

**City of Port Colborne
Council Meeting Agenda**

Date: June 7, 2021
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

1. Call to Order
2. National Anthem
3. Adoption of Agenda
4. Disclosures of Interest
5. Staff Reports
 - 5.1. Recommendation Report for a Temporary Draft Plan Extension to the Chippawa Estates Subdivision, 2021-164 1
6. By-laws
 - 6.1. By-law to Amend By-law No. 5494/91/10 Respecting Chippawa Estates 5
 - 6.2. By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne 6
7. Procedural Motions
8. Information items
9. Adjournment



Subject: Recommendation Report for a Temporary Draft Plan Extension to the Chippawa Estates Subdivision

To: Council

From: Planning and Development Department

Report Number: 2021-164

Meeting Date: June 7, 2021

Recommendation:

That Planning and Development Department Report 2021-164 be received;

That the By-law attached as Appendix A of Planning and Development Report 2021-164 be approved, temporarily extending the Chippawa Estates Draft Plan of Subdivision for 45 days;

That Planning staff initiate the circulation to internal departments and agencies interested in the request; and

That the property owner and agent be notified accordingly.

Purpose:

The purpose of this report is to respond to an urgent request to extend the Chippawa Estates Draft Plan of Subdivision. The property is legally recognized as Part of Lot 26, Concession 2, being Part 3 on Plan 59R-12304.

Background:

On July 12, 2010, Council passed By-law 5494/91/10 to approve the Chippawa Estates Draft Plan of Subdivision. The Draft Plan of Subdivision proposed 19 single detached residential lots on 1.96 hectares.

A lapsing date to meet the conditions of draft approval for July 12, 2014 was put in place. However, staff were unsure if the property owner was also made aware of the lapsing date so a new lapsing date to June 11, 2019 was set by Council.

On June 10, 2019, Council passed By-law 6691/55/19 to extend the Draft Plan approval for two years. This by-law set a lapsing date of June 11, 2021.

A request has been received by Planning staff from the agent, Frank Evangelista, requesting the Draft Plan be extended for two years. Mr. Evangelista provided the following supporting information:

We hereby respectfully request that the fees associated with the extension of Chippawa Estates subdivision be waived for two years.

We are eager to progress the development of the subdivision, bringing an additional twenty-six (26) homes to the community of Port Colborne. However, due to the COVID-19 pandemic, City Hall has only opened infrequently, and with the unavailability of our local contributors to the subdivision, it has been difficult to accomplish routine matters necessary for continued development of the subdivision in a timely manner.

A waiver of any fee associated with the extension of the term of approval of the subdivision would be very much appreciated. Thank you.

Discussion:

With the Chippawa Estates Draft Plan lapsing date quickly approaching, staff have accommodated this report through an emergency meeting. This meeting has provided Council the ability to grant a temporary extension to the Draft Plan approval to allow staff to review and circulate the request accordingly. Following the proper review, Planning staff will bring a formal report back to Council with input from internal departments, the Region of Niagara, and the Niagara Peninsula Conservation Authority.

Internal Consultations:

If Council provides a temporary extension to the Draft Plan, Planning staff will seek comments from other internal departments and agencies with an interest in the extension.

Financial Implications:

There are no financial implications.

Public Engagement:

There are no statutory notice requirements for requests to extend a Draft Plan of Subdivision.

Conclusion:

Planning staff recommend that Council approve the attached By-law, setting a new lapsing date for the Chippawa Estates Draft Plan of Subdivision of July 22, 2021 (45-day extension). This extension will allow staff the required time to properly review the request and provide an informed recommendation to City Council.

Appendices:

- a. By-law Extending Lapsing Date

Respectfully submitted,

David Schulz
Planner
(905) 835-2900 ext. 202
David.Schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend By-law 5494/91/10, being a by-law to approve a draft plan of subdivision, known as Chippawa Estates

Whereas the Council of The Corporation of the City of Port Colborne (Council) passed By-law 5494/91/10 that approved the Draft Plan of Subdivision for Chippawa Estates; and

Whereas Council passed By-law 5806/61/12 that approved the Draft Plan approval lapsing date of July 12, 2014; and

Whereas Council passed By-law 6588/43/18 that extended the Draft Plan approval lapsing date to June 11, 2019; and

Whereas Council passed By-law 6691/55/19 that extended the Draft Plan approval lapsing date to June 11, 2021; and

Whereas Council is desirous of amending By-law 5494/91/10, in accordance with the recommendations of Planning and Development Department Report 2021-164, Subject: Recommendation Report for a Temporary Draft Plan Extension to the Chippawa Estates Subdivision;

Now therefore, the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That Section 4 of By-law 5494/91/10 be amended by deleting the following therefrom:

“That a draft approval lapsing date of June 11, 2021 be set, after which approval will lapse unless an extension is requested by the developer and, subject to review, granted by Council.”
2. That Section 4 of By-law 5494/91/10 be amended by adding the following thereto:

“That a Draft Plan approval lapsing date of July 22, 2021 be set, after which approval will lapse unless a subsequent extension is approved by Council.”

Enacted and passed this day of , 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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“That a Draft Plan approval lapsing date of July 22, 2021 be set, after which approval will lapse unless a subsequent extension is approved by Council.”

Enacted and passed this 7th day of June, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. _____

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Special Meeting of June 7, 2021

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special Meeting of June 7, 2021 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 7th day of June, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk