



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 20-2014

**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. 20
NIAGARA CATHOLIC DISTRICT SCHOOL BOARD (NCDSB) AND TOWN
OF FORT ERIE
300 CENTRAL AVENUE (LANDS SURPLUS TO OUR LADY OF VICTORY
SCHOOL AND PART OF NORTH STREET)**

350302-084 & 350309-0371

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

1. **THAT** amendment No. 20 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby adopted and approved.
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 10TH DAY OF
FEBRUARY 2014.**



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. 20-2014 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20

AMENDMENT NO. 20

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.20 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. 20 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 "Institutional" to "Special Policy Area 16" to permit the use of the site for Urban Residential or Institutional purposes.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the north side of Catherine Street, east of Central Avenue 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:

With the completion of the expansion to Our Lady of Victory Catholic Elementary School and the relocation of the point of ingress/egress to Central Avenue, the lands on the north side of Catherine Street, east of Central Avenue and the North Street right of way are surplus to the needs of the NCDSB and the Town. This area of Town is adequately serviced by commercially designated properties, in the Bridgeburg commercial core, along the Niagara Boulevard and along Gilmore and Central Avenue. The proposed residential use is needed to provide housing alternatives and residential intensification in a predominantly residential neighbourhood.

The proposed Official Plan amendment would also permit the expansion of the Regional Day Care Facility onto the property. This would address a need for increased parking identified by the Region's Long Term Needs Accommodation Study and area residents.

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

This area of Town is predominantly residential. The neighbourhood is comprised of mostly older single family homes.

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 site is approximately 2,900 square metres in size and is flat. The site is adequately sized to accommodate a variety of residential uses as well as the expansion of the Regional Day Care Facility. There are no existing or potential physical hazards on the site.

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 surplus institutional lands have access and frontage on Catherine Street which is a municipal road. The subject lands are located within a built up area with convenient access to Regional and municipal roads, transit, physical, social and commercial services, and educational facilities.

The subject site is fully serviced with municipal services.

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

The best use of the subject site is for residential purposes, as the surrounding land uses are predominantly residential. The proposed residential uses on the subject site are compatible with the adjacent residential and neighbourhood commercial uses in the area. Should the site be used for the expansion of the Regional Day Care Facility, this would also be compatible with the neighbourhood as it would be an expansion of an existing use for the purpose of addressing a parking deficiency.

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:

There is no evidence to suggest that the introduction of additional residential lands into the neighbourhood will depreciate adjoining properties.

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

The current Official Plan and Zoning By-law designations for the subject property severely restrict the use of the lands and consequently their marketability. Prospective purchasers that are not the government or a public agency would be required to make an application for a combined Official Plan and Zoning By-law Amendment to permit the use of the lands for purposes other than Institutional. These restrictions would reduce the value of the lands and not provide for full marketability in accordance with Council's Sale of Land Policy.

The redesignation of the subject property to permit Urban Residential uses will increase marketability and revenue the Town will generate from the sale of the property.

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

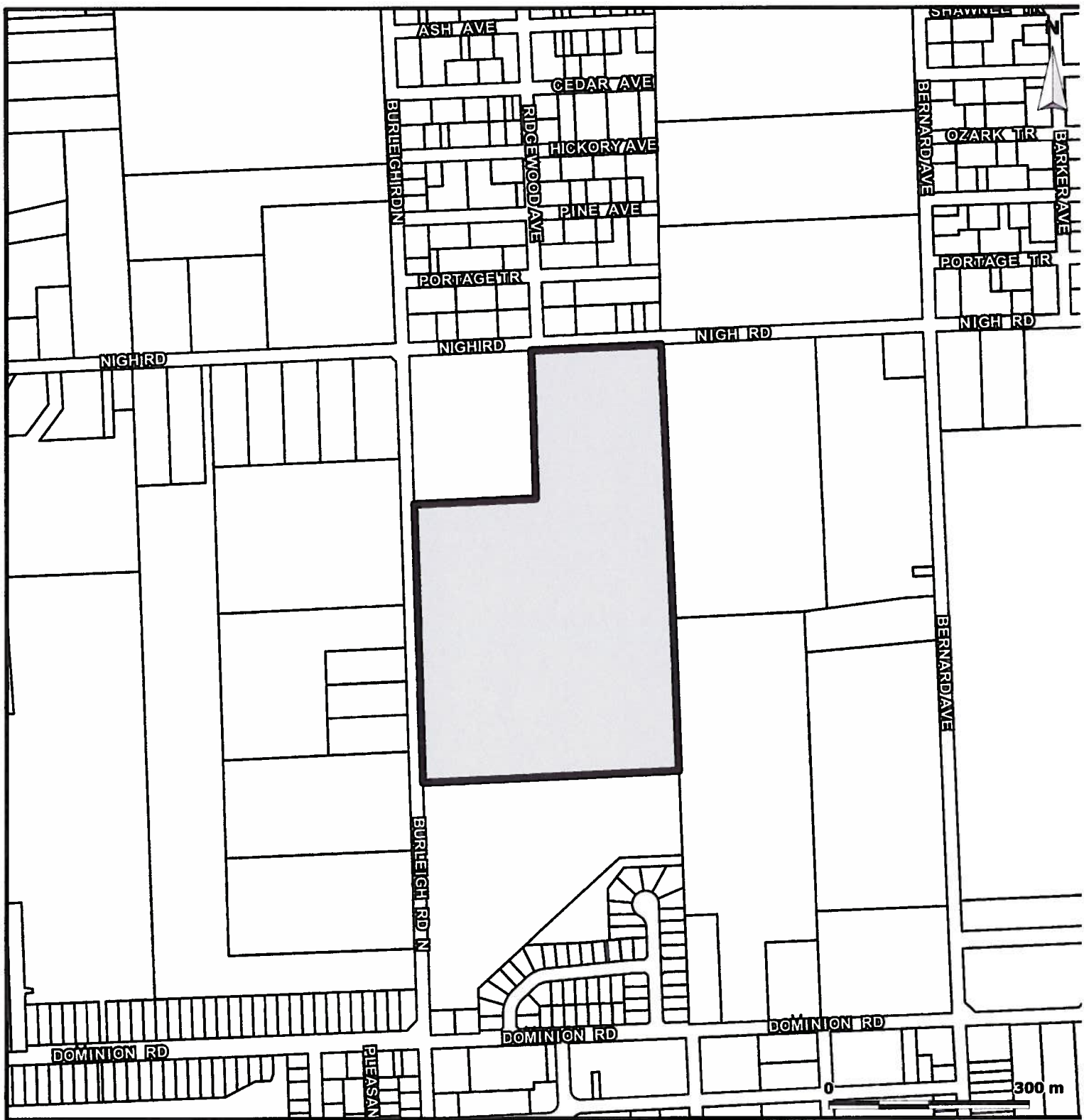
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 20 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted 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 "Institutional" to "Special Policy Area 16".
2. Site Specific Policy Area 16 applies to those lands identified as such on Appendix "1" of this Plan. These lands are designated Urban Residential.
3. Notwithstanding the Urban Residential designation, these lands may also be used for Institutional purposes.

PART “C” - THE APPENDICES

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

SCHEDULE A



By-law No. 18-2014

THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN

PASSED THIS 10th DAY OF FEBRUARY 2014



Lands Subject to Official Plan Amendment No. 19 - 3265 Nigh Road



TOWN OF FORT ERIE

NOTICE OF PUBLIC MEETING

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
NORTH SIDE OF CATHERINE STREET, EAST OF CENTRAL AVENUE
OWNER/APPLICANT: TOWN OF FORT ERIE AND NIAGARA CATHOLIC DISTRICT
SCHOOL BOARD

Application: 350309-371

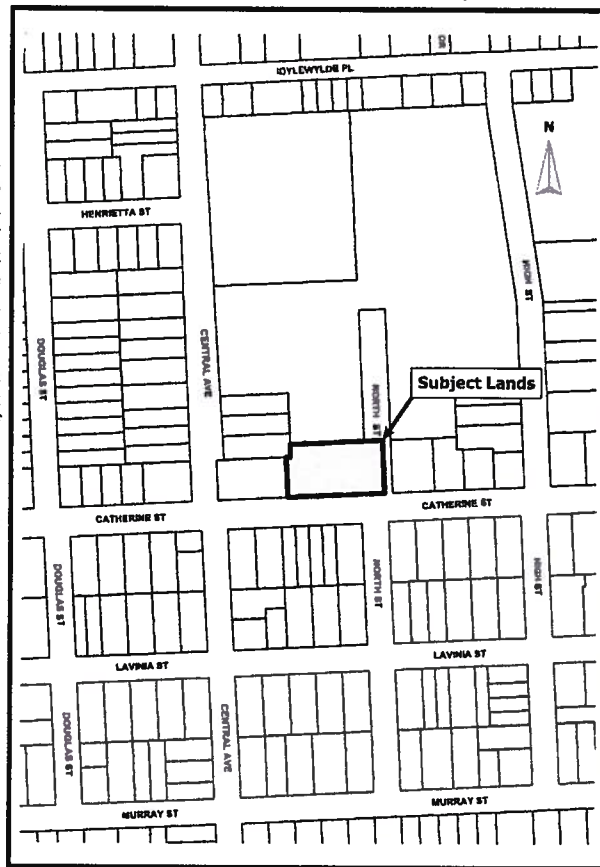
DATE: NOVEMBER 18TH, 2013
TIME: 6:00 PM
LOCATION: TOWN HALL, COUNCIL CHAMBERS

PROPOSED CHANGE

The Town of Fort Erie has initiated a combined Official Plan and Zoning by-law Amendment for lands owned by the Niagara Catholic District School Board (part of the Our Lady of Victory Catholic Elementary School) and the Town of Fort Erie owned lands (part of the North Street Road allowance). Following the completion of the school expansion and the relocation of the access to Central Avenue, the lands located on the north side of Catherine Street, east of Central Avenue are surplus to the Town's and the Niagara Catholic District School Board's needs. The subject lands will be sold in accordance with a letter of agreement between the Niagara Catholic District School Board and the Town.

The Town has initiated an Official Plan and Zoning By-law Amendment to redesignate and rezone the lands for their best use as a residential property. The proposed Official Plan Amendment will change the designation of the subject lands from Institutional to Residential. The proposed Zoning by-law amendment will change the zoning of the subject lands from Institutional to Residential Multiple 1 RM1 Zone which would permit a variety of residential uses including single detached, semi-detached and townhouse dwellings, duplexes and triplexes. The proposed changes in the Official Plan and zoning will help improve the marketability of the site by providing prospective purchasers with increased flexibility for the site's development.

LOCATION OF SUBJECT LANDS



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. A copy of the Information Report will be available to the public on November 15th, 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 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 before the Official Plan amendment and 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 before the Official Plan amendment and 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 and 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 17th day of October, 2013

Carolyn Kett, Town Clerk

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

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 October 17, 2013 and mailing the notice to all property owners within 120 metres of the subject lands on October 17, 2013.

Mr. Kernahan explained the subject site is located on the north side of Catherine Street, east of Central Avenue in the Fort Erie neighbourhood. The subject property consists of a portion of the play field associated with Our Lady of Victory School as well as a portion of the North Street road allowance (now closed). The surrounding land uses consist of the following: additional lands of the Niagara Catholic District School Board associated with Our Lady of Victory Catholic Elementary School including a soccer field, play areas, school building and associated parking areas to the north; Catherine Street and single family dwellings to the south; walkway and single family dwellings to the east; and Fort Erie Child Care Centre to the west.

Mr. Kernahan stated the Official Plan designation for the subject site is Institutional which 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 an amendment of the Official Plan is required to provide perspective purchasers with increased flexibility in the use or development of the property. The most appropriate Official Plan designation for this site is Residential. In consideration of the subject site's location, neighbourhood composition and compatible land uses, the Residential designation will permit the "best use" of the subject site. There are no natural heritage features on or in the vicinity of the subject property.

Mr. Kernahan explained the subject site is zoned "Institutional 1 Zone" with permitted uses limited to uses carried out by a public body such as a school, hospital or home for the aged or religious institutions. To maximize the marketability of the property it is proposed the lands be rezoned to a "Site Specific Residential Multiple RM1 Zone" which permits the full range of residential uses including single detached, semi-detached, duplex, triplex and townhouse dwellings as well as home occupations. A Site Specific provision will be added to the Zoning By-law to permit a reduced lot frontage for single detached dwellings.

Mr. Kernahan stated in order to demonstrate the various possibilities for development of the site under the proposed zoning, Planning staff developed two concepts. The first concept is for 5-single detached dwellings which would meet all of the RM1 regulations for lot sizes and setbacks but would require a reduced frontage for one of the lots. Lot frontages range from 13.9 metres or 45 feet to 15 metres or 60 feet. The lot frontages are similar and larger than many of the lots in the

neighbourhood. The second concept is for 10 townhouse dwellings which meets all of the zoning regulations for the "Residential Multiple 1 RM1 Zone." It is likely the proposed development will be by plan of subdivision or condominium which will require further public consultation and notification. If the development of lands is done by way of severance through the Committee of Adjustment, residents living within 120 metres will be notified and signs will be posted on the property.

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

The Chair provided Members of Council with an opportunity to ask questions of staff.

Mr. Bill Amadio, Solicitor, Broderick Partners for the School Board, addressed Council to advise they are partners with the Town in this matter. He explained the Town owns part of the subject lands and the School Board owns part of it. Before they can sell it, they have to offer it to other agencies first including the Region. Part of the property will be offered to the Regional Daycare Centre.

Mr. Amadio explained how two levels of government are working together thinking outside of the box. Both of the staff got together and OLV School has been enhanced which was long overdue for the community. However, the School Board went over budget on this project. With Town staff, they came across the scenario where the Town was maintaining North Street where it just services the school. It was decided to take the back part of North Street to incorporate into the school property and the front part of the property to include in the surplus lands as deemed by the Board and incorporate it into the character of the neighbourhood. The Zoning By-law allows for a variety of uses. Mr. Amadio advised the property will be developed in accordance with the neighbourhood. If a severance is required, people can comment on it at that time.

He added with this level of cooperation between the Town and the Board, it will result in increased taxes for the Town and help the Board pay for improvements to the school. In addition, new housing will increase the value of property in the neighbourhood.

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

No person(s) came forward.

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) Bernice LeBar, 81 Catherine Street

Ms. LeBar advised Council she has lived in the area for over 60 years. She doesn't have a problem with the rezoning however, she would like to see single family lots only and not multi-family dwellings or townhouses.

Mayor Martin announced that the Public Meeting was now concluded.

(b) Property Rezoning and Official Plan Amendment

Re: Town of Fort Erie - Second Dwelling Units and Accessory Apartments

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 second dwelling units and accessory apartments.

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 Council authorized staff to initiate amendments to the Official Plan and Zoning By-law to update the provisions for accessory apartments and add regulations for second dwelling units through the approval of recommendations contained in Report No. CDS-61-2013 on July 8, 2013.

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 October 17, 2013. In addition, the following additional consultation measures were undertaken in accordance with Council's direction for providing notice on Town-initiated amendments:

- Proposed changes to Zoning By-law No. 129-90 were posted on Town's website;
- Notice of proposed changes posted on Town's twitter page;
- Notice of public meeting sent to Ridgeway, Bridgeburg and Crystal Beach BIA's;
- Notice of the amendment included on September and October, 2013 water bill;
- Notice of the amendment was advertised on the billboard at the corner of Municipal Centre Drive and Garrison Road; and
- Notice of the amendment was posted at the library branches, Leisureplex, Museum and Town Hall Atrium.

Mr. Kernahan stated the purpose of the amendment to the Town's Official Plan and Zoning By-law No. 129-90 is to bring these documents into conformity with Provincial legislation. In particular, the Strong Communities through *Affordable Housing Act* which came into effect in January 2012.

Mr. Kernahan explained the Strong Communities through *Affordable Housing Act* amended various sections of the *Planning Act* to facilitate the creation of second dwelling units by:

Enbridge Gas Distribution Inc.
PO Box 1051
3401 Schmon Pky, On, L2V5A8
Rhonda Nicholson
Manager, Planning /Design
& Customer Connections
Tel (905) 641-4815
Fax (905) 984-4976



fax

File Number:

To:
Matt Kernahan

From:
Rhonda Nicholson

Organization:
Town of Fort Erie

No. of pages (including this cover):
2

Department:
Planning

Date:
Oct 31, 2013

Fax:
905-871-6411

If this transmission is not received in good order,
please call: (905) 641-4815

Matt,

Enbridge does not have a conflict with the proposed sale of property as described in your correspondence. N/S of Catherine St (part of Our Lady of Victory Catholic Elementary School), Fort Erie.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Rhonda Nicholson'.

Rhonda Nicholson
Manager, Planning/Design
& Customer Connections
Niagara Region
905-641-4815

RECEIVED

OCT 31 2013

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

This telecopy is intended for the sole use of the person to whom it is addressed and should not be read by, or delivered to, anyone else. It may contain privileged or confidential information, the disclosure of which may result in the breach of certain laws or the infringement of rights of third parties. If you have received this telecopy in error, please call immediately (collect if necessary) at the number above. We thank you in advance for your cooperation and assistance.

Bell Canada - Right of Way
Fl-2, 63 King St.
P.O.Box 190
St.Catharines, ON L2R 6S9
Email: frank.fucile@bell.ca

Tel: 1-888-831-1329

Fax: (905) 685-0820



November 11, 2013

SENT BY Canada Post

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Kernahan:

RE: Proposed Grant of Easement to Bell Canada
Site Location: 300 Central Ave – Lands Surplus to Our Lady of Victory Catholic School
Property Description: Plan 59R-14676, Part 4
Municipal File No : 350302-0084 & 350309-0371

Subsequent to review by our local Engineering Department of the above noted lands, it has been determined that Bell Canada will require an easement in order to protect an existing underground cable (sketch attached).

We look forward to receipt of the draft easement documents and reference plan for our review. All documentation can be sent to my attention as I have authorization to bind the corporation. In addition to the enclosed schedule to be used for this transaction, I have identified some notable items we require within the easement registration documents;

- Address for Service: Bell Canada Right of Way
100 Borough Drive
FL5 BLUE
Scarborough, ON M1P 4W2
- Under item 4 of the Land Transfer Tax Affidavit, please include the statement "Transfer of Easement for a Utility Line as Defined in the Ontario Energy Board Act, 1998".

Should you have any questions or concerns, please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "F. Fucile".

Frank Fucile, C.Tech
Manager, Right of Way





Regional F
(FORMERLY)
CENTRAL

76350
H. H. H. H. H.

DETAIL

CATHERINE

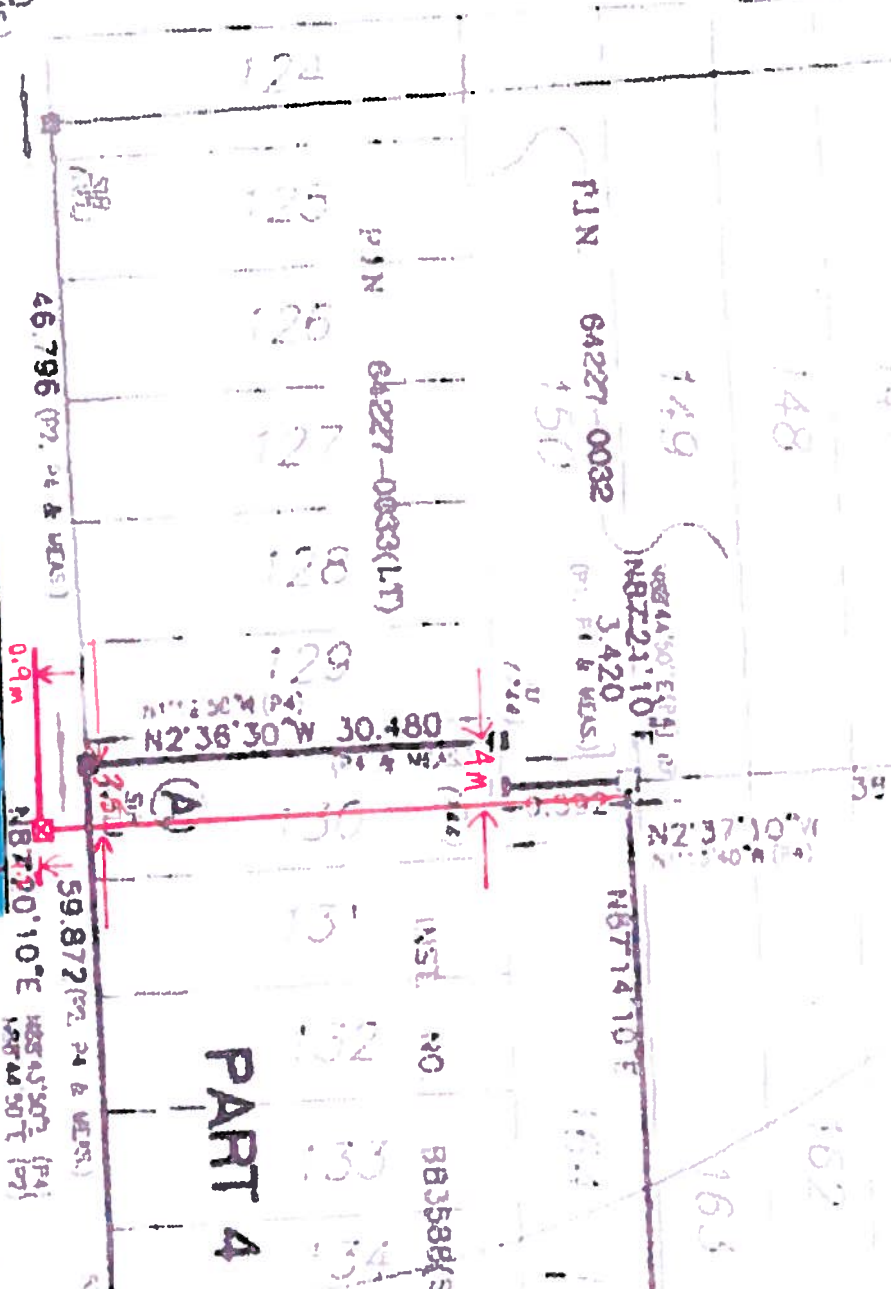
PIN

BA-227-0002

5

REPORT OF INSPECTION

• 2000-2001





District School Board of Niagara

Achieving Success Together

191 Carlton Street, St. Catharines, Ontario L2R 7P4

(905) 641-1550

Fax: (905) 685-8511

NOV 14 2013

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

November 12, 2013

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

Attention: Matt Kernahan
Senior Development Planner

**RE: SURPLUS LAND – OUR LADY OF VICTORY CATHOLIC SCHOOL
NS CATHERINE ST**

Dear Mr. Kernahan;

Board staff has reviewed the property described 'as the lands on the north side of Catherine St' (Part of the Our Lady of Victory Catholic Elementary School), in the Town of Fort Erie.

At this time, I would like to confirm that the Board does not have an interest in any portion of this property.

Should you have any questions, please feel free to contact me at 905-641-1550 ext. 54117.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Stainsby', with a stylized, wavy line extending from the end of the name.

John Stainsby,
Superintendent of Secondary Schools & Planning



Catherine St
FILICE, Anthony A.F.

to:
mkernahan@town.forterie.on.ca

11/05/2013 09:35 AM

Hide Details

From: "FILICE, Anthony A.F." <anthony.filice@canadapost.postescanada.ca>

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

Good morning

Matt, the type of development would determine the service CPC provides. Condo/single/semidetached development of 7 units or greater will receive service from a CMB. A development of less than 7 units will receive to the door delivery. Apt development of 3 units or greater will receive service from an owner installed lock box assembly.

Please let me know if you require additional information.

Regards

*Tony Filice
Delivery Planning CPC
955 Highbury Ave
London ON N5Y 1A3
C (519)282-5199
F (519)457-5412
anthony.filice@canadapost.ca*



Interoffice Memorandum

Infrastructure Services

November 6, 2013
File No. 350309

To: M. Kernahan, Senior Development Planner
From: R. D. Judd, Municipal Engineer – Infrastructure Renewal
Subject: **APPLICATION FOR ZONING BY-LAW AMENDMENT , File #350309-0371**
APPLICANT: Town of Fort Eire and NCDSB
ADDRESS: Parts 3 and 4 , Plan 59R-14676

We provide the following comments on the proposed zoning changes.

- Development of subject lands to be subject to Site Plan Agreement or Subdivison Agreement with the Town
- No other engineering concerns regarding this zoning by-law amendment.

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

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

RDJ bdr
ecc.

K. M. Walsh, Manager, Engineering Division

K. Dolch, Manager of Development Approvals

November 18, 2013

Files: D.10.01.OPA-13-031
D.18.01.ZA-13-128

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: Regional and Provincial Review Comments
Proposed Official Plan and Zoning By-law Amendments
NS Catherine Street, Lands Surplus to Our Lady of Victory Catholic School
Town of Fort Erie**

A pre-consultation meeting was held on November 14, 2013 at the Fort Erie Town Hall with Town and Niagara Regional staff 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. The proposed Official Plan amendment will change the designation of the land from Institutional to Residential. The proposed zoning by-law amendment will change the zoning from Institutional to Residential Multiple 1 RM1 Zone which would permit a variety of residential uses. Regional staff offers the following Provincial and Regional comments to assist the Town in considering the application.

Provincial and Regional Policies

The subject lands are located within the Urban Area Boundary for the Town of Fort Erie according to the Regional Policy Plan. In addition, the lands are located within the Built Boundary according to Regional Policy Plan Amendment 2-2009 (Sustainable Community Policies) which is currently subject to appeals to the Ontario Municipal Board. The Urban Area policies provide for a range of industrial, commercial, and residential uses. The Regional Policy Plan, Provincial Policy Statement, and Greater Golden Horseshoe Growth Plan all contain policies that support intensification in the urban area where appropriate levels of services and infrastructure exist.

In addition, municipalities are encouraged to develop a diverse mix and range of housing types and densities, including affordable housing, housing for special needs and easy access to local services. 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.

The subject lands have become surplus to the Niagara Catholic District School Board and the Town with the completion of the expansion to the Our Lady of Victory School and the relocation of the school access to Central Avenue. The proposed Official Plan and zoning by-law amendments will facilitate the residential development of the subject lands and support intensification in the Town's Built-up Area. In addition, the amendments will provide for an appropriate range of housing types in the neighbourhood suited to a variety of households and income groups. Future residents will enjoy a good level of accessibility to services and amenities.

Change of Use / Environmental Site Assessment

The Province's brownfields legislation/regulation requires that any change in use from commercial, industrial or community uses to a more sensitive land use (i.e. institutional, residential, agricultural 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. In this instance a change to a more sensitive land use is not being proposed.

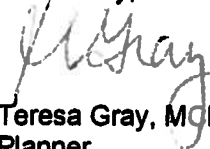
A Phase 1 Environmental Site Assessment (ESA) prepared by Coffey Geotechnics Inc., dated August 21, 2013, to evaluate potential contamination on the subject lands has been submitted with the application. The study concludes that there is no evidence of contamination on the property and therefore concluded that no further environmental investigations are required.

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 forwarded by email by the Town on November 6, 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 Development Planner, at extension 3379.

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

L:\Gray-Teresa\Fort Erie\OPA\2013\NS Catherine Street - Our Lady of Victory Catholic Elementary School\comments.docx

Monday, December 16, 2013

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

Sent via email

RE: OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
LANDS SURPLUS TO OUR LADY OF VICTORY SCHOOL
NORTH SIDE OF CATHERINE STREET, EAST OF CENTRAL AVENUE

Dear Matt:

We are in receipt of your letter dated November 26, 2013 regarding the above asking for Real Estate Services comments on the matter.

To address the matter, I have reviewed the Region's Long Term Accommodation needs for the Fort Erie area for Community Services, Public Health and Emergency Medical Services.

As you are aware, the Region's Child Care center is located on lands that are adjacent with the above noted lands. It has been noted in the Long Term Accommodation plan that this particular site for Child Care currently has parking challenges. Should adjacent lands become available, it is probable that the Region would look at securing additional land to mitigate this challenge.

I would therefore request that the amendment for the above noted lands take this use (Regional use for child care and related activities such as parking) into consideration.

Should you have any further questions, please let me know.

Regards,



Shelley Marr
Manager, Real Estate Services

cc: H. Schlange, CAO, Niagara Region
R. Brady, Acting CAO, Town of Fort Erie
D. Heyworth, Acting Director of Community and Development Services
T. Grey, Planner, Regional Development Services Division