

**City of Port Colborne
Special Council Meeting 16-18
Minutes**

Date: July 9, 2018

Time: 6:30 p.m.

Place: Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

Members Present: R. Bodner, Councillor
B. Butters, Councillor
F. Danch, Councillor
A. Desmarais, Councillor
B. Kenny, Councillor
J. Maloney, Mayor (presiding officer)

Absent: D. Elliott, Councillor (due to work)
Y. Doucet, Councillor (due to vacation)
J. Mayne, Councillor (leave of absence)

Staff Present: E. Acs, Planner
T. Cartwright, Fire Chief
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
H. Mahon, Planning Technician/Clerk (minutes)
T. Rogers, Acting Director of Planning and Development
P. Senese, Director of Corporate Services

Also in attendance were interested citizens, members of the news media and WeeStream.

1. Call to Order:

Mayor Maloney called the meeting to order.

2. National Anthem:

Joel Longfellow sang O Canada.

3. Confirmation of Agenda:

No. 98 Moved by Councillor B. Kenny
Seconded by Councillor R. Bodner

That the agenda dated July 9, 2018 be confirmed, as circulated or as amended.
CARRIED.

4. Disclosures of Interest:

Nil.

5. Public Hearing Under the Planning Act:

Official Plan Amendment and Zoning By-law Amendment

Planning and Development Department, Planning Division, Report 2018-97, Subject:
Public Meeting Report for Official Plan Amendment D09-01-18 & Zoning By-law
Amendment D14-02-18, n/s Killaly Street West

(i) Purpose

Evan Acs advised that the purpose of this meeting, pursuant to Sections 22 and 34 of the *Planning Act*, is to consider an application submitted by agent Michael Losier on behalf of owner Sam Armenti for the lands legally known Part Lot 32 Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, located on the north side of Killaly Street West between the roads known as Main Street West and Third Avenue.

Mr. Acs also advised that the application for Official Plan Amendment proposes to add a special policy to the Highway Commercial designation in the Official Plan to support the use of warehousing.

Mr. Acs noted that the application for Zoning By-law Amendment proposes to change the zoning from HC – Highway Commercial to HC-48, which will add warehousing as a permitted use. The warehousing use is being sought to allow the operation of a self-storage facility on this property.

(ii) Method of Notice

Mr. Acs advised that Notice of the Public Meeting was administered in accordance with Sections 22 and Sections 34 of the *Planning Act*, as amended, and Section 3 of Ontario Regulation 543/06 and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property and a notice was posted on the City's website on June 18th 2018. A sign was posted on the property by June 19th 2018.

Mr. Acs advised that at this time, the following comments have been received from the public:

Gary and MaryAnn Pietrelli, 7 Third Ave, Port Colborne

- Opposed to application.
- Concerns related to traffic, noise, dust and light originating from the subject property resulting from warehousing/mini-storage use.
- Concern of impact of development on property value.

Nancy Gillespie, 373 Killaly Street West, Port Colborne

- Opposed to application.
- Concerns about noise, vandalism, items being stored and lighting on subject property.
- Concerns about drainage impact from grading and construction on existing drainage pipe and septic system.
- Ministorage not compatible with residential uses.

At this time, the following comments have been received from commenting agencies:

Niagara Region

Not opposed.

(iii) Explanation of Procedure to be Followed

Mr. Acs advised that the procedure to be followed this evening will be to present Department of Planning & Development Report 2018-97, to hear any comments from the applicant, to receive questions of clarification from Council to the applicant or Planning staff, to open the meeting to the public for comments and questions, to announce the requirements under the *Planning Act* for written notice of passage of the proposed Official Plan and Zoning By-law Amendment, and to provide a brief explanation of future meetings regarding the application.

(iv) Presentation of Application for Zoning By-Law Amendment

Mr. Acs then presented Planning and Development Public Hearing Report 2018-97

and made reference to a Power Point presentation.

Location and Context

The property is located on the north side of Killaly Street West between Main Street West and Third Avenue. The property is currently vacant. To the north is an automotive parts retail/wholesale establishment. To the east is a legal non-conforming residence. To the south is vacant residential land, part of the Rosemount Estates plan of subdivision. To the east is a legal non-conforming residence. To the northwest is a motel.

City of Port Colborne Official Plan

Schedule “A”: City Wide Land Use to the City of Port Colborne Official Plan designates the property as Highway Commercial. The predominant uses for lands designated Highway Commercial shall include, but not be limited to; hotels and motels; automobile sales and service establishments; places of amusement or recreation; restaurants with take-out and/or drive-through facilities; and accessory uses to the aforementioned uses, including a residence for a caretaker.

City of Port Colborne Zoning By-law 6575/30/18

Schedule “A7” to the City of Port Colborne Zoning By-law zones the property Highway Commercial. The permitted uses for lands zoned Highway Commercial include Animal Care Establishment; Brew Pub; Car Wash; Convenience Store; Day Care; Drive-Thru Facility; Dwelling, Accessory; Food Vehicle; Hotel; Motor Vehicle Repair Garage; Motor Vehicle Sales/Rental Service Centre; Motor Vehicle Gas Station; Office; Personal Service Business; Place of Assembly/Banquet Hall; Place of Worship; Public Use; Recreation Facility; Restaurant, Fast Food; Restaurant, Full Service; Restaurant, Take-Out; Retail Building Construction and Supply; Service Commercial; and Uses, structures and buildings accessory thereto.

The application is being made to add warehousing as a permitted use in both the Official Plan and Zoning By-law Amendment to allow a self-storage type of establishment from being built and operated on the property. Should the amendments be successful, a site plan agreement that will address, amongst other items, fencing and screening, lighting, parking, fire routes and grading and drainage will be required before construction can commence.

(v) Comments of Applicant

At this time Mr. Acs invited the applicant to comment.

Mr. Michael Losier, acting as agent for the owner Sam Armenti addressed Council. Mr. Losier advised that the reason for the re-zoning application is to create a self-storage facility. He advised that the units will be located in the interior of the building and the property will have adequate fencing.

(vi) Questions of Clarification to Planning Staff/Applicant

Councillor Kenny questioned Mr. Losier on the entrance to the building. Mr. Losier responded that there will be a main loading area and some but not all units will have individual entrances. Councillor Kenny asked that the applicant consider the neighbour’s comments and concerns about what will be stored, the lighting, and that the fencing not be chain-link. Mr. Losier responded that the units are to be used for personal self-storage and not for heavy equipment. He further noted that they will address the storm-water management process.

Councillor Bodner noted that they have not yet seen a site plan and questioned whether there will be any outside storage. Mr. Acs responded that the bylaw has not yet been written and Council can direct staff that outside storage not be permitted. Mr. Losier advised that the building will meet the maximum setbacks required by the fire department and there would not be room for outside storage. However, if they want to include that as a condition it would not be an issue. Mr.

Acs advised that it would be best addressed in the zoning bylaw rather than through site plan control.

No. 99 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That no outside storage be permitted through the site plan control process for the property legally known as Part Lot 32, Concession 2, Former Township of Humberstone, in the City of Port Colborne, Regional Municipality of Niagara; municipally located on the north side of Killaly Street West between Main Street West and Third Avenue.

CARRIED.

Councillor Danch questioned whether access is available 24/7 and what would be the hours of operation. Mr. Losier responded that access will be regulated with gated access and the hours will be from dawn to dusk. Mr. Acs advised that this can be addressed through the site plan agreement.

Mayor Maloney questioned the number of units. Mr. Losier responded that there will be approximately 150 units, however the size of the units can be changed. Mayor Maloney questioned whether items can be restricted. Mr. Losier advised that this will be addressed through insurance policies and that it will not be used for eg. a Mechanic's shop. Mr. Acs advised that this can also be addressed through site plan control. Mayor Maloney questioned the location for parking. Mr. Losier responded that the front part of the building will be paved and used for parking. Mayor Maloney asked that the neighbour's concerns regarding lighting be addressed. Mr. Losier responded that they will follow the by-law requirements. Mr. Acs advised that they are in the early stages of planning and once the Zoning By-law is addressed then they can work with the applicant on the details for site plan control.

Mr. Acs then read the following cautionary statements into the record:

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before a decision on the proposed Official Plan and Zoning By-law Amendments are passed by Council, the person or public body is not entitled to appeal the decision of the City of Port Colborne Council to Local Planning Appeal Tribunal."

And;

"If a person or public body does not make oral submissions at a public meeting, or make written submission to the City of Port Colborne before a decision on the proposed Official Plan and Zoning By-law Amendments are passed by Council, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so."

Mr. Acs noted that for any interested members of the public there is a sign-in sheet to request future notices regarding this application.

(vii) Oral Presentations and/or Questions by Public

Nancy Gillespie of 373 Killaly St. W. addressed Council. Mrs. Gillespie is opposed to the application. She received Notice of the Public Hearing on June 21st. She expressed concern about people having constant access to the units, what type of items would be stored, and improper lighting and drainage. She does not think a storage unit is compatible between 2 residential dwellings.

Councillor Bodner questioned Mr. Acs as to whether the concern for lighting could be addressed through site plan control. Mr. Acs concurred that this can be

addressed. Councillor Bodner questioned whether the drainage issues could also be addressed through site plan control. Mr. Acs concurred that this can also be addressed.

Councillor Bodner questioned how the zoning would be affected if someone wanted to build a house on this lot. Mr. Acs provided some background zoning history and advised that a re-zoning application would be required to build a house.

Councillor Butters questioned Mr. Acs as to whether a façade designed to blend in with the residential uses could be applied. Mr. Acs noted that the property fronts onto a Regional Road and must follow their urban design guidelines. He was not sure about the facade but indicated that landscaping will be addressed.

Mayor Maloney questioned Mrs. Gillespie as to whether she has a septic system. Mrs. Gillespie confirmed that there is a septic tank to the north of her property. She noted that she already has drainage problems and is concerned that any change could upset her septic system.

Councillor Kenny advised Mrs. Gillespie that she shares her concerns regarding the lighting and drainage issues and advised that these can be addressed through site plan control. She will be able to attend the Council meeting to ensure her concerns can be addressed.

Mayor Maloney questioned Mr. Acs on the side yard setbacks. Mr. Acs advised that he did not have that information available at this time but can provide it at a later date. He advised that the proposal is to build in the centre of the lot which will provide proper fire access. Mayor Maloney questioned whether the landscaping can be applied to the side yards as well. Mr. Acs concurred that landscaping and fencing can be addressed. Mayor Maloney questioned the zoning for property across the street. Mr. Acs advised that it is mixed residential use. Mayor Maloney questioned Mrs. Gillespie on whether her written submission has been given to the Clerk and Mrs. Gillespie concurred that it has. Mr. Acs further noted that the Pietrelli correspondence has been submitted to the Clerk as well.

(viii) Announcement Respecting Written Notice of Passage of the Official Plan and Zoning By-law Amendment

Mr. Acs advised that if anyone wishes "to be notified of the approval of the Zoning By-law Amendment they 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."


(ix) Explanation of Future Meetings

Mr. Acs advised that this concludes the Public Hearing under *The Planning Act*. The proposed Zoning By-law Amendment will be placed on Council's agenda at a future meeting.

6. Adjournment:

No. 100 Moved by Councillor R. Bodner
Seconded by Councillor F. Danch

That the Council meeting be adjourned at approximately 7:15 p.m.
CARRIED.



John Maloney
Mayor



Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

/hm