

**City of Port Colborne
Special Council Meeting 09-19
Minutes**

Date: April 8, 2019

Time: 6:30 p.m.

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

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
G. Bruno, Councillor
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor

Absent: R. Bodner, Councillor
F. Danch, Councillor

Staff Present: T. Cartwright, Fire Chief
A. Grigg, Director of Community and Economic Development
A. LaPointe, Manager of Legislative Services/City Clerk
C. Lee, Director of Engineering & Operations
S. Luey, Chief Administrative Officer
H. Mahon, Planning Technician/Clerk (minutes)
C. McIntosh, Deputy Clerk
P. Senese, Director of Corporate Services
E. Acs, Planner

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

1. **Call to Order:**

Mayor Steele called the meeting to order.

2. **National Anthem:**

Those in attendance stood for O Canada.

3. **Confirmation of Agenda:**

No. Moved by Councillor Wells
Seconded by Councillor Bruno

That the agenda dated April 8, 2019 be confirmed, as circulated or as amended.
CARRIED.

4. **Disclosures of Interest:**

Nil.

5. **Public Hearing Under the Planning Act:**

Application for Zoning By-law Amendment Planning and Development Department, Planning Division, Report 2019-48, Subject: Public Meeting Report for Zoning by-law Amendment D14-05-18, 85 and 91 Main Street West

(i) Purpose of Meeting:

Evan Acs advised that the purpose of this meeting, pursuant to Section 34 of the Planning Act, is to consider an application submitted by owner Erika Spencer for the property legally known as Part of Lots 10 and 11 on Plan 1536/NP771, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 85 and 91 Main Street West.

The application for Zoning By-law Amendment proposes to change the zoning from Downtown Commercial to Mixed Use. The Zoning By-law Amendment is being sought to satisfy conditions from Committee of Adjustment files B16-18-PC and B17-18-PC.

Mr. Acs also stressed the importance of gathering public input as comments received will be considered by staff prior to preparation of the recommendation report.

(ii) Method of Notice

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

The Notice of Public Meeting was mailed to property owners within 120 metres of the property, along with all City departments and required agencies on March 18th 2019. A sign was posted on the property by March 19th 2019. Notice was also posted on the City's website on March 18th 2019.

The Planning and Development Department hosted a public open house for this application on April 1st 2019. Notice of the public open house was included on the notice of public meeting.

(iii) Explanation of Procedure to be Followed

Mr. Acs explained that the procedure to be followed this evening will be to present Department of Planning & Development Report 2019-48, 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 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

At this time, Mr. Acs presented Planning and Development Public Hearing Report 2018-48. A PowerPoint presentation was also provided for further clarification.

Mr. Acs advised that the subject properties are located at 85 and 91 Main Street West. The property currently has a commercial building, a single detached dwelling, a former single detached dwelling that is now used for storage for the commercial business at 91 Main Street West and an accessory building. To the north, east, south and west is commercially zoned land with commercial and public uses. Also to the north and west is a single detached dwelling on residentially zoned land.

The City of Port Colborne's Official Plan designates the property Downtown Commercial. Land uses in the Downtown Commercial designation include retail stores; professional and business offices; personal service shops; restaurants; specialty shops, residential uses, subject to the appropriate density requirements and policies; community facilities; parks; institutional uses; public open space and on-road bicycle routes.

Mr. Acs advised that the subject property is currently zoned Downtown Commercial and provided a general outline of the uses permitted. He further advised that the application for Zoning By-law Amendment proposes to change the zoning on part of the properties to Mixed Use. He then provided a general outline of the uses permitted in this zone.

Mr. Acs further advised that for the purposes of this application the proposed zoning by-law amendment proposes to change the zoning from Downtown Commercial to Mixed Use with special provisions to permit a fourplex on this lot. Mr. Acs noted that the Zoning By-law Amendment is being sought to satisfy a condition of severance which has been approved by the Committee of Adjustment.

Mr. Acs made reference to the powerpoint presentation to illustrate the proposed consent and zoning by-law amendment applications. He noted that the Zoning By-law Amendment for Mixed Use applies only to Part 2 and Part 4. Other Parts will remain Downtown Commercial. He also noted the special provisions sought to build

a fourplex on the lot and that the minimum side yard setbacks between neighbouring properties is being met.

Mr. Acs then made reference to the public comments and noted that comments in full have been circulated to the Mayor, Councillors and Clerk. He then provided a summary of two submitted written comments from the neighbours:

Edd Scorpio a resident of Church Street objected to the proposal due to concerns regarding traffic, that construction would limit access and generate noise and dirt, the proposed fourplex is too large and out of place for the street. He believes the project is not suitable for the area.

Darlene Moreau-Bowyer, a resident on Church St., also objected to the proposal. She does not want to live next to a fourplex. She does not want a parking lot at the rear of the house. She has concerns about water and sewer lines accommodating development as well as decreased property value. She believes the project is not suitable for the area.

Mr Acs then provided an outline of written submitted agency comments. There were no concerns from the City's Drainage Superintendent, the Regional Municipality of Niagara, as well as Enbridge Gas Inc.

Mr. Acs also provided a summary with respect to some common questions from the public regarding the application. The plans submitted with initial application for consent to sever showed a single detached dwelling on the new lot. The applicant decided to change to a fourplex at the suggestion of staff to increase density. Mr. Acs noted that Mixed Use zoning permits a fourplex. Special provisions are required due to lot deficiencies. The lot does meet minimum area required for fourplex (125m² per unit). Parking will be at rear of property, accessed from Main Street West. No direct additional traffic on Church Street is anticipated. Only four parking spaces are required (one per unit). Two municipal lots in close proximity can accommodate visitor parking. Parking area may be undersized. Staff will consult with applicant before recommendation report. New privacy fence along property line with 17 Church Street can be a condition of zoning.

(v) Comments of Applicant

At this time, Mr. Acs invited the applicant to speak to Council. Erika Spencer owner of the property addressed Council. Ms. Spencer provided Council with some background information. She advised that both she and her partner are realtors and bought the property as an investment. Initially the proposal was to build a single family dwelling but due to overwhelming demand for rental units and after further consultation with staff they changed their plans to the fourplex. She advised that these will not be small units and that each of the 4 units will be around 1000ft². There will be rigorous screening for tenants. The building will not be an eyesore and there should not be traffic conflicts as access will be from Main Street and not Church St.

(vi) Questions of Clarification to Planning Staff/Applicant

At this time Mr. Acs asked if there were any questions of clarification to staff or the applicant.

Councillor Bagu questioned the number of bedrooms per unit. Evan Acs responded that there are 2 separate floors with each unit containing 2 or 3 bedrooms.

Councillor Wells questioned Evan Acs on some agricultural references in the Planning report. There was also some discussion regarding the adjacent Zoning and Land Uses. Mr. Acs apologized for the discrepancies and advised that he will provide the necessary changes in the recommendation report.

Councillor Wells questioned Chris Lee on the snow loading impact on the adjacent garage. Mr. Lee advised there could be potential issues. Discussion commenced and Councillor Beauregard questioned Evan Acs on whether the buffer between buildings could be increased as well as putting in a privacy fence. Mr. Acs responded that this could be done through Council's direction. Mr. Acs further noted that fencing and landscaping can be made a condition of the zoning application. Councillor Beauregard suggested that a motion be made as this was a concern that has been expressed by the neighbours.

No. Moved by Councillor Beauregard
Seconded by Councillor Desmarais

That a privacy fence be installed and to shift the buffer to 2m on the north side and 1m on the south side.

CARRIED.

Councillor Wells also asked for a motion regarding the snow loading effect on the garage. Mr. Acs advised that the impact of snow loading is administered by the building code. Councillor Wells expressed concern about safety as the roof could collapse. He requested that Engineering staff look into this and bring it back to Council. Chris Lee agreed to follow through on this request.

Before opening the meeting to the public Mr. Acs read the following cautionary statements:

"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 Zoning By-law Amendment is 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 Zoning By-law Amendments is 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 further advised 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

At this time, Mr. Acs invited any members of the public who wish to speak to the applications to do so.

Andy Bowyer of 17 Church St. addressed Council. Mr. Bowyer expressed concerns about the parking. Mr. Acs responded that the fourplex requires 4 parking spaces which can be accommodated at the rear. The commercial unit is separate from the fourplex. Councillors Beauregard and Bruno questioned the fencing and site plan requirements. Discussion commenced and Mr. Acs noted that the fourplex does not require site plan approval but still needs to meet the fence bylaw requirements. It was agreed for staff to meet with the residents regarding the site plan. Councillor Kalailieff questioned some of the proposed setbacks for the zoning by-law amendment. Mr. Acs responded that this could be further considered through Council's direction.

(viii) Announcement Respecting Written Notice of Passage of the 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

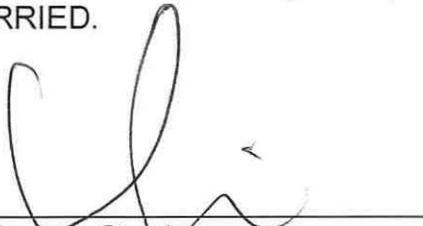
Mr. Acs advised that this concludes the public hearing under the Planning Act. The proposed zoning by-law amendment will be placed on Council's agenda at a future meeting.

6. **Adjournment:**

No. Moved by Councillor Wells

Seconded by Councillor Bruno

That the Council meeting be adjourned at approximately 7:10 p.m.
CARRIED.



William C. Steele
Mayor



Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

/hm

Proposed Zoning By-law Amendment for 85 & 91 Main Street West

Owner: Erika Spencer

File: D14-05-18

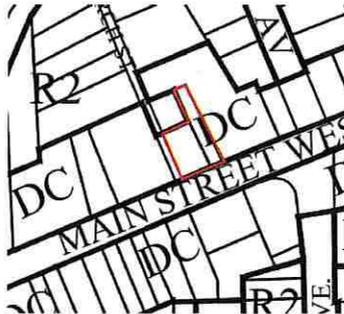
Location & Context



Current Official Plan Designation



Current Zoning

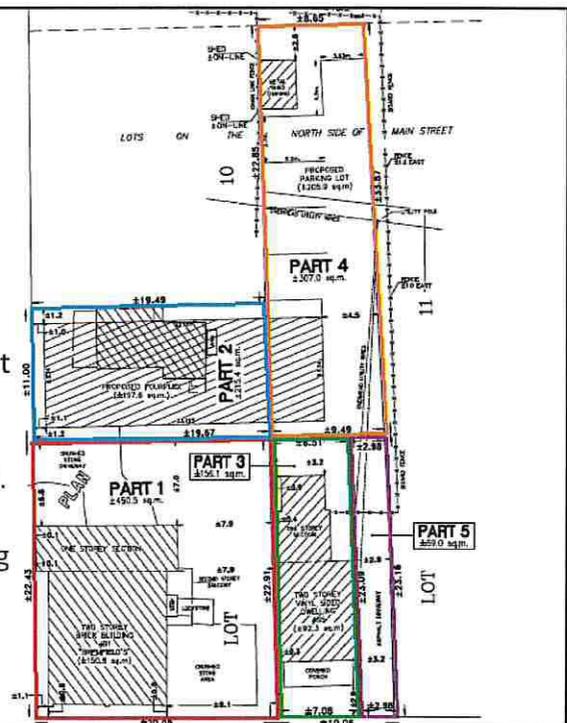


Purpose of Application

- The application for Zoning By-law Amendment proposes to change the zoning from Downtown Commercial to Mixed Use with special provisions to permit a fourplex on this lot. The Zoning By-law Amendment is being sought to satisfy a condition of severance.
- This property is also subject of Consent to Sever applications B16-18-PC and B17-18-PC and Consent to Easement application B04-19-PC, all of which have been approved by the Committee of Adjustment.

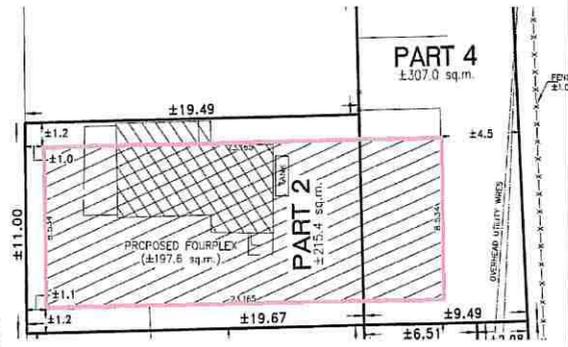
Consent Applications

- Part 1 (red) and Part 2 (blue) are 91 Main Street West.
- Part 3 (green), Part 4 (orange) and Part 5 (purple) are 85 Main Street West.
- Part 2 and Part 4 will merge to become one lot fronting on to Church Street.
- Part 1 will remain 91 Main Street West and Parts 3 and 5 will remain 85 Main Street West.
- There is an easement over Part 5 to permit driveway access to the rear of new lot fronting on to Church Street.



Zoning By-law Amendment

- Zoning By-law Amendment for Mixed Use applies only to Part 2 and Part 4. Other Parts will remain Downtown Commercial.
- Special provisions sought to build fourplex on lot:
 - Lot frontage: 11m (18m req)
 - Front yard setback: 1m (9m req)
 - Rear yard: 4.5m (6m req)
 - Minimum landscape area: 21% (25% req)
- Minimum side yard setbacks between neighbouring properties is being met.



