

City of Port Colborne

Public Meeting Minutes

Date: Tuesday, October 3, 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
R. Bodner, Councillor
G. Bruno, Councillor
D. Elliott, Councillor
T. Hoyle, Councillor
W. Steele, Mayor (presiding officer)

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

Staff Present: S. Tufail, Acting City Clerk (minutes)

1. Call to Order

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

2. Adoption of Agenda

Moved By Councillor M. Aquilina
Seconded By Councillor M. Bagu

That the agenda dated October 3, 2023, be confirmed, as amended.

Carried

3. Disclosures of Interest

3.1 Councillor T. Hoyle - Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East – File Nos. D12-02-23 & D14-06-23, 2023-196

Councillor Tim Hoyle declared a pecuniary interest as he resides within the notification area.

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Draft Plan of Subdivision and Zoning By-law Amendment for VL and 563 Killaly Street East – File Nos. D12-02-23 & D14-06-23, 2023-196

Councillor Hoyle has an indirect pecuniary interest as he resides within the notification area.

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 Kimberley Harrison-McMillan of Design Plan Services on behalf of the owner SG Real Estate Developments III LP for the lands known as Part of Lots 23 & 24, Concession 1, Geographic Township of Humberstone, Regional Municipality of Niagara, now in the City of Port Colborne, municipally known as 563 Killaly Street East and the vacant lands to the south. The Zoning By-law Amendment proposes to amend Zoning By-law 6575/30/18 to rezone the subject lands from R1-CH (First Density Residential with Conversion Holding), and RD (Residential Development) to a site-specific R4 (Fourth Density Residential) zone and R4-H (Fourth Density Residential with Holding provision).

The site-specific R4 zone is being sought to permit block townhouses, street townhouses, semi-detached and apartment buildings with reductions in lot areas and frontage, reduction in yard setbacks, and an increase in height. Additionally, one of the units is being proposed to permit a Neighbourhood Commercial use. The R4-H zone is proposed to be subject to the completion of a Stage 4 Archaeological Assessment prior to the Holding provision being removed.

The Draft Plan of Subdivision proposes to divide the subject lands into eight blocks for 108 block townhouses, 30 street townhouses, 10 semi-detached dwellings, and 138 stacked townhouse units. One block is proposed to be set aside for the archaeological area in accordance with the findings of the completed studies. The block and stacked townhouses are proposed to be under a condominium development, while street townhouses and semi-detached dwellings will be freehold lots fronting on public roads.

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 September 13, 2023, to internal departments and required agencies. Notice was also circulated via regular mail to property owners within 120m on September 13, 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 has received comments from the following commenting departments/agencies:

Drainage Superintendent

- The parcel is within the boundary of the Port Colborne and Wignell Municipal Drain and as such will require a drainage apportionment agreement. This will not be completed by municipal staff and it is recommended that the drainage engineer who has completed the Port Colborne and Wignell Drain Reports complete that. The cost will be completely paid by the developer requesting the reapportionment. The contact information for the Engineer can be provided at the request of the developer.

District School Board of Niagara

- No concerns with the proposal.
- Future students from the area would attend Dewitt Carter and Port Colborne High School.

Fire Department

- The Fire Department would like to confirm that the Bell and Johnston Streets will continue into the development.

Enbridge

- No objection to the proposed application, however Enbridge reserves the right to amend or remove development conditions.

Comments received from the following members of the public:

- Rick McLean
- Adrienne Favero

- Roger Favero

These comments have been provided to City Council and will be responded to in the future recommendation report.

QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

Councillor Bagu sought clarification surrounding the location of the on-street parking proposal for public roads.

The applicant clarified on-street parking would be provided along municipal road extensions, then mentioned a more specific map of on-street parking could be provided later.

Councillor Bagu sought clarification regarding whether the streets in the site plan would be assumed by the City or if they would be private condominium roads.

The applicant clarified all roads labelled as municipal roads in the site plan would be considered City-owned while the others would be private condominium roads.

Councillor Bagu raised concerns regarding snow removal, on-street parking in the winter months, and the progress of the environmental assessments.

The applicant clarified stage 1 and 2 of the environmental assessment are completed and the consultant is now working on a stage 3 environmental assessment in consultation with Indigenous parties at the property.

Councillor Bagu sought clarification on whether residents were consulted in the planning stages of this development, prior to this meeting.

The applicant clarified that there was no prior consultation of the neighbours before the submission of this proposal.

Councillor Aquilina sought clarification on the entrance that construction vehicles would use.

The Senior Planner clarified that the entrance would depend on the phasing of the subdivision, noting that the entrance used would be determined by proximity to the phase of the construction.

Councillor Aquilina raised concerns about the impact of construction traffic on the inner side streets.

The Senior Planner responded that staff would work with the developer on the construction plan to ensure they use arterial roads to avoid impacts to smaller residential roads.

Councillor Aquilina raised concerns regarding the archaeological area.

The Senior Planner stated that the developer retained an archaeologist who completed a stage 1 and stage 2 archaeological assessment which confirmed the only area needing additional research is outlined in the site plan, then mentioned staff can verify the findings with the archaeological contacts at the Region.

Councillor Aquilina sought clarification on timeline for the record of site condition after the completion of the environmental assessment and development of the proposal.

The Senior Planner clarified that a record of site condition is typically incorporated as a draft plan condition because the process may take upwards of a year, noting that the development cannot move forward until all draft plan conditions are met.

Councillor Bodner sought clarification regarding the stormwater management for the development.

The Senior Planner stated that their plans for stormwater management have not been finalized; however, their preliminary plans include storm sewers and a stormwater management pond.

Councillor Bodner raised concerns regarding whether the existing and proposed stormwater management infrastructure could handle future storms.

The Senior Planner stated that the requirements for stormwater management are constantly being updated, adding that he would relay the concerns to the Drainage Superintendent.

Councillor Bruno raised concerns regarding the mix of private and public streets and the responsibility for managing them.

The Senior Planner mentioned that Public Works has been circulated on the application, and that further collaboration with the developer and Public Works will occur to ensure concerns are addressed.

Councillor Bruno raised concerns with the public access of information to the answers they posed.

The Senior Planner clarified answers will be included in the recommendation report, however answers can also be posted on the City website.

Moved By Councillor D. Elliott
Seconded By Councillor R. Bodner

That Development and Legislative Services – Planning Division Report 2023-196 be received for information.

Carried

- a. **Virtual Delegation from David Igelman, Senior Planner & Project Manager and Cynthia Zahoruk, Principal Architect, Design Plan Services Inc. , applicants**

Explained their development proposal.

- b. **Virtual Delegation from Roger Favero, resident**

Raised concerns with the access of information, number of high-density units proposed, and proposal of private roads.

- c. **Delegation from Lidia Favero, resident**

- d. **Delegation from Rick McLean, resident**

Raised concerns regarding developers issuing notifications about development, dates of contact with the developers, the right of way of the development, risk mitigation for increases in traffic, stormwater management, suitability of land for development in regard to contamination, consultation with the Ministry of the Environment and Natural Resources, consultation with Indigenous people regarding archaeology, and access to information.

- e. **Delegation from Melissa Bigford-Lofquist, resident**

Raised concerns regarding the cost, protection, and capacity of existing water, sewer, stormwater management, and City infrastructure; interaction and maintenance of private and public roads; risk mitigation of traffic; development standards of private infrastructure; interaction with potential developments in the area; and environmental studies and contamination.

- f. **Delegation from Brian Rose, resident**

Raised concerns regarding the capacity of the water, wastewater, stormwater infrastructure, and city infrastructure, archaeological and environmental assessments, and traffic risk mitigation.

4.2 Public Meeting Report for Proposed Zoning By-law Amendment D14-07-23 and Official Plan Amendment D09-04-23, 650 Main Street West, 2023-198

PURPOSE OF MEETING

The purpose of this meeting, pursuant to sections 22 and 34 of the Planning Act, is to consider an application submitted by NPG Planning Solutions on behalf of the owner Priscilla Facey for the lands known as Part of Lot 2, Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 650 Main Street West

The applications propose to amend the Official Plan and Zoning By-law to permit a Six-storey mixed-use building consisting of residential and commercial space.

