

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

**Date:** Tuesday, September 20, 2022  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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

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

**1. Call to Order**

Mayor Steele called the meeting to order at 6:30 pm.

**2. Adoption of Agenda**

Moved By Councillor R. Bodner

Seconded By Councillor E. Beauregard

That the agenda dated September 20, 2022 be confirmed, as amended.

Carried

**3. Disclosures of Interest**

**3.1 Councillor E. Beauregard -Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22, 2022-215**

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

**4. Statutory Public Meetings**

**4.1 Public Meeting Report for Proposed Draft Plan of Condominium and Zoning By-law Amendment at 690-700 Elm Street, File No. D07-01-22 & D14-13-21, 2022-213**

**Purpose Of Meeting**

The purpose of this meeting, pursuant to sections 34 and 51 of the Planning Act, is to consider Draft Plan of Condominium and Zoning By-law Amendment applications submitted by the applicant Curtis Thompson of Better Neighbourhoods Inc. on behalf of the owner Topwide Property Development Inc. for the lands known Part of Lot 3, west side of Cranberry St, Part of Blocks B & C on Plan No. 775.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R4-CH (Fourth Density with Conversion Holding) and R2 (Second Density Residential) to a site-specific R4 zone that will permit the development of 71 total dwelling units (five single-detached, 10 semi-detached, 15 townhouse, and 41 apartment dwelling units).

The Draft Plan of Condominium will implement the proposed Zoning By-law Amendment and legally allow each unit to be held in independent ownership and establish common elements such as the internal condominium road.

**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 August 31st, 2022, to internal departments and agencies. Notice was also circulated via regular mail to property owners within 120m on August 30th, 2022. Meeting details have been provided along with the Council Agenda on the City's website and under "Current Applications".

Moved By Councillor G. Bruno  
Seconded By Councillor F. Danch

That Development and Legislative Services – Planning Division Report  
2022-213 be received for information.

Carried

**a. Written Delegation material from Jennifer Gardiner, resident**

Ms. Gardiner is in support of the development as it is a good use of vacant land to increase housing. She has expressed concerns surrounding parking and its overflow onto adjoining side streets as children in the area walk to the park. Lastly, Ms. Gardiner requests for 2-3 hour parking implementation at the park and no parking within 10m of the intersection.

**b. In person delegation from Curtis Thompson, Planner, Better Neighbourhoods Development Consultants Inc., applicant**

Mr. Thompson provided a brief presentation on the development process. Changes to the original proposal include:

- Integrated 690 Elm Street into the development plan
- Relocated apartment building eastward to front Elm Street which, increased setbacks to existing houses, improves walkability and streetscape; and increased housing units and scale of apartment building through increased land size.
- A new rear laneway flanking the southern lot line which provides a larger buffer to existing houses and improves privacy.

**Question Of Clarification For Staff or Applicant**

Councillor Beauregard asked for clarification on the home-based business amendments and how it does not meet the requirements.

Mr. Thompson stated it is to amend the signage provisions to allow more flexibility for home-based businesses to advertise should a business be present there.

Councillor Beauregard asked if the garages shown along lanes A, B, and C are proposed to be accessory dwelling units on top. Mr. Thompson responded that most would not be permitted according to the City's Zoning By-law for reasons such as limited parking. There is potential for a couple of units subject to the Zoning By-law. They are seeking relief on unit sizes and height of the accessory

dwelling units.

Mr. Schulz provided comments that Planning Staff has not provided an official opinion, however in his experience a flat size limit would prevent oversized accessory dwelling units, and keep them accessory to the main use.

Councillor Bruno asked if accessory dwelling units would increase the number of units.

Mr. Thompson responded if the accessory dwelling unit is issued, it would increase the number of units. These units are not included in the development plans due to the unpredictability of how many units would be built.

Councillor Bruno asked to provide additional information on the number of accessory dwelling units for the next meeting.

Mr. Schulz said staff can work with the applicant to get the number established for the next meeting.

Councillor Bruno asked if the developer proposes to encompass the external boundaries with a fence.

Mr. Thompson stated a continuous fence is included in the site plan process.

Councillor Bruno has concerns regarding how rapidly the apartments would be built and the impact on grading and drainage.

Mr. Thompson explained the development process would be phased. Primary services would be installed post-site plan approval. The proposed catch basins would pick up on the adjacent neighbours based on the existing overland flow route. This would be dealt with at the building permit stage.

Mr. Schulz agreed with the applicant.

Councillor Wells asked if the proposed home-based business units 1 to 5 could be commercial units rather than dwelling units.

Mr. Schulz responded staff will review this through the recommendation report to ensure the home-based businesses are secondary to the main use.

Councillor Wells asked if commercial uses are permitted in the proposed R4 zone, and if commercial uses would have to be amended.

Mr. Schulz stated yes, commercial uses would have to be stated in the final draft of the by-law.

Councillor Desmarais asked if consideration for affordable housing was made and what the definition of affordable housing is to them. Mr. Thompson explained the definition would be the provincial definition for affordable housing. The proposal does not adhere to the definition strictly.

**c. In person delegation from Brian Canter, resident**

Mr. Canter attended the open house meeting to provide some concerns, however upon reviewing the revised application, their concerns were not addressed. The concerns are:

- the new higher density proposal would have a negative impact on the current low-density residential neighbourhood
- loss of privacy and enjoyment of backyard usage
- Would the wastewater system sustain the increase of units?
- What measurements would be put in place in case of damages from construction?
- Concerns with flooding in the neighbourhood.

Mr. Canter asked for a 3-storey apartment building comprise to mitigate the listed concerns.

