

City of Port Colborne

Public Meeting Minutes

Date: Tuesday, June 4, 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 (virtually)
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

Member(s) Absent: E. Beauregard, Councillor

Staff Present: C. Schofield, Acting City Clerk
B. Boles, Director of Corporate Services/Treasurer/Acting Chief
Administrative Officer
D. Vasu, Acting Deputy Clerk
D. Schulz, Senior Planner
D. Landry, Chief Planner

1. Call to Order

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

2. Adoption of Agenda

Moved By Councillor M. Aquilina
Seconded By Councillor G. Bruno

That the agenda dated June 4, 2024, be confirmed, as amended.

Carried

3. Disclosures of Interest

3.1 Councillor R. Bodner - Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Short Term Rentals, 2024-125

Councillor Bodner declared a conflict with short-term rental discussions that directly pertain to Sherkston Shores Resort.

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Mapleview Subdivision, 2024-124

The Senior Planner provided an overview of the Official Plan and Zoning By-law amendments.

Moved By Councillor D. Elliott

Seconded By Councillor R. Bodner

That Office of the Chief Administrative Officer – Planning Division Report 2024-124 be received for information.

Carried

a. Delegation from Max Fedchyshak of NPG Planning Solutions, applicant

The applicants, NPG Planning Solutions, provided an overview of the proposed development.

The Mayor asked the applicants how many parking spots there would be in the development. The applicants stated there would be 1547 parking spots associated with the development, which is about 1.2 parking spaces per dwelling unit.

Councillor Bruno asked the applicants to provide examples of what Golden Falcon Homes has built in Ontario in the past and if there would be opportunities to tour their buildings. The applicant responded that Golden Falcon Homes has built homes across Ontario and their website includes information on completed projects.

Councillor Bruno asked the applicants at what stage they are at regarding configuration of the road network. The applicants responded that they are currently reviewing public comments on the West Side Road extension and the Elgin Street extension.

Councillor Bruno expressed concern over the potential four-corner intersection at Third Avenue and Killaly Street West which could increase traffic on Third Avenue as it could be used as a cut through to the No Frills plaza. The Senior Planner responded that the application is currently being reviewed from an engineering perspective, which will include a review of the impacts of that intersection.

Councillor Bruno expressed concern over the amount of time between the Public Meeting and the final report. The Senior Planner responded that the Council has 120 days after a complete application is received to make a decision on it. After 120 days, the developer can appeal the application fees to the Ontario Land Tribunal. The 120 days end around mid-September and the Senior Planner estimated a new report would be released around mid-summer.

Councillor Elliott asked whether Elgin Street and West Side Road connect under their plan. The applicant confirmed that there would be a new road connection between Elgin Street and West Side Road. The Mayor added that there is an existing road allowance between Killaly St W and Elgin Street and that the applicant and Staff would work together on realigning the road allowance with West Side Road.

Councillor Elliott expressed concern over the back-to-back townhouses that have the potential to look into the backyards of existing residents and asked the applicants if there was a way to re-arrange them. The applicant stated that they are reviewing this arrangement.

Councillor Elliott expressed concern over the added traffic to the Steele & Elgin intersection and asked whether the southerly road ended in a circle or connected to the other section. The applicant responded that it does end in a circle, so there is no direct link to the more westerly section from Elgin Street.

b. Delegation from Jim Allan, resident

Jim Allan, the resident, stated their belief that the road allowance behind Maple Street should not be opened up, and that a connection between Maplevue subdivision and Elgin Street will exacerbate traffic. The resident would like other options explored,

such as connections to Clarence Street. The resident suggested that all high-rise buildings should be near the west-side of the development and the detached low-rise homes should be closer to existing properties. Alternatively, the resident suggested a green space buffer between the existing and new development. The resident asked the applicants if the applicants would meet with residents to discuss their concerns. The Mayor suggested that the Senior Planner take their emails and arrange a meeting between them.

- c. Written Delegation from Cathy Brule, resident**
- d. Written Delegation from Ila Mater, resident**
- e. Written Delegation from Donna Hale, resident**
- f. Written Delegation from Flora Armenti, resident**
- g. Written Delegation from Elizabeth Zutt, resident**
- h. Delegation from Cathy Koabel, resident**

Cathy Koabel, resident, stated that sometimes they must wait fifteen minutes for a large enough gap between cars to cross Steele Street at Elgin while using a walker, then urged Council to consider a push button or other method to calm traffic.

- i. Delegation from Kim Gatt, resident**

Kim Gatt, resident, expressed concern over traffic congestion at the Steele Street and Elgin Street intersection, about traffic impacts on senior safety on Elgin Street, and about adverse impacts of blasting during construction on the street. The Mayor clarified that blasting is no longer used during construction. Instead, hoe-ramming is used.

- j. Written Delegation from Hank and Lilian Bangild, residents**
- k. Written Delegation from Beth Cairns, resident**
- l. Written Delegation from Patricia Berg, resident**
- m. Delegation from Karen Marr, resident**

Karen Marr, resident, emphasized that they believe Portal Village is already a very dense area. The resident expressed concern that cars may continue straight down the proposed West Side Road extension behind Portal Village or use the extension to bypass the

Steele/Clarence stoplight, which could increase traffic flow on Elgin Street. The resident objected to characterizing a deficiency of 152 spots as "minimal" and requested that 152 parking spots be incorporated back into the subdivision. The resident expressed concern for the safety of senior citizens who use the road to walk due to the unevenness of sidewalks if the traffic flow increases significantly, and that that new vehicles not familiar with the area might not consider the presence of seniors with mobility, hearing, or vision challenges. The resident objected to the continuation of Westside Road to Elgin Street and suggested having Westside Road turn into the subdivision instead. The resident requested that the Developer blend the new development by changing the 4-storey back-to-back townhouses to single family homes, then raised concerns over impacts on neighbouring properties from drilling, requesting that an independent pre-construction inspection be done on existing homes to monitor for potential damages.

- n. Written Delegation from H. Bret and Lynne Maukonen, residents**
- o. Written Delegation from Judith Brandon, resident**
- p. Written Delegation from Jim and Sharon Lanigan, residents**
- q. Written Delegation from Janet Van Luttikhuisen, resident**
- r. Written Delegation from Nori Barrick and Wili Neufeld Bass, residents**
- s. Written Delegation from Liz Leeuwenburg, resident**
- t. Written Delegation from William and Sandra Teal, residents**
- u. Written Delegation from John Klauck, resident**
- v. Written Delegation from Delsie Lisicky, resident**
- w. Written Delegation from Ken and Maureen Anthes, residents**
- x. Written Delegation from Gary Callaghan, resident**
- y. Written Delegation from Arthur Stead, resident**
- z. Delegation from Becky Marr-Johnson, resident**

Becky Marr-Johnson, resident, expressed concern over what they perceive to be a lack of public knowledge and notice of the

proposal. The resident expressed concerned over the size and style of the development relative to the population and character of Port Colborne. The resident asked: (1) Where the people living in these proposed developments are coming from; (2) How new residents will receive dental and health care given existing wait times and shortages; (3) Where the new residents will work; (4) How existing roads will absorb these additional cars; and (5) How schools, restaurants, and businesses will absorb the extra residents. The resident requested a map of new development projects for public inspection, then expressed their disapproval of the pace and scale of new development, and which they believe does not align with the character and values of Port Colborne.

aa. Written Delegation from Fred and Jenneke Leeuwenburg, residents

ab. Written Delegation from the Santarellas, residents, to Councillor Bruno

ac. Written Delegation from the Santarellas, residents, to Councillor Hoyle

ad. Delegation from Art Stead, resident

Art Stead, resident, expressed concern over the volume of cars being added to the neighbourhood and the pressure it will place on the intersection of Elgin/Steele. The resident urged Council to consider a stop light at this intersection. The resident also expressed concern over the impact additional traffic will have on the existing seniors who walk to the park. The resident expressed concern over the woodlands area and whether it will be subject to another future development with more cars. The resident urged Council and the applicants to respect their belief that Elgin Street was developed as a senior area and that it should be kept that way.

ae. Delegation from Gary Callaghan, resident

Gary Callaghan, resident, expressed concern over the number of units and the high rise buildings in the area of the subdivision and the increase in units compared to the previous proposal in the area. The resident expressed concern over the possibility of the high rise units being used as short-term rental businesses due to the number of single bedroom apartments and expressed concerns that this kind of development will change the character of Port Colborne.