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.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the lands on or before September 13, 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, no written correspondence has been received from the public.

Additionally, correspondence has been received from the City's Drainage Superintendent, Fire Department, DSBN, Enbridge and the Region. The drainage superintendent, DSBN and Enbridge have no objections. The fire department has indicated that the Fire Hydrant location on the north side of Main Street will not be accepted and the Region has indicated that the entrance off of Main Street West is not suitable and will need to be adjusted before support can be given. The full Regional comments have been included in the addendum package.

QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

Councillor Bruno sought clarification on who owns the property and who is developing the property.

The applicant clarified the owner is the developer and will hire a construction firm to complete the project.

Councillor Bruno sought clarification regarding whether the developer had a resume of properties or projects.

The applicant clarified they have experience in the Region with development and can forward examples of their work to Council.

Councillor Bruno raised concerns regarding the height of the building.

The applicant answered the height of the building was to support a mix of housing types and higher density development, noting that compatibility with adjacent uses was also examined to mitigate compatibility issues with residential area.

Councillor Bruno raised concerns regarding highway setbacks.

The applicant answered that the proposed development has a 4-metre setback from the Regional Road which is the minimum for best practice.

Councillor Bagu raised concerns regarding the number of affordable housing units proposed.

The applicant answered that the proposed development does not have any proposed affordable housing units as per the definitions, however the proposal provides a range of housing types that they believe account for a range of demographics.

Councillor Bagu raised concerns regarding visitor parking spots.

The applicant answered at this stage there are no parking spaces designated as visitor, however there are 17 spaces dedicated to commercial uses and can be temporarily operated as visitor uses. The number of spaces was derived from a parking study which looked at comparable buildings within the Region.

Councillor Bagu raised concerns with lack of existing sidewalk infrastructure.

The Planner answered that the Region would need to be involved in any changes to the existing sidewalk.

The applicant stated that a road widening for the development was required by the Region to support a cycle and active transportation network.

Councillor Bagu expressed concern regarding stormwater and drainage infrastructure.

The Planner stated that these concerns will be addressed during the site plan phase.

Councillor Bruno sought clarification on the proposed residential unit types.

The applicant clarified that there is a proposed mix of 1- and 2-bedroom units in the development.

Councillor Bruno raised concerns regarding building height and shadowing.

The applicant clarified a shadow study was not required for their application, but the setbacks of the nearby dwellings were considered to try and reduce any shadowing concerns.

Councillor Bruno sought clarification of whether Council could ask for a shadow study.

The Chief Planner clarified that due to height of the building, a shadow study is not typically required, but a conversation can be had with the developer regarding their openness to shadow modelling as they may be able to model shadows as opposed to conducting a study.

The applicant stated that they are open to the feedback from Council and will discuss internally.

Moved By Councillor G. Bruno

Seconded By Councillor M. Aquilina

That Planning and Development Report 2023-198 be received as information.

Carried

a. Delegation from Jesse Auspitz, Senior Planner and Max Fedchyshak, Planner, NPG Planning Solutions, applicants

Explained their development proposal.

b. Comments from Regional Growth Strategy and Economic Development Department, Regional Municipality of Niagara

c. Delegation from Robert Haymes, resident

Raised concerns regarding parking, traffic risk mitigation on existing highway and residential roads, number of commercial units and parking spaces, amount of green space proposed, sidewalk infrastructure, drainage, ingress and egress width, snow storage, and number of green vehicle chargers proposed.

d. Delegation from Martin Moskalyk, resident

Raised concerns regarding sidewalk infrastructure and existing water infrastructure.

5. Stop up and Close Public Meeting

5.1 Laneway Stop up and Close Between Jefferson Avenue and Homewood Avenue, 2023-199

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

That Chief Administrative Office Report 2023-199 be received; and

That the Economic Development and Tourism Services Division be directed to bring a Stop Up and Close By-law for the property shown on Appendix A to the October 24, 2023, Council meeting for City consideration.

Carried

a. Delegation from Mike Kryviak, resident

6. Procedural Motions

7. Information Items

8. Adjournment

Mayor Steele adjourned the meeting at approximately 8:32 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk