



City of Port Colborne
Public Meeting Minutes

Date: Tuesday, April 4, 2023
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

Member(s) Absent: W. Steele, Mayor

Staff Present: C. Roome, Planner
D. Landry, Chief Planner
C. Madden, Acting City Clerk
S. Tufail, Acting Deputy Clerk
D. Vasu, Secretary-Treasurer /Planning Technician (minutes)

1. Call to Order

Deputy Mayor Bagu called the meeting to order at 6:31 p.m.

2. Adoption of Agenda

Moved By Councillor T. Hoyle
Seconded By Councillor D. Elliott

That the agenda dated April 4, 2023 be confirmed, as amended.

Carried

3. Disclosures of Interest

Councillor E. Beauregard declared an indirect pecuniary interest on item 4.2, adding that he is employed by the agent of the applicant, Upper Canada Consultants.

Mayor W. Steele declared a conflict of interest on item 4.2.

4. Statutory Public Meetings

4.1 Public Meeting Report for Official Plan Amendment D09-02-23, Parkland Dedication, 2023-65

PURPOSE OF MEETING

The purpose of this meeting, pursuant to section 22 of the Planning Act, is to consider an application initiated by the City of Port Colborne for all lands within the municipal boundaries.

The application for Official Plan Amendment has been proposed to ensure that the City's Official Plan complies with the recent changes to the Planning Act by removing parts of the current Parkland Dedication section of the Official Plan and replacing them with the revisions under Bill 23.

METHOD OF NOTICE

Notice of the Public Meeting was administered in accordance with Section 22 of the Planning Act, as amended, and Ontario Regulation 543/06.

The Notice of Public Meeting was circulated internally and to the required agencies, on March 15th, 2023. The Notice was also placed in the Niagara This Week newspaper on March 9th, 2023. 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 comments from the public. The following comments have been received from the Region;

"Regional staff note that in accordance with NOP Policies 7.4.1.6 and 7.4.1.7 and the Memorandum of Understanding, the Local Official Plan Amendment as reviewed is exempt from Regional Council Approval as parkland dedication is a local planning matter."

QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

Councillor Bruno asked for clarification regarding whether the proposed changes to Official Plan would cause the updated Parkland Dedication By-

law to apply retroactively to the conditions imposed on consent applications that have already been granted.

Mr. Roome responded that whether the Parkland Dedication By-law would apply retroactively would be addressed through the update to the By-law itself, but the Official Plan must be amended before the By-law may be updated, adding that he did not believe retroactive application to the conditions of previously granted consents would be appropriate as those applicants would have signed a Memorandum of Understanding stating they were aware of the current Parkland Dedication By-law.

Councillor Bruno stated his belief that retroactive application to previously granted consents would make for a smoother transition into the new policies established by the updated Parkland Dedication By-law.

Mr. Roome added that including the payment of parkland dedication as a condition of consent would prevent lots created through consent applications from remaining vacant indefinitely without the dedication of parkland to the City.

Moved By Councillor F. Danch

Seconded By Councillor G. Bruno

That Development and Legislative Services – Planning Division Report 2023-65 be received for information.

a. Delegation from Janice Arcaro

Asked for clarification regarding whether the update to the Parkland Dedication By-law will reduce existing parkland in the Westwood Estates development.

Mr. Roome responded that the application would not reduce any existing parkland, adding that the update to the Parkland Dedication By-law would apply across the City and would support the development and maintenance of future and existing parks.

4.2 Public Meeting Report for Proposed Official Plan and Zoning By-law Amendment for Westwood Estates Phase 3, 2023-59

Mayor Steele declared a conflict on this item.

Councillor E. Beauregard declared a conflict on this item, as he is employed by the agent of the applicant, Upper Canada Consultants.

PURPOSE OF MEETING

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider Official Plan and Zoning By-law Amendment applications submitted by the applicant Craig Rohe of Upper Canada Consultants on behalf of the owner Lester Shoalts Limited for the lands known as Westwood Estates Phase 3, legally known as Part of Lot 33, Concession 1, Geographic Township of Humberstone now in the City of Port Colborne, within the Regional Municipality of Niagara.

The Official Plan Amendment proposes to amend and refine land use designations on Schedule G – Westwood Park Secondary Plan of the Port Colborne Official Plan.

The Zoning By-law Amendment proposes to change the zoning of the subject lands from Residential Development (RD) to a site-specific Third Density Residential zone (R3-XX), site-specific Fourth Density Residential zone (R4-XX), Public and Park zone (P), Environmental Protection zone (EP), and Environmental Conservation Layer zone (EC)

The applicant has also submitted a Draft Plan of Subdivision for the proposed lands to establish the road network, lots and blocks.

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.

Notice of Public Meeting was circulated on March 14, 2023, to internal departments and 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 has received comments from the following commenting departments/agencies:

The By-law Department had no adverse comments but noted that the Cement and Cement Plant road names between the City and Wainfleet are under review.

The Drainage Superintendent had no objection to the proposed application at this time.

The District School Board of Niagara had no objection to the proposed application at this time but they requested that sidewalks be constructed within the development to facilitate student travel to bus stops, noting that future students would attend Steele Street and Port Colborne High School.

CN Rail had no comments concerning the application.

The Fire Department had no concerns at this time, noting that a number of draft plan conditions have been provided for fire safety.

Enbridge had no objection to the proposed application; however, they reserve the right to amend or remove development conditions.

Hydro One had no comments or concerns at this time.

The Mississaugas of the Credit First Nation expressed a high level of concern at this time and have requested a meeting with Planning staff to discuss the extent of the comments and concerns. The comments and concerns will be addressed through the future recommendation report.

Formalized fulsome comments from the Niagara Region, Niagara Peninsula Conservation Authority and Engineering staff are forthcoming and will be included in the future recommendation report. At this time, a preliminary comment from the NPCA has been received stating “the NPCA is currently not in a position to provide draft conditions to support this application.”

Moved By Councillor T. Hoyle

Seconded By Councillor M. Aquilina

That Development and Legislative Services – Planning Division Report 2023-59 be received for information.

a. Delegation from Craig Rohe-Senior Planner, Upper Canada Consultants, applicant

Mr. Rohe, the Senior Planner at Upper Canada Consultants, presented the proposed changes to the Official Plan and Zoning By-law using the regulatory framework of the Planning Act. Mr. Rohe addressed public concerns regarding the potential for negative impact to nearby environmental features, drainage, and traffic safety, citing the studies submitted as part of their applications to demonstrate their plan for mitigating potential negative impacts.

Questions of Clarification to Staff and Consultants

Councillor Bruno noted that the applicant had stated the proposed reduction of the wetland buffer from 30m to 15m was not to increase the number of units in the development, then asked the applicant to clarify the purpose of their request for this reduction.

Mr. Rohe stated that they are requesting the reduction of the wetland buffer to enhance the lot geometry of the development.

Councillor Bruno noted that the extra 15m would have encroached into an area where units are proposed to be constructed.

Mr. Rohe stated that the reduction of the buffer facilitates both better geometry and more development, adding that the buffer was designed in the way determined to be most appropriate to protect the feature as per the recommendations of the studies they submitted.

Councillor Elliott noted that in a previous version of this stage of the development, the proposed area where apartments could be built pictured only apartments, but the plan being presented now also includes townhouses and condos.

Mr. Rohe explained that the plan being presented now is only a conceptual plan included as a visual aid.

Councillor Elliott asked if the proposed reduction in minimum floor area per unit in the R4 zone from 125m² per unit to 103m² per unit was being requested specifically for the future development of apartment buildings.

Mr. Rohe explained that the proposed reduction in minimum floor area per unit in the R4 zone was being requested to provide flexibility for future higher density developments, whether those developments be apartment buildings, townhouses, or condos.

Councillor Hoyle noted that the proposed buffer along the east side of the development in their original layout included a larger buffer and asked why this buffer had been reduced to 7m and whether this buffer would be sufficient to support wildlife migration.

Mr. Rohe explained that their Environmental Impact Study confirmed that wildlife migration currently takes place along the existing stormwater drain, adding that the centre of the development site is currently used as a migration path but the 7m buffer will provide a migration path for smaller animals.

Councillor Bagu asked whether Upper Canada Consultants had conducted their Environmental Impact Study, and whether the Ministry of the Environment had reviewed their findings.

Mr. Rohe responded that two local consulting firms had conducted their Environmental Impact Study, adding that the Niagara Region and Niagara Peninsula Conservation Authority must send their comments back before the Ministry of the Environment can begin reviewing the study.

Councillor Bagu asked whether section 2 of the Environmental Impact Study, concerning photometrics restrictions, will be impacted by the Ministry of the Environment's or the Niagara Peninsula Conservation Authority's orders.

Mr. Rohe stated that a photometrics plan would be prepared as part of their detailed engineering plans at a later date, adding that if any lights are found to back on to an environmental feature, a condition could be applied to ensure those lights aim down to prevent any disturbance of the feature.

Councillor Bruno noted that stormwater management plans are typically designed to work in ideal conditions without factoring in exceptionally large storms and individuals obstructing municipal drains, then asked whether there were any plans to upgrade nearby pumps or widen nearby drains to handle the increased burden, and whether development fees could aid in such upgrades to the existing development.

Councillor Bodner noted that the proposed development will not begin for years but residents are expressing concerns now regarding existing drainage issues caused by clearing lands, then suggested a berm be erected to mitigate current drainage concerns.

Mr. Rohe stated that their topographic field team may be able to be deployed to determine if there have been any changes in grading and provide recommendations to mitigate drainage issues as needed.

b. Delegation from Janice Arcaro, resident

Expressed concern regarding the proposed reduction of the wetland buffer as the developer had originally informed residents

the buffer area would be protected, adding that constructing homes within the buffer would exacerbate existing drainage issues in the neighbourhood which were caused by the clearing of natural features that aided in water absorption, then proposed a walking trail be constructed through the buffer instead of more dwellings to prevent future negative impacts from the development.

c. Virtual Delegation from Jack Hellinga, resident

Expressed concern regarding the proposed omission of properties zoned Neighbourhood Commercial, the proposed changes to wildlife migration routes, and outlined the potential damage to the water table that could result from the reduction of the wetland buffer such as the water table being drawn down, basement flooding, and water pollution due to cracked pipes.

d. Delegation from Robert Arthur, resident of 136 Olga Drive

Expressed concern regarding the reduction of the wetland buffer and the subsequent lower amount of available saturation, stating that when the trees near his property were cleared two to three years ago, his sump pump needed to be replaced multiple times to demonstrate that building homes too close to wetland features can impact not just abutting properties, but those further away.

e. Delegation from Scott Symonds, resident of 662 Stanley Street

Expressed concern regarding the proposed walkway through the wetland feature and the proposed reduction of the wetland buffer as, before purchasing his property, he was told that the wetland area south of his property could not be developed due to environmental protections, noting that the Niagara Peninsula Conservation Authority prohibited him from building in the southern corner of his lot due to the same wetland buffer now proposed to be reduced.

f. Delegation from Penny Armstrong, resident of 16 Debbie Crescent

Expressed concern regarding the developer previously stating the wetland buffer would not be developed whereas it is now proposed to be reduced, adding that she has begun experiencing severe drainage issues after trees were cleared for the development, which she states had happened without consulting the community and against the policies of the Official Plan.

g. Delegation from David Lallouet, resident of 277 Lakeshore Road West

Expressed concern for pedestrian safety regarding the decision not to construct a sidewalk on Cement Plant Road, and for the proposed stormwater management plan potentially directing more water towards his home, adding that his sump pump and those of his neighbours are being negatively impacted by poor stormwater management in the existing development.

h. Delegation from Paul Bunting, resident of 51 Gaspare Drive

Expressed concern regarding the existing drainage of the neighbourhood as he states the Eagle Marsh Drain runs through his property which allows him to witness how the water levels fluctuate during storms, adding that such storms cause his basement to flood despite 2 sump pumps constantly running, then requested to be informed of any updates to the study of the Eagle Marsh Drain that City staff had planned two to three years ago during the last meeting on Westwood Estates.

i. Delegation from Paola Buri-Peyton, resident of 678 Stanley Street

Requested that a report be prepared which compares the impact of the proposed 15m wetland buffer versus the existing 30m wetland buffer to help understand the difference between the two.

j. Delegation from Jessica Eckert, resident of 236 Olga Drive

Expressed concern regarding the reduction of the wetland buffer, the potential for constructing an apartment building without adequate public transit to service its residents, and the impact on pedestrian safety that the roundabout may have.

k. Virtual Delegation from Harley Robertson, resident of 254 Lancaster Drive

Expressed concern regarding the reduction of the wetland buffer, stating that their property has been experiencing severe drainage issues since they moved in and such drainage issues should be

remediated before new development is permitted, and requested that the 30m wildlife corridor be upheld.

I. Delegation from Branka Zlomislic, resident of 614 Stanley Street

Requested clarification regarding whether Sunset Park would be extended, and if so, whether another entrance would be added.

Mr. Schulz responded that there are not currently any plans to expand Sunset Park because the wetland feature abuts the park and is thereby proposed to be protected, though the wetland would not be considered part of Sunset Park.

m. Delegation from Mark Jansen, resident of 271 Lakeshore Road West

Expressed concern regarding the potential apartment dwellings being used as low-incomed housing, the existing drainage in the area, the speeding down Lakeshore Road which he states a roundabout will not prevent, and poor cell phone reception near the proposed apartment area.

5. Procedural Motions

Nil.

6. Information Items

Nil.

7. Adjournment

Deputy Mayor Bagu adjourned the meeting at approximately 8:44 p.m.

William C. Steele, Mayor

Charlotte Madden, Acting City Clerk