1) PURPOSE:

The purpose of the report is to provide Council with a recommendation regarding a proposed Zoning By-law Amendment initiated by the City for the property legally known legally known as Parts 1 & 2, Plan 59R-12972, Parts 3, 4, 5, 6, 7, 8, 9 and 10, Plan 30R11687, Parts 1, 2, 3 and 4 Plan 59R-13924; Lots 339 to 343, Both Inclusive, Part of Lots 337 to 338, Both Inclusive, Part of Lots 344 to 346, Both Inclusive, Part of Lots 372 to 379, Part of Huron Street, Ontario Street, Simcoe Street, and Port Colborne Drive, Registered Plan No. 2, Former Village of Humberstone, now known as Plan 803 and Part of Lots 8 to 25, Both Inclusive, Registered Plan No. 3, Former Village of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara and known as the west side of Mellanby Avenue.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The zoning is proposed to be changed from “R3-363-H (Third Density Residential Special) and "RT-364-H (Residential Townhouse Special) to "P (Public and Park)”. The amendment will allow construction of the proposed “Port Colborne Operations Centre” on the property.

Council will recall that a portion of the subject property was under a purchase agreement and that in 2010 was rezoned and approved for a draft Plan of Subdivision (Olde Humberstone Village). The development did not proceed and the City retained ownership of the lands.

At it’s June 23, 2014 meeting, Council approved Engineering & Operations Report 2014-21 which recommended that, “the Council of the City of Port Colborne endorse the Port Colborne Operations Centre Technical Advisory Committee’s recommendation that Alternate 1 – North of Fire Station on the Island be selected as the preferred location for the future Operations Centre.”

On August 11, 2014, Planning staff presented Department of Planning and Development Public Meeting Report No. 2014-53 as part of the statutory public meeting. The public meeting was held to discuss the Zoning By-law amendment application. Please refer to the Draft Minutes of Public Meeting (Appendix D).

3) STAFF COMMENTS AND DISCUSSIONS

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on July 18, 2014. Two public notice signs were posted on the property on July 21, 2014. A public notice was also posted on the City’s website on July 21, 2014.
The following comments (full comments available in Appendix B & D) were received from members of the public:

**Linda & Harry Talving**
29 Canal Bank Road
- Opposed to rezoning due to concern about potential future use of Port Colborne Drive for access.
- Concerned about noise and lighting impacts.
- Concerned about impact on property values.
- Concerned that Operations Centre parking may be used by Skateboard Park patrons.
- Believe that archaeological artifacts may be present on site.

**Robert & Colleen Stewart**
25 Canal Bank Road
- Concerned about destruction of wildlife habitat.
- Would like to see the northern portion of the property severed and used for residential purposes.
- Opposed to the use of Port Colborne Drive for truck or emergency access.
- Would prefer to see the Operations Centre and parking area flipped with the berm located behind.

**Peter Saltarelli**
146 Mellanby Avenue
- Concerns regarding parking, truck traffic, noise, exhaust pollution and the potential devaluation of his property.

Notice of Public Meeting was circulated to required commenting agencies and relevant City departments on July 21, 2014. As of the date of writing of this report, the following agencies have responded:

**Building Division**
“No objection to the rezoning of this property to facilitate the construction of a new Operations Centre. Any building code issues can be addressed at the design stage of this project.”

**Fire & Emergency Services**
“No objection to the rezoning of this property to facilitate the construction of a new Operations Centre pending the approval of a final site layout. Any fire safety issues will be addressed at time of building permit application.”

**Niagara Region Planning & Development Services**
“The proposed rezoning is appropriate from a Provincial and Regional planning perspective subject to the following considerations: The development of the property will require the construction of a fourth leg of the Mellanby Avenue and Killaly Street West intersection; approval for a secondary access onto Killaly Street is dependent upon the proximity to the existing intersection and southerly curve, sight lines, etc.; the Region will not assume maintenance responsibilities for any potential pumping stations if required on site; Regional staff requests that the engineering drainage/lo grading plan provide grade elevations to address storm water flows, access grades, etc and be submitted for review and approval; the Niagara Trail system continues between
Mellanby Avenue and the canal. A review of the active transportation in the trail area with respect to the intersection and development is recommended; the review of the remaining lands to the north should consider providing the dead-end streets with an appropriate drive-through street system or turn-around in order for waste collection vehicles to access the area without backing up; it is the understanding of Regional Development Services staff that the City is aware of the potential noise impacts of the heavy machinery on site on the nearby residential area to the north. City staff has expressed the intention to undertake a noise impact assessment on site and/or include several noise mitigation methods as part of the development in order to reduce negative impacts. No objections from a Provincial and Regional perspective subject to local planning requirements and the above comments regarding Regional engineering interests being addressed at the site plan stage.”

Planning Division Review

Provincial Policy Statement (2014)

According to the Provincial Policy Statement, public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government

Policy 1.1.1(g) states that healthy, liveable and safe communities are sustained by: ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs.

Policy 1.1.3.2(a)(2) requires land use patterns within settlement areas to be based on densities and a mix of land uses which: are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

City staff and Council have identified the need for a new Operations Centre to accommodate current and projected needs for the City. The proposed rezoning will permit the new Operations Centre on the subject property which takes advantage of existing services and roadways in a location that is central to most of the City.

Regional Niagara Policy Plan

The Regional Policy Plan designates the land as within the Urban Area Boundary and the Built Up Area for the City of Port Colborne. A full range of residential, commercial and industrial uses are permitted generally within the Urban Area subject to the availability of adequate municipal services and infrastructure. Given the availability of municipal services and infrastructure to the subject property, Planning staff are of the opinion that the proposed Operations Centre us is supported by the Regional Policy Plan.

City of Port Colborne Official Plan

Schedule “A”: City Wide Land Use to the City of Port Colborne Official Plan designates the property as Urban Residential. Land uses in the Urban Residential designation include residential, neighbourhood commercial, cemeteries, parks, schools, community
facilities and institutional uses normally located in residential areas.

Community facilities are supported in the Urban Residential designation and the proposed Operations Centre is a facility that the City requires. The proposed Operations Centre will provide essential service for the maintenance of the City’s infrastructure that will benefit all property owners and its visitors.

**City of Port Colborne Zoning By-law 1150/97/81**


The “R3-363-H (Third Density Residential Special - Holding)” zone permits the use of the property for semi-detached dwellings in addition to the uses in the R3 zone subject to some special regulations. The “RT-364-H (Residential Townhouse Special – Holding) zone permits the use of the property for street townhouse dwellings subject to some special regulations. Both zones are subject to a Holding Symbol to be removed when the owner entered into and registered on title a Subdivision Agreement.

The “P (Public and Park)” zone permits an auditorium, a public day nursery, a public park, a school and any public use.

The proposed Zoning By-law Amendment is attached to this report as Appendix A.

**Adjacent Zoning and Land Use**

<table>
<thead>
<tr>
<th>Northwest</th>
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<tr>
<td>West</td>
<td>Subject Property</td>
<td>East</td>
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<td>Southwest</td>
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Members of the public raised concerns about noise and lighting impacts on adjacent residents. Engineering & Operations staff have indicated that a noise study will be undertaken prior to construction which will identify any required mitigation measures that may be required to prevent noise impacts to nearby residents. City staff can take noise and the on-site lighting concern into account when preparing the design for the proposed Operations Centre.

A Site Plan Control Agreement is not required since this property is owned by the City, therefore Planning staff recommend that Council place a holding symbol on the property that can be removed once the design for the Operations Centre is complete and
includes required mitigation measures and suitable lighting that will not affect adjacent properties.

Concerns were also raised about the potential impact on property values. Staff are not aware of any impacts to property values but confirm that the Operations Centre will be designed to fit in with the surrounding neighbourhood and will be landscaped to provide a buffer and remain visually appealing. This can be a requirement for removal of the holding symbol.

Several residents expressed concerns about the extension of Port Colborne Drive for both emergency and regular access to the site. Engineering staff advise that the site plan that was circulated with the Zoning By-law Amendment application included a "Future Drive" just west of Mellanby Avenue. This "Future Drive" is to provide access to the property to the north of the proposed Operations Centre parking area as labelled as "Ex Landscape" (Existing Landscape). The intention of this "Future Drive" is to provide access to the north area for maintenance of these grounds. There are no details showing a connection between the "Future Drive" and Port Colborne Drive on the preliminary site plan nor were there any intentions to utilize Port Colborne Drive as a secondary access for the Operations Centre development.

All parking required for the Operations Centre will be accommodated on the site in an appropriate location. Parking for skateboard park patrons is not proposed on the property. This can be controlled with proper signage and enforcement.

The Niagara Region provides comments on behalf of the Ministry of Culture. Regional staff have not requested that an archaeological study be required for development of the subject property.

Mellanby Avenue is a Regional road that connects Highway 3 and Killaly Street (also Regional Roads). There is already a substantial amount of truck traffic using Mellanby Avenue to access these roads and to cross the Canal. The City will be required to complete upgrades to the Mellanby Avenue and Killaly Street West intersection to ensure that additional traffic can be accommodated. The Noise Study will also consider impacts related to truck movements. It is not anticipated that trucks will be idling for long periods of time along Mellanby Avenue or on the Operations Centre site.

Conclusion

The Zoning By-law Amendment is necessary to allow this property to be used for the Port Colborne Operations Centre. It is the opinion of the Planning Division that the Zoning By-law Amendment is consistent with Provincial Policy, the Regional Niagara Policy Plan and the City of Port Colborne Official Plan and that the use will not negatively impact the surrounding land uses subject to compliance with applicable regulations, completion of a noise study and a holding symbol to be removed upon final design that addresses the concerns outlined above. Therefore, the Planning Division can recommend approval of the Zoning By-law Amendment.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing
Not an option as Council has approved this site for the new Operations Centre and a
rezoning is required and Council is statutorily obligated to make a decision on the proposed application.

b) **Other Options**
Council could approve the rezoning without the holding symbol. This would allow the proposed Operations Centre to be constructed without items such as noise mitigation measures, landscaping and lighting being addressed.

5) **COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**
N/A

6) **ATTACHMENTS**
Appendix A: Draft Zoning By-law Amendment
Appendix B: Public Comments
Appendix C: Comments Received from Commenting Agencies and Divisions
Appendix D: Draft Minutes of Public Meeting

7) **RECOMMENDATION**

1. That Council of the City of Port Colborne approve the Zoning By-law Amendment, attached hereto as Appendix A, rezoning the land from “R3-363-H (Third Density Residential Special) and “RT-364-H (Residential Townhouse Special) to “P-H (Public and Park - Holding)” with removal of the holding symbol to occur upon the approval of final design drawings which incorporate appropriate buffering, landscaping, lighting and any required noise mitigation measures.

2. That the City Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of the By-law, in accordance with the Planning Act.

3. That pursuant to the provisions of Section 34(17) of the Planning Act, no further notice of public meeting be required.

8) **SIGNATURES**

Prepared on August 28, 2014 by:

Shannon Larocque, RPP, MCIP
Planner

Reviewed and Respectfully Submitted:

Robert Heil
Chief Administrative Officer

Reviewed by:

Deb Aquilina, MCIP, RPP, CPT
Director of Planning and Development
APPENDIX A

DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO.

BEING A BY-LAW TO AMEND ZONING BY-LAW 1150/97/81, AND AS AMENDED, RESPECTING PARTS 1 & 2, PLAN 59R-12972, PARTS 3, 4, 5, 6, 7, 8, 9 AND 10, PLAN 30R-11687, PARTS 1, 2, 3 AND 4 PLAN 59R-13924; LOTS 339 TO 343, BOTH INCLUSIVE, PART OF LOTS 337 TO 338, BOTH INCLUSIVE, PART OF LOTS 344 TO 346, BOTH INCLUSIVE, PART OF LOTS 372 TO 379, PART OF HURON STREET, ONTARIO STREET, SIMCOE STREET, AND PORT COLBORNE DRIVE, REGISTERED PLAN NO. 2, FORMER VILLAGE OF HUMBERSTONE, NOW KNOWN AS PLAN 803 AND PART OF LOTS 8 TO 25, BOTH INCLUSIVE, REGISTERED PLAN NO. 3, FORMER VILLAGE OF HUMBERSTONE, NOW IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA AND KNOWN AS THE WEST SIDE OF MELLANBY AVENUE.

WHEREAS By-law 1150/97/81, as amended, is a by-law of the Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures;

AND WHEREAS, the Council of the Corporation of the City of Port Colborne desires to amend the said by-law;

NOW, THEREFORE, and pursuant to the provisions of Section 34 of The Planning Act, R.S.O. 1990, the CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this by-law.

2. That the "Zoning Map" referenced as Schedule "A3" forming part of By-law 1150/97/81, as amended, is hereby amended by changing those lands described on Schedule "A" attached from the “R3-363-H (Third Density Residential Special – Holding) and “RT-364-H (Residential Townhouse Special - Holding) zones to the “P-H (Public and Park – Holding)” zone. The uses permitted in this By-law shall not occur until the Holding symbol (H) on the “P-H (Public and Park – Holding)” zone is removed. Removal of the Holding Symbol (H) may only occur when final design drawings are approved which incorporate appropriate buffering, landscaping, lighting and any required noise mitigation measures.

3. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of The Planning Act.

4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with The Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH DAY OF SEPTEMBER, 2014.

____________________________
Vance Badawey, MAYOR

____________________________
Ashley Grigg, CLERK
LANDS TO BE REZONED FROM R3-363-H (THIRD DENSITY RESIDENTIAL SPECIAL) & RT-364-H (RESIDENTIAL TOWNHOUSE SPECIAL) P-H (PUBLIC & PARK-HOLDING)

THIS IS SCHEDULE "A" TO BY-LAW NO._____________ PASSED THE______________________, 2014

______________________________
MAYOR

______________________________
CLERK

AUGUST, 2014
FILE NO. D14-08-14
SCALE: NTS
DRAWN BY PLANNING & DEVELOPMENT DEPARTMENT
Hello Mrs. and Mr. Talving,

I would like to confirm receipt of your message and advise that, by way of this e-mail, a copy has been forwarded to the City's Planning Department.

Ashley

Ashley Grigg, City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8
Telephone: 905-835-2900 ext. 106
TTY: 905-835-0826
Fax: 905-834-5746
E-mail: ashleygrigg@portcolborne.ca
www.portcolborne.ca

Web Inquiry.

Sincerely,

Jamie Lee
IT Analyst
City of Port Colborne
Telephone: 905-835-2901 ext. 116
jamielee@portcolborne.ca
www.portcolborne.ca

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----- Forwarded by Jamie Lee/Port_Notes on 08/25/2014 04:25 PM -----
From: ltalving@yahoo.ca
To: webadmin@portcolborne.ca
Date: 08/25/2014 04:21 PM
Subject: Message From A Draggin Version 2.0 Website Visitor

Name: Linda Talving and Harry Talving
Phone Number: 905-834-4899
Address: ltalving@yahoo.ca

Comments: Attention: ASHLEY GRIGG, City Clerk;
In regards to the proposed changes to zoning of the lands on the Port Colborne "Island"; Site #1 for the new Operations Centre on lands surrounding the Firehall.

Linda, are strongly opposed to the rezoning of these lands based on the last City Council meeting of which I attended. At the meeting I asked questions which were answered in turn. One point I had actually missed the response of near the end of my list of questions, but had clearly watched, recorded, and replayed was one response made by Mr. Ron Hanson. It was a question that my husband Harry and I both had in regards to the property north of the proposed berm. So Mr. Hanson answered more than I realized at the time, but heard clearly on the cable TV recording of the meeting. Perhaps it was a Freudian slip, but after telling me about the emergency spill-over area near the Mellanby Rd. area, at the end of the 'future drive' he added something to the effect, "'It' would be an extention of Port Colborne Drive that is there now as a driveway strictly used as a controlled access."

That is just what we did not want to hear. 2 meetings ago of the Operations Meeting, when my Husband and I attended, my husband specifically asked the question whether or not part of the plans were to use Port Colborne Drive as an access. Ron Hanson answered that 'no there are no plans to use Port Colborne Drive as an access.' Now he says otherwise.

Our point is, that; tomorrow it may become an emergency controlled access, and later it would be able and indeed would become an entry, clear and simple. No one could prevent this if that happens as the rezoning to public and park would give them card blank to go right ahead. So we strongly oppose, as we no longer trust their intentions. We were on the fence about it up to now; but no longer. Yours truly; Linda and Harry Talving.
Dear Sir / Madam:

We live at 25 Canal Bank Road, with our property extending to Port Colborne Drive. This makes us the closest residence to the proposed new site for the City Yard.

Ever since last March when we received drawings of the proposed sites with our area labelled as number one, I have had the feeling from all of the documentation that this has been the agenda of the Planning Consultant or someone at City Hall to keep it as the number one site.

Never mind that you will be destroying a wildlife habitat... everything from mink, muskrats, birds... and even a dear or two which we have been feeding for over three years. I realize from all the meetings that my wife has attended that this is going through.

As I have been unable to attend the Public meetings due to my work schedule, I have watched them on television. I would like to address some of the proposed changes and some of the comments of the August 11th meeting. Firstly, Mr. Dan Agilina stated that there has been no comments from the general public... This is a fallacy. My wife and several other of our neighbours have written letters and
attended meetings. Secondly, as I have said, I realize that this is a done deal and there is no way to stop it, but the most recent diagram showing the salt dome and gravel storage south of the Firehall is more agreeable to me and makes more sense. However, I disagree with the rezoning of all of Area #1 as Parks and Public. Why not sever the area north of the proposed berm and leave it residential. I believe that this will stop someone from coming along and deciding that it isn't feasible to have the sand, salt and gravel south of the Firehall, so we're going to move to the North, ... almost in our backyard.

I also object to Port Colborne Drive being extended as a "HA-HA" emergency entrance. The Firehall does not have an emergency entrance and if they don't have one why do you need one, especially if the salt and gravel is south of the Firehall.

In our opinion, to extend Port Colborne Drive South for an emergency entrance in case of.... as Mr. Hansen said.... a car accident ... is ridiculous, and a waste of our tax dollars. Could the extending of this road be part of some hidden agenda of which we are not aware? I do not see, on the latest drawing any access to your salt dome and gravel behind the Firehall which makes us very suspicious and uneasy, and leads us to believe that when push comes to shove, that they will not be put there at all
By the way, what happens to the road when it reaches the proposed berm? Does it go up and over or perhaps a tunnel? If this seems to be sarcastic, you have caught my drift.

As we have already said, ever since being informed of this proposal, we have had the feeling that person or persons unknown have been pushing for Site #1. None of the other sites have any detailed drawings of a building(s), parking lot, sand and salt storage, etc. The drawing of the proposed building looks fairly elaborate and expensive and suggests to us that an architectural blueprint or conceptual drawing already exists.

As an alternative, why not flip the Operations Center and the parking lot. This puts the berm directly behind the building and your entry and parking lot directly beside the Firehall's parking lot which puts it farther from the bridge intersection, making your access easier.

As we have said, we object to the extension of Port Colborne Drive for anything other than housing development. We do not want City trucks rumbling up and down there, and they will unless you move your driveway farther south to avoid traffic problems.

Levelling at the berm and leaving the area to the north as Residential will allay our concerns. These are our thoughts on the project and why we totally object to the Bi-Law change unless it sells the property to the North.

Thank You
Respectfully

Bob & Colleen Stewart
25 Canal Bank Road,
Port Colborne Ontario,
L3K 2M6

Home Telephone: 905-8346284

[Signature: L. Stewart]
Building department has no objection to the rezoning of this property to facilitate the construction of a new Operations Centre
Any building code issues can be addressed at the design stage of this project.
Lyle Merritt
Chief Building Official
Building Division
City of Port Colborne

905-835-2901 Ext. 201
Fax: 905-835-2939
www.portcolborne.ca

This message, including any attachments, is privileged and intended only for the person(s) named above. This material may contain confidential or personal information which may be subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient or have received this message in error, please notify us immediately by telephone, fax or email and permanently delete the original transmission from us, including any attachments, without making a copy.
Port Colborne Fire & Emergency Services has reviewed application File number and would like to offer the following comments.

Port Colborne Fire & Emergency Services has no objection to the rezoning of this property to facilitate the construction of a new Operations Centre pending the approval of a final site layout.

Any fire safety issues will be addressed at time of building permit application.

Should you have any questions, please feel free to contact this office.

Michael Bendia
FIRE PREVENTION OFFICER
PORT COLBORNE FIRE & EMERGENCY SERVICES
August 08, 2014

Sent Via E-mail Only

File: D.18.07.ZA-14-076

Ms. Shannon Larocque, MCIP, RPP
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Ms. Larocque:

Re: Regional and Provincial Review Comments
Zoning Bylaw Amendment Application (File D14-08-14)
To Permit Construction of Operations Centre
South of Niagara Street, w/s Mellanby Avenue & Killaly Street West
City of Port Colborne

Regional Development Services staff has reviewed the information circulated for this application to amend the City of Port Colborne’s Zoning By-law to rezone the subject property from Third Density Residential Special (R3-363-H) and Residential Townhouse Special (RT-364-H) to the Public and Park (P) zone. The amendment to the zoning by-law is needed in order to facilitate the construction of the proposed “Port Colborne Operations Centre”. A pre-consultation meeting to discuss the proposal was held on July 24, 2014. The following comments are provided from a Provincial and Regional perspective to assist the City in its consideration of the application.

Provincial and Regional Policies

The subject property is located within a settlement area as designated under the 2014 Provincial Policy Statement (PPS) where development is generally concentrated and an appropriate range and mix of land uses is to be provided. Further, the property is located within the built-up area under the Provincial Growth Plan for the Greater Golden Horseshoe. The land use patterns under the Provincial Growth Plan are to be based on densities and a mix of land uses that efficiently utilize land, resources, infrastructure, and public service facilities which are planned or available. The Regional Official Plan (ROP) identifies the subject lands as within the Urban Area Boundary and the Built Up Area for the City of Port Colborne. A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas of the ROP, subject to the availability of adequate municipal services and infrastructure. The site is located centrally within the city limits with a high degree of connectivity to the existing urban area and utilizes existing infrastructure and services. The proposed rezoning is, therefore, appropriate from a Provincial and Regional planning perspective subject to the following considerations.
Regional Engineering

Regional Technical Services staff has reviewed the noted application and provides the following comments:

Regional Roads and Traffic

The property is adjacent to Regional Road 3A (Mellanby Avenue) and Regional Road 5 (Killaly Street). The road allowance meets the designated width and, therefore, no road widening is being requested. However, development of the property will require the construction of a fourth (4th) leg of the Mellanby Avenue & Killaly Street West intersection. Regional staff notes the following requirements, which are to be addressed at the site plan stage:

- The inbound lane to the new development must be a minimum of 4.25 metres in width and the alignment of the new access must match the existing intersection geometry.

- All geometric upgrades, including the south leg island removal and roadway widening, along with the traffic signal upgrades, and associated costs, will be the responsibility of the City.

- A final design of the intersection improvements will be needed along with the cost estimate to the satisfaction of the Region. City Engineering staff should meet with Regional staff to further discuss the design details (geometrics, lane widths, signal looping locations, property for signal poles, required traffic signal pole/utility re-locations, etc.). Note that a draft design was initiated during an earlier development application for the property, however, detailed information with cost estimates were not initiated at that time.

- Regional Construction Encroachment and/or Entrance Permit must be obtained prior to any construction within the Regional road allowance.

- Survey evidence adjacent to the Regional road allowance is not to be damaged or removed during the development of the property.

Additionally, from further information received from the City, a secondary access onto Killaly Street may be required. Please note that we are not able to comment on this issue at this time until further information on the proposed location is given to the Region. We would advise the City that approval for any access is dependent upon the proximity to the existing intersection and southerly curve, sight lines, etc. Please provide any information as soon as available in order that we may provide comments.

Servicing

Our records indicate that there is no gravity sewer in the area, however, from discussions with City staff, it is understood that the adjacent fire hall has an existing force main that is connected to the gravity sewer on Canal Bank Road to the north. Detailed servicing design for the proposed operations centre is to be addressed by the City at the development stage, the design of which will be under the jurisdiction of the City of Port Colborne. Please note the Region will not assume maintenance responsibilities for any potential pumping stations if required on site.
Stormwater

Although storm drainage is essentially a local issue, Regional staff would reiterate that Regional roadside ditches are not to be routinely considered as outlets. The storm run-off from this development towards the Regional roadway is to have post-development storm flows not exceeding pre-development flows. Regional staff requests that the engineering drainage/lot grading plan provide grade elevations to address storm water flows, access grades, etc. and be submitted for review and approval.

Further to the above comments, Regional staff advises that the following items should be noted during development of the property:

- The Niagara Trail system continues between Mellanby Avenue and the canal. A review of the active transportation in the trail area with respect to the intersection and development is recommended.

- The review of the remaining lands to the north should consider providing the dead-end streets with an appropriate drive-through street system or turn-around in order for waste collection vehicles to access the area without backing up.

Additional Comments

It is the understanding of Regional Development Services staff that the City of Port Colborne is aware of the potential noise impacts of the heavy machinery on site on the nearby residential area to the north. City staff has expressed the intention to undertake a noise impact assessment on site and/or include several noise mitigation methods as part of the development in order to reduce negative impacts.

Conclusion

Regional Development Services staff has no objection to the approval of this application from a Provincial and Regional perspective subject to local planning requirements and the above comments regarding Regional engineering interests being addressed at the site plan stage.

If you have any questions, wish to discuss these comments, or require a hard copy of our comments, please contact me at extension 3590 or Pat Busnello (Senior Planner) at extension 3379.

Please send notice of the City’s decision on this application.

Yours truly,

Alexandria Tikky, B.E.S.
Development Planner
c: Ms. M. Radman, MCIP, RPP, Manager, Development Services, Planning & Development Srvcs.
Mr. E. Chajka, P. Eng., Development Engineer, Planning & Development Srvcs.
Mr. D. Aquilina, MCIP, RPP, CPT, Director, Planning and Development

L:\Tikki-Alexandria\Port Colborne\ZBA\Port Colborne Operations Centre\Regional comments.docx
The “TWENTY THIRD MEETING” (SPECIAL) of the Port Colborne City Council was held for purposes of a Public Hearing under the Planning Act at the Municipal Offices, 66 Charlotte Street, Port Colborne on Monday August 11, 2014 commencing at approximately 6:33 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

A. Desmarais  Y. Doucet  
F. Danch  B. Kenny  
R. Bodner

Absent:  D. Elliott, W. Steele, B. Butters

REGIONAL COUNCILLOR

Absent:  D. Barrick

STAFF

T. Cartwright, Acting Chief Administrative Officer  
A. Grigg, City Clerk  
D. Aquilina, Director of Planning & Development  
R. Hanson, Director of Engineering & Operations  
S. Corr, Manager of Accounting/Tax Collector  
H. Hakim, Manager of Community Services  
D. D’Innocenzo, Recording Clerk  
H. Mahon, Secretary

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

CALL MEETING TO ORDER – MAYOR VANCE BADAWEY

1. PRAYER

Councilor Bea Kenny delivered the prayer.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada

3. CONFIRMATION OF THE AGENDA

No. Moved by Councilor B. Kenny  
Seconded by Councilor A. Desmarais

That the agenda of the Special Meeting of Council of August 11, 2014 be confirmed as circulated. CARRIED.

4. DISCLOSURES OF INTEREST

Nil.

5. PUBLIC HEARING UNDER THE PLANNING ACT

(a) APPLICATION FOR OFFICIAL PLAN AMENDMENT
Department of Planning and Development, Report No. 2014-51, Subject:
Public Meeting Report: Official Plan Amendment No. 1

(i) PURPOSE OF MEETING

Dan Aquilina advised that the purpose of this meeting is in accordance to
Section 34 of the Planning Act and to present Official Plan Amendment No.1
to Council and the Public.

(ii) METHOD OF NOTICE

Mr. Aquilina advised that Notice of the Public Meeting was administered in
accordance with Sections 17 and 26 of the Planning Act as amended and
Section 3 of Ontario Regulation 543/06.

The Notice of Public Meeting was advertised in the InPort News on July
17, 2014. Although not a requirement under the Planning Act, the Notice
was also posted as a courtesy on the City of Port Colborne website.

(iii) EXPLANATION OF PROCEDURE

Mr. Aquilina advised that the procedure to be followed this evening will be
to present Planning and Development Services Department Report 2014-
51, to hear any comments from Council to Planning Staff, to open the
meeting to the public for comments and/or questions, to announce the
requirements of the Planning Act for written notice request of the passage
of the proposed Official Plan amendments, and to provide a brief
explanation of future meetings regarding the application.

(iv) PRESENTATION OF THE APPLICATION FOR OFFICIAL PLAN
AMENDMENT

Mr. Aquilina made reference to the Power Point presentation. He then
summarized aspects of the proposed amendments to the Official Plan.
Mr. Aquilina noted that the purpose of OPA 1 is to modify and update
existing regulations including some housekeeping changes such as text
and mapping changes to the Westwood Park Secondary Plan. Minor
changes are also proposed to Schedules A and C regarding the
delineation of the Mineral Aggregate Operations.

Modification of Garden Suite policies are being proposed in order to
increase the number of years allowed on the property. Also, the inclusion
of a policy to allow for the correction of minor clerical, grammatical,
spelling and technical mapping errors by staff.

Mr. Aquilina further advised that mapping and policy changes include the
addition of “Medical Marihuana Production Facility” as a permitted use
under the Industrial/Employment designation.

Mr. Aquilina added that the changes also include the re-designation of the
properties from 76 to 104 Fraser Street from “Urban Residential” to
“Downtown Commercial” on Schedule A as is currently reflected in the
commercial nature of the area.

Mr. Aquilina advised that the only written comments received to date were
from the Region who are in support of the proposed changes. He also
advised that it will not require Regional approval to finalize the Official
Plan Amendment 1.
Mr. Aquilina 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 the proposed City of Port Colborne Official Plan is adopted and approved, the person or public body is not entitled to appeal the decision of the City of Port Colborne to the Ontario Municipal Board.”

And; further it should be noted that,

“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 the proposed City of Port Colborne Official Plan is adopted or approved, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

V) QUESTIONS OF CLARIFICATION TO PLANNING STAFF

Mayor Badawey questioned Mr. Aquilina as to whether any of these proposed changes fall within the CIP areas? Mr. Aquilina confirmed that they do not.

VI) ORAL PRESENTATION AND/OR QUESTIONS FROM THE PUBLIC

Mr. Harry Wells of 548 Highway 3 East addressed Council.

Mr. Wells made reference to the area under review for the Industrial/Employment designation. He noted that Schedules A and C have different designations for the same areas. Both schedules should have the same designation. Mr. Aquilina advised that the changes to the Industrial/Employment area will be made to all of the schedules.

Mr. Wells noted that the rezoning of the Quarry is under review at the Ontario Municipal Board. He believes any re-zoning changes should wait for the hearing results before making any decisions. The Official Plan should be treated as a visionary document. The Hotel designation and the Vale Centre to the south make this a high intense sports area. Quarry 3 is the only quarry being mined and Quarries 1 & 2 should be rehabilitated for passive recreational use. He believes this should be reflected in the Official Plan.

Mr. Aquilina noted that Mr. Wells’ comments pertain to the Quarries and lands to the south. They are not specific to this part of the process and should not be used to hold up the Official Plan amendment.

Mr. Jack Hellinga of 770 Highway 3 East addressed Council. He advised that his property shares the Mineral/Aggregate designation. He noted that the highlighted property is owned by both PC Quarries and Vale and that the designation should reflect that. The Industrial Employment area does not specify the Hotel designation. It would be more appropriate to designate this area as Highway Commercial. Mr. Hellinga believes the wording is too ambiguous and open to interpretation and that there should be better definitions in place for the Official Plan.
Mr. Aquilina responded to Mr. Hellinga's comments, noting that any textual changes can be added at a later date and do not need to be done through the Official Plan Amendment process.

VII) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF ADOPTION OF THE OP

Mr. Aquilina advised that the sign-in sheets are available at the rear of the Council Chambers and if anyone wishes "to be notified of the adoption of the proposed City of Port Colborne Official Plan they must make a written request to the clerk. Only those persons and public bodies that give the clerk a written request for the adoption by-law will be given notice."

VIII) EXPLANATION OF FUTURE MEETINGS

Mr. Aquilina advised that this concludes the Statutory Public Hearing. The proposed Official Plan Amendment No. 1 will be considered by Council in the near future.

(ix) ADJOURN

No. Moved by Councillor B. Kenny
Seconded by Councillor Y. Doucet

That there being no further business, the special meeting of Council be adjourned at approximately 7:02 p.m.
CARRIED.

6. PUBLIC HEARING UNDER THE PLANNING ACT

(a) APPLICATION FOR ZONING BY-LAW AMENDMENT

Department of Planning and Development, Report No. 2014-53, Subject: Public Meeting Report for a Zoning By-law Amendment (File No. D14-08-14) West Side of Mellanby Avenue

(i) PURPOSE OF MEETING

Mr. Aquilina made reference to the highlighted area on the Power Point Presentation to indicate the location of the proposed application.

Mr. Aquilina then briefly provided some background information concerning the application. He advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to consider an application to amend the City of Port Colborne Zoning By-law 1150/97/81, as amended.

(ii) METHOD OF NOTICE

Mr. Aquilina advised that Notice of the Public Meeting was administered in accordance with Section 34(12) (13) and (14) of the Planning Act, as amended, and Section 3 of Ontario Regulation 545/06.

The Notice of Public Meeting was mailed to property owners within 120 metres of the property on July 18, 2014. Two public notice signs were posted on the property on July 21, 2014 and a public notice was also posted on the City's website on July 21, 2014.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED
Mr. Aquilina advised that the procedure to be followed this evening will be to present Planning and Development Services Department Report 2014-53, to hear any comments from Council to Planning Staff, to open the meeting to the public for comments and/or questions, to announce the requirements of the Planning Act for written notice request of the passage of the proposed Official Plan amendments, and to provide a brief explanation of future meetings regarding the application.

(iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT

Mr. Aquilina advised that the proposed Zoning By-law Amendment was initiated by the City and is being proposed to permit the development of the Port Colborne Operations Centre on the firehall property located on the west side of Mellanby Avenue.

The zoning is proposed to be changed back from “R3-363-H (Third Density Residential Special) and “RT-364-H (Residential Townhouse Special) to “P (Public and Park)”. The amendment will allow construction of the proposed “Port Colborne Operations Centre” on the property.

Mr. Aquilina advised that no comments have been received from members of the public at this time.

Notice of Public Meeting was circulated to required commenting agencies and relevant City departments on July 21, 2014 and the following comments have been received:

Building Division

“No objection. Any building code issues can be addressed at the design stage of this project.”

Fire & Emergency Services

“No objection to the proposed rezoning pending the approval of a final site layout. Any fire safety issues will be addressed at the time of building permit application.”

Niagara Region Planning & Development Services

“The proposed rezoning is appropriate from a Provincial and Regional planning perspective subject to the following considerations: The development of the property will require the construction of a fourth leg of the Mellenby Avenue and Killaly Street West intersection; approval for a secondary access onto Killaly Street is dependent upon the proximity to the existing intersection and southerly curve, sight lines, etc.; the Region will not assume maintenance responsibilities for any potential pumping stations if required on site; Regional staff requests that the engineering drainage/grading plan provide grade elevations to address storm water flows, access grades, etc and be submitted for review and approval; the Niagara Trail system continues between Mellenby Avenue and the canal. A review of the active transportation in the trail area with respect to the intersection and development is recommended; the review of the remaining lands to the north should consider providing the dead-end streets with an appropriate drive-through street system or turn-around in order for waste collection vehicles to access the area without backing up; it is the understanding of Regional Development Services staff that the City is aware of the potential
noise impacts of the heavy machinery on site on the nearby residential area to the north. City staff has expressed the intention to undertake a noise impact assessment on site and/or include several noise mitigation methods as part of the development in order to reduce negative impacts. No objections from a Provincial and Regional perspective subject to local planning requirements and the above comments regarding Regional engineering interests being addressed at the site plan stage.”

(v) QUESTIONS OF CLARIFICATION TO PLANNING STAFF

Councillor Desmarais asked Mr. Aquilina to confirm whether any residential comments have been received? Mr. Aquilina responded that no comments have been received from the residents.

Councillor Doucet questioned Mr. Aquilina as to whether the noisy areas will be located away from the residential area? Mr. Aquilina responded that berms will be constructed in order to appease any noise concerns.

Mr. Aquilina 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 the proposed zoning by-law amendment is approved, the person or public body is not entitled to appeal the decision of the City of Port Colborne to the Ontario Municipal Board.”

And:

“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 the proposed zoning by-law amendment is approved the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.”

(vi) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Mrs. Linda Talving of 29 Canal Bank Road addressed Council. Mrs. Talving stated that she had concerns about noise and lighting. She asked if something could be done such as at the Oskam building where the lighting is redirected away from the residents. Mr. Aquilina confirmed that this will be addressed during the Site Plan process and they will ensure that the lighting will be faced away from the residents.

Mrs. Talving questioned how this will affect her property value? Mr. Aquilina responded that he could not answer that question. Mrs. Talving asked for more detailed information concerning the exterior landscape. Mr. Aquilina responded that the Engineering and Operations staff will be able to identify the location of the berms, landscaping and lighting.

Mayor Badawey clarified that this meeting was for the use of the land and not about the building envelope. Mr. Aquilina concurred that the land is presently zoned for residential development.

Mrs. Talving requested clarification as to how much land would be needed for the facility and where the driveway would be located. Mr. Aquilina responded that this plan is conceptual in nature and he could not provide further comment on the design as he was not involved in the design process.
Mr. Hanson then addressed Mrs. Talvings’ comments. Mr. Hanson advised that there will be a secondary access to the facility which would only be used in the event of an emergency. The intention is to channel the traffic through Mellanby Avenue. The driveway will be paved with a controlled access.

Mrs. Talving had concerns about the parking being used by the skateboarding patrons. Mr. Hanson advised that there will not be parking available for the skateboarding facility.

Mrs. Talving questioned whether the Ministry of Culture had been contacted about it being an archaeological site? Mr. Aquilina responded that this was not a requirement under the re-zoning application. Mr. Hanson advised that they were not at that stage yet. This would be determined at the technical stage as to whether an archaeology study would be necessary. It will be up to the Ministry to advise the City. Mr. Aquilina advised that the Region has a listing of all the archaeological sites in the area and there has been no indication that a Phase I or Phase II study is required.

Mrs. Talving responded that they have found some archaeological artifacts on their property and this could be a concern in the future. She also noted that they will miss having a park-like area beside their property.

Mr. Peter Saltarelli of 146 Mellanby Avenue addressed Council. Mr. Saltarelli also expressed concerns regarding parking, truck traffic, noise, exhaust pollution and the potential devaluation of his property.

(vii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF PASSAGE OF THE ZONING BY-LAW AMENDMENT

Mr. Aquilina advised the sign-in sheet is located at the rear of the Council Chambers and 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 passing of a by-law will be given notice."

(viii) EXPLANATION OF FUTURE MEETINGS

Mr. Aquilina advised that this concludes the PUBLIC HEARING UNDER THE PLANNING ACT. The proposed Zoning By-law Amendment will be placed on a future Council agenda.

7. ADJOURN

No. Moved by Councillor Y. Doucet
    Seconded by Councillor R. Bodner

That there being no further business, special meeting of Council be adjourned at approximately 7:23 p.m.
CARRIED.