

The "TWENTY SIXTH 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 23, 2012 commencing at approximately 6:30 p.m.

ATTENDANCE

Mayor Vance Badawey presided with the following members in attendance:

COUNCILLORS

W. Steele A. Desmarais
Y. Doucet B. Kenny
R. Bodner B. Butters

Absent: D. Elliott (due to vacation), F. Danch (due to a prior commitment)

REGIONAL COUNCILLOR

Absent: D. Barrick

STAFF

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

Councillor Barbara Butters delivered the prayer.

2. NATIONAL ANTHEM

Joel Longfellow sang O Canada

3. CONFIRMATION OF THE AGENDA

No. 177 Moved by Councillor R. Bodner
 Seconded by Councillor B. Kenny

That the Agenda of the Special Meeting of Council of July 23, 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. 2012-59,
Subject: Public Hearing Report for Application for a Zoning By-law
Amendment (File No. D14-04-12) 42 & 46 McRae Avenue**

(i) PURPOSE OF MEETING

Shannon Larocque 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. An application was submitted by Brian Lambie on behalf of the property owners, Teresa Decicco and Virginia Cirone in June of 2012.

The application is for properties known as 42 and 46 McRae Avenue. The properties are also the subject of applications for consent which will add the rear portions of the residential properties to property to the east owned by the Italian Canadian Cultural Centre. The proposed zoning change will allow the portion of the properties that will be added to the Italian Hall to be used by the club, allow a reduced interior side yard and will also recognize the locations of the existing single detached dwellings at 42 and 46 McRae Avenue.

(ii) METHOD OF NOTICE

Mrs. Larocque advised 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 Regulations 545/06*. The notice of public meeting was circulated to members of the public and review agencies and two signs were posted on the properties by July 3, 2012.

(iii) EXPLANATION OF PROCEDURE TO BE FOLLOWED

Mrs. Larocque advised that the procedure to be followed this evening will be to present Department of Planning and Development Report 2012-59, 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

Mrs. Larocque presented highlights of the Planning and Development Public Hearing Report 2012-59 as follows:

The proposed Zoning By-law Amendment was initiated by Brian Lambie on behalf of Teresa Decicco and Virginia Cirone for properties known as 42 and 46 McRae Avenue. The zoning change will apply to properties municipally known as 42 and 46 McRae Avenue and shown as Parcel 1, 2, 3 and 4 on the severance sketch provided in Appendix B to the report. The property is also the subject of concurrent consent applications B02-12-PC and B03-12-PC which propose to add Parcels 1 and 4 to the property the west (The Italian Canadian Cultural Centre of Port Colborne). The zoning of Parcels 1 and 4 is proposed to be changed from the "R2 (Second Density Residential)" zone to the site specific "R2-45 (Private Club)" zone to add a "private club and uses, buildings and structures accessory thereto" as a permitted use and to allow an easterly interior side

yard of 1.0 metre. The zoning of Parcel 2 is proposed to be changed from "R2 (Second Density Residential)" to a site specific "R2-359 (Second Density Residential Special)" to recognize the existing northerly interior side yard setback of 0.9 metres for the existing single detached dwelling. The zoning of Parcel 3 is proposed to be changed from "R2 (Second Density Residential)" to a site specific "R2-360 (Second Density Residential Special)" to recognize the existing northerly interior side yard setback of 0.64 metres for the existing single detached dwelling.

Mrs. Larocque advised that as of the date of the meeting, no written comments were received from any members of the public. The following comments have been received from agencies:

Building Division: "No objection."

Engineering & Operations: "No adverse comments."

Niagara Region Development Services Division:

"Regional Development Services staff is not opposed to the approval of this application from a Provincial and Regional perspective subject to local planning requirements."

Mrs. Larocque then outlined the policies affecting the proposal as follows:

Regional Niagara Policy Plan

The land is designated Urban Area in the Regional Niagara Policy Plan which provides for Industrial, Commercial, and Residential development.

City of Port Colborne Official Plan

Schedule "C" Land Use, to the City of Port Colborne Official Plan designates the property as Urban Residential which includes all types of dwellings, and uses that are necessary to adequately serve the surrounding residential neighbourhood, such as parks, schools, recreational buildings, neighbourhood commercial and public utilities.

City of Port Colborne New Official Plan (adopted October 2006)

The new Official Plan, as adopted by Council designates the subject property as Urban Neighbourhood which includes residential, neighbourhood commercial and community and institutional uses.

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

The City of Port Colborne Zoning By-law 1150/97/81, as amended, zones the property "R2 (Second Density Residential)". The Second Density Residential zone permits one single detached dwelling and uses, buildings and structures accessory thereto.

Mrs. Larocque indicated that the Draft Zoning By-law Amendment is attached to the report as Appendix A.

Properties to the north and south are zoned "R2 (Second Density Residential)" and contain single detached dwellings, property to the east is zoned R3-206 and contains a converted dwelling. Properties to the west are zoned "R2-45 (Private Club) and "LI" (Light Industrial) and contain the Italian Canadian Cultural Centre and Home Hardware.

Mrs. Larocque advised that this concluded the presentation of Planning and Development Report 2012-59. The Zoning By-law Amendment is necessary to allow the use of the property by the Italian Canadian Cultural Centre of Port Colborne and to recognize the location of the existing dwellings. The Planning Division will provide Council with its recommendation report after comments have been received from the Public Hearing and the review agencies. The report will be presented at a future Council meeting for Council's consideration.

v) COMMENTS OF APPLICANT

At this time, Mrs. Larocque invited the applicant to comment.

Mr. Lambie addressed Council and advised that he was acting on behalf of the Italian Canadian Cultural Centre. Mr. Lambie provided background information pertaining to the re-zoning application and noted that the applicant has applied for two severance applications for the two adjacent properties at 42 and 46 McRae Avenue. Mr. Lambie noted that the purpose for the re-zoning is for expansion of the Italian Hall parking lot as well as for a possible picnic area.

(vi) QUESTIONS OF CLARIFICATION TO PLANNING STAFF/APPLICANT

Councillor Doucet questioned Mr. Lambie as to the depth of the retained lots. Mr. Lambie made reference to the survey sketch and noted that the retained lots meet the current zoning requirements.

Councillor Steele questioned Mrs. Larocque regarding site plan control. Mrs. Larocque advised that site plan control will be addressed in the planning report to Council and that when the Italian Hall is ready to begin work on the property it will be reviewed by staff. Councillor Steele made reference to the discussion which took place during the Committee of Adjustment meeting and the need for privacy fencing, lighting, etc. Mrs. Larocque concurred and noted that these items will be addressed through site plan control in the future.

Before opening the meeting to the public Mrs. Larocque 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 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."

Mrs. Larocque also advised that if there were any interested members of the public who would like to request future notices regarding this application there is a sign-in sheet at the back of the room.

(vii) ORAL PRESENTATIONS AND/OR QUESTIONS BY PUBLIC

Nil.

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

Mrs. Larocque advised that if anyone wished "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."

Mrs. Larocque advised of the sign-in sheet available at the back of the room.

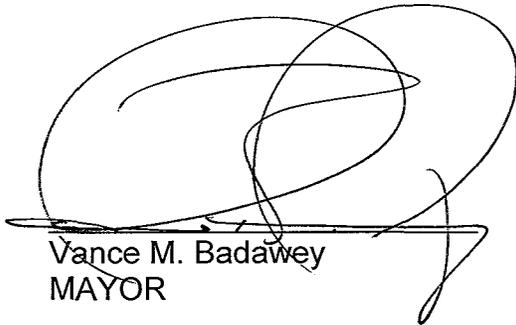
(ix) EXPLANATION OF FUTURE MEETINGS

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

6. ADJOURN

No. 178 Moved by Councillor W. Steele
Seconded by Councillor A. Desmarais

That there being no further business, the Special Council meeting be adjourned at approximately 6:45 p.m.
CARRIED.



Vance M. Badawey
MAYOR



Ashley Grigg
CITY CLERK

AG/hm