Councillor Bruno asked the Senior Planner to include a review of the angular plane of building heights. The Senior Planner responded that this is something Staff can discuss with the applicant, but that angular plans are not part of the City's Official Plan.

The resident asked the Senior Planner if the previous proposal for the area met the City's density requirements. The Senior Planner responded that the previous plan was subject to different circumstances around the proposed land.

af. Delegation from John Finkbiner, resident.

John Finkbiner, resident, expressed concern over the back-to-back townhomes that would overlook their backyard. Additionally, the resident expressed concern over the arterial road proposed to be placed five metres from their back deck, which would bring cars, construction vehicles, and pedestrians five metres from their back deck and where their grandchildren would play.

ag. Delegation from Judith Brandon, resident.

Judith Brandon, resident, expressed concern over the continuation of continuation of West Side Road to Elgin Street, which will bring traffic within 14 feet of their back deck and create stacked townhomes overlooking their back yard. The resident expressed that this is a privacy concern and also a safety concern given that the building may block natural light. The resident also expressed that this development would disrupt the quiet character of the senior community.

ah. Delegation from Shawn Hoyle, resident.

Shawn Hoyle, resident, expressed disagreement with the proposal and concern over the large number of units that would be directly across from his backyard. The resident asked Council to reconsider the apartment buildings on Killaly Street West which would impact the backyards south of Sheba Crescent and increase traffic flow in the neighbourhood. The resident also asked if Council had taken note of the water table in the area since it includes underground natural springs which are inside the bedrock.

ai. Delegation from Liz Leeuwenburg, resident

Liz Leeuwenburg, resident, raised concerns over the displacement of wildlife and the damage the displaced animals might do to surrounding properties when they no longer have their natural habitat.

aj. Delegation from Mark Stay, resident

Mark Stay, resident, stated that, as a traffic engineer, they believe it is a mistake to direct arterial traffic down the West Side Road extension towards Elgin Street. The resident urged Council to consider the timing of the lights from Main St W to West Side Road to consider community safety and prevent cars from travelling at high speeds to make a green light on Killaly Street West. The resident also expressed concern over the current Killaly Street West/West Side Road, stating that it is possible to take the northeast corner at high speeds.

ak. Delegation from Shelby Agis, resident

Shelby Agis, resident, expressed concern over the high rise apartments proposed to be built on Killaly Street West directly across West Side Road from their backyard. The resident asked what the timeline is for this project. The resident raised concerns over how this proposal fits into the long-term plan for Port Colborne and how services will accommodate thousands of new residents. The resident raised concerns over the amount of public notice given, noting the impacts the project may have on properties in the area that were not notified.

Councillor Bruno commented that he estimates the City receives development applications every two or three weeks, and that often Council is not aware of them until public meetings are scheduled. Councillor Bruno added development approval means the developer may start, not necessarily that they will start, and that the developer's timeline is often unknown in advance even to the developer.

al. Delegation from Joe Gatt, resident

Joe Gatt, resident, expressed concern over potential congestion at Steele Street/Elgin Street intersection given that Elgin Street is regularly accessed by emergency vehicles. The resident requested increased law enforcement presence to calm traffic near the intersection.

am. Delegation from Cathy Brule, resident

Cathy Brule, resident, raised concerns over the adequacy of the proposed number of parking spots given that two parents and a teenager could need their own car to get to work. The resident also stated that their unit shakes whenever the quarry blasts due to their location on bedrock and is concerned this could be exacerbated by the construction.

4.2 Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Short Term Rentals, 2024-125

Councillor R. Bodner declared a conflict on this item. (Councillor Bodner declared a conflict with short-term rental discussions that directly pertain to Sherkston Shores Resort. ;)

A consultant from MHBC Planning presented an overview of MHBC's special study on Short Term Rental Accommodations in Port Colborne and provided insights on the next steps following the Public Meeting. The study recommended that short term rentals in accessory buildings not be permitted as-of-right, that one short term rental per property be permitted in a legal accessory dwelling unit as-of-right, and that short term rentals not be permitted in legal non-conforming dwellings. The consultant also presented an overview of the Draft Official Plan Amendment and the Draft Zoning By-law Amendment. The consultant also provided insights on what the licensing by-law would clarify.

Councillor Bodner asked the Senior Planner what the cost would be to apply for a Zoning By-law Amendment amendment to permit a short-term rental in an accessory building. The Senior Planner responded that this fee is around \$4,600.

Councillor Aquilina asked the consultant if an urban-rural distinction can be made in the licensing by-law to account for differences such as septic beds. The consultant responded that to be issued a licence, a property must have adequate sewage disposal in place.

Councillor Bruno asked the consultant if there is a risk that certain residents in Port Colborne are not covered by the amendment and therefore could be at risk of nuisances from neighbours who have short-term rentals. The consultant responded that the zoning by-law amendment would provide for short-term rentals as a secondary use. The licensing by-law then establishes the coverage, which is for the entire municipality.

Councillor Bruno asked the consultant if there would be any issues regarding properties that do not fit with current zoning but have been grandfathered in. The consultant responded that those would be legal non-conforming properties and so short-term rentals would not be permitted without a zoning by-law amendment.

Councillor Bruno asked the Senior Planner what the fees and fines schedule will be and when Council would be able to see that schedule. The Senior Planner responded that the schedule would likely be part of the licensing by-law report and available to Council before they need to vote on it. The Senior Planner added that they would look to successful models observed in other municipalities and collaborate with the City's By-law Enforcement Services Division.

Councillor Bodner asked the consultant if existing short-term rentals would be grandfathered in. The consultant responded that such units are grandfathered in from zoning by-law amendments but would still need to obtain a licence and adhere to those requirements.

Moved By Councillor T. Hoyle
Seconded By Councillor F. Danch

That Office of the Chief Administrative Officer – Planning Division Report 2024-125 be received for information.

Carried

- a. **Written Delegation from Judith Boroniec, resident**
- b. **Delegation from Randy Garrett, resident**

Randy Garrett, resident, expressed concerns over the impact that AirBnBs would have on Elgin Street, especially regarding the increase of cars parking at short-term rentals and their speeds on residential streets since many older people and young kids use the road. He asked what the parking by-laws were regarding short-term rentals. The Senior Planner responded that the proposed requirement is at least one parking space per short-term rental.

- c. **Delegation from Carol Domenicucci, resident.**

Carol Domenicucci, resident, asked the consultant if current owners of short-term rentals would be exempt from the licensing by-law. The consultant responded that the licensing by-law applies to everyone, so nobody would be exempt. The resident questioned

the consultant's assessment that the commercial zoning of Sherkston Shores means that short-term rentals impact Sherkston Shores differently than parts of the City zoned residential. The resident stated that they live next to Sherkston Shores and are still significantly impacted, then asked the consultant if they had been inside of Sherkston Shores. The consultant responded that he had been outside of Sherkston Shores, but not inside Sherkston Shores. The consultant added that the resort would still be subject to the licensing by-law, but that the seasonal rental nature of the resort requires a different framework. The resident added that people in Sherkston have been running their short-term rentals like a business and it has changed the fabric of their community. The Senior Planner added that Sherkston Shores would still be subject to the licensing by-law, but the resident expressed disappointment that this licensing by-law would not be subject to a public meeting. The consultant clarified that a draft by-law will be available in advance of the Council Meeting and that residents can delegate on that matter. The resident emphasized the importance of focusing the short-term rental regime on Sherkston Shores and the extremely high volume of rentals there.

Councillor Aquilina asked the consultant whether there would be fee differentiation between Sherkston Shores and the rest of the City. The consultant responded that there could be differentiated fees, depending on what goes into the licensing by-law.

5. Procedural Motions

6. Information Items

7. By-laws

7.1 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

Moved By Councillor T. Hoyle

Seconded By Councillor M. Aquilina

That the By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Public Meeting on June 4, 2024, be enacted and passed, as presented.

Carried

8. Adjournment

Mayor Steele adjourned the meeting at approximately 9:33 p.m.

William C. Steele, Mayor

Carol Schofield, Acting City Clerk