Mr. Schulz and Mr. Thompson responses:

- a preliminary functional servicing report was submitted indicating the existing services are adequate, and a stormwater management report will be completed later.
- Most concerns will be addressed prior to the finalization of the site plan agreement
- A pre-condition survey of the neighbourhood will be completed by the client through the site plan agreement
- Snow removal can be set as a condition in the site plan control agreement
- The Official Plan encourages higher density development along arterial roads including Elm Street.

**d. Virtual delegation from Mike Horsley, resident**

Mr. Horsley represented Sylvie Canter who is a resident of 30 Snider Street. Mr. Horsley expressed concerns regarding delegation of the site plan approval process, height of the development, fencing requirements, landscape plan, photometric

plan and propose private street be designated as a fire route and restrict all on-site parking through the development. Mr. Horsley requested that a special condition stating all on-site lighting be shielded and/or directed away from adjacent properties and by-laws pertaining to loading areas and waste collections.

Mr. Schulz responded to concerns:

- Site plan approval is delegated to staff.
- A landscape plan will be required by a licensed landscape architect, a photometric plan, lighting assessments, and fencing installation would be included in the site plan agreement.
- The fire prevention officer will review the fire route during the site plan process.
- The Niagara Region is responsible for waste management services, or a private waste collection company to be disclosed in the site plan agreement.

#### **4.2 Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, File No. D12-01-22 & D14-06-22, 2022-215**

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 work on this property. ;)

##### **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 Matt Kernahan of Upper Canada Consultants on behalf of the owner 2600261 Ontario Inc. for the lands known as Northland Estates, legally known as Concession 2 Pt Lot 31, Concession 2 Pt Lot 31 RP 59R12021 Parts 1 & 2, and Con 2 Pt Lot 31 RP 59R11866 Parts 2 to 5.

The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R3 (Third Density Residential), RD (Residential Development), and EC (Environmental Conservation) to a site-specific MU (Mixed Use) zone, EC (Environmental Conservation), (P) Public & Park, and a site-specific R3 zone.

The site-specific MU zone is being sought to permit a maximum height of 14 metres for residential and non-residential buildings. The site-specific

R3 zone is being sought to permit a minimum lot area of 180 square metres and a minimum interior side yard of 1.5 metres for townhouse dwellings, and a minimum lot area of 327 square metres for detached dwellings.

The Draft Plan of Subdivision proposes to divide the subject lands into 122 lots for single-detached dwellings, 10 blocks for 50 street-townhouse dwellings, one mixed use commercial and residential block, a park, one block for a stormwater management facility and an environmental conservation block.

### **Method of Notice**

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Mr. Kernahan provided a brief presentation on the development with visual maps to illustrate each area of development.

Detailed studies completed at this time include:

- Environmental Impact Study
- Functional Servicing and Stormwater Management Report
- Water Balance
- Noise Impact Assessment
- Traffic Impact Study

### **Questions of Clarification for Staff or Applicant**

Councillor Desmarais asked for clarification on the flow of traffic at the intersection of street A and Northland Avenue.

Mr. Kernahan explained there is a possibility for a road connection to West Side Road.

Councillor Desmarais asked if consideration for affordable housing was made and the definition of affordable housing.

Mr. Kernahan explained the definition would be the provincial definition for affordable housing, however, the proposal does not adhere to the definition strictly. The intention is to be rental units offering greater opportunities for affordable housing.

Councillor Bruno recited the Regional comments stating that the proposed draft plan of subdivision and zoning by-law amendment application is not considered at this time to be consistent with the PPS or conform to the Growth Plan policies. Councillor Bruno is concerned the development proposal will return to Council without the opportunity for the public to comment on future development changes.

Mr. Schulz explained under the provisions of the Planning Act additional public meetings are not required for changes to a draft plan of subdivision. For zoning by-law amendment applications, any changes to the zoning warrant another public meeting.

Councillor Bagu questioned if there is an appeal possibility to Regional comments.

Mr. Schulz explained the approved decision by Council could be appealed by the applicant or the Region.

Moved By Councillor D. Kalailieff

Seconded By Councillor M. Bagu

That Development and Legislative Services – Planning Division Report 2022-215 be received for information.

Carried

**a. In person delegation from Hammie Schilstra, resident**

Ms. Schilstra did not have any comments.

**b. In person delegation from Ron Rienas, resident**

Mr. Rienas expressed concerns regarding the Steele Street sewage pumping station. The sewer shed has experienced significant inflow infiltration which requires a sanitary servicing report to be submitted. The wastewater from Steele Street pumping station transfers to the Omer Avenue pumping station before the sewage treatment plant. He is requesting to have Omer Avenue station included in the servicing report to ensure pumping capacity could accommodate future growth.

Councillor Bruno asked if draft plan of subdivision is approved, could it be put on hold until engineering studies are approved?

Mr. Schulz responded an approval is given after development details are presented and understood.

**c. In person delegation from Matthew Whynot, resident**



Mr. Whynot did not have any comments.

**d. In person delegation from Kasey Townes, resident**

Ms. Townes did not have any comments.

**e. In person delegation from Daryl Bisnett, resident**

Mr. Bisnett did not have any comments.

**f. Virtual delegation from Randy Hall, resident**

Mr. Hall expressed concerns regarding the eagle marsh drain.

Mr. Schulz stated the applicant is working with the Drainage Superintendent to address this matter.

An upcoming meeting will include detailed information for the public on the progress. The meeting will be advertised on the City's website.

**5. Procedural Motions**

**6. Information Items**

**7. Adjournment**

Mayor Steele adjourned the meeting at approximately 8:26 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk