



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 92-2013

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. 16
575 GARRISON ROAD INC. (DAVID KOMPSON)
575 GARRISON ROAD, 635 GARRISON ROAD AND 0 HELENA STREET

350302-076 & 350309-0359

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

1. **THAT** amendment No.16 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby adopted.
2. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **THAT** 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 15TH DAY OF
OCTOBER 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. 92-13 of the said Town. Given under my hand and the seal of the said Corporation
this ____ day of _____, 2013.

AMENDMENT NO. 16

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

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- Section 2 - Purpose of Amendment
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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.16 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 (designated Schedule "A") constitutes Amendment No. 16 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 Schedule A attached hereto from "Urban Residential" to "Commercial" to permit the development of a department store and associated commercial uses.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the east side of Helena Street, south of Garrison Road as shown on Schedule "A" 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 proposed Official Plan amendment is to expand the Commercial designation south from the Commercially designated lands located on Garrison Road over the adjacent property fronting onto Helena Street, which are currently designated Urban Residential. This redesignation is required to accommodate the proposal for a large scale commercial development including a department store, ancillary commercial uses, associated parking and stormwater management facilities.

The need for the redesignation is substantiated by the lack of Commercially designated sites within the Town that are suitable in terms of size, location, municipal servicing considerations, environmental site condition and planning and legal constraints.

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 Garrison Road Commercial Area which is one of the Town's six commercial centres. The redesignation of the subject site to Commercial is consistent with the intent of Official Plan policies for this area as it will provide for the development of a variety of commercial uses along a major arterial roadway. While there is an abundance of commercially designated lands along this corridor, other lands within the corridor are restrictive to large scale commercial development. The major intersection where the subject site is located is a logical site for expanding the commercial area to accommodate large scale, vehicle oriented commercial development.

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 subject site is flat and slopes gently to the south. The relief of the site is conducive to large scale development. The Environmental Impact Study and subsequent memoranda from the applicant's environmental consultants substantiate that the proposed development is consistent with the Natural Heritage Policies of the Town's Official Plan. A number of functional issues will

be addressed 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 Garrison Road and Helena Street which are two-way Regional roadways. The subject site is also in close proximity to the Queen Elizabeth Way. The Region has accepted the findings of the Traffic Impact Study which confirms the subject site is well serviced by Regional roads. Upgrades to the Regional Roads required as a consequence of the proposed development will be addressed through Site Plan Control.

The subject site has convenient access to two Regional Roads and The Queen Elizabeth Way. Garrison Road has sidewalks on both sides which provides convenient pedestrian access to the site. The site is adjacent to a former railway line which is designated as an "Off Road Trail" in the Region's Bikeways Master Plan. The Region has requested that additional consideration be given to active transportation measures through the Site Plan process and will be provided the opportunity to implement such measures through their review of the Site Plan.

The Servicing Report submitted with the application confirms that the subject site is adequately serviced by municipal water, sanitary and storm services adjacent to the site and will require a private sanitary sewage system and stormwater management facility.

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

The subject site is appropriately located within the Garrison Road Commercial Area. Surrounding land uses are predominantly commercial and the proposed uses are compatible with the uses in the area. Buffering from the adjacent vacant residential lands to the south 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 will not depreciate adjoining properties.

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

The proposal is to redesignate residential lands for employment purposes and has the potential to improve the financial position of the Town through the creation of jobs and generation of development charges.

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

Environmental Site Assessments and the record of Site Condition submitted with the application confirm that the site meets the criteria for commercial use.

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 maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 16 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 Schedule A is hereby redesignated from "Urban Residential" to "Commercial".

PART “C” - THE APPENDICES

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



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 92-2013

**BEING A BY-LAW TO ENACT AN AMENDMENT TO THE
OFFICIAL PLAN ADOPTED BY BY-LAW NO. 150-06 FOR THE TOWN OF
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**AMENDMENT NO. 16
575 GARRISON ROAD INC. (DAVID KOMPSON)
575 GARRISON ROAD, 635 GARRISON ROAD AND 0 HELENA STREET**

350302-076 & 350309-0359

**THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF FORT ERIE IN
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1990 HEREBY ENACTS AS FOLLOWS:**

1. **THAT** amendment No.16 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby adopted.
2. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **THAT** 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 15TH DAY OF
OCTOBER 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. 92-13 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 2013.

AMENDMENT NO. 16

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 16 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 Schedule A attached hereto from "Urban Residential" to "Commercial" to permit the development of a department store and associated commercial uses.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the east side of Helena Street, south of Garrison Road as shown on Schedule "A" 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 proposed Official Plan amendment is to expand the Commercial designation south from the Commercially designated lands located on Garrison Road over the adjacent property fronting onto Helena Street, which are currently designated Urban Residential. This redesignation is required to accommodate the proposal for a large scale commercial development including a department store, ancillary commercial uses, associated parking and stormwater management facilities.

The need for the redesignation is substantiated by the lack of Commercially designated sites within the Town that are suitable in terms of size, location, municipal servicing considerations, environmental site condition and planning and legal constraints.

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 Garrison Road Commercial Area which is one of the Town's six commercial centres. The redesignation of the subject site to Commercial is consistent with the intent of Official Plan policies for this area as it will provide for the development of a variety of commercial uses along a major arterial roadway. While there is an abundance of commercially designated lands along this corridor, other lands within the corridor are restrictive to large scale commercial development. The major intersection where the subject site is located is a logical site for expanding the commercial area to accommodate large scale, vehicle oriented commercial development.

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 subject site is flat and slopes gently to the south. The relief of the site is conducive to large scale development. The Environmental Impact Study and subsequent memoranda from the applicant's environmental consultants substantiate that the proposed development is consistent with the Natural Heritage Policies of the Town's Official Plan. A number of functional issues will

be addressed 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 Garrison Road and Helena Street which are two-way Regional roadways. The subject site is also in close proximity to the Queen Elizabeth Way. The Region has accepted the findings of the Traffic Impact Study which confirms the subject site is well serviced by Regional roads. Upgrades to the Regional Roads required as a consequence of the proposed development will be addressed through Site Plan Control.

The subject site has convenient access to two Regional Roads and The Queen Elizabeth Way. Garrison Road has sidewalks on both sides which provides convenient pedestrian access to the site. The site is adjacent to a former railway line which is designated as an "Off Road Trail" in the Region's Bikeways Master Plan. The Region has requested that additional consideration be given to active transportation measures through the Site Plan process and will be provided the opportunity to implement such measures through their review of the Site Plan.

The Servicing Report submitted with the application confirms that the subject site is adequately serviced by municipal water, sanitary and storm services adjacent to the site and will require a private sanitary sewage system and stormwater management facility.

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

The subject site is appropriately located within the Garrison Road Commercial Area. Surrounding land uses are predominantly commercial and the proposed uses are compatible with the uses in the area. Buffering from the adjacent vacant residential lands to the south 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 will not depreciate adjoining properties.

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

The proposal is to redesignate residential lands for employment purposes and has the potential to improve the financial position of the Town through the creation of jobs and generation of development charges.

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

Environmental Site Assessments and the record of Site Condition submitted with the application confirm that the site meets the criteria for commercial use.

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 maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 16 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 Schedule A is hereby redesignated from "Urban Residential" to "Commercial".

PART “C” - THE APPENDICES

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SCHEDULE "A"



G:\BY-LAWS\BY-LAWS 2013\SCHEDULES TO BY-LAWS 2013\BY-LAW 92-2013 0 HELENA ST OPA

By-law No. 92-2013

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW 129-90
PASSED THIS 15th DAY OF OCTOBER 2013**

 **Change from Urban Residential to Commercial**

PLAN 992 PT LOT 1 E/S HELENA ST PT LOTS 1 AND 2 W/S ALFRED ST RP 59R13976 PART 4
IN THE TOWN OF FORT ERIE, REGIONAL MUNICIPALITY OF NIAGARA

0 200 m



N



Community & Development Services

October 15, 2013





NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
575 & 625 GARRISON ROAD, 0 HELENA STREET
OWNER: 575 GARRISON ROAD INC. (DAVID KOMPSON)

Applications: 350302-076 & 350309-0359

DATE: AUGUST 12, 2013
TIME: 6:00PM
LOCATION: TOWN HALL, COUNCIL
CHAMBERS
PROPOSED CHANGE

LOCATION OF SUBJECT LANDS

The Town of Fort Erie recently received an application for a Combined Official Plan and Zoning By-law Amendment for the lands located on the south side of Garrison east of Helena Street and on the west side of Helena Street, south of Garrison Road. The lands have the municipal addresses 575 and 625 Garrison Road and 0 Helena Street. The subject lands consist of approximately 12 hectares of land located south of Garrison Road and east of Helena Street.

The properties located at 575 and 625 Garrison Road are designated Commercial and Environmental Conservation in the Official Plan. The Helena Street property is designated Urban Residential and Environmental Conservation in the Official Plan. The Town's Zoning By-law 129-90 designates the north properties (575 and 625 Garrison) Highway Commercial C3 Zone. The Helena Street property is zoned Neighbourhood Development ND Zone.

The applicant is proposing to change the Official Plan designation of the Helena Street property to Commercial and to change the zoning of the entire subject property to Site Specific Highway Commercial C3 Zone to permit the development of the subject lands for commercial purposes. The applicant has submitted a Concept Plan that for a commercial development on the subject lands that includes approximately 18,354 square metres of commercial space, associated parking areas, landscaped areas and a stormwater management facility.

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 August 8th, 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 wish to be notified of the adoption of the Official Plan Amendment or Zoning By-law Amendment, you must 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 18th day of July, 2013

Carolyn Kett, Town Clerk

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

Announcements

NIL

4) DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE

(a) Councillor Lubberts

Councillor Lubberts disclosed a pecuniary interest with respect to the Public Meeting regarding Property Rezoning and Official Plan Amendment for 575 Garrison Road Inc. since his employer, Riel Electric, does work for the developer. He further disclosed a pecuniary interest with respect to Report No. CDS-76-2013 regarding Rosehill Auction since his employer, Riel Electric, does work for their consultant. He abstained from discussing or voting on these matters.

(b) Councillor Hill

Councillor Hill disclosed a pecuniary interest under Infrastructure Services New Business/Enquiries with respect to Councillor Lubberts enquiry about municipal sidewalks connecting to sidewalks along Thunder Bay Road to Prospect Point Road in the Ridgeway-by-the-Lake Subdivision since he is a property owner. He abstained from discussing the matter.

5) PUBLIC NOTICE

NIL

6) PUBLIC MEETINGS – PLANNING ACT

(a) Property Rezoning and Official Plan Amendment

Re: 575 Garrison Road Inc. (David Kompson) for lands located at 575 & 625 Garrison Road, 0 Helena Street. The applicant is proposing to change the OP of the Helena Street property to Site Specific Highway Commercial C3 Zone.

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 the a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the proposed Property Rezoning and Official Plan Amendment for lands located at 575 and 625 Garrison Road and 0 Helena Street.

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 advised an application for a combined Official Plan and Zoning By-law Amendment was received from Upper Canada Consultants, Agents for 575 Garrison Road Inc. (David Kompson) for lands located south of Garrison Road, east of Helena Street with the municipal addresses 575 Garrison Road, 625 Garrison Road and 0 Helena Street. The request is to permit a commercial development on the subject lands that includes approximately 18,354 square metres of commercial space, associated parking areas, landscaped areas and a stormwater management facility.

Mr. Kernahan advised notice of this public meeting was circulated in accordance with the provisions of the *Planning Act* by placing an ad in The Times on July 18, 2013 and mailing the notice to all property owners within 120 metres of the subject lands on July 17, 2013.

Mr. Kernahan explained the property is located south of Garrison Road and east of Helena Street, south of the Walden Neighbourhood and west of the Garrison Neighbourhood. The subject lands consist of approximately 12 hectares of vacant land. The properties at 575 and 625 Garrison Road are grassed. The property at 0 Helena Street is treed and identified as a woodlot over two hectares and as part of the Kraft Drain area. The surrounding land uses consist of the following: Garrison Road, commercial strip plaza, vacant commercial lands and Timbr-Mart to the north; vacant residential lands formerly used for industrial purposes to the south; sanitary forcemain owned by the Region of Niagara to the east; and Golden Nugget Bingo, Helena Street, single family dwelling and commercial lands being used for industrial purposes to the west.

Mr. Kernahan stated the Official Plan designation for the subject site is "Institutional" and is for public uses carried out by or on behalf of the Town of Fort Erie, Regional Municipality of Niagara, Province of Ontario, Government of Canada or an agency thereof. Uses that are commercial or residential in nature, may be permitted on lands designated as "Institutional" but these uses must be ancillary and directly related to the primary public use.

Mr. Kernahan advised that in the Official Plan the properties located at 575 and 625 Garrison Road are designated Commercial and Environmental Conservation and the Helena Street property is designated Urban Residential and Environmental Conservation. The Official Plan identifies the south property as a woodlot over two hectares and as part of the Kraft Drain area, a Site Specific Policy Area. An Environmental Impact Study (EIS) was undertaken to determine the potential impact of the proposed development on the natural heritage features on and in the vicinity of the subject site. The EIS assessed potential impacts and proposed mitigative measures to reduce the potential for environmental impacts. The study concluded that no significant environmental impacts would result provided mitigative measures were implemented.

Mr. Kernahan explained the north properties at 575 and 625 Garrison Road are zoned "Highway Commercial C3 Zone". The Helena Street property is zoned "Neighbourhood Development ND Zone". A change in the zoning of the entire subject property to a "Site Specific Highway Commercial C3 Zone" is required to permit the development for commercial purposes including a department store. Access to the site would be from two entrances onto Garrison or one onto Helena. A stormwater management pond would be located in the southeast of the site.

The Mayor indicated the Committee would now hear from the applicant or those who wished to speak in favour of the application.

Mr. David Kompson, owner of 575 Garrison Road Inc., stated he was present to answer any questions Council may have.

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) Property Rezoning and Official Plan Amendment and Vacant Land Condominium

Re: Ralph and Ana Piller for lands located at 3129 Niagara River Parkway. The applicant is proposing to amend the OP designation of the site to Rural Residential and to amend the Zoning of the site to a Site Specific Rural Residential to permit the development of the property as a 5-lot vacant land condominium subdivision which is the site specific nature.

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 the a Public Meeting as provided for under the *Planning Act*, R.S.O. 1990, Chapter P.13 with respect to the proposed Property Rezoning and Official Plan Amendment and Draft Plan of Vacant Land Subdivision for lands located at 3129 Niagara River Parkway.

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 advised an application for a combined Official Plan and Zoning By-law Amendment and Draft Plan of Vacant Land Condominium was received from Quartek Group, Agents for Ralph and Ana Piller for lands located at 3129 Niagara River Parkway, north of Townline Road and east of Black Creek Road.



Development & Municipal Services Control Centre
Floor 5, 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Tel: 416-296-6291 Toll-Free: 1-800-748-6234
Fax: 416-296-0520

RECEIVED

JUL 19 2013

TOWN OF FORT ERIE
Com. Plan. & Dev. Serv

July 12, 2013

Town of Fort Erie
Planning Department
1 Municipal Centre Drive
Fort Erie, Ontario
L2A 2S6

Attention: Matt Kernahan

Dear Sir/Madam:

RE: Official Plan Amendment and Zoning By-Law Amendment Application
Location: 575 Garrison Rd.
Your File No: 350302-076
Bell File No: 49144

Thank you for your letter of July 2, 2013 requesting comments on the above-referenced application(s).

A detailed review of the Official Plan Amendment and Zoning By-Law Amendment application has been completed and an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.

Please be advised that Bell Canada requests to be circulated on any future draft plan of subdivision, draft plan of condominium, site plan, or any other development application, that is proposed to implement the subject Official Plan Amendment and Zoning By-Law Amendment application. Through these processes, Bell Canada will provide a more detailed review and comments with respect to any requirements Bell Canada may have to service the subject property.

Should you have any questions please contact Sushannah Spataro at 416-296-6214.

Yours truly

for Lina Raffoul,
Manager - Development & Municipal Services, ON

RECEIVED

JUL 31 2013

TOWN OF FORT ERIE
Com. Plan. & Dev. Serv



ENBRIDGE GAS DISTRIBUTION INC.

500 Consumers Road
North York ON M2J 1P8

Mailing Address
P.O. Box 850
Scarborough ON M1K 5K3

JULY 31ST, 2013

**MATT KERNAHAN, MCIP, RPP
SENIOR DEVELOPMENT PLANNER
THE CORPORATION OF THE
TOWN OF FORT ERIE
MUNICIPAL CENTRE,
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ON L2A 2S6**

Dear Sirs:

**RE: COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
UPPER CANADA CONSULTANTS (JASON SCHOOLEY)
575 GARRISON ROAD INC. (DAVID KOMPSON)
575 AND 625 GARRISON, 0 HELENA STREET
TOWN OF FORT ERIE
FILE NO.: 350302-076 & 350309-0359**

Enbridge Gas Distribution has no objections to the application as proposed.

At this time this is not a commitment by Enbridge Gas Distribution to service this site, to service this site by a given date or that there will be no costs for servicing this site.

The applicant is to contact the Enbridge Customer Connections Department at their earliest convenience to discuss installation and clearance requirements for service and metering facilities.

The applicant is to arrange for the installation of the gas plant prior to the commencement of the asphalt paving or landscaping.

In the event that easements are required to service this development, the applicant will provide easements at no cost to Enbridge Gas Distribution.

The requirements identified here within are subject to change. Enbridge Gas Distribution retains the right to add, amend or remove conditions, or obtain easements to service this application, at no cost to Enbridge Gas Distribution.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jim Arnott", with a horizontal line extending to the right.

JIM ARNOTT
Municipal Coordination Advisor
Distribution Asset Management
(416) 758-7901
(416) 758-4374 – FAX

JA: iv

PUBLIC WORKS DEPARTMENT**Development Services Division**

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August 8, 2013

Files: D.10.01.OPA-13-021

D.18.01.ZA-13-086

VIA EMAIL ONLY

Mr. 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
575 – 625 Garrison Road, 0 Helena Street
Owner: 575 Garrison Road Inc. (David Kompson)
Town of Fort Erie

A Pre-consultation meeting was held on January 25, 2012 at the Town Hall with Town, Niagara Peninsula Conservation Authority and Regional staff along with the applicant. 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 a commercial development consisting of approximately 18,354 square metres of commercial space, associated parking areas, landscaped area and a stormwater management facility. The amendments include changing the Official Plan designation for the Helena Street property from residential to commercial and changing the zoning of all the subject lands to a Site Specific Highway Commercial C3 Zone. Regional staff offers the following Provincial and Regional comments to assist the Town in considering the proposed applications.

Provincial and Regional Policy

According to the Provincial Policy Statement (PPS), the subject lands are located within a designated growth area, which are lands within settlement areas designated in an Official Plan for growth over the long-term but which have not yet been fully developed. New development in designated growth areas should occur adjacent to the existing Built-up Area and shall have a compact form with a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The Provincial Growth Plan and Regional Policy Plan Amendment 2-2009 (Sustainable Community Policies currently subject to appeals to the Ontario Municipal Board) identify the subject lands as a Designated Greenfield Area. New development within Designated Greenfield

Areas is to be planned, designated, zoned and designed in a manner that contributes to creating complete communities that are compact, transit-supportive, include a diverse mix of land uses to meet people's daily needs by providing convenient access to a mix of jobs, local services, a range of housing and community infrastructure (including affordable housing, schools, recreation and open space). Provincial and Regional policies require that designated Greenfield Areas be planned to achieve a minimum density of 50 residents and jobs (combined) per hectare. Further, local municipalities through their official plans have the primary responsibility for determining a detailed commercial strategy guiding the size and location of new and expanded shopping facilities within the municipality.

The Region's Sustainable Community Policies promote the "Main Street" form of commercial development, with building facades closer to the street, an efficient use of land, a mix of uses in both new and established areas, and support and access for active transportation. Commercial development and redevelopment projects should be designed to be transit and active transportation friendly. The Region would be supportive of the Town's efforts to implement its urban design policies to achieve active transportation friendly environments with a strong sense of place.

The Planning Impact Analysis, prepared by Upper Canada Consultants, dated June 2013, states that employment uses such as clinics, banks and financial institutions and professional and business offices are proposed uses. The proposed amendments to accommodate the commercial development supports the complete community concept as it will provide for local serving commercial uses as well employment uses. The Planning Impact Analysis submitted for the application does not provide specific details with respect to how the development will meet the approved Greenfield density target. However, Staff understands that the Town is monitoring its designated Greenfield Areas to ensure that the Town will be able to meet its overall Greenfield density target across all its designated Greenfield lands.

Change of Use

The Province's brownfields legislation/regulation requires that any change to a more sensitive land use (including a residential, institutional 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.

A Phase 1 and II Environmental Site Assessment prepared by CRA, dated November 2003 was prepared for subject lands and a RSC was filed on January 12, 2005. The land use identified in the RSC is for industrial and commercial uses. A further environmental investigation was conducted by AMEC, dated March 31, 2010. This study concluded, based on additional investigations (January and March 2010) of all soil and ground water samples taken, that the site met both the 2004 and 2009 Site Condition Standards for industrial/commercial use.

Although, the applicant's Planning Impact Analysis states that there are no residential uses proposed under this development application, Staff notes that the Highway Commercial (C3) Zone includes dwelling units as a permitted use. An RSC would, therefore, need to be filed prior to the issuance of a building permit for any future proposed residential units or other sensitive land use. 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. Alternatively, the Town may wish to remove residential dwelling units as a permitted use.

Potential Noise Impacts

The subject land is adjacent to Regional Road 3 (Garrison Road). Traffic noise from this roadway has the potential to impact any future sensitive land uses, i.e. residential. Staff notes that should sensitive land uses, i.e. residential, etc., be contemplated that the Region's Traffic Noise Control Policy (PW5.NO1.0) be addressed.

Core Natural Heritage

The Core Natural Heritage Map of the Regional Policy Plan designates the wooded area within the southerly portion of the subject lands and on the adjacent lands as an Environmental Conservation Area (ECA - Significant Woodlands) due to the potential presence of rare species. An Environmental Protection Area (EPA) associated with provincially significant wetlands is located on the adjacent lands to the east. An Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc., dated October 2012, has been submitted with the application.

In accordance with the Memorandum of Understanding and the protocol between the Region and the Niagara Peninsula Conservation Authority (NPCA), the NPCA is responsible for the review and comment on all planning applications for impacts on the natural environment. Please refer to the detailed comments of the NPCA regarding any environmental issues and comment on any EIS submitted to address the Region's environmental policies.

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. They have reviewed the Traffic Impact Study prepared by Paradigm Transportation Solutions Limited, dated May 2013, and note that the TIS is based on a conceptual site plan for the property. Therefore, further review of the development will be required at the site plan stage. The following are preliminary comments with respect to the TIS:

- The study recommendation of lining up Driveway B to match the TIMBR Mart access across the street is acceptable.
- There is concern with the 40% pass-by traffic fraction and would recommended a lower percentage.
- Active Transportation should be reviewed in further detail and access should be considered, where appropriate, as the property is located in close proximity to the Regional Bicycle Route in the abandoned rail spur.

Detailed servicing and transportation comments will be provided during the site plan agreement application stage to address:

- Site access to Garrison Road and Helena Street
- Traffic Impact Study and Functional Design
- Regional Entrance/Encroachment Permits
- Protection of survey evidence
- Compliance with Regional Sewer use by-law
- Bicycle network

It is further noted that if Helena Street does not currently have an urban cross section, then the development would be required to urbanize the road at the site plan stage.

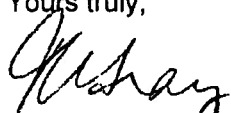
Conclusion

Regional staff has no objection to the approval of the proposed amendments from a Provincial or Regional perspective subject to NPCA comments, any local concerns and provided that the zoning amendment restricts any residential use on the subject lands as noted above. Further, that the future site plan agreement addresses matters relating to transportation, servicing, etc.

Regional staff has reviewed the draft official plan amendment included in the Planning Impact Analysis prepared by Upper Canada Consultants and dated June 2013. 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 Pat Busnello, Senior Planner, 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
Mr. E. Chajka, P. Eng., Development Approvals Manager, Niagara Region

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September 23, 2013

Mr. Matt Kernahan
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive,
Fort Erie, ON, L2A 2S6

MPR 4.6.25

Dear Mr. Kernahan,

**Re: Application for Combined Official Plan and Zoning Bylaw Amendment
Upper Canada Consultants
575 Garrison Road (David Kompson)
Town of Fort Erie**

Further to your circulation of the above noted Applications for Zoning Bylaw and Official Plan Amendments, the NPCA offers the following comments:

Natural Heritage Review

As per the Memorandum of Understanding the NPCA is to review and provide comments on planning applications as they relate to the Natural Environment the Region's behalf. These comments are provided in that context.

The Region's Core Natural Heritage Mapping indicates that the subject parcel contains an Environmental Conservation Area (ECA) – Significant Woodland. The woodlands have been identified as significant based on the presence of wildlife, interior habitat, water, wetland, the potential presence of rare species and the fact that it is an environmentally sensitive area. The subject parcel is also within the adjacent lands (120 metres) of a Provincially Significant Wetland (PSW) associated with the Kraft Drain Wetland Complex. Provincially Significant Wetlands are identified as Environmental Protection Area (EPA) under Regional Policy.

In accordance with the Region's Policy 7.B.1.11 (Amendment 187 to the Official Plan), development and site alteration may be permitted within Environmental Conservation Areas and/or adjacent lands of either an ECA or EPA if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands. The proponent shall be required to prepare an Environmental Impact Study (EIS).

The subject applications were accompanied by the following environmental information:

- Helena Street – Garrison Property Environmental Impact Study (Natural Resource Solutions Inc., October 2012),
- Memo: Helena Street – Garrison Property Response to NPCA Review Comments (Natural Resource Solutions, August 9, 2013)
- Memo: Helena Street – Garrison Property Wetland Boundary Delineation (Natural Resource Solutions, September 10, 2013)
- Memo: Helena Street – Garrison Property Wetland Boundary Delineation (LCA Environmental Consultants, September 10, 2013)

The NPCA provides the following comments based on the above noted information:

Based on the Ecological Lands Classification provided within the EIS, the NPCA notes that the majority of the feature designated by the Region as ECA Significant Woodland is in fact thicket, and that the area on the woodland actually on the subject parcel is in fact too small to qualify as significant. It is also noted that the EIS did not identify any species of concern. As such, the NPCA is satisfied that the subject parcel does not contain an ECA – Significant Woodland and therefore will not require a Tree Saving Plan.

The NPCA notes that the subject property is separated from the adjacent Provincially Significant Wetland (PSW) Complex by a retired rail line which provides a 24 metre corridor between the PSW and the proposed development. The NPCA is satisfied that this 24 metre setback is sufficient, provided certain mitigation measures are included in the Site Plan Agreement. The Site Plan Agreement Application should be accompanied by a Stormwater Management Plan which addresses water balance on the subject parcel and ensures that the current flows to the adjacent wetland are maintained. An Erosion and Sediment Control plan should also be included with the Site Plan Application to ensure no release of sediment to any natural heritage features off site.

The Environmental Impact Study originally submitted with the application (Helena Street – Garrison Property Environmental Impact Study - Natural Resource Solutions Inc., October 2012), identified 2.15 hectares of contiguous wet area. Wetlands with a minimum area of 2 hectares are regulated by the NPCA. As such, the NPCA sought clarification from the Environmental Consultant (Tara Brenton, Natural Resource Solutions) of the ELC community delineations and the size of the connected wet features on site, as well as overall whether the wet features on the site meet the criteria within the NPCA "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06" document as a Regulated wetland. Natural Resource Solutions replied on August 9th, 2013. At that time, it was confirmed that the wetland was 2.15 hectares in size. Since then, Natural Resource Solutions conducted a Site Visit on August 29th, 2013, when the boundaries of the wet area on site were flagged and recorded using a GPS, soil samples were also taken. On September 10, Natural Resource Solutions submitted a Memo titled Helena Street – Garrison Property Wetland Delineation which noted that the actual wetland size is 0.32 hectare. The NPCA has also received a Memo from LCA Environmental Consultants (September 10, 2013) which states that 'the wet areas have been accurately field evaluated and mapped and reclassification of the deciduous thicket (previously identified as thicket swamp) is reflective of the soils and vegetation community in this area.' Based on the most updated information from Natural Resource Solutions and LCA Environmental Consultants, the NPCA is satisfied that there is no regulated wetland feature located on the subject parcel.

Storm Water Management

The Niagara Peninsula Conservation Authority (NPCA) has reviewed the 'Servicing Report: 575 Garrison Road & 0 Helena Street, Fort Erie' (dated January 7, 2012) and 'Drawing 0971-CP: Concept Plan' (dated February 5, 2013), both by Upper Canada Consultants.

Based on our review, the NPCA offers the following comments:

- 1) The NPCA will require that stormwater runoff be treated to a Normal standard prior to discharge from the site. The NPCA has no objection to the proposed installation of a stormwater management wet pond facility in order to meet this requirement.
- 2) The NPCA will require that post development peak stormwater flows be attenuated to pre-development levels for up to and including the 100 year return period design storm event prior to discharge from the site. The NPCA has no objection to the proposed installation of a stormwater management wet pond facility in order to meet this requirement.
- 3) The NPCA will require that stormwater runoff from the 25mm design storm event be captured and released over a period of 24 hours in order to mitigate the impacts of erosion on the receiving watercourse. The NPCA has no objection to the proposed installation of a stormwater management wet pond facility in order to meet this requirement.
- 4) With respect to the discharge from the stormwater management facility:
 - a. It appears that the site's stormwater is proposed to discharge onto private lands. The NPCA recommends that permission be obtained from the downstream landowners in order to guarantee the perpetual, unimpeded discharge of stormwater from the subject site.
 - b. The flow route and discharge point of the overland storm drainage system downstream of the subject site is unclear. Please clarify.
- 5) Prior to construction, the NPCA will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be circulated to this office for review and approval.

Conclusions

In conclusion, the NPCA has no objection to the proposed Zoning and Official Plan Amendments. Further information will be required at the Site Plan Stage to ensure that the adjacent natural heritage features are not negatively impacted. This information includes detailed grading, storm servicing, stormwater management, and construction sediment control drawings.

I trust this information to be satisfactory. Please do not hesitate to contact me should you have any questions or concerns.

Yours truly,



Cara Lampman
Watershed Planner (ext. 272)

cc: Ms. Teresa Gray, Planner, Regional Municipality of Niagara