

The "TWENTY FOURTH 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, July 9, 2012 commencing at approximately 6:32 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

D. Elliott	W. Steele
A. Desmarais	
F. Danch	B. Kenny
R. Bodner	B. Butters

Absent: Y. Doucet (due to vacation)

REGIONAL COUNCILLOR

D. Barrick

STAFF

R. Heil, Chief Administrative Officer
A. Grigg, City Clerk
D. Aquilina, Director of Planning & Development
R. Hanson, Director of Engineering & Operations
P. Senese, Director of Community & Corporate Services
G. Makins, Manager of Manager of Community Services
S. McIntyre, Licencing Clerk
S. Larocque, Recording Secretary

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

CALL MEETING TO ORDER – MAYOR VANCE BADAWEY

1. PRAYER

Councillor B. Kenny delivered the prayer.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada.

3. CONFIRMATION OF THE AGENDA

No. 167 Moved by Councillor Desmarais
Seconded by Councillor Bodner

That the Agenda of the Special Meeting of Council of July 9, 2012 be confirmed as circulated.

CARRIED.

4. DISCLOSURES OF INTEREST

Nil.

5. PUBLIC HEARING UNDER THE PLANNING ACT

- (a) **APPLICATION FOR ZONING BY-LAW AMENDMENT**
Department of Planning and Development, Report No. 2012-55,
Subject: Public Hearing Report for a Zoning By-law Amendment (File
No. D14-03-12) East Side of Elm Street

(i) **PURPOSE OF MEETING**

Mr. Aquilina advised that the purpose of the 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.

Mr. Aquilina indicated that the proposed Zoning By-law Amendment was initiated by Brian Lambie on behalf of Antonio and Teresa Ricci for property located on the east side of Elm Street and north of Barrick Road, known as Part of Lot 28, Concession 3 described as Part 1 on Plan 59R-13068 in the City of Port Colborne.

(ii) **METHOD OF NOTICE**

Mr. Aquilina indicated that the 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*.

Mr. Aquilina stated that the Notice of Public Meeting was mailed to property owners within 120 metres of the property and required agencies on June 15, 2012 and signs were posted on the property by June 19, 2012.

(iii) **EXPLANATION OF PROCEDURE TO BE FOLLOWED**

Mr. Aquilina advised that the procedure to be followed this evening will be to present Department of Planning & Development Report 2012-55; 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 approval of the draft plan of subdivision; and to provide an explanation of future meetings regarding the application.

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

At this time, Mr. Aquilina provided highlights of the Planning and Development Public Hearing Report 2012-55 as follows:

Mr. Aquilina advised that the purpose of the report is to provide Council with information regarding the proposed Zoning By-law Amendment to site specifically zone the property on the east side of Elm Street and north of Barrick Road to add a car wash and vehicle sales rental establishment as well as to permit the stacking of parking spaces for the car wash.

Mr. Aquilina advised that no comments from any member of the public had been received as of the meeting date. Mr. Aquilina indicated that the following agencies responded:

Building Division:

"A complete building permit application and drawings will need to be reviewed before a more detailed analysis can be made. These are some of the issues that I can foresee:

- 1 - Min. 9 meter fire department access route to self-storage buildings.
- 2 - Hydrant located for a building without a fire dept. connection not more than 45m from a hydrant to the vehicle and not more than 45m from the vehicle to every opening in the building.
- 3 - Distance between buildings shall be not less than 9m.
- 4 - Verify if they have a adequate water supply.
- 5 - Washrooms are to be made available at all times.
- 6 - Oil interceptor and backflow devices are required.”

Fire & Emergency Services:

“Based on what is being proposed the following may be required:

1. Adequate firefighting water supply, with a hydrant located in conformance with 3.10.3.4(3) of the Ontario Building Code.
2. Fire access route to self-storage units in conformance with 3.10.4.5.(2) of the Ontario Building Code.”

Mr. Aquilina advised Council to refer to Appendix “B” on page 9 of the Public Hearing Report to view a sketch of the proposed development.

Mr. Aquilina indicated that the land is designated Urban Area in the Regional Niagara Policy Plan which allows for Industrial, Commercial, and Residential development.

Mr. Aquilina indicated that the property is designated Industrial Light and Industrial Heavy in the City of Port Colborne Official Plan and that industrial lands are those where the predominant uses are the receiving, manufacturing, assembling, processing, fabricating, servicing, repairing, warehousing, shipping and storing of goods, foods or materials including staff offices, staff facilities, vehicle garages, parking lots, pollution control plants and those industrial activities related to the Canal and harbor such as ship dockage and repair. Light Industrial lands exclude uses that are noxious or obnoxious to the surrounding area.

Mr. Aquilina read Policy G.12 (g) of the Official Plan, which states the following with respect to the property:

“In certain industrial areas of this Plan, specific Highway or Service Commercial activities may be considered as an acceptable industrial use. These may include sales and service establishments for vehicles or construction items and veterinary establishments. However, an amendment to the Restricted Area (Zoning) By-law shall be required for these activities.”

Mr. Aquilina advised that the new Official Plan, as adopted by Council designates the property as Industrial/Employment Area.

Mr. Aquilina indicated that City of Port Colborne Zoning By-law 1150/97/81, as amended, zones the property “LI (Light Industrial)” and “HI (Heavy Industrial)”.

Mr. Aquilina described the adjacent land uses to the property which include Ricci Automotive to the north, Jungbunzlauer to the east, Barber Hymac to the south and residential uses on the west side of Elm Street.

(v) COMMENTS OF APPLICANT

Mr. Brian Lambie addressed Council and advised that he was acting as the agent for the applicants. Mr. Lambie advised Council that his clients wished to use the property for a car wash and lube shop, auto repairs and mini storage which is an extension of their existing business (Ricci Automotive) to the north.

(vi) QUESTIONS OF CLARIFICATION TO APPLICANT/PLANNING STAFF

Mr. Aquilina asked if there were any questions of clarification at this time.

Councillor Steele asked Mr. Lambie whether the building would be a "pull-thru" style car wash. Mr. Lambie indicated that it was early in the design stage and the details would be finalized during the Site Plan Control stage. Councillor Steele suggested that if it is a "pull-thru" style car wash, they may wish to provide stacked parking spaces in the rear of the building.

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 and draft plan of subdivision are approved, the person or public body is not entitled to appeal the decision of the City of Port Colborne to the Ontario Municipal Board."

He advised that it should also 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 zoning by-law amendment and draft plan of subdivision are 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."

Mr. Aquilina further advised that there is a sign-in sheet available at the back of the room should anyone wish to request future notices regarding the application.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

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

Mr. Aquilina advised that if anyone wishes "to be notified of the approval of the zoning by-law amendment and draft plan of subdivision you 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 or approval of the draft plan of subdivision will be given notice."

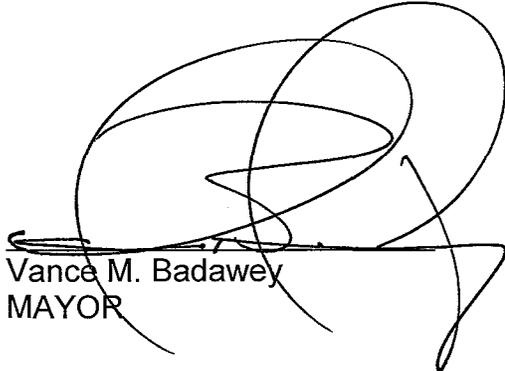
(ix) EXPLANATION OF FUTURE MEETINGS

Mr. Aquilina advised that this concludes the Public Hearing under the *Planning Act*. The proposed Zoning By-law Amendment and Draft Plan of Subdivision will be placed on the agenda of a future Council Meeting for Council's consideration.

6. **ADJOURN**

No. 168 Moved by Councillor Kenny
Seconded by Councillor Steele

That there being no further business, the business of the Special Council Meeting (Public Hearing) was adjourned at approximately 6:50 p.m.



Vance M. Badawey
MAYOR



Ashley Grigg
CITY CLERK

AG/sl