



Report Number: 2014-53

Date: August 11, 2014

**SUBJECT: Public Meeting Report for a Zoning By-law Amendment  
(File No. D14-08-14) West Side of Mellanby Avenue**

**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 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 its 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 City of Port Colborne Zoning By-law 1150/97/81, as amended, zones the property “R3-363-H (Third Density Residential Special - Holding), “RT-364-H (Residential Townhouse Special - Holding) and “P (Public and Park).

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

<b>Northwest</b> Residential & Welland Canal Zoned: R2 – Second Density Residential & P – Public and Park	<b>North</b> Industrial & Residential Zoned: LI – Light Industrial & R2 – Second Density Residential	<b>Northeast</b> Industrial Zoned: LI – Light Industrial
<b>West</b> Welland Canal Zoned: P – Public and Park	<b>Subject Property</b>	<b>East</b> Parkland & Welland Canal Zoned: P – Public and Park

<b>Southwest</b> Welland Canal Zoned: P – Public and Park	<b>South</b> Welland Canal Zoned: P – Public and Park	<b>Southeast</b> Parkland & Welland Canal Zoned: P – Public and Park
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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:



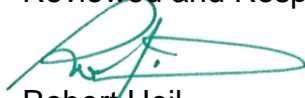
Shannon Larocque, RPP, MCIP  
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

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.

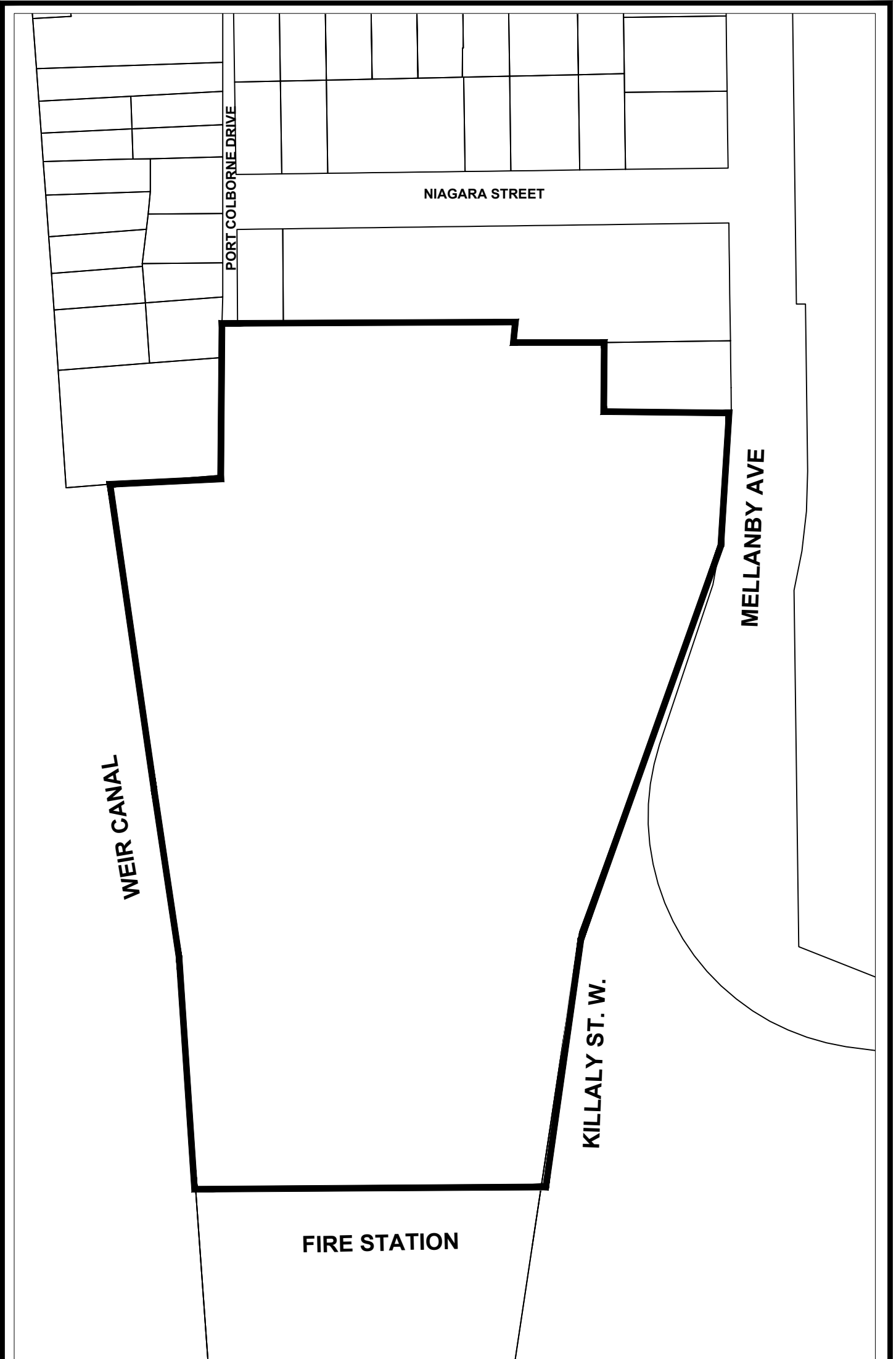
**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF SEPTEMBER, 2014.**

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**Vance Badawey, MAYOR**

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**Ashley Grigg, CLERK**




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

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

# APPENDIX B



**Rezoning of 3 Killaly St. E.**

**Lyle Merritt** to: Shannon Larocque

Cc: Jim Hupponen, Ron Hanson, Tom Cartwright, Mike Bendia

07/24/14 01:26 PM

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](http://www.portcolborne.ca)**

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**Re Zoning Amendment Application - KILLALY STREET WEST**

**Mike Bendia** to: Shannon Larocque, Ron Hanson, Jim  
Huppunen, Tom Cartwright, Dan Aquilina

07/25/14 01:52 PM

This message is digitally signed.

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

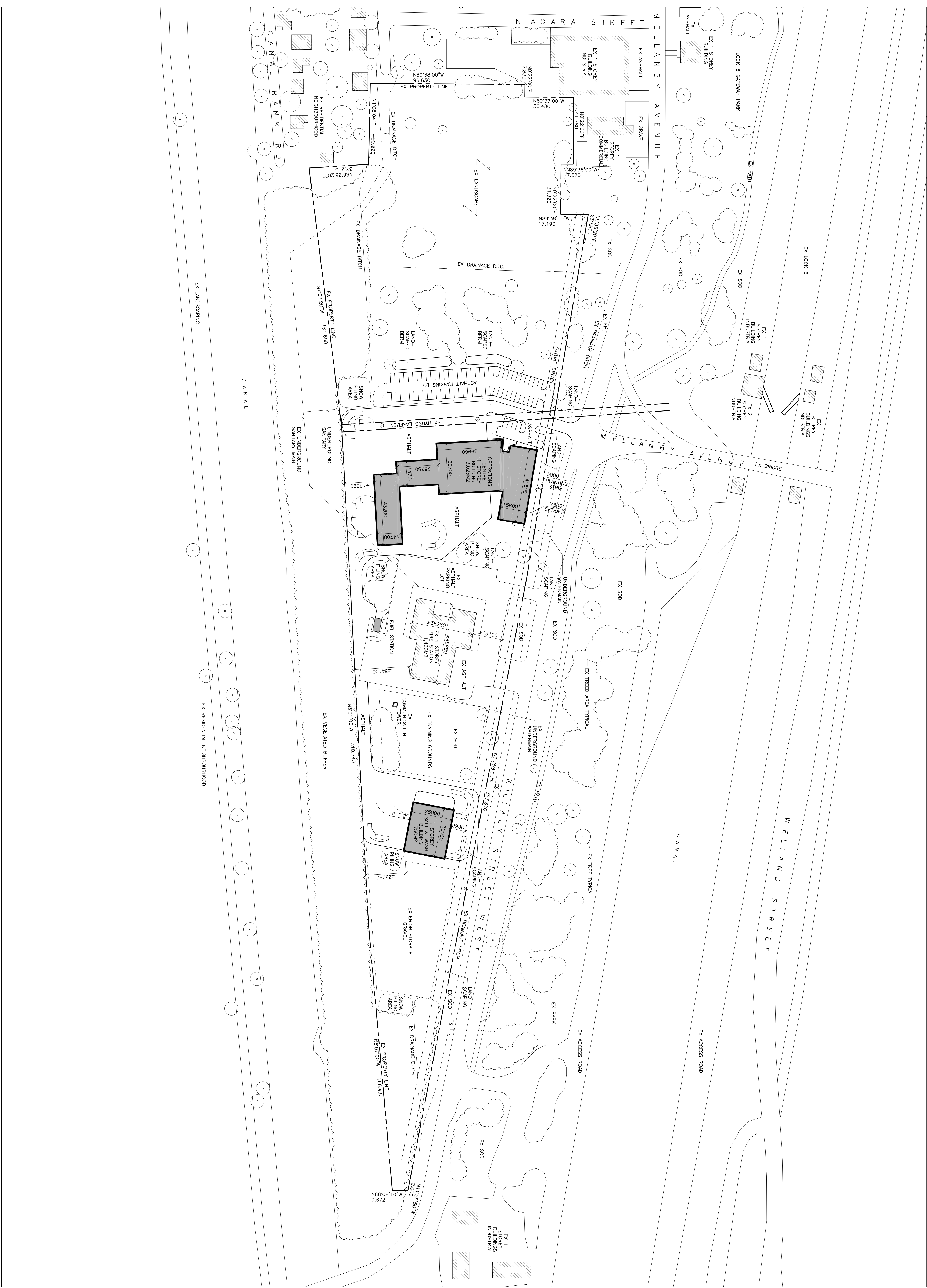
Port Colborne Fire & Emergency Services has no objection to the rezoning of this property to facilitate the construction of a new Operations Centre pending the approval of a final site layout.

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

# APPENDIX C



<p>PROJECT: <b>PORT COLBORNE OPERATIONS CENTRE</b></p>	<p>SCALE: CONSULTANTS:</p>	<p>DATE: 14/07/20</p>	<p>PROJECT NO: <b>12066</b></p>	<p>DATE: 14/07/20</p>	<p>SCALE: 1:1000</p>
<p><b>PRELIMINARY NOT FOR CONSTRUCTION</b></p>					
<p>DO NOT SCALE THE DRAWINGS.</p>					
<p>ALL DIMENSIONS ARE SHOWN IN MILLIMETERS.</p>					
<p>THESE DIMENSIONS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION. THE DIMENSIONS ON THE DRAWINGS ARE SHOWN IN MILLIMETERS.</p>					
<p>ISSUED FOR PERMITTING: 14/07/20</p>					
<p>DATE:</p>					
<p>DESCRIPTION:</p>					
<p>DATE:</p>					
<p>REVISIONS:</p>					
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