

# PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT AND IMPACT ANALYSIS

Prepared for: Quartek Group / Bensanti Developments  
242-246 Highway 58 / West Side Road  
City of Port Colborne, Regional Municipality of Niagara



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## REPORT SUMMARY

<b>TYPE OF STUDY:</b> Preliminary Planning Policy Justification Report and Impact Analysis		<b>DATE:</b> 2024-06-25
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<b>OWNER / AGENT:</b> Quartek Group / Bensanti Developments		
<b>ADDRESS:</b> 242-246 Highway 58 / West Side Road		<b>ROLL #:</b> 2711103003518700 and 2711103003518500
<b>LEGAL DESCRIPTION:</b> Lots 37, 39 and 39, Registered Plan No. 826		
<b>APPROVAL AUTHORITIES:</b> City of Port Colborne		
<p><b>DEVELOPMENT PROPOSAL</b></p> <p>This <a href="#">Preliminary Planning Policy Justification Report and Impact Analysis</a> has been prepared in support of Official Plan and Zoning By-law Amendment applications to permit the development of the 0.567-hectare subject properties with about 23 metres frontage on the east side of Highway 58 / West Side Road illustrated in Annex 1, Site Plan and Annex 2, Survey.</p> <p>The proposal is to develop 112 apartment dwelling units. The apartment dwelling units and the building have been designed to and reinforce the adjacent proposed condominium residential development to the north and the existing commercial land use to the west by maintaining the existing road network and extending Franklin Street. The Site Plan completed by the Quartek Group, dated 2023-03-29, illustrates the total area of the subject properties is about 0.6 hectares. A road allowance separates existing residential properties to the east from the proposed development.</p> <p>The proposed development is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Niagara Region Official Plan, and the City of Port Colborne Official Plan. The proposal requires an Official Plan Amendment to provide for increased density and ground floor parking and a Zoning By-law Amendment to permit the apartment use. The current zoning of the subject properties is R1-First Density Residential and R3-Third Density Residential.</p> <p>This <a href="#">Preliminary Planning Policy Justification Report and Impact Analysis</a> has been prepared in conjunction with the Site Plan dated 2023-03-29 by the Quartek Group, and the supporting documents as required by the Pre-Consultation checklist dated 2023-07-27. This proposal represents good planning and will provide additional residential opportunities to current and future residents of the Region of Niagara and the City of Port Colborne.</p> <p>The ultimate <i>development</i> began with identification of the preferred location of the buildings and servicing. Once the preferred building locations were confirmed the next step was to establish parking and landscaped areas. The built form and massing proposed was informed by the City's and the Region's urban design directions. The underutilized subject property will be transformed into a new mixed use <i>commercial</i> and <i>residential intensification</i> development on this site. Consideration was given to how this</p>		

site presents itself to both the immediate vicinity and the broader context in terms of vista impact and public realm enhancement.

The proposal promotes a human scale living and pedestrian experience. The subject property has easy access to Port Colborne's integrated streets providing alternatives to driving. The subject property is serviced by the Niagara Region's On-Demand transit service, providing door-to-door transit and convenient access to amenities within the City and convenient access to nearby grocery stores, retail shops, schools, parks, and other institutional uses. The 'Port Colborne Link' transit service to Welland with connections to the rest of the Region of Niagara, is available nearby, enabling passengers to board a bus by waving as it approaches.

Landscaping will include planting areas creating an environmentally resilient, and walkable development as part of the complete community concept.

*Settlement areas* such as Port Colborne, where the subject property is located, are the focus of growth and development, and their vitality and regeneration is to be promoted. The proposal satisfies the [Region of Niagara Official Plan's](#) intent to:

- build more sustainable *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*.
- optimize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner.

The [Port Colborne Official Plan](#) encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the [Planning Act](#); [Provincial Policy Statement](#); [Growth Plan](#); [Region of Niagara Official Plan](#); and [Port Colborne Official Plan](#).
- Permits the proposed residential use; and
- Is good planning.



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## INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained on 2023-10-01 by Quartek Group to prepare this [Preliminary Planning Policy Justification Brief](#) for *Planning Act* applications to permit Bensanti Developments to develop a residential use at 242-246 Highway 58 / West Side Road in the City of Port Colborne. The purpose of this [Brief](#) is to review a proposal to develop the 0.567-hectare subject properties with about 23 metres frontage on the east side of Highway 58 / West Side Road for a residential redevelopment, illustrated in [Annex 1, Site Plan](#). The subject properties, illustrated in [Annex 2, Survey](#), have a two-storey and a one-storey single detached dwellings.

The City of Port Colborne hosted a Pre-Consultation Meeting on 2023-07-27. Staff of the City Planning, Public Works, Drainage, and Fire, the Region of Niagara, and the Ministry of Transportation attended or submitted comments. The meeting determined Port Colborne Official Plan and Zoning By-law Amendments and Draft Plan of Condominium applications are required supported by a:

- Archaeological Assessment (Stage 1 + Ministry letter) with the Official Plan and Zoning By-law Amendment applications.
- Building Elevations + Floor Plans with the Official Plan and Zoning By-law Amendment applications.
- Conceptual Site Plan with the Official Plan and Zoning By-law Amendment applications.
- Functional Servicing Report with the Site Plan Control Approval application.
- Noise Impact Study with the Official Plan and Zoning By-law Amendment applications.
- Planning Justification Study with the Official Plan and Zoning By-law Amendment applications.
- Shadow Analysis with the Official Plan and Zoning By-law Amendment applications.
- Traffic Brief with the Official Plan and Zoning By-law Amendment applications.
- Landscape / Restoration Plan.

The proposal is reviewed against the policies of the: [Provincial Policy Statement](#); Growth Plan for the Greater Golden Horseshoe ([Growth Plan](#)); [Region of Niagara Official Plan](#); [City of Port Colborne Official Plan](#); and the provisions of the [City of Port Colborne Zoning By-Law](#).

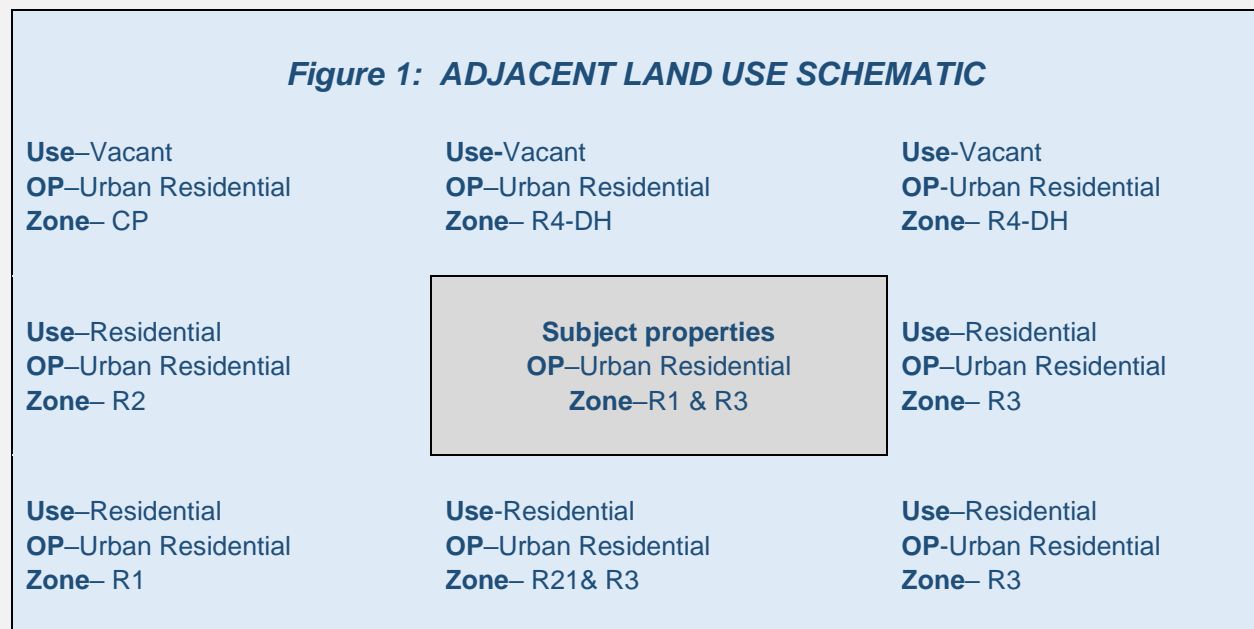
The subject properties are **designated Built-up Area** with implications due to the **Natural Environment System Overlay / Significant Woodlands, on West Side Road / Highway 58 / West Side Road**, and **Areas of Archaeological Potential** in the Region of Niagara Official Plan, **Urban Residential** in the Port Colborne Official Plan, and **zoned First Density Residential (R1)** in part abutting West Side Road and **Third Density Residential (R3)** abutting the unopened Parkwood Street in part. The unopened link of Franklin Street abuts the subject properties on the north.

On 2024-02-22 the [Information Flyer](#) in [Annex 3](#) with information about the proposal requesting comments and concerns was sent to all occupied properties within 120 metres of the subject properties. Two (2) were returned, one email was received enquiring about the timing of construction, and two (2) mentioned issues including:

- The proposal is “Not in keeping with the residential character of the neighbourhood”.
- Shadowing impact on nearby residential uses and existing roads.
- Reflective facades.
- Lighting / photometrics.
- Parking.
- Adequacy of municipal infrastructure.
- Property value.

## SITE CONTEXT AND SURROUNDING LAND USES

As illustrated in [Figure 1, Adjacent Land Use Schematic, Schematic](#) and [Figure 2, Adjacent Land Use Image](#), the subject properties are bordered by existing long standing residential uses, a retail uses, existing and former institutional uses, and vacant woodland.



The neighbourhood of the subject properties is an older established mixed-use area and can be considered mostly developed while still providing infill opportunities such as this proposal. The key features of the neighbourhood are the Highway 58 / West Side Road and the Port Colborne Mall. In terms of improvements, Highway 58 / West Side Road has a sidewalk abutting the subject properties. The *development* of the subject properties as



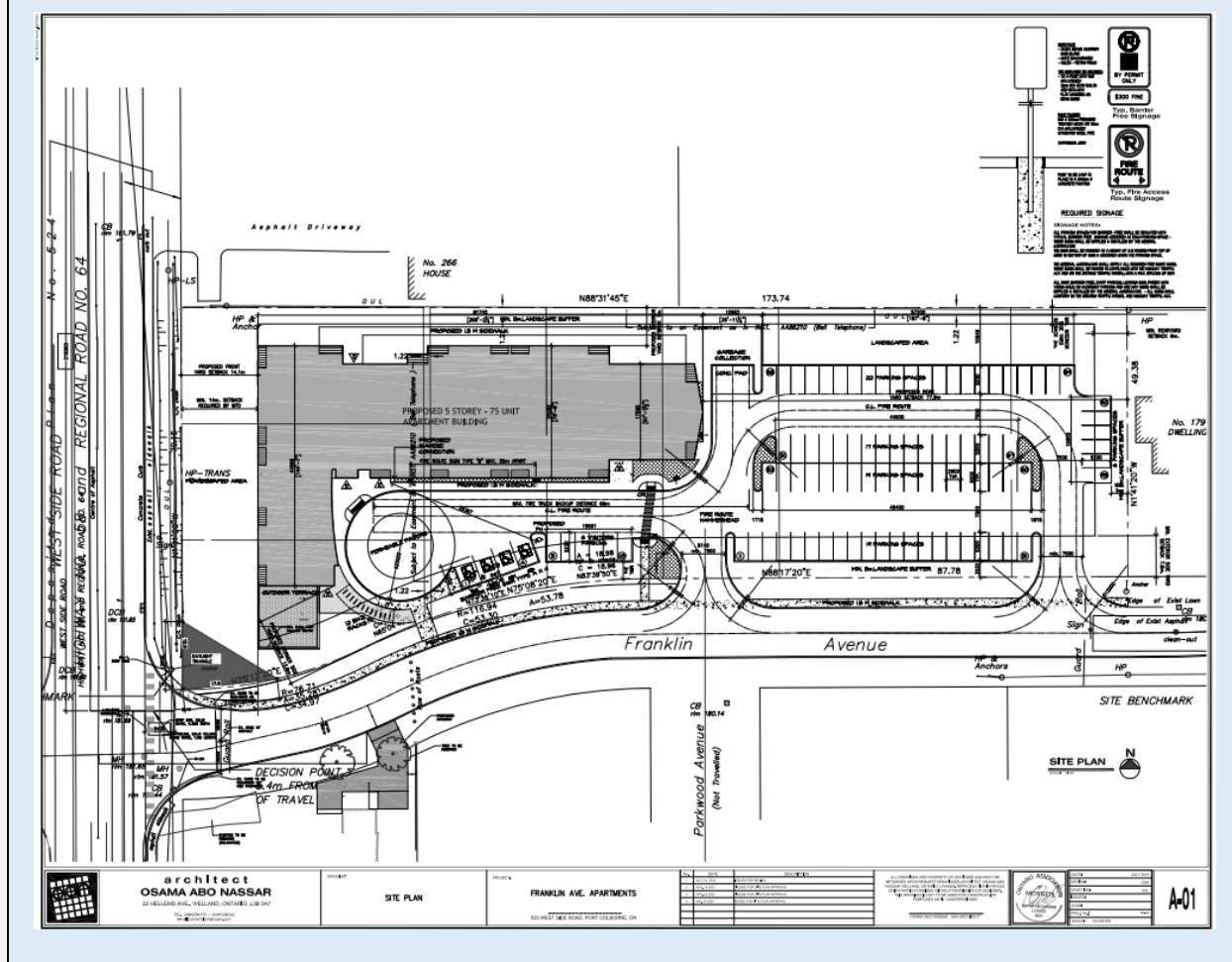
residential use is compatible with the residential land uses context of the surrounding area.

**Figure 2: ADJACENT LAND USE**



The R4-DH Zoning on the properties on the north side of the unopened Franklin Street road allowance permits 18-metre-high apartment buildings illustrated in [Figure 3, North Side of Franklin Avenue Site Plan](#). Section 4.4.1 requires that where a zone symbol contains the suffix “DH” the zoning shall not take effect until the prescribed conditions are met including any special studies as determined by staff. A five-storey, 75-unit apartment project illustrated below is proposed for the site.

Figure 3: NORTH SIDE OF FRANKLIN AVENUE SITE PLAN



## DESCRIPTION OF THE PROPOSAL

This section of the Preliminary Report provides conceptual details about proposed use. The *Site Plan* is an indicative plan reflecting a desirable development scenario for the subject properties and is an articulation of established best practices in community design and urban planning for residential intensification and municipal infrastructure and services efficient optimization. It provides a flexible framework and practical direction for development of buildings on the subject properties, and to the extent possible currently, detail of the anticipated building location and development parameters. Regardless of the eventual implementation and build out, the intent and objective of creating a safe, walkable, environmentally resilient, and complete community *development* attuned to the everyday needs of all residents and compatible with the neighbourhood remains constant.

The ultimate *development* began with identification of the preferred location of the buildings and servicing. Once the preferred building location was confirmed the next step was to establish landscaped areas. The built form and massing proposed was informed

by the City's and the Region's urban design directions. The underutilized subject properties will be transformed into a new *residential intensification* development on this site. Consideration was given to how this site presents itself to both the immediate vicinity and the broader context in terms of vista impact and public realm enhancement.

The proposal promotes a human scale living and pedestrian experience. The subject properties have easy access to Port Colborne's integrated streets providing alternatives to driving. The subject properties are serviced by the Niagara Region's On-Demand transit service, providing door-to-door transit and convenient access to amenities within the City and convenient access to nearby grocery stores, retail shops, schools, parks, and other institutional uses. The 'Port Colborne Link' transit service to Welland with connections to the rest of the Region of Niagara, has a 'flag stop' area directly across Highway 58 / West Side Road enabling passengers to board a bus by waving as it approaches.

Landscaping will include planting areas creating an environmentally resilient, and walkable development as part of the complete community concept.

## SUPPORTING STUDIES AND ISSUES REVIEW

### ["Not In Keeping With The Residential Character Of The Neighbourhood."](#)

As mentioned in the comments from the neighbours and outlined in recent development applications there is approval for a multi-storey apartment building on the north side of Franklin Avenue and stacked townhouse s are proposed (subject to appeal).on the west side of West Side Road. There is an existing multi-unit commercial development on the west side of West Side Road.

Northland Estates, a 10.89-hectare parcel of land located south of Barrick Road, west of West Side Road, north of Coronation Drive and east of Minor Road, is an approved comprehensive development of 122 lots for single detached dwellings, 10 street-townhouse blocks containing 50 dwelling units, as well as a mixed-use block containing 50 dwelling units to a total development yield of 222 units. Northland Estates will have of lots and blocks for single detached dwellings, street-townhouse dwellings, and apartment dwellings as well as a mixed commercial and residential block.

### [Shadowing](#)

The [Shadow Study Report](#) in [Annex 4](#) demonstrates the The properties to the east are buffered by a 3.8-metre setback within the subject property and the 20-metre unopened Parkwood Avenue road allowance to the east of the subject property. The two affected residential lots to the east on Woodside Drive are deep lots, with the dwellings positioned outside the impacted area, resulting in year-round and particularly summer access to sunlight.

### Reflective Surfaces

The facades on the east and west side of the proposed building will be no more reflective than any other residential building.

### Lighting / Photometrics

A Photometric Plan is required as part of the project's Site Plan Control Approval.

### Parking

Senior Housing Trip Generation and Parking Demand Characteristics, by Stephen B. Corcoran, P.E. (M) a, presented at the Institute of Transportation Engineers 66th Annual Meeting, concluded the peak parking demand at most senior facilities occurs midday with an average peak demand of 0.40 vehicles per dwelling unit for residents, employees, and visitors. Mother's Day is the highest parking day of the year with many facilities short of spaces for that one day.

Review of Parking Standards Contained Within The City Of Vaughan's Comprehensive Zoning Bylaw, by IBI Group, March 2010, stated seniors-oriented housing typically generates a lower parking demand per unit due to the smaller family sizes and a lower vehicle ownership rate. Studies from Toronto and California have shown that the average auto ownership for such dwellings is about 30% of the average for typical condominiums. A detailed study of parking rates for seniors housing facilities in a Lower Mainland Community (British Columbia) also found lower parking allocation by dwelling unit, with decreasing parking demand based on the level of care provided.

The Review recommended proposed senior citizens dwelling parking standards are presented in Exhibit 4-4, reproduced the following as *Table A5.1: Proposed Senior Citizens Dwelling Parking Standards*. The Table compares zoning provisions reviewed as part of Review and includes the City of Port Colborne. Key elements of the proposed standards include:

- Three categories are proposed for senior citizens dwellings including independent, supportive, and nursing homes. This allows the lower parking demand at supportive residences to be incorporated into the parking standards.
- As for multi-unit residential developments, proposed standards for independent senior citizens dwellings are specified by the size of the unit (i.e., the number of bedrooms) to make minimum requirements more reflective of actual demand.
- The proposed minimum parking requirements for independent senior citizens dwellings are reduced from existing requirements to reflect current planning goals and building practices in Vaughan. Minimum requirements are set approximately 30 percent below proposed multi-unit requirements reflecting the commonly observed differences in auto ownership. Similarly, the proposed visitor parking requirement is reduced to 0.2 spaces per unit. For high-order transit hubs the recommended visitor parking requirement is 0.15 spaces per unit, reflecting the high level of transit service

**Table A5.1: PROPOSED SENIOR CITIZENS DWELLING PARKING STANDARDS**

Land Use	Description	Existing Standard	Proposed Standards						
			Base	High-order Transit Hubs		Local Centres		Primary Centres and Primary Intensification Corridors	
			Min	Min	Max	Min	Max	Min	Max
Senior Citizens Dwelling - Independent	Bachelor/1 bedroom	1 per unit	0.6	0.45	-	0.5	-	0.5	-
	2 Bedrooms		0.8	0.6	-	0.7	-	0.7	-
	3+ Bedrooms		0.95	0.4	-	0.45	-	0.45	-
Senior Citizens Dwelling - Supportive		1 per unit	0.5	0.4	-	0.45	-	0.45	-
Senior Citizens Nursing Home		0.5/bed	0.25/bed	0.25/bed	-	0.25/bed	-	0.25/bed	-
Visitor*	Applies to all SC dwelling types		0.2	0.15	-	0.2	-	0.2	-

\*Applied per bed in the case of nursing homes.



in these areas. Further reductions are allowed based on good transit access, shuttle service, and unbundling of tenant parking from the price of a unit.

- Reflecting existing and / or proposed mix of residential and commercial / service uses and improved transit service in High-Order Transit Hubs, Local Centres, and Primary Centres / Primary Intensification Areas, minimum requirements are reduced in these areas.
- No maximum parking limits are proposed. This reflects that some seniors may have difficulty using transit, walking, or cycling due to physical mobility constraints.

This review of relevant literature indicates that a parking standard of between 0.4 to 0.7 spaces per unit for a seniors assisted living house use is adequate.

A review of relevant literature indicates a parking standard of between 0.4 to 0.7 spaces per unit for a senior's assisted living housing is adequate. Parking is adequate for the tenants some of whom may not have private vehicles. The proposed development is on a bus route providing mobility for those without private vehicles. It is important to note reasonable rental prices can be achieved by offering options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.

A total of 116 parking spaces are proposed for the 112 apartment units providing parking at over 1 parking space per unit, whereas a ratio of 1.25 spaces per unit is required. The proposal seeks to amend the Zoning to permit 1 (one) parking space per unit. There are several reasons to support this request for a reduction in the required parking ratio:

- Access to Public Transportation: traditional bus transit and Niagara Region Transit (NRT OnDemand) are available.
- Bicycle Parking: bicycle parking spaces are provided for the residents and some residents may choose to bike to work, to nearby amenities, or for leisure activities, reducing the need for parking spaces.
- Given the site constraints, providing fewer parking spaces will allow the creation of more affordable housing units. The reduction in parking spaces to one (1) space per unit minimizes the burden on the developer.
- Limited parking will assist in promoting alternative modes of transportation.
- The apartment building is a form of housing suitable for seniors and empty nesters looking to downsize and still live in the neighbourhood and may not require parking.

#### Municipal Infrastructure.

The Functional Servicing Report in [Annex 5](#) determined the water supply for fire protection is anticipated to be adequate and there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.



### Property Value

Not a land use planning issue.

### Archaeological Assessment

Detritus Consulting Ltd. was retained to conduct a Stage 1-2 archaeological assessment in advance of the planning phase of proposed residential development for the subject properties. The Stage 1 background research indicated that the subject properties exhibited moderate to high potential for the identification and recovery of archaeological resources; and recommended a Stage 2 assessment.

The Stage 2 assessment was conducted on 2023-11-11. It began with a property inspection, of the manicured lawn, fallow grass field and treed area were test pit surveyed at a five-metre interval was conducted. No archaeological resources were observed. No additional archaeological assessment of the Study Area is recommended. The Stage 1-2 Archaeological Assessment, dated 2020-01-18, by Detritus Consulting Lt. is in 242-246 West Side Road, Port Colborne [Annex 6](#)

### Building Elevations and Floor Plans

Renderings, Building Elevations, Floor Plans prepared by the Quartek Group, dated 2024-03-29, are in [Annex 7](#).

### Conceptual Site Plan

See [Annex 1](#), [Site Plan](#) prepared by Quartek Group, dated 2023-03-29.

### Functional Servicing Report

The Functional Servicing Report in [Annex 5](#) by Quartek Group dated 2024-02-13 states the subject properties will be serviced by sufficient municipal water and sanitary services. The water supply for fire protection is anticipated to be adequate and there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

Preliminary conceptual modelling suggests that a storm drainage storage volume of up to approximately 200 cubic metres may be required, but this is subject to verification in the design process. Adequate area is available on site to accommodate this storage, either on or under the parking area, and adequate grade is available for discharge to the existing storm sewer.

The intent is to construct an extension of Franklin Avenue as a local municipal road to provide access to the subject properties. This proposed road extension will eventually connect Highway 58 / West Side Road to the existing Franklin Avenue to the east and will provide two entrances to the site. Parking will be accommodated on site at ground level under the proposed building and other open parking areas. Concrete barrier curb, 150-millimetre height, is proposed within the new development complying with OPSD 600.110.

Hydro, Gas, and Bell services are in the Highway 58 / West Side Road right of way. Utilities have been notified of the proposed development plan and have not expressed any challenges to servicing this development.

### Noise Impact Study

Valcoustics Canada Ltd. completed an Environmental Noise Feasibility Study to address the potential environmental noise impacts onto the proposed residential development of the nearby Northland Estates proposed development. Impacts from the road traffic on Highway 58 / West Side Road and stationary noise sources at the Port Colborne Mall were assessed.

The sound levels on that site were determined and compared with the applicable Ministry of the Environment, Conservation and Parks (MECP) noise guideline limits to determine the need for noise mitigation.

