

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, January 18, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
R. Bodner, Councillor
G. Bruno, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: E. Beauregard, Councillor

Staff Present: A. LaPointe, Acting Director of Planning and Development/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
D. Schulz, Senior Planner

1. Call to Order

Mayor Steele called the meeting to order.

2. Adoption of Agenda

Moved By Councillor A. Desmarais
Seconded By Councillor R. Bodner

That the agenda dated January 18, 2022 be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. Statutory Public Meetings

4.1 Public Meeting Report for Official Plan and Zoning By-law Amendment at 355 Wellington Street, Files D09-05-21 and D14-17-21, 2022-11

Purpose of Meeting

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider an application initiated by Glenn Wellings of Wellings Planning Consultants Inc. for the lands known as Part of Lot 20, Lots 21 and 22 on Plan 835 and Lot 1 on Plan 836, on the southeast corner of Wellington Street and Main Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 335 Wellington Street and/or 125 Main Street East.

Method of Notice

Notice of the Public Meeting was administered in accordance with Sections 22 and 34 of the Planning Act, as amended, and Ontario Regulations 543/06 and 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on December 17, 2021. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Presentation of Application for Zoning By-law Amendment

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning from Highway Commercial to HC-67, being a special provision of the HC zone. The HC-67 zone is proposed to maintain the current permitted uses under the HC zone, while also including a "Cannabis Retail Store".

Questions of Clarification to planning Staff/Applicant

Councillor Bruno asked if the Planning Act can regulate types of uses.

Mr. Schulz responded that the Planning Act can't regulate the use but the AGCO can regulate the licenses given to these types of stores.

Councillor Bodner asked if the building will be handicapped accessible.

Mr. Schulz responded that it would be addressed at the time of the building permit issuance.

Councillor Kalailieff asked if the use meets the setback requirements to a residential zone.

Mr. Schulz responded that commercial uses do not need to meet a setback requirement from a residential zone, however the AGCO does have requirements for cannabis stores that will need to be met in order to obtain their license.

Councillor Wells asked if the setbacks were measured from the use to the lot line or from use to use.

Mr. Schulz responded that the setback requirements were not apart of the City's By-law and are not calculated by the City, but rather, by the AGCO.

Moved By Councillor A. Desmarais

Seconded By Councillor R. Bodner

That Planning and Development Department Report 2022-11 be received for information.

Carried

a. Delegation from Glenn Wellings, President, Wellings Planning Consultants Inc., applicant

Mr. Wellings provided a brief summary and description of the proposal.

b. Delegation material from Louise Tosques-DiLalla, resident

Ms. Tosque-DiLalla does not feel that another cannabis store is necessary.

4.2 Public Meeting Report for Official Plan and Zoning By-law Amendment at 54 George Street, Files D09-03-21 and D14-15-21, 2022-10

Purpose of Meeting

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider an application initiated by NPG Planning Solutions Inc. on behalf of the owner 2852479 Ontario Ltd. for the lands

known as Lots 9, 10, and Part of Lot 11 on Plan 767 and Block 'A' and Part of Block 'B' on Plan 775, on the southwest corner of George Street and Erie Street, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 54 George Street and/or 192-200 Erie Street.

Method of Notice

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on December 17th, 2021. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Presentation of Application for Zoning By-law Amendment and Official Plan Amendment

The Zoning By-law Amendment proposes to change the zoning from Institutional (I) to R4-66, being a special provision of the Fourth Density Residential (R4) zone. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings; public apartment buildings; and uses, structures and buildings accessory thereto. The special provision has been requested to permit a 30-unit stacked townhouse configuration with a front yard setback of 4.5 metres, maximum building height of 14.5 metres, and a landscape buffer of 2.5 metres between the edge of the parking area and the lot line abutting a public road. Additionally, the proposed amendment will add a definition for a "Dwelling, Townhouse, Stacked" to Section 38 of Zoning By-law 6575/30/18.

The Official Plan Amendment proposes to maintain the Urban Residential designation; however, a site-specific amendment has been requested to alter the specific policies under section 3.2.1 to permit a 30-unit stacked townhouse configuration at a density of 103 units per hectare.

Questions of Clarification to Staff/ Applicant

Councillor Bruno asked for clarification on the definition of stacked townhouses.

Mr. Schulz responded that the definition would only apply to this property and would not be applicable to other sites.

Councillor Bruno mentioned that the site plan drawing does not show the required amount of parking that was identified on the application.

Mr. Schulz acknowledged that it has been noted and it can be addressed prior to the recommendation report.

Councillor Wells asked if site servicing has been addressed.

Mr. Schulz responded that capacities have been met and no upgrades will be required.

Councillor Kalailieff asked if the City should have a standard definition of stacked townhouses.

Mr. Schulz responded that if Council would like to direct staff to do so, staff could look into it.

Councillor Bruno asked if there were any ways to reduce the amount of street parking.

Mr. Armfelt responded that they cannot force people to use the parking lot and that the City has tools at its disposal to enforce parking requirements.

Councillor Bruno also inquired about the removal of snow.

Ms. Davis responded that there is ample landscaping area on the property for snow removal.

Councillor Wells added that the addition of charging stations for electric vehicles should be considered.

Mr. Schulz responded that it can be addressed during the site plan process.

Councillor Danch asked about the demolition on the property, raised parking concerns and asked if the units were intended to be rentals or condos.

Ms. Davis responded that the demolition would require the removal of the entire church, that 1 parking space per unit is what is required under the By-law and that the units would not be rentals.

Moved By Councillor H. Wells

Seconded By Councillor D. Kalailieff

That Planning and Development Department Report 2022-10 be received for information.

Carried

a. Delegation from Cory Armfelt and Rhea Davis, NPG Planning Solutions Inc., applicant

Mr. Armfelt and Ms. Davis provided a brief summary and description of the proposed applications.

b. Delegation from David and Jennifer Gardiner, residents

Mrs. Gardiner had concerns regarding potential conflicts of interest.

Mrs. LaPointe responded that it is the responsibility of Council to declare any potential conflicts.

Mrs. Gardiner asked if 38 parking spaces would be enough.

Mr. Schulz responded that the by-law requires 1.25 spaces per unit and that this proposal meets the requirements.

Mrs. Gardiner asked if a property maintenance team would take care of the property, as it is in poor condition currently.

Mr. Foster responded that the building was secured recently and a team will work to maintain the property.

Mrs. Gardiner asked if snow melt will be contained on the property.

Mr. Schulz responded that drainage is required to be contained on site.

c. Delegation from John and Margaret Manwaring, residents

Mr. Manwaring raised concerns over traffic and stated that the majority of his concerns have already been addressed.

d. Delegation from Eva Lezak, resident

Ms. Lezak raised concerns over parking and traffic.

e. Delegation from Patti Mino and Rick Russell, residents

f. Delegation from Tracy and Karl Reker, residents

Mr. and Mrs. Reker raised concerns over parking, the location of the garbage containers and the height of the proposal.

g. Delegation from Tara and Justin Comeau, residents

4.3 Public Meeting Report for Official Plan and Zoning By-law Amendment to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20, 2022-09

Purpose of Meeting

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for proposed changes to the policies and regulations of the Mineral Aggregate and Petroleum Resources and Mineral Aggregate Operation land uses within the municipal boundary of the City of Port Colborne.

Method of Notice

The Notice of Public Meeting was circulated via the Port Colborne Niagara This Week newspaper and to required agencies by December 23, 2021. Any members of the public who previously provided comments on this application were also notified via email and/or regular mail. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Presentation of Application for Zoning By-law Amendment and Official Plan Amendment

The Official Plan is proposed to be amended by adding the following to Section 10.1.1 Additional Policies:

These changes are intended to set the stage for the Zoning By-law Amendment to follow.

- d) Require site specific Zoning By-Law Amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants, and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i. The protection of groundwater quality and quantity;
 - ii. The protection of adjoining lands from noise, dust, odour, lighting and outdoor storage;
 - iii. The protection of the environment from adverse effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iv. Access being obtained directly to a road capable of bearing the anticipated loaded truck weights and conveying the cumulative volume of traffic without negative impacts to current traffic flow;

and ancillary uses will not be permitted where they are prohibited in O. Reg. 466/20 or any successor to this regulation.

Questions of Clarification to Staff/ Applicant

Councillor Wells asked about the difference between a concrete and cement facility.

Mr. Armfelt responded that he can create separate definitions.

Councillor Desmarais asked if staff can respond to the public inquires before the application comes back to council.

Mr. Schulz responded that the questions will be addressed in the staff report.

Councillor Bagu asked if the cement plant will be in the final report.

Mr. Armfelt responded yes.

Councillor Bagu asked why 500m was selected as the buffer.

Mr. Armfelt responded that 500m is a typical buffer range and it was recommended by the Region.

Councillor Bagu asked what exactly Port Colborne Quarries wanted.

Mr. Armfelt responded that it will be in the report.

Councillor Bodner asked if another public meeting was required before the final report.

Mr. Schulz responded if any major changes are made, another open house can be held.

Moved By Councillor F. Danch

Seconded By Councillor G. Bruno

That Planning and Development Report 2022-09 be received for information.

Carried

a. Delegation from Gary Gaverluk, resident

Mr. Gaverluk raised concerns over the timing of the mailing of notices. He also had concerns over source water protection and read his written correspondence with staff.

b. Delegation from Cindy Mitchell, resident

Ms. Mitchell had concerns over the cement plant and believes it should be prohibited, or relocated to another industrial zone. Wants a focus to be put on protecting the vulnerable aquifer.

c. Delegation from Jack Hellinga, resident

Mr. Hellinga supports the ancillary uses separately in the MAAU zone. He also stated that MAAU uses are not heavy industrial, but rather extra heavy industrial uses. Supports asphalt and concrete industry in MAAU zone. Believes the buffer distance should be greater than 500m.

d. Delegation from David Henderson, resident

Mr. Henderson raised concerns with protecting the aquifer and groundwater. Suggests that new or expanding mineral aggregate operations should not be permitted to go below the aquifer.

e. Delegation from Melissa Bigford, resident

Ms. Bigford wants to know if the site specific zoning by-law amendment will be brought to Council and believes public input should be considered in this process. She also asked why the OPA and ZBA Quarries were consulted prior to going on council agenda and asked if this is this a common practice.

f. Delegation from Barbara Butters, resident

Ms. Butters wants to know what ensures the protection of the aquifer and will the additional uses diminish any protection efforts. Prefers the 500m buffer to the 300m buffer.

g. Delegation material from Jeffrey J. Wilker, Lawyer for Port Colborne Quarries Inc.

h. Delegation material from Josef van Ruyven, resident

i. Delegation material from George McKibbin, Chair of the Environmental Advisory Committee

j. Delegation material from Carol Siemiginowski, Senior Land Manager, Southwest Ontario and Atlantic, Lafarge Canada Inc.

k. Delegation material from Robert Henderson, resident

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 9:30 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk