



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 75-2015

**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. 27
1640 GARRISON ROAD
DISTRICT SCHOOL BOARD OF NIAGARA GREATER FORT ERIE
SECONDARY SCHOOL
1746849 ONTARIO INC. (PAULINE PETEK)**

350302-088

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. 27 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is adopted.
2. **THAT** the Clerk of the Town is authorized to effect any minor modifications or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 25th day of May, 2015.

MAYOR

CLERK

I, Laura Bubanko, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 75-2015 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____

AMENDMENT NO. 27

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.27 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. 27 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 "Open Space " and "Commercial" to "Special Policy Area 19" to permit a public school use, along with ancillary uses in addition to the uses permitted in the Open Space designation and to permit the continued use of existing municipal services outside the urban area boundary.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are a 6.07 hectare parcel of land located on the northeast corner of Garrison Road and Sunset Drive 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:

Need for the proposed use was established through the ARC process where it was determined that the school populations of Fort Erie Secondary School and Ridgeway Crystal Beach High School would be consolidated into one new secondary school that will serve the entire Town of Fort Erie. Town Councillors presented to the board and supported a location close to the Municipal Centre as it was viewed as a midway point between communities in Fort Erie.

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

There are no secondary schools within the immediate subject area. As detailed above the two secondary schools currently in operation in the Town of Fort Erie will be consolidated and merged into a new school.

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 lands are relatively flat and can accommodate the proposed use. There are no Natural Heritage features on the subject 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 subject lands are located along Garrison Road which is a Regional Road arterial road and Sunset Drive which is a Town collector road. The site is currently serviced by municipal services. The subject site currently fronts onto a 1.2 metre municipal sidewalk which provides pedestrian connection from the northeast. The traffic impact study reviewed and recommended an additional sidewalk be placed on the southside of Garrison Road. This southern sidewalk will provide connection from the signalized intersection/crosswalk to Crescent Park. The Region has raised concerns about potential traffic conflicts along Garrison Road due to queuing. The Region, the Town and DSBN have been working to meet to resolve this issue. No traffic impacts will be permitted and the site plan will not be approved until this matter is resolved to the satisfaction of the Region of Niagara.

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

The proposed use is compatible with the surrounding residential area. Additional measures are currently being incorporated into the site plan process to minimize any potential conflicts such as additional landscaping, grading and drainage.

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 a school into the neighbourhood will depreciate adjoining properties.

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

The municipality will generate revenue through public service fees such as building permit applications etc. The municipality has committed to construct a pedestrian link from the south side of Garrison Road at the signalized intersection into the municipal centre complex. The municipality will also contribute \$500,000 towards the theatre to DSBN upon completion of

construction in 2017. In the event that there is a shortfall in the fundraising effort as of September 1, 2018 then the Town of Fort Erie and DSBN shall contribute equally to the balance remaining.

- 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

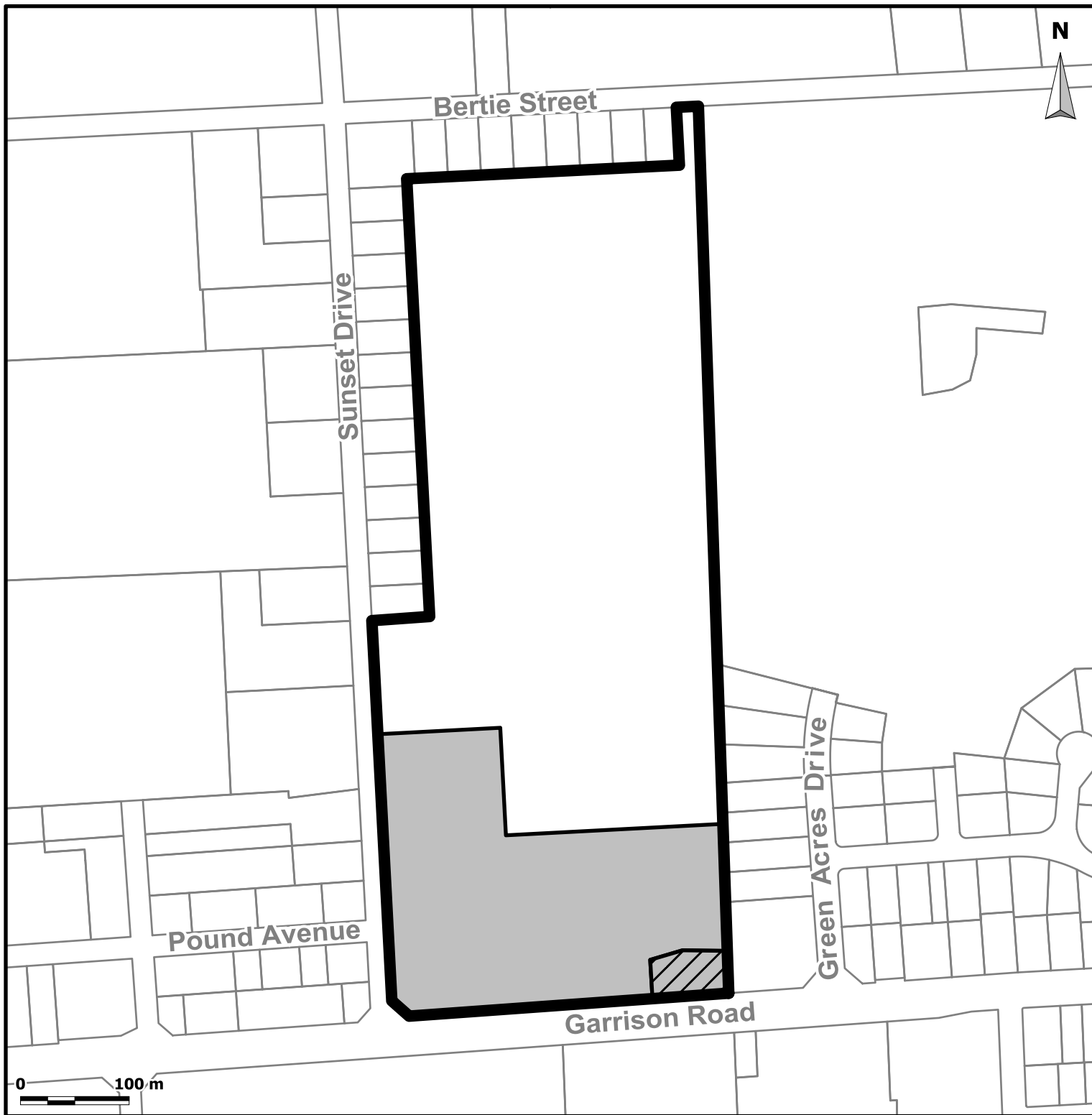
The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

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. 27 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 "Open Space" and "Commercial" to "Special Policy Area 19".
2. "Special Policy Area 19" applies to those lands identified as such on Appendix "1" of this Plan. These lands are designated "Open Space".
3. Notwithstanding the "Open Space" designation, a public school use along with ancillary uses are permitted on existing municipal services outside the urban area boundary.

SCHEDULE "A" TO BY-LAW NO. 75-2015



By-law No. 75-2015

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 25th DAY OF MAY, 2015**

-  Subject Lands - 1640 Garrison Road
-  Part 1 - Change from Open Space to Special Policy Area 19
-  Part 2 - Change from Commercial to Special Policy Area 19

PART “C” - THE APPENDICES

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



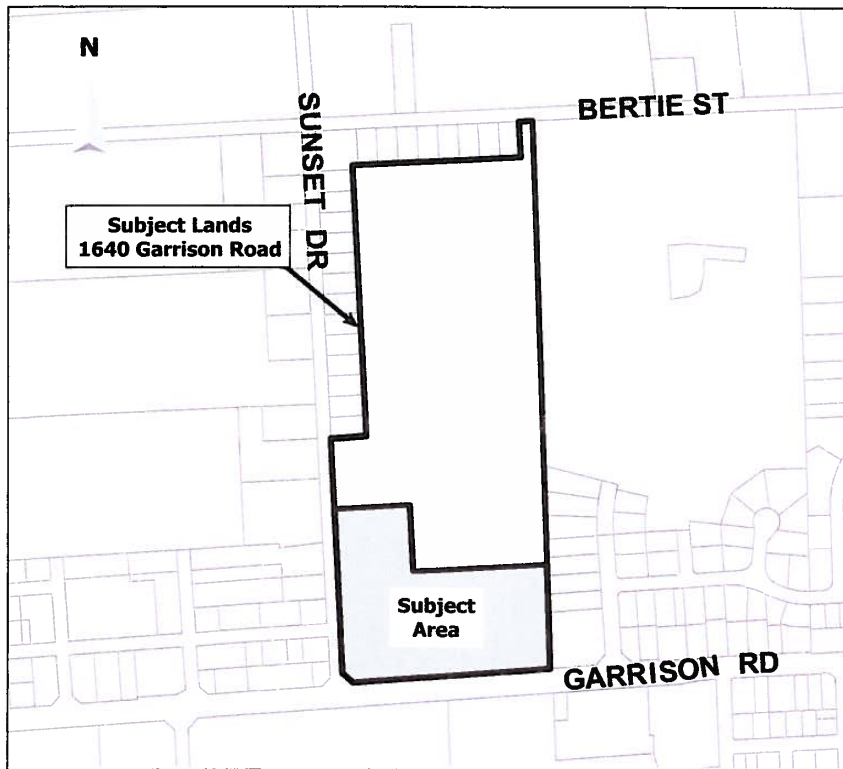
NOTICE OF PUBLIC INFORMATION **OPEN HOUSE**


Niagara  Region

1640 GARRISON ROAD




(REGIONAL OFFICIAL PLAN AMENDMENT, OFFICIAL
PLAN AND ZONING BY-LAW AMENDMENT
APPLICATIONS)

DATE: TUESDAY, JANUARY 20, 2015
TIME: 5:00 PM TO 7:00 PM
LOCATION: MUNICIPAL TOWN HALL



	<p>IMPORTANT</p> <p>THIS IS AN OPEN HOUSE MEETING TO DISCUSS ANY QUESTIONS YOU MAY HAVE ON THE PROPOSED AMENDMENTS TO 1640 GARRISON ROAD THE PROPOSED FUTURE LOCATION OF THE NEW DISTRICT SCHOOL BOARD OF NIAGARA SECONDARY SCHOOL. THIS IS AN OPEN HOUSE MEETING WITH THE SCHOOL BOARD STAFF AND TOWN STAFF.</p>
	<p>The proposed facility consists of an 8,825m² (95,000 ft²) public secondary school, a 1,735m² (18,675 ft²) future addition, an area identified for future portables, a football field and a 400m running track.</p> <p>To accommodate the proposal the applicant must redesignate and rezone the subject lands from Open Space and Commercial in the Town's documents and from Agricultural to a Special Policy area in the Regional Official Plan to a Special Policy area and a site specific site to permit a public school and ancillary uses in addition to the permitted open space uses.</p>

PART C - APPENDIX "1" TO BY-LAW NO. 75-2015

	<p><u>PROVIDING YOUR COMMENTS OR GETTING MORE INFORMATION</u></p> <p>Commenting on the proposed amendments is encouraged. You can provide input by calling or writing the Town. You are also invited to attend the meeting to speak with the applicant or staff.</p> <p><u>CONTACT INFORMATION</u></p> <table border="0"><tr><td>Sue Mabee, MCIP, RPP, Supervisor of Planning DISTRICT SCHOOL BOARD OF NIAGARA 191 Carlton Street St. Catharines, ON L2R 7P4 905-641-2929 ext. 54225 Or by e-mailing your comments to: sue.mabee@dsbn.org</td><td>Kira Dolch, MCIP, RPP, CNU-A, Manager of Development Approvals Community and Development Services Department, Town Hall, 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 905-871-1600, ext. 2502 Or by e-mailing your comments to: kdolch@town.forterie.on.ca</td></tr><tr><td colspan="2">Brian E. Dick, MCIP, RPP Senior Policy Planner Planning & Development Services Regional Municipality of Niagara 2201 St. David's Road P.O. Box 1042 Thorold, ON, L2V 4T7 Or by e-mailing your comments to: brian.dick@niagararegion.ca</td></tr></table>	Sue Mabee, MCIP, RPP, Supervisor of Planning DISTRICT SCHOOL BOARD OF NIAGARA 191 Carlton Street St. Catharines, ON L2R 7P4 905-641-2929 ext. 54225 Or by e-mailing your comments to: sue.mabee@dsbn.org	Kira Dolch, MCIP, RPP, CNU-A, Manager of Development Approvals Community and Development Services Department, Town Hall, 1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6 905-871-1600, ext. 2502 Or by e-mailing your comments to: kdolch@town.forterie.on.ca	Brian E. Dick, MCIP, RPP Senior Policy Planner Planning & Development Services Regional Municipality of Niagara 2201 St. David's Road P.O. Box 1042 Thorold, ON, L2V 4T7 Or by e-mailing your comments to: brian.dick@niagararegion.ca	
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Brian E. Dick, MCIP, RPP Senior Policy Planner Planning & Development Services Regional Municipality of Niagara 2201 St. David's Road P.O. Box 1042 Thorold, ON, L2V 4T7 Or by e-mailing your comments to: brian.dick@niagararegion.ca					
 	<p><u>FUTURE NOTICE REQUESTS</u></p> <p>This Public Information Open House is being conducted to allow public and stakeholders with an opportunity to meet with District School Board of Niagara and Town Planning staff prior to the formal legislative meeting in front of Council.</p> <p><u>A statutory Public Meeting required under the Planning Act will be scheduled for a future date in the spring and will be posted in the Times newspaper and online.</u></p> <p>If you wish to receive notice of the Public Meeting, you are requested to provide your name and a current e-mail address or mailing address where the Notice is to be sent.</p> <p>Please use the contact information above to notify Kira Dolch of the preferred notice option. Staff would kindly request you consider e-mail delivery as preferred choice.</p>				

1 MUNICIPAL CENTRE DRIVE, FORT ERIE

Dated this 25th day of December, 2014

Tom Mather
Interim Town Clerk

Richard F. Brady, M.A. MCIP, RPP
Director, Community and Development Services



TOWN OF FORT ERIE

**NOTICE OF COMPLETE APPLICATION
AND PUBLIC MEETING**

**OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
1640 GARRISON ROAD**

**PART OF LOTS 1 AND 2, CONCESSION 5, NIAGARA RIVER, GEOGRAPHIC
TOWNSHIP OF BERTIE, TOWN OF FORT ERIE**

OWNERS: 1746849 ONTARIO INC. (PAULINE PETEK, PRESIDENT)

APPLICANT: STACY VELD, DISTRICT SCHOOL BOARD OF NIAGARA

Application: 350309-0392 & 350302-0088

DATE: MARCH 2, 2015
TIME: 6:00 PM
**LOCATION: TOWN HALL, COUNCIL
CHAMBERS**

LOCATION OF SUBJECT LANDS

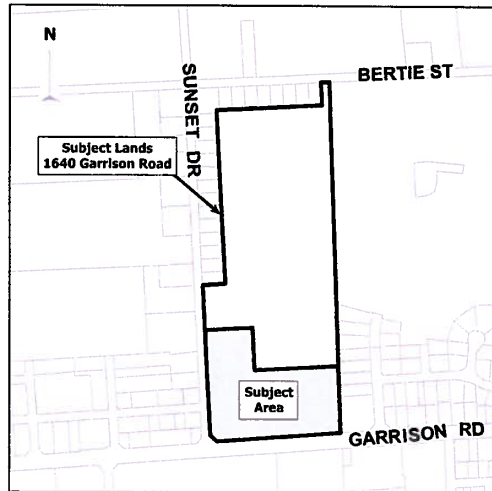
PROPOSED CHANGE

An Official Plan and Zoning By-law Amendment application has been received from the District School Board of Niagara to permit, through a special policy area and site specific open space zone, a public school and ancillary uses in addition to open space uses. The amendments will also recognize the existing connection to municipal services.

In addition to the permitted ancillary uses the applicant has requested that the Zoning By-law Amendment specifically add Auditorium, Day Care, Offices, Public Library and Restaurant associated with the culinary program to the list of permitted uses. The Zoning By-law Amendment will recognize the increase to the maximum lot coverage from 10% to 25% and it will also recognize a new landscaped open space zone provision of 20%.

HAVE YOUR SAY

Input on the proposed Official Plan Amendment 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 Kira Dolch, Manager of Development Approvals at (905) 871-1600 extension 2502 or kdolch@town.forterie.on.ca. A copy of the Information Report will be available to the public by 5:00 PM on **February 25th, 2015**.

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 Interim Town Clerk Tom Mather, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to tmather@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 Zoning By-law amendment 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 Zoning By-law amendment 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 Zoning By-law Amendment, you must make a written request to Tom Mather, Interim Town Clerk and such request should include the name and address to which such notice should be sent.

Dated this 5th day of February, 2015

Tom Mather, Interim Town Clerk

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



**The Municipal Corporation of the
Town of Fort Erie**

Council-in-Committee Meeting Minutes

Monday, March 2, 2015

1. Call to Order

The meeting was called to order at 6:00 p.m.

2. Roll Call

Present: Mayor Redekop; Councillors Butler, Knutt, Lubberts, McDermott and Zanko

Staff: R. Brady, K. Dolch, K. Gennings, *S. Hansen, D. Heyworth, J. Janzen, M. Kernahan, T. Kuchyt, C. Millar, C. Schofield, K. Walsh, C. Watson

*Arrived 8:00 p.m.

3. Announcements/Addenda

There was one addendum, the addition of Report No. CDS-15-1-2015 under Consent Agenda Items.

Mayor Redekop made the following announcements;

- He attended the Mayors of the Southern Tier Communities Luncheon in Fort Erie on February 26, 2015 organized by the area Chambers of Commerce. Over 300 people were in attendance and the Mayors spoke about issues affecting their communities.
- In the morning of February 28, 2015 he attended the Youth Education Public Speaking Contest hosted by the Royal Canadian Legion, Branch 230 for elementary schools. He announced that Zane Gilmour was the Junior Colour Poster District Bronze Medal Winner.
- Later that evening he and his wife attended the Saving Baby Matthew Fundraiser who is suffering from a severe combined immune deficiency.
- Later that evening he and his wife attended a fundraiser for Amanda and Jeff Wilson who are battling Lyme Disease.
- On March 4, 2015 the Mayor along with Councillors Knutt, Butler

and Town staff will attend the Design Awards in St. Catharines where Town staff will receive an award.

- On March 6 and 7, 2015 Council will embark on the Strategic Planning process to be held in the Atrium at Town Hall.

Mayor Redekop asked everyone in attendance to observe a moment of silence in memory of Councillor Rick Shular.

4. Disclosure of Pecuniary Interest and General Nature Thereof

Councillor Lubberts disclosed a pecuniary interest regarding Item 6(a) since his employer, Riel Electric, does work with builders who will be affected by the proposed increase in Building Permit Fees. He abstained from discussing or voting on the matter.

Mayor Redekop disclosed a pecuniary interest regarding Item 7(c) and corresponding Report No. CDS-17-2015 since he is a shareholder in a building located in downtown Ridgeway. He abstained from discussing or voting on the matter. He asked the Clerk to note his declaration for any previous meetings relating to the matter wherein he may not have declared a pecuniary interest.

5. Public Notice

- (a) 2015 Budget Meeting Schedule

Re: General Levy Operating Budget - Tuesday, March 3, 2015 and Wednesday, March 11, 2015 (if required)

6. Public Meeting - *Building Code Act*

- (a) Public Meeting

Re: Proposed Increase in Building Permit Fees

Mayor Redekop announced this portion of the meeting would be devoted to the holding of a Public Meeting to consider the proposed increase of building permit fees.

Mr. Keegan Gennings, Chief Building Official delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Gennings advised that notice of this Public Meeting was advertised in the January 29, 2015 edition of The Times newspaper according to the *Building Code Act*. Staff provided

notice through other means by posting on the Town's website, Twitter and Facebook and emailed to the Town's frequent contractors.

Mr. Gennings explained the permit fees were reviewed with consideration being made on the class of construction, current rates and Regional averages for each type of classification. The majority of the fees are seeing a 10% increase, renovation fees and industrial rates are not changing. The fees for accessory buildings, decks and porches do not have Regional averages or percentage increases because other municipalities are either charging a flat fee or by the square foot. The proposed fee is to change from the flat fee to a per square foot charge. The minimum permit fee is being increased from \$106 to \$125.

Mr. Gennings further explained the proposed plumbing fees are only seeing Consumer Price Indexing increases of 2.6%. An additional proposed fee change for swimming pools is proposed due to changes in lot grading requirements for public, in-ground and above-ground pools.

An Expedited Permit Process option is proposed which will have Town staff process the Permit after regular working hours. The proposed permit fee will cover the overtime costs associated with this process. He provided an overview on other minor amendments and future fee increases.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in favour of the proposed Building Permit Fees.

No person(s) spoke in favour.

The Mayor indicated the Committee would hear from those person(s) who wished to speak in opposition to the proposed Building Permit Fees.

No person(s) spoke in opposition.

Mayor Redekop announced the public meeting was concluded.

7. Public Meetings - *Planning Act*

(a) Official Plan and Proposed Property Rezoning

Re: Owners: Alan Power and Molly Fitzpatrick - Agent: Jennifer

Vida, Upper Canada Consultants - 5179 Point Abino Road. The applicant is proposing to add a Special Policy Area to the Official Plan and to rezone a portion of the property from Dune Protection DP Zone to a Site Specific Protection DP Zone.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Mr. Kernahan, Senior Development Planner delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Kernahan advised that notice of this Public Meeting was circulated to property owners within 120 metres of the subject property on January 12, 2015 in accordance with the requirements of the *Planning Act* and advertised in the January 8, 2015 edition of The Times newspaper.

Mr. Kernahan explained the property is a waterfront property on Abino Hills Road in the Point Abino area. The subject property is designated Environmental Protection in the Town's Official Plan and an amendment is required to add a Special Policy Area. The property is zoned Dune Protection DP Zone, Environmental Protection EP Zone and Hazard H Zone. A zoning by-law amendment is required to change the zoning of the portion of the subject property zoned Dune Protection DP Zone to a Site Specific Dune Protection DP Zone. The applicants would like to construct a two storey accessory structure with sleeping and washroom facilities with a maximum height of 7.0 metres.

The Mayor invited the applicants' agent to come forward.

Ms. Jennifer Vida, Upper Canada Consultants, agent on behalf of the owners of 5179 Abino Hills Road, explained the proposed accessory structure will replace the existing accessory structure with a larger footprint for a two car garage at grade with sleeping quarters and a washroom on the second floor. The Town hosted

a pre-consultation meeting in April 2014 to discuss the proposal and determine what would be required to ensure the development would not have a negative impact on the natural features on and around the property. As part of the application, supporting documents included a Slope Stability Study, an Environmental Impact Study and a Planning Justification Report. These reports all conclude that with mitigation measures, the proposed structure would not negatively impact the slope or natural environment on the property. The architect and contractor have confirmed the mitigation measures as recommended in the studies can be implemented through the construction stage.

Ms. Vida advised once the Official Plan and Zoning By-law Amendments are approved, site design drawings including site and grading, servicing and landscape plans will be forwarded to the Town, Region and NPCA for review and approval in order to ensure the development is designed in accordance with the recommendations including a legal agreement. A number of questions were received from the Environmental Advisory Committee today and professional and technical responses will be provided in writing to ensure the questions are addressed prior to the application returning to Council for a decision.

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

No person(s) spoke in favour of the application.

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

No person(s) spoke in opposition of the application.

Mayor Redekop announced the public meeting was concluded.

(b) Official Plan and Proposed Property Rezoning

Re: Stevensville Secondary Plan

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding combined proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to

obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

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

Mr. Millar advised that notice of this Public Meeting was circulated in accordance with the *Planning Act* and Council's policy. Extensive consultations and notifications have occurred throughout this process.

Mr. Millar explained the Town initiated the amendments, the Region are the approval authority for Secondary Plans and Agencies, Stakeholders and the public are all requested to be engaged. He provided an overview of the following:

- W5: Who, What, Where, When and Why;
- Notification process in accordance with the *Planning Act* and Council policy;
- Quick statistics of the area;
- Brief overview of the process beginning with the request for EOI resulting in the Community Focus Group in February 2013;
- Vision Statement: "The ideal Stevensville is a well-planned village that is inclusive, connected to nature, neighbours and jobs; that celebrates its rural heritage and looks forward to a prosperous future with vital commercial and employment areas;"
- Concept illustration and Draft Land Use Plan;
- The five schedules contained in the Draft Secondary Plan – Provincial compliance, Land Use Plan, Natural Features & Open Space, Natural Hazards & Fish Habitat, and Transportation Systems;
- Key Policies e.g. Regional Growth Management and Provincial Growth Plan;
- Key changes and Topical focus e.g. Defining a Village Core Area, Medium Density/Intensification, Gateway Highway Commercial, Prestige Industrial, Highway Corridor, Civic Space, Traffic and Safety.

Mr. Millar explained in order to effectively implement the

Secondary Plan, select areas being re-designated need to be provided with the appropriate regulations. Zoning amendments will be made on affected parcels to a suitable zoning category to facilitate future development activity and to remove the "hurdle" for implementation and investment towards a Plan that Council has adopted. Persons/developers seeking to develop in a manner not consistent with the Plan will be required to go through the amendment process. The changes being made to implement the Plan are being referred to as "related" changes. Some Zoning changes are not a result of the Secondary Plan but of a "housekeeping" in nature due to more recent NPCA data, which in most cases, has seen modification to the Hazard limits along some watercourses. These proposed changes are being referred to as "unrelated" to the Plan's implementation. He reviewed next steps.

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

No person(s) spoke in favour of the application.

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

No person(s) spoke in opposition of the application.

Mayor Redekop announced the public meeting was concluded.

At this point, Mayor Redekop turned the Chair over to Councillor Butler, due to his pecuniary interest.

(c) Official Plan and Proposed Property Rezoning

Re: Town Initiated Official Plan and Zoning By-law Amendment to Revise Provisions in some Downtown Cores and Outdoor Patios.

Councillor Butler announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. She described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Councillor Butler encouraged members of the public to state their concerns either at this meeting or in writing so that they

may have status in the event of an appeal to the Ontario Municipal Board.

Ms. Dolch, Manager of Development Services delivered a power point presentation, a copy of which is available in the Clerk's Department.

Ms. Dolch advised that notice of this Public Meeting was provided in accordance with the requirements of the *Planning Act* and advertised in the February 5, 2015 edition of The Times newspaper. Additional measures were undertaken to notify the public of the proposed amendments by posting Notice on the Town's website, Twitter and Facebook page, sent to the Ridgeway, Bridgeburg and Crystal Beach BIA's; included on the February 2015 water bill, advertised on the electronic billboard at the corner of Municipal Centre Drive and Garrison Road, posted at the Library Branches, Leisureplex, Museum and Town Hall Atrium. In addition, at the February 2, 2015 Council-in-Committee Meeting, Council requested that Notices of the March 2, 2015 public meeting be sent by mail to all downtown core areas of Ridgeway, Crystal Beach, Stevensville, Bridgeburg and the South Neighbourhood.

Ms. Dolch explained the proposed change to the Official Plan will permit within Crystal Beach, Ridgeway, Bridgeburg, Stevensville and South end downtown commercial centres, a portion of the ground storey to contain residential dwelling units to be situated behind the commercial use of the main floor, provided the unit does not front onto the street and it does not detract from the primary at-grade commercial purpose.

Ms. Dolch explained the proposed changes to the Zoning By-law No. 129-90 will occur in the C2A, CMU2 and CMU4 Zones located in Bridgeburg, Crystal Beach and Ridgeway. The South Neighbourhood along the Niagara River Parkway will need to be considered in a future Secondary Plan as the current zoning in this downtown area is not in a core commercial zone.

The Stevensville Secondary Plan is currently underway and it is considering the residential on the ground floor of a commercial building as part of its proposed amendments. Any other changes not considered through the Secondary Plan process will need to be included in the next housekeeping amendment once the zoning of the Stevensville downtown core has been changed.

Ms. Dolch advised a new section has been added to Section 18

General Commercial Provisions for dwelling units in C2A, CMU2 and CMU4 Zones to permit residential dwelling units to occupy up to 49% of the ground floor of a commercial area in these Zones. Changes to access drive widths in C2A, CMU2 and CMU4. No. 5 Access Driveway Width will stay the same for those commercial areas outside of the identified downtown core areas. This provision would apply to any new development or addition in a commercial zone. Laneways provide for access to loading and parking areas at the rear of commercial buildings. Currently parking areas adjacent to laneways must landscape the 3 metres adjacent to the street. Staff are proposing to permit parking adjacent to a laneway without the requirement of a 3.0 metre landscape strip.

Ms. Dolch referred to Section 6.49 Outdoor Patios associated with Eating Establishments and/or Taverns and advised the wording "the calculation of such separation distance shall exclude any public road allowance between such zones" will be removed. A separation distance of 60 feet or 20 metres will still be provided and are sufficient to mitigate impacts whether or not adjacent to a road allowance.

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

No person(s) spoke in favour of the application.

Councillor Butler indicated the Committee would hear from those person(s) who wished to speak in opposition to the application.

No person(s) spoke in opposition of the application.

Councillor Butler indicated the Committee would hear from those person(s) who wished to ask questions.

(a) Mia Russell, Crystal Beach

Ms. Russell stated she has commercial property on Erie Road. She is concerned about the hotel on the corner of Erie Road and Derby Road where the commercial space on the main floor are apartments with doors onto the road and there is no parking. She questioned how that was allowed since it is a commercial building and the apartments are residential.

Ms. Dolch responded the hotel was a legal non-conforming use and they would not be required to have parking for residential use. Ms. Russell advised there is public parking behind the building and as a taxpayer, she questioned why she should have to pay for the residents to park there. The Mayor requested Ms. Russell to provide her address to Ms. Dolch so that she can respond directly to her.

(b) Nick Russell, Crystal Beach

Mr. Russell is concerned about the property that the Molinaro's sold and he questioned if part of it was zoned commercial and if the zoning changes, what will happen to that property. Mr. Brady responded the Molinaro's sold the property on Erie Road. These changes will not affect the zoning of that property.

Councillor Butler announced the public meeting was concluded.

At this point, Mayor Redekop resumed the Chair.

(d) Official Plan and Proposed Property Rezoning

Re: Owners: 1746849 Ontario Inc. (Pauline Petek, President); Applicant: Stacy Veld, District School Board of Niagara - 1640 Garrison Road. The applicant is requesting an Official Plan Amendment to permit through a Special Policy Area and Site Specific Open Space Zone, a public school and ancillary uses in addition to open space uses and in addition a Zoning By-law Amendment to specifically add auditorium, day care, offices, public library and restaurant associated with the Culinary Program.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Official Plan and Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Ms. Dolch, Manager of Development Approvals delivered a power point presentation, a copy of which is available in the Clerk's Department.

Ms. Dolch advised that notice of this Public Meeting was circulated to property owners within 120 metres of the subject property on February 6, 2015 in accordance with the requirements of the *Planning Act* and advertised in the February 5, 2015 edition of The Times newspaper.

Ms. Dolch explained the subject property is designated Open Space and Commercial in the Town's Official Plan. The proposed secondary school is not permitted in either designation and therefore, an Official Plan amendment is required to add a Special Policy Area to permit a public school use, along with ancillary uses in addition to the uses permitted in the Open Space designation. In addition, the amendment is to permit the continued use of existing municipal services outside the Urban Area Boundary. The southeast corner of the subject land is designated Commercial and is in the Spears/High Pointe Secondary Plan area. The proposed use is not permitted and an amendment is required.

Ms. Dolch explained the proposed Zoning By-law Amendment is to change the zoning from Open Space OS Zone and General Commercial C3 Zone to a Site Specific Open Space OS Zone to permit in addition to the permitted use in the Open Space Zone Section 33.2, a public school and uses and structures accessory thereto. In addition, the following secondary uses are also proposed to be permitted in the main school building: auditorium, daycare, offices, public library and restaurant associated with the culinary program. The proposed amendment will also Site Specifically recognize a maximum lot coverage of 25% and a minimum landscaped Open Space area of 20%.

The applicants would like to construct a new 8825 sq. m. (95,000 sq. ft.) Public Secondary School.

The Mayor invited the applicants' agent to come forward.

Mr. Fred Loews, current Principal of Fort Erie Secondary School (FESS) and future Principal of the new high school, on behalf of the District School Board of Niagara (DSBN), stated this is the Board's first high school build in over four decades. The new high school will bring together students from FESS and

Ridgeway Crystal Beach High School and will be symbolic for the community. The Ministry of Education bases its funding grants on enrollment. The new school has brought together the Town of Fort Erie and DSBN. He thanked the Town for their hard work and support for a state of the art gem. The DSBN appreciates the support of the Town and Members of Council. The central location will give students access to the Leisureplex, Town Hall and the YMCA.

Mr. Loews explained the DSBN is prepared to take all responsible measures for the safety of its students and will install traffic lights, will conduct a Traffic Impact Study as a proactive measure, ensure a safe route for buses, address noise and air quality, recognize the proximity of residential homes in the area and provide landscaping.

Mr. Loews introduced representatives of the DSBN Greater Fort Erie Secondary School Project.

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

No person(s) came forward to speak in favour of the application.

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

(a) Mike Cloutier, 655 Daytona Drive

Mr. Cloutier advised he was present to register his opposition to anything that has to do with the amalgamation of the two schools.

(e) Property Rezoning

Re: Owners: INI Corporation (Valerie Beattie, President); Agent: Harold Hyde - South side of Lakeshore Road, East of Albert Street Road Allowance. The applicant is requesting permission to construct a single detached dwelling located 3.0 metres from the 1-in-100 year flood elevation as determined by the NPCA and the Zoning By-law requires a minimum setback of 30 meters. The applicant is also requesting permission to construct the dwelling with a minimum rear yard setback of 3.0 metres whereas the Zoning By-law requires a minimum rear yard setback of 10 metres. The rear yard setback is measured from the boundary of the Hazard Zone from the top of the concrete

block retaining wall.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed amendments to the Town's Zoning By-law No. 129-90. He described the meeting process and stated the purpose of the meeting was to obtain input from local residents that will assist staff in making a recommendation to Council and assist Council in making a decision in the matter. Mayor Redekop encouraged members of the public to state their concerns either at this meeting or in writing so that they may have status in the event of an appeal to the Ontario Municipal Board.

Mr. Kernahan, Senior Development Planner delivered a power point presentation, a copy of which is available in the Clerk's Department.

Mr. Kernahan advised that notice of this Public Meeting was circulated to property owners within 120 metres of the subject property on February 6, 2015 in accordance with the requirements of the *Planning Act* and advertised in the February 5, 2015 edition of The Times newspaper.

Mr. Kernahan explained the property is zoned Waterfront Residential (WR) Zone and Hazard (H) Zone. The applicants would like to:

- Establish a building envelope 3.0 metres from the 1-in-100 year flood elevation as determined by the NPCA, whereas Section 6.47 of Zoning By-law No. 129-90 requires a minimum setback of 30 metres.
- Construct a single detached dwelling with a minimum rear yard setback of 3.0 metres whereas Section 16.3 of the Zoning By-law permits a minimum rear yard setback of 10 metres measured from the boundary of the Hazard Zone which is the top of the concrete block retaining wall.

The Mayor invited the applicants' agent to come forward. Mr. Harold Hyde from Rasch and Hyde, Ontario Land Surveyors was present on behalf of the owners. He read the information report which is complete and covers all aspects of the application.

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

No person(s) came forward to speak in favour of the application.

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

(a) Leah Hanna, 590 Lakeshore Road

Ms. Hanna stated she was born at 610 Lakeshore Road in Erie Beach, grew up at 530 Lakeshore Road and has lived at 590 Lakeshore Road for almost sixty years. She is opposed to the application because it will block her view of the lake. This corporation already owns too many trophy houses with beautiful views of the lake and want to build a third house is selfish. She advised the land has been filled in with land fill and boulders and has led to the flooding of their backyards. The road allowance is where people from the area flocked to the lake to swim and now it is hidden by tons of land fill. The previous land owners used Town property for their tennis court. The Town should not give away lakefront property they own. She suggested that the land should be donated to the Town and would be a place for people using the bike path to sit and look at the lake.

(b) Barbara Lee Butler, 18 Albert Street

Ms. Butler explained her back yard backs on to Lakeshore Road. She agrees with Ms. Hanna. She expressed deep concern and is opposed to this application. She has been a cottage owner for the past ten years, and since the retaining wall has gone in has experienced flooding in the area. She has a deep appreciation for what this jewel in Fort Erie offers to the public. She thinks Council should take pause and think what can we give back to the community. The beautiful view is for all residents and visitors and should not be blocked. It may belong to the corporation but she is opposed that the corporation has imposed flooding from the retaining wall. If this does go through she asked that landscaping be considered and for more specifics on what the exchange will be.

