1) PURPOSE:

The purpose of the report is to provide Council with information regarding a proposed Zoning By-law Amendment initiated by the City for the property legally known legally known as Parts 1 & 2, Plan 59R-12972, Parts 3, 4, 5, 6, 7, 8, 9 and 10, Plan 30R-11687, Parts 1, 2, 3 and 4 Plan 59R-13924; Lots 339 to 343, Both Inclusive, Part of Lots 337 to 338, Both Inclusive, Part of Lots 344 to 346, Both Inclusive, Part of Lots 372 to 379, Part of Huron Street, Ontario Street, Simcoe Street, and Port Colborne Drive, Registered Plan No. 2, Former Village of Humberstone, now known as Plan 803 and Part of Lots 8 to 25, Both Inclusive, Registered Plan No. 3, Former Village of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara and known as the west side of Mellanby Avenue.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The zoning is proposed to be changed from “R3-363-H (Third Density Residential Special) and "RT-364-H (Residential Townhouse Special) to "P (Public and Park)”. The amendment will allow construction of the proposed “Port Colborne Operations Centre” on the property.

Council will recall that a portion of the subject property was under a purchase agreement and that in 2010 was rezoned and approved for a draft Plan of Subdivision ((Olde Humberstone Village). The development did not proceed and the City retained ownership of the lands.

At it’s June 23, 2014 meeting, Council approved Engineering & Operations Report 2014-21 which recommended that, “the Council of the City of Port Colborne endorse the Port Colborne Operations Centre Technical Advisory Committee’s recommendation that Alternate 1 – North of Fire Station on the Island be selected as the preferred location for the future Operations Centre.”

3) STAFF COMMENTS AND DISCUSSIONS

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on July 18, 2014. Two public notice signs were posted on the property on July 21, 2014. A public notice was also posted on the City’s website on July 21, 2014.

At the time of writing this report, staff has received no comments from the public.

Notice of Public Meeting was circulated to required commenting agencies and relevant City departments on July 21, 2014. As of the date of writing of this report, the following
agencies have responded:

**Building Division**

“No objection to the rezoning of this property to facilitate the construction of a new Operations Centre. Any building code issues can be addressed at the design stage of this project.”

**Fire & Emergency Services**

“No objection to the rezoning of this property to facilitate the construction of a new Operations Centre pending the approval of a final site layout. Any fire safety issues will be addressed at time of building permit application.”

**Planning Division**

City of Port Colborne Official Plan

Schedule “A”: City Wide Land Use to the City of Port Colborne Official Plan designates the property as *Urban Residential*. Land uses in the Urban Residential designation include residential, neighbourhood commercial, cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas.

City of Port Colborne Zoning By-law 1150/97/81


The “R3-363-H (Third Density Residential Special - Holding)” zone permits the use of the property for semi-detached dwellings in addition to the uses in the R3 zone subject to some special regulations. The “RT-364-H (Residential Townhouse Special – Holding) zone permits the use of the property for street townhouse dwellings subject to some special regulations. Both zones are subject to a Holding Symbol to be removed when the owner entered into and registered on title a Subdivision Agreement.

The “P (Public and Park)” zone permits an auditorium, a public day nursery, a public park, a school and any public use.

The proposed Zoning By-law Amendment is attached to this report as Appendix A.

**Adjacent Zoning and Land Use**

<table>
<thead>
<tr>
<th>Northwest</th>
<th>North</th>
<th>Northeast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential &amp; Welland Canal</td>
<td>Industrial &amp; Residential</td>
<td>Industrial</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>West</th>
<th>Subject Property</th>
<th>East</th>
</tr>
</thead>
<tbody>
<tr>
<td>Welland Canal</td>
<td>Zoned: P – Public and Park</td>
<td>Parkland &amp; Welland Canal</td>
</tr>
</tbody>
</table>
Conclusion

The Zoning By-law Amendment is necessary to allow this property to be used for the Port Colborne Operations Centre. The Planning Division will provide Council with its recommendation report after comments have been received from the Public Meeting and the review agencies. This report will be available at a future Council meeting for Council’s consideration.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing
   Not an option as Council has approved this site for the new Operations Centre and a rezoning is required.

b) Other Options
   There are no other options as Council has approved this site for the new Operations Centre.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES
   N/A

6) ATTACHMENTS
   Appendix A: Draft Zoning By-law Amendment
   Appendix B: Comments Received from Commenting Agencies and Divisions
   Appendix C: Proposed Site Plan

7) RECOMMENDATION
   That Public Meeting Report No. 2014-53 regarding applications for a Zoning By-law Amendment (File No. D14-08-14) for the west side of Mellanby Avenue be received for information purposes.

8) SIGNATURES

Prepared on July 30, 2014 by:

Shannon Larocque, RPP, MCIP
Planner

Reviewed by:

Reviewed and Respectfully Submitted:

Robert Heil
Chief Administrative Officer
APPENDIX A
DRAFT ZONING BY-LAW AMENDMENT
THE CORPORATION OF THE CITY OF PORT COLBORNE
BY-LAW NO.
BEING A BY-LAW TO AMEND ZONING BY-LAW 1150/97/81, AND AS AMENDED, RESPECTING PARTS 1 & 2, PLAN 59R-12972, PARTS 3, 4, 5, 6, 7, 8, 9 AND 10, PLAN 30R-11687, PARTS 1, 2, 3 AND 4 PLAN 59R-13924; LOTS 339 TO 343, BOTH INCLUSIVE, PART OF LOTS 337 TO 338, BOTH INCLUSIVE, PART OF LOTS 344 TO 346, BOTH INCLUSIVE, PART OF LOTS 372 TO 379, PART OF HURON STREET, ONTARIO STREET, SIMCOE STREET, AND PORT COLBORNE DRIVE, REGISTERED PLAN NO. 2, FORMER VILLAGE OF HUMBERSTONE, NOW KNOWN AS PLAN 803 AND PART OF LOTS 8 TO 25, BOTH INCLUSIVE, REGISTERED PLAN NO. 3, FORMER VILLAGE OF HUMBERSTONE, NOW IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA AND KNOWN AS THE WEST SIDE OF MELLANBY AVENUE.

WHEREAS By-law 1150/97/81, as amended, is a by-law of the Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures;

AND WHEREAS, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

NOW, THEREFORE, and pursuant to the provisions of Section 34 of The Planning Act, R.S.O. 1990, the CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.

2. That the "Zoning Map" referenced as Schedule "A3" forming part of By-law 1150/97/81, as amended, is hereby amended by changing those lands described on Schedule "A" attached from the “R3-363-H (Third Density Residential Special – Holding) and “RT-364-H (Residential Townhouse Special - Holding) zones to the “P (Public and Park)” zone.

3. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of The Planning Act.

4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with The Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF SEPTEMBER, 2014.

Vance Badawey, MAYOR

Ashley Grigg, CLERK
LANDS TO BE REZONED FROM R3-363-H (THIRD DENSITY RESIDENTIAL SPECIAL) & RT-364-H (RESIDENTIAL TOWNHOUSE SPECIAL) P (PUBLIC & PARK)

THIS IS SCHEDULE "A" TO BY-LAW NO.

PASSED THE _____________________, 2014

__________________________
MAYOR

__________________________
CLERK

AUGUST, 2014
FILE NO. D14-08-14
SCALE: NTS
DRAWN BY PLANNING & DEVELOPMENT DEPARTMENT
Rezoning of 3 Killaly St. E.

Lyle Merritt  to: Shannon Larocque 07/24/14 01:26 PM
Cc: Jim Huppunen, Ron Hanson, Tom Cartwright, Mike Bendia

Building department has no objection to the rezoning of this property to facilitate the construction of a new Operations Centre.
Any building code issues can be addressed at the design stage of this project.

Lyle Merritt
Chief Building Official
Building Division
City of Port Colborne

905-835-2901 Ext. 201
Fax: 905-835-2939
www.portcolborne.ca

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Port Colborne Fire & Emergency Services has reviewed application File number and would like to offer the following comments.

Port Colborne Fire & Emergency Services has no objection to the rezoning of this property to facilitate the construction of a new Operations Centre pending the approval of a final site layout.

Any fire safety issues will be addressed at time of building permit application.

Should you have any questions, please feel free to contact this office.

Michael Bendia
FIRE PREVENTION OFFICER
PORT COLBORNE FIRE & EMERGENCY SERVICES