



## Planning Justification Report

**Official Plan Amendment, Zoning By-law Amendment, & Draft Plan of Subdivision**

**Killaly Street West (Part of Lots 31, 32, 33 Concession 1 & Part of Road Allowance  
between Townships of Wainfleet & Humberstone, Part of Road Allowance  
between Lots 32 & 33, City of Port Colborne)**

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## 1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to 1000046816 Ontario Limited, “Owners” of approximately 57.16 hectares of land in the City of Port Colborne, not municipally addressed (Subject Lands). The Subject Lands are legally known as Part of Lots 31, 32 & 33 Concession 1 & Part of Road Allowance between Townships of Wainfleet and Humberstone. NPG has been retained to provide professional planning advice, in the form of a Planning Justification Report (PJR), on concurrently submitted applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to facilitate the development of eight mid-rise buildings (four 8-storey mixed use buildings featuring approximately 3,196.8 square metres of ground floor commercial space and four 8-storey residential buildings), 228 stacked townhouses, 383 regular townhouses, 130 back-to-back townhouses, 42 rear lane townhouses and 96 single detached dwellings, for a total of 2,110 units proposed.

Implementation of the proposed development requires an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision (DPS). The Official Plan Amendment is needed to redesignate the lands from Urban Residential to a site-specific Urban Residential-XX designation to permit increases to density and to redesignate a portion of the lands from Urban Residential to EPA. The Zoning By-law Amendment is required to rezone the Subject Lands from NC-27-H, R2-28-H, R3-29-H, R4-30-H, Parks, and Environmental Protection to Site Specific Fourth Density Residential (R4-XX), Site Specific Mixed Use (MU-XX), Parks and Environmental Protection to facilitate the proposed applications and provide relief related to parking ratio, minimum lot frontage per unit, minimum front yard, interior side yard, minimum corner side yard, minimum rear yard, maximum height, minimum landscape area, minimum lot frontage for a corner lot, and minimum lot area under the City of Port Colborne Zoning By-law 6575/30/18.

The Draft Plan of Subdivision consists of 2 blocks for mid-rise buildings, 2 blocks for stacked townhouses, 27 blocks for regular townhouses, 4.5 blocks for back-to-back townhouses, 1.5 blocks for rear lane townhouses, 96 lots for single detached dwellings, 2 blocks for environmental protection, 3 blocks for parkland, 2 blocks for pedestrian walkways and 13 new public streets.

The City OP requires that a Planning Justification Report be submitted for any proposal for development or site alteration to demonstrate it meets the goals, objectives, and policies of Provincial and Municipal policies. This Planning Justification Report (PJR) provides an analysis of the proposed applications and evaluates the appropriateness of applications for Official Plan Amendment, Zoning By-law Amendment, and Draft plan of Subdivision when assessed against policies in the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (Region’s OP), the City of Port Colborne Official Plan (City OP) and the City of Port Colborne Zoning By-law No. 6575/30/18.

Sections 5.1, 5.2, 5.3 and 5.4 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal's conformity with the City's OP while Sections 7.0 and 8.0 provide justification for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment respectively.

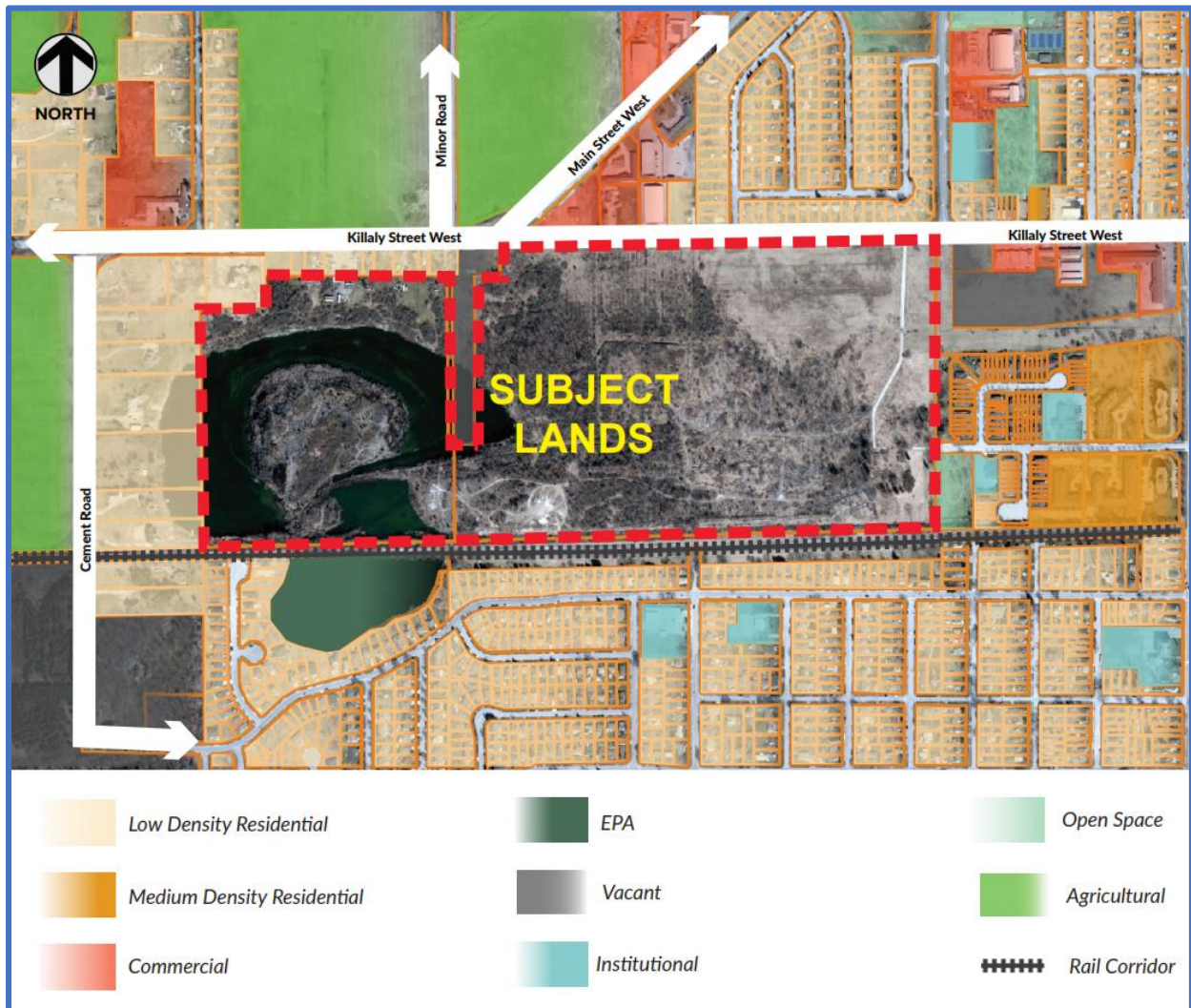
The proposed development is an example of large-scale mixed-use development which will make use of designated greenfield lands within the Urban Area. This proposal provides additional housing supply in the City of Port Colborne by providing a range of housing styles and options with access to commercial uses, facilitating complete communities. This proposal provides additional housing supply in the City of Port Colborne while protecting and enhancing the landscape and natural features which are present on the Subject Lands.

## **2.0 Description of Subject Lands and Surrounding Area**

The Subject Lands are located in the City of Port Colborne, within the Urban Boundary, along the south side of Killaly Street West, between West Side Road and Cement Road (see **Figure 1 – Aerial Context**). The Subject Lands are irregularly shaped and feature approximately 740 metres of frontage on Killaly Street West, an approximate depth of 492 metres, with an approximate area of 57.16 hectares. Killaly Street West is designated as a Regional Road (No. 5) in Schedule D of the City OP. The Subject Lands are bound by Killaly Street West to the north, the road allowance of West Side Road and residential development to the east, the Port Colborne Harbour Railway corridor to the south and single detached dwellings fronting on Cement Road to the west.

The eastern portion of the Subject Lands is within the City's Urban Area Boundary and is primarily designated as Urban Residential with a small portion near the Urban Area Boundary designated as Environmental Protection Area (EPA). The western portion of the Subject Lands features a large quarry consisting of two major quarry ponds which are primarily situated outside of the Urban Area Boundary. This area is commonly referred to as the "quarry ponds". The Subject Lands are impacted by the Wainfleet Eagle Marsh Drain Provincially Significant Wetland (PSW) Complex and a Significant Woodland located at the western edge of the property. There are several natural heritage designations overlapping with the Subject Lands due to the PSW and Significant Woodland. Schedule B (Natural Heritage) of the City OP designates the area surrounding the Quarry Ponds as EPA given overlap with the PSW previously evaluated and mapped by the Province. South of the designated EPA lands is an "Environmental Conservation Area" (ECA) per Schedule B, overlapping with the central quarry pond. Two identified "Streams" are also indicated on Schedule B outletting to identified "fish habitat" in the quarry ponds. The quarry ponds area is not being considered for development. The Urban Area portion of the Subject Lands are designated as Greenfield Area on Schedule B of the Region's OP. An Environmental Impact Study (EIS) was prepared by Terrastory Environmental Consulting Inc, dated April 2024, to confirm the extents of the natural features. Please see section 4.12 of this report for more information regarding the EIS. A drainage easement runs parallel to the southern boundary of the Subject Property. The

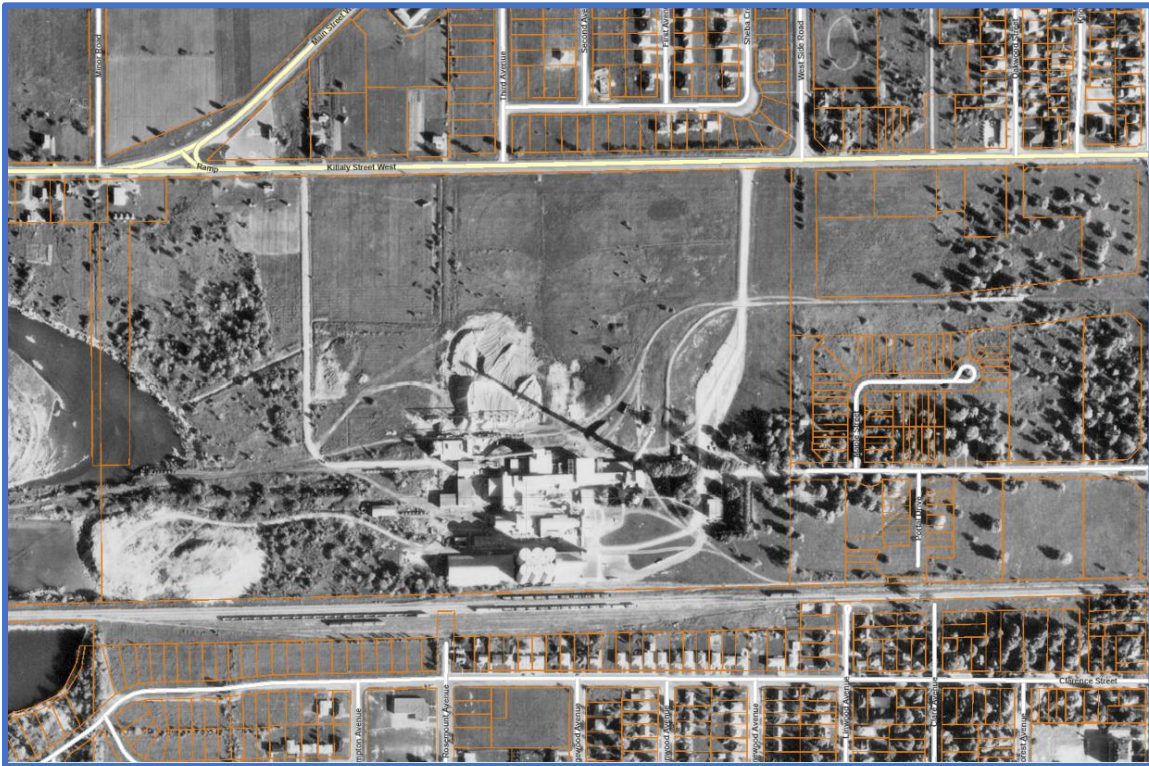
easement contains a drainage ditch flowing westward through a straightened channel which was excavated into the limestone bedrock and outlets to the Central Quarry Pond. Based on a review of historical aerial photographs, the Drainage Ditch appears to have been constructed between 1972 and 2000.



**Figure 1. Aerial Context Map**

The lands are generally flat, with grading between 1-2%. The Subject Lands are currently vacant but formerly the site of the Canada Cement Company, which extracted limestone bedrock from the site for cement production (see **Figure X – Historical Aerial Image**). The cement plant closed prior to 1972, with the industrial buildings demolished and removed around 1970. The City of Port Colborne and the Subject Lands feature high levels of limestone, generally only a few metres below grade. The former concrete factory used to mine the limestone bedrock, which was then converted into cement and shipped by rail along the southern property boundary to construct the modern Welland Canal.





**Figure 2 – Historic Aerial Photo depicting former concrete factory on Subject Lands (1960)**

Bedrock levels of the Subject Lands are generally between 177 to 180 metres at sea level, with the soil surface generally being located at 179 to 180 metres at sea level, confirmed by the geotechnical report prepared by King EPCM (see Section 4.13 for more information). Due to the previous uses the Subject Lands are a Brownfield site. The Subject Lands have been mapped as being within an area of archaeological potential in Schedule K of the Niagara Official Plan.

The Subject Lands are surrounded by residential, commercial, and vacant land uses. **Figure 2 – Community Facilities** below illustrates the available amenities and active transportation facilities within a 500-metre and 1-kilometre radius of the Subject Lands. The lands north of Killaly Street West are lands primarily used for low density residential purposes in the form of single-detached dwellings. The lands north of Killaly Street West and west of Third Avenue feature a mix of highway commercial and residential uses. Approximately 500 metres north of the Subject Lands, at the intersection of Main Street West and West Side Road is a shopping centre featuring a variety of commercial uses and dining establishments. Approximately 400 metres east of the Subject Lands, at the intersection of Killaly Street West and Steele Street is a large commercial plaza which features a pharmacy, convenience store, restaurant, and law office. Additional commercial uses exist at this intersection. Elgin Street West is located east of the Subject Lands and features low-density residential uses and retirement communities, a church and multiple 6-storey apartment buildings. South of the rail corridor are additional low-density residential uses which are not accessible via the Subject Lands

due to fencing surrounding the rail corridor. West of the Quarry Ponds are several rural residential uses with frontage on Cement Road.

A future road allowance is immediately east of the site, permitting a future extension to West Side Road. The northern portion of this extension is currently owned by the MTO, with the southern portion (immediately north of Elgin Street West) is owned by the City of Port Colborne. Land transfer from the MTO to the City will be required to facilitate the extension of West Side Road as part of the Subdivision Approval process.

North: Residential  
East: Vacant Lands/Residential/Commercial  
South: Railway Lands (Formerly CNR, now City of Port Colborne)  
West: Residential fronting Cement Road

The Subject Lands have access to a range of transportation options. Route 25 of Niagara Region Transit provides transit from Port Colborne City Hall and the Welland Bus terminal, where further transit connections are provided. This route intersects the Subject Lands at the intersection of Killaly Street West and West Side Road. This route offers 'flag stops' along the route within Port Colborne south of Barrick Road. Port Colborne also operates NRT On-Demand transit services. On-Demand Transit offers a shared-ride public transportation option that doesn't follow a fixed schedule or route. Instead, computer software optimizes bus travel based on rider trip requests. This service covers the entire town, enabling riders to travel directly between points without requiring transfers. Killaly Street West is owned and maintained by Niagara Region. As per Policy 6.2.2.8, the Region supports the design of Regional Roads within community cores to improve accessibility and include pedestrian and cycling infrastructure. Development on Regional Roads supports this policy and future active and public transit infrastructure.

Parks and recreational facilities are also located in proximity to the Subject Lands, Maple Park is located at the terminus of Elgin Street West within 100 metres of the Subject Lands and Rose Shymansky Memorial Park is within 500 metres of the Subject Lands on Main Street West. Harry Dayboll Park and Westdale Park are within the 1-kilometre radius of the Subject Lands. Additionally, Port Colborne Minor Baseball Rotary Complex is located less than 1 kilometre from the Subject Lands.

Oakwood Public School is located approximately 1.2 kilometres northeast of the Subject Lands. St. John Bosco Catholic Elementary School, Steele Street Public School and St. Patrick Catholic Elementary School are located within the 1-kilometre radius from the Subject Lands. Port Colborne Secondary School located just outside the 1-kilometre radius southeast from the Subject Lands.

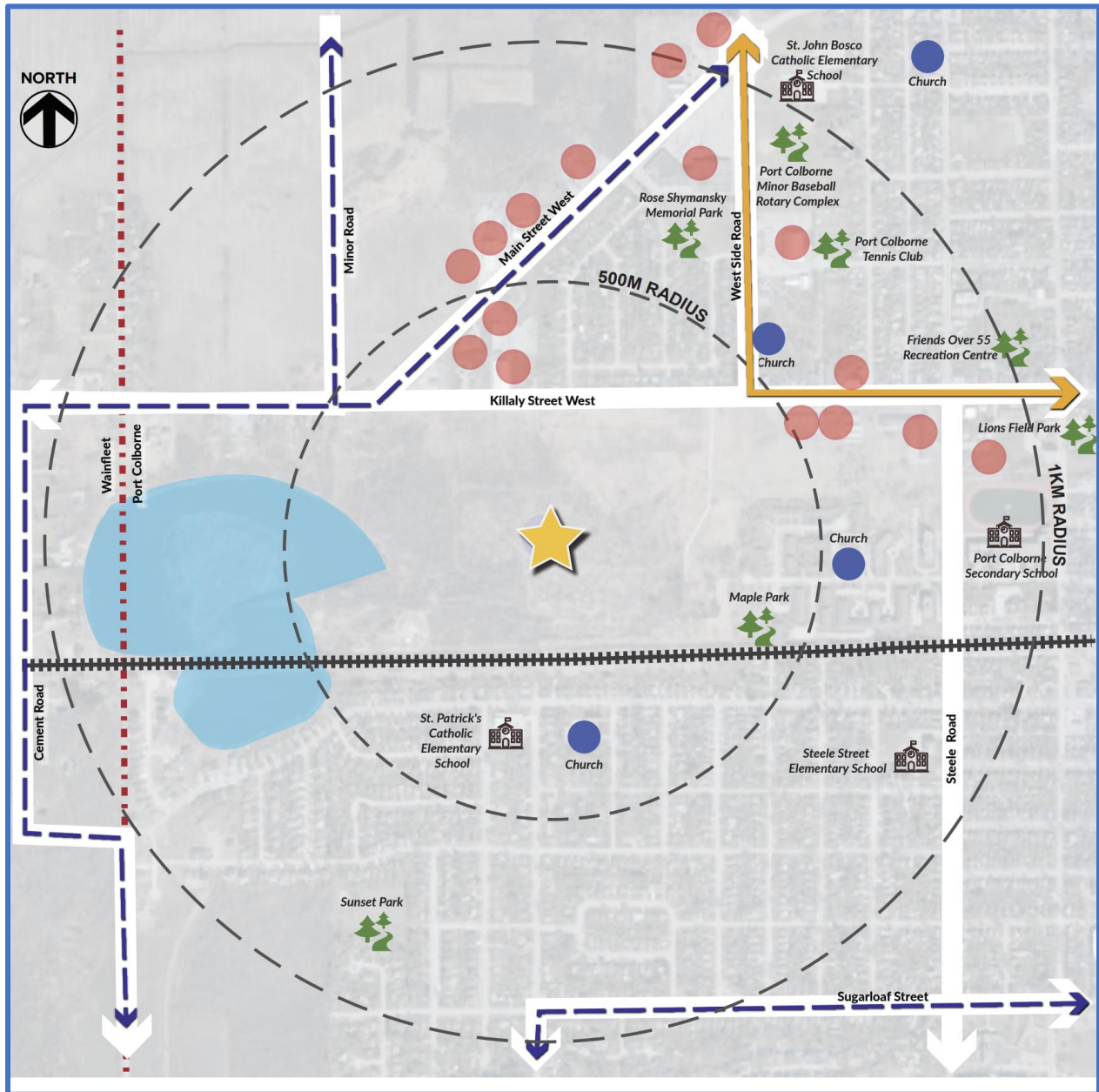


Figure 3. Community Amenity Map

A site visit was conducted by NPG Planning Solutions on March 5, 2024. Photos from the site visit are contained in **Appendix J – Site Photos**.

## 2.1 Previous Applications

In February 2013 the Subject Lands received Draft Plan of Subdivision approval for over 960 units with a mix of single detached dwellings, townhouses, and apartment buildings (see **Appendix H – 2013 Draft Plan of Subdivision – Rosemount Estates**. Final Approval of the Plan of Subdivision was contingent on all conditions being satisfied within three years of the date of approval. As the conditions were not satisfied, draft approval of the subdivision lapsed. The Subject Lands feature zoning reflective of the

previous Draft Plan of Subdivision and are zoned R2-28-H, R3-29-H, R4-30-H, NC-27-H, and P (Public and Park). The existing zoning on the subject lands permits a variety of housing forms, including apartment buildings 20 metres in height (generally 6 storeys) within the R4-30-H zone. At that time, a portion of the Subject Lands were owned by the Ministry of Transportation (MTO) intended for a future extension of Highway 3. Since the February 2013 Subdivision approval, the MTO determined an extension was no longer necessary and the MTO lands were purchased to consolidate with the Subject Lands.

### **3.0 Proposed Development**

The Owner is proposing to develop the Subject Lands for residential uses, incorporating some ground floor commercial use areas as well. Implementation of the proposed development requires an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision approval. A Draft Plan of Subdivision has been included with this submission.

#### **3.1 Road Network**

Access to the site is to be provided via a new public road network. Access from Killaly Street West will be provided through a road aligning with the intersection of Third Avenue (Street 'N' on DPS), running north-south before terminating at a parkette central to the site. Two other public roads are proposed to connect to the extension of West Side Road to the east (Street A and Street N on DPS). Two additional driveway accesses are proposed from West Side Road (within Block 11 and Block 41 on the DPS). A series of new public roads are proposed internal to the site, on a modified grid pattern. All dwellings are proposed to front onto a public road except for the stacked townhouses in Blocks 11 and 12, which will be accessed via private road (future condominium application).

All public road allowances are proposed to be 20 metres in width. Opportunity for a future connection to Rosemount Avenue to the south has been accommodated (Street F on DPS), however a connection to Rosemount across the rail tracks is not proposed through the subject applications. Daylight triangles 6 metres by 6 metres in size have been provided at every intersection within the proposed development. Larger, 10 metre by 10 metre daylight triangles are provided at the intersection of Killaly West and Third Avenue and Street N. A 6 metre by 6 metre portion of this daylight triangle will be dedicated to the Niagara Region. Sidewalks are provided along all public roads to support walkability within the site.

#### **3.2 Proposed Residential and Mixed Use Buildings**

The northern portion of the site is proposed to be mixed-use, with eight mid-rise buildings proposed. Parallel to the Killaly Street frontage, seven 8-storey buildings are proposed. Four of these buildings are proposed as exclusively residential (Building 01, 02, 03, 06 on the site plan), with three being mixed-use (Building 04, 05, 07) containing a total of 1,063 residential units (unit breakdown is provided in Table 1 below). The mixed-use buildings are oriented around the intersections of Killaly Street West and Third Avenue, and Killaly Street West and West Side Road. All mid-rise buildings are proposed to be

setback between 4.9 metres to 5.50 metres from the Killaly Street frontage. A fourth 8-storey mixed use building (Building 08) is proposed at the northeastern corner of the Subject Lands, fronting the West Side Road extension, setback 6.20 metres from the eastern property line. This building is proposed to contain 168 units for a total of 1,231 apartment dwelling units on the Subject Lands. The apartment and mixed use buildings are proposed on Blocks 41 and 42 of the DPS.

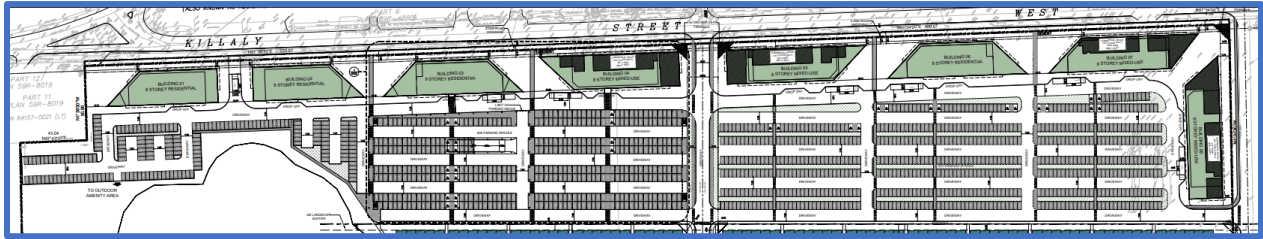
Each mixed-use building is proposed to feature between 721 square metres and 874 square metres of ground floor commercial space, for a total of 3,196.7 square metres of commercial space across the proposed development. These buildings have been strategically planned to facilitate a strong streetscape and screen the parking areas to the rear. All buildings will feature a drop off area and two loading spaces to the rear. Parking is proposed behind the mid-rise buildings through a combination of surface parking and a two-level parking structure for a total of 1,547 parking spaces, 34 of which will be accessible. All accessible spaces are located close to the entrances of buildings and pedestrian pathways. Building 03 and 04 will feature a raised walkway connecting the second level of the parking structure directly to the buildings. A total of 132 bicycle parking spaces will be provided within this portion of the site. Each mixed-use building features a minimum of one loading space and all mid-rise buildings feature a drop off layby.

**Table 1. Unit and Commercial Space Breakdown – Mid Rise Buildings**

<b>Building Number</b>	<b>Mixed Use or Residential</b>	<b>Commercial Space</b>	<b>Number of Residential Units</b>
<b>1</b>	Residential	N/A	139
<b>2</b>	Residential	N/A	139
<b>3</b>	Residential	N/A	146
<b>4</b>	Mixed Use	800.9 sqm	166
<b>5</b>	Mixed Use	800.9 sqm	166
<b>6</b>	Residential	N/A	146
<b>7</b>	Mixed Use	721.1 sqm	161
<b>8</b>	Mixed Use	873.9 sqm	168
<b>Total Units</b>			<b>1,231</b>

Two outdoor amenity areas are proposed in this portion of the development. South of the Building 01 parking area, a large amenity area is proposed adjacent to the EPA block, providing accessible greenspace for residents of the mid-rise buildings. An additional

outdoor amenity area 3,084 sqm is provided on the second level of the parking structure, between the parking area and connection bridges to Building 3 and 4.



**Figure 4. Northern portion of the Site Plan showing mid-rise buildings along Killaly Street West. See Appendix F – Site Plan for full site plan.**

To the south of the 8-storey buildings and parking areas, the plan includes 13 stacked townhouse buildings, with each building containing 5-6 modules, amounting to 228 units, with parking situated directly south of these buildings. The stacked townhouse units are contained with Blocks 11 and 12 on the DPS, and are serviced by internal private roads. Each Block is intended to be an individual condominium corporation.

Additionally, 61 regular townhouse buildings are planned throughout the Subject Lands, totaling 383 units. These are contained on Blocks 1, 3, 4, 6, 7, 8, 9, 10, 13, 17-33 on the DPS. Each regular townhouse unit will feature a private rear yard and has frontage onto a new public road.

A total of 15 back-to-back townhouse buildings are also provided throughout the development, contributing another 130 units. Each with frontage onto a new public road. These are contained on Blocks 2, 5, 14 – 16 on the DPS.

Six rear lane style townhouse buildings are proposed, adding 42 units. The rear lane style units have rear access via a public road. These are contained on Blocks 13 and 34 on the DPS.

Furthermore, 96 single detached lots, generally 255 square metres in area are provided throughout the Subject Lands (Lots 1 to 96) with frontage on public roads.

Overall, the proposed development consists of 2,110 dwelling units. All forms of townhouse units will feature dedicated surface parking. The stacked, rear lane, and back-to-back townhouses are all proposed to be 13.75 metres in height, with regular townhouses proposed as 14.4 metres in height. It has not yet been determined if any buildings will feature a basement due to the high bedrock on the Subject Lands. Overall, the proposed development concept features a total of 2,110 residential units with an overall density of 37 units per hectare and a net density of 104.77.

A total of 48 90-degree parking spaces are provided with the public road allowances, at locations nearby recreational facilities in the Plan (i.e., along Street E adjacent to the quarry pond, along Street N adjacent to the parkette, and along Street D at the south end of the site near the Woodland).

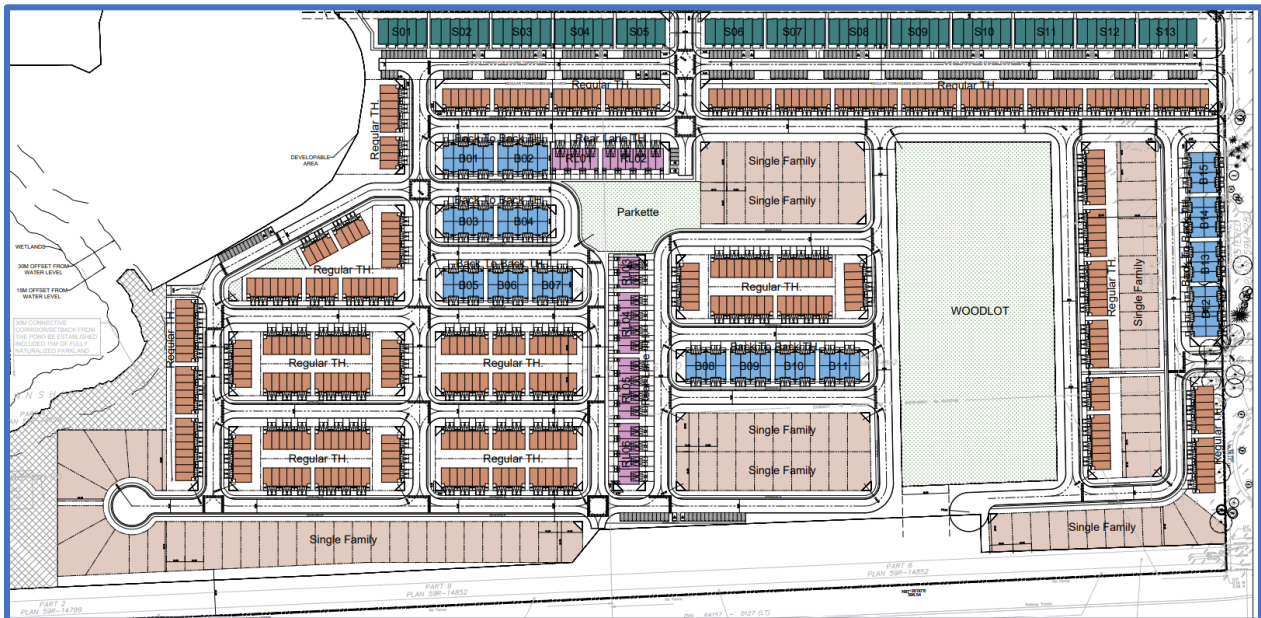


Figure 5. Southern portion of the Site Plan showing townhouse forms and single detached lots.

3.3 Parks, Open Space, Trails, and Sidewalks

Greenspace is provided throughout the proposed development. A parkette is proposed in the geographic centre of the Subject Lands (Block 36 on DPS), ensuring accessibility to all units. Public parking is provided immediately north of the parkette, through three regular and two accessible parking spaces. Near the southeastern quadrant of the Subject Lands a large woodlot is proposed to be retained (Block 35), providing future residents with easy access to natural vegetation. Footpaths are proposed within the woodlot, allowing residents to freely walk through the feature. The footpaths proposed are reflective of existing paths used by the surrounding residents to access the quarry ponds. This woodlot is intended to be preserved as a natural area and will be designated and zoned as EPA, dedicated to the City of Port Colborne.



**Figure 6. Aerial photo of the Subject Lands from 2022 (Source: Niagara Navigator)**

The Subject Lands are currently used informally by surrounding residents for passive recreation purposes. Many residents cross the Subject Lands from the residential uses on Elgin Street West to the east and the neighbourhood to the north (Third Ave). This is evident within aerial photos of the site which demonstrate an informal network of pedestrian paths transecting the Subject Lands generally leading the quarry lands to the west (see Figure 4). This system of trails is not maintained and has been formed in the decades since the closing of the former concrete factory.



**Figure 7. Southern portion of the Landscape and Open Space Master Plan, prepared by Cosburn Nauboris Landscape Architects**

The Landscape and Open Space Master Plan (see Figure 5) demonstrates the trails and open space system provided within the proposed development. Immediately east of the site, is Elgin Avenue West and Maple Park. A pedestrian pathway is provided (Block 40



on DPS), aligning with Elgin Road West serving to break up the block and provide a connection to and from Maple Park. As mentioned, the woodlot will retain its existing footpaths providing connectivity directly to Street L on the DPS and to the central parkette. Sidewalks and street trees are proposed throughout the development, including within the western portion of the subdivision, enabling walkable blocks and access to the environmental features located to the west. A second pedestrian walkway (Block 39) is provided at the western terminus of Street D which provides access to a park block to the rear of single detached lots and adjacent to the quarry ponds. The proposed woodlot (Block 35) features a direct connection with the environmental block (Block 38) at its southeastern corner, enabling residents to have a connection to the quarry lands without accessing the proposed road network. Ultimately, the plan maintains opportunities for recreation for existing and future residents, by maintaining certain features and trails, and by connecting everything through a new trail/sidewalk system across the site.

A 4 metre landscape buffer is provided between the stacked townhouses and the parking area for the mid-rise buildings, contained within Blocks 11 and 12 on the DPS. North of the Quarry Lands a large block, approximately 3.21 hectares, is intended to be dedicated to the City for parkland (Block 43). This parkland block will provide further greenspace with views of the quarry ponds for the residents of the proposed development and the properties immediately north with frontage on Highway 3. Overall, the proposed development would provide for 50.87% (29.09 hectares) of the land to be dedicated to the City for parks, parkettes, woodlot, quarry and open space.

The quarry ponds and woodlot will be redesignated and rezoned as EPA to ensure their long-term protection from development. A minimum 30 metre wetland development setback has been achieved throughout the proposed development. No development is proposed within environmentally sensitive areas. All environmental and parkland blocks have been summarized in the table below:

**Table 2. Environmental and Park Block Breakdown**

Block # on DPS	Feature	Proposed Zoning	Area
35	Natural Woodlot	EPA	2.2 ha
36	Parkette Block	Public and Parks	0.33 ha
37	Park Block	Public and Parks	1.56 ha
38	Quarry Pond Block	EPA	21.75 ha
39	Pedestrian Walkway	N/A	0.02 ha
40	Pedestrian Walkway	N/A	0.02 ha
43	Park Block	Public and Parks	3.21 ha
<b>Total</b>			<b>29.09 ha</b>

### 3.4 Subject Applications

The City of Port Colborne Official Plan designated the Subject Lands are Urban Residential, according to Schedule A – City Wide Land Use Plan (see Appendix D – City

Schedules). As per Section 3.2 of the City OP this designation is primarily for residential uses, neighbourhood commercial uses, and institutional uses. A site-specific request is being made through the proposed Official Plan Amendment application to permit increases to density for low density, medium density, and high density residential uses. The proposed Official Plan Amendment is described in Section 7.0 of this PJR.

The Subject Lands feature zoning reflective of the previous Draft Plan of Subdivision and are zoned R2-28-H, R3-29-H, R4-30-H, NC-27-H, and P (Public and Park). A Zoning By-law Amendment is required to rezone the Subject Lands to Fourth Density Residential (R4), Mixed Use (MU) Zone, Environmental Protection Area (EPA) and Public and Park (P) to facilitate the proposed Draft Plan of Subdivision.

### 3.5 Pre-Consultation Summary

A formal pre-consultation meeting was held with the City and agencies on April 27, 2023. The conceptual site plan was updated based on feedback and was subsequently shared with staff for feedback. Some key point discussed in the meeting are listed below:

**Table 3. Pre-consultation Comment Analysis**

Pre-consultation Comment	Response
Inclusion of a park/greenspace in the centre of the development as per Official Plan policies;	A parkette has been provided in the centre of the development concept and the plan has been adjusted to focus on informal and formal pedestrian connections through the site.
Desire to extend West Side Road allowance into the subdivision;	A future extension of West Side Road is proposed. Several connections are proposed to the road allowance including two public connections.
Recommendation to break up grid pattern;	The grid pattern has been revised since the pre-consultation concept. The inclusion of the woodlot, rear lane townhouses, and parkette serve to break up the grid.
Confirmation that stormwater can be directed to the existing quarry pond.	The proposed post-development has all impervious areas draining the entirety of the minor and major storm event volumes into the storm sewer system and then directs to the seven (7) independent Oil/Grit Separator (OGS) units and their outlets will be discharged into the Quarry Pond. These OGS units will treat the post-development flows to the required MOE quality standard prior to discharging. Further discussion in Section 4.0 below.

Please refer to the pre-consultation summary document enclosed with these applications for a complete list of required studies and agency comments.

## **4.0 Supporting Studies Review**

### **4.1 Archeological Assessment**

A Stage 1-2 Archeological Assessment of the Subject Lands was conducted by AMICK Consultants Limited and resulted in 14 isolated findspots with a total of 15 lithic artifacts documents and one scatter of lithic artifacts (AfGt-347) was identified. Based on the characteristics and analysis of this artifacts the following recommendations were made:

- The Cultural Heritage Value or Interest (CHVI) of the isolated find has been completely documented and the finds have been removed from the study area as a result of standard Stage 2 Property Assessment procedure. There is no remaining CHVI for these locations.
- No further archaeological assessment of the Subject Lands is warranted.
- Block 38 retains archaeological potential and must be subject to Stage 2 Property Assessment in advance of any ground alteration in these areas should any change in the zoning or intended use of these lands be proposed.

The relevant reports have been submitted to the Ministry of Citizenship and Multiculturalism (MCM). The compliance letter issued by the MCM will be submitted to the relevant reviewing agencies when available.

### **4.2 Functional Servicing Study**

KING EPCM has prepared a Functional Servicing Report (FSR), dated February 2024 to review the functional servicing requirements of the proposed residential development. The report conducted a detailed review of the existing municipal services along Killaly Street West, Elgin Street, West Side Road, and Rosemount Road.

The FSR provided the following conclusions:

- The total water demand for the proposed development will have a peak hour demand of 6,255 LPM, at a minimum pressure of 140kPa (20 psi);
- The Daily Demand estimate of 1.2MLD for the proposed development would require 3.3% of the plant capacity for the City of Port Colborne Water Treatment Plant which is considered as sufficient;
- An EPANET water distribution network model was completed and found that appropriate domestic water demand and firefighting water demand can be met at critical locations;
- The Seaway Wastewater Treatment Plant currently operates at 61% utilization. Following full build out the proposed development will contribute 6.1% of total plant capacity, or 67% plant utilization. This is considered sufficient and does not trigger further evaluation at 80% or 90% of utilizations.
- The existing site stormwater drainage conditions generally flow southwest, towards the Quarry Ponds. There is no significant difference between pre-development and post development drainage routes. The ditch at the northwest

corner of Killaly Street West is proposed to be re-aligned to accommodate major 100 year storm events.

- Proposed storm sewers shall manage all minor storm events up to 5 year events, generally discharging to either the west ditch re-alignment portion, or to the south property boundary storm ditch.
- Since the quarry pond does not have any outflows, TSS and phosphorus is fully captured within the quarry pond with no off-site discharge expected.

### 4.3 Stormwater Management Report

A Stormwater Management (SWM) Report has been included as Section 5 within the FSR prepared by King EPCM to analyze the proposed stormwater management scheme for the proposed development.

The SWM Report provided the following conclusions:

- No Stormwater Management facilities are proposed within the natural heritage areas;
- A permanent water elevation is present in the Quarry Pond, maintained by the water elevation in Lake Erie. Downstream erosion effects are not anticipated in the Quarry Pond due to uncontrolled stormwater flows discharging from the subject lands in frequent storm events.
- Lot grading is to be kept as flat as practical in order to slow down stormwater and encourage infiltration.
- It is recommended that separate Oil/Grit Separators (OGS) units be installed in each outfall to treat the pollutant-generating areas, such as the roadways, driveways, parking spaces, etc.
- The total volume of stormwater runoff produced during a 100 year storm event is 3,538 cubic metres, which is equal to a 4.7 mm increase in the water level of the Quarry Pond and is considered negligible.
- Runoff volume reduction is met and the post-construction runoff volume shall be fully captured and retained on the site from a 25 mm rainfall event from the total impervious area.
- The proposed SWM plan shall capture and retain runoff from all impervious surfaces and the focus is on controlling runoff volume and peak flow through infiltration or evaporation, without any outlet.

### 4.4 Grading Plan

A detailed grading and servicing plan has been prepared by King EPCM and is included with this submission. Due to the previous uses of the site and the large potential area of contamination on the site, areas of the site will need to be lightly stripped (approximately 0.3 metres) then backfilled. In general, soil and granular material will need to be brought onto site for road bases, as well as soil fill and soil cover for sufficient frost protection of pipes and municipal services.

#### 4.5 Noise Impact & Vibration Study

An Environmental Noise and Vibration Assessment was conducted by SLR Consulting, dated November 30, 2023, to analyze the noise and vibration impacts of the surrounding lands, specifically the rail corridor to the south, on the proposed development. The study determined that:

- Sound levels due to road noise were predicted to exceed 65 dBA during daytime and 60 dBA during the nighttime for the 8 storey buildings. Therefore, an assessment of building components for these Buildings is required.
- Upgraded glazing is required for all corner bedroom units. For all other buildings/units, exterior wall and window construction meeting the minimum non-acoustics requirements of the Ontario Building Code (OBC) are predicted to be sufficient to meet the indoor noise guidelines of the MECP.
- Based on the predicted façade sound levels, an MECP Type D warning clause and central air conditioning are recommended for Buildings 1-7. A MECP Type C warning clause with forced air heating is recommended for Building 8 and several single-family lots.
- The predicted sound levels at nearly all outdoor living areas are below 55 dBA therefore no noise mitigation measures are required.
- Based on a combination of measurements and estimates using the FTA equations, ground borne vibration induced by rail traffic movements is not of concern at the proposed development.
- Noise from the proposed development on itself is not expected to be of concern.

#### 4.6 Phase One Environmental Site Assessment

A Phase One Environmental Site Assessment (ESA) was conducted by King EPCM dated December 17, 2021, to investigate any Potentially Contaminating Activities (PCAs) on the site. The Phase One ESA was created using historical records, interviews with the previous property owner and site reconnaissance.

The King EPCM Phase One ESA notes that a previous ESA was completed by Soil Engineers Ltd in 2011 which stated that the property was mainly used as a concrete factory since 1934. This ESA identified several environmental concerns which required further investigation, specifically: fill material on site, the location of the former concrete factory, remnants of the former railway on site, stockpiles of asphalt, and paint containers. Historic aerial photos show that the factory was removed between 1968 and 1973 with the site remaining empty since.

Four PCAs have been found in the records historically occurred within the Subject Lands:

1. PCA #12 – Concrete and Cement Manufacturing
2. PCA #30 – Importation of Fill Material of Unknown Quality
3. PCA #39 – Paints Processing and Bulk Storage
4. PCA #46 – Rail Yards, Tracks and Spurs

A total of six additional PCAs were located within 250 metres of the Subject Lands. Based on the findings of PCAs on the Subject Lands and the surrounding area it was determined that there was a likelihood of Areas of Potential Environmental Concern (APEC) and a further Phase Two ESA is required.

#### **4.7 Phase Two Environmental Site Assessment**

A Phase Two ESA was conducted by King EPCM, dated April 29, 2022, to assess the APECs associated with the previous PCAs which were identified within the Phase One ESA.

The Subject Lands were investigated solely through borehole drilling, with soil sampling and groundwater sampling from the boreholes on site. A total of 12 boreholes were drilled. Nine boreholes 0.5 metres deep were drilled in the previous factory area. Three additional boreholes approximately 10-15 metres deep were drilled in the previous factory area, at the stockpile area west of the previous factory, and at the abandoned small pond area northwest of the previous factory. These three boreholes were converted to three groundwater monitoring wells.

The groundwater samples analyzed determined that the groundwater quality met applicable criteria with one exception. The well located south and west at the base of the stockpile exceeded benzene concentrations from volatile organic compound (VOC) portions. Based on this, a second round of groundwater sampling would be required after further purging to remove any impact of stagnant water inside the wells and allow for recharging and sampling at later date.

Seven of the nine soil samples analyzed determined that the soil quality for surface soil at the previous concrete factory area exceeded the criteria for heavy metals and hydrocarbon concentrations. Based on this, soil remediation at the previous factory location is required with the removal of the existing soil and replacement with new soil in the remediated area.

King EPCM determined that a remediation program is required due to contaminated soil near the former concrete factory. King EPCM estimates that the off-site removal requires is between 9,600 and 28,800 cubic metres (1000-3000) truckloads of soil, primarily for heavy metals contamination and a very small area of petroleum hydrocarbon contamination.

A Record of Site Condition (RSC) will be required for the development portion of the Subject Lands.

#### **4.8 Landscape and Streetscape Plans**

A Conceptual Landscape Plan was prepared by Cosburn Nauboris Landscape Architects on March 5, 2024. to demonstrate the landscaping potential on the Subject Lands. The Landscape and Open Space Master Plan provides direction related to the potential placement of street trees and parkette equipment. Please see Landscape and Open Space Master Plan and Section 3.3 of this report for more information.

#### 4.9 Pedestrian Level Wind Study

A Pedestrian Wind Assessment was prepared by SLR Consulting on December 4, 2023, to evaluate the potential wind impacts of the proposed development. The assessment determined that:

- Wind safety criterion is met at all on-site and off-site areas following full buildout.
- Wind conditions are suitable on all sidewalks within the proposed development.

#### 4.10 Sun-Shadow Impact Analysis

A Sun-Shadow Impact Analysis was prepared by ICON Architects to analyze the shadow impact the proposed development would have on neighbouring residential private outdoor amenity spaces, communal outdoor amenity areas, the public realm and more. Note, during the preparation of the Sun-Shadow impact analysis the Niagara Region did not have a terms of reference for such studies and Regional staff advised the consultant team to refer to terms of reference from other municipalities including the City of Mississauga. Therefore, the City of Mississauga's Standards for Shadow Studies were used in the preparation of the Sun-Shadow Impact Analysis. See Appendix J for communication with regional staff regarding the above.

The analysis determined that the shadowing impacts cause by the proposed development on neighbouring properties and the public realm are acceptable as the shadows cast have minimal to no impact on neighbouring residential dwellings, sidewalks and other shadow sensitive areas, parks, open spaces, or natural areas.

#### 4.11 Traffic Analysis

A Transportation Study was prepared by Trans-Plan Transportation Engineers, dated November 2023, to analyze the transportation impacts of the proposed development on itself and the surrounding lands. The Transportation Study concluded:

- Based on the OTM signal warrant guidelines, traffic signal control is warranted at the intersection of Killaly Street West and West Side Road under future 2030 and 2035 conditions.
- Under future 2030 and 2035 traffic conditions, traffic signal control is not warranted at the intersection of Steele Street and Elgin Street West.
- A left turn lane at the intersection of Killaly Street West at West Side Road is warranted for the horizon year 2030 and 2035.
- The proposed development provides 2,426 parking spaces where the City's Zoning By-law requires 2,578 spaces. This represents a deficiency of 6% which is considered minimal and can accommodate the proposed development.

#### 4.12 Environmental Impact Statement

An Environmental Impact Statement (EIS) was prepared by Terrastory Environmental Consulting Inc., dated April 2024, to assess the potential for adverse effects on the natural environment and natural heritage features stemming from the proposed subdivision and related uses.

The EIS determined:

- A short (~50 m long) “watercourse” is shown on NPCA regulation mapping outletting to the Northern Quarry Pond to the south of the Intermittent Drainage Feature. While it is possible that some concentrated flow occurs through this area during the spring freshet or following storm events, it is believed that no discrete, regulated watercourse is present in this area.
- The Subject Lands are primarily comprised of early-successional, second-growth vegetation communities which have emerged since cessation of industrial operations around 1970. Larger meadows are generally concentrated in the eastern portion of the Subject Lands (developable area).
- Three (3) separate woodland communities occur throughout the Subject Lands. A Fresh Black Walnut Deciduous Woodland occurs in the eastern portion of the lands with a second black walnut deciduous woodland located centrally in the Study Area near the southern boundary of the Subject Lands. The final black walnut deciduous woodland occurs in the northwest corner of the Study Area and abuts Killaly Street West. The Deciduous Woodland in the eastern portion of the Study Area is three (3) ha in size, satisfying criteria for “significant”.
- Two forest types comprising a single forest unit occur just east of the Northern Quarry Pond, with a small (0.01 ha) meadow marsh extending westward from the forest. The Deciduous Forest in the western portion of the Study Area is 2.1 ha in size; on this basis it represents a Significant Woodland.
- A total of 57 bird species were recorded during breeding bird surveys. The assemblage and abundance of birds recorded generally reflects the prevailing structure and composition of on-site vegetation communities and variable habitats of the Study Area, which is primarily dominated by thicket and savannas along with forest, woodland, meadows, and open water ponds. Snake observations were made throughout the Study Area, with three snake species documented, although higher snake activity appeared to be concentrated in the Deciduous Woodland during 2022.
- The PSW Eagle Marsh Wetland Complex was previously mapped by Ministry of Natural Resources and Forestry (MNR) overlapping with the Northern Quarry Pond did not accurately reflect the limit of wetland conditions. Open water portions of the Northern Quarry Pond were generally found to contain insufficient coverage of fixed-floating, free-floating, and/or submerged aquatic vegetation to be appropriately considered “wetland” per Ontario Wetland Evaluation System.
- Four Significant Wildlife Habitat (SWH) types occur within the Subject Lands. A total of eight (8) Special Concern or provincially rare species are considered to have at least a possible likelihood of occurrence within the Subject Lands given their habitat associations and current distribution in southern Ontario.
- There are no Provincially or Regionally Significant Areas of Natural or Scientific Interest overlapping with the Study Area.
- A total of four (4) Endangered or Threatened species are considered to have a possible likelihood of occurrence on the Subject Property. Eastern Meadowlark is



designated Threatened in Ontario and federally designated Threatened under Schedule 1 of the *Species at Risk Act*. This species appears to be breeding in the hayfield situated in the northeastern portion of the Subject Lands. One Little Brown Myotis was recorded on-site in 2023, though it is not known if it was interacting with on-site habitats or was simply on transit through the landscape. The two remaining species were not visible but the Forest contains an abundance of oaks and may support roosting.

- An electrofishing survey of the entire length of the Intermittent Drainage Feature (from Killaly Street West to the Northern Quarry Pond) was performed in April 2022. No fish were captured during the electrofishing survey nor were fish observed within the Intermittent Drainage Feature during the course of other fieldwork in 2022/2023.
- Terrastory prepared an overall natural heritage constraints map to guide the project design and form natural feature blocks. The extent of protected natural heritage lands contained in Blocks 35 and 38 greatly exceeds what was proposed through the previously approved Draft Plan of Subdivision.
- Blocks 35 and 38 have been configured through the proposed lot fabric to protect the functions of the Deciduous Forest, Deciduous Woodland, and 30 m buffer from the quarry ponds. A portion of Block 38 south of the woodlot, between Streets B and D, will feature infrastructure in accordance with Section 1.3.3 of the City Zoning By-law.
- Natural feature encroachments are proposed through the development application including the proposed removal of a hayfield which supports breeding by Eastern Meadowlark and reconfiguration of portions of both Significant Woodlands. Additional site alterations such as installation of a storm sewer outlet within the buffer of the Northern Quarry Pond are also proposed. Such encroachments and disturbances will be mitigated through:
  - Remapping of the PSW boundary subject to MNR approval;
  - Maintenance that no water quality changes will occur to the quarry ponds due to stormwater discharge;
  - Salt management recommendations be incorporated in accordance with Section 7.2 of the SWM Report prepared by King EPCM;
  - The preparation of a Sediment and Erosion Control Plan with consideration for environmental features;
  - The preparation of a Wetland Water Balance Risk Evaluation for the Silky Dogwood thicket swamp;
  - The setback between the new channel of the Intermittent Drainage Feature and Silky Dogwood thicket swamp within Block 38 to be maximized to the extent practicable. Vegetation removal will be minimized and addressed through a Wetland Buffer Enhancement Plan;
  - The preparation of a Tree Saving Plan within the Deciduous Forest and Woodland to address encroachments within the Significant Woodlands.
  - The preparation of a Woodland Replacement Plan as a condition of approval, conceptually contemplated within Block 43 on the DPS;

- The preparation of a Linkage Enhancement Plan as a condition of approval;
- Ensuring lighting is directed away from the environmental block to the greatest extent possible;
- The preparation of a Comprehensive Trails Plan;
- The installation of a chain-line fence along several environmental features. Gates/openings at trail heads can be complemented at the detailed design stage;
- Milkweed be installed in any areas of disturbance within Block 38;
- Surveying for Kansas Hawthorn prior to any vegetation removal in the spring. If Kansas Hawthorn is discovered in fair condition, they will be subject to relocation;
- All vegetation removal be completed outside the primary bird nesting period;
- A Naturalization Plan be prepared for the portion of Block 37 overlapping with the 30 metre setback from the quarry ponds;
- Any Landscape Plan rely on woody species native to the local landscape; and
- Bird-Friendly Guidelines be incorporated into building and residence design;

#### 4.13 Geotechnical Report

A geotechnical report was prepared by King EPCM, dated February 6, 2024, to review existing soil conditions of the proposed residential development. The geotechnical report determined that:

- A total of 12 boreholes were dug to investigate bedrock depth across the site;
- All boreholes encountered limestone bedrock at approximately 177-180 metres above sea level elevation;
- Soil properties at the site, above the limestone bedrock, is generally categorized as moist clay, with significant amounts of backfill, concrete rubble, weathered bedrock sands, gravels, and other materials;
- Groundwater is generally shallow, with it generally flowing horizontally and not accumulating significantly.

## 5.0 Planning Policies

This PJR provides a thorough analysis of the proposed development and evaluates the appropriateness of advancing applications for OPA, ZBA and Draft Plan of Subdivision in the context of the *Planning Act*, the PPS, the Growth Plan, the NOP, and the Town OP. The following provides an overview and analysis of these documents in the context of the proposed development.

### 5.1 *Planning Act*

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Included in these matters are:

Table 4. Section 2 of Planning Act Analysis

Matter of Provincial Interest	Analysis
<b>(a) the protection of ecological systems, including natural areas, features and functions</b>	<p>The western portion of the Subject Lands features a quarry which is currently designated as Environmentally Protection Area (EPA) in the City's OP. The EPA designation ensures the protection of these areas by prohibiting any development within them.</p> <p>No development is proposed within the EPA lands and updated mapping and zoning will occur in accordance with the updated staking and EIS prepared by Terrastory Environmental Consulting Inc.</p>
<b>(b) the protection of the agricultural resources of the Province</b>	<p>The Subject Lands are primarily within an Urban Area Boundary. Facilitating development in the Urban Area Boundary reduces pressure to urbanize agricultural areas.</p> <p>The rural portions of the Subject Lands feature natural heritage features and are not suitable for agriculture.</p>
<b>(c) the conservation and management of natural resources and the mineral resource base</b>	<p>The proposed development will not impact natural resources or mineral resources.</p>
<b>(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</b>	<p>A Stage 1-2 Archaeological Assessment was conducted by AMICK. The assessment the discover of 14 isolated findspots with a total of 15 lithic artifacts documents and one scatter of lithic artifacts (AfGt-347). It was determined that no further archaeological assessment of the Subject Lands is warranted and a Stage 2 assessment be conducted of the EPA lands prior to any future ground alterations.</p>
<b>(e) the supply, efficient use and conservation of energy and water</b>	<p>The proposed development is an energy efficient form of development as it provides for a compact built-form where available municipal services exist.</p>
<b>(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</b>	<p>The proposed development would optimize the use of existing municipal services. Please see Section 4.2 for more information.</p>

<p><b>(h) the orderly development of safe and healthy communities</b></p>	<p>The proposed development will facilitate appropriate development standards while avoiding or mitigating risks to public health and safety, in accordance with policies contained within Section 1.0 of the PPS, regarding building strong healthy communities. This matter is discussed in Section 5.2 of this PJR.</p>
<p><b>(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</b></p>	<p>The City of Port Colborne is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities. The Applications are anticipated to be circulated to the JAAC for review and comment. Future Building Permit Applications will need to comply with <i>O. Reg. 191/11: Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11</i>. Of note, accessible parking spaces are proposed for this development.</p>
<p><b>(k) the adequate provision of employment opportunities</b></p>	<p>The proposed mixed-use buildings are anticipated to result in job creation. Residents of the proposed development are also anticipated to support existing commercial uses within this area of Port Colborne.</p>
<p><b>(l) the protection of the financial and economic well-being of the Province and its municipalities</b></p>	<p>The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and infrastructure, increasing cost efficiencies related to maintenance.</p>
<p><b>(o) the protection of public health and safety</b></p>	<p>As per the Phase Two ESA, remediation work is needed on the Subject Lands to strip 0.3 m of metal dust contaminated soils to ensure the protection of public health. This remediation will be required as a condition of Draft Plan approval and a RSC will be required.</p>
<p><b>(p) the appropriate location of growth and development</b></p>	<p>The Subject Lands are designated Greenfield lands in Port Colborne. Development is encouraged within the Urban Area and is particularly directed to Greenfield lands. The proposed</p>

	development concept facilitates logical growth with connections to existing neighbourhoods and facilities.
<b>(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</b>	<p>The Subject Lands are located on Niagara Region Transit Route 25 and are eligible for Niagara Region OnDemand transit.</p> <p>The proposed development creates demand along an active transit route, supporting existing and future transit infrastructure.</p> <p>The proposed density and compact built form support the achievement of development at a walkable scale.</p>
<b>(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;</b>	<p>As per the analysis regarding Design Guidelines included within Section 6.0 of this PJR, this criterion is met.</p> <p>To summarise, the proposed development concept encourages a sense of place by facilitating a pedestrian scaled development with a mix of land uses, densities, and built forms with convenient access to public spaces and community amenities.</p>
<b>(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.</b>	<p>The mix of land uses is anticipated to reduce automobile dependence, and consequently the necessity to consume fossil fuels.</p> <p>The proposed development will facilitate a complete community, with a variety of housing units types and mix of land uses including commercial uses and open spaces.</p>

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan. Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Section 51(16) of the *Planning Act* provides that an owner of land or the owner’s agent duly authorized in writing may apply to the approval authority for approval of a plan of subdivision of the land or part of it. Section 51(24) of the *Planning Act* provides that the following are required to be considered:

**Table 5: Analysis of Considerations for Draft Plan of Subdivision and Condominium– Section 51(24) of Ontario Planning Act**

<b>CONSIDERATIONS FOR DRAFT PLAN OF SUBDIVISION</b>	<b>ANALYSIS</b>
<b><i>the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality</i></b>	The City of Port Colborne is a Joint Accessibility Advisory Committee (JAAC) representative. The JAAC comments on Planning Applications with consideration to identifying and removing barriers to people with disabilities, promoting equal opportunities to our citizens of all abilities. The Applications are anticipated to be circulated to the JAAC for review and comment. Many of the matters regarding accessibility for persons with disabilities will be considered as part of future building permit applications.
<b><i>a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2</i></b>	Section 2 of the Planning Act regarding matters of Provincial interest are described in Table 4 above.
<b><i>b) whether the proposed subdivision is premature or in the public interest</i></b>	<p>The proposed plan of subdivision is in the public interest in that it facilitates the development of additional housing units with access to commercial recreational areas with no impacts to natural heritage features. There is significant demand for new housing in the Province and Region of Niagara. The Subject Lands are within the Urban Area and front onto regional road with full municipal services. Development of the Subject Lands would allow for the efficient use of existing municipal services. Further, the development of the Subject Lands will not result in land use compatibility conflicts with adjacent lands.</p> <p>Development of the proposed subdivision will occur in phases to in accordance with the natural growth of</p>

CONSIDERATIONS FOR DRAFT PLAN OF SUBDIVISION	ANALYSIS
	<p>communities. It is anticipated that the lower density land uses located near the eastern property be developed first, with higher density uses being developed at a later stage once the lower density uses are occupied. It is expected that a Phasing Plan will be required as a condition of Draft Plan approval to ensure orderly development.</p> <p>In summary, the proposed development is not premature and is in the public interest.</p>
<p><b><i>c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any</i></b></p>	<p>The proposed applications conform to the NOP and City OP as described in Section 5.4 and 5.5 of this PJR.</p>
<p><b><i>d) the suitability of the land for the purposes for which it is to be subdivided</i></b></p>	<p>The Subject Lands are designated as greenfield for residential uses in the City OP. The Growth Plan has set a greenfield density target of 50 people and jobs per hectare. The proposed applications would facilitate a residential density of 70.29 units per hectare over the developable area (all areas of the Subject Lands excluding Blocks, 35, 38, and 42 on DPS). A person-per-unit rate of 2.4 for detached units, 2.2 for semi-detached and row units, and 1.6 for apartment dwelling units has been calculated by the Niagara Region for the City of Port Colborne, meaning the proposal will provide 130.66 people per hectare over the developable area contributing to the greenfield density target.</p> <p>Higher density land uses are oriented towards Killaly Street West, a Regional Road suited for higher density development, with lower density uses dispersed throughout the Subject Lands. No land use compatibility conflicts are anticipated due to the proposed applications. Due to the site being previously being used as a concrete factory, site remediation will be required in the former factory site areas as a condition of approval. Remediation will include the removal of up to 28,800 cubic metres of soil in accordance with the Phase Two ESA prepared by King EPCM.</p>

CONSIDERATIONS FOR DRAFT PLAN OF SUBDIVISION	ANALYSIS
<b><i>d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing</i></b>	Due to the varying unit sizes and types, it is anticipated a variety of units will achieve the definition of affordable. However, the specifics of sale prices and/or rents rates have not been determined at this time.
<b><i>e) 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</i></b>	<p>A total of 14 local roads are proposed. All roads will feature 20 metre rights-of-way and will be constructed at grade. The roads will be 8.6 metres from curb to curb with 2 lanes of traffic (one in each direction).</p> <p>The proposed roads will connect to the public road network at Killaly Street West to the north, which is a paved regional road maintained year round. A connection is proposed to the east via a future West Side Road extension.</p>
<b><i>f) the dimensions and shapes of the proposed lots</i></b>	Several lot sizes are proposed due to the variety of built forms proposed. A site plan has been prepared in support of the Applications. The site plan together with the Draft Plan of Subdivision demonstrate that the proposed lots and blocks are appropriately sized to accommodate the proposed dwelling types.
<b><i>g) 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</i></b>	<p>One easement exists along the south boundary of the property for a stormwater drainage channel, which will be maintained.</p> <p>One easement exists along the north boundary of the parcel for a gas pipeline. Half of this easement will be within the Region's road widening requirement and half will be maintained on the Subject Lands. The development does not conflict with the easement.</p> <p>One easement exists within the south eastern portion of the parcel for hydro wires. These wires will be decommissioned and replaced as part of the proposed development.</p>



CONSIDERATIONS FOR DRAFT PLAN OF SUBDIVISION	ANALYSIS
<b><i>h) conservation of natural resources and flood control</i></b>	The Subject Lands feature significant woodlands and a Provincially Significant Wetland. The proposed applications seek to designate all environmentally sensitive lands as EPA to ensure their long-term conservation and protection. Please see Section 4.13 of this report for more information.
<b><i>i) the adequacy of utilities and municipal services</i></b>	The Subject Lands will utilize existing municipal services which have sufficient servicing capacity for the proposal. Please see Section 4.2 and 4.3 of this report for more information
<b><i>j) the adequacy of school sites</i></b>	<p>As discussed in Section 2.0, the Subject Lands are in proximity to Oakwood Public School, McKay Public School, St. John Bosco Catholic Elementary School, Port Colborne High School, Steele Street Public School. St. Patrick's Catholic Elementary School is located immediately south of the Subject Lands, on Rosemount Avenue and can be accessible via a future road connection over the rail corridor.</p> <p>It is anticipated these applications will be circulated with between the District School Board of Niagara and the Niagara Catholic District School Board for comments.</p>
<b><i>k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes</i></b>	Several Blocks on the DPS will be dedicated to the City for public purposes. Blocks 36, 37, and 42 will be dedicated for parkland purposes. The EPA block (Block 38) will also be dedicated to the City.
<b><i>l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy</i></b>	The proposed development would connect to available energy supply systems. The Subject Lands are in proximity to active transportation infrastructure along Main Street West. Further, the proposed development is designed to operate as a complete community with convenient access to living, shopping, and recreational land uses. These amenities encourage active

CONSIDERATIONS FOR DRAFT PLAN OF SUBDIVISION	ANALYSIS
	transportation and reduce dependence on forms of transportation reliant on fossil fuels.
<b><i>m) 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</i></b>	The proposed blocks for apartments, mixed use buildings, and stacked townhouses will be subject to future Site Plan Control applications.

## SUMMARY AND CONCLUSION

In summary, the proposed development and implementing applications have regard for matters of public interest and considerations for Plan of Subdivision in the *Planning Act* for the reasons noted above.

Consistency and conformity with Provincial, Regional and City policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Application is considered to comply with the provisions of the *Planning Act*.

### 5.2 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

#### 5.2.1. Managing and Directing Land Use

Section 1.1 of the PPS provides the following with respect to Managing and Directing Land Use. The following applies to the Applications:

## POLICY

- 1.1.1 *Healthy, liveable and safe communities are sustained by:*
- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion...*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) support active transportation;*
- e) are transit-supportive, where transit is planned, exists or may be developed...*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

## **ANALYSIS**

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The Subject Lands are located within a Settlement Area as defined by the PPS, on lands with existing municipal services. The proposed development is consistent with the Settlement Area policies of the PPS by permitting appropriate development standards that facilitate a compact built form through a range and mix of residential and commercial uses, the efficient use of land and resources, and the optimized use of existing municipal infrastructure.

Higher density land uses are proposed adjacent to Killaly Street West. Regional Roads such as Killaly Street West, are locations most likely to accommodate transit in the future. Providing higher densities including a mix of uses along Regional Roads supports existing transit infrastructure and future active transportation infrastructure. Reduced automobile

dependence is also anticipated to reduce impacts to air quality and climate change through reduced greenhouse gas emissions.

### 5.2.2. Land Use Compatibility

Section 1.2.6 of the PPS provides the following related to Land Use Compatibility. The following applied to the Applications:

#### **POLICY**

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- 1.2.6.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*
- 1.2.6.2 *Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*
- a. there is an identified need for the proposed use;*
  - b. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
  - c. adverse effects to the proposed sensitive land use are minimized and mitigated; and*
  - d. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

#### **ANALYSIS**

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The Subject Lands abut a major facility, being a rail corridor, to the south. Impacts primarily associated with the rail corridor have been discussed in the Noise Impact and Vibration Study which has been summarized in Section 4.5 of this report. Ground borne vibration induced by rail traffic movements is not of concern at the proposed development. The Applications are consistent with the above policies of the PPS.

### 5.2.3 Employment

Section 1.3 of the PPS provides the following with respect to Employment. The following applies to the Applications:

#### **POLICY**

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- 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs...*
- d) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4...*

## **ANALYSIS**

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The proposed applications will facilitate a mix of commercial and residential uses, within the same building, for three of the 8 storey buildings along Killaly Street West and one along the West Side Road extension. The commercial uses on the Subject Lands will provide jobs for residents of the City. This compact built-form and mix of uses is consistent with the employment policies of the PPS.

### **5.2.4 Housing**

Section 1.4 of the PPS provides the following policies with respect to housing:

## **POLICY**

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- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
- b. *permitting and facilitating:*
    - 1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
  - c. *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
  - d. *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
  - e. *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
  - f. *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

## **ANALYSIS**

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The proposed applications are consistent with the housing policies of the PPS as they propose to permit and facilitate development standards for compact form and the provision of a range of housing options in the urban area where infrastructure and public

service and transit facilities exists. Of note, according to the 2021 census by Statistics Canada, there are 8,710 private dwellings in the City, with 6,145 being single detached dwellings, representing over 70% of available housing in the City. The mix of apartment units and a range of townhouse-built forms proposed would increase housing choice in a community where single-detached housing types heavily prevail.

### 5.2.5 Public Spaces, Parks, and Open Space

Section 1.5 of the PPS provides the following policies with respect to open and public spaces:

#### **POLICY**

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1.5.1 *Healthy, active communities should be promoted by:*

- a) *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) *planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources*

#### **ANALYSIS**

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The Applications are consistent with open space policies of the PPS as the Draft Plan of Subdivision contains public streets featuring active transportation infrastructure such as sidewalks, catwalks, and landscaping areas supporting walkability within the Subject Lands. The Applications also provide for several open spaces, including a central parkette and natural woodlot for future residents to enjoy. As discussed in Section 3.3, a comprehensive trails network has been proposed, providing residents with a variety of different pathways to access the several natural features (quarry ponds and woodlot) and public spaces (parkette and parklands) on the Subject Lands. Future residents and existing neighbours will be able to access all these spaces through a combination of sidewalks, pedestrian walkways, and uninterrupted environmental space via the woodlot connection to the environmental lands (Blocks 35 and 38).

### 5.2.6 Infrastructure and Public Service Facilities

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

#### **POLICY**

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1.6.3 *Before consideration is given to developing new infrastructure and public service facilities:*

- a) *the use of existing infrastructure and public service facilities should be optimized;*

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

## **ANALYSIS**

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The Applications propose to facilitate greenfield development, optimizing the use of existing municipal services, consistent with the policies of the PPS. Please see the Functional Servicing and Stormwater Management Report prepared by King EPCM, dated February 2024 included with these Applications for more information.

### **5.2.7 Transportation Systems**

Section 1.6.7. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

## **POLICY**

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1.6.7.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

## **ANALYSIS**

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Killaly Street West is a Regional Road as per Schedule J1 of the Niagara Official Plan. The Subject Lands are also located near the Regional Strategic Cycling Network (Main Street West) as identified on Schedule J2 of the NOP. Killaly Street West is also located on a Niagara Region Transit Route. Higher density land uses are proposed adjacent to Killaly Street West. Focusing higher density developments in proximity to bicycle routes provides the necessary demand for such public and active transportation infrastructure to ensure its long-term viability.

### **5.2.8 Long-Term Economic Prosperity**

Section 1.7 of the PPS provides direction regarding long-term economic prosperity within the province. The following policies apply to the proposal:

## **POLICY**

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1.7.1 *Long-term economic prosperity should be supported by:*

- f) promoting the redevelopment of brownfield sites;*
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*

## **ANALYSIS**

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The Applications propose to facilitate the redevelopment of a former brownfield site for a mix of commercial and residential uses. The Applications propose higher density uses along a Regional Road, a road intended for high traffic volumes and supporting existing public transit infrastructure.

### 5.2.9 Natural Heritage

Section 2.1 of the PPS establishes policies regarding natural heritage features. The following policies apply to the proposal:

## **POLICY**

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- 2.1.1 *Natural heritage features and areas shall be protected for the long term.*
- 2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- 2.1.4 *Development and site alteration shall not be permitted in:*
- a) *significant wetlands in Ecoregions 5E, 6E and 7E1; and*
- 2.1.5 *Development and site alteration shall not be permitted in:*
- b) *significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>; unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*
- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*

## **ANALYSIS**

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Per Section 6.3 of the EIS, it has been determined that the proposed development plan addresses the relevant natural heritage policies of the PPS for the following reasons:

- no Significant Valleylands, Significant Areas of Natural or Scientific Interest, or Fish Habitat are present within the Study Area.



- no negative impacts to the Significant Woodlands or Significant Wildlife Habitat are anticipated given implementation of the proposed development plan provided that the recommended mitigation measures from the EIS, and summarized in Section 4.12 of this report, are implemented in full.
- Endangered and Threatened species habitat will be protected in accordance with provincial and federal requirements.

Blocks 35 and 38 will be designated and zoned EPA to ensure protection in accordance with the EIS.

#### 5.2.10 Cultural Heritage and Archaeology

Section 2.6 of the PPS provides direction regarding cultural heritage and archaeology. The following applies to the proposal:

#### **POLICY**

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2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

#### **ANALYSIS**

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An Archaeological Assessment was completed by AMICK Archaeological Consulting to evaluate the archaeological potential on the Subject Lands. A total of 14 isolated findspots resulted in 15 lithic artifacts documents and one scatter of lithic artifacts identified. Based on the findings, AMICK determined that no further archaeological assessment on the Subject Lands was warranted.

Further details on conclusions and recommendations can be found in the Stage 1-2 Archaeological Assessment enclosed with this submission.

#### 5.2.11 Human-Made Hazards

Section 3.2 of the PPS provides direction regarding human-made hazards. The following policies apply to the proposal:

#### **POLICY**

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3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

#### **ANALYSIS**

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The Phase One and Phase Two Environmental Site Assessments completed by King EPCM confirmed that site remediation near the previous concrete factory is necessary based on the historic uses of the Subject Lands. Remediation will be required prior to development and a future Record of Site Condition is required to be submitted to the Ministry of the Environment, Conservation and Parks to support the proposed change in land use.

## SUMMARY

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Based on the foregoing, the proposed applications are consistent with the policies of the PPS.

### 5.3 Growth Plan for Greater the Golden Horseshoe (Office Consolidation 2020)

A Place to Grow: Growth Plan for the Greater Horseshoe (Growth Plan) supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

#### 5.3.1 Growth Management

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

## POLICY

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2.2.1(2) a) *the vast majority of growth will be directed to settlement areas that:*

- i. have a delineated built boundary;*
  - ii. have existing or planned municipal water and wastewater systems; and*
  - iii. can support the achievement of complete communities;*
- c) *within settlement areas, growth will be focused in:*
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned;*

2.2.1(4) *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

*Compact Built Form is defined as follows:*

*A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semidetached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.*

Complete Communities is defined as follows:

*Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.*

## **ANALYSIS**

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The proposed applications will support the creation of complete communities by facilitating mix of land uses including commercial uses and a mix of housing options within the built-up area, where single-detached dwellings dominate. The Subject Lands are also in proximity to a range of commercial uses, with further commercial and recreational uses proposed. This location makes the Subject Lands well situated to provide for a higher density with a mix of land uses that would provide occupants of the dwelling units with convenient access to a range of necessities for daily living, including an appropriate mix of jobs, local stores, services, parks, and open spaces.

### **5.3.2 Employment**

Section 2.2.5 of the Growth Plan provides policy direction towards employment uses. The following policies apply:

## **POLICY**

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- 2.2.5(3) Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*
- 2.2.5(4) In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

## **ANALYSIS**

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The proposed applications includes areas for commercial uses within four mixed-use structures supporting active and public transportation networks along Killaly Street West.

It is anticipated a public sidewalk will be constructed along the Killaly Street West frontage. Parking is provided through a mix of surface spaces and a two (2) level parking structure. All parking is proposed to be located behind the mid-rise buildings, ensuring that parking is screened from the frontage and meeting the intent of the Growth Plan of ensuring that lands are being used efficiently, and creating a pedestrian, non-automobile dominated built-form. The Subject Lands are located on a public transit route providing residents with a transit connectivity to the Port Colborne Core and beyond.

### 5.3.3 Housing

Section 2.2.6 of the Growth Plan provides policies with respect to housing. The following policies apply:

#### **POLICY**

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5.3.3.1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

*a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*

*i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents...*

5.3.3.2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

*a) planning to accommodate forecasted growth to the horizon of this Plan;*

*b) planning to achieve the minimum intensification and density targets in this Plan;*

*c) considering the range and mix of housing options and densities of the existing housing stock; and*

*d) planning to diversify their overall housing stock across the municipality.*

#### **ANALYSIS**

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The proposed applications conform with the Housing policies of the Growth Plan by facilitating the provision of a full range of housing options and a mix of residential densities supporting the achievement of complete communities. Approval of the Applications will support the diversification of the housing stock in Port Colborne.

### 5.3.4 Greenfield Area

The Subject Lands are within a designated Greenfield Area. Section 2.2.7 of the Growth Plan provides the following policies regarding Greenfield Areas:

#### **POLICY**

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1. *New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:*
  - a) *supports the achievement of complete communities;*
  - b) *supports active transportation; and*
  - c) *encourages the integration and sustained viability of transit services.*
2. *The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:*
  - a. *The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare;*

## **ANALYSIS**

The proposed applications will contribute to the achievement of complete communities within the Greenfield Area through the provision of a full range of housing options in an area supported by convenient access to local stores, and services and a range of transportation options. The Applications will help achieve the minimum density targets for Greenfield Areas. The following table has been provided by the Niagara Region to calculate person per unit rates for unit types:

**Table 6. Person Per Unit Ratio - Port Colborne**

<b>Persons Per Unit Port Colborne</b>			
<b>Single Detached Units</b>	<b>Semi Detached Units</b>	<b>Row Units</b>	<b>Apartment Units</b>
2.4	2.2	2.2	1.6

A total of 1,231 apartment dwelling units, 783 townhouses, and 96 single detached dwellings would be facilitated by the proposed application. Therefore, the proposed applications will provide 130.66 residents per hectare over the developable area (entire parcel except for Blocks 35, 38, and 43). Jobs will also be created through the proposed commercial uses on site, further raising the total of residents and jobs per hectare for the proposed development beyond the minimum targets established.

### **5.3.5 Stormwater Management**

Section 3.2.7 of the Growth Plan provides policies regarding stormwater management facilities. The following policies apply to the proposal:

## **POLICY**

- 3.2.7(2). *Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:*
  - a) *is informed by a subwatershed plan or equivalent;*

- b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;*
- c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and*
- d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.*

## **ANALYSIS**

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A Stormwater Management Report and Plan has been prepared by King EPCM to evaluate the stormwater capabilities of the proposed development. Please see Section 4.3 of this report for more information.

### **5.3.6 Natural Heritage System**

Section 4.2.2 to 4.2.4 of the Growth Plan provides policies regarding natural heritage systems. The following policies apply to the proposal:

## **POLICY**

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*4.2.2(6) Beyond the Natural Heritage System for the Growth Plan, including within settlement areas, the municipality:*

- a) will continue to protect any other natural heritage features and areas in a manner that is consistent with the PPS; and*
- b) may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.*

## **ANALYSIS**

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Per Section 6.4 of the EIS, it has been determined that the proposed development plan addresses the relevant natural heritage policies of the Growth Plan for the following reasons as Growth Plan NHS policies apply outside settlement areas to the natural heritage systems identified in Official Plans that were approved and in effect as of 1 July 2017. As the portion of the Subject Property proposed for development is contained within a designated Settlement Area, Growth Plan NHS policies outlined sections 4.2.2 to 4.2.4 do not apply.

### **5.3.7 Public Open Space**

Section 4.2.5 of the Growth Plan provides policies regarding public open space. The following policies apply to the proposal:

## **POLICY**

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*4.2.5(1) Municipalities, conservation authorities, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly-accessible parkland, open space, and trails, including in shoreline areas, within the GGH that:*

*c) is based on good land stewardship practices for public and private lands.*

4.2.5(2) *Municipalities are encouraged to establish an open space system within settlement areas, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards, and public parks.*

## **ANALYSIS**

The proposed applications facilitate the development of a 0.33 hectare parkette, a 1.56 hectare park, and a 3.21 hectare park for public recreational use. Overall, the applications dedicate over 29 hectares of land for open space use, including walkways, parks, the quarry ponds, and a woodlot.

## **SUMMARY**

Based on the foregoing, the proposed applications conform with and do not conflict with the Growth Plan.

### **5.4 Niagara Official Plan (2022)**

The Niagara Official Plan (NOP) is Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The following table identifies the Regional Schedules pertaining to the Subject Lands:

*Table 7 – NOP Schedules and Designations of Subject Lands*

<b>SCHEDULE</b>	<b>SUBJECT LAND DESIGNATION</b>
<b>B – Regional Structure</b>	Designated Greenfield Area, Urban Area, Western Portion of Subject Lands are located outside the Urban Area Boundary
<b>C1 – Natural Environment System Overlay and Provincial Natural Heritage Systems</b>	Urban Area/Natural Environment System Overlay
<b>J1 – Transportation Infrastructure</b>	Killaly Street is a Regional Road
<b>J2 – Strategic Cycling Network</b>	This portion of Killaly Street is not part of the Strategic Cycling Network. Main Street West to the north and Killaly Street to the east of the Subject Lands is part of the Strategic Cycling Network
<b>K – Areas of Archaeological Potential</b>	Area of Archaeological Potential

### 5.4.1 Regional Growth Forecasts

Section 2.1.1 of the NOP provides policies related to Regional Growth Forecasts. The following apply:

#### POLICY

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2.1.1.1 *Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.*

2.1.1.2 *Forecasts in Table 2-1 are a minimum.*

**Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality**

Municipality	Population	Employment
Port Colborne	23,230	7,550

2.1.1.4 *Local Area Municipalities shall plan to accommodate the population and employment allocations in Table 2-1 in Local official plans and use the allocations to determine the location and capacity of Local infrastructure, public service facilities, and related programs and services to 2051.*

#### ANALYSIS

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The Niagara Official Plan has forecasted a population of 23,230 in 2051 for the City of Port Colborne. It is noted that this population forecasts are a minimum provided for municipalities to accommodate infrastructure related to growth. In 2021, the Statistics Canada Census determined the population of Port Colborne was 20,033, a nearly 2,000 resident increase from the 2016 population of 18,306. The City appears to be positioned to exceed the Region's population forecast sooner than 2051. A total of 2,110 units are included within the proposed development. It is anticipated the proposed development will be phased and built out over several decades helping facilitate the anticipated growth of Port Colborne until 2051 and beyond. Overall, the Applications serve to help achieve the Region's growth forecasts by providing for efficient development within the Greenfield Area.

### 5.4.2 Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

#### POLICY

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2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

*b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*

*c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*



*d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*

*i. a range of transportation options, including public and active transportation...*

*e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*

*f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...*

*g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*

*i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas...*

*k) orderly development in accordance with the availability and provision of infrastructure and public service facilities;*

*l) mitigation and adaptation to the impacts of climate change by:...*

*iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

*2.2.2.23 Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region.*

*2.2.2.25 Designated greenfield areas will be planned as complete communities by:*

- a. Ensuring that development is sequential, orderly and contiguous with built-up areas;*
- c. Ensuring infrastructure capacity is available; and*
- d. Supporting active transportation and encouraging the integration and sustained viability of public transit services.*

## **ANALYSIS**

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The proposed development meets all the above objectives of the NOP. In particular, the Subject Lands are greenfield lands in an ideal location to provide for mixed-use and residential development contributing to the range of housing types and achieving the minimum density target by providing 130.66 residents per hectare calculated using the Port Colborne person per unit rates of provided in Table 6 of this report. Despite the Subject Lands being designated as greenfield, the former industrial use of the site results

in the property also being a brownfield site. The proposed applications would facilitate the redevelopment of a brownfield site for residential use.

Increasing housing supply through compact built form contributes to reduced automotive dependence, and consequently, greenhouse gas emissions. Locating higher density development along Regional Roads contributes to the establishment of appropriate capacities to support existing transit services. This increase in density in conjunction with the mixed-use and range of residential unit types included within the proposal achieves the goals of complete communities. Lastly, the proposed development would utilize and optimize the use of existing municipal sanitary and water services.

### 5.4.3 Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the Region. The following policies apply:

#### **POLICY**

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*2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

*2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

*a) facilitating compact built form...*

#### **ANALYSIS**

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The proposed applications would facilitate the development of a variety of residential dwelling types with several unit sizes, in an area where single-detached dwellings are the predominant housing form, contributing to the range and mix of housing densities and type. Of the 2,110 dwelling units proposed, 1,014 will be apartment dwelling units or townhouse units. These forms of residential development conform with policies encouraging compact built form.

### 5.4.4 Natural Environment System

#### 5.4.4.1 Niagara Official Plan (2022)

Section 3.1 of the NOP provides policy direction regarding the Natural Environment System. The following apply to the proposal:

#### **POLICY**

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*3.1.30.3.1 Where a formal pre-consultation meeting has been completed within one year prior to the approval of this Plan, and where the requirements for an environmental impact study or similar study has been established through a signed pre-consultation agreement that has not expired, the environmental impact study may be completed and evaluated in accordance with the Local, Regional, and Provincial policies that existed at the time pre-consultation*

*meeting was completed, provided a complete application is submitted within 2 years of the approval of this plan.*

## **ANALYSIS**

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Policy 3.1.30.3.1 of the current Niagara Official Plan establishes that the operative natural heritage policy framework for applications which proceeded through pre-consultation one-year prior to the OP approval (no earlier than 4 November 2021) is the 2014 Niagara Region Official Plan (NROP) (provided that a complete application is submitted by 4 November 2024). As such, the natural heritage policy framework contained within the 2014 ROP (rather than the 2022 ROP) is assessed for conformity herein.

### *5.4.4.2 Niagara Region Official Plan (2014)*

Section 7 of the 2014 NROP provides policies related to the Natural Environment System. The following apply to the proposal:

## **POLICY**

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*7.A.2.1 Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on:*

- a) The quantity and quality of surface and ground water;*
- b) The functions of ground water recharge and discharge areas, aquifers and headwaters;*
- c) The natural hydrologic characteristics of watercourses such as base flow;*
- d) Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural Heritage System or its components;*
- e) Natural drainage systems, stream forms and shorelines; and*
- f) Flooding or erosion*

*7.B.1.1 The Core Natural Heritage System consists of:*

- a) Core Natural Areas, classified as either Environmental Protection Areas or Environmental Conservation Areas;*
- b) Potential Natural Heritage Corridors connecting the Core Natural Areas;*
- c) the Greenbelt Natural Heritage and Water Resources Systems; and*
- d) Fish Habitat.*

*The System generally is shown on Schedule C, which provides an overall indication of provincially and regionally significant natural features and provides the framework for natural heritage planning and development review in Niagara. The Niagara Region Planning and Development Services Department should be contacted for more detailed information. Natural heritage features may be further defined through future studies. Additional Natural Heritage features of local significance may be identified by local municipalities in their planning documents.*

*7.B.1.2 Development and site alteration within the Core Natural Heritage System, where potentially permitted by policies elsewhere in this Plan, shall be subject to the Healthy Landscape Policies in Chapter 7.A as well as the Core Natural Heritage System Policies.*

*7.B.1.3 Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of endangered and threatened species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.*

*Mapping of the significant habitat of endangered and threatened species is not included in the Core Natural Heritage Map although much of this habitat may be found within the Environmental Protection and Environmental Conservation areas shown on the Map. Significant habitat of endangered and threatened species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies for Environmental Protection Areas.*

*7.B.1.4 Environmental Conservation Areas include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.*

*7.B.1.11 Development and site alteration may be permitted without an amendment to this Plan:*

- a) In Environmental Conservation Areas; and*
- b) On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.*

*If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.*

*Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or adjacent land then the*

*restrictions on development and site alteration set out in this Policy do not apply.*

- 7.B.1.13 Where development or site alteration is proposed in or near a Potential Natural Heritage Corridor the Corridor shall be considered in the development review process. Development should be located, designed and constructed to maintain and, where possible, enhance the ecological functions of the Corridor in linking Core Natural Areas or an alternative corridor should be developed. The Potential Natural Heritage Corridors are illustrated conceptually on Schedule C. The Region shall undertake a study to further define Corridors within the Core Natural Heritage System.*
- 7.B.1.18 Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The Region shall encourage the local municipalities, the Conservation Authority and other appropriate public and private conservation organizations to assume ownership of these lands.*
- 7.B.1.19 Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 7-1 the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the Regional Forest Conservation By-law and the local tree conservation by-law as appropriate and its implementation monitored by a member of the Ontario Professional Forestry Association.*

## **ANALYSIS**

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Per Section 6.2 of the EIS, it has been determined that the proposed development plan addresses the relevant natural heritage policies of the 2014 NROP for the following reasons:

- No negative impacts are anticipated to any Environmental Protection Area or Environmental Conservation Area;
- Ecologically and policy appropriate setbacks have been incorporated into the project design, including 30 metre setbacks from wetlands and 10 metre setbacks from the Significant Woodlands.
- Development within or adjacent to natural features comprising the Environmental Conservation Area designation are only permitted where it has been demonstrated that there will be no negative impacts on the feature or its ecological functions.
- No lots are proposed within the natural heritage system and all buffers will be maintained;

- Recommendations have been included within the EIS to ensure protection of the EPA;
- A Tree Saving Plan will be required as a condition of approval.

#### 5.4.5 Multimodal Transportation System

Section 5.1 of the NOP identifies policies regarding the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

##### **POLICY**

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*5.1.1.4 Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.*

*5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.*

##### **ANALYSIS**

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Due to the Subject Lands fronting on a Regional Road, a Noise Study was required to investigate the impacts of the proposed development in relation to itself and Killaly Street. A Noise and Vibration Study was conducted by SLR Consulting and has been included with this submission which determined the proposed development will meet required criteria with relevant noise mitigation measures implemented at a later stage. Please see Section 4.5 of this report or a summary of the study.

A Noise Study has been included with this submission which assesses the noise impacts of the proposed development and Killaly Street West. The Noise Study determined that sound levels due to road noise were predicted to exceed 65 dBA during daytime and 60 dBA during the nighttime for the 8 storey buildings and an assessment of building components for the mid-rise buildings will be required during a detailed development stage. Glazing will also be required for all corner bedroom units. Please see the Environmental Noise and Vibration Assessment was conducted by SLR Consulting for more information.

#### 5.4.6 Municipal Water and Wastewater Servicing within Urban Areas

Section 5.2 of the Niagara OP provides policies regarding municipal water and wastewater servicing within urban areas. The following apply:

##### **POLICY**

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*5.2.2.2 Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

5.2.5.1 *All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

## **ANALYSIS**

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The proposed applications will utilize the current municipal infrastructure along Killaly Street West. A Functional Servicing Report has been included as part of this submission which determined that there adequate servicing capacity for the proposed development. A Stormwater Management Report has also been prepared which provides a detailed analysis of storm drainage connections. Please see Section 4.2 and 4.3 of this report for more information.

### **5.4.7 Urban Design**

Section 6.2 of the Niagara OP provides policies regarding the guidance for development from an urban design perspective. The contents of this section are analyzed within Section 6.0 of this report.

### **5.4.8 Healthy Communities**

Section 6.3 of the Niagara OP provides policies regarding the guidance for the development of healthy communities.

## **POLICY**

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6.3.1.4 *Development on, abutting or adjacent to lands affected by mine hazards; oil, gas, and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.*

6.3.1.5 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

## **ANALYSIS**

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As described in the Phase Two ESA prepared by King EPCM, contaminants were discovered in the former concrete factory lands. Removal of soil and remediation is required prior to development to ensure there will be no adverse effects for the proposed land uses.

## **SUMMARY**

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Based on the foregoing, the Applications conform with and do not conflict with the NOP.

## 5.5 City of Port Colborne Official Plan (Updated: January 27, 2020)

The City of Port Colborne Official Plan provides a comprehensive 20-year vision for the future of the municipality. The Plan identifies and addresses matters that influence the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing.

**Table 8. Subject Land Designation on City Schedules**

<b>SCHEDULE</b>	<b>SUBJECT LAND DESIGNATION</b>
<b>Schedule A: City-Wide Land Use</b>	Residential, EPA, Rural
<b>Schedule A1: Greenfields</b>	Greenfield (Developable Area)
<b>Schedule B: Natural Heritage</b>	EPA, ECA, Fish Habitat
<b>Schedule B1: Environmental Protection Area</b>	Provincially Significant Wetland
<b>Schedule B2: Environmental Conservation Area</b>	Fish Habitat and Environmental Corridor
<b>Schedule C: Mineral Aggregate and Petroleum Resources</b>	Petroleum Resource Areas
<b>Schedule D: Transportation</b>	Killaly Street West is a Regional Road Future Highway 3 designation over the Subject Lands

### 5.5.1 Purpose of the Plan

Section 1.2 of the Port Colborne Official Plan outlines the Official Plan's purpose. The following is relevant to the Applications:

#### **POLICY**

*a) The general purpose of this Plan is to provide the City of Port Colborne with policies designed to secure the health, safety, convenience and welfare of the present and future inhabitants of the Planning Area. The Plan has been developed in consideration of the following planning principals:*

- i) Providing for a mix of land uses;*
- ii) Taking advantage of compact building design, where appropriate;*
- iv) Creating a range of housing opportunities and choices;*
- v) Creating walkable neighbourhoods;*
- vi) Fostering distinctive, attractive communities with a strong sense of place;*



- vii) Identifying and preserving open space, farmland, natural beauty and critical environmental areas;*

## **ANALYSIS**

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The Applications would implement the purpose of the Port Colborne Official Plan by facilitating the development of mixed-use buildings, apartment buildings, townhouse forms and single detached dwellings providing a range of housing types within the City, supporting the steady growth of complete communities. The proposed density and mix of housing forms support the creation of walkable neighbourhoods, with open space provided throughout.

### **5.5.2 Vision of Port Colborne**

Section 2.1 of the Port Colborne Official Plan provides a vision statement for the city. The vision of the city is as follows:

## **POLICY**

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*The Vision for the City of Port Colborne, which will be implemented through the Official Plan, shall:*

- b) Provide the opportunity for a mix of residential accommodations in Port Colborne which can accommodate households with diverse social and economic characteristics, needs and desires;*
- f) Preserve, promote and foster awareness of the diverse cultural and natural heritage features within the City;*
- l) Ensure new development is accessible by all members of the community;*

## **ANALYSIS**

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The proposed applications support the vision of the City by facilitating a mix of a variety of residential dwelling types while preserving all natural heritage features on the site and providing public access to the Quarry Ponds, open space and new parkland.

### **5.5.3 Growth Management Strategy**

Section 2.2 of the Port Colborne Official Plan outlines the City's Growth Management Strategy. The following are relevant to the proposal:

## **POLICY**

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*The City of Port Colborne's Growth Management Strategy shall:*

- a) Prevent development in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources.*
- b) Direct growth in a strategic manner.*
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services*
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands.*

## ANALYSIS

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The proposed applications support Port Colborne's Growth Management Strategy as they facilitate compact transit supportive development with a mix of land uses and residential unit types on designated Greenfield Lands located within the Urban Area. The development proposes conservation of environmental resources.

### 5.5.4 Strategic Directions – Enhancing Quality of Life

Section 2.3 of the Port Colborne Official Plan outlines the City's strategic directions. Section 2.3.1 Enhancing Quality of Life is relevant in regard to the Applications, as follows:

## POLICY

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*The City will promote a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by: ...*

- a) *Directing growth within the Urban Area Boundary to the north and west in the short term (first 10-15 years) and to the east in the long term (15+ years);*
- d) *Directing the creation of new multiple lots and units to settlement areas;*
- e) *Incorporating active living considerations for both recreation and utilitarian purposes through support for such items as cycling and walking facilities and other means that promote healthy, active lifestyles.*

## ANALYSIS

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The proposed applications meet the above objective by facilitating residential development by contributing to the provision of a mix of housing types by appropriately locating high density residential development. The proposed applications incorporate active living consideration by providing for a variety of active transportation facilities including pedestrian pathways to and from the quarry pond and access to the woodlot.

### 5.5.5 Strategic Directions – Strengthening and Integrating Natural, Cultural, and Heritage Resources

Section 2.3.3 of the Port Colborne Official Plan provides strategic directions related to the protection of natural, cultural, and heritage resources.

## POLICY

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*Port Colborne's natural, historical and cultural setting is an important asset, enhancing the quality of community life and supporting tourism development. The City will take an aggressive approach to the preservation of these assets by:*

- b) *Supporting the long term protection of natural features which includes protection of woodlots, Provincially Significant Wetlands (PSW's) and significant habitat of endangered and/or threatened species with protection extended to other sensitive areas, significant valleylands and regionally significant features.*

- c) *Providing for long-term protection of cultural and heritage features and the protection of natural features which includes significant woodlands, PSW's, habitat of endangered and/or threatened species, valleylands, wildlife and fish habitat and other locally and regionally significant features. The health and diversity of the City's natural heritage should be maintained, restored or, where possible, improved, recognizing linkages between and among Natural heritage features and areas and surface and ground water features.*

## ANALYSIS

The proposed applications meet the above objective by designating environmentally sensitive lands as EPA, restricting any development and ensuring their long term protection. An EIS which provides recommendations regarding mitigation measures has been included as part of the submission package. The recommendations contained within will be satisfied through a future conditions of approval.

### 5.5.6 Strategic Planning Policies

Section 2.4 of the Port Colborne Official Plan outlines the City's strategic planning policies. The following are relevant to the proposed development:

#### 5.5.6.1 Housing

Section 2.4.2.1(a) of the Port Colborne Official Plan provides policies related to housing, as analyzed in the following Table:

## POLICY & ANALYSIS

*The City will promote the development of an appropriate mix of housing types, densities and tenures to meet the diverse needs in Port Colborne, taking into account current and future demographic characteristics, income levels, special needs and lifestyle considerations.*

Table 9. Analysis of Section 2.4.2.1(a) of Port Colborne Official Plan

Policy	Analysis
<b><i>New housing development should:</i></b>	
<b><i>i) Be located in the urban area to make use of existing infrastructure and facilities;</i></b>	The Subject Lands are located within the urban area and will make use of existing infrastructure.
<b><i>ii) Be accessible to medical facilities, shopping and any future public transportation system;</i></b>	Featuring a mix of commercial and residential uses and being in proximity to Highway Commercial lands, the proposed development will be in proximity to a range of commercial uses.  A public road network is proposed, providing connections to shopping and medical facilities in the City. The Subject Lands are also located along a Regional

	<p>Transit route providing access to the City core and other municipalities in Niagara.</p>
<p><b><i>iii) Be close to or be developed with on-site parks and open space;</i></b></p>	<p>Maple Park and Rose Shymansky Memorial Park are located within 500 metres of the Subject Lands. Harry Dayboll Park, Westdale Park and Maple Park are within the 1-kilometre radius of the Subject Lands.</p> <p>A public parkette, parklands and natural woodlot are included with the proposed applications, providing accessible open space to future residents.</p>
<p><b><i>iv) Incorporate design features for an aging population;</i></b></p>	<p>The proposed development will include accessibility features (barrier free units in apartment buildings, elevator and accessible parking) to assist an aging population.</p> <p>Furthermore, the provision of a mix of uses will ensure that future residents will not be required to travel long distances for certain necessities.</p>
<p><b><i>v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;</i></b></p>	<p>The proposed development will feature a variety of housing forms including apartment dwelling units, townhouses and single detached dwellings. The variety of housing forms provide options suitable for an aging population.</p>
<p><b><i>vi) Provide for a range of smaller lots and homes suitable to smaller households; and</i></b></p>	<p>The proposed development features a range of unit and lot sizes, including smaller lots for alternative building forms such as back-to-back townhouses.</p>
<p><b><i>vii) Be close to or be developed with social and recreational facilities.</i></b></p>	<p>The Subject Lands are located within one kilometre of the Port Colborne Baseball Rotary Complex and the Port Colborne Tennis Club. Private amenity space will be provided for all apartment dwelling units, single detached lots, and regular townhouse units. A public parkette and woodlot are proposed. Portal Village Bible Chapel is also located within 200 metres of the Subject Lands on Elgin Street West.</p>

### 5.5.6.2 Greenfield Lands

Section 2.4.4 of the Port Colborne Official Plan provides strategic planning policies related to Greenfield Lands. The following policies apply:

#### **POLICY**

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*The City will maintain an adequate supply of greenfield lands to accommodate planned future growth and encourage development in Greenfield Areas by:*

- a) Promoting compact, mixed use and transit supportive development on greenfield lands;*
- b) Promoting higher densities and a greater mix of housing types on greenfield lands;*
- c) Improving connections between greenfield areas and the built up area;*
- d) Enhancing the physical design of new neighbourhoods in greenfield areas;*
- e) Supporting the Regional greenfield density target of 50 people and jobs per gross hectare;*

#### **ANALYSIS**

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The Applications achieve the Greenfield Lands policies as they facilitate a mix of uses, housing types, and density which are transit supportive. The Subject Lands are located on the periphery of the Built-up Area, providing for improved connections including the extension of West Side Road to Elgin Street West. Further, the proposal provides a residential density of 130.66 persons per hectare, achieving the Regional Greenfield density target.

### 5.5.6.3 Potentially Contaminated Properties

Section 2.4.7 of the Port Colborne Official Plan provides policies related to potentially contaminated properties within the City. The following are related to the proposed development:

#### **POLICY**

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- a) The city will utilize available information in the planning application review process to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site.*
- d) Where a proposed change in use to a more sensitive use has been identified through the City's planning application circulation and review process as "potentially contaminated", the City and/or the Region shall:*
  - i) Require the filing of a Record of Site Condition (RSC), signed by a Qualified Person, with the Environmental Site Registry and submission to the City and Region of proof that the Ministry of the Environment has acknowledged the receipt of the RSC.*

#### **ANALYSIS**

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Due to the former concrete factory uses on the Subject Lands the lands can be characterized as a Brownfield. The Phase One and Phase Two Environmental Site Assessments (ESA) prepared by King EPCM (summarized in Section 4 of this report), concluded that soil remediation is required on the former concrete factory lands. Remediation work will be required as a condition of approval. Approval of the proposed applications will result in the improvement of conditions on the Subject Lands. Submission of a Record of Site Condition to the Ministry of the Environment, Conservation, and Parks will be required.

#### **5.5.6.4 Energy Conservation and Climate Change**

Section 2.4.9 of the Port Colborne Official Plan provides policies related to energy conservation and climate change within the City. The following are related to the proposed development:

#### **POLICY**

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- a) *In order to reduce energy consumption, reasonably compact forms of development shall be maintained in conjunction with efficient pedestrian, bicycle and vehicular transportation networks.*
- c) *When considering building forms, development which results in extensive loss of sunlight to adjacent land uses shall be discouraged.*

#### **ANALYSIS**

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The proposed development features a compact form, including appropriate densities and a mix of uses, facilitating a complete community which is supportive of active transportation and planned active transportation networks. This form of development is anticipated to reduce automobile dependence. Additionally, significant setbacks are proposed from the northern residential uses to mitigate impacts regarding loss of light from the proposed 8-storey buildings, as confirmed by the supporting shadow study.

#### **5.5.7 Greenfield Area**

Section 3.1.1.2 of the Port Colborne Official Plan provides policies related to Greenfield Areas. The following apply:

#### **POLICY**

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*The area identified on Schedule A1 as Greenfield is land that is located within the Urban Area Boundary but is not built up. On lands designated as Greenfield the City shall:*

- 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.*
- 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;*

## **ANALYSIS**

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The Subject Lands are designated as Greenfield Area in Schedule A1 of the City OP. The proposed applications achieve the Greenfield Area policies by facilitating a mixed-use development with frontage on an arterial road while exceeding Regional density targets which support active and public transportation networks. Further the proposed applications will feature a range of housing options at various densities (single detached, a range of townhouse forms, apartment dwelling units).

### **5.5.8 Urban Residential**

Section 3.2 of the Port Colborne Official Plan provides policies related to the Urban Residential designation within the City.

#### **5.5.8.1 General Policies Urban Residential**

Section 3.2.1 of the Port Colborne Official Plan provides policies related to Urban Residential Land Uses. The following apply to the proposal:

## **POLICY**

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a) *Low Density Residential will:*

- i) *Be developed as single-detached or semi-detached dwellings ranging from 12 to 20 units per net hectare;*
- ii) *Be encouraged to be developed in an orderly manner through Plan of Subdivision; and*
- iii) *May be subject to Site Plan Control.*

b) *Medium Density Residential will:*

- i) *Be developed at a density ranging from 35 to 70 units per hectare as: Townhouses; Stacked townhouses; triplexes; and/or fourplexes.*
- ii) *Be encouraged adjacent to arterial or collector roads; and*
- iii) *Be subject to Site Plan Control.*

c) *High Density Residential will:*

- i) *Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*
- ii) *Have frontage on an arterial or collector road;*
- iii) *Have commercial or ground-oriented residential uses on the main floor;*
- iv) *Be oriented on the site to minimize shadows on adjacent low and medium density residential development;*

- v) Be encouraged to be developed in proximity to public transit and active transportation routes; and*
- vi) Be subject to Site Plan Control; and*
- e) Prior to the development or redevelopment of any large vacant area within the Urban Residential designation, a Secondary Plan shall be prepared, with appropriate background reports that will:
  - i) Address the protection and enhancement of the natural environment, through the preparation of an Environmental Planning Study;*
  - ii) Identify the market demand for residential and non-residential development which can be served by the study area lands;*
  - iii) Identify the appropriate land uses in keeping with the Vision and Strategic Directions of the Official Plan;*
  - iv) Allocate the appropriate land uses within the study area boundary;*
  - v) Establish urban design guidelines, if appropriate, for each type of land use;*
  - vi) Establish requirements for water and wastewater servicing and stormwater management;*
  - vii) Address transportation issues such as traffic mitigation, road upgrades, off-road trail and bicycle route implications including connectivity and safety, signalization and transit planning;*
  - viii) Address a phasing scheme, if appropriate; and*
  - ix) Include open and transparent stakeholder consultation.**

## **ANALYSIS**

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The proposed applications propose a variety of built forms and densities.

Regarding Low Density Residential uses, 96 single-detached residential lots are proposed, comprising a total area of 3.35 hectares, or a net residential density of 28.7 units per hectare. Although the proposed density exceeds the range provided, it is lower than the minimum 35 units per hectare required for the medium density residential and is therefore suitable. The single detached lots generally provide 12 metres of frontage and 25 metres of depth, for a total area of 300 square metres. Corner lots are larger due to the larger frontage, but retain the 25 metre depth.

Medium density uses will be provided throughout the development via a combination of 383 regular townhouses, 228 stacked townhouses, 42 rear lane townhouses, and 130 back-to-back townhouses. The townhouse blocks combine for a total of 783 units over a combined area 8.57 hectares for a net residential density of 91.4 units per hectare. The proposed density exceeds the maximum of 70 units per hectare as established within the Official Plan as the proposed townhouses feature more dense forms which weren't



explicitly contemplated in the Official Plan or Zoning By-law (i.e., back-to-back townhouses and stacked townhouses). This density can be supported as the increase density supports the creation of a range of housing units and types. As most townhouse units are proposed within the interior of the development, the increased density will not result in land use compatibility issues with the surrounding low-density residential lands. Further, higher density land use reduces vehicle dependence and supports existing and future transportation networks.

High density uses are proposed along the frontage of Killaly Street, a regional road, via eight mid-rise buildings along the northern property, parallel to Killaly Street West, and at the intersection of Killaly Street West and West Side Road. A total of 1,231 apartment dwelling units are proposed across the eight buildings, over a combined area of 8.22 hectares. This results in a net residential density of 149.8 units per hectare. The increase in density can be supported due to the properties having frontage on arterial roads, supporting the provision of complete communities and range of housing options with access to transit routes. The proposed buildings have been situated close to the frontage of Killaly Street West with consideration given to avoid shadowing to the surrounding residential lands. Parking for the apartment buildings will be provided on-site, via a combination of surface parking and a parking structure, ensuring no spillover into the adjacent neighbourhoods. Further, a total of 3,196 square meters of ground floor commercial areas are provided across the buildings, satisfying the neighbourhood commercial policies while providing jobs for future residents and reducing automobile dependence for the development.

As discussed in Section 4.2 of this report, there is sufficient servicing capacity for the proposed development at the densities proposed. The total water demand for the proposed development will have a peak hour demand would require 3.3% of the plant capacity for the City of Port Colborne Water Treatment Plant which is considered as sufficient. The Seaway Wastewater Treatment Plant currently operates at 61% utilization. Following full build out the proposed development will contribute 6.1% of total plant capacity, or 67% plant utilization. A traffic analysis was also conducted which determined that signalization of the intersection of Killaly Street West and West Side Road is warranted due to the proposed development.

Subsection e) requires a Secondary Plan to be prepared for the redevelopment of any large vacant area. A Secondary Plan requirement was not identified by the City through the pre-consultation process and is not required as part of this application. Regardless, the Subject Lands are under one ownership and the proposed Applications provide comprehensive plans for the entire vacant area covering all requirements from the subject policy. Further, the Subject Lands received previous site-specific approvals and draft subdivision approval in 2013. The proposed Applications function as an update to the previous approvals.

#### **5.5.8.2 Design Guidelines**

Section 3.2.3 of the Port Colborne Official Plan provides policies related to design guidelines.

### 5.5.6.2.1 Residential Communities

Section 3.2.3.1 of the Port Colborne Official Plan provides policies related to residential community design. The following apply to the proposal:

## POLICY & ANALYSIS

Policy	Analysis
<b>a) New residential communities shall be limited in size, have a clearly defined character and edges:</b>	
<i>i) The extent of a neighbourhood should be generally defined by a 400- metre radius (5-minute walk) from centre to edge.</i>	The parkette is located within the geographical centre of the developable lands. All edges of the developable portion are within 400 metres.
<i>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.</i>	<p>The built form of the new neighbourhood will be distinctive from the existing residential neighbourhoods. All surrounding residential lands generally feature bungalow/split level single detached dwellings (1-1.5 storeys in height), developed during the 1980s. All townhouses and 8-storey buildings will feature modern, multi-coloured exteriors featuring white, grey and brown colour scheme. All proposed townhouses are proposed to generally be 3 storeys in height. These architectural features will ensure the neighbourhood will be compatible and differentiated with the existing neighbourhoods.</p> <p>A conceptual landscaping plan has been provided as part of the submission demonstrating potential landscaping features amplifying the identity of the subdivision, such as the provision of street trees on all roads.</p>
<i>iii) Parks, woodlots, watercourses, trails, topographic features, major roads and infrastructure elements such as railway lines can define the neighbourhood periphery.</i>	<p>The neighbourhood will be defined by:</p> <ul style="list-style-type: none"> <li>• Killaly Street West to the north</li> <li>• West Side Road to the east</li> <li>• Railway tracks to the south</li> <li>• Environmental/Quarry Lands to the west.</li> </ul>
<b>b) New residential communities should create or build upon a unique identity such that:</b>	
<i>i) Heritage Buildings and structures are preserved and incorporated into new neighbourhoods where possible</i>	There are no heritage buildings on the Subject Lands.

<p><i>ii) Where possible, community facilities, institutional uses and heritage structures should be located at the termination of primary streets or view corridors to emphasize their civic presence and give structure to the neighbourhood.</i></p>	<p>There are no community facilities, institutional uses or heritage structures proposed. The parkette in the centre of the development is prominent from all streets.</p>
<p><b>c) New residential communities and new development in existing neighbourhoods should be visually interesting such that:</b></p>	
<p><i>i) A variety of residential building types, sizes and setbacks should be provided on any given street to encourage a diverse, non-repetitive community fabric.</i></p>	<p>As discussed, a variety of building types are proposed. Numerous townhouse block forms are proposed with a variety of exterior elevation styles. The building types are mixed throughout the neighbourhood, ensuring a non-repetitive community fabric.</p>
<p><i>ii) Visual interest should be provided through a block layout that maximizes views and vistas to parks, Natural Heritage features, the rural periphery and heritage and landmark buildings and features.</i></p>	<p>A parkette is proposed at the centre of the Subject Lands. This parkette will be visible via the 6 main roads within the neighbourhood, providing structure to the neighbourhood. A large “window” to the Quarry Ponds is also provided along the edge of Street E.</p>
<p><b>d) New residential communities should use a park or open space feature as a focal point:</b></p>	
<p><i>i) The park may incorporate civic buildings, public art, gazebos, floral gardens, playgrounds and community mailboxes, where residents can meet informally or participate in neighbourhood events.</i></p>	<p>All parkland and open space will be dedicated to the City. These lands will be designed by the City. The conceptual landscape plan provides design suggestions which may be incorporated by the City.</p>
<p><i>ii) The design of each park area should be unique to each neighbourhood to reinforce a sense of local identity and to assist in one’s orientation through successive neighbourhoods.</i></p>	

#### 5.5.6.2.2 Streets and Blocks

Section 3.2.3.2 of the Port Colborne Official Plan provides policies related to residential community design. The following apply to the proposal:

### POLICY & ANALYSIS

Policy	Analysis
<p><b>a) The layout of streets and blocks should enhance the connectivity and appearance of new neighbourhoods.</b></p>	

<p><i>i) New streets and blocks should be consistent with and extend from the existing grid pattern.</i></p>	<p>The proposed subdivision features road extensions of Third Avenue, West Side Road and Elgin Street. A future connection is possible with Rosemount Avenue to the south over the railway lands, should the City pursue this.</p>
<p><i>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.</i></p>	<p>The significant woodland at the east end of the site (Block 35) is bound on all sides by new public roads. The east side of the development is oriented around this feature. To the west, Street E provides a long “window” to the Quarry Ponds and protected environmental lands. The street and block pattern accentuate the presence and protection of these features.</p>
<p><i>iii) The City-owned road network should be designed with frequent cross streets to maintain the grid pattern of the Port Colborne community.</i></p>	<p>Frequent cross streets are provided. The subdivision is generally laid out on a grid.</p>
<p><i>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.</i></p>	<p>The blocks and streets have been designed around the natural heritage features and the proposed parkette. The majority of streets in the subdivision have at least one connection to the parkette (Block 36), the park (Block 37), the woodlot (Block 35) or the Quarry Ponds (Block 38). Multiple street converge at these features.</p>
<p><i>v) Block lengths should not exceed 200 metre</i></p>	<p>Nearly all blocks are less than 200 metres in length. Street M between Street N and West Side Road is 333 metres long, without intersecting street on its north side. However, the south side of Street N is broken up into four blocks, all less than 200 metres, including Block 35 (woodlot) which is 100 metres in length. The woodlot on the south side of Street M is a positive addition to the streetscape that breaks up its length.</p>
<p><b><i>b) Residential blocks should have a positive interface with lands designated as Natural Heritage and/or Parks and Open Space, as well as roads:</i></b></p>	
<p><i>i) Reverse lot frontage is discouraged on lands designated as Natural Heritage and/or Parks and Open Space or roads.</i></p>	<p>No reverse lot frontages are proposed for the parkette or woodlot. Several townhouses and single detached dwellings feature rear yards backing onto the environmental block (Block 32 &amp; 33, Lot 40). Despite this, a majority of the</p>

	environmental block will be adjacent to public roads and amenity areas ensuring public access.
<i>ii) Positive frontage on lands designated as Natural Heritage and/or Parks and Open Space should be created by using single loaded roads and/or open-ended crescents (window streets).</i>	A single loaded road is proposed adjacent to the environmental block (Block 38). Single loaded roads are also proposed around the woodlot (Block 35) with the streets surrounding the woodlot (Streets B, C, D, and M) all being single loaded.  As above, the majority of the environmental block will be retained for amenity area/public access.
<i>iii) Where housing fronting arterial roads cannot have driveway access from these roads, positive frontage to these streets can be achieved with open-ended crescents (window streets), rear access from a lane or local road and single-loaded service roads.</i>	Rear access has been provided for the 8-storey apartment blocks, which front onto the arterial road.

#### 5.5.6.2.3 Housing

Section 3.2.3.3 of the Port Colborne Official Plan provides policies related to housing design. The following apply to the proposal:

### POLICY & ANALYSIS

Policy	Analysis
<b>a) Single-Detached, Semi-Detached and Duplex housing should:</b>	
<i>i) Front onto open space wherever possible;</i>	Several lots (Lot 8-11) will front onto the woodlot (Block 35).
<i>ii) Have higher quality landscaping and architectural features than other buildings in the neighbourhood if flanking an arterial or open space edge;</i>	The design of the future single detached lots has not been contemplated at this stage and will be determined based on the future property owners. It is anticipated landscaping and built form design guidelines will conform to the Official Plan.
<i>iii) Have garages that are either side drive attached, side drive detached, attached recessed or attached flush to the main building.</i>	
<i>iv) Have garages that do not occupy more than 50% of the main building wall; and</i>	
<i>v) Be consistent with the placement and character of the surrounding built form where an infill development.</i>	Not applicable.
<b>b) Townhouses and multiple-unit housing should</b>	

<i>i) Be aligned parallel to the street from which the principal entrance should be visible and accessible</i>	All townhouses entrances will be visible and accessible.
<i>ii) Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements; and</i>	A variety of townhouse exteriors have been contemplated to ensure a visual diversity of built forms and provide a variety of building design elements.

### 5.5.9 Rural

Section 3.4 of the Port Colborne Official Plan provides policies related to the Rural designation within the City. The western portion of the Subject Lands extends past the urban boundary into rural areas. These lands are excluded from the developable area and are not considered for development. A majority of the natural heritage features within the Subject Lands are located within the Rural area and will be protected from development.

### 5.5.10 Parks and Open Space

Section 3.13 of the Port Colborne Official Plan provides policies related to the parks and open space within the City. Section 3.15.5 provides design guidelines for parkland and open space. The following apply to the proposal:

#### **POLICY**

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- a) *The park or open space should meet the minimum requirements for size as follows:
 
  - ii) *Parkettes of 0.1 hectares;*
  - iv) *Community parks of 1.6 hectares**
- b) *An interconnected system of open space should be created by incorporating Natural Heritage features, woodlots, hedgerows, farm lanes, community parks, schools and stormwater management facilities through the placement of these elements where appropriate or by providing links between them through recreational off-road trails, on-road cycling routes or street networks;*
- d) *Natural environment and built heritage features should be integrated with an open space system.*
- f) *Parks shall generally be located as central as possible to the communities or neighbourhoods that they serve;*
- g) *A park shall be provided as a focus for new neighbourhoods and should be designed to provide areas for community and civic events;*
- h) *The parkland areas and major open space systems shall be connected wherever possible utilizing walkways, off-road trails, utility and/or open space corridors, sidewalk systems, on-road bicycle routes and roads;*

- k) Site frontage along roadways shall be maximized to reduce conflicts with adjoining land uses, ensure greater visibility and security and to provide on-street parking capability;*
- m) Landscaping, complementary lighting and other design measures shall be used to enhance the visual appearance and to encourage compatibility with adjacent land uses;*
- o) Adequate on-site parking including bicycle parking and drop-off areas shall be provided to accommodate the existing and proposed uses;*
- q) Parks shall be framed by continuous street frontage wherever possible;*

## **ANALYSIS**

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A central parkette and large parkland areas will both be redesignated as “Parks and Open Space” through the corresponding Official Plan Amendment application. The parkette is located in the geographic centre of the development, with frontage on three sides and five parking spaces provided to the north. The parkette is visible on nearly all sides and will function as a central meeting ground for the neighbourhood. The proposed parkette is 0.33 hectares in size, achieving the minimum size requirement. The Landscape and Open Space Master Plan included with this submission demonstrates the parkette’s capacity to feature a variety of trees and recreational equipment.

Additional parkland will be provided adjacent to the quarry ponds (Blocks 37 and 43) providing recreational areas near natural heritage features. Pedestrian pathways are also proposed to provide off-road connections to the parkland. As discussed in Section 3.3 of this report, a trail system has been incorporated into the proposed development providing a comprehensive active transportation network between all park and open space features within the Subject Lands. Residents may choose a variety of methods to access the parklands and environmental features on the site for recreational purposes. Connectivity is also provided to Maple Park immediately east of the Subject Lands.

As the parklands will be dedicated to the City, it is anticipated the City will be responsible for final landscaping design and the provision of bicycle parking facilities.

### **5.5.11 Development Adjacent to Railways**

Section 3.16.8 of the Port Colborne Official Plan provides policies related to development adjacent to railways. The following apply to the Applications:

## **POLICY**

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- a) All proposed development within 500 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.*
- b) All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake*

*appropriate measures to mitigate any adverse effects from vibration that were identified.*

- c) *All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the municipality and the Region, in consultation with the appropriate railway.*

## **ANALYSIS**

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The Subject Lands abuts a rail corridor to the south. A noise and vibration study was conducted which determined there will be no negative impacts due to proximity to the rail corridor. Appropriate safety measures will be implemented at the detailed design stage.

### **5.5.12 Natural Heritage**

Section 4 of the Port Colborne Official Plan provides policies related to natural heritage features within the City.

## **POLICY**

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### **4.1 Natural Heritage Features**

*Natural Heritage Features are shown on Schedule B as Environmental Protection Areas, Environmental Conservation Areas, Significant Valleylands, Stream Corridors and Fish habitat Areas, and further delineated on Schedules B1 and B2 as Provincially significant wetland, Non-PSW Wetlands, Provincially Significant Areas of natural and scientific interest, Regionally Significant Areas of natural and scientific interest, Significant Habitat of Threatened or Endangered species, Significant Wildlife Habitat, Natural Hazard Areas, Significant Woodlands and Fish habitat.*

#### **4.1.1 General Policies**

- a) *The City of Port Colborne promotes the protection and/or conservation and where appropriate, the restoration and enhancement of Natural Heritage Features within and adjacent to its boundaries.*
- i) *Where a site specific development/redevelopment proposal, requiring an Official Plan Amendment, a Zoning By-law Amendment, a Plan of Subdivision, Consent, Minor Variance or Site Plan Approval may impact an Environmental Protection Area or Environmental Conservation Area, identified on Schedule B and further delineated on Schedules B1 and B2 and outlined by the policies of this Plan, the proponent will be required to prepare an Environmental Impact Study (EIS), which will be required to be submitted with the application.*
- j) *Undisturbed, vegetated buffers will be required between a Natural Heritage Feature and any proposed buildings or structures of adjacent development and unless reduced buffers are determined by an Environmental Impact Study, the size of the buffers shall be:*
  - i. *Provincially Significant Wetlands                      120 metres*



- ii. *Non-Provincially Significant Wetlands* 50 metres
- v. *Significant Woodlands* 50 metres
- vi. *Significant Valleylands* 50 metres

#### **4.1.2.2 Environmental Impact Study**

- a) *An Environmental Impact Study shall be carried out by professionals qualified in the field of environmental sciences and acceptable to the City, the Regional Municipality of Niagara, and the Niagara Peninsula Conservation Authority, as required. Prior to the commencement of the Study, Terms of Reference, prepared by the applicant, or consultant acting on behalf of the applicant, acceptable to the City of Port Colborne shall be prepared in consultation with the Niagara Peninsula Conservation Authority, the Region and any other applicable agencies.*

#### **4.1.3 Surface Water and Ground Water Protection**

- a) *Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts on:*
  - i. *The quantity and quality of surface and ground water;*
  - ii. *The functions of ground water recharge and discharge areas, aquifers and headwaters;*
  - iii. *The natural hydrologic characteristics of watercourses such as base flow;*
  - iv. *Surface or ground water resources adversely impacting on natural features or ecological functions of the Core Natural heritage system or its components;*
  - v. *Natural drainage systems, stream forms and shorelines; and*
  - vi. *Flooding or erosion.*
- b) *Development and site alteration shall be restricted in the vicinity of vulnerable surface and ground water features of importance to municipal water supplies so that the safety and quality of municipal drinking water will be protected or improved.*
- c) *Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the Region that the water taking will not have negative impacts on the natural ecosystems or the quality and quantity of water to meet existing and planned uses.*
- d) *At such time as source protection policies are developed in accordance with the Clean Water Act, the City shall amend this Plan as appropriate.*

#### **4.2 Environmental Protection Areas**

*Areas designated as Environmental Protection on Schedule B are those lands that are classified as Provincially significant wetlands (PSW's), Provincially Significant Areas of natural and scientific interest (ANSI's), the Significant Habitat of Threatened and Endangered species and Natural Hazard Areas as identified on Schedule B1. The predominant uses for lands designated Environmental Protection Area shall include*

*forest, fish and wildlife management; small-scale passive recreational uses and accessory uses such as: trails, boardwalks, footbridges, fences, docks and picnic facilities that will not negatively impact on the natural features or ecological function of the areas; and conservation and flood erosion control projects where it has been demonstrated that they are necessary in the public interest and no other alternatives are available.*

#### **4.2.1.1 General Policies**

- a) *Development and site alteration will not be permitted within the boundary of provincially significant wetlands as defined by the Ministry of Natural resources using the valuation procedures established by the Province, as amended from time to time.*
- b) *The City will require an Environmental Impact Study for new development or site alteration proposals for all adjacent lands within 120 metres of the wetland boundary to demonstrate that there will be no negative impacts on the wetland feature or its ecological functions to the satisfaction of the Region.*
- c) *As part of the Environmental Impact Study, the staking of the boundaries of the wetland feature shall be undertaken in consultation with the Ministry of Natural Resources. Any change in the boundaries shall be reflected in the Zoning By-law and any significant change in the boundaries will be reflected in the Environmental Protection Area designation of this Plan.*

#### **4.2.2 Provincially Significant Areas of Natural and Scientific Interest (ANSI)**

*The areas identified on Schedule B1 are features which have been classified by the Ministry of Natural Resources to be Life Science (The Wainfleet Bog, Empire Beach Backwater Forest basin, and Humberstone Muck Basin Swamp Forest) and Earth Science (Port Colborne Quarry) Areas of natural and scientific interest. These are lands which can be described as those containing important natural landscapes or features that are important for natural heritage, protection, appreciation, scientific study or education. It is intended that lands designated on Schedule B1 as ANSI's will be preserved as natural areas. This designation incorporates the identified feature as well as any adjacent land area established by the Ministry of Natural Resources.*

##### **4.2.2.1 General Policies**

- a) *Development and site alteration will not be permitted within the boundary of the ANSI as defined by the Ministry of Natural Resources.*
- b) *The city will require an Environmental Impact Study for new development and site alteration proposals for all adjacent lands within 50 metres of the ANSI boundary to demonstrate that there will be no negative impacts on the ANSI feature or its ecological functions.*
- c) *Areas of natural and scientific interest that have been identified by the Ministry of Natural Resources are considered open ecological files. Further evaluation may take place with respect to their boundaries or their significance at any time.*

### **4.2.3 Significant Habitat of Threatened and Endangered species**

*The Significant Habitats of Threatened and Endangered Species are identified by the Ministry of Natural Resources. This designation intends to protect these habitats within the City.*

#### **4.2.3.1 General Policies**

- a) *Development and site alteration will not be permitted within the boundary of the Significant Habitat of Threatened and Endangered Species. Development may only be permitted in accordance with Provincial requirements.*
- b) *The City will require an Environmental Impact Study for new development and site alteration proposals for all adjacent lands within 50 metres of the Significant Habitat of Threatened and Endangered species boundary to demonstrate that there will be no negative impacts on the feature or its ecological functions.*
- c) *Significant Habitats of Threatened and Endangered Species are not shown on the land use schedules. In instances where the habitat of threatened and endangered species is identified by study or agency review of applications, the Policies of Section 4.2.3.1 shall apply.*
- d) *The Ministry of Natural Resources should be contacted to determine the potential implications of the Endangered Species Act on the proposed development or site alteration.*

### **4.3 Environmental Conservation Areas**

*Areas designated as Environmental Conservation Areas on Schedule B are those lands that are classified as; Regionally Significant Areas of natural and scientific interest, Non-Provincially Significant Wetlands, Significant Wildlife Habitat, Significant Woodlands, Significant Valleylands, Habitats of Species of concern and Environmental Corridors and Linkages as identified on Schedule B2. The predominant uses for lands designated Environmental Conservation Area shall include existing uses, conservation uses, flood and erosion control, fish, forestry and wildlife management, as well as passive recreational activities.*

#### **4.3.6 Environmental Corridors and Linkages**

*The City of Port Colborne encourages the connection of Natural Heritage Features within the Municipality and adjacent to its boundaries using environmental corridors and ecological linkages, where feasible.*

##### **4.3.6.1 General Policies**

- a) *The City shall promote the ecological rehabilitation of environmental corridors, linkages and corridor areas as they become identified.*

## **ANALYSIS**

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Per Section 6.1 of the EIS, it has been determined that the proposed development plan addresses the relevant natural heritage policies of the Port Colborne Official Plan for the following reasons:

- The EIS conducted reviewed potential impacts to the identified significant natural features (PSW, Significant Woodlands, candidate/confirmed Significant Wildlife Habitat, and candidate/confirmed habitats of Endangered and Threatened Species;
- The establishment of Blocks 35 and 38 serves to maintain significant natural heritage features and functions within the Study Area consistent with City OP requirements;
- Ecologically- and policy-appropriate setbacks have been incorporated into the project design, including 30 m setbacks from wetlands and 10 m setbacks from the Significant Woodland within Block 38, along with 30 m setbacks from the Central and Northern Quarry Ponds;
- Mitigation recommendations have been included within the EIS, if recommendations are followed no negative impacts are anticipated to any Environmental Protection Area or Environmental Conservation Area.

#### 4.1.2 Servicing and Stormwater Management

Section 8 of the Port Colborne Official Plan provides policies related to Servicing and Stormwater Management within the City.

##### 4.1.2.1 *Water and Sanitary Servicing*

Section 8.1 of the Port Colborne Official Plan provides policies related to water and sanitary servicing. The following policies apply to the proposed development:

#### **POLICY**

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*The systems for water distribution and treatment, wastewater collection and treatment and stormwater collection and release shall be developed and operated in a manner which protects public health and safety, supports development and minimizes any potential impacts on the natural environment in accordance with the following policies:*

##### **8.1.1 Servicing Within the Urban Area**

- a) New Development in the urban area is required to be on full municipal water services and municipal sanitary services.*
- d) In the Urban Area, where adequate municipal infrastructure services exist, a developer or subdivider shall provide on their site, approved engineered systems for water service, sanitary sewers and storm sewers; and where the City deems necessary, and shall also provide extensions beyond said lands for connections to City mains. The City shall continue its present practice of obtaining Subdivider Agreements or Site Plan Agreements relating to services, standards, specifications, levies, etc. The City may amend these Agreements from time to time. The City may waive this policy in the case of development it considers as 'infill'*

## ANALYSIS

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The proposed development will be on full municipal water and sanitary services. A Functional Servicing Report and Stormwater Management Report dated February 2024, has been prepared, as described in Section 4.2 and 4.3 of this PJR described implementation of the method of servicing.

### 4.1.2.2 Stormwater Management

Section 8.2 of the Port Colborne Official Plan provides policies related to stormwater management. The following policies apply to the proposed development:

## POLICY

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### 8.2 Stormwater Management

- a) *Stormwater will be managed on-site and will not have an adverse impact to neighbouring properties or the drainage patterns of the surrounding area*
- b) *A stormwater management plan and a sediment and erosion control plan prepared and signed by a qualified engineer may be required with a development application depending on the scale and nature of the proposal and site specific environmental conditions. Stormwater management plans shall be prepared in accordance with Policy 7.A.2.1, of the Ontario Ministry of the Environment Stormwater Management Planning and Design Manual 2003 or its successor, and with watershed and/or environmental planning studies for the area. A stormwater management plan and a sediment and erosion control plan shall not be required for a new mineral aggregate operation or the expansion to an existing operation where these matters are adequately addressed through studies prepared to meet the requirements of the Aggregate Resources Act.*
- c) *A stormwater management plan submitted with an application for development shall demonstrate that the proposal will minimize vegetation removal, grading and soil compaction, erosion and sediments, and impervious services as well as meeting the requirements of Policy 8.2 (b) and Section 8.2.1 of this Plan. Stormwater management facilities shall not be constructed in Natural Heritage Features as identified in Section 4 or key hydrologic features, or in required buffer zones unless permitted under Section 4 of this Plan.*
- d) *Combined storm and sanitary sewers are not permitted and the City will endeavour to separate existing combined storm and sanitary sewers.*

## ANALYSIS

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A detailed stormwater management and sediment and erosion control plan has been prepared in support of the applications. Some stormwater will outlet to the Quarry Pond following filtration with negligible impacts and within discharge parameters established by the NPCA. An Erosion and Sediment Control plan has been included within the

Stormwater Management Report prepared by King EPCM. Development of the Subject Lands will require grading then backfill occur in four phases outlined below:

1. Site Preparations
2. Cut & Fill Operations
3. Main Construction
4. Final Grading and Auxiliary Structures

See Stormwater Management Report prepared by King EPCM included with this submission for more information.

#### 4.1.3 Transportation

Section 9 of the Port Colborne Official Plan provides policies related to Transportation within the City. The following applies to the proposal:

### **POLICY**

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#### **9.1.1 Walking, Cycling and Transit**

- a) *From environmental, economic, health and traffic management perspectives, non-automobile modes of transportation are the preferred methods of movement within the City and full consideration will be given to accommodating pedestrians and cycling in the planning, design and evaluation of any new development.*
- d) *Bicycle racks will be provided at all new public facilities and will be required, through Site Plan Control, for any new non-residential private development.*

#### **9.1.2 Road Policies**

- a) *Roads under the jurisdiction of the City, the Region of Niagara and the Province of Ontario are classified according to their functions as noted below in the following table identified as Figure 9.1.*

<b>Roadway Classification</b>	<b>Typical Width</b>	<b>Right-of-way</b>	<b>Average Annual Daily Traffic (AADT)</b>
<b>Arterial</b>	26-40 metres		1000 and over

- b) *Roadway classifications are defined as follows:*
  - vii) *Regional – roads that are owned and maintained by the Regional Municipality of Niagara.*

### **ANALYSIS**

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The proposed development features a mixed-use area along a Regional Road which supports alternative methods of travel, including non-automotive methods of transportation. All mid-rise buildings will feature interior bicycle parking facilities with bicycle parking facilities included near the entrances of the commercial uses.

Killaly Street West is Regional arterial road. The current Regional road allowance is deficient of the Niagara Official Plan policy width of 26.2 metres. The proposed development has included a road widening dedication of 3.05 metres to satisfy this requirement.

#### 4.1.4 Plans of Subdivision

Section 11.4 of the Port Colborne Official Plan provides policies related to Plans of Subdivision within the City. The following applies to the proposal:

### **POLICY**

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#### **11.4.2 Study Requirements in Areas Serviced by Municipal Water and Sewer**

- a) *The applicant will be required to provide, to the satisfaction of the City and/or Region if the proposal is deemed to have potential impact on Regional infrastructure:*
  - i) *A servicing study, which addresses issues such as drainage and stormwater management; and*
  - ii) *Design guidelines.*
  - iii) *Any other study required by the City and/or Region as outlined within Section 11.9.*

#### **11.4.3 Staging of Development**

*Staging of development refers to the process of managing the rate and timing of subdivision development for lands within the urban boundary of the City. This type of management ensures effective and efficient growth in existing and newly developing areas. To this end the City shall:*

- a) *Ensure that growth takes place in an orderly and appropriate sequence in locations desirable to meet market demands, growth strategies, servicing programs and the priorities of this Plan.*
- b) *Outline the City's intention toward the scheduling and processing of plans of subdivision for residential, employment and commercial development and infrastructure.*

### **ANALYSIS**

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A Stormwater Management Report and Functional Servicing Report have been included as part of the application package. Urban design guidelines have been analyzed within this Planning Justification Report with a Urban Design Brief in Section 6.0 analyzing Regional design guidelines.

Development of the proposed subdivision will occur in phases to in accordance with the natural growth of communities. It is expected that a Phasing Plan will be required as a condition of Draft Plan approval to ensure orderly development.

#### 4.1.5 Parkland Acquisition and Dedication

Section 11.5 of the Port Colborne Official Plan provides policies related to Parkland Acquisition and Dedication within the City. The following applies to the proposal:

#### **POLICY**

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- a) *The City will acquire lands to achieve an integrated park and open space system through:
  - i. Land dedication;
  - ii. Cash-in-lieu*
- c) *As a condition of development or redevelopment, parkland dedication in accordance with the provisions of the Planning Act, is required.
  - i. For high or medium density residential development, parkland dedication of one hectare for every 300 dwelling units is required.*
- f) *Parkland dedication to the City shall bear the full depth of its original topsoil, being free or construction debris, unconsolidated fill or other refuse and being fenced to the satisfaction of the City.
  - i. Where it has been demonstrated by the City that the lands to be conveyed to the City for parkland and open space purposes have been physically disturbed, either by the dumping of construction debris, unconsolidated fill or other refuse, or by the stripping of topsoil or by any other means, the proponent shall be responsible for restoring the subject property to a condition satisfactory to the City.*
- g) *The City will not count lands designated as an Environmental Area, or which meet the criteria for designation as an Environmental Area, for parkland dedication purposes.*

#### **ANALYSIS**

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A total of 5.14 hectares of land is proposed to be dedicated to the City for parks, parkettes and walkways. An additional 23.95 hectares of land will be dedicated to the City for environmental protection, including the quarry pond and woodlot which are used by the public for recreational purposes.

#### **SUMMARY**

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Overall, the Applications conform to the Port Colborne Official Plan and would implement its purpose, growth management strategy, strategic directions and strategic planning policies.

### **6.0 Urban Design Brief**

This Urban Design section discusses the various design aspects of the proposed development and provides a detailed explanation on how the proposed development is compatible with the surrounding neighborhood and addresses the relevant Regional design policies and guidelines. The following urban design brief has been scoped to only



relate to the proposal and the Regional Road, in accordance with Regional comments received during the April 27, 2023 pre-consultation meeting.

This section will evaluate three key elements of the proposal: Regional Road streetscape character, land-use compatibility, and urban design elements. The land-use compatibility evaluates how these design features demonstrate conformity to the design policies and compatibility with the neighborhood and streetscape. Lastly, the discussion of the urban design elements will cover key features related to the design, siting, orientation, architectural features, parking, and landscaping features, with relation to the design policies and guidelines.

The following sections will be scoped to investigate the interface between the proposed concept and the Regional Road and its impacts to the public realm.

## 6.1 Summary of Policies and Guidelines

### 6.1.1 Niagara Official Plan (2022)

The Niagara Official Plan is the Regional Municipality of Niagara's long-term strategic policy planning framework for managing growth in Niagara which guides land-use and development through to 2051 and beyond. Section 6.2 Urban Design states that one of the Region's objectives is committing to excellence in urban design through the careful design of built form that impacts quality of life and richness of experiences. The applicable policies are discussed in Section 6.2 of this report.

### 6.1.2 Niagara Region Model Urban Design Guidelines

The Niagara Region Model Urban Design Guidelines (MUDG) was adopted as part of the Region's Smart Growth Agenda to implement the ten Smart Growth principles for development and redevelopment through the Region. The MUDG outlines guidelines for the public realm and private realm. Section 3 outlines urban design guidelines for the public realm. Section 4A outlines urban design guidelines for residential developments.

The Region's Smart Growth principles emphasize the creation of complete communities through walkability, sustainability, and cost-effective development, whereas the design principles for residential developments delve into creating a high-quality architecture design that enhances the surrounding neighbourhood, is appropriate for the immediate context, provides a variety of housing options for residents and fosters non-residential opportunities. The review of the MUDG will focus on the relationship of the development with the Regional Road, per the pre-consultation scoping.

## 6.2 Review of Urban Design Matters

The north side of Killaly Street West is characterized by a low-rise nature, consisting of a mix of single-detached dwelling units several Highway Commercial uses west of Third Avenue. The residential dwellings consist of one-storey to two-storey single detached dwellings with generally consistent lot sizes (approximately 825 sqm.) and frontages (approximately 19 m) on Sheba Crescent, with their large rear yards (generally 15 m) backing onto Killaly Street West. As existing, several properties backing on Killaly Street West do not feature any boundary separation with access directly to Killaly Street West. There is no consistent architectural style among the residential dwellings. The large rear

yard setbacks and low-rise built form lends itself to a streetscape that is low-density in nature with sufficient setbacks to a frequently traveled arterial road (Killaly Street West).

West of Third Avenue are Highway Commercial lands featuring a mix of residential dwellings and Highway Commercial uses. There are two low-rise dwellings which feature frontage directly on Killaly Street West with varying lot sizes and frontages. Between the two residential dwellings is a 1-2 storey long term storage facility. East of West Side Road is vacant.

### 6.2.1 Niagara Official Plan

The following section analyzes urban design policies contained within the Niagara Official Plan, as it relates to the development interface with the Regional Road.

#### 6.2.1.1 Excellence in Urban Design

Section 6.2.1 of the Niagara OP provides policies related to excellence in urban design. The following apply:

#### **POLICY**

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- 6.2.1.1 *Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.*
  
- 6.2.1.5 *The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.*
  
- 6.2.1.6 *Active transportation shall be promoted through the cohesive and collaborative design of streets, building interfaces and public spaces*
  
- 6.2.1.8 *The Region shall promote:*
  - a) *the creation of liveable and vibrant urban areas and streets;*
  - b) *community design that:*
    - ii. *offers a range of transportation options, including public transit and active transportation;*
    - iii. *respects the complete streets approach by creating safe and attractive interconnected streets; and*
    - iv. *encourages a mix of land uses, a vibrant public realm and compact built form*
  - d) *well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;*
  - e) *the integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place;*

#### **ANALYSIS**

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The proposed applications provide for excellence in urban design by providing for several high quality, landmark buildings featuring unique facades along a highly traveled Regional Road. Landscaping features (such as street trees, benches, etc.) to support the creation of a pedestrian friendly environment which supports walkability and diversity of landscape along the roadway.

The mixed-use buildings proposed will serve to create a vibrant active streetscape with a variety of land uses, essential for a lively urban environment by providing convenient accessibility to a range of amenities and services. Active transportation networks will be supported via the development of a pedestrian walkway and the provision of cycling parking infrastructure near the entrances of commercial uses. The proposed applications facilitate densities supportive of existing public transit services. The mid-rise buildings will also support pedestrian safety by providing more “eyes-on-the-street”.

#### 6.2.1.2 Public Realm and Active Transportation

Section 6.2.1 of the Niagara OP provides policies related the public realm and active transportation infrastructure. The following apply:

### **POLICY**

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- 6.2.2.1 *Regional Road allowances shall be designed in accordance with the Region’s Complete Streets Design Manual and Guidelines. The Region’s Model Urban Design Guidelines, as amended, shall be used to facilitate a continuous pedestrian experience where Regional and Local Road systems interface.*
- 6.2.2.3 *The design of road networks should consider walking distances for public transit users, and the use of an interconnected transportation system with consideration for applicable standards and guidelines, to minimize travel distances for cyclists and pedestrians.*
- 6.2.2.7 *The creation of an enriched urban design experience along Regional Roads will be encouraged by supporting:
  - a. *pedestrian and transit-supportive facilities, such as street trees and street furniture; and**
- 6.2.2.9 *The Region may develop and administer, in partnership with Local Area Municipalities and/or private entities, capital projects that implement complete streets.*
- 6.2.2.10 *Streetscapes should be designed to create a seamless transition with the public space*

### **ANALYSIS**

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The proposed development has considered the Region’s Complete Streets Design Guidelines in their design. Daylight triangles have been included at the intersection of Third Avenue and Killaly to ensure pedestrian safety. All mixed use and apartment buildings have been proposed along the frontage of Killaly street, fostering a pedestrian

friendly streetscape. The Subject Lands are located on an existing public transit route. Locating higher density uses along Regional Roads will support public transit infrastructure along these corridors.

#### **6.2.2.2 Public Realm – Roads**

Section 3b of the Niagara Region's MUDG provide design principles related to the public realm and roads. The following are relevant to the proposed applications:

### **PRINCIPLE**

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#### **3b.1 General Principles**

- 1. Equitable: In order to encourage alternative modes of transportation and provide options to driving, streets should be designed to accommodate multiple modes of movement, including pedestrians, transit services, bicycles, passenger cars, and trucks on an equal basis. Transit facilities should be incorporated in the design of all roads to encourage high levels of ridership and cost-efficient operation.*
- 4. Living Streets: Street trees should be a major component of the design of all streets. Tree-lined streets provide an evolving and lasting impression of the street, and provide physical buffering between the pavement, the sidewalk and private dwellings. The shading effects of mature street trees have a significant mediating effect on summer sunlight, reducing glare and the urban 'heat island' effect.*

#### **3b.2 Road Hierarchy & Road Functions**

- 1. Arterial Roads: Arterial Roads provide long-range and efficient access between the Region's communities and serve a range of travel modes, including passenger vehicles, trucks, and transit.*

#### **3b.3 Arterial Road Guidelines**

*a) A key design objective for Arterial Roads is to balance safety, visual amenity and pedestrianism, with a wide variety of functions including:*

- Large volume transport corridor.*
- Transit.*
- Gateways and entrances to town centres and neighbourhoods.*
- Connections to Collector Roads.*

*c) The design of Arterial Roads should consider the following variables:*

- Sidewalks: Sidewalks should always be provided on both sides of the street and be at least 1.5m wide. This width should be increased to accommodate snow storage and landscaping where required.*
- Bicycle infrastructure: Due to the anticipated level of traffic, bicycle infrastructure should preferably be located adjacent to the sidewalk or the boulevard. Bicycle lanes should be clearly identified with signage and or pavements and be 0.75m ~ 1.5m wide.*

- e) *Private driveway access should be avoided on arterial roads. Where private driveways currently exist, vehicular movements should be limited to 'right-in, right-out'. A centre median can be used to eliminate illegal turns.*

## **ANALYSIS**

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Killaly Street West is an arterial Regional Road, suitable for high traffic volumes and higher density development. All mid-rise buildings are proposed parallel to Killaly Street West with pedestrian access directly to the road. The conceptual landscape plan provides a pedestrian sidewalk and row of street trees along southern side of Killaly Street West, fostering a pedestrian friendly public realm. A road widening of 3.05 metre is being provided to the Niagara Region to address an existing deficiency in width. It is anticipated that this road widening may be used to support the creation of cycling infrastructure along Killaly Street West. All these features contribute to a welcoming and active public realm along the Regional Road.

No private entrances are proposed via Killaly Street West. One access is provided aligning with the intersection of Third Avenue and acts as a gateway to the proposed neighborhood.

### **6.2.2.3 Private Realm – High Rise Buildings**

Section 4d of the MUDG provide design principles related to the high rise development. As the buildings adjacent to Killaly Street West are proposed at 8 storeys they are subject to the high rise guidelines. The following are relevant to the proposed applications:

## **PRINCIPLE**

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### **4d.1 Design Principles**

1. *Human Scale: The human scale should be reinforced through appropriate building height, mass and architectural design.*
2. *Minimum Impact: The impact of high rise buildings on open spaces and adjacent properties should be minimized through adequate height and mass transition, separation, and landscaping.*
3. *Relate to Street: High rise buildings should have a strong relationship to the street, both by use and form.*
4. *Mixed Use: Retail Commercial uses are encouraged at-grade, especially for buildings with a total height of 5 storeys or greater. Office and/or Residential uses are encouraged above at-grade commercial.*

### **4d.3 General Location & Orientation**

- a) *Generally, high rise buildings should be located at major road intersections or neighbourhood 'nodes' and preferably adjacent to public open space. High rise buildings should reinforce the prominence of these locations through appropriate massing, setbacks, building design, and open space treatments.*
- c) *Active facades and ground level uses such as retail commercial or habitable living areas should be provided.*

- d) Entrances should be oriented directly to the street and be accessible from public sidewalks*
- f) Parking areas should be located underground wherever possible. Surface parking should be limited and located to the rear of buildings.*

#### **4d.4 Height, Mass and Transitions**

- a) The design of high rise buildings should respect potential negative impacts on adjacent properties, including overshadowing, overlooking and wind-tunnel effects. Therefore, building height and mass should be appropriate to the type and nature of adjoining development*
- b) Nodes and major intersections are the appropriate locations for the tallest / highest buildings*
- c) Wherever possible, high rise buildings greater than 5 storeys should extend vertically with small footprints and include a base height of 3 to 5 storeys.*

#### **4d.6 Parking Areas**

- a) Parking areas as part of high rise buildings should be located underground, integrated within the building , or structured parking.*
- b) Access to underground or structured parking should be provided at the interior of the lot - not at the corner.*
- d) Surface parking must not be located between the public ROW and the front of the adjacent primary building.*
- e) Where surface parking areas are required, design guidelines outlined in Section 4e should apply.*

## **ANALYSIS**

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### **Location**

The development concept proposed eight 8-storey buildings along the frontage of Killaly Street West, with four buildings being mixed use. The mixed use buildings are strategically located at the intersections of Killaly Street West and Third Avenue, and Killaly Street West and West Side Road. Providing ground floor commercial uses in these areas contributes to a pedestrian friendly environment by providing for accessible amenities for residents and visitors in the area. Sidewalk connections and public bicycle parking facilities will be provided near the commercial entrances ensuring accessibility from active transportation networks. Parking for the mid-rise buildings has been located to the rear to protect the Killaly Street West streetscape. These buildings are proposed to be setback between 4.8 and 5.7 metres from the Killaly Street road allowance providing sufficient space for landscaping and to ensure the buildings do not overwhelm the streetscape. A row of street trees are included within the conceptual landscape and open space plan encouraging active transportation and reducing the effects of “heat islands”.

Being an arterial road, Killaly Street West is the preferred location for higher density development, such as the proposed. Approval of the proposed applications will support existing public transit infrastructure.

## Massing

A mix of low rise (1-2 storey) residential and Highway Commercial uses exist on the north side of Killaly Street West. Following the road widening, the Killaly Street road allowance will be 26.2 metres. All mid-rise buildings are proposed at a maximum of 31.5 metres in height and are setback approximately 5 metres from the Killaly Street Road allowance. Based on this, the mid-rise buildings are proposed to be setback approximately 31 metres from the properties to the north. These setbacks are sufficient and will provide for an urban streetscape with no shadowing impacts to the lands to the north. A sun-shadow study was conducted which determined there will be no shadowing impacts to the lands on the north side of Killaly Street West. A wind study has been included with this submission which determined that there are no major wind impacts to the development or surrounding lands. Landscaping features will be provided along the frontage of the Killaly Street West streetscape to foster a pedestrian friendly environment and mitigate any further concerns related to massing. As discussed above, being an arterial road Killaly Street West is the preferred location for larger scale development.

Due to the sufficient setbacks to nearby properties and absence of shadowing concerns, bases are not proposed for any of the mid-rise buildings.

## Parking

Parking for the mid-rise buildings is proposed via a combination of surface parking and a two level parking structure. All parking is located to the rear of the buildings at the interior of the site with the parking structure being located to the rear of Building 3 and 4 as identified on the Site Plan. Due to the Subject Lands featuring a high level of bedrock, underground parking facilities were not feasible. Locating the parking to the rear ensures that the Killaly Street streetscape is protected and that the proposed buildings are not setback to permit parking in the front. Access to the parking areas are to be provided via a future public road, extending from the Killaly Street West and Third Avenue intersection. Further analysis regarding parking areas is contained below.

### 6.2.2.4 Private Realm – Off-Street Surface Parking

Section 4f of the MUDG provide design principles related to the off-street surface parking areas. Surface parking areas are proposed to the rear of the mid-rise buildings. The following are relevant to the proposed applications:

## PRINCIPLE

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### 4f.1 Design Principles

1. *Pedestrian Friendly Access: Off-Street Surface Parking should incorporate walkway infrastructure as an integral element of the design to safely separate pedestrian and vehicle movements.*
2. *Positive Appearance: Off-Street Surface Parking should be designed to provide a strong visual quality through the use of high quality landscaping, lighting, and pavement materials.*

#### **4f.2 Layout & Orientation**

- a) *No more than 50% of the total off-street parking area for 'large format' development (10% for all other non-residential), should be located between the front façade of the principal buildings and the adjacent public street. Parking should be located at the rear or behind buildings.*
- c) *Internal vehicular routes should be clearly defined by raised and curbed landscape islands planted with trees and low level vegetation. Internal drive aisles should be a minimum 6.0m wide. Parking bay dimensions should comply with municipal standards.*
- d) *Parking aisles should not exceed 30 contiguous spaces in length and should have a consistent design angle perpendicular to primary building entrances.*
- g) *Designated handicapped and mobility impaired parking spaces should be located as close as possible to building entrances and be clearly identified by signs or markings.*

#### **4f.3 Landscape Buffers**

- b) *The property setback of all parking areas should provide a landscaped area a minimum of 3.0m wide.*
- c) *Trees at the perimeter of parking areas should be planted every 6 to 9.0m on centre.*

#### **4f.4 Pedestrian Access**

- a) *Pedestrian walkways should be contiguous to main drive aisles opposite primary building entrances to enable safe and direct pedestrian movements.*
- d) *Walkways should include pedestrian-scaled amenities wherever possible, such as benches, trash receptacles and lighting.*

#### **4f.5 Internal Landscaping**

- b) *A landscaped island should be located at each end of every parking aisle. Landscaped islands should be a minimum width of 2.5m wide and include one tree per parking row.*
- c) *A landscaping island should be provided at the mid point of the parking aisle, and/or every 13 ~ 15 parking bays (whichever provides a greater number of islands). The landscaping island should be a minimum width of 2.5m and include one tree per parking row.*

### **ANALYSIS**

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All surface parking is proposed to the rear of the mid-rise buildings and is perpendicular to primary entrances of nearly all buildings. Continuous pedestrian walkways are provided in a north-south direction from the buildings throughout the parking areas with landscaped blocks 1.8 metres in width in an east-west direction parallel to the parking aisles providing separation between vehicles and sufficient space for internal landscaping. A conceptual landscaping plan has been prepared which envisions rows of trees in these areas helping



screen the parked cars and provide shade to the vehicles. All accessible parking spaces are located close to the rear entrances of the buildings and are adjacent to pedestrian walkways, providing for safe and quick access to the buildings. For surface parking, no parking aisle exceeds 30 contiguous spaces, maintaining pedestrian safety and visibility.

Landscaping is proposed on each side of the primary north-south boulevard, providing a clear separation between the public and private realms. No landscape buffers are provided to the stacked detached dwellings to the south. In lieu of a landscape buffer a pedestrian sidewalk is proposed connecting to the public sidewalk network, providing a safe pathway from the parking area to the rest of the development.

## **CONCLUSION**

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Overall, the above noted features ensure a safe, pedestrian friendly and scaled development contributing to the Killaly Street West streetscape.

The application will fit into the streetscape along Killaly Street West. At the northeastern corner of the Subject Lands an 8-storey mixed-use building is proposed and abuts lands designated as “commercial plaza”. Any future commercial uses on these lands will be compatible with the high-density nature of the proposal. The neighbouring highway commercial uses to the north feature varying setbacks and built forms, with parking scattered across the sites. No land use compatibility conflicts are anticipated in these areas.

The residential uses to the north feature consistent setbacks with frontages primarily on Sheba Crescent. A total of two 8-storey apartment buildings and one 8-storey mixed-use building are proposed along the Killaly Street West frontage, directly across from the residential dwellings to the north. These buildings are setback a minimum of 5 metres from the Killaly Street West frontage. Following the road widening of 3.05 metres, this portion of Killaly Street West will have a width of 26.2 metres, resulting in a 31.2 metre setback from the rear property line of the residential dwellings. Due to the separation distance between the 8-storey buildings and the residential properties in conjunction with the proposed landscaping features and the similarity in land use and high quality of urban design, land use compatibility is achieved.

### **7.0 Proposed Official Plan Amendment**

An Official Plan Amendment (OPA) is proposed to amend the Official Plan to facilitate the proposed development. The specific change to the Official Plan is as follows:

1. Notwithstanding section 3.2 of the Official Plan for the City of Port Colborne, low density residential uses may be permitted to a maximum net density of 30 units per hectare, medium density residential uses may be permitted to a maximum density of 95 units per hectare, and high density residential uses may be permitted to a maximum density of 150 units per hectare.

As indicated, the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden

Horseshoe), and the Niagara Official Plan. The proposal also does not conflict with the broader policy direction of the Town Official Plan.

## **8.0 Proposed Zoning By-law Amendment**

The Subject Lands currently features several zones, reflective of the previously approved Draft Plan of Subdivision. The existing zones include the following:

- NC-27-H
  - Permits a variety of neighbourhood commercial uses including convenience stores, daycare, restaurants, etc.
- R2-28-H
  - Permits detached dwellings, duplexes, and semi-detached dwellings.
- R3-29-H
  - Permits detached dwellings, duplexes, semi-detached dwellings, triplexes, fourplexes, block townhouses, and street townhouses
- R4-30-H
  - Permits detached dwellings, duplexes, semi-detached dwellings, triplexes, fourplexes, block townhouses, and street townhouses. Apartment buildings are permitted with a maximum height of 20 metres.
- P – Public and Park
- Environmental Protection

The Holding symbol used in conjunction with the above zones is to ensure that the owner of the Subject Lands enters into a Subdivision Agreement with the City of Port Colborne relating to the previously approved Draft Plan of Subdivision.

To facilitate the proposed development, the Subject Lands are proposed to be rezoned as follows, in accordance with the Draft Plan of Subdivision:

- Site Specific Fourth Density Residential Zone (R4-XX)
  - Blocks 1 – 34 on DPS
- Site Specific Mixed Use (MU-XX) Zone
  - Blocks 41 & 42 on DPS
- Environmental Protection (EPA) Zone
  - Blocks 35, 37 & 38 on DPS
- Public and Parks (P) Zone
  - Block 36 & 43 on DPS

No site specific provisions are required for the Environmental Protection Zone or the Public and Parks Zone. The Public and Parks zones will be dedicated to the City for public use.

The following tables provide a detailed zoning analysis of the proposed development against the General Provision, Fourth Density Residential Zone (R4), and the Mixed Use (MU) Zone

***Table 2. Zoning Analysis of Section 2 General Provisions and Section 3 Parking Provisions***

No.	Provision	Required	Proposed	Compliance
<b>2.21 Railway Right-of-Way</b>	a)	Notwithstanding any other provisions of this By-law, no building or structure for the purpose of human habitation shall be constructed any closer than 15 metres to any functioning railway right-of-way.	30 m	Yes
<b>3.1.1 Parking Space Requirements for Residential Use</b>	Parking Requirements for: Apartment Building	1.25 per unit = 1,231 x 1.25 = 1,538.75 (1,539)		<b>No</b>
<b>3.1.2 Parking Space Requirements for Non-Residential Uses</b>	Parking Requirements for: Animal Care Establishment, Restaurant, Service Commercial,	1 space per 20 sq. m. GFA 3,196.8 sq m / 20 = 160 (159.84)		
	<b>Total Parking Required</b> <b>1,699</b>		<b>Total Parking Proposed:</b> <b>1,547</b>	
<b>3.2 Parking Space Dimension</b>	Standard Parking Space Dimension	2.6 m x 5.2 m	2.6m x 5.2 m  3.5 m x 5.2 m (abutting any wall, column or structure on both sides)	Yes
	Standard Space Obstructed on one side	3.0 m x 5.2 m	3m x 5.2 m (abutting any wall or column, or structure on one side)	Yes

No.	Provision	Required	Proposed	Compliance
	Accessible Space	3.7 m x 5.2 m	3.7m x 5.2 m  2.6 m each x 5.2m (two spaces side by side with 2.6m common aisle)	Yes
<b>3.3 Accessible Parking</b>	Accessible parking spaces shall be provided at the following rate:	501 and over - 2% of the required parking = 33.98	34	Yes
<b>3.7 Ingress and Egress Standards</b>	Driveways shall have a minimum unobstructed width of 7.5 metres where two-way traffic is permitted and 3 metres where only one-way direction of traffic flow is permitted, except that the minimum width of a driveway accessory to a detached dwelling shall be 2.6 metres.	7.5 m	7.5 m	Yes
<b>3.10 Loading Spaces</b>	b)	No loading space shall be located within a required yard that abuts a Residential Zone.	Loading spaces are proposed to the rear of the mid-rise buildings which abuts a residential zone to the south.	No
	c)	Access to loading spaces shall be by means of a driveway at least	7.5 m	Yes

No.	Provision	Required	Proposed	Compliance
		3.5 metres in width, contained within the lot on which the loading spaces are located and leading to either an improved or unimproved road or lane not less than 7.5 metres in width.		
	d)	A loading space shall be a minimum of 3.5 metres by 9 metres with a minimum clearance height of 4 metres.	3.5 m x 9 m	Yes
<b>3.11.1 Landscape Buffer Provisions</b>	a) A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) in accordance with the following table:	Parking area with 100 or greater parking spaces:  Lot Line Abutting a Public Road: 6m  Lot Line Not Abutting a Public Road: 3m	Lot Line Abutting a Public Road: 3m  Lot Line Not Abutting Public Road: 3m	<b>No</b>

No.	Provision	Required	Proposed	Compliance
		Lot Line Abutting a Residential, Institutional or Public and Park Zone: 4m	Lot Line Abutting a Residential Zone: 3m	
<b>3.11.2 Minimum Landscaped Open Space within Parking Areas</b>	a)	a landscaped open space equal to 10% of the parking area shall be required within all parking areas with 100 or more parking spaces.	22%	Yes
<b>3.13 Bicycle Parking Spaces</b>	b)	Each bicycle parking space shall be a minimum 1.8 m in length and 0.3 m in width;	1.8 m x 0.3 m	Yes
	c)	Shall be located at a principal entrance of a building	Bicycle parking facilities will be located within each mid-rise building. Several parking spaces will be located near the principal entrances also	Yes
<b>3.13.1 Required Bicycle Parking</b>	Residential Buildings with 10 or more dwelling units	6 Spaces plus 1 for every additional 10 dwelling units above 20.  $6 + (1211/10) = 127.1$  Retail/Service Commercial/All other non-	128	Yes

No.	Provision	Required	Proposed	Compliance
		residential uses in the Zoning By-law: 1 space per 1000 sqm. $3,196.8/1000 = 4$ (3.196)  Total = 128 + 4 =132		

Table 5. Zoning Analysis of R4 Zone

Regulations	R4 Requirement	Proposed	Compliance
<b>8.2 Permitted Use</b>	<ul style="list-style-type: none"> <li>• Dwelling, Detached;</li> <li>• Dwelling, Semi-detached;</li> <li>• Dwelling, Duplex;</li> <li>• Dwelling, Triplex;</li> <li>• Dwelling; Fourplex</li> <li>• Dwelling Townhouse Block;</li> <li>• Dwelling Townhouse Street;</li> <li>• Apartment Buildings;</li> </ul>	<ul style="list-style-type: none"> <li>• Dwelling, Detached;</li> <li>• Dwelling; Stacked Townhouse</li> <li>• Dwelling; Townhouse block;</li> <li>• Dwelling, Back-to-back townhouse;</li> <li>• Dwelling, Rear-Lane Townhouse;</li> <li>• Dwelling, Townhouse Street</li> </ul>	<b>No</b>
<b>8.5 Zone Requirements – Dwelling, Townhouse Block</b>			
<b>Minimum Lot Frontage per unit</b>	6 metres	6.0 metres - Stacked Townhouse	Yes
<b>Minimum Lot Area</b>	0.02 hectares (200 sq. m)	Block 11 on DPS: $14,377.8 \text{ sqm} / 144 = 99.8 \text{ sqm}$  Block 12 on DPS:	<b>No</b>

Regulations	R4 Requirement	Proposed	Compliance
		8,730.7 sqm / 84 = 103.9 sqm	
<b>Minimum Front Yard</b>	7.5 metres	4.1 m - Stacked Townhouse to parking area 9.3 m - Stacked Townhouse to private driveway	No
<b>Minimum Interior Side Yard</b>	3 metres	1.5 m - Common Line between Stacked Townhouses	No
<b>Minimum Corner Side Yard</b>	4.5 metres	2.9 m - Stacked Townhouse	No
<b>Minimum Rear Yard</b>	6.0 metres	4.0 m - Stacked Townhouse	No
<b>Maximum Height</b>	11 metres	13.5 m - Stacked Townhouse	No
<b>Minimum Landscape Area</b>	25%	35.2% - Block 11 37.3% - Block 12	Yes
<b>8.6 Zone Requirements – Dwelling, Townhouse Street</b>			
<b>Minimum Lot Frontage per unit</b>	6 metres	4.88 metres - Regular Townhouse 6.0 metres - Back-to-Back 4.5 metres - Rear Lane Townhouse	No
<b>Minimum Lot Area</b>	0.02 hectares (200 sq. m)	98 sqm - interior Regular Townhouse unit 130 sqm - corner Regular Townhouse unit 66 sqm - interior Back-to-Back Townhouse unit 83 sqm - corner Back-to-Back Townhouse unit 99 sqm - interior Rear Lane Townhouse unit 133 sqm – corner Rear Lane Townhouse	No
<b>Minimum Front Yard</b>	7.5 metres	2.2 m - Regular Townhouse	No



Regulations	R4 Requirement	Proposed	Compliance
		1.8 m - Back-to-Back Townhouse 2.9 m - Rear Lane Townhouse	
<b>Minimum Interior Side Yard</b>	3 metres	1.5 m - Regular Townhouse, all blocks except: <ul style="list-style-type: none"> <li>0.9 m – Block R15 on SP</li> </ul> 1.5 m - Back-to-Back Townhouse 1.5 m - Rear Lane Townhouse	No
<b>Minimum Corner Side Yard</b>	4.5 metres	4.5 m - Regular Townhouse, all Blocks except: <ul style="list-style-type: none"> <li>3.5 m at Block R13, R14, R42, R44, R45, 47 on SP</li> <li>3.0 m at Block R20 on SP</li> <li>1.5 m at Block R21 on SP</li> <li>0.4 m – Block R55 &amp; R56 on SP</li> </ul> 5.2 m - Back-to-Back Townhouse 3.7 m - Rear Lane Townhouse, all Blocks except: <ul style="list-style-type: none"> <li>1.5 m – Block RL03 on SP</li> </ul>	No
<b>Minimum Rear Yard</b>	6.0 metres	6.0 m Regular Townhouse, all Blocks except): <ul style="list-style-type: none"> <li>1.5 m - Townhouse Block R16 on SP</li> <li>1.9 m – Townhouse Block R17 on SP</li> <li>2.1 m – Townhouse Block R20 on SP</li> <li>5.7 m – Townhouse Block R51 on SP</li> </ul> 4.0 m (Rear Lane Townhouse)	No

Regulations	R4 Requirement	Proposed	Compliance
		N/A, Common Wall (Back-to-Back Townhouse)	
<b>Maximum Height</b>	11 metres	14.4 m (Regular Townhouse) 13.5 m (Back-to-Back Townhouse) 13.5 m (Rear Lane Townhouse)	No
<b>Minimum Landscape Area</b>	25%	31% (Regular Townhouse) 0% (Back-to-Back Townhouse) 15% (Rear Lane Townhouse)	No
<b>8.8 Zone Requirements – Detached Dwelling</b>			
<b>Minimum Lot Frontage</b>	12 m	12 m	Yes
<b>Minimum Lot Frontage – Corner Lot</b>	15 m	13.5 m	No
<b>Minimum Lot Area</b>	0.04 hectares (400 sqm)	300 sqm	No

Table 6. Zoning Analysis of Mixed Use Zone

Mixed-Use Zone Regulation	Required	Proposed	Compliance
<b>Permitted Use</b>	<ul style="list-style-type: none"> <li>Apartment Building</li> <li>Restaurant (fast-food, full-service, take-out)</li> <li>Service Commercial</li> <li>Convenience Store, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Apartment Building</li> <li>Restaurant (fast-food, full-service, take-out)</li> <li>Convenience Store, etc.</li> </ul>	Yes
<b>21.3 Zone Requirements – Mixed-use Buildings</b>			
<b>Minimum Lot Frontage</b>	15 m	314.34m (Block 41 on DPS) 383.39m (Block 42 on DPS)	Yes
<b>Minimum Lot Area</b>	0.5 ha	40513.1sqm (Block 41 on DPS)	Yes

		41681.2sqm (Block 42 on DPS)	
<b>Minimum Front Yard</b>	9 m	4.9 m (Building 4)	No
<b>Minimum Interior Side Yard</b>	1.2 m	13.71 m	Yes
<b>Minimum Interior Side Yard abutting Residential Zone</b>	7.5 m or half the height of a Residential Zone the building, whichever is greater	13.71 m (Building 1)	Yes
<b>Minimum Corner Side Yard</b>	2 m	4.7 m (Building 4) 5.3 m (Building 5)	Yes
<b>Minimum Rear Yard</b>	4.5 m	>100 m	Yes
<b>Maximum Building Height</b>	11 m	31.5 m	No
<b>Minimum Landscape Buffer abutting Residential Zone</b>	3 m	3 m	Yes
<b>21.10 Additional Zone Requirements – Apartment Building</b>			
<b>Minimum Lot Frontage</b>	18 m	314.34m (Block 41) 383.39m (Block 42)	Yes
<b>Minimum Lot Area per Unit</b>	125 sqm	40513.1sqm/146 units = 277.48sqm (Building 6 is Residential) - Block 41  41681.2sqm/424 units = 98.3sqm (Building 1, 2 & 3 are Residential) - Block 42	No
<b>Minimum Front Yard</b>	9 m	4.90 m	No
<b>Minimum Interior Side Yard</b>	2 m	> 3 m	Yes
<b>Minimum Corner Side Yard</b>	7.5 m	N/A	N/A

<b>Minimum Rear Yard</b>	6 m	> 100 m	Yes
<b>Maximum Building Height</b>	20 m	31.5 m	No
<b>Minimum Landscaped Area</b>	25%	30.7%	Yes

## 8.1 Zoning Relief Justification

The following section provides justification related to the relief required for the zoning deficiencies listed above.

### 8.1.1 General Provisions

#### 8.1.1.1 Parking Requirements

Required: 1,699 parking spaces (1.25 spaces/apartment unit & 1 space per 20 sqm. GFA)

Proposed: 1,547 parking spaces (1.2 spaces/apartment unit & 1 space per 50 sqm. GFA)

The proposed parking reduction is supportable as it represents a 9% reduction in the required amount of parking. Generally, a 10 percent deficiency of the parking supply requirements is acceptable according to Trans-Plan parking analysis. The parking analysis included with this submission states that the proposed parking supply can accommodate the proposed development with no negative impacts.

#### 8.1.1.2 Landscape Buffer

Required: Lot Line Abutting a Public Road: 6 m

Lot Line Not Abutting a Public Road: 3 m

Lot Line Abutting a Residential, Institutional or Public and Park Zone: 4 m

Proposed: Lot Line Abutting a Public Road: 3 m

Lot Line Not Abutting Public Road: 3 m

Lot Line Abutting a Residential Zone: 3 m

The intent of a landscape provision serves to mitigate potential conflicts between different land uses. The proposal provides a minimum of 3 metres in landscape buffers around the mid-rise parking areas. The lack of a landscape buffer can be supported as:

- A 4 metre landscape buffer is provided to the rear of the stacked townhomes to the south. This buffer within the stacked townhouse block.
- A 4.2 metre landscaping strip and a 1.5 metre sidewalk (totaling 5.7 metres of buffer space) is provided along both sides of the main north-south road (Street N), within the road allowance. This space satisfies the intent of the landscape buffer

provision by providing a separation between the road and the parking areas. A further 3 metres will be provided adjacent to the 5.7 metres along a road ensuring sufficient separation.

## 8.1.2 Fourth Density (R4) Residential Provisions

### 8.1.2.1 Permitted Use

Required: Detached Dwelling, Townhouse Block, Townhouse Street

Proposed: Detached Dwelling, Townhouse Block, Townhouse Street, Back-to-Back Townhouse, Rear Lane Townhouse, Stacked Townhouse

The R4 Zone permits several townhouse forms as a right. The proposed amendment provides provide a variation of townhouse built forms compatible with other R4 permitted uses. The regular townhouses proposed conform to the “Townhouse Street” definition and the stacked townhouses conform to the “Townhouse Block” definition. Definitions of “back-to-back townhouse” and “rear lane townhouse” are provided in the Draft Zoning By-law amendment.

### 8.1.2.2 Minimum Lot Frontage per unit

Required: 6 m

Proposed: 4.88 m (Street Townhouse)  
6.0 m (Block Townhouse)  
6.0 m (Back-to-Back Townhouse)  
4.5 m (Rear Lane Townhouse)

The intent of the minimum lot frontage per unit provision within a zoning by-law is to provide each property with adequate access to a street and to ensure the streetscape is not overwhelmed. A reduction in minimum lot frontage per unit can be supported as:

- Despite the reduction each dwelling will feature sufficient width for a private garage for parking and sufficient access to a public road.
- Townhouses will be provided in blocks between four and eight units in size, providing sufficient breakages in the streetscape.
- The townhouses will feature functional floor plans despite the 1.2 metre reduction in width (see Architectural set for floor plans).
- A reduced lot frontage per unit supports the efficient use of Greenfield lands.

### 8.1.2.3 Minimum Lot Area

Required: 0.02 ha (200 sqm)

Proposed: 98 sqm (Regular Townhouse)  
66 sqm (Back-to-Back Townhouse)  
99 sqm (Rear Lane Townhouse)  
99 sqm (Stacked Townhouse)

The intent of the minimum lot area provision in the zoning by-law is to ensure that each property has sufficient space to accommodate its intended use. Despite the reduction in lot area, each unit will have sufficient living space as shown in the conceptual floor plans contained in the Architectural package. Each unit will also have convenient access to private and/or common amenity area. Finally, lower lot areas support increased densities which can support lower housing costs.

#### 8.1.2.3 Minimum Front Yard

Required: 7.5 m

Proposed 2.2 m (Regular Townhouse)  
4.1m (To Parking Area from Stacked Townhouse)  
1.8m (Back-to-Back Townhouse)  
2.9 m (Rear Lane Townhouse)

The intent of regulating the front yard setback is to ensure a relatively uniform setback along the street and to provide sufficient space for landscaping. A reduction in minimum front yard can be supported as:

- All townhouse units within their respective blocks will feature identical setbacks, providing for a cohesive and attractive streetscape.
- All public roads proposed will feature 20 metre rights-of-way with two 4.3 metre travel lanes, leaving 5.7 metres on each side for street trees and landscaping features. Rear Lane Townhouse blocks 1 and 2 will front onto the parkette.
- A reduced front yard setback supports the efficient use of greenfield lands and higher-density development compatible with surrounding lands.

#### 8.1.2.4 Minimum Interior Side Yard

Required: 3.0 m

Proposed: 1.5 m (Regular Townhouse)  
- 0.9 m at Block R15 on SP  
1.5 m (Common Line between Stacked Townhouses)  
1.5 m (Back-to-Back Townhouse)  
1.5 m (Rear Lane Townhouse)

The intent of the minimum interior side yard setback provision in the Town's Zoning By-law is to provide sufficient space for maintenance between a building and property line. A reduction can be supported as:

- A side yard setback of 1.5 metres between a dwelling and property line provides sufficient room for maintenance of the dwellings.
- The reduced side yard setbacks break up the townhouse blocks, ensuring the streetscape is not overwhelming.

- The pinchpoint of 0.9 metres represents an instance of a interior side yard abutting a rear yard. Sufficient space for maintenance is provided with no compatibility conflicts with the adjacent property.

#### 8.1.2.5 Minimum Corner Side Yard

Required: 4.5 m

Proposed: 4.5 m (Regular Townhouse)

- 3.5 m at Block R13, R14, R42, R44, R45, R47 on SP

- 3.0 m at Block R20 on SP

- 1.5 m at Block R21 on SP

- 0.4 m at Block R55 and R56 on SP

2.9 m (Stacked Townhouse)

5.2 m (Back-to-Back Townhouse)

1.5 m (Rear Lane Townhouse)

The intent of the minimum corner side yard provision is to maintain safety by ensuring that dwellings located on the corner of two roads provide sufficient space for visibility for vehicles and pedestrians. Despite the reduction this intent is maintain as each corner unit provides a 6 metre by 6 metre daylight triangle ensuring visibility for pedestrians and vehicles. The 0.4 metre corner side yard can be supported as it reflects a unit located adjacent to a pedestrian walkway

#### 8.1.2.6 Minimum Rear Yard

Required: 6.0 m

Proposed: 6.0 m (Regular Townhouse)

- 1.5 m at Block R16 on SP

- 1.9 m at Block R17 on SP

- 2.1 m at Block R20 on SP

- 5.7 m at Block R51 on SP

4.0 m (Rear Lane Townhouse)

N/A, Common Wall (Back-to-Back Townhouse, Stacked Townhouse)

The intent of the minimum rear yard setback provision in the Town's Zoning By-law is to ensure each dwelling unit has sufficient amenity area and to ensure adequate from adjacent land uses. Nearly all regular townhouses will feature a rear yard of 6.0 metres with four pinchpoint areas proposed ranging from 1.5 metres to 5.7 metres A reduction can be supported as:

- A minimum rear yard setback of 4.0 metres to the dwelling unit provides sufficient amenity area and landscaping space for each dwelling unit for rear lane townhouse.
- The Rear Lane Townhouse blocks front onto, or are located adjacent to the parkette, providing significant amenity space for residents.
- All street townhouses back onto other street townhouses or single detached dwellings ensuring minimal shadowing concerns.
- The pinchpoint deficiencies are reflective of the irregular geometry of the block with the reductions operating as a side yard before expanding to a larger rear yard.

#### 8.1.2.7 Maximum Height

Required: 11.0 m

Proposed 14.4 metres (Regular Townhouse)

13.5 metres (Stacked Townhouse)

13.5 metres (Back to Back Townhouse)

13.5 metres (Rear Lane Townhouse)

Maximum height provisions for residential zones in zoning bylaws aimed at maintaining the character of a zone without resulting in massing conflicts with adjacent land uses. An increase in maximum height can be supported as:

- All townhouse forms will feature similar heights, ensuring there will be no massing conflicts between the different forms.
- Future single detached dwelling lots are located across the street from or adjacent to the rear yard of street townhouses providing sufficient space to mitigate any massing.
- Due to the high levels of bedrock on the Subject Lands many if not all units will not have basements. Permitting an increase in height provides for additional living space which would typically be provided for in basements.
- No shadowing or overlook issues are anticipated due to the increased height.

#### 8.1.2.8 Minimum Landscape Area Per Unit

Required: 25%

Proposed: 31% (Regular Townhouse)

0% (Stacked Townhouse)

0% (Back-to-Back Townhouse)

15% (Rear Lane Townhouse)

Minimum landscape area provisions within zoning by-laws are intended to ensure all dwellings have access to landscaping and amenity space. A reduction in landscaping area per unit can be supported as:



- Significant public amenity areas and greenspaces are accessible within a walkable distance to all units proposed.
- The reduction in landscaped area can lead to a decrease in maintenance fees for future residents that will ultimately result in an overall reduction in the cost of an accommodation.
- Approximately 38% of the Subject Lands is intended to be preserved for protecting the existing natural features. The proposed amount of landscaped open space can be supported as it promotes sustainable growth on lands available for development.

#### 8.1.2.9 Minimum Lot Frontage for a Corner Lot - Single Detached Dwelling

Required: 15 m

Proposed: 13.5 m

The intent of the minimum corner side yard provision is to maintain safety by ensuring that dwellings located on the corner of two roads provide sufficient space for visibility for vehicles and pedestrians. This intent will be maintained

#### 8.1.2.10 Minimum Lot Area - Single Detached Dwelling

Required: 0.4 ha (400 square metres)

Proposed: 0.3 ha (300 square metres)

A reduction in lot area for single detached dwellings can be supported as it facilitates the efficient use of lands with no land use compatibility conflict on adjacent lands. Future dwellings are anticipated to be designed within all existing zoning provisions.

### 8.1.3 Mixed Use Zone Provisions

#### 8.1.3.1 Minimum Front Yard

Required: 9 m

Proposed: 4.9 m

The intent of the front yard setback provision in mixed-use zones is to provide for site access and parking in front of the building. The proposed mixed use features parking at the rear of the building with access to the east of the building. Locating parking at the rear and having buildings located as close to the street as possible is consistent with the urban design objectives of commercial/mixed-use buildings. The requested variance is not anticipated to cause significant negative impacts on the existing streetscape and can be supported.

#### 8.1.3.2 Maximum Height

Required: 11 m (Mixed Use), 20 m (Apartment Building)

Proposed: 31.5 m

An increase in maximum height can be supported for the mid-rise buildings as:

- The mid-rise buildings are adequately buffered from the low-rise residential dwellings to the north. The increased height will not result in any negative shadowing impacts as supported by the shadow analysis contained within the submission package.
- The proposed development is located on a Regional Road, the preferred location for higher density and taller development due to the existing and planned capacity of such infrastructure to support higher traffic volumes than local roads.
- The increase in height would enhance the Killaly Street West streetscape creating a visually appealing urban environment.
- The increase in height supports the creation of residential units significantly contributing to housing supply.

#### 8.1.3.3 Minimum Lot Area per Unit

Required: 125 sqm

Proposed: 98.3 sqm

The intent of the minimum lot area provision in the zoning by-law is to ensure that each property has sufficient space to accommodate its intended use. A majority of units within the mid-rise buildings will be 1 bedroom or 1 bedroom + den units. According to rentals.ca the average size of a 1 bedroom unit is 61 square metres.<sup>1</sup> The reduced lot area is supportable as it is consistent with market trends and will support the provision of higher density uses while providing sufficient living space for residents.

## 9.0 Summary and Conclusion

It is our opinion the proposed Official Plan, Zoning By-law Amendments, and Draft Plan of Subdivision represent good land use planning, are in the public interest and should be approved for the following reasons:

- The proposed applications are consistent with the Provincial Policy Statement and conforms with the Growth Plan, Niagara Official Plan, and the City of Port Colborne Official Plan.
- The proposed applications facilitate compact form and contribute to complete communities.
- The proposed applications facilitate the efficient use of Greenfield lands.
- The proposed applications facilitate brownfield redevelopment;
- The proposed subdivision design incorporates parks, open space, and a trails master plan;
- The proposed applications facilitate the preservation of natural heritage resources;
- The proposed applications would contribute to the range of housing options required to meet the social, health, economic and well-being requirements of current and future residents through a townhouse built form.

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<sup>1</sup> [Rentals.ca February 2019 National Rent Report](#)

- The proposed development will make efficient use of existing municipal services and facilities.
- The proposed applications make efficient use of land resources and existing services and infrastructure.
- The proposed applications is well-designed and compatible with surrounding areas from a land use compatibility perspective.
- The proposal is supported by reports prepared by qualified professions, subject to relevant recommendations, that confirm that there will be no significant environmental or servicing impacts as a result of the proposed development.
- The Subject Lands are located along a regional road, the preferred location for higher density mixed-use development.
- The proposal is an example of efficient use of lands.

Report prepared by:



**Max Fedchyshak, MCIP, RPP**  
Intermediate Planner  
*NPG Planning Solutions Inc.*

Report and approved reviewed by:



**Aaron Butler, MCIP, RPP**  
Principal Planner, Niagara  
*NPG Planning Solutions Inc.*

## **10.0 Appendices**

### **Appendix A – Draft Official Plan Amendment**

#### **THE AMENDMENT**

All of this part of the document titled “Details of the Amendment” consisting of the following text and map designated Schedule “A”, constitutes Amendment No. XX to the Official Plan for the City of Port Colborne.

#### **DETAILS OF THE AMENDMENT**

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

1. Notwithstanding section 3.2 of the Official Plan for the City of Port Colborne, low density residential uses may be permitted to a maximum net density of 30 units per hectare, medium density residential uses may be permitted to a maximum density of 95 units per hectare, and high density residential uses may be permitted to a maximum density of 150 units per hectare.

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 “Urban Residential” and “EPA” and entitled “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.

#### **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

# SCHEDULE A TO OFFICIAL PLAN AMENDMENT ##



-  Urban Residential
-  Parks and Open Space
-  Environmental Protection Area

**THE CORPORATION OF THE CITY OF PORT COLBORNE**

**BY-LAW NO. \_\_\_\_\_**

**BEING A BY-LAW TO AMEND ZONING BY-LAW 6575/30/18, RESPECTING LANDS LEGALLY DESCRIBED AS LOTS 9, 10 AND PART OF LOT 11, REGISTERED PLAN NO. 767 AND BLOCK 'A' AND PART OF BLOCK 'B', REGISTERED PLAN NO. 775 IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA, AND MUNICIPALLY KNOWN AS 54 GEORGE STREET.**

**WHEREAS** By-law 6575/30/18, is a by-law of the Corporation of the City of Port Colborne regulating the use of lands and the location and use of buildings and structures within the City of Port Colborne;

**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 "A7" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule 1 from NC-27-H, R2-28-H, R4-30-H, Public and Park (P) and Environmental Protection (EP) to Special Provision Fourth Density Residential (R4-XX), Special Provision Mixed-Use (MU-XX) Zone, Environmental Protection Zone, and Public and Parks Zone.
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Special Provision: Fourth Density Residential (R4-XX)**

Notwithstanding the provisions of Section 8, the following provisions shall apply to lands zoned R4-XX in accordance with Schedule XX

<b>Permitted Uses</b>
a) Dwelling, Detached
b) Dwelling Townhouse Block
c) Dwelling Townhouse Street

d) Dwelling, Back-to-Back Townhouse	
e) Dwelling, Rear Lane Townhouse	
<b>Zone Requirements – Detached Dwelling</b>	
a) Minimum Lot Frontage – Corner Lot	13.5 metres
b) Minimum Lot Area	300 square metres
<b>Zone Requirements – Dwelling, Townhouse Block</b>	
a) Minimum Lot Frontage per unit	6.0 metres
b) Minimum Lot Area	98 square metres
c) Minimum Front Yard	4.0 metres to parking area
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	2.8 metres
f) Minimum Rear Yard	4.0 metres
g) Maximum Height	14 metres
h) Common walls shall be centered on the common lot line.	
i) There is no minimum interior side yard and/or rear yard for common walls.	
j) Setback calculations shall be taken from a private road or parking area.	
<b>Zone Requirements – Dwelling, Townhouse Street</b>	
a) Minimum Lot Frontage per unit	6.0 metres
b) Minimum Lot Area	95 square metres
c) Minimum Front Yard	2.0 metres
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	4.5 metres
f) Minimum Rear Yard	1.5 metres
g) Maximum Height	15 metres
h) Minimum Landscaped Area	25 %
i) Common walls shall be centered on the common lot line.	
j) There is no minimum interior side yard and/or rear yard for common walls.	
<b>Zone Requirements – Dwelling, Back-to-Back Townhouse</b>	

a) Minimum Lot Frontage per unit	4.5 metres
b) Minimum Lot Area	65 square metres
c) Minimum Front Yard	1.8 metres
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	5.0 metres
f) Minimum Rear Yard	N/A
g) Maximum Height	14 metres
h) Minimum Landscaped Area	0%
i) Common walls shall be centered on the common lot line.	
j) There is no minimum interior side yard and/or rear yard for common walls.	
<b>Zone Requirements – Dwelling, Rear Lane Townhouse</b>	
a) Minimum Lot Frontage per unit	4.5 metres
b) Minimum Lot Area	95 square metres
c) Minimum Front Yard	2.9 metres
d) Minimum Interior Side Yard	1.5 metres
e) Minimum Corner Side Yard	3.7 metres
f) Minimum Rear Yard	4.0 metres
g) Maximum Height	14 metres
h) Minimum Landscaped Area	15%
i) Common walls shall be centered on the common lot line.	
j) There is no minimum interior side yard and/or rear yard for common walls.	

Notwithstanding the provisions of Section 8.6, a Street Townhouse located on Block 30 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a rear yard of 1.5 metres is permitted.

Notwithstanding the provisions of Section 8.6, a Street Townhouse located on Block 30 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a minimum interior side yard of 0.9 metres is permitted.



Notwithstanding the provisions of Section 8.6, a Street Townhouse located on Block 3 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a minimum corner side yard of 0.4 metres is permitted.

Notwithstanding the provisions of Dwelling, Rear Lane Townhouse, a Rear Lane Townhouse located on Block 34 of the corresponding Draft Plan of Subdivision, dated November XX, 2023, a minimum corner side yard of 1.5 metres is permitted.

**Special Provision: MU-XX**

Notwithstanding the provisions of Section 21, the following provisions shall apply to lands zoned R4-XX in accordance with Schedule XX

<b>Zone Requirements – Mixed Use Buildings</b>	
Minimum Front Yard	4.8 metres
Maximum Building Height	32 metres
<b>Zone Requirements – Apartment Building</b>	
Minimum Lot Area per Unit	98 square metres
Minimum Front Yard	4.8 metres
Maximum Building Height	32 metres

Notwithstanding the provisions of Section 3.1, 1.2 spaces/apartment unit & 1 space per 50 sqm. Commercial GFA

Notwithstanding the provisions of Section 3.10, loading spaces are permitted in a rear yard which abuts a residential zone.

4. That Section 38 entitled “Definitions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Dwelling, Back-to-Back Townhouse:** means a group of not less than four, but not more than ten single dwelling units divided vertically from each other by common side walls and common rear walls and each of which has a private independent entrance directly from a front yard.

**Dwelling, Rear Lane Townhouse** means a townhouse dwelling (street or block townhouse) that is not a stacked townhouse dwelling or back to back dwelling and where vehicular access to an attached garage is provided via a Driveway crossing the rear lot line that is accessed from either a street or a lane.

5. 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, R.S.O 1990*.
6. The City Clerk is hereby authorized and directed to proceed with the giving of 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 XXTH DAY  
OF XXX, 2023**

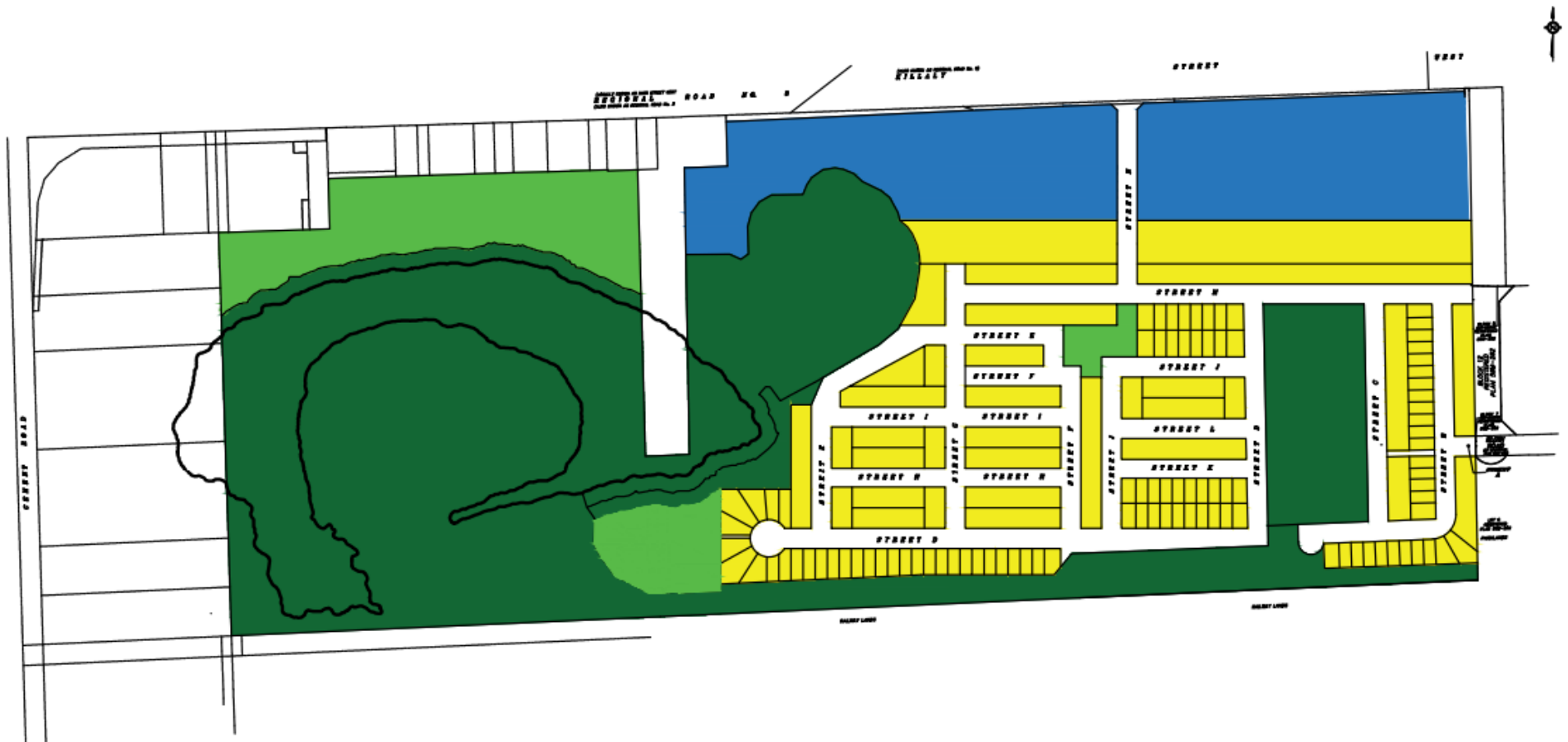
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**William C Steele, MAYOR**

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**Amber LaPointe, CLERK**

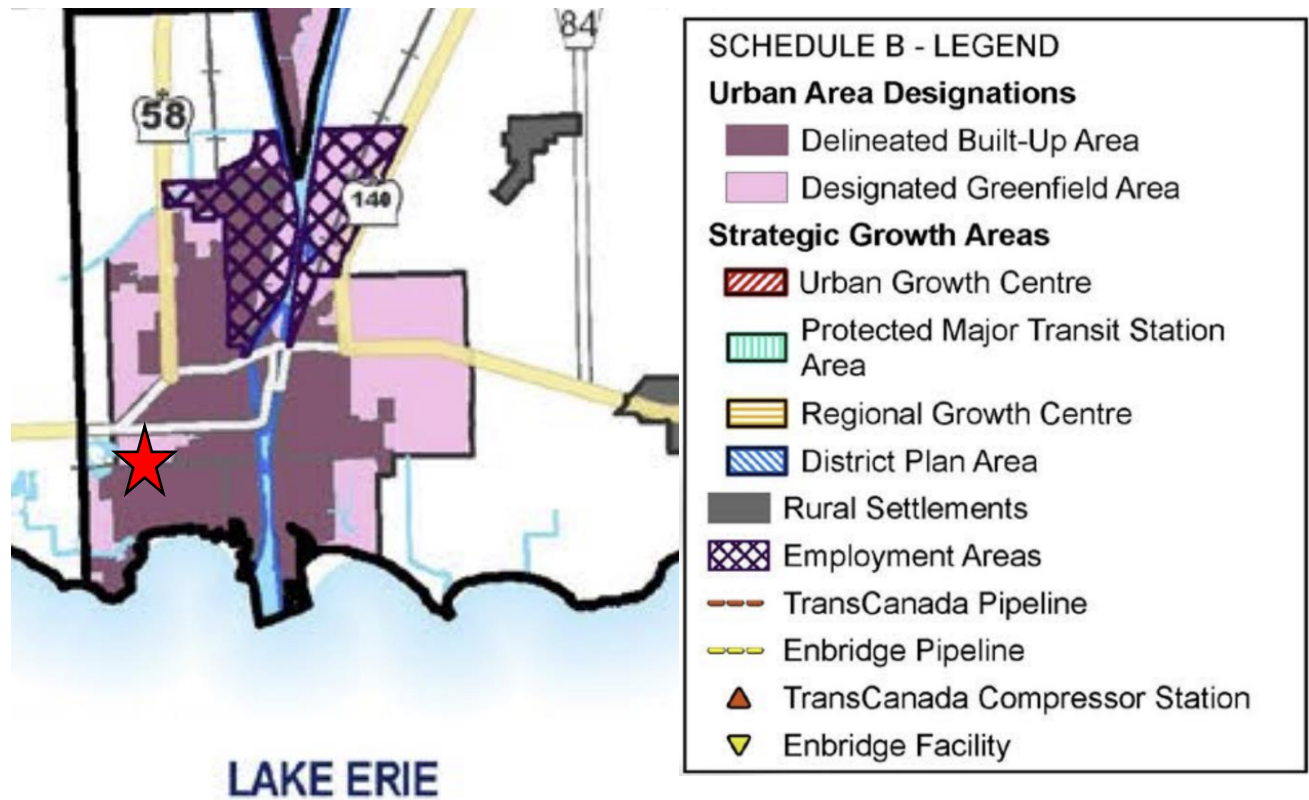
# SCHEDULE A TO ZONING BY-LAW AMENDMENT ##



-  Site Specific Mixed Use (MU-XX) Zone
-  Site Specific Fourth Density Residential Zone (R4-XX) Zone
-  Public and Park Zone
-  Environmental Protection Zone

