



**The Municipal Corporation of the
Town of Fort Erie
BY-LAW NO. 32-13**

**BEING A BY-LAW TO ENACT AN AMENDMENT TO THE
OFFICIAL PLAN ADOPTED BY BY-LAW NO. 150-06 FOR THE
TOWN OF FORT ERIE PLANNING AREA
AMENDMENT NO. 14**

**209-215 RIDGE ROAD NORTH (THE SANCTUARY)
PART OF LOT B, REGISTERED PLAN 227**

Roll No. 020013167000000

File No. 350302-0079 & 350309-0343

**THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF FORT ERIE IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 17 & 21 OF THE PLANNING ACT
S.O. 1990 HEREBY ENACTS AS FOLLOWS:**

1. Amendment No. 14 to the Official Plan adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area consisting of the attached map Appendix "1" and explanatory text is hereby adopted and approved.
2. This by-law shall come into force and take effect on the day of the final passing thereof.
3. Pursuant to the provisions of Sections 23.1 to 23.5 inclusive of the Municipal Act, 2001, as amended, the Clerk of the Town of Fort Erie is hereby authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature or kind to this by-law or its schedules as such may be determined to be necessary after the passage of this by-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 18TH DAY OF
MARCH, 2013**

MAYOR

CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 32-13 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of ____, 2013.

AMENDMENT NO. 14

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No.14 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (Appendix "1") constitutes Amendment No. 14 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of certain lands shown on Appendix "1" attached hereto from "Institutional" and "Commercial" to "Special Policy Area 13" to permit the establishment of a brewery and associated commercial uses and a main floor residential dwelling unit.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the west side of Ridge Road North, south of Elm Street and north of Highland Drive as shown on Appendix "1" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

Subsection 13.7(III) of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

a) The need for the proposed use:

The subject property was sold to the current owner when it was no longer viable as a church. The proposed commercial uses of the subject property are logical commercial uses within the Core Commercial Area. The proposed uses compliment the existing community centre uses and will address a need to diversify the use of the property to improve its sustainability as a commercial enterprise.

The proposed residential use will assist in sustaining the commercial uses from a financial perspective.

b) The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development:

The subject site is located within the Ridgeway Core Commercial Area and is designated Commercial in the Ridgeway / Thunder Bay Neighbourhood Plan. The redesignation of the subject site to Commercial is consistent with the intent of the Neighbourhood Plan. The Ridgeway Core Commercial Area has a significant amount of commercial development. The proposed uses will complement the existing commercial uses.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The proposed uses of the subject site will occur within an existing building. Development of the subject site is limited to an outdoor patio. Natural Heritage features do are not impacted by the proposed use or development of the property. Aesthetic and drainage issues associated with the patio will be controlled through Site Plan Control to ensure the site is developed appropriately.

d) The location of the area under consideration with respect to:

- (i) **the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) **the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) **the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject site is located on the corner of Ridge Road North and Elm Street which are two-way municipal roadways. The subject site is well serviced by municipal roads.

Ridge Road North and Elm Street have sidewalks on both sides which provide convenient pedestrian access to the site.

The subject site is adequately serviced by municipal water, sanitary and storm services.

e) The compatibility of the proposed use with uses in adjoining areas:

The subject site is appropriately located within the Ridgeway Commercial Core Area. Surrounding land uses are predominantly commercial and the proposed uses are compatible with the uses in the area. Potential nuisance impacts associated with the patio will be addressed through site plan control.

f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:

The proposed stand-alone commercial use and ancillary residential use will not depreciate adjoining properties.

g) The potential effect of the proposed use on the financial position of the Municipality:

The proposed redesignation of the subject property will not affect the financial position of the municipality

h) The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

None.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached map Appendix "1" and constitutes Amendment No. 14 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands described on the attached Appendix "1" is hereby redesignated from "Institutional" and "Commercial" to "Site Specific Policy Area 14".
2. Site Specific Policy Area 14 applies to those lands identified as such on Appendix "1" of this Plan. These lands are designated Commercial.
3. Notwithstanding the General Commercial designation, these lands may also be used for a commercial brewing facility producing a maximum of 3,000 hectolitres per year and occupying a maximum floor area of 409 square metres.
4. Notwithstanding the General Commercial designation, a maximum of one accessory apartment dwelling may be located on the ground storey of the commercial building.

PART “C” - THE APPENDICES

- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
209-215 RIDGE ROAD NORTH
OWNER: JASON PIZZICAROLA

Application: 350309-0343

DATE: MARCH 4, 2012
TIME: 6:00PM
LOCATION: TOWN HALL, COUNCIL
CHAMBERS
PROPOSED CHANGE

Applications have been received for an Official Plan and Zoning By-law Amendment for the lands located at 209-215 Ridge Road North. The application is for the operation of a "nano brewery" and other site specific commercial uses within the existing building as well as the establishment of an outdoor patio associated with an eating establishment on the east side of the building. A Public Meeting was held on January 14, 2013.

The applicant has subsequently revised their application to include a request to permit an accessory residential dwelling unit on the main floor of the existing building.

The property is designated Institutional and Commercial in the Official Plan. The Town's Zoning By-law 129-90 designates the site as Institutional (I) Zone and General Commercial (C2) Zone. The Applicant is requesting an Official Plan Amendment to a Site Specific Commercial designation for the entire property to permit residential uses on the main floor and a brewery and associated uses. The applicant is requesting an associated Zoning By-law amendment to a site specific Central Business District Commercial (C2A) zone for the entire property to permit residential uses on the main floor and the brewery and associated uses. Relief to a number of the zoning regulations for the Central Business District Commercial (C2A) Zone is requested to recognize existing deficiencies in setbacks and landscape strips. Relief is also being sought for a number of regulations that will not be met with the introduction of proposed uses including the setback from the Residential zone of the proposed outdoor patio, which will provide entertainment and a limitation on the floor area for the proposed nano-brewery.

HAVE YOUR SAY

Input on the proposed Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the Public Meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.

MORE INFORMATION

For further information please contact Matt Kernahan, Senior Development Planner at (905) 871-1600 extension 2507 or mkernahan@town.forterie.on.ca. A copy of the Information Report will be available to the public on March 1st, 2013. The information report will be available in the Council agenda portion of the Town's Web Site: www.town.forterie.on.ca or from the Community and Development Services Department.

WRITTEN SUBMISSION

To provide input in writing, or to request written notice of the decision of the Official Plan and Zoning By-law Amendment, please send a letter c/o the Town Clerk Carolyn Kett, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to ckett@town.forterie.on.ca

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding this application.

After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan and Zoning By-law amendments before the approval authority gives or refuses to give approval to the Official Plan amendment or before the By-law is passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.

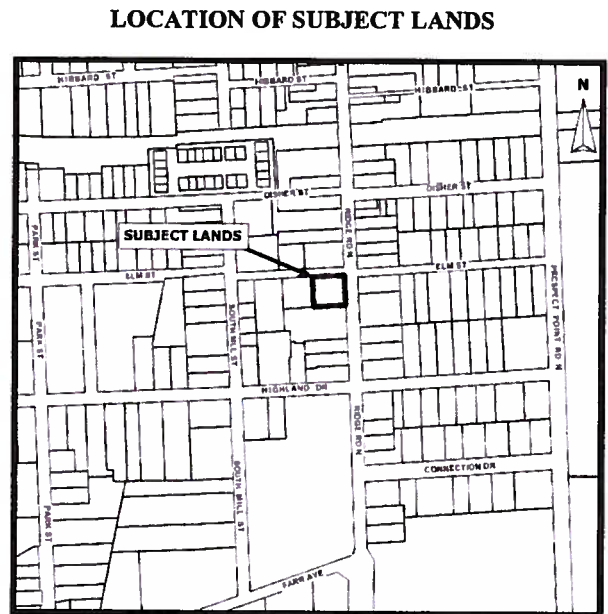
If a person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Fort Erie in respect of the proposed Official Plan and Zoning By-law amendments before the approval authority gives or refuses to give approval to the Official Plan amendment or before the By-law is passed, 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 do so.

If you do not attend the public meeting but wish to be notified of the adoption of the Official Plan Amendment or Zoning By-law Amendment, you are required to make a written request to the Carolyn Kett, Town Clerk and such request should include the name and address to which such notice should be sent.

Dated this 7th day of February, 2013

Carolyn Kett, Town Clerk

Richard F. Brady, MA, MCIP, RPP, Director of Community and Development Services





209-215 Ridge Rd N.

Norton, Andrew

to:

mkernahan@town.forterie.on.ca

11/16/2012 10:54 AM

Hide Details

From: "Norton, Andrew" <Andrew.Norton@cnpower.com>

To: "mkernahan@town.forterie.on.ca" <mkernahan@town.forterie.on.ca>

History: This message has been replied to.

Hi Matt, CNPI has no concerns with the application for an official plan and zoning by-law amendment at the southwest corner of Ridge Rd North & Elm St., Fort Erie. However if the applicant does require an upgrade to the existing power supply to meet new requirements they should contact CNPI to make arrangements, the cost of the upgrade will be borne by the customer. Thank you.

Andrew Norton

Engineering Tech. Planner 1

Canadian Niagara Power a Fortis Ontario Company

Phone: 905.871.0330 X 3207

Fax: 905.871.4458

andrew.norton@cnpower.com



CANADIAN NIAGARA POWER INC.
A FORTIS COMPANY

This e-mail (including any attachments) may contain confidential, proprietary and privileged information, and unauthorized disclosure or use is prohibited. If you received this e-mail in error, please notify the sender and delete this e-mail from your system



RE: Request for Comments - 209-215 Ridge Road

Lampman, Cara

to:

'Matt Kernahan'

11/19/2012 09:16 AM

Hide Details

From: "Lampman, Cara" <clampman@npca.ca>

To: 'Matt Kernahan' <MKernahan@town.forterie.on.ca>

1 Attachment



209-215 Ridge Road, FE.pdf

Hi Matt,

I have reviewed the NPCA/Regional Mapping for the subject parcels and can confirm that no NPCA or Regionally regulated environmental features impact 209-215 Ridge Road. As such, the NPCA has no objection to the proposed Zoning and Official Plan Amendments.

Please do not hesitate to contact me should you have any questions or concerns.

Cara Lampman

Planning Approvals Analyst

Niagara Peninsula Conservation Authority

250 Thorold Road West, 3rd Floor

Welland, Ontario L3C 3W2

Phone: 905 788 3135 (ext. 272)

Fax: 905 788 1121

email: clampman@npca.ca

From: Matt Kernahan [<mailto:MKernahan@town.forterie.on.ca>]

Sent: November 13, 2012 1:15 PM

To: Lampman, Cara

Cc: Mallory, Ryan; Kira Dolch

Subject: Request for Comments - 209-215 Ridge Road

Hi Cara,

Please find attached a request for comments regarding the proposed Official Plan and Zoning By-law Amendment for 209-215 Ridge Road.

Matt

Matt Kernahan, MCIP, RPP

Senior Development Planner

Town of Fort Erie

1 Municipal Centre Drive

Fort Erie, Ontario

Canada

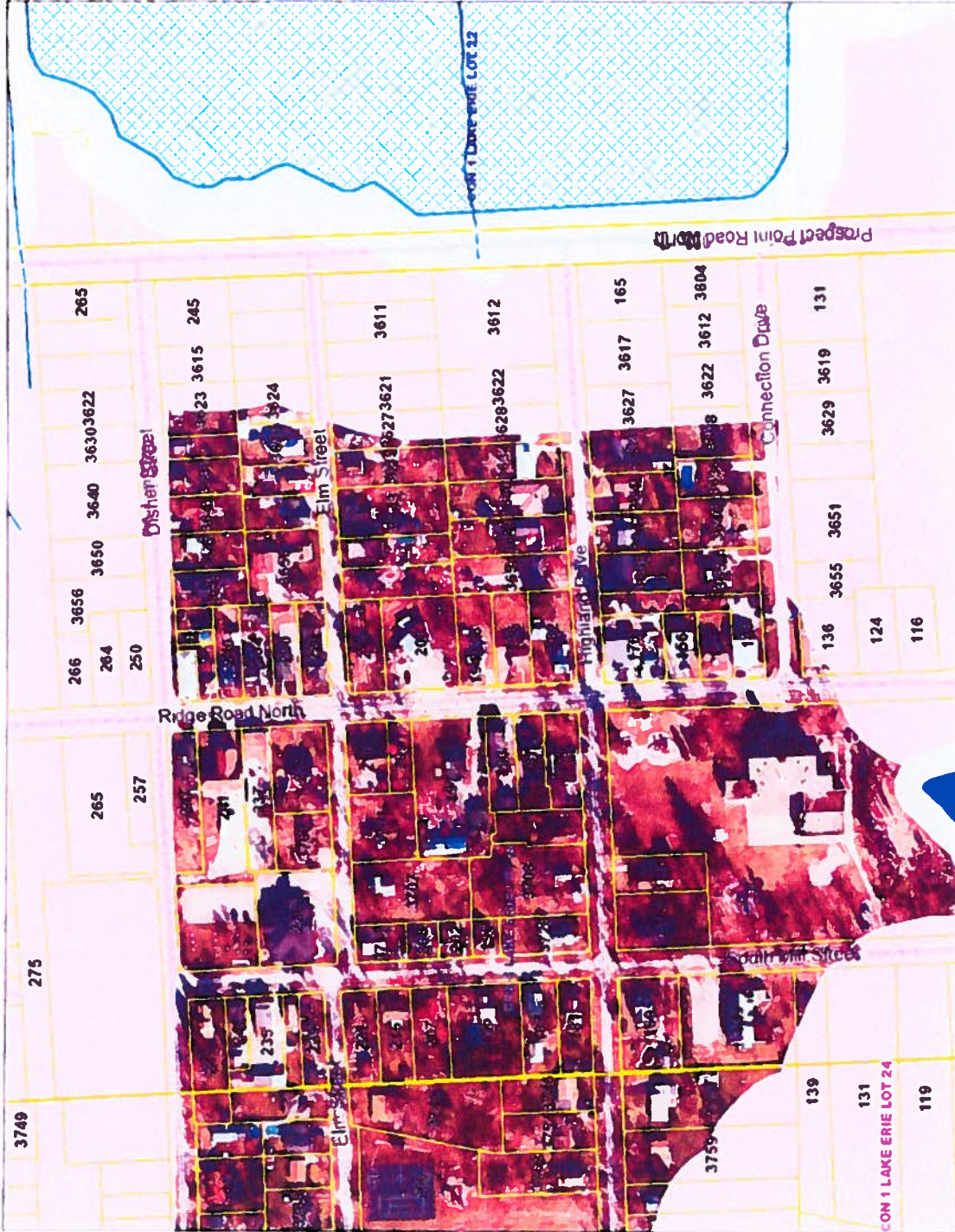
L2A 2S6

TEL: 1-905-871-1600 ext.2507

FAX: 1-905-871-9984



209-215 Ridge Road, Fort Erie



- Legend**
- NIAGARA NATURAL ENVIRO INFORMATION SCREENING
 - NPCA APPROXIMATE REGU OWES WETLANDS
 - Other
 - Provincial
 - RMN Streets
 - Provincial
 - Municipal & Other
 - RMN Assessment Parcels
 - Lots and Concession Fabric
 - MEMBER MUNICIPALITY Lab
 - ECA: Significant Woodlands
 - 2K HydroPoly
 - 2K Hydrography
 - NPCA Watershed Municipalities
 - 2010 Air Photos
 - NIAGRA_RASTER_GIS_ADMIN
 - Red Band_1
 - Green Band_2
 - Blue Band_3

1: 3,109

11/19/2012



Notes

This map is for illustrative purposes only. Information contained hereon is not intended to constitute advice, is not a substitute for professional review or a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.

0.2 Kilometers

0.08

0

©Niagara Region NPCA, LIO, MPAC and Teranet



Request for comments 209/215 Ridge Road North

Kevin Winney @ Matt Kernahan, Larry Coplen, Keith German

11/20/2012 04:19 PM

Matt

I have reviewed the Official Plan and Zoning By-law amendment for 209/215 Ridge Road North and have no comments to add.

Kevin Winney
Fire Prevention Inspector
Fort Erie, Fire Department
905-871-1600, ext. 2605

Our Focus: Your Future



209/215 Ridge Road North
Chris Millar **Matt Kernahan**

11/27/2012 02:30 PM

Mr. Kernahan,

Re: 209/215 Ridge Road North
 OPA & ZBA Application
 Applicant - Jason Pizzacirola

I have reviewed the package supplied for my information and comment. Thank you.

I offer the following for consideration on this joint application.

Town staff are in the process of conducting a Secondary Plan for the Ridgeway/Thunder Bay Neighbourhood. One of the topics we have been requested to consider was potential expansion of the Commercial designation. The applicant may have already considered this as an alternative to having the lands considered for redesignation during such a process, or for strategic reasons, has chosen to move forward with an individual application for both OPA & ZBLA. This is simply being mentioned to ensure awareness of the applicant.

Respecting the Official Plan's identification of two separate designations (Commercial and Institutional), Neighbourhood Planning supports the redesignation to the proposed Commercial designation, which is consistent with the Council adopted 2009 Neighbourhood Plan.

The Zoning being requested is General Commercial (C2) Zone. Neighbourhood Planning has reviewed the intended uses in light of the available/existing zoning categories and would favour Central Business District Commercial (C2A) Zone as the intended zone. It would appear as though less relief or site specific modification would be required under C2A, while still providing wide range of permitted use similar to the C2, which basically removes the automotive related uses as being permitted.

From a Neighbourhood Planning perspective, we are considering the future land use and any implementing zoning requirements through our Secondary Plan process. While we have not yet formed opinion, we are considering all of the commercial zones in the core and in particular, whether C2, C2A or CMU are best suited for regulating the uses that best support the expressed vision and goals of the adopted Neighbourhood Plan, which have been reiterated in our more recent Public and organization consultations. C2A is the predominant commercial zoning category within the core and would present itself as the most flexible in terms of recognizing existing conditions. Neighbourhood Planning desires to understand why C2A is not more appealing to the applicant on this application. A site specific C2A should be investigated for this site.

On a separate note, based on interpretation of the By-law, it would appear as though the "front" lot line is that of Ridge Road North (not Elm) and any subsequent setback should be referenced accordingly.

The Site Plan indicates waste will be stored indoors until the day of collection. It is not clear what level of waste generation would result from a "nano brewery", and more particularly, whether any of the waste or by-product of the brewing process is considered inert for standard recycling

or disposal. Additional comment on the waste management handling should be included in future correspondence related to this application.

If you have any comments or questions about this response, please feel free to contact me.

Chris Millar, CPT, MCIP, RPP
Neighbourhood Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2503
FAX: 1-905-871-9984

**PUBLIC WORKS DEPARTMENT
Development Services Division**

2201 St. David's Road, P.O. Box 1042

Thorold, ON L2V 4T7

Tel: 905-685-4225

Toll-free: 1-800-263-7215

Fax: 905-687-8056

www.niagararegion.ca

November 28, 2012

VIA EMAIL ONLYFiles: D.10.01.OPA-12-034
D.18.01.ZA-12-126Mr. Matt Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON
L2A 2S6

Dear Mr. Kernahan:

**Re: Proposed Official Plan and Zoning By-law Amendments
209 – 215 Ridge Road North
Proposed "Nano Brewery" and Associated Uses
Town of Fort Erie**

A pre-consultation meeting was held on February 9, 2012 at the Fort Erie Town Hall with Town, Niagara Peninsula Conservation Authority and Niagara Regional staff along with the applicants for the subject property. Regional Development Services staff has reviewed the information circulated for the above noted official plan and zoning by-law amendment applications. These applications propose to amend the Town's planning documents to accommodate the proposed "Nano Brewery" and associated uses on the subject parcel. Regional staff offers the following Provincial and Regional comments to assist the Town in considering the proposed applications.

Provincial and Regional Policy

The property is within the Built-up Area under the Places to Grow Growth Plan and a settlement area under the Provincial Policy Statement. The Provincial Policy Statement (PPS) and the Places to Grow Growth Plan contain policies that direct growth to settlement/Built-up Areas and support intensification and redevelopment.

The subject property is located within the Urban Area Boundary for the Town of Fort Erie according to the Regional Policy Plan. The Urban Area policies provide for a range of industrial, commercial, and residential uses. In addition, these lands are within the Built-up Area according to Regional Policy Plan Amendment 2-2009, which has been adopted by Regional Council and is subject to appeals to the Ontario Municipal Board. Built-up Areas are lands within Urban Areas that will be the focus of residential and employment intensification and redevelopment within the Region over the long-term. Further, municipalities are encouraged to

develop a diversified economic base, support a range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The subject lands are currently partly designated and partly zoned for institutional and commercial uses. The requested amendments to the Official Plan and zoning by-law are to accommodate the brewery use and associated uses by designating and zoning the entire parcel to commercial consistent with the surrounding properties. The zoning amendment is to include site specific requirements for setbacks, landscaping, parking and maximum floor areas. The proposed Official Plan and zoning by-law amendments will allow for the redevelopment of the parcel, supports intensification in the Built-up Area and contributes to the complete community concept.

Regional Technical/Engineering Comments

Development Services Technical staff has completed an engineering review of the proposed applications. In general, they have no objection to the proposed amendments. However, they advise that the Regional Sewage By-law requires owners of commercial and industrial buildings to comply with the Region's Sewer Use By-Law 47-2008. This By-law regulates discharges to the sanitary and storm sewer systems of the Regional Municipality of Niagara and is posted on the Region's web site at:

<http://www.niagararegion.ca/living/sewage/sewage-bylaw.aspx>

Section 6 of the By-law requires the owner or occupant of commercial or industrial premises to install and maintain a suitable access point (manhole) to allow observation, sampling and flow measurement of the sewage therein. The manhole is to be located on the property as close to the property line as possible and must be accessible at all times.

Further, Section 5 requires that every owner or operator of property where food is cooked, processed or prepared, motor vehicle repair and servicing is undertaken or where sand and grit, etc. may enter the sewer, to install an interceptor to prevent these substances from entering the sewer system. The full requirements are available on the Region's website.

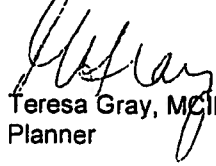
The owner or occupant may wish to discuss these matters with Jason Oatley, B.Sc., C. Chem., Laboratory & Environmental Enforcement Manager at 905-685-4225, extension 3758, if they are uncertain as to the exact requirements for their proposal.

Conclusion

Provincial and Regional policies support intensification and redevelopment in urban and Built-up Areas. Regional staff has no objection to the approval of the proposed amendments from a Provincial or Regional perspective subject to any local concerns. Regional staff has reviewed the draft official plan amendment included in the Planning Impact Analysis prepared by Upper Canada Consultants dated May 2012. The proposed Official Plan amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files.

If you have any questions, wish to discuss these comments or would like a hard copy of the comments, please contact Teresa Gray, Planner at extension 3430, or Marilyn Radman, Manager of Development Services Division at extension 3485.

Yours truly,



Teresa Gray, MCIP, RPP
Planner

cc: Mr. P. Colosimo, MCIP, RPP, Director of Development Services
Ms. M. Radman, MCIP, RPP, Manager, Development Planning
Mr. P. Lambert, P. Eng., Manager, Development Engineering
Mr. E. Chajka, P. Eng., Development & Approvals Manager

L:\Gray-Teresa\Fort Erie\OPA\2012\209 - 215 Ridge Road North\comments.docx



Interoffice Memorandum

Our Focus: Your Future

Infrastructure Services

December 10, 2012
File No. 350307-2012

To: M. Kernahan, Senior Development Planner
From: R. D. Judd, Municipal Engineer – Infrastructure Renewal
Subject: **APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT,
File #350309-0343, 209-215 RIDGE ROAD
APPLICANT: JASON PIZZICAROLA**

We acknowledge that the proposed zoning changes are to permit site use as a nano-brewery(subject to a limitation on the floor area), other site specific uses and establishment of an patio and we provide the following comments and conditions for the proposed official plan and zoning changes.

- a) Official Plan Amendment to a Site Specific Commercial Zone and Zoning By-law amendment to a site specific General Commercial (C2) zone for the entire property to permit a brewery and associated uses.
- b) Relief to zoning regulations for the General Commercial (C2) Zone to recognize existing deficiencies in setbacks and landscape strips.
- c) Relief from the minimum number of parking spaces.
- d) Relief from the setback(s) from the Residential zone for the proposed outdoor patio.

