

**City of Port Colborne
Special Council Meeting 35-20 – Public Hearing
Minutes**

Date: December 14, 2020

Time: 6:30p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom for second application, RE: 599 Main St)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
C. Roome, Planning Technician (via Zoom)
D. Schulz, Planner (via Zoom)

Also in attendance was one member of WeeStreem.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. 278 Moved by Councillor Bagu
Seconded by Councillor Bodner

That the agenda dated December 14, 2020 be confirmed, as
circulated.

CARRIED

3. Disclosures of Interest:

Nil.

4. Public Hearing Under the Planning Act:

Note: Councilor Bruno was absent from this application.

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-186, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 168 and 176 Elm Street, File D14-02-20

(i) Purpose of Meeting:

David Schulz advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to present a proposed Zoning By-law Amendment and comments from circulated agencies and the public.

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City's Website through the regular Council Agenda.

As of the date of the meeting, staff had received the following correspondence from members of the public:

Jennifer Brooks – 115 Kent Street

- Would like to be notified of any decisions related to this application.
- Concerns related to parking and greenspace for the apartment building.

Patricia and Julius Premi – 171 Alexandra Street, Port Colborne

- In favour of the proposed Zoning By-law Amendment.

The following agency has provided comment.

Regional Municipality of Niagara:

Conclusion

In conclusion, the proposal is consistent with the PPS and conforms to Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional

prospective.

Planning Staff will include the Region's comment in full in their recommendation Report.

(iii) Explanation of Procedure to be Followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-186 and read any correspondence received from circulated agencies and the public.

(iv) 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 I – Institutional to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business while recognizing the existing location of the building, and allowing for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion from an institutional building into a 22-unit apartment building with a hall and office space on the property.

(v) Comments of Applicant:

Steven Rivers provided comments about the application. Mr. Rivers spoke to the under-utilized nature of the existing use, the studies that have been completed and the phases of development.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councilor Danch asked what the timeline of the phases would be. Mr. Rivers responded that phase one would likely start in the beginning of the new year with phase two starting near the end of 2021.

Councilor Beauregard questioned how much parking would be provided. Mr. Schulz responded that there would be 23 available spaces. Councillor Beauregard then questioned if that will be enough with the hall at capacity. Mr. Rivers responded that the hall would be demolished as a part of phase Three.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated, “if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

(ix) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 6:50 p.m.

5. Public Hearing Under the Planning Act:

Note: Councilor Gary Bruno joined the meeting at this time.

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report No. 2020-187, Subject: Public Meeting Report for Proposed Zoning By-law Amendment at 599 Main Street West, File D14-06-20

(i) Purpose of Meeting:

(ii) Method of Notice:

Mr. Schulz advised that the Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on November 24th. A sign was posted on the property by November 24th. Notice was also posted on the City’s Website through the regular Council Agenda.

As of the date of the meeting, staff had received the following correspondence from members of the public:

Lisa St. Amand –

- Would like to be notified of any decisions related to this application.
- Would like to reserve the right to appeal any future decision if necessary.

- Requests that ongoing proceedings between the property owner at 599 Main St W and adjacent landowners and businesses be addressed prior to any further excavation.
- Requests that a stop work on heavy excavation equipment be included.

The following agency had provided comment.

Regional Municipality of Niagara:

There are no Provincial or Regional interests with the Zoning By-law Amendment.

(iii) Explanation of Procedure to be followed:

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2020-187 and read any correspondence received from circulated agencies and the public.

(iv) 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 on a portion of the property (Phase 2 on the approved site plan, Part 3 on the consent application survey sketch) from Highway Commercial (HC) to HC-57, a special provision of the Highway Commercial (HC) zone that recognizes the lot frontage and front yard requirements of the Zoning By-law to satisfy a condition of a consent application under application B07-20-PC.

(v) Comments of Applicant:

Mr. Rivers spoke about the technical nature of this application and that as a result of the stormwater management requirements, Phase 2 was left with no frontage.

(vi) Questions of Clarification to Applicant/Planning Staff:

Councillor Wells questioned if the Northern edge of the property allowed enough space for emergency vehicles. Mr. Schulz responded that those dimensions had already been reviewed and approved during Phase 1.

Councillor Bagu questioned if the construction of services or excavation would damage the neighboring properties on Merritt Parkway. Mr. Schulz responded that the services were already in place. Mr. Rivers added that the construction would be slab on grade. Councillor Danch questioned if there would be any hoe ramming and if that process may damage neighboring properties. Mr. Rivers responded that there may be some, but not a lot and that neighbors have the chance of legal recourse through the courts if damage occurs.

(vii) Oral Presentations and/or Questions from the Public:

Nil.

(viii) Announcement Respecting Written Notice of Passage of Zoning By-law Amendment:

Mr. Schulz stated if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.

(x) Explanation of Future Meetings:

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

(x) Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 7:10 p.m.

6. Adjournment:

Mayor Steele adjourned this Public Hearing at approximately 7:10 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.