## Appendix C – Niagara Region Schedules

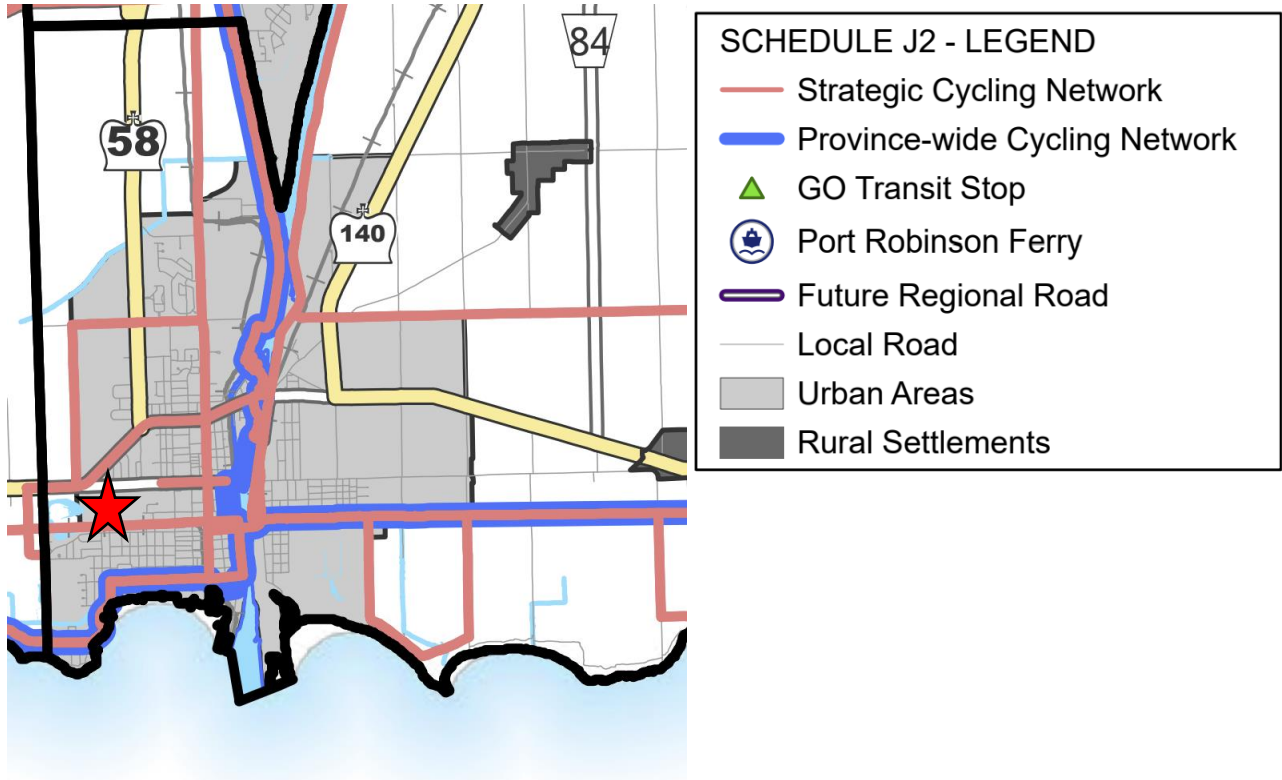
### Schedule B – Regional Structure (Subject Lands marked with Red Star)



Schedule J1 – Transportation Infrastructure (Subject Lands marked with Red Star)



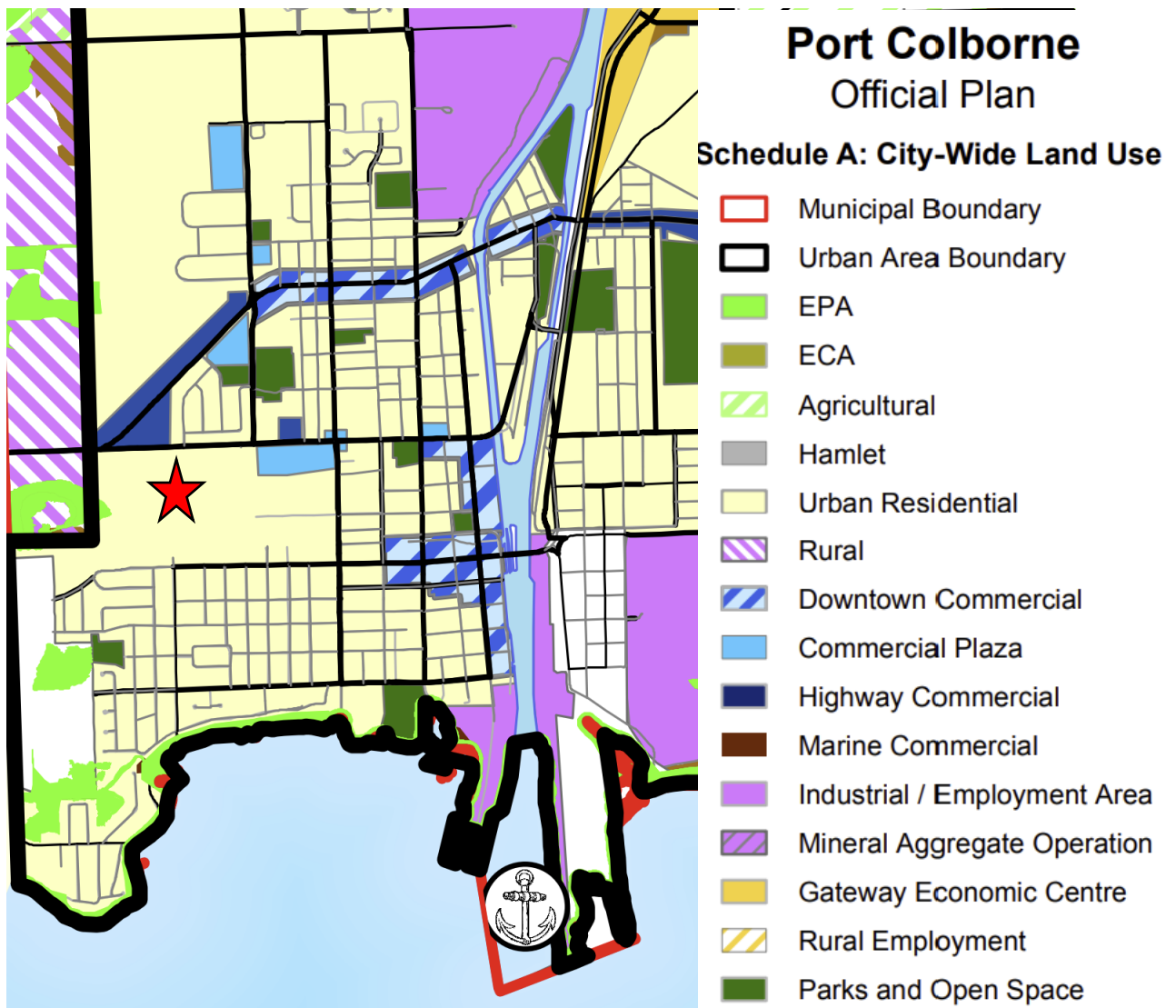
Schedule J2 – Strategic Cycling Network (Subject Lands marked with Red Star)



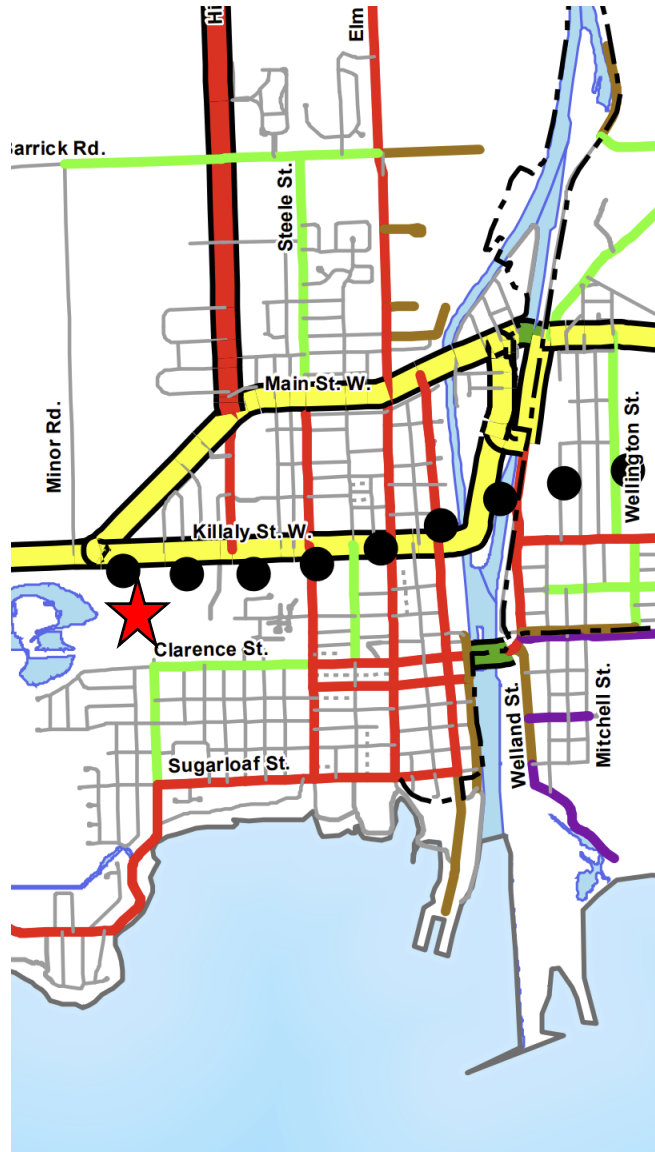
**LAKE ERIE**

Appendix D – City of Port Colborne Official Plan Schedules

Schedule A – Land Use Plan (Subject Lands marked with Red Star)






Schedule D – Transportation (Subject Lands marked with Red Star)












# Port Colborne

## Official Plan

### Schedule D: Transportation

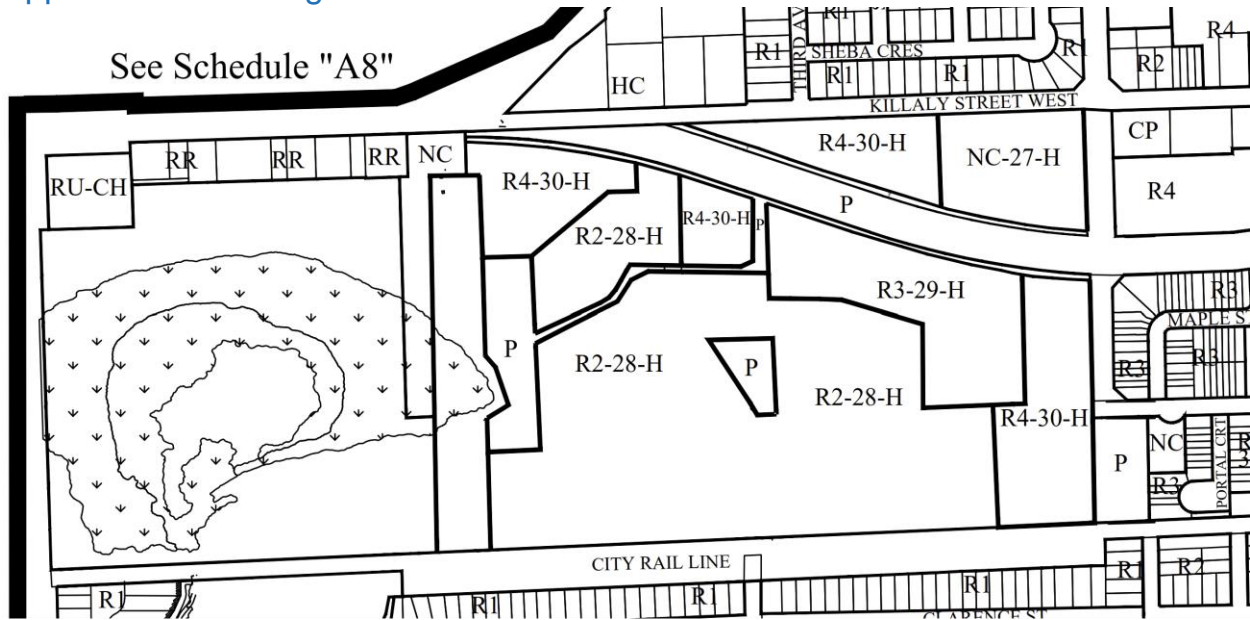
-  Municipal Boundary
-  Future Highway 3
-  Port Colborne Bike Trails

#### Roads Classification

-  Laneway
-  Local Road
-  Local Commercial or Industrial
-  Arterial
-  Collector
-  Collector Commercial or Industrial
-  St. Lawrence Seaway
-  Regional
-  Provincial



Appendix E – Zoning Schedule






City of Port Colborne



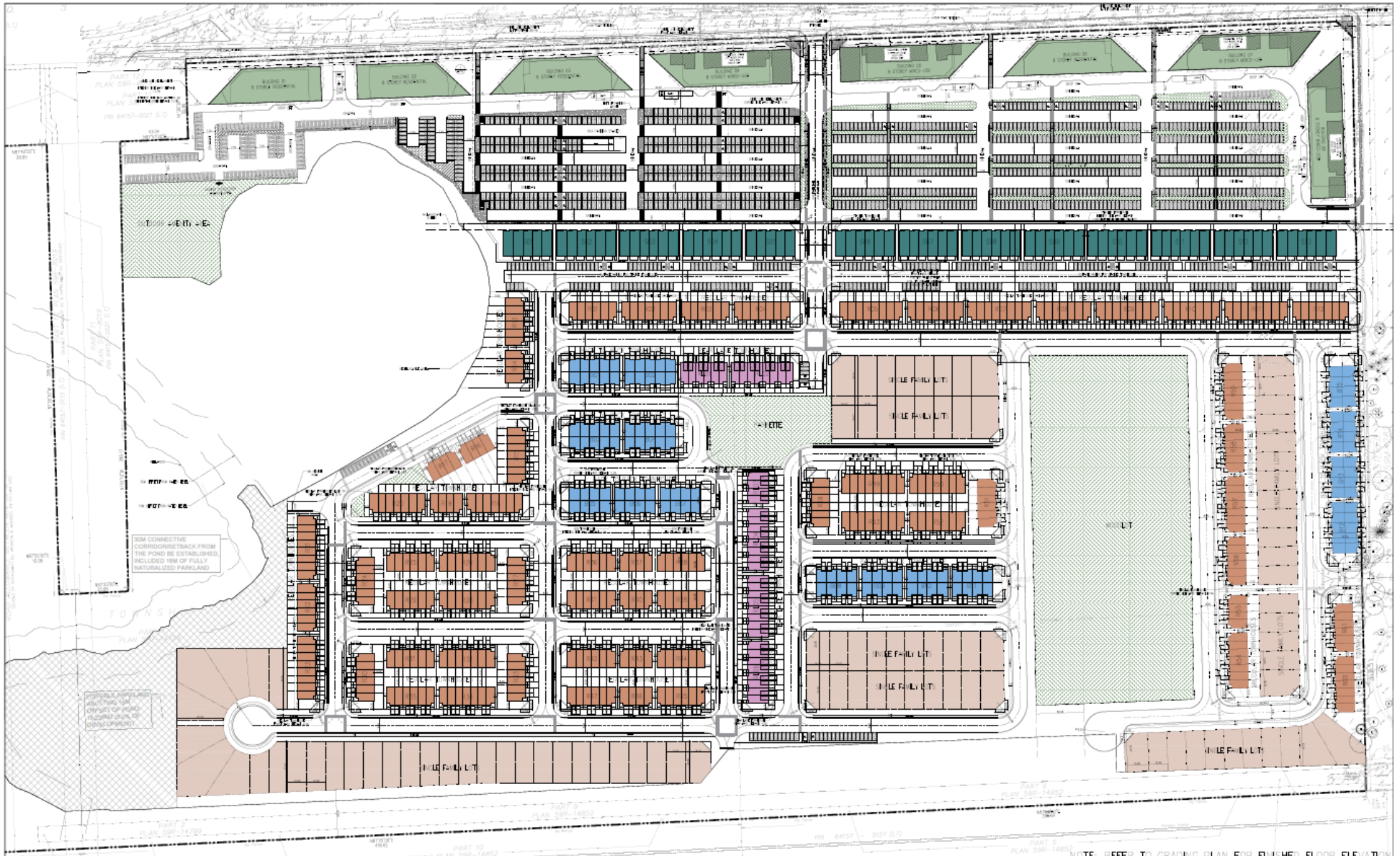
**SCHEDULE "A7"**  
to By-law No. 6575/30/18

LEGEND

Symbol	Zone
R1	FIRST DENSITY RESIDENTIAL
R2	SECOND DENSITY RESIDENTIAL
R3	THIRD DENSITY RESIDENTIAL
R4	FOURTH DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
NC	NEIGHBOURHOOD COMMERCIAL
DC	DOWNTOWN COMMERCIAL
HC	HIGHWAY COMMERCIAL
MC	MARINE COMMERCIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
HI	HEAVY INDUSTRIAL
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

This is Schedule "A7" to By-law No. 6575/30/18

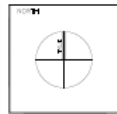
# Appendix F – Site Plan



	MIXED USE RESIDENTIAL BUILDING
	COMMERCIAL SPACE
	STACKED TOWNHOUSES
	BACK-TO-BACK TOWNHOUSES
	REAR-LANE TOWNHOUSES
	SINGLE FAMILY HOUSES
	SEMI-LANE TOWNHOUSES

	EASEMENT
	UTILITY
	SETBACK
	OTHER

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10



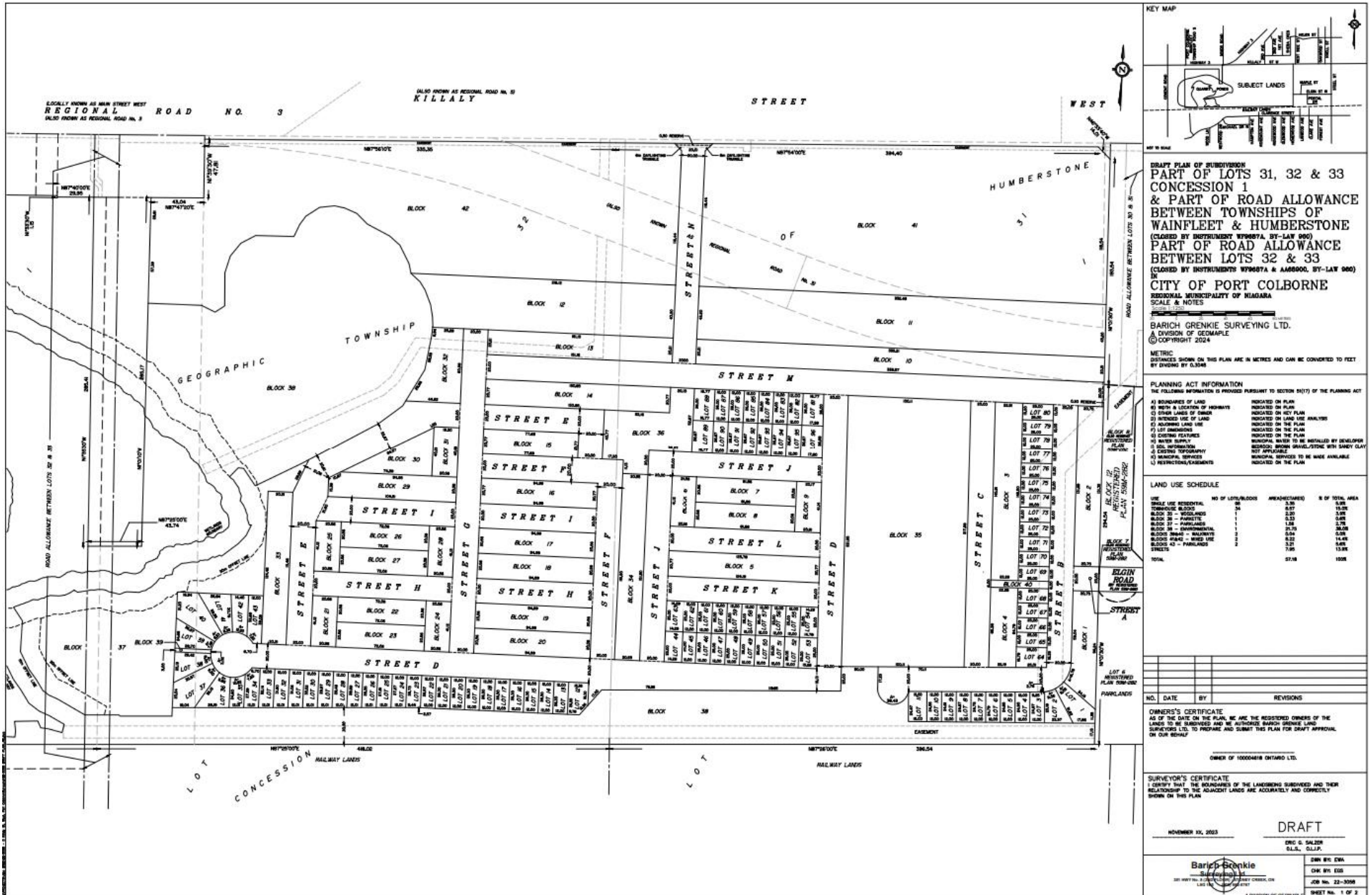
**KILLALY STREET  
PORT COLBORNE, ON**

DATE: 12/2020  
 PROJECT NO.: 22129

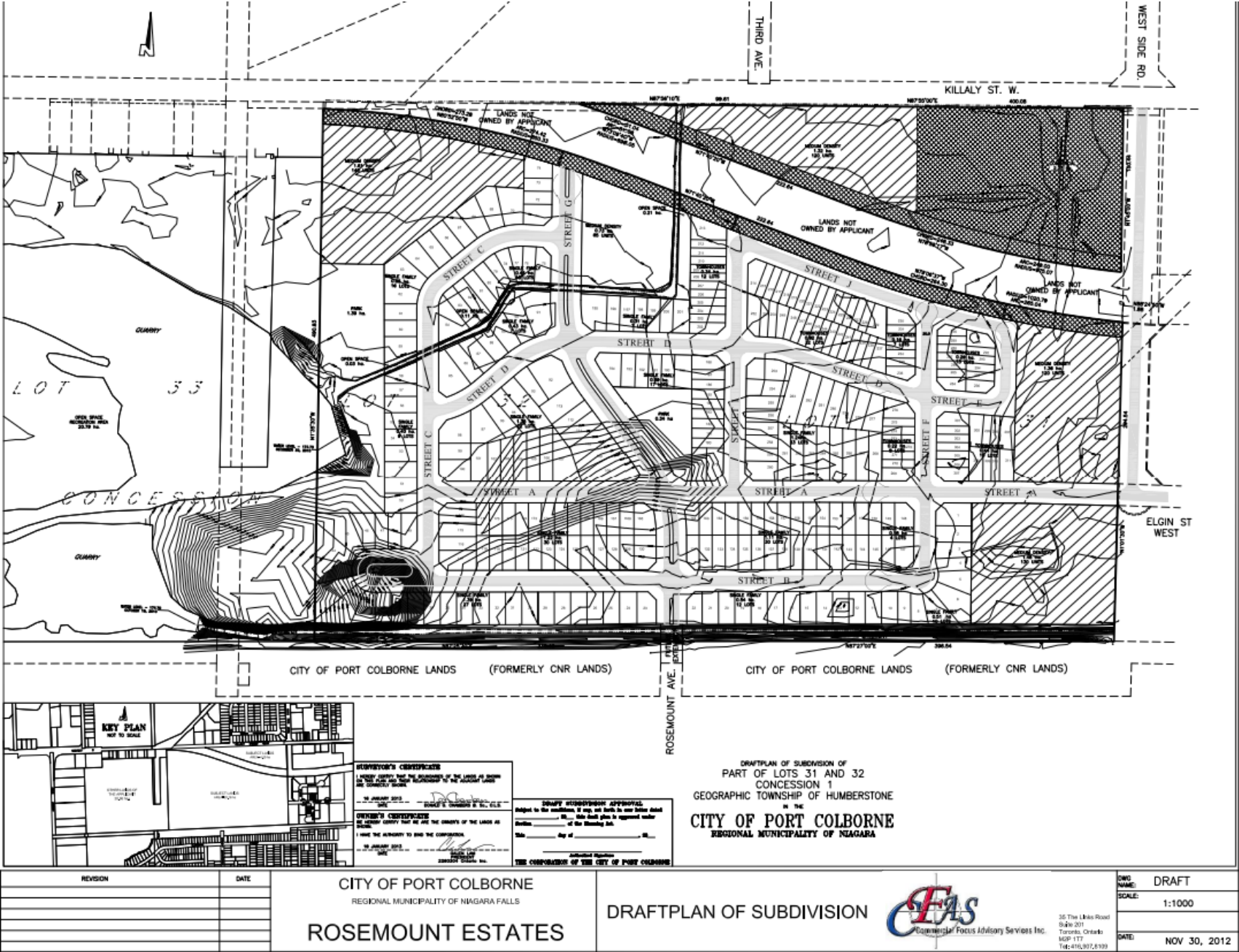
**ICON ARCHITECTS**  
 1000 ...  
 22129



Appendix G – Draft Plan of Subdivision (2024)



Appendix H – 2013 Draft Plan of Subdivision – Rosemount Estates



## Appendix I – Site Photos



***Photo 1. View of the Subject Lands from old concrete factory road, located near the northeastern corner of the property.***



***Photo 2. View east along Killaly Street West from near the northeastern corner of the Subject Lands.***



***Photo 3. View south down the old concrete factory road from the northeastern corner of the Subject Lands.***



***Photo 4. View north towards detached dwellings which feature frontage on Sheba Crescent***



**Photo 5. View north along West Side Road from the northeastern corner of the Subject Lands.**



**Photo 6. View south down a potential West Side Road extension from the northeastern corner of the Subject Lands**



**Photo 7. View east towards a path leading to Elgin Street West.**



**Photo 8. View west from terminus of Elgin Street West. Path from Photo 7 is visible to the right.**





***Photo 9. View of Maple Park from terminus of Elgin Street West.***



***Photo 10. View of intersection of Elgin Street West and Maple Street.***



**Photo 11.** View north towards Killaly Street West and West Side Road intersection from the interior of the Subject Lands.



**Photo 12.** View south towards the Subject Lands from Killaly Street West.



***Photo 13. View south from intersection of Killaly Street West and Third Avenue. The Subject Lands are visible in the background.***



***Photo 14. View north from intersection of Killaly Street West and Third Avenue towards single detached dwellings fronting on Third Avenue.***



***Photo 15. View east along Sheba Crescent from Third Avenue.***



***Photo 16. View south from Killaly Street West near Main Street West towards the Subject Lands.***



**Photo 17. View of commercial plaza east of the Subject Lands with frontage on Killaly Street West.**



**Photo 18. View of commercial plaza at intersection of Killaly Street West and Steele Street.**



***Photo 19. View north towards the Subject Lands from the terminus of Rosemount Avenue.***



***Photo 20. View west near interior of the Subject Lands towards path leading to Quarry Ponds.***



***Photo 21. View northwest from Old Factory lands towards Quarry Ponds.***



**Photo 22. View northeast from Old Factory lands.**



**Photo 23. View west, from eastern side of the northern quarry pond.**





*Photo 24. View north along path around Quarry Ponds. Northern quarry pond is located on the left.*

## Appendix J – Shadow Study Terms of Reference

**From:** [Young, Katie](#)  
**To:** [Rhea Davis](#)  
**Cc:** [Aaron Butler](#); ["Reza Eslami"](#); [Rami Khoueiry](#)  
**Subject:** RE: VL Killaly St W (E of Quarry Ponds) in Port Colborne  
**Date:** June 7, 2023 8:31:44 AM  
**Attachments:** [image001.png](#)

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Good morning Rhea,

Regional staff are in the process of developing a terms of reference but do not have a draft to share. Developments of this scale often consider the impacts of shadow when informing a height regime for the site, ensure buildings consider solar orientation, determining appropriate locations for amenity areas, considerations for naturalized areas, and ensuring that commercial offerings are oriented with sun and shade.

For the Region, the consideration is ensuring that built-form is massed appropriately to provide green infrastructure within the Regional ROW an adequate level of sunlight. There are good examples of ToRs that you can seek such as, but not limited to, the City of Burlington's [Shadow Study Guidelines and Terms of Reference](#) or the City of Mississauga's [Standards for Shadow Studies](#) document. Both of these documents may be found on their respective municipal websites.

If you have any further questions, please don't hesitate to reach out.

Kind regards,

**Katie Young**, MSc (PI), MCIP, RPP

**Development Planner**

Development Planning

Growth Strategy and Economic Development

Niagara Region | [www.niagararegion.ca](http://www.niagararegion.ca)

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E: [katie.young@niagararegion.ca](mailto:katie.young@niagararegion.ca)