The Valcoustics recommendation stated, among other things, that to meet the applicable transportation noise source guideline limits:

- Exterior wall construction with a Sound Transmission Class rating of 54 and exterior windows with a Sound Transmission Class rating of up to 28 are required to meet the indoor noise criteria for the dwellings on Lots 1 to 3;
- Sound Transmission Class 37 exterior walls and exterior windows with a Sound Transmission Class rating of up to 32 are required at the residential dwelling units in the mixed-use building;
- Exterior wall and window construction meeting the minimum non-acoustical requirements of the Ontario Building Code will be sufficient at all remaining dwellings;
- Dwellings on some residential uses require mandatory air conditioning to allow windows to remain closed for noise control purposes;

The Noise Feasibility Study, Proposed Residential Development, 135 Coronation Drive, Port Colborne, ON, dated 2023-05-09, was prepared by HGC Engineering for a nearby development proposal states the primary source of noise for that project is road traffic on Highway 58 / West Side Road. The results of that study indicated the proposed development at 135 Coronation Drive is feasible with the noise control measures described in the HGC Engineering report.

A study for an adjacent property, illustrated below, [Detailed Noise Control Study](#), Franklin Road Apartments, 250 West Side Road, Port Colborne, dated 2018-10-29 by SS Wilson Associates, in [Annex 8](#), recommended:

- **Outdoor Noise Control Measures: The Common Outdoor Living Area – Outdoor Terrace**

- Acoustical barrier should be constructed to shield the Outdoor Living Area with the following details:
  - Barriers should be constructed along the alignments shown schematically in Figure 3 in the [Detailed Noise Control Study](#).
  - Top of barrier elevations and barrier heights for the above noted locations are shown in Table 2 in the [Detailed Noise Control Study](#).
  - The fence component to be constructed of a durable material having approximately 20 kg/m<sup>2</sup> of surface area and be in a continuous line without openings or gaps.
  - The Builder/Contractor should be required to seek approval, including shop drawing approvals of the detailed construction of the proposed barrier(s) prior to its installation and the approval of the Engineer shall cover material/wood species, construction details, support details, arrangements of the panels and exact locations on a development plan.
  - The Builder/Contractor should be required to seek approval, including shop drawing approvals of the detailed construction of the proposed barrier(s) prior to its installation and the approval of the Engineer shall cover material/wood species, construction details, support details, arrangements of the panels and exact locations on a development/building plan.
- Barrier heights and elevations shown in Table 2 in the [Detailed Noise Control Study](#) and in the calculation, sheets included in Appendix B in the [Detailed Noise Control Study](#) are based on the final grade elevations shown on the grading plans referenced in Section 1.3 of the [Detailed Noise Control Study](#). Any changes to the noted elevations will require revisions to the barrier heights.

It is also the responsibility of the developer/builder responsible for final design and construction of the sound barrier(s) to ensure that the correct barrier elevation details are secured from the Acoustical Engineer prior to planning and construction of the specified barrier(s).

- **Air Conditioning: Proposed 5 Storey Apartment Building**

The above noted building should be equipped with central air conditioning. The air conditioning system may be central to the entire building or may be central to each dwelling unit (for example using split-system or Packaged Terminal Air Conditioner with suitable duct work to all rooms). The Ministry of the Environment, Conservation and Parks does not accept window-type air conditioning units in lieu of a central system. In all cases, serious attention should be given by the proponent, the

Mechanical Engineer, and the Contractor to the noise potential of the air conditioning system as it may affect the outdoor and indoor receivers within or outside of the proposed development. It is important that the Builder, the Mechanical Engineer, and the Contractor achieve the Ministry of the Environment, Conservation and Parks objectives (the overall objective of all the A/C units to result in a maximum sound level LAS of 50 dBA2 at the neighbour's closest point(s) of reception, i.e. at their outdoor areas as well as at the closest window on any floor level) included in Publications NPC-300 and NPC-216. Moreover, Where the air conditioning units are bracket mounted on walls or come in direct contact with the building structure, they should be mounted on neoprene/rubber isolation supports or pads that are rated to provide minimum 0.2" static deflection.

For the subject building, an assumption was made that each Packaged Terminal Air Conditioner unit are rated to have a maximum sound power emission level of 63 dBA. Therefore, the Building Permit drawings and Mechanical specifications should ensure compliance with this requirement.

The following warning clause should be registered in all Development Agreement(s) and Offers of Sale and Purchase or Lease of these properties:

*"In order to achieve a suitable indoor noise environment, windows may have to remain closed; therefore, this dwelling unit has been equipped with a central air conditioning system."*

It is also our recommendation that the necessary detailed technical analysis be performed prior to the certification process for Building Permit to address the specific requirements for the control of the selected air conditioning system to meet the sound level criteria at the point(s) of reception and to include same in the applicable permit drawings/specifications.

- **Warning Clause: Proposed 5 Storey Apartment Building**

The following warning clause should be registered in all Development Agreement(s) and Offers of Sale and Purchase or Lease of these properties:

*"Purchasers/tenants are advised that despite the inclusion of noise control features within this development area and within the dwellings, sound levels from increasing road traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants as the sound level exceeds the Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria."*

### Balconies:

The following warning clause should be registered in all Development Agreements and Offers of Sale and Purchase or Lease of these properties having a balcony:

*“Purchasers/tenants are advised that despite the inclusion of noise control features within this development and within the dwellings, sound levels from increasing road traffic will continue to be of concern as the levels in the balcony exceed the Ministry of the Environment, Conservation and Parks criteria.” A protected Common Outdoor Living Area meeting the Ministry sound level criteria has been provided within the development.”*

- **Building Acoustic Insulation;** Proposed 5 Storey Apartment Building

All exterior building components (walls, windows, and doors) should meet the minimum Acoustic Insulation Factors (AIF) shown in Tables 4 and 5. All windows should be well fitted and weather-stripped.

It is also the responsibility of the developer/builder responsible for final design and construction of the subject dwellings to ensure that the correct windows, walls, and doors acoustic specifications are secured from the Acoustical Engineer prior to planning and construction of the noted dwellings.

- **Implementation Procedures**

- The necessary Development Agreement(s) should include the details of all the necessary noise control measures and procedures as outlined herein this noise study to the satisfaction of all concerned parties.
- Prior submission of the project plans for Building Permit, the Builder's plans, with respect to the units requiring noise control measures as referred to earlier, should be certified by an Acoustical Engineer as being in conformance with the recommendations of the Detailed Noise Control Study as approved and/or amended by the authorities having jurisdiction.

The barrier certification should include approval of the sound barrier shop drawings (showing the barrier material/wood species, construction details, support details, arrangements of the panels and exact locations on a development plan, height, and material composition) if applicable.

- Prior to their final inspection and release for occupancy, these dwellings should be certified by an Acoustical Engineer as following the recommendations of the *Detailed Noise Control Study*.

In view of the fact that municipal implementation procedures of the noise control measures recommended herein may differ, it is the responsibility of the developer/builder responsible for final design and construction of the subject

structures/dwellings to ensure that the correct details related to the noise control measures referred in this report, such as sound barriers, building shell component specifications (windows, walls, doors, and others), air conditioning noise control technical requirements, etc. are secured from the Acoustical Engineer prior to planning and construction of the noted building.

Where the resultant indoor and/or outdoor sound levels exceed the sound level criteria, the following warning clause should be registered in all Development Agreement(s), Offers of Purchase and Sale, or Lease Agreement(s) of the affected units:

*“Purchasers/tenants are advised that despite the inclusion of noise control features within the development area and within the building units, the sound levels from increasing road, traffic may continue to be of concern, occasionally interfering with some activities of the dwelling occupants.”*

It is assumed the noise impacts and mitigation measures from the HGC Engineering *Detailed Noise Feasibility Study*, and the Valcoustics Canada Ltd. Environmental Noise Feasibility Study have equal application to the proposed development of this Report. A Noise Feasibility Study for this project will be provided at the Site Plan Control Approval application stage of this development project.

#### Shadow Analysis

The *Shadow Study Report* in *Annex 4* demonstrates the effect of the proposed development on the current location and upon adjacent properties using a computer-generated Shadow Diagram generating the Shadow Pattern cast upon the ground. The study conforms to typical dates and times for shadow studies.

The General Comment Regarding the impact of the proposed building are:

- The properties to the north are buffered by 6 to 24 metre setbacks within the subject property and the 20-metre right-of-way width of the future extension to Franklin Avenue and are not significantly impacted by the proposed buildings shadows.
- The properties to the east are buffered by a 3.8 metre setback within the subject property and the 20-metre unopened Parkwood Avenue road allowance to the east of the subject property. The two affected residential lots to the east on Woodside Drive are deep lots, with the dwellings positioned outside the impacted area, resulting in year-round and particularly summer access to sunlight.
- The properties to the west are buffered by a 14-metre setback within the subject property. The properties are further separated by West Side Road. Little shadowing is cast beyond these two buffers/separations.



- The properties to the south are buffered by a 16-metre setback within the subject property. These properties located south of the subject property are not impacted by shadows.

### Traffic Report and Impact Analysis

Bensanti Development retained Paradigm Transportation Solutions Limited to conduct a Transportation Impact Study for a proposed residential development on the subject properties in [Annex 9](#). Based on the findings of this study, it is recommended that the road authorities continue to monitor and adjust the signal timings at the intersection of West Side Road (Highway 58) and Main Street West (Highway 3) to account for future changes in traffic volumes.

Regarding the nearby 135 Coronation Drive development application, the Ministry of Transportation requested a Traffic Impact Study as part of the future site plan application to address traffic mitigation. Recognizing the long-standing traffic issues on Coronation Drive (an extension of Franklin Avenue, City Staff recommended Council implement a Holding provision on the Zoning, requiring the completion of a Traffic Impact Study to the satisfaction of City staff prior to the Zoning taking place on the property.

Regarding the nearby Northwood Estates development application, R.V. Anderson Associates prepared a Traffic Impact Study to analyze traffic the impacts of the proposed development on the existing and proposed road network. The Traffic Impact Study concluded the anticipated traffic volumes will not cause capacity, delay or queuing concerns, and the existing roadway system has sufficient capacity to accommodate the anticipated traffic generation from the proposed development.

It is assumed the traffic impacts and mitigation studies and measures for the 135 Coronation Drive and the Northwood Estates development applications have equal application to the proposed development of this Report.

### Housing Affordability

The City's Affordable Housing Strategy was approved on 2022-08-13. The City recognizes the importance of access to affordable housing across the entire housing spectrum as important to community quality of life, economic development, and future prosperity. The Affordable Housing Strategy highlights municipal policies, planning tools, advocacy, and outreach activities the City can implement to support more affordable housing options for residents. These activities alone will not result in all housing needs in the City being met, however, it is important that the City demonstrates to other levels of government, and the community at large, the City is prepared to take actions that will help. To fully meet the affordable housing needs in the City, there needs to be significant actions and financial support provided by the Federal, Provincial and Regional governments.

Through extensive community consultation and based on the housing need assessment report that shows almost half of renter households experience housing affordability challenges and home ownership is increasingly out of reach for a portion of moderate- and middle-income households, the following Vision statement for the affordable housing strategy is provided:

*Housing in Port Colborne is affordable, suitable, accessible, safe, and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.*

Four high level goals have been established for the Affordable Housing Strategy:

- Increase diversity of built form and tenure to provide more housing options for residents.
- Promote greater intensification and density to leverage existing physical and social infrastructure.
- Protect and expand purpose-built rental supply including affordable rental housing.
- Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach.

The recommendations included:

- The City will continue to use the Region's definition of "affordable" for consistency/conformity and to help align with available funding opportunities. The Region defines affordable as:
  1. in the case of ownership housing, the least expensive of:
    - a. housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate-income households; or
    - b. housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;
  2. in the case of rental housing, the least expensive of:
    - a. unit for which the rent does not exceed 30 per cent of gross annual household income for low- and moderate-income households; or
    - b. a unit for which the rent is at or below the average market rent of a unit in the regional market area. ([Growth Plan](#))

Low- and moderate-income households are defined as:

1. In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.
- the City should set a sub-target to have 20% of all new units (16 units per year on average) be affordable rental at Average Market Rents (AMR) or less.

Although not yet included in the Official Plan, one of the significant additions in these new housing policies is the introduction of specific criteria applicants must fulfill when submitting proposals for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Draft Plan of Condominium. These criteria require applicants to demonstrate how their proposals will contribute to achieving the City's annual housing targets, with particular emphasis on affordable housing aspects.

This section of the Report demonstrates how the proposal contributes to achieving the City's housing targets, particularly affordable housing, including:

- The proposed number of bedrooms.
- How the proposal helps achieve the City's annual housing targets.
- The estimated sales prices of the apartment units and where they are above or below affordability as defined by the Niagara Region.

The building will be composed of the units illustrated in *Table 1, Unit Type And Bedrooms*

<b>Table 1: UNIT TYPE AND BEDROOMS</b>					
<b>Suite Type</b>	<b>Bedrooms</b>	<b>Floor Area (sqm)</b>	<b>Balcony (150sqm)</b>	<b>Total per Floor</b>	<b>Building Total</b>
<b>A1</b>	2	80	YES	8	56
<b>A2</b>	2	72	YES	2	14
<b>B1</b>	1	54	NO	4	28
<b>C1</b>	1	51	YES	2	14

The purchase price proposed for the B1 Suites is \$369,999.00. This is subject to revision at the time the units are available for sale.

The [Provincial Policy Statement](#), [Growth Plan](#), and the [Region of Niagara Official Plan](#) definition of “affordable” is used here for conformity and for establishing housing targets.

To determine if the selling price exceeds 30 percent of gross annual household income for low- and moderate- income households, low- and moderate-income households are defined as those with incomes in the lowest 60 per cent of the income distribution for the regional market area. The regional market area is the Niagara Region and the Lowest Six Income deciles are illustrated in *Table 2, Niagaras Lowest Six Income Deciles (2022)*.

### Summary For Housing Affordability

Based on the Government of Canada Mortgage Qualifier Tool (<https://itools-ioutils.fcac-acfc.gc.ca/MQ-HQ/MQCalc-EAPHCalc-eng.aspx>) the 28 Type B1 one-bedroom suites are affordable for the 6<sup>th</sup> percentile individuals with a Gross Annual Household Income of more than \$80,000.00

**Table 2: NIAGARA'S LOWEST SIX INCOME DECILES (2022)**

Decile	Gross Annual Household Income
1 <sup>st</sup>	Less than \$22,100
2 <sup>nd</sup>	\$22,100 to \$33,600
3 <sup>rd</sup>	\$33,600 to \$45,300
4 <sup>th</sup>	\$45,300 to \$60,000
5 <sup>th</sup>	\$60,000 to \$77,900
6 <sup>th</sup>	\$77,900 to \$95,900

## POLICY AND PLANNING ANALYSIS

The Policy and Planning Analysis:

- Provides the basis for establishing why a proposal should be considered and approved.
- Provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- Establishes the basis for the applications by explaining how the proposal conforms to the policies.

In addition to the *Planning Act* the following planning documents are addressed as part of the Policy and Planning Analysis:

- Provincial Policy.
  - Provincial Policy Statement.
  - Growth Plan for the Greater Golden Horseshoe (*Growth Plan*).
- Municipal Policy.
  - Region of Niagara Official Plan.
  - City of Port Colborne Official Plan.

### *Planning Act*

In **Subsection 1.1** of the *Planning Act* sets out the basis and the purpose of the *Planning Act* to promote sustainable economic development in a healthy natural environment within the means provided and led by Provincial policy and to encourage cooperation and coordination among various interests.

### Matters of Provincial Interest

In [Section 2](#) the *Planning Act* addresses matters of Provincial interest and requires Council to have regard to matters such as:

- the protection of ecological systems and agricultural resources.
- conservation of significant interest including
  - architectural,
  - cultural,
  - historical,
  - archaeological,
  - scientific interest;
- supply, efficient use and conservation of energy and water;
- adequate provision and efficient use of
  - transportation,
  - sewage,
  - water services,
  - waste management systems;
- orderly development of safe and healthy communities;
- accessibility for persons with disabilities to all facilities,
- services;
- provision of a full range of housing, including affordable housing;
- protection of the financial well-being;
- protection of public health and safety.

The proposed development will help to protect the agricultural land base over the long term through the provision of housing units through intensification and infilling of existing residential lots located within the urban settlement area of the City. The appropriateness of the site has been confirmed through the Functional Servicing Report and Impact Analysis and Stormwater Management Plan detailing the existing infrastructure services.

The location of the subject properties in the Port Colborne settlement area is appropriate for growth and development and close to complementary uses such retail, schools, churches, restaurants, and parks. This proposal makes efficient use of an under-utilized parcel through intensification at an appropriate location and optimizes the provision of infrastructure and municipal services. The apartments proposed contribute to the provision of a full range of housing in the City where single detached dwellings predominate.

The subject properties abut Highway 58 / West Side Road maintained year-round by the province, but the main vehicular entrance will be accessed from the proposed construction of Franklin Avenue due to safety concerns.

A noise feasibility study was conducted for another nearby development proposal to evaluate the suitability of that proposed development and concluded that proposal was feasible with appropriate noise control measures.

Sidewalks along Highway 58 / West Side Road will connect the development to nearby shopping facilities, providing healthy choices of transportation.

The proposed apartment building is compact, well-designed, and pedestrian-oriented:

- increased density housing form:
- oriented to the public streets to provide visual interest and “eyes-on-the-street.”
- Parking is provided in common buffered and set back surface parking areas connected to the sidewalks.

#### Council Decisions

**Subsection 3.5** of the *Planning Act* requires decisions of Council, in respect of the exercise of any authority that affects a planning matter, to be consistent with the **Provincial Policy Statement**.

#### Official Plans and Zoning By-law Amendments

**Section 16** of the *Act* provides for a landowner to request amendments to an Official Plan and **Section 34** the establishes land use controls. Specifically, **Section 34(4)1** of the states:

Zoning by-laws may be passed by the councils of local municipalities restricting use of land, prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality.

**Section 34** of the *Act* permits a person or public body to request an amendment to a By-law subject to providing the prescribed information and material. The applications required planning review fees, and supplementary documentation for the official plan and zoning by-law amendments are submitted with this **Preliminary Planning Policy Justification Report and Impact Analysis**.

#### Condominium Act

**Section 9.(2)** of the *Condominium Act* states the provisions of sections 51, 51.1 and 51.2 of the *Planning Act* applying to a plan of subdivision also apply to a description which **Section 8.(1)** of the *Condominium Act* requires, among other things:

- a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings.
- architectural plans of the buildings and, if there are any, structural plans of the buildings.



- diagrams showing the shape and dimensions of each unit and the approximate location of each unit in relation to the other units and the buildings.
- a description of all interests appurtenant to the land that are included in the property.

Draft Plan of Condominium Approval will be required prior to development and will be submitted later to create the tenure of the building. After the approval of the required Official Plan and Zoning By-law Amendment, Site Plan Control Approval and Draft Plan of Condominium application will be submitted.

#### *Planning Act Plan of Subdivision Criteria*

Section 51(24) of the *Planning Act* sets out the criteria to be considered when proposing a plan of subdivision and / or condominium. The proposed development will meet the criteria as follow:

- *The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2.*

The proposed development meets all the provincial interests. The proposed development is within the *Urban Settlement Area*, designated **Urban Residential** in the City of Port Colborne's Official Plan and is adjacent to an existing mixed residential, commercial, and institutional community. The proposed development will not have any negative implications on matters of the provincial interests.

- *Whether the proposed subdivision is premature or in the public interest*

A Pre-consultation was held on 2023-07-27, with the City of Port Colborne to identify the requirements for a complete application. As a result, this [Preliminary Planning Policy Justification Report, and Impact Analysis](#) and all the required reports, studies and plans have been prepared as part of these applications. Considering the proposed development is in to an existing mixed-use area, the proposed development has access to existing infrastructure, is not premature, and is in the public interest. There were no current and / or ongoing studies by the Region or City which would impact the status of this proposal.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision if any*

The subject properties are designated **Urban Residential** in the City of Port Colborne's Official Plan providing for apartment dwellings. This is compatible with the adjacent mixed-use community and has only minimal, mitigatable impacts.

- *The suitability of the land for the purposes for which it is to be subdivided.*

This Preliminary Planning Policy Justification Report and Impact Analysis provides an overview of the policies applicable to the subject properties and proposed development including the *Planning Act*, Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe (Growth Plan), Region of Niagara Official Plan, City of Port Colborne Official Plan, and City of Port Colborne Zoning By-law No. 6575/30/18.

Since the subject properties is designated **Urban Residential** in the City's Official Plan, the proposal is suitable for residential land uses and the Functional Servicing Report, prepared by the Quartek Group, dated 2024-02, states the subject properties have access to existing water and sanitary servicing.

- *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.*

The subject properties will have access to Highway 58 / West Side Road via and new link of Franklin Avenue, municipal road which will be serviced by the municipality all year round.

- *The dimensions and shapes of the proposed lots*

The dimensions and shape of the consolidated subject properties is satisfactory and capable of accommodating the proposed apartment building...

- *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.*

There are no restrictions on the property that would have the effect of prohibiting the proposed residential development.

- *Conservation of natural resources and flood control*

The subject properties are not located within any identified natural or environmentally significant areas. Initially the Pre-consultation requires a Restoration Plan due to the project' location related to a potential *significant woodland* however, The Region of Niagara advises that based on the extent of clearing undertaken by the Municipality within the adjacent unopened road allowance, Regional staff confirm that environmental planning requirements are no longer applicable.

- *The adequacy of utilities and municipal services*

As stated in the Functional Servicing Report the subject properties will be serviced by sufficient municipal water and sanitary services. The water supply for fire protection is anticipated to be adequate and there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

Preliminary conceptual modelling suggests that a storm drainage storage volume of up to approximately 200 cubic metres may be required, but this is subject to verification in the design process. Adequate area is available on site to accommodate this storage, either on or under the parking area, and adequate grade is available for discharge to the existing storm sewer.

The intent is to construct an extension of Franklin Avenue as a local municipal road to provide access to the subject properties. This proposed road extension will eventually connect Highway 58 / West Side Road to the existing Franklin Avenue to the east and will provide two entrances to the site. Parking will be accommodated on site at ground level under the proposed building and other open parking areas. Concrete barrier curb, 150-millimetre height, is proposed within the new development complying with OPSD 600.110.

Hydro, Gas, and Bell services are in the Highway 58 / West Side Road right of way. Utilities have been notified of the proposed development plan and have not expressed any challenges to servicing this development.

- *The adequacy of school sites*

The Subject Property is 125 metres from Oakwood Elementary School south of the subject properties.

- *The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.*

None.

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use, and conservation of energy.*

The proposed development is infilling of vacant land between existing uses to the north and south introducing 112 apartment dwelling units meeting required efficiency requirements. New dwellings are typically more energy efficient than

older dwellings because they are designed with current more energy efficient technology and strategies.

- *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 under subsection 41 (2) of Planning Act*

The proposed development is subject to Site Plan Approval. A concept site plan has been prepared and included as part of this [Preliminary Planning Policy Justification Report and Impact Analysis](#). The proposed Draft Plan of Condominium will be prepared in coordination with the concept site plan.

*Planning and Condominium Acts Summary Opinion:*

*The proposed development is planned and designed in line with the provincial interests outlined in the Planning Act. The development is residential intensification on underutilized land in an existing mixed-use area that will enhance the quality of life by ensuring with adequate access to public services and infrastructure. The proposed development complies with the Planning Act Section 51(24).*

*The proposed development is in conformity with The Planning Act*

[Provincial Policy Statement \(2020\)](#)

*Settlement areas* such as the Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted. Land use patterns within *settlement areas* are to be based on, among other things, densities, and a mix of land uses which; efficiently use land and resources, and efficiently use the *infrastructure* and *public service facilities* planned or available. The proposal addresses the [Provincial Policy Statement](#) directions by developing residential uses within the *settlement area* efficiently using land and resources and the *infrastructure* and *public service facilities* available.

As required by [Section 1.1.1](#) the proposal provides a healthy, livable, and safe community consistent by:

- promoting efficient development and land use patterns sustaining the financial wellbeing of the Province, the Region, and the City over the long term;
- accommodating an appropriate affordable and market-based range and mix of residential, employment), institutional, recreation, park and open space, and other uses to meet long-term needs.
- avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- 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.

- improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.
- ensuring necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The proposal addresses the [Provincial Policy Statement](#) directions by developing a residential use within the *settlement area* efficiently using land and the *infrastructure* and *public service facilities* available. The proposal:

- Constitutes intensification within a *settlement area* and is consistent with [Policy 1.1.2](#).
- Uses land wisely and efficiently, ensuring effective use of infrastructure, and minimizing unnecessary public expenditures as required by [Policy 1.1.3](#).
- Constitutes intensification which can be accommodated upon the site as suggested by [Policies 1.1.3.1., 1.3.3.2, and 1.3.3.3](#).
- Implements the creation of housing options as encouraged by [Policy 1.4.1](#).
- Constitutes infill development contributing toward the more efficient use of existing infrastructure as required by [Policy 1.6.3](#).
- Constitutes infill development, intensification, and the efficient use of municipal sewage and water services within the settlement area as required by [Policy 1.6.6.2](#).

#### *Provincial Planning Policy Summary Opinion:*

*The proposed development is consistent with the [Provincial Policy Statement](#). The subject properties are in the [Urban Area Boundary](#) near existing municipal and public service facilities. The proposed development will provide apartment dwelling units compatible with the existing mixed use with acceptable minimal and mitigatable impacts. The proposal provides additional housing types and housing stock to accommodate all residents. The proposed road extensions of Franklin Avenue, the proposed sidewalks, and the proposed stormwater management, ensure the development provides residents with adequate infrastructure.*

*The proposed development is consistent with the [Provincial Policy Statement](#).*

#### [Growth Plan \(2020\)](#)

The [Growth Plan](#) requires population and employment growth to be accommodated by directing a significant portion of new growth to the *built-up areas* of Niagara, such as Port Colborne, through *intensification*. The [Growth Plan](#) directs development in the *Built-up Area* through *intensification* to support sustainability, therefore:

- Protecting and preserving prime agricultural land in prime agricultural areas.
- Reducing automobile dependence by transit supportive development.
- Encouraging complete communities with a range of housing types.

In compliance with the Guiding Principles in [Section 1.2.1](#) the proposal:

- Supports the achievement of a *complete community* in Port Colborne.
- Provides a range and mix of housing options including additional residential units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Improves the integration of land use planning with planning and investment in infrastructure and public service facilities by all levels of government.
- Protects and enhances natural heritage features, and functions.
- Supports the long-term viability and productivity of agriculture by protecting *prime agricultural areas* and the *agri-food network*.
- Integrates climate change considerations into planning and managing growth such as planning for more resilient communities and *infrastructure* – that are adaptive to the *impacts of a changing climate* – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

As required by [Policy 2.2.1](#) the proposal:

- Is within a *delineated built-up area* of the established *settlement area* with sufficient infrastructure capacity.
- Supports a *complete community* by providing residential use intensification at a location enabling more people to live close to restaurants, grocery stores, services, recreational options as well as institutional uses such as schools and churches.
- Introduces a new compact housing form contributing to a wider range and mix of housing options within Port Colborne.

[Policy 2.2.2](#) of the Growth Plan specifically requires municipalities to develop intensification strategies within the [Delineated Built-up Area](#), ensuring that land is zoned and designed supporting the achievement of complete communities. [The Delineated Built-up Area](#) is a fixed line that reflects what was built and, on the ground, when the initial [Growth Plan](#) came into effect in June 2006. Planning and investment should prioritize infrastructure and public service facilities that support intensification.

As required by [Policy 2.2.6](#) the introduction of apartment housing options conforms to the Growth Plan by contributing to the growth and economic well-being of the City and the Region. It adds to the diverse range of unit sizes able to accommodate a diverse range of household sizes and incomes.

#### [Growth Plan Summary Opinion](#)

*One of the key directions of the [Growth Plan](#) is establishing and achieving minimum intensification targets. Intensification is defined as the development of a property, site, or area at a higher density than currently existing through:*

- *Redevelopment including the reuse of brownfield sites.*
- *Development of vacant and/or underutilized lots within previously developed areas.*



- *Infill development; and the expansion or conversion of existing buildings.*

*The proposal addresses the Growth Plan directions by supporting a complete community, developing residential uses within the urban area on under utilized serviced land close to public parks, schools, grocery stores and local businesses, and providing the City a range of housing types and affordability accessible to a range of household incomes supported by transit services.*

*The proposal provides 112 apartment dwelling units increasing the range of housing type and density options found in the. Apartments are a more compact form of multi-unit housing reducing housing costs and contributing to meeting housing needs of current and future residents.*

*The proposed development is in conformity with the [Growth Plan](#).*

## Official Plans

### Region of Niagara Official Plan (2022)

The [Region of Niagara Official Plan](#) is consistent with the policies of the Province and is a long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the [Plan](#) guide land use and development, influencing economic, environmental, and planning decisions until 2051 and beyond.

The [Region of Niagara Official Plan](#) designates the subject land as [Designated Built Up Area](#). Chapter 2 of the [Region of Niagara Official Plan, Growing Region](#) has the policies facilitating and encouraging appropriate growth. [Section 2.2.1](#) of the [Region of Niagara Official Plan, Managing Urban Growth](#), encourages compact built form and a diverse range and mix of housing types, unit sizes and densities to accommodate current and future market-based and affordable housing needs in Designated Built-Up Area such as the subject properties. The proposal achieves the goals expressed in the [Region of Niagara Official Plan](#) specifically, [Section 2.2.1.1](#) which provides for built forms, land use patterns, and street configurations minimizing land consumption as provided by the proposal. The proposed intensification increases the density of an existing, underutilized site and is consistent with this policy minimizing land consumption.

The [Region of Niagara Official Plan](#) provides additional policies with regards to housing in [Section 2.3](#). The objectives of [The Plan](#) are to provide a mix of housing options to addressing current and future needs, providing more affordable and attainable housing options within communities, and achieving affordable housing targets through land use and financial incentive tools. This application would contribute to the overall intensification target established by the [Region of Niagara Official Plan](#). Intensification and infill development as proposed is encouraged and supports the Region's intensification targets for Port Colborne.

## Niagara Region Official Plan Summary Opinion

*The proposed development:*

- *Contributes to the City of Port Colborne's 30% intensification target by providing a development at a greater density than currently exists.*
- *Contributes to the orderly implementation of infrastructure by opening an unopened road allowance.*
- *Diversifies the housing stock by providing a dense housing type and multiple unit sizes.*
- *Provides a height and built form not expected to overwhelm the existing and planned development on adjacent land.*

*Within 250 metres of the subject properties there are single detached dwellings, retail facilities, office space, a municipal park, an institutional residential complex, and vacant land intended for future stacked townhouse dwellings.*

*The Region of Niagara Official Plan directs growth be accommodated through intensification at higher densities within the City's existing urban area such as proposed for the subject properties. The proposal is a compact development on underutilized lands minimizing land consumption and optimizing existing municipal infrastructure.*

*The proposal is on land designated for long-term serviced growth. At about 187 units per hectare the proposal is for a compact and efficient land use, contributing to meeting intensification targets. As outlined in more detail the following section of this report, the building provides an attractive façade facing both roads and adds "eyes-on-the-street" to enhance safety.*

*The proposal is in conformity with the Niagara Region Official Plan.*

## Port Colborne Official Plan

The Vision for the City of Port Colborne is, among other things, to continue to:

- Provide the opportunity for a mix of residential uses accommodating households with diverse social and economic characteristics, needs and desires.
- Ensure new *development* is accessible by all members of the community.
- Develop the community in a way which optimizes existing municipal and regional infrastructure.

As required by Policy 2.4.2.1, the proposed development is within walking distance of shops, and grocery stores and has transit services from the NRT OnDemand service and busses. The subject properties are also within walking distance of the Harry Dayboll Oakwood Park, which will provide residents ample access to outdoor spaces and active transportation routes. The proposed development consists of a mix of unit sizes, accommodating the needs of a variety of households.

As provided for in [Policy 2.4.3](#) this proposed *intensification* of residential areas within the built boundary of the City is directed by the Provincial Growth Plan. In line with the *Intensification* supportive policies the proposal reduces the consumption of greenfield land, helps meet the City's intensification target of 15%, and maximizes the efficiency of existing *infrastructure*. The proposal is compact and transit-supportive in nature, reflecting the vision of this plan.

As provided for by [Policy 3.2.2](#) the proposed *intensification* is in accordance with the provisions of [Policy 2.4.3](#).

The High Density of the proposal is provided for by [Policy 3.2.1](#).

As required by [Policy 3.2.3](#) the proposal is visually interesting it supports the Region's smart growth principles because it:

- Promotes a compact built form contributing to the sense of community.
- Creates a mix of land uses.
- Offers a range of housing opportunities and choices understanding that not everyone wants or needs the same housing type.
- Directs development into existing communities and takes advantage of existing community and infrastructure assets.
- Provides a variety of transportation choices.

Consistent with the Smart Growth Principles, the proposal provides a high-density development and residential unit types not currently available in the neighbourhood. The *Proposal is development on an underutilized existing residential lot optimizing the use of municipal infrastructure.*

#### Port Colborne Official Plan Summary Opinion

*The proposed infill and intensification proposal is a compact, high density residential development in an urban area where municipal water and sanitary services are available. It will increase the range of housing options in the City. The proposed development is walkable and transit-supportive, encouraging residents to walk or take transit.*

*Growth Management Strategy [Policy 2.4.2](#) promotes the development of an appropriate mix of housing types, densities, and tenures to meet the diverse needs in Port Colborne, considering current and future demographic characteristics, income levels, special needs, and lifestyle considerations.*

*As required, the proposal satisfies the requirement most of the City's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*

*The proposal utilizes existing infrastructure and facilities, nearby retail facilities, existing transit services, and nearby public parks. The apartment building is a form of housing suitable for seniors and empty nesters looking to downsize and still live in the neighbourhood. The smaller apartments of the proposal accommodate variety of households, including smaller households because they are smaller than single detached or semi-detached dwellings.*

*The intensification of the development proposal on the subject properties utilizes existing infrastructure and contributes to the 15% intensification goal.*

*The proposed development will maintain frontage along West Side Road, but access will be from Franklin Avenue to mitigate safety concerns with the increase to movement along Highway 58 / West Side Road.*

*The proposal provides 112 dwelling apartments helping to meeting Port Colborne's intensification target and providing a housing choice in a location appropriate for higher density housing. The proposal optimizes the use of the subject properties and is compatible with the mixed-use neighbourhood. Apartment buildings result in a compact and affordable housing type. The efficiently uses existing community facilities, public transit, recreational facilities, and schools; and optimizes existing infrastructure. The proposal supports nearby retail facilities.*

*The proposal is in conformity with the Port Colborne Official Plan.*

### Zoning By-Law

The subject properties, zoned R2, need a Zoning By-law Amendment to permit:

- A total of 112 apartment residential dwelling units.
- Reduced lot area per residential unit from 125 square metres per unit to 50 square metres per unit.
- Increase building height from 20 metres to 31 metres.
- A total of 116 parking spaces.
- Reduced driveway width from 7.5 metres to 6.3 metres.
- No loading spaces.

### SUMMARY

The City of Port Colborne Council has the authority to approve the Official Plan and Zoning By-law Amendments, Site Plan Control Approval, and Plan of Condominium applications where they implement the policies of the Official Plan. *Settlement areas* such as Port Colborne, where the subject properties are located, are the focus of growth and development, and their vitality and regeneration is to be promoted.

The proposal satisfies the [Region of Niagara Official Plan's](#) intent to:

- build more sustainable *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*.
- optimize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner.

The [Port Colborne Official Plan](#) encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposal:

- Is efficient development, *intensification*, and optimization of the use of land and public investment in *infrastructure*, a strong theme throughout the [Provincial Policy Statement](#), [Region of Niagara Official Plan](#), and [Port Colborne Official Plan](#).
- Is in an area where redevelopment is provided for.
- As a residential development in a residential area has no conflicts with surrounding uses.
- Is serviced by public transit, provides safe and easy walking to stores, schools, and is close to safe, publicly accessible open spaces and recreational facilities.

There are a several positive policy supported aspects of the proposal:

- It is an intensified residential use of an existing underutilized parcel of land within an existing residential area, providing housing type and choice alternatives.
- It is a compact redevelopment efficiently utilizing urban land, existing services, and municipal infrastructure.
- It provides safe and easy walking to commercial and community facilities and is close to safe, publicly accessible open spaces, parks, and recreational facilities.
- It is a compact, orderly, built form that will help the City meet intensification target.
- Its design places windows overlooking pedestrian routes providing for “eyes on the street.”
- It has a strong relationship to John Street. The primary building entrance clearly addresses the street.
- Through the addition of dwelling units in this location residential density is increased promoting transit use and municipal sustainability.

#### [Planning Goals, Objectives, and Policies Satisfied](#)

The proposal:

- Provides a mix of residential uses accommodating households with diverse social and economic characteristics, needs, and desires.
- Optimizes existing infrastructure use.
- Is *intensification*.
- Is transit supportive *development* within the *built boundary*.
- Is close to public open space and provides on-site open space.
- Can incorporate design features for an aging population.

- Counts towards the municipality's *intensification* target.
- *Can* match the pre-established building character of adjacent buildings.

The proposal is for a transit supportive, active transportation friendly use of existing underutilized land in the Port Colborne urban area.

### High Quality Urban Design

The proposal is high quality, compact, orderly, built form helping the City meet its intensification targets. The building design will place windows to overlook pedestrian routes to encourage “eyes on the street.” The development has a strong relationship to the future extension of Franklin Avenue as encouraged by the Region of Niagara Model Urban Design Guidelines.

## OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*; *Provincial Policy Statement*; *Growth Plan*; *Region of Niagara Official Plan*; and *Port Colborne Official Plan*.
- Permits the proposed residential use; and
- Is good planning.

Council can be confident that the proposal is consistent with the City's Official Plan as well as Provincial and Regional policies. The applicant can be required to enter into a Site Plan Control Agreement ensuring the development is built and maintained as approved by Council.

The approval of the applications will allow new apartments. This development constitutes *intensification* and infill. The *Planning Act* applications are consistent with the policies for permitting and encouraging urban *intensification* and infill residential development within the City of Port Colborne.

## PROPOSED OFFICIAL PLAN AMENDMENT

The properties are designated **Urban Residential** on Schedule A – City Wide Land Use. The applicant is proposing to amend the Official Plan to provide for the proposed apartment building.

The following site-specific policies are proposed:

- Notwithstanding Policy 3.2.1c)i of the Official Plan for the City of Port Colborne, the land may be developed for apartment dwellings at a density of not more than density 187 units per hectare.
- Notwithstanding Policy 3.2.1c)iii of the Official Plan for the City of Port Colborne, the land may be developed for apartment dwellings with parking on the main floor.



### High Density Policy 3.2.1c)i)

A proposal to increase residential density is often very controversial. Increasing density evokes fear about large buildings, unruly people, and parking problems. Increased density is also associated with walkable neighbourhoods, more housing options, and better infrastructure. Talking about “low,” “medium,” and “high” densities is common in planning circles, but there is absolutely no agreement about what that means in real terms. A “high-density” neighbourhood in Toronto may be considered “low density” in Hong Kong.

The purpose of residential density limits is to :

- Establish a fit between number of residents and services to determine services required for that space.
- Preserve open space and land-based resources such as natural heritage features, environmentally sensitive places, and prime agricultural land.
- To be respectful of the rights of residents to enjoy adequate light, ventilation, and privacy.

The actual gross or net density permitted on a particular site depends on the size of that site, the physical characteristics of the site, and the general density standard established in relevant area plans and policies for the area in which the site is located.

The proposed density does not negatively impact the City’s ability to provide services or natural heritage or environmentally sensitive spaces, preserves open space , and does not have a negative impact on shadowing, ventilation, or privacy.

### Ground Floor Oriented Policy 3.2.1c)iii)

The purpose of having ground floor-oriented dwelling units is to create a pedestrian friendly streetscape. Given the need to provide parking and the bedrock conditions in the City it is necessary to provide surface parking to accommodate affordable housing.

The proposal:

- Provides for the development of apartment dwellings helping to diversify the housing stock and meet the needs.
- Is close to land designated Urban Residential to the east and south and there are no land use compatibility issues with the retail use to the west or the institution use to the north.
- Is compatible with the surrounding uses because there are no significant impacts either from, or on, the proposed development from noise, traffic, or shadowing.
- Is underdeveloped and there are commercial vacancies in other parts of the City, so there does not appear to be a demand for more commercial development, and the neighborhood is served by the existing retail uses to the west.

- Design results in an attractive private / public interface and conforms with the City's Official Plan polices and the Region's Model Urban Design Guidelines.
- Provides residential intensification contributing toward meeting the City's intensification target.
- Is surrounded by complementary land uses providing for a complete community, including restaurants, grocery and hardware stores, schools, and parks.
- Addresses matters of provincial interest.
- Is consistent with the [Provincial Policy Statement](#) and conforms with the [Growth Plan](#) and the [Region of Niagara Official Plan](#).
- Implements the policies of the [City of Port Colborne Official Plan](#) by providing higher density residential use adjacent to West Side Road, enabling active transportation and complete communities.

**Table 3: OFFICIAL PLAN POLICY REVIEW**

<b>PROVISION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMMENT</b>
High Density Provision Policy 3.2.1c)i)	70 to 100 uph	198 uph	Requires Official Plan Amendment to Provide for Increased Density
Arterial Road Frontage Policy 3.2.1c)ii)	Highway 58 / West Side Road		Satisfied
Ground Floor Oriented Policy 3.2.1c)iii)			Requires Official Plan Amendment to Provide for Ground Floor Parking Only
Minimize Shadows Policy 3.2.1c)iv)			No Negative Impact - Satisfied
Public Transit Policy 3.2.1c)v)	On Bus Route		Satisfied

The text of the Official Plan Amendment is in [Annex 10](#) – Draft Official Plan Amendment.

## PROPOSED ZONING BY-LAW AMENDEMNT

The subject properties are zoned **First Density Residential (R1)** in part abutting Highway 58 / West Side Road and **Third Density Residential (R3)**. They must be rezoned to a site-specific **Fourth Density Residential Zone (R4-XX)** zone to permit apartments. The table below assesses the proposed development against both the Official Plan polices and the Zoning By-law's R4 zone and parking and loading regulations.

**Table 4: ZONING MATRIX**

<b>PROVISION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMMENT</b>
Apartments Sec 8.2	Permitted	112 Apartments	Zoning By-law Amendment to R4 to Permit Apartments
Frontage Sec 8.7a)	18m	44.44m	Satisfied
Lot Area Sec 8.7b)	125sqm / unit	5667sqm	Zoning By-law Amendment to Permit Reduced Lot Area to 50.5sqm/unit
Front Yard Sec 8.7c)	9m	14m	Satisfied
Interior Side Yard Sec 8.3d)	3m	16.3	Satisfied
Corner Yard Sec 8.7e)	7.5m	6.0m	Zoning By-law Amendment to Permit Reduced Corner Side Yard to 6.0m
Rear Yard Sec & 8.7f)	6m	3.8m	Zoning By-law Amendment to Permit Reduced Rear Side Yard to 3.8m
Building Height Sec 8.7h)	20m	30.5m	Zoning By-law Amendment to Permit Increased Building Height to 31m
Coverage Sec 8.7g)	40%	28%	Satisfied
Landscape Area Sec 8.7i)	25%	30%	Satisfied
Unit Floor Area Sec 8.7j)	50sqm	51sqm	
<b>PARKING AND LOADING</b>			
Parking Spaces Sec 3.1.1 & 3.3a)	140 4 Accessible	116 8 Accessible	Zoning By-law Amendment to Special R4 to Permit Reduced Parking Spaces to 116
Dimensions Sec 3.2 & 3.2)	2.6mx5.2m	2.6mx5.2m	Satisfied
Driveway Width Sec 3.7b)	7.5m	6.3m	Zoning By-law Amendment to Permit Reduced Driveway Width to 6.3m
Loading Space Sec. 3.10d)	3.2mx9mx4m	None	Zoning By-law Amendment to Permit Reduced Loading Spaces to 0
Landscape Buffer Sec 3.11.1a)	3m	3m	Satisfied
Landscaped Open Space Sec 3.11.2	10%	29%	Satisfied
Bicycle Parking Spaces Sec 3.13b)	1.8mx0.3m	1.8mx0.3m	Satisfied
Bicycle Parking Spaces Sec 3.13.1	16	16	Satisfied

## Apartments

The proposed Zoning By-law Amendment permits development contributing to the City's objective of supporting long-term orderly development, promoting a variety of housing types and preserving community during growth. Nearby land, adjacent to Franklin

The single detached dwellings on those properties to the east are separated from the proposed apartment building by an unopened road allowance and very deep rear yards and the single detached dwelling to the south is separated from the apartment by parking area and its landscaped buffer. Amending the zoning on the subject properties to R4 allows diversification of the housing stock consistent with the long-term vision of the City.

## Lot Area Sec 8.7b)

With a land area of approximately 0.56748 hectares and 112 units, a minimum lot area of 50 square metres per unit is proposed. This density optimizes and efficiently uses the land. The decrease in lot area per unit does not have any negative impacts on the proposed development or the surrounding uses.

The lot area per unit optimizes and maximizes efficiency created by providing parking beneath the residential units. The building maximizes the residential land and use of existing municipal infrastructure. The unit count can be accommodated by the required parking ratio and the project can be serviced by existing water and sanitary sewers. Access from the local road (Franklin Avenue) as opposed to Highway 58 / West Side Road (West Side Road) ensures the density can be accommodated without causing adverse negative impacts to adjacent dwellings or significantly increased traffic hazards.

## Corner Yard Sec 8.7e)

The purpose of the Corner Yard is to ensure adequate sight lines for traffic safety. Given the increased front yard setback from 9 to 14 metres adequate sight lines for traffic safety are provided.

## Building Height Sec 8.7h)

Much like the residential density policy in the Official Plan the purpose of Building Height limits in the Zoning By-law is to be respectful of the rights of residents to enjoy adequate light, ventilation, and privacy. The proposed building height does not have a negative impact on shadowing, ventilation, or privacy.

## Parking Spaces Sec 3.1.1 & 3.3a)

A total of 116 parking spaces are proposed for the 112 apartment units providing parking at over 1 parking space p per unit, whereas a ration of 1.25 spaces per unit is required.

The proposal seeks to amend the Zoning to permit 1 (one) parking space per unit. There are several reasons to support this request for a reduction in the required parking ratio:

- Access to Public Transportation: traditional bus transit and Niagara Region Transit (NRT OnDemand) are available.
- Bicycle Parking: bicycle parking spaces are provided for the residents and some residents may choose to bike to work, to nearby amenities, or for leisure activities, reducing the need for parking spaces.
- Given the site constraints, providing fewer parking spaces will allow the creation of more affordable housing units. The reduction in parking spaces to one (1) space per unit minimizes the burden on the developer.
- Limited parking will assist in promoting alternative modes of transportation.
- The apartment building is a form of housing suitable for seniors and empty nesters looking to downsize and still live in the neighbourhood and may not require parking.
- 

#### Driveway Width Sec 3.7b)

The driveways are each 6.3 metres wide and while less than required by the Zoning By-law are deemed wide enough by the designer to provide both ingress and egress.

#### Loading Space Sec. 3.10d)

Removing the loading space requirement allows for increased parking and landscaping.

The text of the Zoning By-law Amendment is in [Annex 11](#) – Draft Zoning By-law Amendment.

## RECOMMENDATION

The applications have been reviewed in accordance with the *Planning Act*, the policies of the Official Plan and the requirements of the Zoning By-law and should be approved.

The proposed development represents good land use planning, and the new housing is in the public interest. The proposal is also consistent with the [Provincial Policy Statement](#) and conforms with the [Growth Plan](#), the [Region of Niagara Official Plan](#), and the [City of Port Colborne Official plan](#). South Coast Consulting recommends Council approve Official Plan and Zoning By-law amendment application.

*Steven Rivers*

South Coast Consulting

Land Use Planning and Development Project Management

Steven Rivers, MCIP, RPP

189 Clare Avenue

Port Colborne, Ontario L3K 5Y1

Phone: 905-733-8843

Email: [info@southcoastconsulting.ca](mailto:info@southcoastconsulting.ca)

Dated: 2024-06-25



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This report was prepared by South Coast Consulting. It is based on the information provided by the Client. The planning policy research and opinions are based on South Coast Consulting's research and independent analysis of the applicable policy. This report was written by a Registered Professional Planner, who is a full member of the Ontario Professional Planners Institute as defined by the *Ontario Professional Planners Act, 1994*. The contents of this report represent the author's independent professional opinions and comply with the Ontario Professional Planners Institute Code of Professional Practice. The opinions presented herein will be defended as required.

The Report was prepared by South Coast Consulting for the Draft Plan of Subdivision application for the subject properties. The material in the Report reflects the South Coast Consulting's best judgment.

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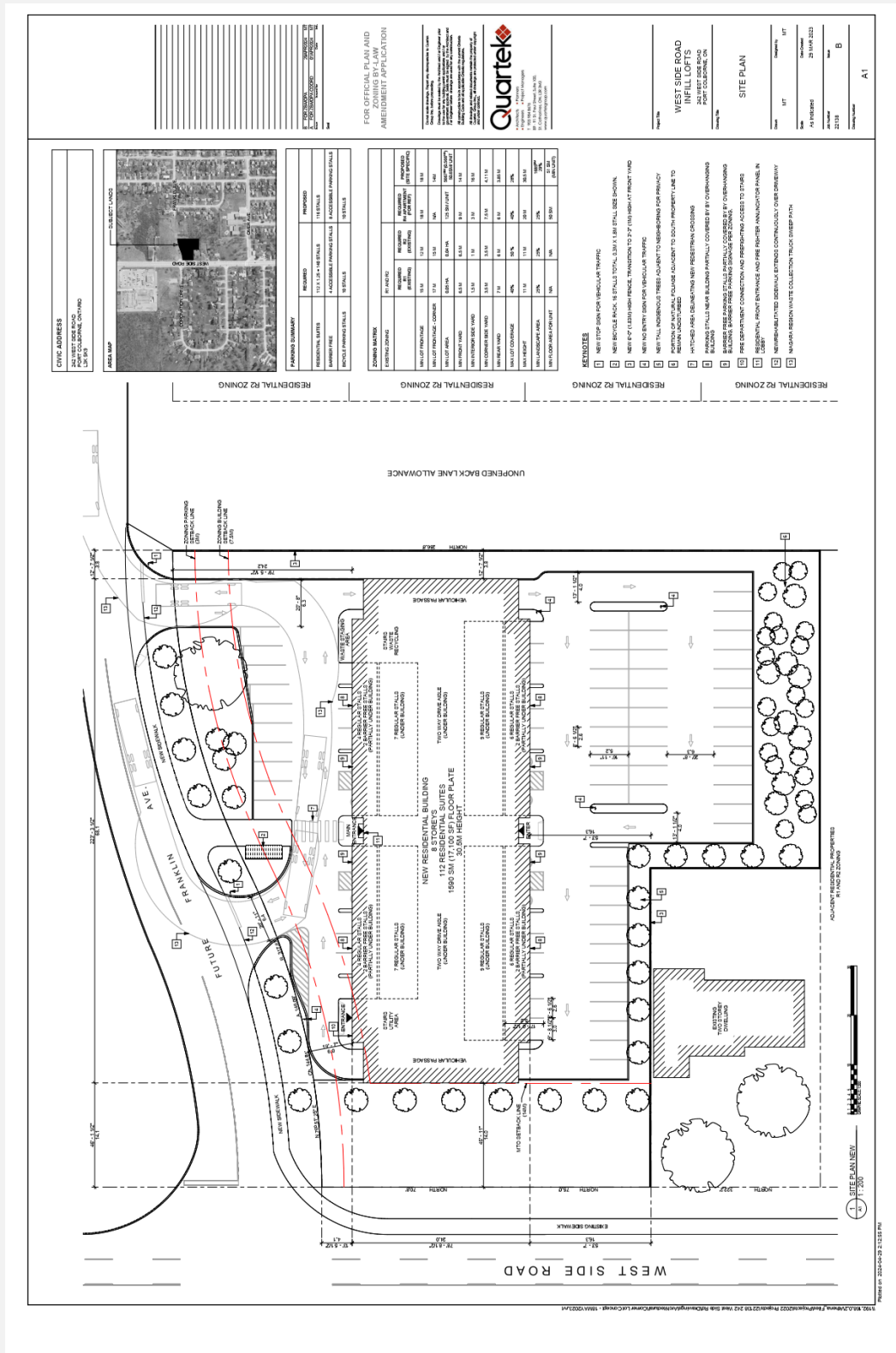
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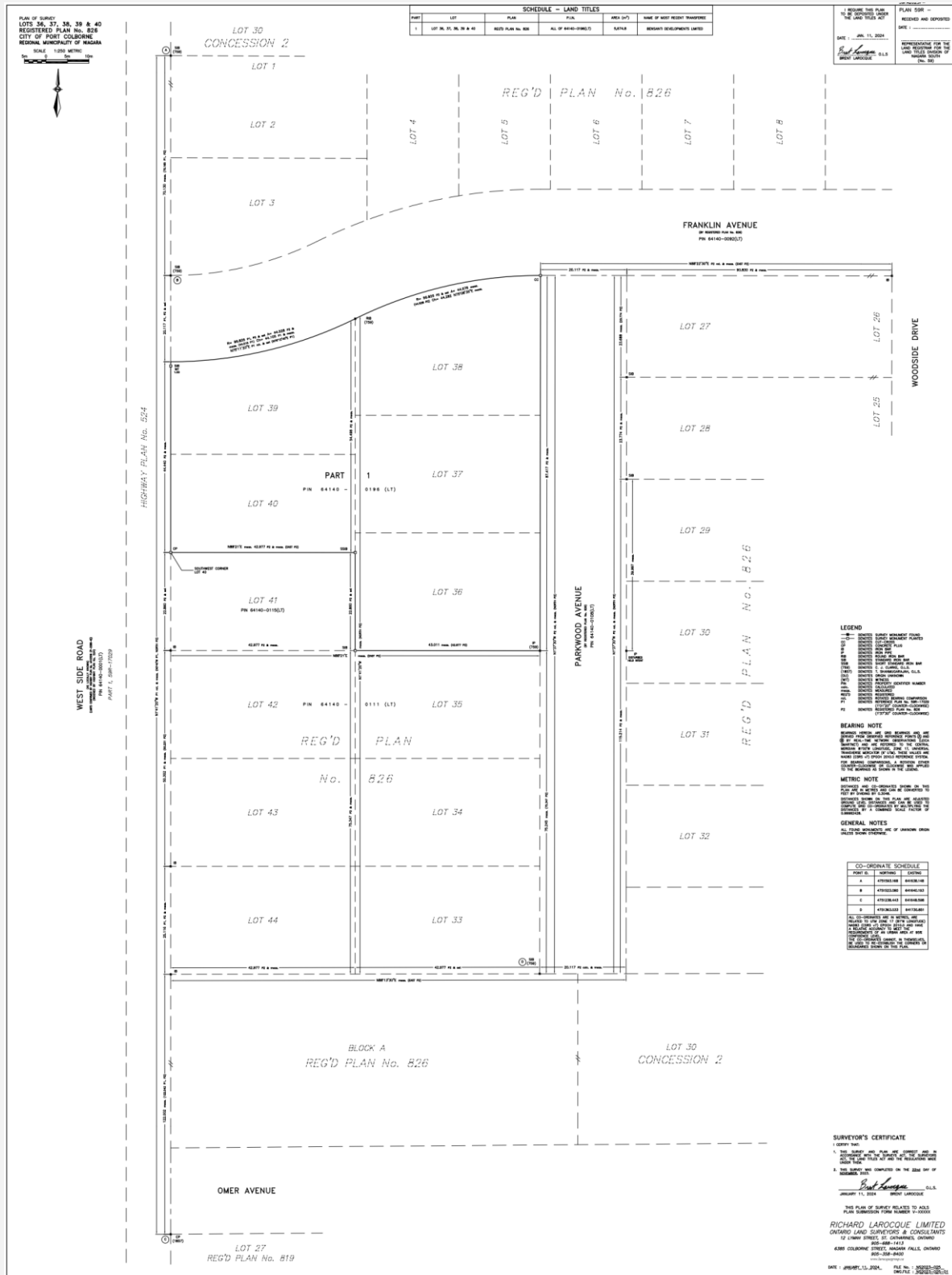
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## ANNEX 1: SITE PLAN

**SUBMITTED UNDER A SEPARATE COVER**



## ANNEX 2: SURVEY SUBMITTED UNDER A SEPARATE COVER



## ANNEX 3: INFORMATION FLYER

**Zoning By-law Amendment and Plan of Condominium  
242 West Side Road****PROPOSAL**

Applications will be submitted for a Zoning By-law Amendment and a Draft Plan of Condominium to permit a 8-storey apartment building with 112 dwelling units, consisting of 70 2-bedroom units, 28 1-bedroom units and 14 bachelor units. The proposal is illustrated in the sketch on the other side of this page.

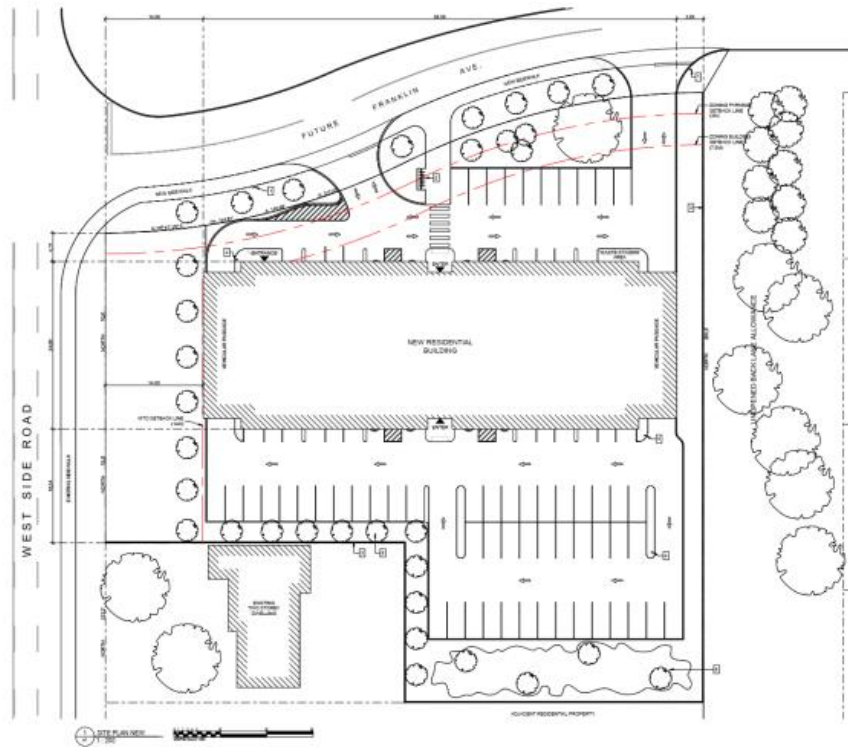
**WE'RE INTERESTED IF WHAT YOU HAVE TO SAY**

Your comments on any proposed matter are welcome and encouraged. You can provide your opinion by making a written submission to South Coast Consulting by email or in a letter. You can also telephone or talk to South Cost Consulting in person. You will have at least three (3) more opportunities to comment on the proposal at the City's Neighbourhood Information Meeting, the Public Meeting, and / or the Council Meeting.

**For more information** or to make comments contact:

**Steven Rivers, MCIP, RPP**  
**South Coast Consulting**  
**Land Use Planning and Development Project Management**  
**189 Clare Avenue**  
**Port Colborne, Ontario L3K 5Y1**  
**Mobile: 905-733-8843**  
**Email: [info@southcoastconsulting.ca](mailto:info@southcoastconsulting.ca)**







ANNEX 4: SHADOW STUDY REPORT  
**SUBMITTED UNDER A SEPARATE COVER**

**Shadow Study Report**

**Proposed Residential Mid-Rise Development**

**242 West Side Road  
Port Colborne  
Ontario**



*Prepared by: Quartek Group Inc.  
Engineers, Architects & Planners  
89-91 St. Paul Street, Suite 100  
St. Catharines, ON  
905-984-8676  
[www.quartekgroup.com](http://www.quartekgroup.com)*

QGI File: 22138

Mar 2024

ANNEX 5: FUNCTIONAL SERVICING PLAN  
**SUBMITTED UNDER A SEPARATE COVER**

**FUNCTIONAL SERVICING REPORT**

**Residential Development**

242 West Side Road (Highway 58)  
Port Colborne, Ontario

*Prepared by: Quartek Group Inc.  
Engineers, Architects & Planners  
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St. Catharines, ON  
905-984-8676  
www.quartekgroup.com*



QGI File: 22138

Rev1. Feb. 2024

ANNEX 6: ARCHAEOLOGICAL ASSESSMENT  
**SUBMITTED UNDER A SEPARATE COVER**

**Stage 1-2 Archaeological Assessment  
242-246 West Side Road, Port Colborne**

Part of Lot 30, Concession 2,  
Geographic Township of Humberstone,  
Historical County of Welland,  
now the City of Port Colborne,  
Regional Municipality of Niagara, Ontario

**Submitted to:**

Eric Potts of Quartek Group  
89-91 St. Paul Street, Suite 100  
St. Catharines  
ON L2R 3M3  
and

Ontario's Ministry of Citizenship and Multiculturalism

**Submitted by:**



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Licensee: Mr. Michael Pitul  
Licence Number: P462  
PIF Number: P462-0255-2023  
CP Number: 2023-147

**ORIGINAL REPORT**

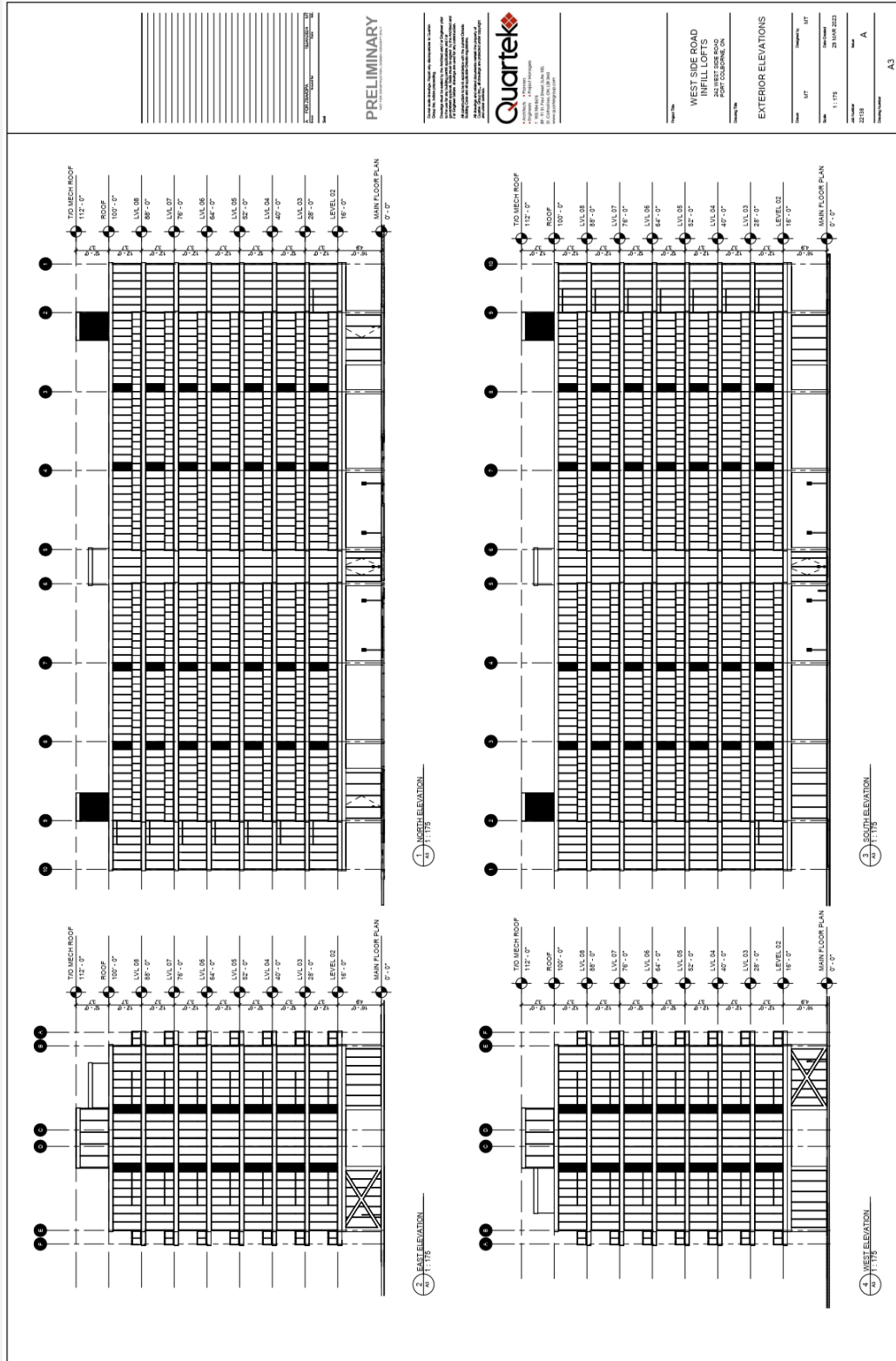
**January 18, 2024**

ANNEX 7: BUILDING ELEVATIONS AND FLOOR PLANS  
**SUBMITTED UNDER A SEPARATE COVER**

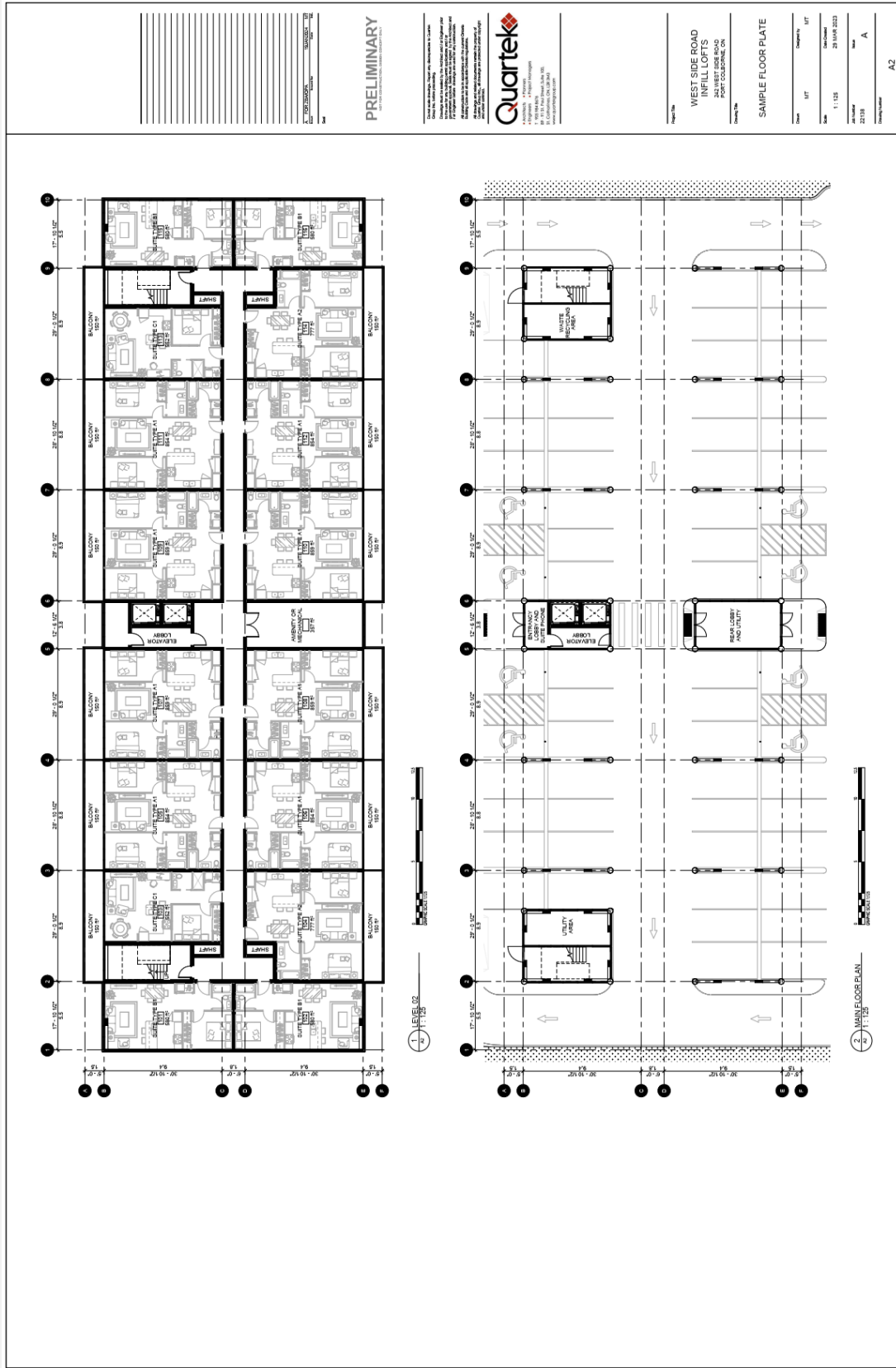




CONCEPT RENDERING - VIEW FROM FRANKLIN AVE LOOKING SOUTH







ANNEX 8: NOISE STUDY 250 WEST SIDE ROAD  
**SUBMITTED UNDER A SEPARATE COVER**

**SS WILSON ASSOCIATES**  
*Consulting Engineers*

**REPORT NO. WA13-056**

**DETAILED NOISE CONTROL STUDY  
FRANKLIN ROAD APARTMENTS  
250 WEST SIDE ROAD  
PORT COLBORNE**

**SUBMITTED TO:  
SEAWAVES DEVELOPMENT SERVICES INC.  
528 UPPER SHERMAN AVE.  
HAMILTON ON.  
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**PREPARED BY:**

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**BRENT MILLER, B.ENG.  
ACOUSTICS ANALYST**

**REVIEWED BY:**

**HAZEM GIDAMY, M.ENG., P.ENG.  
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**OCTOBER 29, 2018**

**SSWA INC. 15 Wertheim Court, Suite 211, Richmond Hill, Ontario, L4B 3H7**

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[www.sswilsonassociates.com](http://www.sswilsonassociates.com) & [www.noisetraining.com](http://www.noisetraining.com)**

ANNEX 9: TRAFFIC BRIEF  
**SUBMITTED UNDER A SEPARATE COVER**



**242-246 West Side Road  
City of Port Colborne  
Transportation Impact Study**

Paradigm Transportation Solutions Limited

June 2024  
230107



## ANNEX 10: DRAFT OFFICIAL PLAN AMENDMENT

The Corporation of the City of Port Colborne  
By-law no. XXX  
Being a by-law to adopt amendment no. XX to the  
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore, the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. XX to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this day \_\_\_\_ of \_\_\_\_\_, 2024.

\_\_\_\_\_  
William C Steele, Mayor

\_\_\_\_\_  
XXX, Clerk

AMENDMENT NO. 1XX  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA  
PREPARED BY:  
CITY OF PORT COLBORNE DEPARTMENT OF  
DEVELOPMENT AND LEGISLATIVE SERVICES  
XXXX

AMENDMENT NO. XX  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA

AMENDMENT NO. XX  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. XX to the Official Plan for the City of Port Colborne.

Date: \_\_\_\_\_

AMENDMENT NO. XX TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA  
INDEX

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Implementation & Interpretation

Part C – The Appendices

1. Department of Planning and Development Report6

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

Also attached is PART C – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this amendment is to amend land use designations on Schedule A – City-Wide Land Use of the Port Colborne Official Plan to facilitate the development of the subject properties, shown on the attached Schedule, as apartment dwellings.

Location

The lands affected by this amendment are legally described as LOTS 36 TO 40, REGISTERED PLAN No. 826 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 242-246 West Side Road. A detailed map of the subject properties is attached as Schedule "A" to this Official Plan Amendment No. XX.

#### Basis

The subject properties are designated "Urban Residential". An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning By-law for the subject properties to provide for and permit a 112 dwelling unit apartment building. The proposed density is 187 units per hectare.

The development provides residential intensification at a location serviced by existing services and infrastructure. The location for the proposed intensification of the subject properties is suitable because they are surrounded by compatible residential, commercial, and institutional land uses.

It is intended to also approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing First Density Residential (R1) Zone, in part abutting Highway 58 / West Side Road and Third Density Residential (R3) Zone to an "R4-xx – Site-specific Fourth Density Residential Zone".

The proposal is consistent / conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;
- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built-Up Area.

## PART B - THE AMENDMENT

### Introductory Statement

This part of the document entitled 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.

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

Land shown on Schedule A is redesignated from Urban Residential to Special Policy Area to provide for apartment dwellings at a density of 187 units per hectare.

### Details of the Amendment



1. The land illustrated on "Schedule A to Official Plan Amendment No. XX", is re-designated from Urban Residential to Special Policy Area and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.
2. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, apartment dwellings at 187 units per hectare with ground floor parking may be provided on the land illustrated on Schedule "A" to this Official Plan Amendment.

#### Implementation and Interpretation

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

#### PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. XX but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2024-XX  
Schedule "A"

## ANNEX 11: DRAFT ZONING BY-LAW AMENDMENT

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as LOTS 36 TO 40, REGISTERED PLAN No. 826

City of Port Colborne, Regional Municipality of Niagara.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from:  
Residential Third Density (R3) Zone to Residential Fourth Density (R4-XX) Site-Specific Zone  
Residential First Density (R1) Zone to Zone to Residential Fourth Density (R4-XX) Site-Specific Zone
3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:  
R4-XX  
Notwithstanding the provisions of the Residential Fourth Density Zone, the minimum lot area required in the Residential Fourth Density R4-XX (Residential and Non-residential) is 50 square meters per dwelling unit.
4. 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.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act.

Enacted and passed this day of DATE.

\_\_\_\_\_  
William C Steele Mayor

\_\_\_\_\_  
XXXX, Clerk