(c) Linda Lang, 586 Lakeshore Road

Ms. Lang advised she is present to register her opposition to the proposal, similar to that of her neighbours. The building would block their panoramic view her family has

enjoyed since the 1920's. She would not like to see anything built and block that view. It should be preserved. They have seen more water in their backyard in the last two years and that may have to do with the retaining wall. She questioned if the Town proposes to sell waterfront land to a corporation, does the public have a voice.

(d) Susan Koch, 586 Lakeshore Road

Ms. Koch advised the family home was purchased by their grandparents in the 1920's. It was always their understanding that no one owned the waterfront property and it was for everyone. She wants to support her neighbours and is opposed to this application. She expressed concern the original house built by the Bardol's and owned by the Beattie's is partly built on Town land including the tennis court. She was surprised when the concrete retaining wall went in and the infill was done by the owners and questioned what kind of precedent is being set.

(e) Shari Breen, 626 Lakeshore Road

Ms. Breen advised she lives across the street from the property. She was confused and wanted to clarify whether they are staying on the same land they have. She stated she did not want anything to impede their view.

(f) Charles Kautz, 3247 Thunder Bay Road

Mr. Kautz advised he is neither in favour or opposed to the application but has some comments. In reviewing the report it refers to the municipal address as being 831 Lakeshore Road but he believes it is 631 Lakeshore Road. He has a planning degree and this land swap came to Council twelve years ago and then was rescinded.

At this point, Council recessed from 7:40-7:52 p.m.

8. Consent Agenda Items

**CDS-15-1-2015 Supplemental Report to CDS-15-2015 –
Stevensville Secondary Plan and Proposed
Zoning Implementation Changes – Public
Meeting and Information Report**

That: Report No. CDS-15-1-2015, providing supplemental information to Report No. CDS-15-2015, dated February 2, 2015 regarding proposed Official Plan Amendment No. 24 and Proposed Zoning Changes be received for the information of Council. (Carried)

CDS-18-2015 Proposed Combined Official Plan and Zoning By-law Amendment - Owners: 1746849 Ontario Inc. (Pauline Petek, President); Applicant: Stacy Veld, District School Board of Niagara - 1640 Garrison Road

That: This report be received for information purposes and a report on the Official Plan and Zoning By-law Amendments be presented to a future Council-in-Committee Meeting with the recommendations subsequent to the Public Meeting. (Carried)

CDS-19-2015 Proposed Zoning By-law Amendment - Owners: INI Corporation (Valerie Beattie, President); Agent: Harold Hyde - South Side of Lakeshore Road, East of Albert Street Road Allowance

That: This report be received for information purposes and a report on the Zoning By-law Amendment be presented to a future Council-in-Committee with the recommendations subsequent to the Public Meeting. (Carried)

Consent Agenda Recommendation

Recommendation No. 1

Moved by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended. (Carried)

9. Community and Development Services

9.1 Delegations

None

9.2 Reports

CDS-17-2015 Information Report for the Proposed Amendments to the Town's Official Plan and/or Zoning By-law for Ground Floor Residential in Downtown Cores, Outdoor Patio Provisions, Parking Adjacent to Laneways in Downtown Cores and

Access Drive Widths in Downtown Cores

Recommendation No. 2

Moved by: Councillor Zanko

That: This report be received for information purposes and a report on the Official Plan and Zoning By-law Amendments be presented to a future Council-in-Committee with the recommendations subsequent to the Public Meeting. (Carried)

**CDS-20-2015 Request for Revisions to Regional Plan
Amendment 6-2014 Relative to Location
of Niagara GTA East Corridor**

Recommendation No. 3

Moved by: Mayor Redekop

That: Council request the Region to move the Niagara GTA East Corridor northwards to be located outside the urban area boundary as part of the Town's formal comments on Regional Official Plan Amendment No. 6-2014, and further

That: Council formally request the Province to move the Niagara GTA East Corridor northwards to be located outside the urban area boundary as part of Phase 2 of the Environmental Assessment process, and further

That: Council direct staff to revise the Stevensville Secondary Plan to align with the above recommendations as discussed in this report, and further

That: A copy of Report No. CDS-20-2015 be forwarded to the Niagara Region Planning & Development Department. (Carried)

**CDS-21-2015 Request for Proposal CDS-15P-BBMP14,
for Consulting Services for the
Preparation of the Bay Beach Master
Plan**

Recommendation No. 4

Moved by: Councillor McDermott

That: Council accept Report No. CDS-21-2015, regarding the Bay Beach Master Plan Request for Proposal for Consulting Services, for information purposes. (Carried)

9.3 New Business/Enquiries

(a) Mayor Redekop – NOTICE OF MOTION

Re: Council support of the Canadian Motor Speedway Project

(b) Councillor Zanko

Re: Greater Fort Erie Secondary School

Recommendation No. 5

Moved by: Councillor Zanko

That staff be directed to invite the neighbours around the proposed new high school site to a meeting to review the Site Plan and in particular, the landscaping. (Carried)

9.4 Business Status Report

Mayor Redekop enquired what did the Niagara Parks Commission Property Use Agreement relate to. Mr. Brady responded he will look into the matter and report back.

10. Scheduling of Meetings

- (a) Infrastructure Services Business Sub-Committee Meeting – March 4, 2015 at 5:00 p.m. – Conference Room No. 3

11. Adjournment

Recommendation No. 6

Moved by: Councillor Knutt

That: Council-in-Committee adjourns at 8:30 p.m. (Carried)

Mayor

Acting Deputy Clerk

PART C - APPENDIX "3" TO BY-LAW NO. 75-2015



Development & Municipal Services Control Centre
Floor 5, 100 Borough Drive
Scarborough, Ontario
M1P 4W2
Tel: 416-296-6291 Toll-Free: 1-800-748-6284
Fax: 416-296-0520

January 19, 2015

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

Attention: Kira Dolch

Dear Sir/Madam:

RE: Official Plan Amendment and Zoning By-Law Amendment Application
Location: 1640 Garrison Rd.
Your File No: 350309-0392
Bell File No: 50716

Thank you for your letter of December 12, 2014 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

A handwritten signature in black ink, appearing to read "Lina Raffoul".

Lina Raffoul,
Manager - Development & Municipal Services, ON



Interoffice Memorandum

January 9 2015

File No. 350307

To: Kira Dolch, Manager of Development Approvals
From: Kevin Winney, Senior Fire Prevention Inspector
Subject: **Official Plan and Zoning By-law Amendment 1640 Garrison Road**

Please be advised the Fort Erie Fire Department has concerns with the present submit, as it shows parking on all four sides of the building. This would have an impact on Fire Department emergency response and access to the building.

One possible option to help alleviate this would be to restrict the bus parking anywhere there is an access point to the building.

Also the fire department connection for the sprinkler system would have to be located where there is no parking as to not obstruct access.

A handwritten signature in black ink, appearing to read "Kevin Winney", with a large, sweeping flourish at the end.

Kevin Winney
Senior Fire Prevention Inspector

kjw

PART C - APPENDIX "3" TO BY-LAW NO. 75-2015



Enbridge Gas Distribution
500 Consumers Road
North York, Ontario M2J 1P8
Canada

January 5, 2015

Kira Dolch, MCIP, RPP, CNU-A
Manager of Development Approvals
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Kira Dolch,

Re: Official Plan and Zoning By-Law Amendment
1746849 Onatrio Inc.
Stacy Veld, Niagara District School Board
1640 Garrison Road
Town of Fort Erie
File No.: 350309-0392 & 350302-0088

Enbridge Gas Distribution does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea80@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and /or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

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

Enbridge Gas Distribution reserves the right to amend or remove development conditions

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nikki DeGroot'.

Nikki DeGroot
Municipal Advisor
Distribution Planning & Records

ND/rv

PART C - APPENDIX "3" TO BY-LAW NO. 75-2015



Official Plan and Rezoning Amendments - 1640 Garrison Road
Keegan Gennings to: Kira Dolch

12/01/2015 01:05 PM

Hi Kira,

I have no comments concerning the official plan amendment or rezoning application for 1640 Garrison Road.

Regards,

Keegan Gennings C.B.C.O
Chief Building Official
Town of Fort Erie
905-871-1600 ext. 2515

Interoffice Memorandum

January 7, 2015
File No. 350309-0392

To: Kira Dolch, Manager of Development
From: Susan Dunsmore, Development Coordinator
Subject: **APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT –
1640 GARRISON ROAD – APPLICANT: NDSB**

Staff reviewed the following documents received December 12, 2014:

- Planning Justification report dated December 11, 2014
- Survey Sketch dated November 27, 2014
- Site Plan dated November 26, 2014
- TIS dated November 2014

The following summarizes Infrastructure Services comments on the documents reviewed:

The subject lands will be subject to a Site Plan Agreement with the Town, all of Infrastructure Services requirements will be dealt with through that process however, the general comments are as follows:

- The subject site is outside the urban boundary however, it currently is serviced by water and sanitary sewer laterals the current records have been provided to the applicant's consultant.
 - The water service for the entire property is located off of the Garrison Road Watermain, which will continue to supply Parts 1 and 3 on the sketch. This water service is to be brought into compliance with Town's servicing by-laws, all water is to be metered, including fire suppression system and premise isolation backflow prevention to be installed.
 - A new water service for Part 5 will be required from the watermain located on Sunset Ave, this water service will be required to be in compliance with the Town's servicing by-laws.
 - The existing sanitary sewer lateral located at the southeast corner of the property will need to service all parts and as noted on the survey sketch the final location of an easement is to be determined, however it is recommended that it be located along the east side of the property to minimize the impact on the site.
- The subject lands will be required to complete a stormwater management study for the property being developed, existing drainage from the remaining part at the north must be provided with an outlet if required.
- The Town's Official Plan includes Sunset Drive in the list of roads requiring a widening of 3.0m from the existing width, therefore a 1.5m wide road widening will be required along Sunset Drive along Part 3 and Part 5.
- Traffic/road/sidewalk and pedestrian requirements to be implemented will be determined at the site plan process stage in conjunction with the Region of Niagara's requirements, however, a controlled pedestrian crossing should be provided.

Susan M. Dunsmore, P.Eng.
Development Coordinator

ecc. K. M. Walsh, Manager, Engineering Division

PROPOSED 400M RUNNING TRACK
PROPOSED FOOTBALL FIELD

SUNSET DRIVE

PROPOSED 20' BY 100' SWIMMING POOL
PROPOSED 20' BY 100' GYMNASIUM

PARKING - 20 SPACES
PARKING - 20 SPACES

NOVEMBER 20 2014

DSBN DISTRICT SCHOOL BOARD

VANDERKAM & PARTNERS ARCHITECTS

FOR THE HALL OF FAME



VANDINO & PANKS
ARCHITECTS
INC.
 1400 DUNDAS ST. W. 2ND FL.
 TORONTO, ONT. M6J 1B5
 TEL: (416) 593-7773
 FAX: (416) 593-7775
 WWW.VANDINOPANKS.COM

GREATER FORT ERIE SECONDARY SCHOOL
SCHEMATIC SITE LAYOUT - NOVEMBER 20 2014

POLICE CODE BY LAW	
SCHOOL	NO
TRADING	NO
LIBRARY	BT
TOTAL	NOT
TO BE RE-ENTERED FROM TYPE	
POLICE PROTECTED NOT	

PART C - APPENDIX "3" TO BY-LAW NO. 75-2015

Fw:GFESS - Traffic Impact Study - Transit Comments

Rick Brady

to:

Kira Dolch, Matt Kernahan

18/12/2014 09:41 AM

Hide Details

From: Rick Brady/FortErie

To: Kira Dolch/FortErie@townofforterie, Matt Kernahan/FortErie@townofforterie

Fyi

Carla Stout --- GFESS - Traffic Impact Study - Transit Comments ---

From: "Carla Stout" <CStout@town.forterie.on.ca>
 To: "Susan Dunsmore" <SDunsmore@town.forterie.on.ca>
 Cc: "Kelly Walsh" <KWalsh@town.forterie.on.ca>, "Rick Brady" <RBrady@town.forterie.on.ca>
 Date: Thu, Dec 18, 2014 8:49 AM
 Subject: GFESS - Traffic Impact Study - Transit Comments

In reviewing the TIS from Paradigm Transportation Solutions prepared for the DSBN dated November 2014,

I would make the following comment regarding conventional transit routing/access to the new school site:

A) Transit routing is currently not provided along Garrison Road/ Hwy #3. Although re-routing can be accomplished by by-law in fairly short order a stop would have to be incorporated into the right of way at the approach to the site driveway (Crystal Beach bound bus).

B) Even if the route was altered to drop off in front of the school, that would be in one direction on the route only. At some point a stop would be required to be placed across Hwy #3 from the school (Jarvis Street bound bus).

C) Given that students must cross Hwy #3 either to access the Municipal Centre/ Leisureplex or YMCA facilities (as was the intent for siting the building at 1640 Garrison Road), creating bus stop facilities within Municipal Centre Drive could be accomplished subject to the Region's providing appropriate pedestrian crossings on Hwy #3.

Regards,

Carla Stout, DPA
 Administrative Supervisor - Infrastructure Services and
 Transit Program Manager

The Corporation of the Town of Fort Erie
 Municipal Centre, 1 Municipal Centre Drive
 Fort Erie, Ontario, Canada L2A 2S6
 Tel: (905)871-1600 Ext.2401

PART C - APPENDIX "3" TO BY-LAW NO. 75-2015



Planning and Development Services

2201 St. David's Road W, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-8056

www.niagararegion.ca

January 12, 2015

Files: D.10.01.OPA-14-026
D.18.01.ZA-14-123

VIA EMAIL ONLY

Ms. Kira Dolch, MCIP, RPP, CNU-A
Manager of Development Approvals
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Dolch:

Re: Regional and Provincial Comments
OPA and Zoning By-law Amendment Applications
Applicant: Stacy Veld, Niagara District School Board
Owner: 1746849 Ontario Inc.
1640 Garrison Road, Town of Fort Erie

Pre-consultation meetings were held on November 13, 2014 and December 11, 2014 at the Town Hall with staff from the Town, Niagara Peninsula Conservation Authority, Niagara Region and the applicants for the proposed applications. Regional Development Services staff has reviewed the information circulated for the above noted applications. The proposed Official Plan (OPA) and zoning by-law (ZBA) amendments have been submitted to accommodate a public school and ancillary uses in addition to the permitted open space uses on the southerly portion of 1640 Garrison Road (approximately 6.07 ha in size) fronting onto Garrison Road and Sunset Drive which is currently occupied by a club house, mini putt course and driving range associated with the Fort Erie Golf Club.

The OPA application proposes to redesignate the southerly portion of the subject lands from Open Space and Commercial to a special policy area. The ZBA proposes to rezone the lands from Open Space OS Zone and Highway Commercial C3 zone to a site specific Open Space OS Zone. The following Provincial and Regional comments are offered to assist the Town in considering the applications.

Provincial and Regional Policy

The subject lands are located immediately outside the Urban Area Boundary for the Town of Fort Erie. The Town's Official Plan, approved by the Niagara Region in 2011, designates the subject lands as Open Space and Commercial with the underlying designation for the southerly portion of 1640 Garrison Road being Rural. However, according to the Region's Official Plan (ROP) all of the subject lands are designated Good General Agricultural with the predominant land use being agriculture of all types. Staff notes that the ROP shows that the southerly portion of the subject lands is bordered by the urban area boundary to the east and Rural designated lands to the west and south. Staff also notes that the ROP provides that the

predominant use of lands in the Rural Area will be agriculture, but a variety of non-farm development, including small-scale commercial and institutional development, may be permitted. The ROP further states that development in the Rural Area will not be provided municipal services, and will only be permitted when the individual lot and soil conditions are suitable for the long term operation of a private water and waste disposal system.

To facilitate the development of the public school on the southerly portion of the subject lands the applicant has submitted a Regional Policy Plan amendment (ROPA) application to add a site specific policy area to the ROP. The ROP provides that non-agricultural uses may be considered in the agricultural area through a ROPA subject to a number of criteria including a demonstrated need and desirability, no reasonable alternatives, degree of conflict with surrounding agricultural uses, etc.

Staff notes that the subject lands are currently used for non-agricultural uses (i.e. golf course and associated uses) and have existing municipal service connections for water, sanitary and storm. The northerly portion of the subject lands will continue to be used for the golf course use. The lands to the west are used for existing residential uses. To the east there is an existing restaurant and residential dwellings. The lands on the south side of Garrison Road contain the Fort Erie Town Hall and Arena/YMCA complex which will provide future students with additional recreational opportunities. From a Regional development review perspective, staff have no objection to the approval of the proposed local amendments pending the approval of the ROPA as the proposed school site will not be impacting or removing active farm land from agricultural production. Further, it is unlikely given the current use of the subject lands and adjacent non-agricultural land uses that this portion of the subject lands will be used for agricultural purposes in the future. However, as all agency comments with regard to the ROPA have not been received by the Region at this time the planning review of the ROPA has not been completed. Therefore, Regional Planning and Development Services staff recommends that the local amendments be approved in principle and that the by-laws be withheld pending the approval of the ROPA.

Archaeological Resources

Based on Ministry of Tourism, Culture and Sport screening criteria, the subject lands exhibit potential for the discovery of archaeological resources due to their proximity to a watercourse located on the south side of Garrison Road. In addition, the subject lands appear to be identified in the Town's Cultural Heritage Archaeological Potential zone as having archaeological resource potential. Staff notes that the lands are currently used as a golf course and some of the lands may have been already significantly disturbed. The applicant has indicated that a Stage 1 Archaeological Assessment will be completed and submitted at the time of the Site Plan Control application. This assessment will indicate if any further assessments are required for the areas that have not been previously disturbed. Staff recommends that the Town Staff ensures that no demolition, grading or other soil disturbances shall take place on the subject property prior to all archaeological resource concerns have met licensing and resource conservation requirements.

Change of Use

The Province's brownfields legislation/regulation requires that any change to a more sensitive land use (including a residential, institutional, etc.) 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. As the requirement for the filing of the

RSC can be addressed at the building permit stage any required RSC will need to be filed prior to the issuance of a building permit to the satisfaction of the Town's Chief Building Official.

Potential Noise Impacts

The Region's Traffic Noise Control Policy (PW5.NO1.0) is applicable to the proposed school development as the subject land is adjacent to Regional Road 3. This potential noise source may negatively impact the proposed new school. The Planning Justification report states that the school will be constructed using architectural features to mitigate noise (i.e. high quality double glazed windows and brick veneer). Regional staff recommends that during the site plan control agreement process that the proposed noise mitigate measures be incorporated in the agreement between the District School Board of Niagara (DSBN) and the Town.

Regional Technical/Engineering/Transportation

Development Services Technical staff has completed an engineering review of the proposed applications. In general, they have no objection to the proposed amendments and have noted that further detailed review will be completed during the site plan control agreement process which will address:

- Regional road access design and permit requirements.
- Location of the required sewage sampling manhole.
- Protection of the Regional 300m diameter watermain located on the north side of Garrison Road.

Development and Transportation staff have reviewed the Traffic Impact Study (TIS) prepared by Paradigm Transportation Services Ltd, dated November 2014, and are in general agreement with it. The following comments are provided at this time to advise the applicant that the following items will need to be addressed prior to the approval of the future site plan agreement process:

- a) As provided in the TIS, a fully signalized intersection is recommended on Garrison Road at Municipal Drive (the main school entrance). This installation is not warranted for vehicular traffic, but is reasonable in order to provide safe pedestrian crossing, as it is expected that there will be shared use of the school and municipal facilities and significant pedestrian activity between the facilities. It is noted that in keeping with Regional practice, the installation of a "roundabout", as an alternative to signalization of intersections, was reviewed by Regional Transportation staff and was determined to be impractical in this situation. A legal agreement between the DSBN and the Region will be required to secure the costs for the design and construction of this signalized intersection, and any other works intended to occupy the Regional road right-of-way.
- b) The TIS identifies potential problems with the short throat on the main access from Garrison Road which is concern to the Region as it is possible that traffic could stack out into the Garrison Road intersection. A comprehensive review of the internal roadway system and/or building configuration will be required to remove or mitigate this potential problem prior to approval of the site plan.
- c) Flashing speed reduction signs will be required on the approaches to the school zone limiting speed to 50 kilometers per hour. The DSBN and the Region will

arrange the appropriate hours of operation of the signals. The cost of the provision of these signs will be the responsibility of the DSBN.

- d) The TIS identifies a need for 1.8 metre wide sidewalks on both sides of Garrison Road, and that the sidewalk on the south side of the road should preferably connect to the existing sidewalk at Petit Road. Further discussion will be required with the Town and the Region to establish the feasibility and costs. It should be noted that it may be necessary to fill sections of the existing ditch and replace it with a storm sewer, to provide a sufficient platform on which to construct a sidewalk. This would significantly increase the cost of providing this sidewalk. Further, discussion is required with the municipality to address any opportunities for the provision of sidewalks or walkways.
- e) The TIS recommends that shared or dedicated cycling lanes be provided on Garrison Road. To provide a cycle route on Garrison Road, an off road path may be considered, and further discussion is required with the municipality.

Conclusion

Subject to the above comments, Regional Planning staff supports the approval, in principle, of the proposed Official Plan and Zoning By-law amendments. All agency comments with regard to the associated ROPA have not been received by the Region at this time. As a result, the planning review of the ROPA has not been completed. Therefore, Regional Planning and Development Services staff recommend that the local amendments be approved, in principle, and that the by-laws be withheld until the ROPA is approved.

Regional staff has reviewed the draft official plan amendment forwarded with the circulation. Provided the associated ROPA is approved prior to the passing of the by-law for the local OPA, the proposed OPA is exempt from Regional Council approval.

Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files. If you have any questions, wish to discuss these comments or would like a hard copy of the comments, please contact Teresa Gray, Planner at extension 3430, or Marilyn Radman, Manager Development Planning, at extension 3485.

Yours truly,



Teresa Gray, MCIP, RPP
Senior Development Planner

cc: Mr. R. F. Brady, MA, MCIP, RPP, Director of Community and Development Services, Fort Erie
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Mr. B. Dick, MCIP, RPP, Senior Planner, Growth Management, Niagara Region

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