



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 27-2014

**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. 21
DISTRICT SCHOOL BOARD OF NIAGARA (DSBN) AND TOWN OF FORT
ERIE
255 EMERICK AVENUE (FORMER ROSE SEATON SCHOOL)**

350302-0085

**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.21 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. 27-13 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20__

AMENDMENT NO. 21

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. 21 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. 21 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 17" 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 between Emerick Avenue and Phipps Street, east of Robinson Street and west 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:

DSBN voted to accept Senior Administration's recommendations that called for the closure of both Fort Erie Elementary School and Rose Seaton Public School as of August 31, 2013. With the closure of the school, the lands at 255 Emerick Avenue are surplus to DSBN's needs and will be sold. The proposed residential use is needed to provide housing alternatives and residential intensification in a predominantly residential neighbourhood. The proposed institutional use is needed to provide for flexibility in the adaptive reuse of the underutilized property.

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 detached 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 1.25 hectares in size and is flat. The site is adequately sized to accommodate a variety of residential and/or institutional uses. The existing building is adequately sized to accommodate a variety of institutional or residential uses should adaptive reuse of this facility be the desired development concept. 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 building has access and frontage Phipps Street which is a Regional Road and Emerick Avenue 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 proposed residential uses on the subject site are compatible with the adjacent residential uses in the area. The proposed institutional use of the property is consistent with how the property has historically been used and is compatible with the surrounding neighbourhood.

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. The existing Official Plan designation would only permit institutional uses which typically do not generate property tax revenue for the Town. The redesignation of the subject property to a site specific policy area permitting residential uses in addition to institutional uses will increase the possibility for the Town to generate property tax revenue from 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

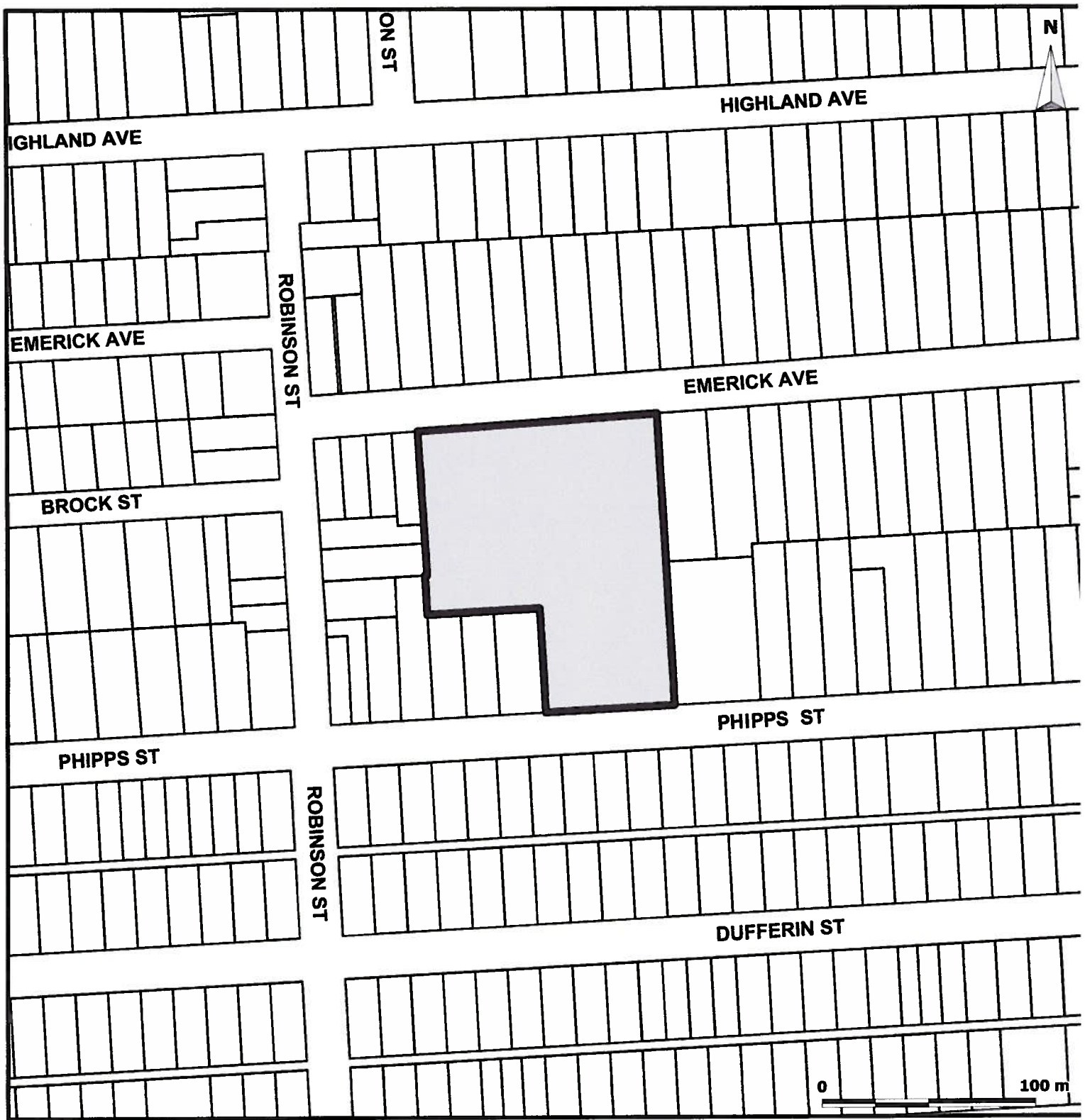
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 21 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted 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 17".
2. Site Specific Policy Area 17 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, the existing building located on these lands and additions thereto 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. 27-2014

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

PASSED THIS 10th DAY OF FEBRUARY 2014

 Change from Institutional to Site Specific Policy Area 17



TOWN OF FORT ERIE

NOTICE OF PUBLIC MEETING

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
255 EMERICK AVENUE (FORMER ROSE SEATON PUBLIC SCHOOL)
OWNER: DISTRICT SCHOOL BOARD OF NIAGARA (DSBN)
APPLICANT: TOWN OF FORT ERIE ON BEHALF OF DSBN

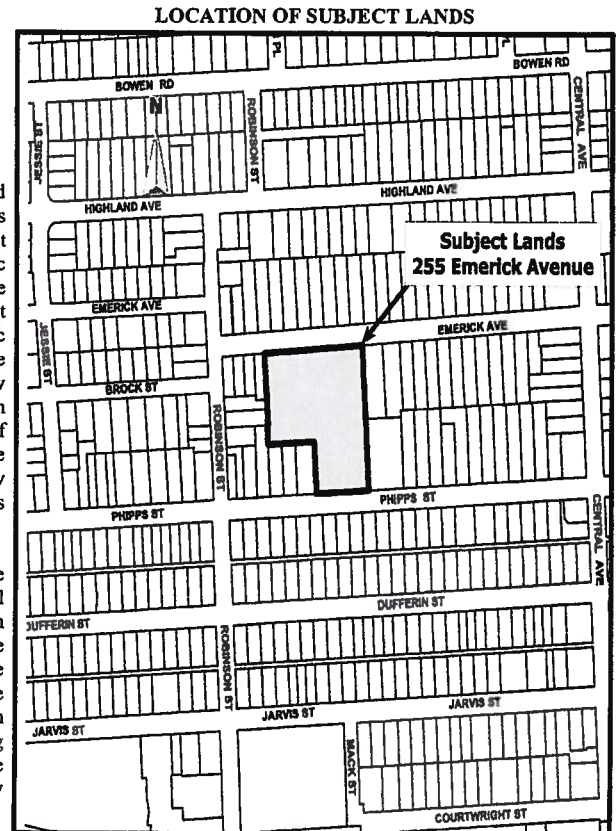
Application: 350309-372

DATE: DECEMBER 2ND, 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 District School Board Niagara located at 255 Emerick Avenue (former Rose Seaton Public School). The DSBN Trustees voted to approve the Accommodation Review Committee Report that recommended the closure of Rose Seaton Public School on February 12, 2012. In accordance with the recommendations of the Accommodation Review Committee Report, Rose Seaton School was closed on August 31, 2013. The District School Board of Niagara has requested that the Town initiate the necessary Official Plan and Zoning By-law amendments to redevelop the underutilized site for its highest and best use.

The proposed Official Plan Amendment will change the designation of the subject lands from Institutional to a site specific policy area to permit certain Institutional uses in addition to residential uses. The proposed Zoning by-law amendment will change the zoning of the subject lands from Institutional to site specific Residential Multiple 1 RM1 Zone which would permit a variety of residential uses including single detached, semi-detached and townhouse dwellings, duplexes and triplexes as well as a few institutional uses.



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 29th, 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 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 7th day of November, 2013

Carolyn Kett, Town Clerk

Dave Heyworth, MCIP, RPP, Acting Director of Community and Development Services

secondary use would need to be considered prior to making a final determination that an Official Plan amendment was not required. It is also permitted in Hazard area as an agricultural use.

Ms. Dolch explained as these facilities are both agricultural and industrial in nature, staff are proposing to also permit these operations in industrial areas. Industrial areas are located within the urban serviced area allowing these operations to connect to municipal water and sanitary sewer.

Ms. Dolch provided an overview of the summary of changes to the Town's Official Plan and Zoning By-law No. 129-90.

Ms. Dolch advised an Open House meeting was held on November 21, 2013 and three people attended. Their concerns related to shipping, parking, lighting, odours, property values and setbacks from the new facilities. As a result of this meeting, staff changed three items

1. In "Agricultural A Zone" Section 7.9 of the Zoning By-law the lot coverage provision was revised from 70% to 60%;
2. In Section 7.9 and Section 27 (Industrial) increased the building height from 9m to 12m; and
3. Revised the provisions for visible night time lighting which applies to building consisting of more than 40% glass.

These revised provisions require a closed fence adjacent to any lot line that abuts a residential zone or use, or other sensitive land use.

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.

No person(s) came forward.

Mayor Martin announced that the Public Meeting was now concluded.

(b) Property Rezoning and Official Plan Amendment

Re: Town of Fort Erie o/b of District School Board of Niagara - 255 Emerick Avenue (former Rose Seaton Public School). The applicant is proposing to change the Official Plan Amendment from Institutional to a Site Specific Policy Area and to rezone from Institutional to a Site Specific Residential Multiple 1 RM1 Zone.

Mr. Kemahan delivered a power point presentation, a copy of which is available in the Clerk's Department.

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 Property Rezoning and

Official Plan Amendment with respect to an application for a combined Official Plan and Zoning By-law amendment

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, Senior Development Planner advised in February 2012, the Accommodation Review Committee's recommendation to close both Fort Erie Elementary School and Rose Seaton Public School as of August 31, 2013 and redirect students between Garrison Road Public School and the Peace Bridge Public School were approved by the School Board Trustees. The District School Board of Niagara requested the Town undertake an amendment to the Official Plan designation and Zoning for the Rose Seaton site through a written request dated September 9, 2013. Council authorized the initiation of the amendments through the approval of the recommendations contained in Report No. CDS-94-2013 on November 4, 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 November 7, 2013 and mailing the notice to all property owners within 120 metres of the subject lands on November 7, 2013.

Mr. Kernahan explained the property is located in the Bridgeburg Neighbourhood between Emerick Avenue and Phipps Street, east of Robinson Street and west of Central Avenue. The 1.27 hectare site is flat with one large school building and a smaller accessory structure. There is an asphalt parking area in the northeast area of the site, a children's play area in the central portion and a grassed sports field in the south portion of the site. Land uses in proximity of the subject site is predominately low density residential. The surrounding uses consist of the follows: Emerick Avenue and single detached dwellings to the north; Phipps Street and single detached dwellings to the south; single detached dwellings to the east and 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. An amendment to the Official Plan is required to provide prospective purchasers with increased flexibility in the use or development of the property. It is proposed the Official Plan designation for this site be changed to a "Site Specific Policy Area" that permits residential and institutional uses. In consideration of the subject site's location, neighbourhood composition and compatible land uses, the "Site Specific" designation will permit the "best use" of the subject site. There are no natural heritage features on or in the vicinity of the subject site.

Mr. Kernahan advised the subject site is zoned "Institutional 1 Zone" which are limited to uses typically carried out by a public body such as a school, hospital or home for the aged or religious institutions. It is proposed the lands be rezoned to a "Site Specific Residential Multiple RM1 Zone" to provide the maximum marketability which permits the full range of residential uses including single detached, semi-detached, duplex, triplex and townhouse dwellings as well as home occupations. It is proposed the "Site Specific" provision will limit the permitted residential uses to single detached, semi-detached and townhouse dwellings and limit the height of the townhouse dwellings to 1.5 storeys. The purpose of limiting the housing form of the multiple dwellings is to provide an alternative housing form in the neighbourhood. The "Site Specific" provisions would also permit the continued use of the existing building for residential or institutional purposes such as Offices of Government or not-for-profit agencies, homes for the aged, private schools or community centres and will permit minor alterations and additions to the existing building for these purposes.

Mr. Kernahan stated Planning staff have prepared three development concepts for the site to demonstrate the site's redevelopment potential and are included as Appendix "3" to the report. Concept 1 is for 14 lots for single detached dwellings with 3 fronting onto Emerick Avenue and 11 fronting onto a new public roadway connecting Emerick Avenue to Phipps Street. All proposed lot areas and frontages meet the regulations for single family dwellings in "Residential Multiple 1 RM1 Zones" which are the same as the "Residential 2 R2 Zone." Concept 2 is for 31 townhouse dwellings in 5 blocks all fronting onto a new public roadway connecting Emerick Avenue and Phipps Street. All lots meet the "Residential Multiple 1 RM1 Zone" regulations for street townhouses. Concept 3 is for the adaptive re-use of the school building for residential or institutional purposes and the use of the lands fronting on Phipps Street for 8 townhouse dwellings. The concepts are for demonstration only and the development concept implemented will be decided upon by the purchaser/developer of the site and will be subject to further planning approvals. Further, the developer may be required to enter into a Plan of Subdivision, Plan of Condominium and/or Site Plan Agreement with the Town.

The Mayor indicated the Committee would now hear from the applicant or 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) Joseph Iannandrea, 247 Phipps Street

Mr. Iannandrea stated he had a number of concerns regarding the development specifically that townhouse dwellings would change the character of the neighbourhood. Currently the neighbourhood does not include this type of dwelling which would alter the neighbourhood. His

His house would be located at the end of the proposed street down the middle of the property. Traffic lights would shine into their living room and their driveway would exit directly into the intersection.

(b) Phillip MacMillan, 254 Emerick Avenue

Mr. MacMillan stated he lives directly across from Rose Seaton School. He attended the public meeting a couple of weeks ago and voiced concern with the school board because they removed the equipment from the playground but left it at the front of the property. They have since removed the equipment. He is not opposed to residential use. He is not crazy about the proposed road down the middle of the property.

Mr. MacMillan asked if the Town would consider purchasing the property and developing a park since it is directly in the middle of a residential area where there are no parks. He has lived here for 23 years and his children and grandchildren have played at the park. Kids play at the park throughout the summer playing basketball and street hockey. Every four years there are a couple of kids causing problems but nothing major. Over the years he has put up with traffic during pick-ups and school concerts but it was for the school. He would be opposed to multi residential but that has been taken out. There are no Christmas decorations in the north end, it is turning into a ghetto and will be unless the Town does something to rejuvenate it. There is nothing for the kids to do.

Mr. MacMillan reiterated his question if the Town would consider purchasing the property for a park. It could be developed over a 5-year time period with a playground area, soccer field, ball diamond and even a dog park. He is also not opposed to single family dwellings or some townhouse dwellings but not the proposed thru road.

(c) Keith Craig, 268 Emerick Avenue

Mr. Craig stated he would like to see a seniors residence because there are not enough of them or a park. Residential is not a problem but he doesn't want more traffic. He said it's hard because they don't know what the plan is. He has no problem with a community centre.

(d) Bev Ferris, 273 Emerick Avenue

Ms. Ferris stated she just bought a house here in June because it is a community of people with families and a school. She thought the best use of the property was for a seniors facility and sell off the front piece on Phipps Street. It could be for pre-assisted living and as the situation changes they could move into the building as an assisted living facility. There are people on Phipps Street that have been waiting for a seniors facility placement for 3-5 years.

They would not have to leave the neighbourhood and have familiarity. The Town does not have enough senior facilities to accommodate our seniors. It's nice to think of a park for kids but they will grow up and move away. A seniors type of facility would be useful and in the meantime use it as a park.

(e) Denise Everett, 244 Dufferin Street

A copy of Ms. Everett's written presentation is available in the Clerk's Department.

Ms. Everett stated she has lived at this address for 17 years and previous to that at 236 Phipps Street for 6 years. She referred to the proposal of rezoning the former Rose Seaton School and the desire for the community, workability, sustainability, rejuvenation, vibrancy and an urban neighbourhood providing a broad use of land uses designed to complement each other in providing ideal locations for future growth and development. Suggestions are to consider the entire Bridgeburg Redevelopment Plan encompassing Gilmore Road north to Bowen Road for best value.

Ms. Everett suggested the Mayor Youth Advisory Council could have some valuable input to the redevelopment of the Bridgeburg Plan since they affect the youth. Youth are valuable contributors to the community and the decision affects their future more than ours.

Ms. Everett explained a neighbourhood redevelopment for the under-utilized property could provide combined land uses designated to complement each other and contribute to the vibrancy of the neighbourhood and the Bridgeburg Development Plan. She suggested the following land uses:

- Educational – leaving the zoning as is, with an off-site satellite multi-college/university campus utilizing close partnerships with Brock, McMaster and Guelph Universities; and Niagara, Mohawk Ridgeville and Kemptville Colleges for an Aquaponics Greenhouse, e-learning community centre, mentorship learning centre including aboriginal, ethno cultural and multi-cultural communities;
- Community or privately owned medical centre with x-ray, ultrasound and MRI linked with the Niagara Health System;
- Inclusion of an outdoor playground;
- Multi-residential seniors or institutional living;
- Neighbourhood Community Improvement Project Centre;
- Community vegetable gardening space or farmers market;
- Group homes, youth sports centre or active seniors community centre.

Ms. Everett highlighted the following 3 suggestions:

1. The Town needs an active playground with equipment and park in the north end. She asked that a revision to the rezoning of the property be made to incorporate revitalizing green space for an active outdoor playground.
2. Rezoning to a Residential Multiple RM2 Zone would allow a multiple seniors residence or independent adult seniors living. The Lions Douglas Heights Seniors Residence at 255 High Street has 56 units, no vacancies and a waiting list of 3-5 years or longer.
3. To remain an educational facility as an off-site satellite multi-college/university campus utilizing close partnerships with Brock, McMaster and Guelph Universities; and Niagara, Mohawk, Ridgeville and Kemptville Colleges for green industry, agriculture, horticulture and landscaping programs including aquaponics organic food production.

Ms. Everett stated the possibilities for innovative growth and redevelopment are endless.

(f) Gerald Goulding, 213 Emerick Avenue

Mr. Goulding stated he raised three children that went to Rose Seaton School. The residents are worried about their property values and the neighbourhood. The residents asked him if the neighbourhood is secure. They do not want their properties devalued. He is also concerned because he just retired and intends to stay there. This development has got to be done right.

(g) John Sek, 222 Emerick Avenue

Mr. Sek referred to the three concepts and advised he works for an engineering company. He explained if the Town goes with Concept 1 or 2 there will be high density affecting sewers, water and insurance costs because it is a high flood area. He moved in 30 years ago and raised his family. Although they went to catholic school they played at Rose Seaton School and still do. He stated Concept 3 could be a seniors facility. The school board took away the playground equipment and he questioned if it turns into residential where will the kids go. There is only one other park, Bowen Road Park with 3 swings and a picnic table. This property is very central. There should be a Concept 4 to tear down the building and make it 100% a park.

(h) John Fairgrieve, 270 Highland Avenue

Mr. Fairgrieve suggested the school be knocked down since it is an eye sore. The school board took down the old school and built this new school which is function not fancy. It is 120 ft. of brown brick, 30 ft. high and 12 ft. from the sidewalk. It was acceptable because it was a school and was looked after. That was twenty-

five years ago when there was a fight to have that school. He did not believe the building could be retro-fitted for senior living since that would be cost prohibitive. He referred to a local newspaper article that said the location was not central or large enough for a park. This is the first time he heard it may be used as a youth centre. He would have been opposed to anything until he heard that which would be a plus to the area as long as it was maintained properly. He has not seen vandalism at the school. The park has been used for 100 years and he has been in the neighbourhood for 50 years. This past October he had a touch football game for his daughter's 22nd birthday. It is not like other neighbourhoods.

Mr. Fairgrieve explained 80% of the neighbourhood is low income. The Region takes care of the housing on Highland Avenue, there is Gananawagh House, low rent apartments and subsidized housing. The

property is a park as much as it was a school. He stated Councillor Passero wanted to upgrade Bowen Road Park and Mr. Fairgrieve suggested to not waste money on parks that do not get used but put that money into parks that do. This property is in the heart of the community which was built around the school. Kids don't go to Sugarbowl Park. Parents cannot send their kids to Bowen Road Park because it is unsupervised. He stated schools and parks affect property values and if the school is taken away property values will go down however, if it remains a park it's a wash. The area needs new homes in the \$200,000 range to bring up property values. He commended Mr. Brady and his staff for working with the school board, forward thinking and thinking outside of the box. The properties in the area are taken care of. If the property is developed into a park, people will stay there. He also agrees with a YMCA satellite.

(i) T.J. Gordon, 252 Emerick Avenue

Mr. Gordon advised if the proposed road goes through the middle of the property he would also have headlights flash in his house. Concept 3 is good and he wants to keep the building. He does not want demolition trucks coming in. Thirty townhouses would be low income and would not be taken care of. If it becomes a seniors building and the property on Phipps Street is sold off, there would be no room for a park and there would be more traffic with no place for kids to play. He just moved here 4 years ago and kids are always in the park. He does not want to see the building gone or the street cut through.

(j) Rob Randall, 233 Emerick Avenue

Mr. Randall stated he thought it should be a park. He did not want the road cut through the middle of the property.

(k) Maureen Lewis, 275 Emerick Avenue

Ms. Lewis stated she doesn't want any more houses in the area. There is no gas or grocery stores in the north end of Town. She questioned why the children's playground was taken out at Rose Seaton but not the Senior Elementary School.

Mayor Martin announced that the Public Meeting was now concluded.

(c) Property Rezoning

Re: Applicant: Vic Kersch o/b of Donald Couture and Alexis Cathcart - 329 Brock Street. The applicant is proposing to rezone the lands from Residential 2 R2 Zone to a Site Specific Residential 3 R3 Zone.

Mr. Kernahan, Senior Development Planner advised the purpose of the public meeting was to get public input on an application for a combined Zoning By-law Amendment received from Vic Kersch, agent for Don Couture and Alexis Cathcart for lands located at 329 Brock Street, located at the southeast corner of Brock and Jesse Streets.

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 November 7, 2013 and mailing the notice to all property owners within 120 metres of the subject lands on November 7, 2013.

Mr. Kernahan explained the property is located in the Bridgeburg Neighbourhood on the southeast corner of Brock Street and Jesse Street. The surrounding land uses consist of the following: Brock Street and single detached dwellings to the north; single detached dwellings to the south and east; Jesse Street and single detached dwellings to the west.

Mr. Kernahan advised Planning staff were notified the owners of 329 Brock Street had converted the dwelling to a triplex in January 2012 which created a zoning infraction. This application was made to address the zoning infraction. The applicant commenced pre-consultation on the Zoning By-law Amendment in May 2012. The applicant actively worked towards completing the application between May 2012 and June 2013 to bring the property into compliance with the Town's Zoning By-law No. 129-90.

Mr. Kernahan stated the Official Plan designation for the subject site is "Urban Residential" and permits the existing triplex. There are no natural heritage features on or in the vicinity of the subject site.

Mr. Kernahan advised the subject site is zoned "Residential 2 R2" which permits single detached dwellings, accessory apartments and home occupations. The existing triplex is not a permitted use in the R2 Zone and an amendment to the zoning designation of the property is required



Interoffice Memorandum

Infrastructure Services

November 13, 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-_____**
APPLICANT: NDSB
ADDRESS: 255 Emerick Ave

Preliminary, for pre-consult

We provide the following comments on the proposed zoning changes.

- Subject lands to be subject to Site Plan Agreement or Subdivision Agreement with the Town, (depending on the type of re-development proposed for the lands).
- Subject lands to be brought into compliance with Town servicing by-laws. All water to be metered, including fire suppression system. Premise isolation backflow prevention to be installed. Site to be inspected for extraneous flow sources (roof down spouts, surface runoff, foundation drainage etc) connected to sanitary sewage collection system. Any extraneous flow sources encountered are to be disconnected from the sanitary sewage collection system. Owner is responsible for all costs for works needed to achieve compliance with servicing by-laws.

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

December 16, 2013

Files: D.10.01.OPA-13-035
D.18.01.ZA-13-139

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
255 Emerick Avenue
Former Rose Seaton 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, which were received on November 27, 2013. The proposed Official Plan Amendment will change the designation of the subject land from Institutional to a site specific policy area to permit certain Institutional uses in addition to residential uses. The proposed Zoning by-law amendment will change the zoning of the subject land from Institutional to site specific Residential Multiple 1 RM1 Zone which would permit a variety of residential uses including single detached, semi-detached and townhouse dwellings as well as the use of the existing school building for institutional uses. Regional staff offers the following Provincial and Regional comments to assist the Town in considering these applications.

Provincial and Regional Policies

The subject land is located within the Urban Area for the Town of Fort Erie as well as within the Built-up Area according to the Regional Policy Plan. 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 land has become surplus to the District School Board of Niagara with the closure of the Rose Seaton School on August 31, 2013. The proposed Official Plan and Zoning By-law Amendments will facilitate the residential development of the subject land as well as provide for flexibility in the adaptive reuse of the existing school building for institutional uses. In addition, the amendments will provide for an appropriate range of housing types in the existing residential neighbourhood suited to a variety of households and income groups. Future residents will enjoy a good level of accessibility to services and amenities.

Detailed engineering comments will be provided as needed for any future planning approvals required for development of the subject land. However, staff notes the following matters that will need to be addressed for subsequent planning applications if the subject land is to be developed as shown in Concepts 1 or 2:

- Conveyance of Daylight triangles to Niagara Region for proposed streets in Concepts 1 & 2 for a public street;
- Sanitary and storm sewers design and Ministry of the Environment Environmental Compliance Approvals that may be required for any draft plan submission in Concepts 1 & 2 for a public street; and
- Servicing letter of credit that may be required for any draft plan submission for Concepts 1 & 2 for a public street.

It is also noted that Regional Entrance and Encroachment Permits are required for any driveways or street access to Regional Road 21 (Phipps Street) and must include detailed design of any driveway/streets.

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 from one of the uses noted above to a more sensitive land use is not being proposed and therefore, a RSC is not required.

Conclusion

Regional staff supports 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 submitted with the application. 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 me at extension 3177, or Marilyn Radman, Manager, Development

Planning at extension 3485. Please send notice of the Town's decision with regard to these applications.

Sincerely,

A handwritten signature in cursive script, appearing to read "Angie Cheung".

Angie Cheung
Student 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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255 Emerick Avenue
FILICE, Anthony A.F.

to:

mkernahan@town.forterie.on.ca

12/02/2013 10:05 AM

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

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

Good morning

Matt, CPC will provide service via community mailboxes (CMB). I will wait for the final concept plan before I identify a CMB location.

Regards

Tony Filice

Delivery Planning CPC

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