Comments and Conditions

No objection to the proposed official plan and zoning changes provided that:

- 1) The owner/applicant shall enter into a Site Plan Agreement or Lot Grading Agreement with the Town, registered against the subject lands to ensure that the storm water management and drainage of the site is designed and implemented to the satisfaction of the Director of Infrastructure Services. Storm water management to be implemented when patio is constructed.
- 2) At the south west corner of Ridge Road North and Elm Street, a daylight triangle, 4.5m x 4.5m, shall be granted to the Town free and clear of any mortgages, liens and encumbrances. This daylight triangle to be dedicated as a Public Highway.
- 3) Applicant/Owner to demonstrate to the Director of Infrastructure Services that a monitoring manhole has been installed on the sanitary sewer lateral at the Elm Street property limit. Manhole to comply with OPSD 701.010 and have a monolithic base. If installed on private property, a plumbing permit must be obtained by the owner. If installed in the road allowance, an approved service connection permit must be obtained by the owner from the Town.
- 4) Water service to be modified to provide backflow prevention to protect municipal water supply to the satisfaction of the Director of Infrastructure Services.
- 5) Applicant/Owner is responsible for all associated costs to service the subject lands.

I trust this information is of assistance, please contact me if you have any questions.

Robert D. Judd, P.Eng.
Municipal Engineer – Infrastructure Renewal

RJJ

cc: T. Kuchyt, Acting Director, Infrastructure Services

K. Dolch, Manager of Development Approvals

**PUBLIC WORKS DEPARTMENT
Development Services Division**

2201 St. David's Road, P.O. Box 1042

Thorold, ON L2V 4T7

Tel: 905-685-4225

Toll-free: 1-800-263-7215

Fax: 905-687-8056

www.niagararegion.ca

February 14, 2013

VIA EMAIL ONLYFiles: D.10.01.OPA-12-034
D.18.01.ZA-12-126Mr. Matt Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Kernahan:

**Re: Re-Circulation - Proposed Official Plan and Zoning By-law Amendments
209 – 215 Ridge Road North
Proposed "Nano Brewery" and Associated Uses
Town of Fort Erie**

Regional Development Services staff has reviewed the new information circulated for the above noted applications. The proposed revision is to accommodate a residential apartment on the main floor of the existing building. The Region's comments dated November 28, 2012 remain applicable for this revision; however, staff offers the following additional Provincial and Regional comments to assist the City in considering the applications.

The Province's brownfields legislation/regulation requires that any change to a more sensitive land use (including a residential or mixed commercial with residential) would require the filing of a Record of Site Condition (RSC) on the Ministry of the Environment's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended. An RSC will, therefore, need to be filed prior to the issuance of a building permit for the residential apartment unit. The Town may wish to consider a Holding provision with respect to the establishment of residential uses that can be removed once the RSC has been filed.

Staff notes that the proposed mixed-use development (commercial and one residential unit) is located within one of the designated Business Area of Fort Erie. Therefore, the property is eligible to receive free Regional curbside waste collection provided the following limits are met:

- Garbage – 7 bags/cans
- Blue/grey/green bins – unlimited

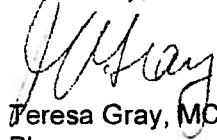
Furthermore, it is noted that should the property not be able to keep within the garbage limits, the applicant must provide commercial collection of waste. For further information, the applicant can review the following website link:

<http://www.niagararegion.ca/living/waste/mixed-use-services.aspx>.

In conclusion, Regional staff has no objection to the approval of the proposed amendments from a Provincial or Regional perspective subject to any local concerns. Regional staff has reviewed the revised draft official plan amendment forwarded by email on February 14, 2013 by Town Staff. The proposed Official Plan amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files.

If you have any questions, wish to discuss these comments or would like a hard copy of the comments, please contact Teresa Gray, Planner at extension 3430, or Marilyn Radman, Manager of Development Services Division at extension 3485.

Yours truly,



Teresa Gray, MCIP, RPP
Planner

cc: Ms. K. Dolch, MCIP, RPP, Manager, Development Approvals, Town of Fort Erie
Mr. P. Colosimo, MCIP, RPP, Director of Development Services, Niagara Region
Ms. M. Radman, MCIP, RPP, Manager, Development Planning, Niagara Region
Mr. P. Lambert, P. Eng., Manager, Development Engineering, Niagara Region

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- Mr. Whyte is constructing a 3-6 ft. swale. She is concerned it will get clogged with grass and leaves and wants to ensure the water will flow from her property. She requested a letter in writing to that effect from the developers.
- She referred to the wire link fence and requested that a 6 ft. wooden fence on the south west and north edge of her property be constructed to provide her with privacy from the townhouses and pond.
- She understands the pond will be 2-3 metres deep and is concerned about safety when the water rises and children climbing the fence.

Ms. Lirio reiterated the pond and townhouses have been placed next to her property which will affect her property value. Before any changes occur she would like to be consulted. She requested a letter in writing from the developer and Town staff to preserve the integrity of the drainage and her privacy.

The Mayor indicated the Committee would now hear from those person(s) who wished to speak in opposition or to ask questions of the application.

No person(s) came forward.

Mayor Martin announced that the Public Meeting was now concluded.

(b) Proposed Official Plan Amendment and Property Rezoning

Re: Jason Pizzicarola (Owner) - for lands located at 209-215 Ridge Road for an Official Plan Amendment from Institutional and Commercial to a Site Specific Commercial Zone for amendments to the Official Plan and Zoning By-law to permit a nanobrewery and associated uses including parking and outdoor patio

Mr. Kernahan delivered a power point presentation. A hard copy is available in the Clerk's Office.

Mayor Martin announced this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the proposed official plan and property rezoning for lands located at 209-215 Ridge Road.

Mayor Martin advised of the Public Meeting process and enquired as to the manner and date upon which notice of this Public Meeting was given.

Mr. Kernahan explained an application has been submitted by Jason Pizzicarola to amend the Official Plan and Zoning By-law for the Sanctuary located at 209-215 Ridge Road North.

Mr. Kernahan advised notice of this meeting was provided in accordance with the provisions of the *Planning Act* by placing an ad in The Times on December 15, 2012 and mailing a copy of the notice to all property owners within 120 metres of the subject lands on December 14, 2012.

Mr. Kernahan stated the property is located in the Ridgeway/Thunder Bay Neighbourhood at the southwest corner of Ridge Road North and Elm Street in Ridgeway. The subject site is relatively flat with one existing building which is a former church now converted into a community centre. On the west side of the building there is a paved parking area with six parking spaces and access from Elm Street. The balance of the subject site is landscaped. The surrounding land uses consist of the following: Elm Street and single detached dwellings to the north; vacant commercial building with a residential unit to the south; hair salon with residential apartments and automobile service shop to the east; and single family dwelling to the west.

Mr. Kernahan stated the Official Plan designation for the north portion of the subject lands is "Institutional" and the south portion is "Commercial." An amendment to the Official Plan is required for the entire property to permit the proposed use. There are no natural heritage features on or adjacent to the subject property.

Mr. Kernahan explained the north portion of the subject site is zoned "Institutional 1 Zone" which permits institutional uses including churches, cemeteries, accessory structures and accessory dwelling units. The south portion of the subject site is zoned "Commercial 2 C2 Zone" which permits a variety of commercial uses including business and professional offices, eating establishments, places of recreation, entertainment and assembly, studios, taverns and other uses. The applicant has requested a site specific amendment to the zoning for the entire property to permit a nanobrewery and associated uses.

Mr. Kernahan explained that initially the applicant requested the zoning of the entire subject site be amended to a site specific "Commercial 2 C2 Zone." The applicant subsequently modified his request for a zoning amendment to a site specific "Central Business District C2A Zone" to reflect the location of the property within the Ridgeway core commercial area. The following summarizes the requested site specific "Central Business District Commercial C2A" zoning for the subject site. The nanobrewery and associated commercial uses are proposed within the existing buildings on the subject property and no development is proposed. A paved parking area including six spaces is located on the west side of the building. A 192 square metre outdoor patio associated with the nanobrewery and/or future eating establishment is proposed on the east side of the building adjacent to Ridge Road. The applicant has requested that entertainment be permitted on this patio which is located approximately 26 metres from a "Residential Zone."

The Mayor indicated the Committee would now hear from the applicant.

Mr. Pizzicarola advised he purchased the building 2 ½ years ago because he thought Fort Erie needed more arts, culture and special events. When he first purchased the building he talked to the Fort Erie Arts Council and partnered with them to engage in this project. The Arts Council have an art gallery and small retail boutique on the main floor of the building. They

continue to grow and develop and are offering art and drama classes to children as well as a large annual function. The Sanctuary is involved in programming for events, concerts, fashion shows, zumba and belly dancing classes. He is trying to program the space for the community and to make it a sustainable environment. The nanobrewery is on a small scale and consultation with the federal, provincial and municipal governments is required in order to develop it.

Mr. Pizzicarola introduced his partner and brewer Rod Daigle. Mr. Daigle of Brimstone Brewing Co., who advised he resides at 462 Ridge Road and was present to offer a perspective from the brewing side. He explained nanobrewing through a power point presentation. He clarified a nanobrewery is not going to bring a large corporation to Town. It operates on a small scale, has no definition and is a new concept. Microbrewery is more common. Nanobrewery actually brews in batches of less than 7 barrels (130 litres), some are 3 barrel batches and with no pub attached. A nanobrewery is the embodiment of a "mom and pop" brewing operation. Macrobreweries have 95+% of the North American market share, microbreweries are small and common since the 1980's.

Mr. Daigle advised nanobrewery is a pioneering concept, pre-prohibition where there was a brewery on every corner similar to bakeries. There are currently 60-100 in the United States however, it is a new concept in Canada where the only other nanobrewery is in Smithers, B.C. but has since closed. Brimstone Brewing Co. is Canada's only production nanobrewery and the smallest, commercial brewery.

Mr. Daigle explained Brimstone Brewery plans to make 40 litre batch sizes which is two times the size that a home brewery would produce. They plan to "brew green" in a number of ways:

- Recapture water and reuse it for cleaning, watering hop plants as well as for brewing,
- Recycle spent barley which is an excellent high protein feed for livestock and donate it to local farmers,
- By being small and local. Brimstone will brew hops they grow eliminating the need for commercial transportation.

In closing, Mr. Daigle stated the Sanctuary Centre for the Arts is developing into a destination i.e. art gallery, live music venue, multi-use event space, bistro/eatery and nanobrewing.

The Mayor indicated the Committee would now hear from those person(s) who wished to speak in favour of the application.

(a) Charles Skinner, 208 Ridge Road North

Mr. Skinner stated the Sanctuary is a wonderful thing. He owns S&G Automotive garage across the street from the Sanctuary and there is a parking issue when someone parks at his garage after 5:00 p.m. since his customers drop off their car after hours and he is responsible for it. He cannot close his parking lot every night.

He has had issues with people going to the Sanctuary walking through and parking in his parking lot.

Mr. Skinner clarified this is his only issue. He doesn't want to worry about someone parking in his parking lot after hours and damaging his customer's car since he is responsible.

The Mayor indicated the Committee would now hear from those person(s) who wished to speak in opposition or to ask questions of the application.

(a) Cheryl Bailey, 188 Ridge Road North

Ms. Bailey stated there have been a lot of great events and activity at the Sanctuary. She has lived in Ridgeway for 33 years and has witnessed many changes. She is concerned about parking and noise. When there are events she can hear the noise at her house. Another concern was if the music on the patio would be a rock band however, that was clarified it would be more acoustic. Odour from the nanobrewery was also a concern but she indicated that too was addressed.

Mayor Martin announced that the Public Meeting was now concluded.

(c) Property Rezoning

Re: Town of Fort Erie (Applicant) - Proposed Housekeeping Amendments

Ms. Dolch, Manager of Development Approvals delivered a power point presentation, which can be accessed in full text by clicking on the presentations link, and a paper copy is also available in the Clerk's Department.

Mayor Martin announced that this portion of the meeting would be devoted to the holding of a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990 Chapter P.13 with respect to the introduction of a by-law to provide for housekeeping amendments to the Zoning By-law.

Mayor Martin advised of the Public Meeting process and enquired as to the manner and date upon which notice of this Public Meeting was given.

Ms. Dolch, Manager of Development Approvals advised notice of this meeting was provided in accordance with the provisions of the *Planning Act* by placing an ad in The Times on December 15, 2012. Agency and departmental circulation occurred on December 14, 2012.

Ms. Dolch explained Zoning By-law No. 129-90 was adopted in July 1990 and has been the regulating land use document for the Town since that time with respect to the following:

- Types of buildings that are permitted;
- Where buildings and other structures can be located;
- Lot sizes, landscaped areas, parking requirements, density, building heights, setbacks from lot lines and street, etc.

RECEIVED

JAN 14 2013

CLERK'S OFFICE
TOWN OF FORT ERIE

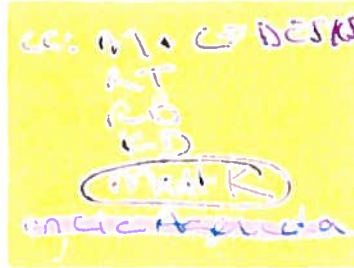
Karen Rose and Angus Orford

227 Ridge Road North

P.O. Box 1112

Ridgeway, Ontario

L0S 1M0



January 14, 2013

Attention: Carolyn Kett

Town Clerk

Town of Fort Erie

1 Municipal Centre Drive

Fort Erie, Ontario

L2A 2S6

Dear Ms. Kett:

RE: Application, 350309-0343. Proposed Change for lands located at 209-215 Ridge Road North, Ridgeway

We are writing to voice our concerns regarding the above-noted application. Our real property is located at 227 Ridge Road North, the next property to the north of the property which is the subject of this application ("the subject property").

Parking

In our view, the subject property has inadequate parking to follow through with its proposal. At present, when the subject property hosts events, patrons often park on the edge of our lawn, which not only harms the grass, but also hinders the visibility when we are attempting to enter and exit our driveway on Elm Street. If the owner of the subject property carries through with the proposed change, it is logical to expect that the need for excess parking will become much more frequent (potentially daily), thereby hindering the use and enjoyment of our home.

Waste Management

Tuesday is our designated waste and recycling pick-up day. The subject property often puts its garbage out the night before, occasionally two days beforehand. We have complained to the owner on several occasions because garbage is opened by rodents, and blows across the street to our property. To his credit, the owner has usually remedied the situation. However, as recently as December, 2012, the habit has continued. If the subject property carries through with its proposal, it is reasonable to assume that more waste will be created, and more waste will be blowing across the street to our home.

Proposed Outdoor Patio

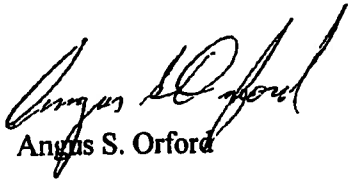
We are not in agreement to suspend setback requirements to allow an outdoor patio on the subject property. We are concerned with the noise associated with such a use, as well as the visuals our three children would be exposed to. Presumably, patrons would be drinking alcoholic beverages on the patio, only feet from passersby. It is our position that this is not an appropriate use in a residential area.

Thank you for your careful consideration of our concerns.

Respectfully Submitted,



Karen A. Rose



Angus S. Orford