



CITY OF PORT COLBORNE
SPECIAL COUNCIL MEETING AGENDA
WEDNESDAY, AUGUST 21, 2013 – 6:30 P.M.
Council Chambers, 3rd Floor, 66 Charlotte Street

CALL MEETING TO ORDER Mayor Vance Badawey

1. CONFIRMATION OF THE AGENDA
2. DISCLOSURES OF INTEREST
3. PUBLIC HEARING UNDER THE PLANNING ACT
 - (a) APPLICATION FOR ZONING BY-LAW AMENDMENT
Department of Planning and Development, Report No. 2013-50, Subject:
Public Hearing Report for a Zoning By-law Amendment (File D14-05-13) 1937 Ramey Road
 - (i) PURPOSE OF MEETING
 - (ii) METHOD OF NOTICE
 - (iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED
 - (iv) PRESENTATION OF APPLICATION FOR ZONING BY-LAW AMENDMENT
 - (v) COMMENTS OF APPLICANT
 - (vi) QUESTIONS OF CLARIFICATION TO APPLICANT/PLANNING STAFF
 - (vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC
 - (viii) ANNOUNCEMENT RESPECTING WRITTEN NOTICE OF PASSAGE OF ZONING BY-LAW AMENDMENT
 - (ix) EXPLANATION OF FUTURE MEETINGS
4. ADJOURN



Report Number: 2013-50

Date: August 21, 2013

**SUBJECT: Public Hearing Report for a Zoning By-law Amendment
(File No. D14-05-13) 1937 Ramey Road**

1) PURPOSE:

The purpose of the report is to provide Council with information regarding a proposed Zoning By-law Amendment initiated by Port Colborne Quarries Inc for the property known as Concession 2, Part Lot 23 and Part Lot 24, Geographic Township of Humberstone in the City of Port Colborne, Regional Municipality of Niagara municipally known as 1937 Ramey Road.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The zoning of the property is proposed to be changed from the EI – Extractive industrial zone to a site-specific zone, EI-373 (Concrete Product Manufacturing). This rezoning will permit the use of a precast concrete manufacturing facility on this property.

3) STAFF COMMENTS AND DISCUSSIONS

The Notice of Public Meeting was initially mailed to property owners within 120 metres of the property on July 29, 2013. A revised notice reflecting a new meeting date was mailed to property owners within 120 metres of the property on August 1, 2013. A public notice sign was posted on the property near the intersection of Chippewa Road and Second Concession on the property on August 1, 2013.

At the time of writing this report, staff has received one letter from the public:

J Terreberry, 517 Chippewa Road

Not opposed to rezoning, but is concerned about increased dust from the quarry, which is currently a problem.

Notice of Public Meeting was circulated on July 29, 2013 to relevant City departments and required commenting agencies. As of the date of writing of this report, the following agencies have responded:

Building Division

Steps will need to be taken in the design of the building to minimise the effects of blasting.

Fire and Emergency Services

Port Colborne Fire & Emergency Services has reviewed application File number D14-05-13 and has no concern with this application as proposed.

Ministry of Transportation

The applicant must be advised that Ministry building/land-use permits will be required for all buildings and structures within 46 metres (150 feet) from the Hwy 140 property limit, 396 meters from the intersection of Hwy 140 and Hwy 3. In addition, no pre-servicing, grading, and installation of signs on the subject land is permitted without the issuance of Ministry permits.

In general, the applicant should be aware that future development of these lands will require Ministry review and approval. All proposed permanent buildings and structures both above and below ground, utilities, frontage roads, fire routes, essential parking, and stormwater management ponds, must be set back 14.0 metres from the Hwy 140 and Hwy 3 property lines. All grading of any kind will not be permitted on Hwy 140 or Hwy 3 property.

The applicant may be required to submit a full scale (1:500) site plan, a site servicing and grading plan, a Traffic Impact Study, and a detailed stormwater management plan and report indicating the changes in drainage run-off caused by the development, and the intended treatment of this calculated runoff as it impacts on the Hwy 140 and Hwy 3 Right-of-ways.

Please be aware that no new entrances shall be granted onto Hwy 140 or Hwy 3 as side road access is available, all access shall be via municipal/regional roads.

Planning Division

Regional Niagara Policy Plan

The land is designated **Urban Area** in the Regional Niagara Policy Plan. The Urban Area designation provides policies for industrial, commercial and residential development. In the preamble to the Urban Areas policies, it is stated that the efficient use of land within the urban boundaries is financially and environmentally desirable. Efficient use involves development of higher densities, and using lands suitable for infilling, intensification and redevelopment to promote a more compact urban form.

City of Port Colborne Official Plan (1980)

Schedule "C" Land Use, to the City of Port Colborne Official Plan designates the property **Extractive Industrial**. Extractive Industrial lands are those reserved for harvesting mineral and aggregate resources. Permitted uses include on Extractive Industrial lands include quarrying, processing, storing and shipping of limestone rock.

City of Port Colborne adopted Official Plan (2012)

The new Official Plan, as adopted by Council, designates the subject property as **Mineral Aggregate Operation**, within the urban area on "Schedule A: City-Wide Land Use". Land uses in the Mineral Aggregate Operation designation include quarrying, processing, storing and shipping of limestone rock and uses incidental to the quarrying operation.

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

The property is zoned EI – Extractive Industrial which allows:

Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals, and including the following;

- (a) Processing of natural materials including screening, sorting, washing, crushing, storing and other similar operations allied to an extractive industrial operation and uses, buildings and structures accessory thereto, saving and excepting any building or structure used for human habitation.*
- (b) Agricultural uses, excluding intensive animal operations, and uses, buildings and structures accessory thereto, saving and excepting any building or structure used for human habitation.*

The Draft Zoning By-law Amendment is attached hereto as Appendix B.

Adjacent Zoning and Land Use

Northwest Residential neighbourhood Zoned: NFR – Non Farm Residential	North Residential neighbourhood Zoned: RU – Rural; and Agricultural land Zoned: A – Agricultural	Northeast Agricultural land Zoned: A – Agricultural
West Agricultural land Zoned RD – Residential Development Residential neighbourhood Zoned: R1 – First Density Residential	Applicant's Property	East Quarry operations Zoned: EI – Extractive Industrial
Southwest Commercial shops Zoned: HC – Highway Service Commercial	South Agricultural land Zoned: LI – Light Industrial	Southeast Residential neighbourhood Zoned: R1 – First Density Residential

CONCLUSIONS

The Zoning By-law Amendment is necessary to allow the proposed precast concrete manufacturing facility. The Planning Division will provide Council with its recommendation report after comments have been received from the Public Hearing and the review agencies. This report will be available at a future Council meeting for Council's consideration.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) **Do nothing**

N/A

b) Other Options

N/A

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

N/A

6) ATTACHMENTS

Appendix A: Draft Zoning By-law Amendment

7) RECOMMENDATION

That Public Hearing Report No. 2013-50 regarding applications for a Zoning By-law Amendment (File No. D14-05-13) for 1937 Ramey Road be received for information purposes.

8) SIGNATURES

Prepared on August 16, 2013 by:



Evan Acs,
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



FOR Robert J. Heil
Chief Administrative Officer

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, AS AMENDED, RESPECTING LANDS KNOWN AS CONCESSION 2, PART LOT 23 AND PART LOT 24, GEOGRAPHIC TOWNSHIP OF HUMBERSTONE IN THE CITY OF PORT COLBORNE, REGIONAL MUNICIPALITY OF NIAGARA MUNICIPALLY KNOWN AS 1937 RAMEY ROAD.

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 A1 forming part of By-law 1150/97/81, as amended, is hereby amended by changing those lands described on Schedule A attached from EI – Extractive Industrial to EI-373 (Concrete Product Manufacturing).
3. That Section 30(b) entitled SPECIAL EXCEPTIONS AND PROVISIONS of Zoning By-law 1150/97/81, as amended, is hereby further amended by adding the following:

EI-373 (Concrete Product Manufacturing)

Notwithstanding the provisions of the EI – Extractive Industrial zone to the contrary, the use of this land shall include concrete product manufacturing and uses accessory thereto.

4. 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.
5. 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 28TH DAY OF AUGUST, 2013.

Vance Badawey, MAYOR

Ashley Grigg, CLERK



THIS IS SCHEDULE "A" TO BY-LAW NO. _____

PASSED THE _____ 2013

MAYOR

CLERK



LANDS TO REMAIN AS EI (EXTRACTIVE INDUSTRIAL)



LANDS TO BE REZONED FROM EI (EXTRACTIVE INDUSTRIAL)
TO EI-373 (CONCRETE PRODUCT MANUFACTURING)



AUGUST 2013

FILE NO. D14-05-13

SCALE: NTS

DRAWN BY H. MAHON, PLANNING AND
DEVELOPMENT DEPARTMENT