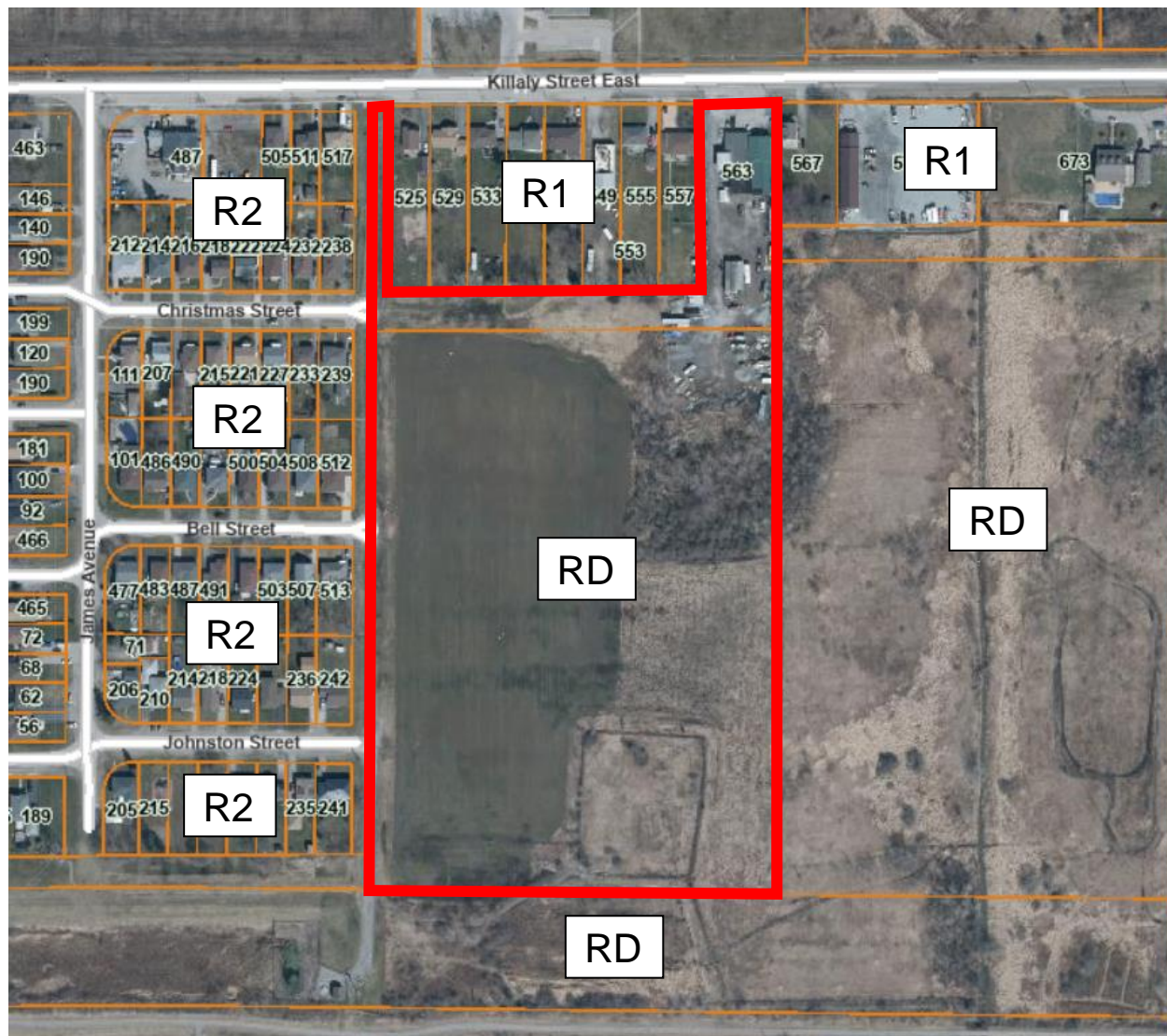
Additionally, the land is within the Built Boundary and Designated Greenfield Area, based on Schedule A1 of the OP. Policies within sections 2.4.3, 2.4.4 and 3.2.1 of the Official Plan will be used to assess the application when a recommendation report is brought forward to a future meeting of council. The sections provide policy direction on lands within the built boundary, greenfield areas as well as the general policies of the Urban Residential designation.

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

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision). The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed. The full zoning provisions can be found in the draft Zoning By-law Amendment, attached as Appendix B.

Adjacent Zoning and Land Use

The lands surrounding the proposed development is predominantly zoned residential, which First Density Residential (R1) to the north, Residential Development (RD) to the east and south, and Second Density Residential (R2) to the west. A key map with adjacent land uses is shown below.



Financial Implications:

There are no direct financial implications with this report. However, considering Bill 109 legislation, this application is subject to the refund of planning application fees, should Council not make a decision on the proposed Zoning By-law Amendment within 90-days. Staff anticipate bringing a recommendation report back to Council on or before the November 28, 2023, council meeting, being the last meeting before the 90-day requirement.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
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Conclusion:

Planning staff are not providing a recommendation on the proposed Zoning By-law Amendment and Draft Plan of Subdivision 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.

Appendices:

- a. Draft Plan and Conceptual Site Plan
- b. Draft Zoning By-law Amendment
- c. Public Comments

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.