



**Subject: Public Meeting Report for Proposed Zoning By-law
Amendment D14-07-23 and Official Plan Amendment D09-
04-23, 650 Main Street West**

To: Council - Public Meeting

From: Development and Legislative Services Department

Report Number: 2023-198

Meeting Date: October 3, 2023

Recommendation:

That Planning and Development Report 2023-198 be received as information.

Purpose:

The purpose of this report is to provide Council with information regarding a Zoning By-law Amendment application and Official Plan Amendment application initiated by the agent, Jesse Auspitz of NPG Planning Solutions, on behalf of the owner Priscilla Facey of M5V 650 Main Inc for the property legally known as Part of Lot 32, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 650 Main Street West.

Background:

The application for Official Plan Amendment proposes to change the designation from Highway Commercial to a special policy area of the Highway Commercial Designation to permit a mix of uses, including both ground-floor commercial and a combination of ground-floor and upper-storey residential uses.

The application for Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to a special provision of the Mixed Use Zone (MU-XX). Due to the nature of the proposal, special provisions are being requested for front yard setback, rear yard setback, interior side yard setback abutting a residential zone, maximum height, required parking, parking space dimensions, landscape buffer, ingress and egress, loading spaces, and landscaped open space within a parking area. More

details on the special provisions have been provided under the 'Discussion' section of this report.

Both applications are being requested to permit the construction of a 6-storey mixed-use building containing 95 residential units and 326 square meters of commercial space.

Internal Consultations:

Notice of Public Meeting was provided to internal departments and commenting agencies on September 13, 2023. As of the date of the report, the following correspondence has been received.

Drainage Superintendent

There are no concerns regarding municipal drains for these applications.

Fire Department

As the driveway is being reduced, the fire department will still need to meet the Ontario Building Code and the fire hydrant location on the property could impact parking.

DSBN

DSBN Planning Staff has no objection to either application. Future students from this area would attend Oakwood Public School (Gr. JK-8 and Port Colborne High School (Gr. 9-12)

Enbridge

Enbridge Gas has no objection to the proposed applications however, they reserve the right to amend or remove development conditions.

Public Engagement:

Notice of Public Meeting was sent to properties within a 120 m radius of the subject property on September 13, 2023, as per Section 5 (4) (a) of O. Reg 545/06. The notice was also posted on the website under "Current Applications". As of the date of preparing this report, no written correspondence from any member of the public has been received.

Discussion:

This application 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 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. 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, where the Growth Plan states that growth should be focused in “Built-up” areas.

The Niagara Official Plan (NOP), designates the subject lands as within the “Urban Area Boundary” and “Delineated Built-Up Area. Chapter 2 of the NOP provides policy direction on the strategic management of growth and accommodating a variety of ages and incomes by diversifying the housing stock. Chapter 5 identifies objectives that address the existing and future needs of Niagara’s infrastructure, transportation, and services that provide connections within and between communities. Chapter 2 and Chapter 5 will be used to assess this application when a recommendation 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 **Highway Commercial**. Land uses in the Highway Commercial designation include hotels and motels, automobile sales and service establishments, places of amusement or recreation, restaurants with wake-out and/or drive-thru facilities, and accessory uses to the aforementioned uses, including a residence for a caretaker.

As mentioned, the Official Plan Amendment proposes to change the land use designation of the subject lands from Highway Commercial, to a special policy area of the Highway Commercial designation. The special policies requested, as outlined in the Draft Official Plan Amendment (found in the Planning Justification Report – Appendix A) are as follows:

1. *Notwithstanding Section 3.8 of the Official Plan for the City of Port Colborne, a mix of uses including both ground-floor commercial and a combination of ground-floor and upper-storey residential uses are permitted on the Subject Lands as Shown on Schedule ‘A’ to this amendment.*

The following changes are made to Schedule 'A' – City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

- 1. That the area shown as "Highway Commercial" and entitles Schedule 'A' to Official Plan Amendment No. XX, shall be subject to Special Policy Area Provisions and shall be identified on Schedule 'A' – City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.*

The amendment to the Official Plan will be assessed against the existing policies of the Official Plan as well as applicable Provincial and Regional plans as referenced above.

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

The subject property is zoned as Highway Commercial in the City of Port Colborne Zoning By-law 6575/30/18.

The Zoning By-law Amendment proposes to change the zoning from Highway Commercial (HC) to a special provision of the Mixed-Use Zone (MU-XX). The following site-specific amendments to the R4 zone are proposed:

Notwithstanding the provisions of Section 21.3 of the City of Port Colborne Zoning By-law 6575/30/18, the following regulations shall apply.

Minimum Front Yard Setback	4.15 meters where 9 meters is required.
Minimum Rear Yard Setback	3 meters where 4.5 meters is required.
Minimum Side Yard Abutting a Residential Zone	5 meters where 10 meters is required.
Maximum Height	20 meters where 11 meters is required.
Parking Spaces Required	132 where 136 parking spaces are required.
Parking Space Dimension – Standard Space Obstructed on One Side	2.6 meters wide where 3 meters is required.
Landscape Buffer	3 meters where 4 meters is required for a parking area with 100 spaces or greater.
Ingress and Egress	A driveway width of 6 meters where 7.5 meters is required where 2-way traffic is permitted.
Loading Spaces	A loading space is permitted in a rear yard abutting residential uses.
Minimum Landscaped Open Space within Parking Areas	A minimum landscaped open space of 0% where 10% is required within parking areas with over 100 spaces.

Adjacent Zoning and Land Use

The lands surrounding the subject property are zoned Highway Commercial to the north, south and west and First Density Residential to the east. The uses surrounding the subject property consist of dwellings to the east and commercial uses to the north, south and west.

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 Official Plan Amendment and Zoning By-law Amendment within 120 days. Staff anticipates bringing a recommendation report back to Council on or before the December 12, 2023, council meeting, which is the last meeting before the 120-day requirement.

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
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Conclusion:

Planning staff are not providing a recommendation on the proposed Official Plan and Zoning By-law Amendment 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. Planning Justification Report
- b. Conceptual Site Plan

Please note that all submission documents have been posted on the City's website under 'Current Applications'.

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.