

**City of Port Colborne**  
**Public Meeting Minutes**

**Date:** Tuesday, January 9, 2024  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** M. Aquilina, Councillor  
M. Bagu, Councillor  
E. Beauregard, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
D. Elliott, Councillor  
T. Hoyle, Councillor  
W. Steele, Mayor (presiding officer)

**Staff Present:** S. Tufail, Acting City Clerk  
D. Vasu, Acting Deputy Clerk (minutes)  
D. Schulz, Senior Planner

**1. Call to Order**

Mayor Steele called the meeting to order at 6:32 p.m.

**2. Adoption of Agenda**

Moved By Councillor M. Bagu  
Seconded By Councillor T. Hoyle

That the agenda dated January 9, 2024, be confirmed, as amended.

Carried

**3. Disclosures of Interest**

**3.1 Councillor E. Beauregard - Draft Plan Redline Revision and Zoning  
By-law Amendment for Rosedale Estates, 2024-08**

The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who worked on this development.

#### **4. Statutory Public Meetings**

##### **4.1 Public Meeting Report for Zoning By-law Amendment at 179 Mellanby Ave. and 56/56 ½ Main St. W. - File No. D14-08-23, 2024-06**

###### **PURPOSE OF MEETING**

The purpose of this meeting, pursuant to section 34 of the Planning Act, is to consider an application submitted by Rachelle Larocque of The Biglieri Group for the property on the southeast corner of Mellanby Avenue and Main Street West, municipally known as 179 Mellanby Avenue and 56-56 ½ Main Street West.

The application proposes to amend the Zoning By-law to permit a mixed-use apartment building development containing 101 residential units and 131.58 square metres of commercial space.

###### **METHOD OF NOTICE**

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on December 19, 2023. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

No adverse comments have been received from internal departments or required agencies.

As of the date of this meeting, written comments have been received from Trish McCoy. The following concerns have been raised:

- Concerns with the height of the building and privacy concerns
- Will negatively impact the nearby heritage buildings
- 101 units should have parking for 101 units
- Traffic will become even worse on the island when bridges are up
- Concerned with the units not being designed to accommodate families
- Not opposed to a 4-5 storey apartment building

###### **QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT**

Councillor Hoyle sought clarity regarding whether the parking lots around the proposed project and the park are owned by the City or the St. Lawrence Seaway Company (the “Seaway”).

The Senior Planner stated the lands are owned by the Seaway and Transport Canada and are leased by the City for the park.

Councillor Hoyle sought clarification whether the applicant can make an agreement with the Seaway and Transport Canada at any point in time if they choose.

The Senior Planner clarified the City would be involved in any decisions made, and that staff have been working with the applicant over this and discussion would be held between the three agencies.

Councillor Hoyle expressed concern that the development would take parking away from the park area, then sought clarification on the proposed height and dimensions of the building.

The applicant confirmed the proposed development is six stories along Main Street and eight stories stepped back.

Councillor Hoyle raised concerns on the height of the eight stories and voiced that five stories may be more suitable regarding the parking concerns raised.

Councillor Elliot stated parking is a major concern for him as well and he cannot support this due to the concerns of parking, then sought clarification on whether the applicant wants to take all the existing parking spots for the development as shown in the site plan.

The applicant confirmed the intent is not to take all the spots as the site plan was created to show the existing space, then confirmed that an already existing portion would remain for public parking and additional new parking for residents would also be created.

Councillor Elliot sought clarification on whether the applicant plans to construct new spaces within the existing lot or if a new parking lot would be constructed.

The applicant clarified that new parking lots would be constructed.

Councillor Elliot sought clarification on how many existing spaces the development would be obtaining.

The applicant clarified the development is not seeking to take any of the existing parking spaces away from the park use, and that they plan on adding new parking spaces for the use of the development.

Councillor Elliot sought clarification on how many spaces they plan to add for the development use.

The applicant was not sure of the exact number of parking spaces planned but mentioned she will calculate that number and communicate it to Council when possible.

Councillor Elliot raised concerns regarding the lack of on-street parking on both Mellanby and Main Street and that all parking for residents must be off-street parking, then raised concerns regarding the 50 planned spaces and the need for 75 more spaces to conform with the 1.25 spaces per unit mandated in the By-law as well as the lack of commercial parking.

The applicant clarified that the commercial space is catered to both residents of the development as well as community members to add to the existing commercial units of Main Street, then added that 75 more spaces would be added if the agreement with the Seaway is permitted.

Councillor Elliot sought clarification on what the total spaces are and whether a parking lot of equal size to the existing lot would be created to accommodate the development.

The applicant confirmed an additional parking lot of appropriate size to accommodate the development would be created.

Councillor Elliot raised concerns regarding the removal of green space from the existing park if this parking lot were to be built.

Councillor Elliot sought clarification on the results of the traffic that dictated there was little to no impact and whether the bridge traffic was taken into consideration.

The Senior Planner clarified the traffic impact study could be provided to Council for review.

Councillor Bruno reiterated the aforementioned concerns of the proposed parking spaces, then sought clarification on what the applicant defines as the parking area for the park.

The applicant clarified there are existing parking lots at the park and that they are not being counted within the proposed parking spaces by the development for residents parking.

Councillor Bruno sought additional clarification on what areas in the existing parking lot would be used for residential parking for the development.

The applicant clarified the spaces abutting the property to the south would be used for residential parking.

Councillor Bruno sought clarification on which parking spots were apart of the lease agreement between the City and the Seaway for the park.

The Senior Planner responded that staff could look at the existing agreement and provide an answer to Council following the meeting.

Councillor Bruno sought information regarding the background of the client.

The applicant responded the client is a developer and builder from the Niagara Region and has multiple projects within the Region.

Councillor Bruno asked if the client could provide more information on the other projects from this client in the Niagara Region.

The applicant responded she could provide that information to Council at a later date.

Councillor Bruno sought clarification on the renderings and whether the final product will match the renderings.

The applicant clarified the renderings were created by the builder and the design has been consistent throughout the project.

Councillor Bruno asked whether the applicant could provide an image where the development is superimposed into the surrounding properties.

The applicant responded an image could be created and circulated.

Councillor Bruno raised concerns regarding the Seaway agreement with the applicant.

The applicant clarified the discussions with the Seaway had begun and they wish to be open regarding the issues regarding parking following the public meeting so an agreement can be reached regarding parking moving forward.

Councillor Bruno clarified whether this agreement with the Seaway would impact the timeline of submission from the applicant.

The Senior Planner confirmed the 90-day timeline begins once application is deemed complete.

Councillor Bruno sought clarification on what happens in the event the applicant cannot reach an agreement with the Seaway regarding the timeline.

The Senior Planner clarified that the decision is dependent on how Council chooses to proceed with the property and that Council could put a hold on the property where they are approving the zoning subject to the Seaway agreement.

Councillor Bruno clarified whether the applicant could edit the application and return to Council if the acceptance is conditional.

The Senior Planner clarified the number of parking spaces would be apart of the conditions of the acceptance and the agreement with the Seaway and therefore could not be changed.

Councillor Bagu sought clarification on the carbon footprint of the building and whether it support environmental and climate change initiatives.

The applicant clarified that while she is unaware of the exact carbon footprint of the building, she is aware that there are requirements through the Building Code and incentives to include green energy and infrastructure within buildings. Additionally, the applicant stated that by intensifying the density of the downtown core active modes of transportation are promoted which in turn reduces cars and individual carbon footprints.

Councillor Bagu raised concerns regarding the walking distance to grocery stores within the City.

Councillor Bagu sought clarification on whether any units would be considered as affordable housing as defined by the Ontario government.

The applicant clarified that at this time there are no affordable housing units as per the definition proposed, however a partnership with an agency such as Niagara Regional Housing is being considered to take ownership of some of the units and provide affordable housing.

Councillor Bagu raised concerns regarding parking, in particular visitor parking for PSWs and other care givers, and regarding the relationship between the developer and adjoining property owner.

Councillor Aquillina raised concerns regarding parking and asked if there is an additional plan for the development in the scenario an agreement cannot be reached with the Seaway.

The applicant answered there is not currently a Plan B as they feel the current plan is the best use of the property and are hopeful an agreement with the Seaway can be reached.

Councillor Aquillina sought clarification on whether there will be commercial parking spaces provided for the owners of the commercial units proposed on the lower floors of the building.

The applicant clarified there are no current plans for these spaces, however this is an opportunity they could explore.

Councillor Aquillina sought clarification on whether all parking spots proposed are intended for residential use or if other uses are permitted.

The applicant clarified all current parking spots proposed are intended for residential use by tenants.

Councillor Aquillina raised concerns regarding the lowering the number of parking spots in account for the transit system due to the issues that exist with the system. Additionally raised concerns regarding visitor parking.

The applicant clarified the intent of the application is to meet all parking minimums set by the City once the agreement with the Seaway has been achieved.

Councillor Aquillina sought clarification on the holding provision that could be placed by Council and what the outcome would be if the Seaway agreement could not be achieved.

The Senior Planner clarified the applicant would have a chance to revise their plans to meet the requirements without the agreement lands.

The applicant clarified commercial parking has been allocated as part of the overall development.

Mayor Steele sought clarification on how many parking spots exist in the municipal parking lot across the street from the proposal.

The Senior Planner was unsure of the exact number but said those statistics could be found following the meeting.

Councillor Beauregard raised concerns regarding the parking spaces proposed in the site plan in comparison to the required spaces and sought

clarification on how many parking spaces are being proposed if an agreement is reached with the Seaway.

The applicant clarified 112 spaces are being proposed.

Councillor Beauregard asked whether the City of Port Colborne could help facilitate discussions with the Seaway in regard to this application.

The Senior Planner clarified City Economic Development Staff have been in contact with the property owner and the Seaway and can continue to help facilitate these discussions.

Moved By Councillor E. Beauregard

Seconded By Councillor T. Hoyle

That Development and Legislative Services – Planning Division Report 2024-06 be received for information.

Carried

**a. Delegation from Biglieri Group, applicant**

**b. Delegation from Melissa Bigford, resident**

    Melissa Bigford Lofquist, resident raised concerns regarding parking for the building and commercial units, the impact to Lock 8 park space, recreational opportunities, and parking area, the building height requested, the maintenance of the leased parking spaces, the results of the traffic study in relation to the canal bridge traffic, and the environmental assessment of the area.

**c. Written Delegation Material from Trish McCoy, resident**

**4.2 Public Meeting Report for Draft Plan Redline Revision and Zoning By-law Amendment for Rosedale Estates, 2024-08**

Councillor E. Beauregard declared a conflict on this item. (The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who worked on this development.)

**PURPOSE OF MEETING**

The purpose of this meeting, pursuant to sections 34 and 51 of the Planning Act, is to consider Draft Plan of Subdivision and Zoning By-law Amendment applications submitted by the applicant Joe Tomaino of Upper



Canada Consultants on behalf of the owner Rosedale Estates Ltd. for the property known as 100 Oxford Boulevard.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from First Density Residential (R1), Public and Park (P), Neighbourhood Commercial (NC-31), and Fourth Density Residential (R4-32) to a site-specific Third Density Residential (R3) and Public and Park zone (P).

The proposed redline revision to the Draft Plan of Subdivision proposes to revise the approved Draft Plan of Subdivision to contain 131 single-detached dwelling lots and 118 street townhouses (total of 249 units), representing an increase from the currently approved 119 single-detached lots and 57 apartment units (176 units).

### **METHOD OF NOTICE**

Notice of the Public Meeting was administered in accordance with Sections 34 and 51 of the Planning Act, as amended, and Ontario Regulations 544/06 and 545/06.

Notice of Public Meeting was circulated on December 19, 2023, to internal departments and required agencies. Notice was also circulated via regular mail to property owners within 120m. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

As of the date of this meeting, staff have not received any adverse comments from internal City departments or required agencies.

Comments have been received from the following members of the public:

- Dave Simpson
- Keena Sceppacerqua Spadzinski
- Rob Legace
- Gary and Loretta Schneider

### **Requests from the public include:**

- Wanting to see a fence installed along south side of the property where the subject property abuts the existing Oxford Park
- Would like to see that Oxford Park and the proposed park block remain separate
- No direct access to Oxford Boulevard, would like to see the access directly to Highway 58

These comments have been provided to City Council and will be responded to in the future recommendation report.

### **QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT**

Councillor Aquillina raised concerns regarding the extension given to the former owner that was granted to complete the necessary studies for the site that are not yet completed.

The applicant confirmed not all of the studies are completed.

Councillor Aquillina raised concerns regarding the transfer of ownership, lack of extension, and lack of completed studies following the previous granted extension.

The Senior Planner clarified that when an extension was granted in 2022 for a year there was the option for the Director of Planning to add an additional year to the extension if a Redline Plan was submitted within this timeframe. Additionally, the applicant has attended a pre-consultation appointment with the City within this timeframe to receive comments from both the City and Region regarding the requirements. The Region mentioned the archaeological assessment will still be required but can be a condition of the draft plan approval as it was previously.

Councillor Aquillina sought clarification on when the pre-consultation took place.

The Senior Planner confirmed the pre-consultation took place in early 2023.

Councillor Aquillina raised concerns regarding the traffic impacts on Oxford Boulevard.

The applicant clarified the Meadow Heights Subdivision will have to be built out sufficiently so a sufficient secondary entry point can be created to the Rosedale development.

Councillor Aquillina sought clarification on whether Oxford Boulevard would be the only entry point.

The applicant clarified there would be an additional entry point other than Oxford Boulevard.

Councillor Aquillina sought clarification on whether the traffic impact study was based on the previous plans or redline plans.

The applicant clarified the traffic study incorporates the new redline revision subdivision.

Councillor Bruno sought clarification regarding the timeline of events and approval regulations. In particular, if the redline revisions and approximate 40 percent increase in units from the approved 176 units was turned down, would the draft plan previously approved still stand.

The Senior Planner confirmed the old plan of subdivision would still stand if the redline revisions are turned down until the lapsing date of December 12, 2024, unless another extension is granted by council.

Councillor Bruno sought clarification on the following meeting date for the proposal according to the *Planning Act*.

The Senior Planner clarified the meeting would take place in early March for the Zoning By-law Amendment and that the draft plan portion is not subject to the Planning Act timelines.

Councillor Bruno notified Council he forwarded 18 additional public comments to Planning Staff, then asked whether the developer has spoken with any of the landowners on Loyalist Drive and if an entrance/exit is being considered in that area.

The applicant responded this avenue has not been explored but that he has concerns with mixing industrial and residential uses through this avenue.

Councillor Bruno raised concerns regarding the entry/exit onto Oxford Boulevard and asked if the applicant could meet or discuss plans further with residents.

The applicant answered he will bring this request to the owner.

Councillor Bruno raised concerns regarding the 40% increase in units to the existing plan and its impact on the older development in regard to traffic and egresses.

Councillor Bruno raised concerns regarding the movement of the park in the new plans.

The applicant clarified the park will be positioned in the northwest corner of the subdivision so it will abut the future park of Meadow Heights as well as the existing Hawthorne Park so residents from all three developments can access a larger park.

Councillor Bruno sought clarification on whether the traffic report would be available to the public on the website.

The Senior Planner clarified the reports are available on the website despite them not being attached to the report. Additionally, the planning report often summarizes the relevant report documents.

Councillor Elliot asked the applicant for the reasoning behind the 40% increase in units.

The applicant stated that under the direction of provincial and regional policy, the owner sought to increase the density to meet 52 jobs per hectare where 50 jobs per hectare is required to ensure all policy guidelines were accounted for and met.

Councillor Elliot asked whether the application met the density requirements prior to the 40% increase.

The applicant confirmed the plan from 1988 did not meet the density targets necessary.

Councillor Elliot sought clarification on whether staff had a concern with the density prior to this increase.

The Senior Planner clarified that as it was an already existing approved draft plan there aren't any required changes, however as there are revisions being made staff and the applicant wish to conform to more modern subdivision policies and standards.

Councillor Elliot raised concerns regarding minimum lot area reduction, minimum front yard reductions, minimum side yard reductions, and maximum lot area change to not applicable.

The Senior Planner clarified there are setbacks and landscape area provisions that still need to be maintained which impose lot coverage requirements leaving no scenario in which the building can take up the entire lot.

Councillor Elliot sought clarification on whether lot coverage also applies to secondary buildings.

The Senior Planner clarified additional limits in terms of lot coverage exist for accessory buildings as well.

The applicant clarified the setbacks will allow for limits on the lot coverage and account for smaller lot sizes for the main dwelling unit and that additional provisions exist for accessory units.

Councillor Elliot raised concerns about park space proposed with an increase in units and smaller lot sizes.

The applicant confirmed that through linking the parks together a larger park space will be accessible and that through more units more park in lieu money will be collected which will lead to improved park infrastructure.

Mayor Steele sought clarification on the size of the park.

The applicant answered he was unaware of the exact size but knew the intention was to link the parks through trail systems so residents can easily move between the three.

The Senior Planner confirmed the park block is approximately 4 acres.

Councillor Hoyle raised concerns regarding not having another entrance to the proposed subdivision, then sought clarification whether the City owns any land with access to Stonebridge Drive to address the issue.

The Senior Planner clarified the City does not own any of the property abutting Rosedale.

Councillor Bruno raised concerns regarding increased density and increased traffic on the routes presented.

Councillor Bagu sought clarification on whether staff could provide Council with the overlay the Planning Department possesses.

The Senior Planner confirmed he would send the overlay to Council.

Councillor Bruno sought clarification regarding whether the connection of existing sidewalks and upgrading of Oxford Boulevard would be the financial responsibility of the developer and what the cost would be of these upgrades.

The Senior Planner responded he would investigate this concern.

Councillor Bodner sought clarification on privacy fencing issue and whether it could be included in subdivision site plans.

The Senior Planner clarified that this could be a requirement through the subdivision agreement and that it can be an included agreement in the draft plan so Council can approve it when it returns.

Dave Simpson, resident, raised concerns regarding the original plan access to Highway 58.

The Senior Planner confirmed the original plan would still remain if the redline revision is denied and that an agreement would need to be reached with the MTO through a permit or a revision of the plan.

Councillor Aquillina sought clarification regarding what happens following the December 2024 expiry of the original plan.

The Senior Planner confirmed the applicant would need to apply with a new plan following the expiry.

Amanda Vulpatti, resident, raised concerns regarding the throughway onto Oxford Boulevard in regard to the connectivity to the original subdivision, increase in traffic, pedestrian safety, and reductions in lot setbacks and area to increase density. To address these concerns resident proposed a safety throughway to be built to Oxford Boulevard with a closed gate for safety and emergency vehicle access.

Lisa Brownrigg, resident, raised concerns regarding through traffic on Oxford Boulevard, pedestrian safety with lack of sidewalks, traffic speed concerns with lack of speed bumps, and increased noise pollution. Proposed a safety throughway to be built to Oxford Boulevard with a closed gate for safety and emergency vehicle access.

Shannon Haley, resident, raised concerns regarding increased volume of traffic, pedestrian safety issues with lack of sidewalks and streetlights, and access to Oxford Boulevard. Proposed access through Elm Street and Stonebridge Drive.

Stacy Clarke, resident, raised concerns regarding the loss of privacy, increase in density in a rural setting, and loss of green space.

Andrew Spadzinski, resident, raised concerns regarding access to Oxford Boulevard and increase in traffic, pedestrian safety with lack of sidewalks, number of people and cars underestimated for each residential unit, revisions needed to access point in 1988 plan, green space and park concerns, and on-street overflow parking concerns with limited setbacks.

Stephen Messeta, resident, raised concerns regarding increased noise and traffic due to the throughway onto Oxford Boulevard.

Loretta Schneider, resident, raised concerns regarding increase of traffic congestion on Oxford Boulevard, Runnymede, and Windsor Terrace, width of roadways, and the impact on pedestrian traffic.

Councillor Bruno raised concerns regarding traffic increase and the use of a traffic light in the area as a traffic calming measure.

Moved By Councillor T. Hoyle  
Seconded By Councillor M. Aquilina

That Development and Legislative Services – Planning Division Report  
2024-08 be received for information.

Carried

a. **Delegation from Joseph M. Tomaino, Senior Planner, Upper  
Canada Consultants, applicant**

b. **Delegation from Joanna Iwanicki, resident**

Joanna Iwanicki resident, raised concerns regarding the use of Oxford Boulevard to access Highway 58, the impacts to traffic volume, the increased traffic at the Windsor and Highway 58 intersection at peak times without improvements, needed improvements to existing street infrastructure (lighting, sidewalks, and speed walks), pedestrian safety, and traffic volume increase as a result of the density increase. To address these concerns, it was suggested to keep the Rosedale development separate from Hawthorne Heights and close off the access to Oxford Boulevard or use the original plan of subdivision. Additional concerns were raised regarding privacy fences for existing properties

c. **Written Delegation Material from Rob Lagace, resident**

d. **Written Delegation Material from Keena Sceppacerqua  
Spadzinski, resident**

5. **Procedural Motions**

6. **Information Items**

7. **Adjournment**

Mayor Steele adjourned the meeting at approximately 9:00 p.m.

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William C. Steele, Mayor

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Saima Tufail, Acting City Clerk