

City of Port Colborne
Public Meeting Minutes

Date: Monday, July 19, 2021
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
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Member(s) Absent: E. Beauregard, Councillor
F. Danch, Councillor
A. Desmarais, 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, Planner

1. Call to Order

Mayor Steele called the meeting to order.

2. Adoption of Agenda

Moved By Councillor H. Wells
Seconded By Councillor D. Kalailieff

That the agenda dated July 19, 2021 be confirmed, as circulated.

Carried

3. Disclosures of Interest

3.1 Councillor E. Beauregard - Public Meeting Report for Proposed Zoning By-law Amendment at 607 Barrick Road, File D14-11-21, 2021-204

The Councillor has an indirect pecuniary interest as he is employed by Upper Canada Consultants which are the consultants who worked on this Planning Act application.

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Zoning By-law Amendment at 607 Barrick Road, File D14-11-21, 2021-204

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 worked on this Planning Act application.)

Purpose of Meeting

The purpose of this meeting, pursuant to Section 34 of the *Planning Act*, is to consider an application submitted by the agent Matt Kernahan of Upper Canada Consultants on behalf of the owner Kulwant Sodhi for the lands legally known as Part of Lot 31, Concession 3, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 607 Barrick Road.

The application for Zoning By-law Amendment proposes to change the zoning of Parcel 1 from Residential Development (RD) to First Density Residential (R1). A holding provision is being sought for Parcel 2 in order to restrict development until a Secondary Plan is adopted by City Council. Parcel 2 will remain zoned as Residential Development (RD), with an added holding provision. The Zoning By-law Amendment is being sought to satisfy a condition of a severance under consent application B05-20-PC.

Method of Notice

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 circulated to required agencies, and property owners within 120 metres of the property on June 28, 2021. A Public notice sign was posted on the property by June 29, 2021. Notice was also provided on the City's website under "Current Applications".

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

- Domenic and Linda Sardella – 531 Barrick Road
- Gary Breda – Bremont Homes Corporation
- Josephine Sardella – 577 Barrick Road
- Lidia Di Lorenzo – 541 Barrick Road

The above-noted property owners submitted the same letter outlining similar concerns. Their concerns are as follows:

“That if the severance is to commence and whomever owns, lives, or potentially buys the severed lot that they acknowledge and accept that they will not oppose any secondary plan designs prepared prior to or after the date of this approval where the Sardella family has shown on any submitted secondary plans. The access road may be shifted to the east or west of this severed lot and they may not contest or oppose any design submissions.” They request this as a condition of approval.

Comments were also received from the Niagara Region. The Region suggested that the City “may wish to consider identifying the studies that will be required for the Secondary Plan as part of the Holding provision. At the pre-consultation meeting, the required studies for the Secondary Plan process included a Planning Justification Report, Archaeological Assessment, Urban Design Brief, Noise Study, Functional Servicing Report, Stormwater Management Report, and an Environmental Impact Study.” The Region concludes that “from a provincial and regional perspective, the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement and conforms with the Provincial and Regional Plans.”

Explanation of Procedure to be Followed

Mr. Schulz advised that the procedure to be followed is to present Planning and Development Department Report 2021-204, hear any

comments from the applicant, receive questions of clarification from Council to the applicant or Planning Staff, open the meeting to the public for comments and questions and announce the requirements under the *Planning Act* for written notice of passage of the proposed zoning by-law amendment.

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 of Parcel 1 from Residential Development (RD) to First Density Residential (R1). A holding provision is being sought for Parcel 2 in order to restrict development until a Secondary Plan is adopted by City Council. Parcel 2 will remain zoned as Residential Development (RD), with an added holding provision. The Zoning By-law Amendment is being sought to satisfy a condition of a severance under consent application B05-20-PC.

Comments of Applicant

Matt Kernahan presented information pertaining to the subject lands, explained the conditions of the associated consent application B05-21-PC, and explained the details of the proposed Zoning By-law Amendment.

Questions of Clarification to Applicant/Planning Staff

Councillor Bruno asked if all the homes surrounding the subject lands are also zoned as R1. Mr. Schulz responded yes, all properties along Barrick Road that have a single detached dwelling on them are zoned R1.

Councillor Bruno asked Mr. Schulz to clarify what the R1 zone permits. Mr. Schulz responded that the R1 zone permits single detached dwellings and accessory buildings thereto, which includes garages and sheds. He also noted that in all zones that support a dwelling, an accessory unit is permitted in that.

Councillor Bruno asked if an R1 property could be spilt into an apartment and the residence or a Duplex. Mr. Schulz responded no.

Councillor Bruno asked if existing concerns in the R1 zone would be a matter for this evening. Mr. Schulz responded no, existing concerns would be handled by By-law or Planning.

Councillor Bruno said that he had been made aware of some concerns as of the day of the meeting, but could not verify them. He asked if they

would impinge on the application tonight. Mr. Schulz responded no, they would not pertain to this application.

Councillor Kalailieff asked if the property to the West is part of the entire subject parcel. Mr. Schulz confirmed that there is a separate parcel to the West of the subject lands that is vacant.

Councillor Kalailieff asked to clarify that the separate parcel to the West is not owned by the same person who owns the subject lands. Mr. Schulz responded no.

Councillor Kalailieff asked if the separate parcel to the West is needed as an entry way to the parcel behind it. Mr. Schulz responded no, since the entrance that has been left on the subject property (607 Barrick Rd) is wide enough for a municipal road.

Oral Presentations and/or Questions from the Public

Nil.

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."

Explanation of Future Meetings

Mr. Schulz stated, "the proposed Zoning By-law Amendment and recommendation report will return to Council at a later date. That concludes my portion of the public meeting. I will now turn the meeting back to you Mayor Steele to close the public portion of the meeting and receive the report for information."

Moved By Councillor R. Bodner

Seconded By Councillor M. Bagu

That Planning and Development Department Report 2021-204 be received for information.

Carried

- a. **Delegation from Matt Kernahan, Planning Manager, Upper Canada Planning & Engineering Ltd., applicant**

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 6:50 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk