

The Municipal Corporation of the Town of Fort Erie

By-law No. 34-2021

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.50
P. Leigh Whyte- Agent
Compass Heights Development Ltd &
Buffalo & Fort Erie Peace Bridge Authority(PBA) — Owners
7 Central Avenue and a portion of 100-1 Queen Street**

350302-0119

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 enacts as follows:

1. **That** amendment No. 50 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** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions 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 22 day of March, 2021.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true copy of By-law No. 34-2021 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20

AMENDMENT NO. 50

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

- Appendix 1 - Notice of Public Information Processes
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

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. 50 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. 50 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 effect a change to the land use designation of a portion of the subject property from Peace Bridge (Border Services Area) to Core-Mixed Use and add "Special Policy Area 23 Compass Heights Developments" designation as shown in Schedule A to facilitate the construction of a 12-storey mixed-use building and permitting the subject lands to develop for a maximum residential density of 349 units per hectare.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 7 Central Avenue and a portion of 100-1 Queen Street shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The subject lands are designated Core Mixed-Use in the Official Plan. The Core-Mixed-Use designation allows the land to be developed for a mixture of residential and commercial uses. The applicant is proposing to re-designate the northerly portion of the property from Public to Mixed-Use designation to allow the subject lands to be developed comprehensively for the proposed mixed -use building and increase the residential density to 348.8 units per hectare.

The applicant's proposal to construct a 12-storey mixed use building which will include 879.9 square metres of commercial space and 200 dwelling units meets the intent of the Official Plan as follows:

- i. The Official Plan promotes mixed-use building with apartment dwelling units above the commercial uses. The applicant is proposing majority of the commercial space on the main floor. The residential dwellings will be located on the above floors.
- ii. The proposed development will be located at the intersection of two arterial roads, Garrison Road and Central Avenue. Both these roads will provide convenient vehicular access. Further, proximity to the Queen Elizabeth Highway (QEW) will also provide convenient highway access. Lastly, pedestrian infrastructure exists in the surrounding area and will be further improved by this development.
- iii. The proposal aims at consolidating two parcels of lands to provide a more comprehensive development.
- iv. The increased density will allow efficient use of underutilized urban land and the apartment building will provide alternative form of housing. The proposal will assist the municipality in achieving its growth targets.

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

The southerly portion of subject lands is currently vacant, while the northerly portion contains a parking lot. The surrounding land uses are mostly commercial. The proposed residential

development will help to support the existing commercial uses. Further, a mix of commercial and residential development will help in creating a complete community

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 not constrained by any natural heritage feature. The site itself is physically suitable for the proposed uses.

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 at the northwest corner of Central Avenue and Garrison Road, which are both regional roads. Further, both Central Avenue and Garrison Road are arterial roads capable of handling greater volumes of traffic. The Traffic Study submitted with the application confirms that the existing roads can handle the volume of vehicular traffic as a result of the development. Further, the site is located in close proximity to QEW and will provide convenient highway access to future residents. Pedestrian infrastructure exists in the surrounding area and will be improved by this development. Lastly, the proposed development will have access to municipal services. A Holding (H) symbol is included within the proposed Zoning By-law Amendment to ensure that the sanitary servicing system has sufficient capacity to accommodate the proposed use.

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

The majority of the surrounding lands uses are commercial with an exception of Peace Bridge Border Service Area located to the north of the subject lands. The proposed mixed-use building will be compatible with the surrounding commercial land uses. The proposed building will be located close to Garrison Road. The Official Plan policies promote buildings to be generally situated at or close to the front street line, but allows varied setbacks in order to provide interesting facade variations. Though, the proposed building will be significantly taller than the abutting building in the area, the tired design of the building provides an aesthetically pleasing design and also minimizes adverse impact on the abutting properties. The portion of the building closer to Garrison Road will have a maximum building height of 9 storeys while the 10 and 12 storey portions will be located along the north easterly portion, which will provide an adequate setback from the abutting properties and will have minimal shadowing impact of the abutting westerly property.

- 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 proposed mixed-use building will have a depreciating or deteriorating effect upon adjoining properties. On the contrary, the proposed development may act as a catalyst to bring new development in the area, having an overall positive effect on adjoining properties.

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

The proposed re-designation of the subject property will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with an additional tax base and development charges. Through the Zoning By-law Amendment, Council may also require community benefits in the form of a Section 37 Agreement with the developer, which will have a positive effect on the financial position of the municipality.

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

None.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

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

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 50 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 land use designation of Part 1 shown on Schedule "A" attached hereto shall change from Public to Core-Mixed Use.
2. The subject lands described as Parts 1 and 2 on the attached Schedule "A" are hereby redesignated to:

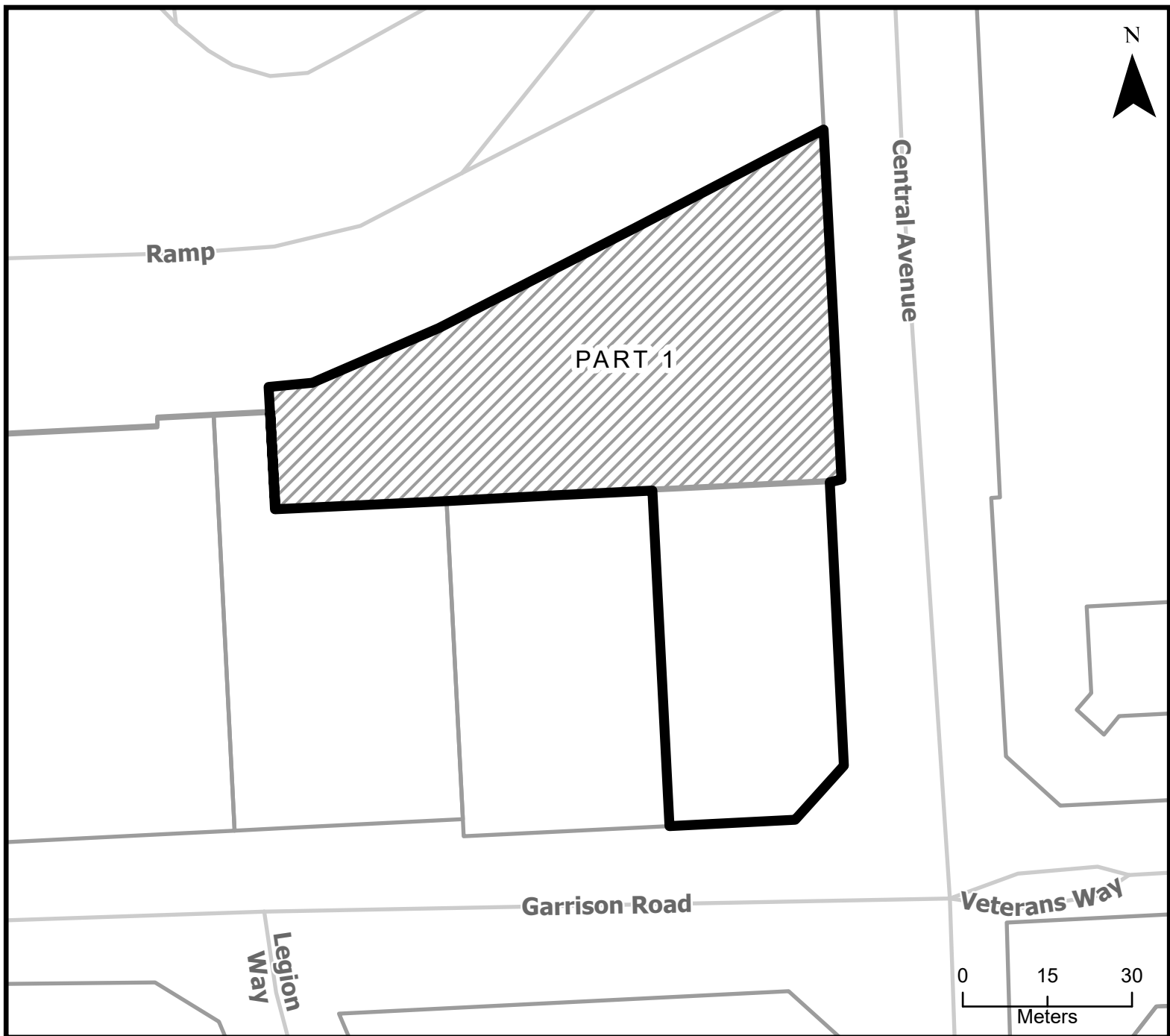
Special Policy Area 23- Compass Heights Development

3. Notwithstanding the Core-Mixed Use designation, the subject lands can be developed for a maximum residential density of 349 units per hectare.

PART “C” - THE APPENDICES

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

SCHEDULE "A"



By-law No. 34-2021

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 22nd DAY OF MARCH, 2021**



Subject Lands - Change to Special Policy Area 23 Compass Heights Developments



Part 1 - Change from Peace Bridge (Border Services Area) to Core Mixed Use

PLAN 9218 PT LOT 1 NP 505 OFF GARRISON

BERTIE CON 1 PT LOTS 1 AND 2 PT WATER LOT PT BED NIAGARA RIVER LOC CL4452 PLAN 504
LOT 1 S PRINCESS ST LOTS 2 TO 4 W NIAGARA ST PT LOT 1 W

Planning and Development Services
Map Created March 9, 2021

Appendix "1"



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING


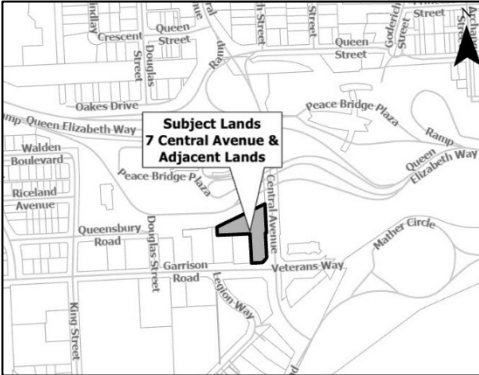

Owner: – Compass Heights Ltd. (Jeff Andrews)
7 Central Avenue & 100-1 Queen Street
Official Plan and Zoning By-law Amendment Application
APPLICATION 350309-0509



DATE: November 2, 2020
TIME: 6:00 PM
LOCATION: This will be a virtual meeting

Residents can participate in Zoom Council meetings two different ways:

1. Send your comments via e-mail to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) who will provide them to Council.
2. Participate in the Zoom meeting (audio/video via web or by telephone) by sending an email to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) to receive information on joining the Zoom meeting.

The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (www.forterie.ca).

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>WHAT WILL THIS AMENDMENT CHANGE:</p> <p>An Official Plan and Zoning By-law amendment are requested to allow the construction of a 12 storey mixed-use building (Site Plan attached as Schedule 1) on the lands known as 7 Central Avenue and a portion of abutting northerly parcel known as 100-1 Queen Street. The proposed building will include 200 dwelling units and 879.9 square metres of retail space.</p> <p>The lands are currently designated Core Mixed Use, in part and Peace Bridge (Border Services Area), in part, in the Official Plan, within the Gateway Secondary Plan Area.</p>

	<p>Lands designated Peace Bridge are also within Site Specific Policy Area 2 of the Official Plan.</p> <p>The applicant is requesting an amendment to the Official Plan to re-designate the northerly portion of lands from Peace Bridge (Border Services Area) to Core Mixed Use and add a Special Policy Area designation to the subject lands to allow an increase to the maximum residential density and maximum building height.</p> <p>The lands are currently zoned site-specific Core Mixed Use 1(CMU1-447), in part and Public, in part, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 58-11. The applicant is requesting to rezone the lands to a site-specific Core Mixed Use 1 (CMU1) Zone to allow an increase in the maximum building height.</p>
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the combined 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.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on October 29th, 2020. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Anamika Dilwaria, Senior Development Planner.</p> <p><u>CONTACT INFORMATION</u></p> <p>Anamika Dilwaria, MCIP, RPP, Senior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2507 Or by e-mailing your comments to: adilwaria@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>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.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p>

	<p>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 by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p>
--	--

	<p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
--	--

Appendix “2”

(g) 2021 Budget Meeting Schedule

Council-in-Budget Committee Meetings: #1 - Wednesday, November 18, 2020 - Capital Budget & Forecast; #2 - Wednesday, December 9, 2020 - Water and Wastewater Operating Budget and User Fees Analysis; #3 - Wednesday, February 3, 2021 - Library, General Levy Operating Budget & Assessment Analysis; #4 – Wednesday, February 10, 2021 – (If required). All budget meetings begin at 6:00 p.m. Via Video Teleconference. Budget By-laws: Monday, December 14, 2020 – Preliminary Capital Budget By-law; Monday, January 18, 2021 – Water and Wastewater Budget and Rates By-law; Monday, February 16, 2021 – General Levy Budget By-law and General Capital Budget By-law.

6. Public Meetings

(a) Proposed Official Plan & Zoning By-law Amendment

Re: 7 Central Avenue & 100-1 Queen Street - Owner: Compass Heights Development Ltd. (Jeff Andrews) - Agent: P. Leigh Whyte (PLW Consulting). The applicant is requesting an amendment to the Official Plan to re-designate the northerly portion of lands from Peace Bridge (Border Services Area) to Core Mixed Use and add a Special Policy Area designation to allow an increase to the maximum residential density and maximum building height. The applicant is requesting to rezone the lands from a site specific Core Mixed Use 1 (CMUI-447), in part and Public to a site specific Core Mixed Use 1 (CMU1) Zone to allow an increase in the maximum building height.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting.

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Ms. Dilwaria, Senior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Ms. Dilwaria confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Appendix “2”

Mayor Redekop requested staff to bring the Applicant or Agent in to participate in the meeting.

Jeffrey Andrews, Owner, and Jason Pizzicarola, Architect, were present to speak on behalf of the Application.

Mr. Andrews advised that they know the concerns raised by Ron Rienas, General Manager, Peace Bridge Authority, and Vikram Patel, Knights Inn. Mr. Andrews read a statement from the adjoining owner, Mr. Patel, that they are working collaboratively to manage concerns and that Mr. Patel is satisfied with the resolutions. Mr. Andrews said that they are excited about the responses they have received and to also see that the project is moving forward. Mr. Andrews added that the architects had done a great job designing something that Fort Erie can be proud of, and advised that they are open to input on the project.

Mr. Pizzicarola stated that the site is perfect for this development for the following reasons:

- there are similar style buildings in the area;
- there are no directly adjacent residential neighbourhoods;
- the building has been set back as staff recommended; and
- parking has been tucked away.

Mr. Andrews also added that this site is perfect for this development as the addition of 200 family units would otherwise negatively affect green space.

Mayor Redekop enquired if any members of the public wished to speak for or against the Application. No members of the public came forward.

Mayor Redekop declared the Public Meeting closed.

7. Planning and Development Services

Chaired by Councillor Zanko

7.1 Presentations and Delegations

None.

7.2 Reports

PDS-47-2020 Proposed Official Plan and Zoning By-law
Amendment - 7 Central Avenue & 100-1 Queen

APPENDIX "3"





Fw: 7 Central Avenue
Keegan Gennings to: Anamika Dilwaria

09/25/2020 02:15 PM

From: Keegan Gennings/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

History: This message has been replied to.

	KeeganGennings	Fw: 7 Central Avenue
	Anamika Dilwaria	<i>Thanks a lot. Anamika Dilwaria, M.Pl., MCIP, RPP</i>

as requested

Regards,

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

----- Forwarded by Keegan Gennings/FortErie on 09/25/2020 02:15 PM -----

From: Keegan Gennings/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie
Date: 07/28/2020 02:45 PM
Subject: Re: 7 Central Avenue

Hi Anamika,

I have no further comments for the addition of the additional building used for affordable housing at 7 Central.

Regards,

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

Anamika Dilwaria

All, Attached are few drawing submitted by the a...

07/12/2020 03:11:30 PM

APPENDIX "3"

From: Anamika Dilwaria/FortErie
To: Jeremy Korevaar/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie, Lola.Emberson@niagararegion.ca
Date: 07/12/2020 03:11 PM
Subject: 7 Central Avenue

All,

Attached are few drawing submitted by the applicant in response to Staff's comments provided on March 26 pre-consultation meeting. Additionally the applicant is also proposing an affordable building fronting on Douglas Street. Leigh Whyte (applicant's agent) would like to obtain staff's input on the revised proposal without going through another pre-con. The plan he has provided as of now is very basic.

It would be helpful if you can provide your comments by Monday, July 27, 2020.

Thanks

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

[attachment "Compass Heights -3D1 -.pdf" deleted by Keegan Gennings/FortErie]
[attachment "Compass Heights -3D2 -.pdf" deleted by Keegan Gennings/FortErie]
[attachment "Compass Heights -3D3 -.pdf" deleted by Keegan Gennings/FortErie]
[attachment "Compass Heights -3D4.pdf" deleted by Keegan Gennings/FortErie]
[attachment "Compass Heights -3D5 -.pdf" deleted by Keegan Gennings/FortErie]
[attachment "Westerly Land - Proposed Access Road and Affordable Housing 200529.pdf" deleted by Keegan Gennings/FortErie]

APPENDIX "3



Re: Request for comments- OPA & ZBA - 7 Central Av
Ed Melanson to: Anamika Dilwaria



09/14/2020 07:05 PM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

	Anamika Dilwaria	Request for comments- OPA & ZBA - 7 Central Av
	Ed Melanson	<i>Good Evening Anamika, I have reviewed the attached documents for Compass Heights and have no questio</i>

Good Evening Anamika,

I have reviewed the attached documents for Compass Heights and have no questions or comments relating to the Official Plan and Zoning Bylaw amendment requests.



Ed Melanson
Fire Chief / CEMC
Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Anamika Dilwaria

All, Please see the attached documents.

2020-09-02 11:33:33 AM

APPENDIX "3

From: Anamika Dilwaria/FortErie
To: Jeremy Korevaar/FortErie@TownOfFortErie, Ed Melanson/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie
Cc: Aaron Butler/FortErie@TownOfFortErie
Date: 2020-09-02 11:33 AM
Subject: Request for comments- OPA & ZBA - 7 Central Av

All,

Please see the attached documents.

Thanks

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

[attachment "Item 5 - 19026_SURVEY DRAFT 072220.pdf" deleted by Ed Melanson/FortErie] [attachment "Item 6 - Compass Heights - Sun Study - June 25 2020 - Copy.pdf" deleted by Ed Melanson/FortErie] [attachment "Item 6 - Compass Heights - Sun Study - June 25 2020.pdf" deleted by Ed Melanson/FortErie] [attachment "Item 7 - Wind Study 071320 Final - Copy.pdf" deleted by Ed Melanson/FortErie]

Interoffice Memorandum

From: Anamika Dilwaria, Senior Development Planner

Subject: 7 Central Avenue

Combined OPA/ZBA/Draft Plan of Subdivision Application

The lands are currently zoned site-specific Core Mixed Use 1(CMU1-447), in part and Public, in part, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 58-11.

Provision	Regulation	Proposed	Compliance
Minimum Lot Frontage	0m	22.3 m	yes
Min lot area	0 sq.m	5712.5sq m	yes
Minimum Front Yard	0 m	0.6 m	yes
Minimum Interior Side Yard	0m, except the minimum side yard abutting a residential zone shall be 2.5 m	Varies from 0.2 m to 1.3 along the west property line	yes
Minimum Exterior Side Yard	0 m	0.5m to 0.9 m	yes
Minimum Rear Yard	4.5m except the minimum rear yard abutting a residential zone shall be 10m	4.5 m	yes
Maximum Building Height	i) 4 storeys ii) 15m	12 storeys	No (site-specific regulation requested)
Required parking spaces	1 parking space per dwelling unit. 200 x1= 200 spaces Commercial Space- 879.9 Sq. m /20=44 spaces 1 parking space for 20 square metres of commercial space	259 Parking spaces	yes

APPENDIX "3"

	<p>15 spaces for Peace Bridge Authority</p> <p>Total spaces required= 200+44+ 15=259</p>		
Minimum floor area per dwelling unit	<p>bachelor Unit: 40 sq. m</p> <p>One-Bedroom Unit: 50 sq. m</p> <p>Two-Bedroom Unit: 60 sq. m</p> <p>Unit comprising three or more bedrooms:</p> <p>70 sq. m</p>		Yes1
Landscaped area	<p>A minimum of 18.5 sq. m. of open area shall be provided on-site for the exclusive use of each dwelling unit. Where the open area is provided by way of private open-air balcony space directly adjoining a residential unit, a minimum of 10.5 sq m per unit shall be</p>	Balconies with 10.5 sq. in area provided	yes
Section 6.20 (D) (ii)	<p>The maximum width of any joint ingress and egress driveway ramp</p> <p>in a Commercial or Residential Zone measured along the street line shall be 9.0 m.</p>	9 m	yes

APPENDIX "3"

Section 6.20 (I) Parking Area Location on the Lot	All yards provided that no part of any parking area, other than a point of ingress/egress, is located closer than 3.0 m to any street line or to any residential zone, except a parking area may be located 0 m from a rear access laneway in C2A, CMU2 and CMU4 Zone	N/A- parking provided in a parking garage	N/A
Parking spaces	2.7 m x 6 m and 6m		yes
Dimension	except as otherwise		
	provided in this Clause,		
	where the side of a		
	parking space abuts		
	either a lot line or a		
	wall, a column, a pillar,		
	a tree, a fence, a pole		
	or other obstruction or part thereof which is 0.5 m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3 m; an		
Accessible Parking spaces	6 Type A 3Type B	6 Type A 3 Type B	yes

Via Email Only

September 22, 2020

File No.: D.10.01.OPA-20-0023 & D.18.01 ZA-20-0056

Mrs. Anamika Dilwaria, M. PL., MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mrs. Dilwaria:

**Re: Regional and Provincial Comments
Official Plan and Zoning By-law Amendments
City File: AM-2019-015
Agent: PLW Consulting, Leigh Whyte
Owner: Compass Heights Development Ltd, Mr. Jeff Andrews
7 Central Street
Town of Fort Erie**

Regional Development Planning staff has reviewed the information circulated with the applications for Official Plan and Zoning By-law Amendments at the above noted address. The Official Plan Amendment is requesting to allow an increase in the residential density, maximum building height and re-designate the rear portion of the property from Peace Bridge Border Area to Core Mixed Use. The Zoning By-law Amendment proposes to add site-specific provisions to allow an increase in building height. The applications were submitted to allow for the construction of a 12 storey mixed-use building with 217 residential units and 657 square metres of ground floor retail space.

Pre-consultation meetings regarding this proposal were held on April 25, 2019, March 26, 2020 and August 13, 2020. The following comments are provided from a Regional and Provincial perspective to assist the City in considering the applications.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the 2019 Growth Plan for the Greater Golden Horseshoe (Growth Plan). The policies direct growth to

settlement areas and encourage building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. Intensification, redevelopment of underutilized lands and building of compact mixed-use developments that diversify the economic base and minimize the length and number of vehicle trips and support use of transit and active transportation are promoted.

The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness and provide a range and mix of housing types. The policies further state that until the Region completes a municipal comprehensive review that is approved and in effect, the annual minimum intensification target contained in the Regional Official Plan for the Town, being fifteen percent (15%), will continue to apply. The Town is identified as a Gateway Economic Zone that recognizes the importance of cross-border trade with the United States, supports economic diversity and promotes increased opportunities for trade, movement of goods and tourism.

The subject site is designated Urban Area in the Regional Official Plan (ROP) and is located within the Niagara Economic Gateway Zone. A full range of residential, commercial and industrial uses are permitted within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development and efficient development in Urban Areas and defers to the Town's Official Plan with respect to density, height, urban design and built form compatibility policies. The Niagara Economic Gateway Zone reflects the area identified in the Growth Plan and supports planning and economic development in these areas. The ROP policies support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism. Tourism plays a very important role in Niagara's economy, providing employment and generating business for support service and supply industries.

The Region supports the proposed development as it encourages the redevelopment of an underutilized property within the settlement area and includes a mix of commercial and residential uses. Regional staff encourage the provision of alternative forms of housing to achieve Provincial and Regional policies and provide residential units that are affordable, accessible and suited to the needs of a variety of households and income groups. The proposal includes a broad variety of unit sizes, including one-bedroom to three-bedroom units that will appeal to a broad range of household and income groups.

Archaeology

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject land is identified

as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential and the Town of Fort Erie's Archaeological Master Plan.

A Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd., dated September 5, 2019, was submitted with the application. The Stage 2 Assessment resulted in the identification of no archaeological resources, and the Licensed Archaeologist recommends no additional archaeological assessment.

Regional staff note that the archaeological study area does not include the entire development area proposed by these applications. The Study area identified in Figure 5 reflects only the 7 Central Avenue property and does not include the Peace Bridge Border Area to the north that is part of the area proposed for development by these applications. As such, Regional staff will require a Stage 1-2 Archaeological Assessment for the area not covered by the submitted archaeological assessment, prior to the passage of the amending by-law.

Staff will also require a copy of the acknowledgment letter from the Ministry confirming that all archaeological concerns have been addressed to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries, which may be included as a site plan condition.

Site Condition

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. The property was previously used for commercial uses and the change in use to residential (i.e. mixed use residential and commercial) requires the mandatory filing of a Record of Site Condition (RSC) in accordance with O. Reg. 153/04 under the *Environmental Protection Act*.

The Phase One prepared by Hallex Environmental Ltd, dated May 14, 2019 and Phase Two ESA prepared by Hallex Environmental Ltd., dated September 18, 2019 were submitted in support of the applications. A Phase One Environmental Site Assessment (ESA) report identified three (3) on-site Potentially Contaminating Activities (PCAs) that resulted in three (3) on-site Areas of Potential Environmental concern (APEC). The APEC included importation of fill Material of unknown quality, parking lot and gasoline and associated products storage in fixed tanks and recommended a Phase Two ESA. The Phase Two revealed soil exceedances to the Ministry of the Environment, Conservation and Parks (MECP) Site Condition Standards for Residential Land Use in a Non-Potable Ground Water Situation. Site remediation via excavation and off-site disposal at a MECP licensed landfill will be required to attain site soil conditions that satisfy the requirements for filing a RSC.

Regional staff note that the Phase One and Phase Two ESA Study Sites do not include the entire development area proposed by these applications. The Study area identified in Figure 1 of both reports reflect only the 7 Central Avenue property and does not include the Peace Bridge Border Area to the north that is part of the area proposed for

development by these applications. As such, Regional staff will require Phase One and Phase Two ESA for the additional area proposed for development that was not covered by the submitted documents prior to the passing of the by-laws.

In accordance with O. Reg. 153/04, a RSC shall be filed prior to change of use on the site. If the Town is to consider the change of use prior to confirmation by the Ministry, the requirement can be satisfied using a Holding zoning provision or as part of a subsequent site plan approval process or through the building permit process. It is noted that the draft Zoning By-law included in the Planning Justification Report includes a Holding Provision that shall be removed upon the approval of the Site Plan Control agreement. Regional staff support the use of the Holding Provision; however, note that the submission RSC should also be required prior to the removal of the Holding Provision. Alternatively, the Town could include the submission of the RSC as a condition of Site Plan approval, prior to the issuance of a building permit.

Noise

The Provincial Policy Statement indicates that major facilities (such as transportation corridors and industrial uses) and sensitive land uses including residences should be appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. A Noise Impact Study prepared by Howe Gastmeier Chapnik Limited (HGC), dated July 6, 2020, was submitted with the applications to evaluate potential noise affecting the proposed development site (residential and commercial uses) and to assess the noise impacts of the development. The study was completed in accordance with Ministry of Environment, Conservation and Park (MECP) NPC-300 Guidelines and concluded that noise control mitigation/measures are required in order to meet MECP Guidelines. It is noted that in Table 3, Prediction Location G is described as 12th Floor Rooftop Patio, however in Figure 4 G is identified on the 9th Floor. The study should be updated to clarify if it is referring to the 9th Floor. It is also noted that in Appendix B, correspondence with the Ministry of Transportation (MTO) references a project in the City of Niagara Falls, as such Regional staff would ask that the consultant confirm that the QEW traffic data (commercial splits) provided in the study are for the proposed development location. Staff would also ask for confirmation that NPC-300 and Niagara Region's guidelines are met with the recommended mitigation/measures.

The study recommends required central air conditioning systems for the building in a location, installation and sound rating that complies with NPC-300. It discusses exterior wall constructions noting that at the time of the study, building elevations were not available and further input regarding the design of exterior walls can be provided during the design development. Upgraded glazing constructions are also recommended for the building and the study recommends that when detailed floor plans and building elevations are available, the glazing should be refined based on actual window to floor area ratios and exterior wall construction. The study also recommends warning clauses to inform future residential of the traffic noise issues and the presence of the surrounding commercial uses.

The study further recommends that prior to issuance of building permits for the development a Professional Engineer, qualified to perform acoustical engineer services, review the exterior wall constructions, architectural elevations, and building elevations to ensure the building façade constructions will provide sufficient sound insulation for indoor spaces and provide any additional measures, as required. The Professional Engineer should also review the mechanical and electrical plans to ensure acceptable sound levels are compliant with Provincial, Regional and Town guidelines and by-laws. In addition, the study recommends that prior to the issuance of occupancy permits, that certification be provided ensuring noise control measures for the development have been properly installed and constructed.

Regional staff require confirmation from the consultant that the QEW traffic data is accurate. It is noted that an updated Noise Study will be required with the future Site Plan application that details the recommended mitigation measures required to meet NPC-300 and Niagara Region's guidelines. Any updated recommendations, if required, with respect to building materials, glazing, and warning clauses for traffic noise can be incorporated into the future site plan agreement to be registered on title. It is also recommended that the warning clauses be included in all agreements of purchase of sale or lease for the residential and commercial units.

Urban Design

This development represents an opportunity to build on and complete the International Gateway Feature as noted in the Gateway Secondary Plan. The proposed development is located on the north-west corner of the intersection of Central Avenue and Garrison Road and, as this is a corner site, it is recommended that enhanced architectural treatments and streetscaping work together to create a prominent gateway feature (i.e. entrance, parkette/square, interconnection with intersection). The Region welcomes that opportunity to collaborate with the Town on the streetscape/public realm and interaction with the built form to determine some creative solutions for this location that will complement the enhanced streetscape existing on the southerly side of Garrison Road. Regional funding through the Public Realm Investment Program (PRIP) may offer a funding contribution towards public realm improvements.

As previous noted, Urban Design staff are generally supportive of the proposed development and the use of reduction of ceiling heights to deal with the grades on-site. Staff reviewed the Landscape Plan prepared by Jamie Douglas, dated July 2020, which shows curb face sidewalks. Staff would like to reiterate that sidewalks should not be curb face, where possible, and street trees should swap locations so tree pits or planting beds are located within the boulevard. Detailed comments from Urban Design staff will be provided at Site Plan application on the overall streetscape/public realm design.

A review of the Pedestrian Wind Study prepared by Gradientwind, dated July 13, 2020, identified that generally wind conditions will be reduced along pedestrian sidewalks on Central Avenue and Garrison Road with the introduction of the proposed development.

The study identified one (1) location at grade level at the southwest corner of the proposed building along Garrison Road where wind speeds are anticipated to exceed the wind safety criterion. The safety criterion is to determine if there are excessive gust speeds that can adversely affect a pedestrian's balance and footing.

The study states that "*since the general area is considered windy under the existing massing scenario, pedestrians likely have a greater tolerance toward strong winds*" but does not make any recommendations to improve wind site conditions. An update to the Pedestrian Wind Study is required to explore solutions, which may include increased setbacks, to reduce this location to a safe wind level. The Region does not support exceedances of pedestrian wind safety criterion along Regional roads. Regional staff and Town staff should continue to work with the design team and Gradientwind to reduce wind speeds associated with the proposed development to safe levels prior to the passing of the by-law.

Regional staff also reviewed the Sun Study prepared by Jason Pizzicarola Design-Architects Inc., dated June 25, 2020 and note that shadows analysis is provided for spring/fall equinox and summer/winter solstice for a single time period only (noon). As such, Regional staff are unable to determine if there are significant shadow impacts on the Regional right-of-ways.

Technical Comments

Niagara Regional Technical staff have completed a review of the following materials, which were provided as part of a zoning by-law application and official plan amendment application for the property of 7 Central Avenue in the Town of Fort Erie:

- Site Plan and Statistics, prepared by Jason Pizzicarola Design Architects Inc., dated August 17, 2020.
- Traffic Brief Updated, prepared by Paradigm Transportation, dated July, 2020.
- Functional Servicing Report, prepared by Robert E. Dale, dated June 30, 2020.

Based on our review, the Region offers the following comments that should be addressed in the future site plan application, all conditions required for the technical requirements for this site will be addressed at the future site plan application.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,

- 4 garbage containers per property
- Collection will be at the curbside only

Based on the plans submitted there is a location shown on the site for garbage and recycling. Due to the size of the development and current limits within the Region's contract, it is assumed that the garbage collection for the site will be private. Recycling collection is being confirmed with Waste Management staff and detailed comments and conditions will be provided at the future site plan application.

Regional Roads

Regional Construction Encroachment Permit

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Regional Sign Permit

Regional staff have reviewed and not the sign information on the plans provided. Further review will be provided at the site plan stage of the development. Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Garrison Road will require a Regional Sign permit. Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Road Widening

The subject property has frontage along Regional Road 3 (Garrison Road). This section of road has a substandard road allowance. The designated road allowance is 30.5 meters as identified in the Regional Official Plan. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- A widening across the frontage of the subject property of 5.2 metres. This is required in order to achieve 15.25 meters from the original centerline of this road section.

Daylight Triangle

An updated daylight triangle of 4.5 metres x 4.5 metres will be required at the intersection of Garrison Road and Central Avenue. Regional staff ask that the daylight triangle be shown on the development plans going forward.

Please be advised that, after the preconsultation meeting for this application, daylighting requirements for Regional roads have been updated. We will continue to maintain the request for the smaller triangle through these applications and forthcoming site plan

application; however, it is noted that should there be future applications a 10m x 10m daylighting triangle will be requested.

Regional Road Encroachments

Regional staff have reviewed the information provided and it is unclear whether there are proposed encroachments into the Regional ROW for retaining walls. New encroachments that pose safety concerns are normally not supported by staff. In order for Transportation staff to provide detailed comments whether the encroachments will be permitted, additional information is required identifying the exact locations, number and height of retaining walls and providing explanation as to their necessity. Staff will provide a detailed response to the proposed encroachments once the additional information is received.

Please note that if encroachments are permitted, the owner is required to enter into an encroachment agreement with the Region, carry sufficient insurance, pay the required encroachment permit fees and annual fee for the encroachment and the agreement is registered on title for all future owner's information.

Transportation Impact Study

Regional Transportation staff have reviewed the TIS prepared by Paradigm, dated July 2020, and offer the following comments:

- Figure 5 does not contain any of the application measures of effectiveness (MOE); it appears unpopulated and therefore comment cannot be made as to acceptability.
- Given the conclusions and recommendations, the traffic generated by the proposed development does not appear to significantly impact any of Niagara Region's roadways and/or intersections.

Overall, Figure 5 should be populated and the Brief resubmitted for confirmation that the MOE for the Future Total Traffic scenario are acceptable to Niagara Region.

Site Servicing

Although the Functional Servicing Report notes the location of the connections to the various services, a site servicing plan was not provided for these applications. Regional staff will require a servicing plan be provided showing the proposed servicing and road cuts to determine the extent of restoration required and impacts to the Regional Roads.

Regional Bicycle Network

The subject property has frontage on a roadway that is designated as part of the Regional Niagara Bicycling Network. If the bicycle route is currently not established and identified with

signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises.

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. The future site plan agreement entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

Regional staff note that there is additional information required for review to ensure a fulsome review of Provincial Policies and Plans and the Regional Official Plan. Regional staff recommend that the Official Plan and Zoning By-law amendments not be considered by staff until such time as Regional staff have reviewed and commented on the requested additional information, including

- Stage 1-2 Archaeological Assessment for the Peace Bridge Border area of the development;
- Phase 1 and Phase 2 Environmental Assessments for the Peace Bridge Border area of the development;
- Additional clarification from the Noise Consultant;
- Updated Pedestrian Wind Study to explore solutions to ensure that wind levels are reduced to safe levels;
- Updated Sun Study to reflect different times of day;
- Updated TIS to include information noted above.

Additional comments will be provided upon review of the additional information. Should you have any questions concerning the above noted comments, please do not hesitate to contact me at 905-688-9000 extension 3518.

Respectfully,



Lola Emberson, MCIP, RPP
Senior Development Planner

cc: Mr. P. Busnello, Manager of Development Planning, Niagara Region
Mr. K. Ahmad, Manager, Urban Design, Niagara Region
Ms. S. Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region