Public Comments

- Edd Scorpio
 - Church Street is currently a quiet street with little traffic and a narrow width.
 - Construction would limit access and generate noise and dirt.
 - Proposed fourplex is too large and out of place for street.
 - Proposed fourplex is too intense of a land-use for the street.
 - Project is not suitable for area.
- Darlene Moreau-Bowyer
 - Does not want to live next to fourplex.
 - Does not want parking lot at rear of house.
 - Concerns about low-income tenants, crime and drugs on property.
 - Concerns about water and sewer lines accommodating development.
 - Concerns about decreased property value.
 - Project is not suitable for area.

City and Agency Comments

- Drainage Superintendent
 - No Concern.
- Regional Municipality of Niagara
 - Not opposed.
- Enbridge Gas Inc.
 - No objection.

Common Questions Regarding Application

- Plans submitted with initial application for consent to sever showed a single detached dwelling on the new lot. Applicant decided to change to fourplex at suggestion of staff to increase density.
- Mixed Use zoning permits fourplexes. Special provisions required due to lot deficiencies. Lot does meet minimum area required for fourplex (125m² per unit).
- Parking will be at rear of property, accessed from Main Street West. No direct additional traffic on Church Street anticipated.
- Only four parking spaces are required (one per unit). Two municipal lots in close proximity can accommodate visitor parking.
- Parking area may be undersized. Staff will consult with applicant before recommendation report.
- New privacy fence along property line with 17 Church Street can be a condition of zoning.

**Proposed Zoning By-law Amendment, File: D14-05-18**

Edd Scorpio :: Photographer to: Evan Acs

03/20/2019 12:29 PM

Cc: ericbeauregard, angiedesmarais, barbara.butters, mayor

Evan,

Regarding the Proposed Zoning By-law Amendment, File: D14-05-18 to build a four-plex on Church St.
We are also requesting written notice of any decisions regarding this item.

We are residents on Church St. - and for the most part it is a quiet, residential street with a few young families and a few elders looking for peace & quiet. This was a major reason for us moving to this neighbourhood.

With the exception of the few metres of 'newer' width at Main St., Church Street is essentially a laneway. We already have issues with non-residents (and at least one resident) driving down the street at greater speeds than necessary. Non-residents use it as a pass-through to get to Derek Point (having missed the poorly marked turn at Melanby).

The infrastructure here is somewhat older - and certainly not ready to handle a property with that many additional people and utilities. This level of demolition & construction would create an insurmountable problem for existing residents and the businesses at the corner - and likely for an extended period of time. Disruptions to access, utilities, excess noise & dirt...

If someone is looking for an investment, the existing home on the property could certainly be rented out to a SINGLE family, which would be less problematic.

The size of the building is an issue as well. A large, two storey, building of that sort would be vastly out of place on this small street...and certainly an impediment for the families living near it.

From a neighbourhood standpoint, we simply do not wish to have a building of that size on this street; adding that many people (and potential traffic) to a small, quiet neighbourhood. There is already a rental unit of some sort on Weir Rd. (directly behind our property) which has had issues with parking, garbage, loose dogs/cats, noise...and their trash/recycling bins constantly in the middle of the road because no one brings them in.

This is not the right neighbourhood for this project. There are other areas more suitable.

Respectfully,
Edd Scorpio
Seika Groves



Proposed By-law Ammendment 85 and 91 Main St. West
Darlene Moreau-Bowyer to: planner

04/01/2019 12:59 PM

Hello Evan

I am hoping I can make it to meeting tonight. I don't know if you wrote down all my concerns when we spoke on the phone the other day. I said I didn't want a fourplex to Be built next to my property on Church St. I don't want a parking lot near the back of my house. My husband lived in a house on Main St. Port Colborne in the 1970's where a car went right through their bedrooms. The plans shown is not large enough for a parking lot. The parking lot across the St. My fence has already been hit as well as my daughter's car in our driveway. A fourplex would mean 4 families living there. Possibly low income. This would likely bring a lot of crime to my area. My neighbour also said about the water pressure and sewer lines on the St. My daughter concerns of drugs and addictions in families living in multiple family home. More risk of Fire especially since the neighbouring business is Tires not to mention my resale value of my home would tremendously depreciate. I have grandchildren and other family members swimming in my pool and would like them to remain Safe from all I've mentioned. The original plans was for a single family house being built. My family has no problem with the building of a single family house like the property has already. I have lived on the Island all my life. I've lived on Church St. since February 1989. I've raised my children here. Church St. well as the rest of the Island has been a Nice and Quiet and Safe Area And My Family And I Would Like it to Remain This Way.

Thank You

Darlene Moreau-Bowyer

Sent from my iPhone



Re: Notice of Public Meeting : Zoning By-law Amendment 

Alana Vander Veen to: Evan Acs

Cc: Brian Kostuk, Steve Shypowskyj

03/19/2019 11:35 AM

Hi Evan

There are no concerns on this property with respect to Municipal Drainage.

Thank you,

Alana Vander Veen
Drainage Superintendent
City of Port Colborne
alanavanderveen@portcolborne.ca
905-835-2900 x 291
Fax # 905-835-2939

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Evan Acs

Greetings, Attached is a notice of public meetin...

2019-03-18 04:52:18 PM

VIA EMAIL ONLY

March 28, 2019

File: D.18.07.ZA-19-036

Evan Acs
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Acs:

**Re: Regional and Provincial Review Comments
Proposed Zoning By-law Amendment
City File No.: D14-05-18
Address: 85 & 91 Main Street West
City of Port Colborne**

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted Zoning By-law Amendment application, which proposes to rezone the subject lands from Downtown Commercial to Mixed Use, with special provisions to permit a fourplex with reduced lot frontage, front yard setback, rear yard setback and minimum landscape area. The Zoning By-law Amendment is being sought to satisfy a Committee of Adjustment condition for the consent of the subject lands (City File Nos.: B16-18-PC and B17-18-PC). A pre-consultation meeting was held at the City of Port Colborne on August 23, 2018 with the owner and staff from the City. The following Provincial and Regional comments are provided to assist the City in considering this application.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), and within the Delineated Built-up Area under the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan encourages intensification in Delineated Built-up Areas, and prioritizes planning and investment in infrastructure that will support intensification and the achievement of complete communities.

The property is located within the Urban Area Boundary for the City of Port Colborne and is designated as within the Built-up Area according to the Regional Official Plan (ROP). These areas are to be planned as compact, complete communities, which support

intensification and accommodate a range of land uses including residential (consisting of a range and mix of housing types and densities), commercial, institutional, employment and other land uses; all development within urban areas will be accommodated on full municipal services. The proposal, to accommodate a fourplex, aligns with the intent of Provincial and Regional policies for uses permitted and encouraged in settlement/urban areas.

Regional Development Charges Reduction Program

The subject property is within the Designated Exemption Area for the City of Port Colborne as set out in Regional Development Charge By-law 2017-68. The proposed fourplex development *may* be eligible for a reduction of Regional Development Charges up to a maximum of 50%, subject to achieving the Smart Growth Design Criteria. The applicant is encouraged to review the Regional Development Charge By-law 2017-68, as amended. The By-law can be found at:

<https://www.niagararegion.ca/government/bylaws/pdf/2017/by-law-2017-68-regional-development-charges.pdf>; additional information on the Development Charges Reduction Program can be found at:

<https://www.niagararegion.ca/business/property/reductions.aspx>. Please note, however, that the Smart Growth Design Criteria may be amended or eliminated with future updates or reviews.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed fourplex is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage container per unit.

Regional Road 3 (Main Street West)

The owner of the property located at 91 Main Street West (Regional Road 3) should be aware that a daylighting triangle is required at the corner of Main Street West and Church Street. Regional staff notes that if future planning applications are received for the property (91 Main Street West), the Region may require that a daylighting triangle be granted to the Region in accordance with the ROP.

Conclusion

Regional Planning and Development Services staff is not opposed to the Zoning By-law Amendment application, subject to the satisfaction of any local requirements. If you have

any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Pat Busnello, MCIP, RPP, Manager of Development Planning, at extension 3379.

Please send a copy of the staff report and notice of the City's decision on this application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aimee Alderman', with a long horizontal flourish extending to the right.

Aimee Alderman
Development Planner

cc: Mr. R. Alguire, Development Approvals Technician, Niagara Region
Ms. S. Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

March 27, 2019

Evan Acs
Planner
Town of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Evan,

Re: Zoning By-Law Amendment
Erika Spencer
85 & 91 Main Street West
Town of Port Colborne
File No.: D14-05-18

Enbridge Gas Inc. does not object to the proposed application(s).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in cursive script that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

—
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Safety. Integrity. Respect

AC/jh