

# The Municipal Corporation of the Town of Fort Erie

## By-law No. 50-2021

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### 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. 52  
Jason Pizzicarola - Agent  
Jagjit Sandhu— Owner  
80-84 and 94 Jarvis Street**

350302-0116

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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. 52 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 26 day of April, 2021.**

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Mayor

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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. 50-2021 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_ day of \_\_\_\_\_, 20

**AMENDMENT NO. 52**

**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. 52 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. 52 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 to add a "Special Policy Area 25 80-84 and 94 Jarvis Street" designation as shown in Schedule A to facilitate the construction of a 5-storey mixed-use building with 34 dwelling units and 198 square metres of retail space.

## **SECTION 3**

### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located at 80-84 and 94 Jarvis 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:

#### **The need for the proposed use:**

The subject lands are designated Commercial in the Official Plan. The Commercial designation allows the land to be developed for a mixture of residential and commercial uses provided the residential use is located above the ground floor. However, within the Bridgeburg commercial area dwelling units are permitted on the ground floor, as long as the dwelling units are located behind the commercial units on the main floor. This is to ensure that commercial developments benefit from street exposure.

The applicant's proposal to construct a 5 storey building with 34 dwelling units and 198 square metres of retail space meets the intent of the Official Plan as follows:

- i. The proposal will allow efficient use of underutilized urban land and the apartment building will provide an alternative form of housing. The proposal will also assist the municipality in achieving its growth targets.
- ii. The proposal aims at consolidating two parcels of lands to provide a more comprehensive development.
- iii. The proposed development can act as a catalyst and can assist in the revitalization of downtown.

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

The subject lands are currently vacant. The surrounding land uses contain a mix of commercial and residential uses. 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 on Jarvis Street which is a local municipal road, capable of handling the volume of traffic generated by the proposed development. Further, the residential portion of the development will be accessed via a municipally maintained unnamed laneway which runs west to east from Central Avenue to Klauck Street and is located along the north property line. The laneway width varies between 2.73m and 3.57m. The block of land that contains the laneway is 4.26m wide, which is sufficient to accommodate one-way traffic. The laneway is also signed to be a one-way lane with traffic entering from Central Avenue and exiting at Klauck Street. Lastly, the proposed development will be serviced by the municipal infrastructure.

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

The surrounding land-uses include a mix of commercial and residential uses. The proposed mixed-use building will be compatible with the surrounding land uses. The residential units will assist in supporting the commercial uses located along Jarvis Street.

- 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 to 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 proposal to add a special policy area designation to 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.

- 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. 52 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 as 80-84 and 94 Jarvis Street on the attached Schedule "A" are hereby redesignated to:

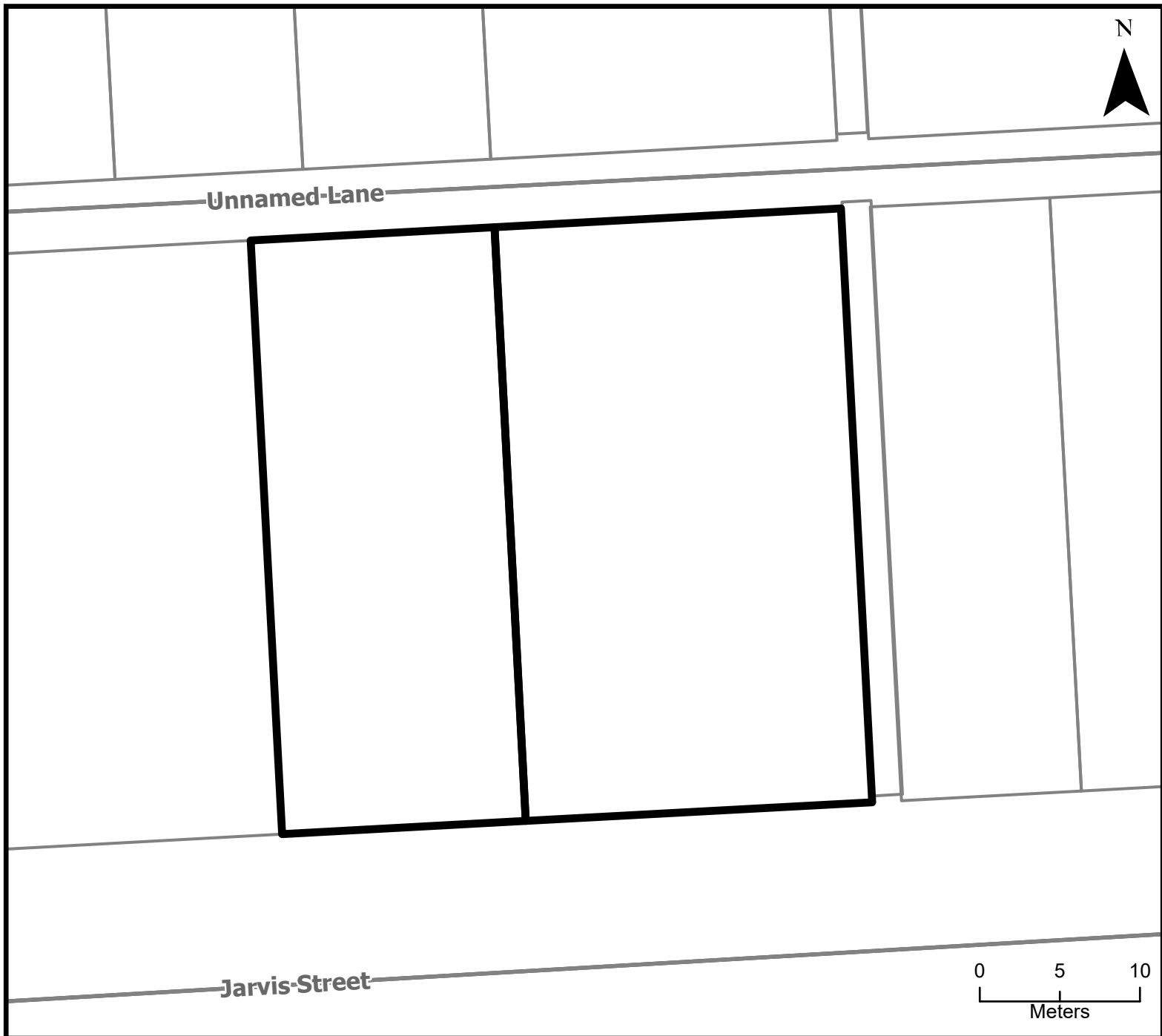
### **Special Policy Area 25 - 80-84 and 94 Jarvis Street**

2. Notwithstanding the Commercial designation, the subject lands can be developed for a maximum building height of 5 storeys.

## **PART “C” - THE APPENDICES**

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

# SCHEDULE "A"



## By-law No. 50-2021

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 26th DAY OF APRIL, 2021**



Subject Lands - Change to Special Policy Area 25 - 80-84 and 94 Jarvis Street



# NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

**Owner: – Jagjit Sandhu**  
**80-84, 94 Jarvis Street**


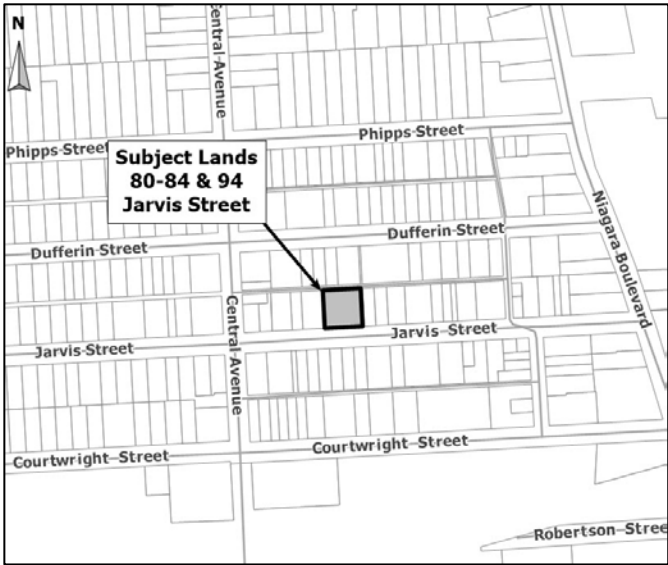

**Official Plan and Zoning By-law Amendment Application**  
*APPLICATION 350309-0489*

**DATE:** January 11, 2021  
**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](mailto: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](mailto: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](http://www.youtube.com/townofforterie) or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)).

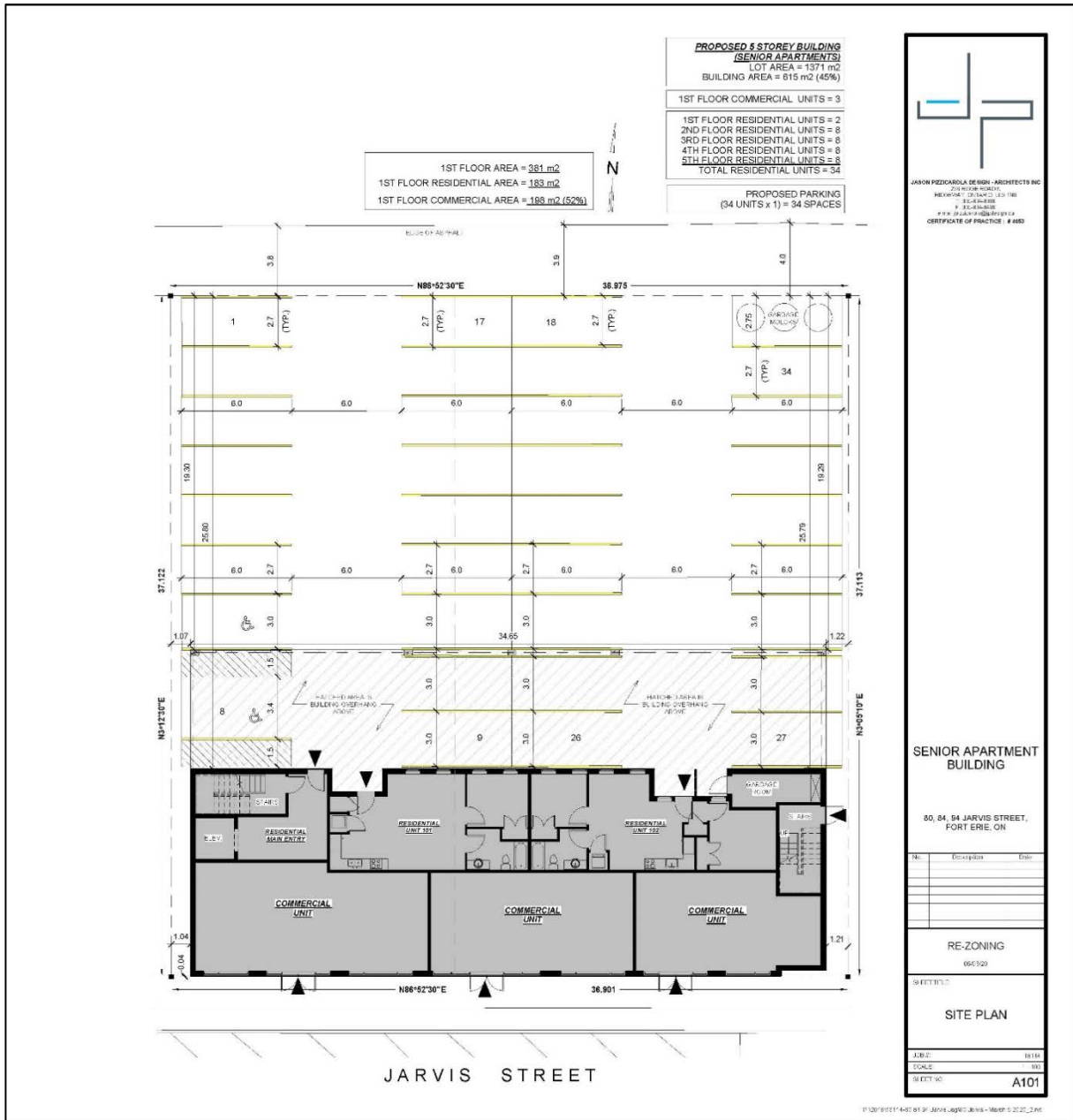
	<p><b><u>LOCATION OF SUBJECT LANDS</u></b></p> 
	<p>An Official Plan and Zoning By-law amendment are requested to allow the construction of a 5 storey mixed-use building (Site Plan attached as Schedule 1) on the lands known as 80-84 and 94 Jarvis Street. The proposed building will include 34 dwelling units and 198 square metres of retail space.</p> <p>The lands are currently designated Commercial in the Official Plan and Policy Area 5-Bridgeburg Central Business District, within the Bridgeburg Secondary Plan Area. The current designation allows a maximum building height of 3 storeys.</p>

## Appendix "1"

	<p>The applicant is requesting add a Special Policy Area designation to the subject lands to allow an increase to the maximum building height to 5 storeys (Schedule 2) .</p> <p>The lands are currently zoned site-specific Central Business District Commercial (C2A-419) Zones, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2010-102. The site-specific allows the maximum building height of 3 storeys. The applicant is requesting to rezone the lands to a site-specific Central Business District Commercial (C2A) Zone to allow an increase in the maximum building height to 5 storeys and a reduction in the size of the residential open air balcony.</p>
	<p><b><u>GETTING MORE INFORMATION</u></b></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 <b>January 6<sup>th</sup>, 2021</b>. The information report will be available in the Council agenda portion of the Town's Web Site: <a href="http://www.forterie.ca">www.forterie.ca</a> or by contacting Anamika Dilwaria, Senior Development Planner.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p><b>Anamika Dilwaria, MCIP, RPP, Senior Development Planner</b>  <b>Planning and Development Services Department</b>  <b>Town Hall, 1 Municipal Centre Drive</b>  <b>Fort Erie, Ontario L2A 2S6</b>  <b>905-871-1600 ext. 2507</b>  <b>Or by e-mailing your comments to: <a href="mailto:adilwaria@forterie.ca">adilwaria@forterie.ca</a></b></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></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 <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>
	<p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></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 <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>

# Appendix "1"

## SCHEDULE 1



## Appendix"1"

### SCHEDULE 2



Budget By-laws:

Monday, January 18, 2021 – Water and Wastewater Budget and Rates By-law;

Monday, February 22, 2021 – General Levy Budget By-law and General Capital Budget By-law.

(b) Public Meeting

Re: Proposed Increase in Building Permit Fees - Monday, January 18, 2021 - 6:00 p.m. - Via Video Teleconference

## **6. Public Meetings**

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

Re: 80-84 and 94 Jarvis Street - Owner - Jagjit Sandhu - Agent - Jason Pizzicarola. The applicant is requesting to allow the construction of a 5 storey mixed-use building which will include 34 dwelling units and 198 square metres of retail space. The property is currently designated Commercial in the Official Plan, and zoned site-specific Central Business District Commercial (C2A-419) Zone and the applicant is requesting to rezone to a site-specific Central Business District Commercial (C2A) Zone to allow an increase in the maximum building height to 5 storeys and a reduction in the size of the residential open-air balcony.

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

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

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Reports, to be read into the Minutes. The Clerk advised that she did not.

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.



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

Jason Pizzicarola, Agent, was present to speak on behalf of the Application.

Mr. Pizzicarola advised that he believes this is an excellent project for the downtown core as it will bring more density. He added that the more residential density there is, the more successful the area's businesses will be, that developing a seniors housing project is ideal in the downtown core. There are already several amenities; a doctor's office, coffee shop, restaurants, a bookstore, and a park. Mr. Pizzicarola added that increasing the development from 3 stories to 5 stories achieves many requirements in the Zoning By-law; the building will be situated at the front of the lot, not to see the parking, meets parking requirements, and does not create shadows.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

(a) Vince Salvatore, 31 Jarvis Street

Mr. Salvatore advised that he is a member of the Bridgeburg Business Improvement Area, and he supports the development. Mr. Salvatore noted that the development would be a vital asset to the area, help bring in other businesses, and encourage future growth.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

No members of the public came forward.

**Mayor Redekop declared the Public Meeting closed.**

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

Re: 0-6489 Nigh Road - Owner - Frank Kenneth DiCorso - Agent - Jason Pizzicarola. The amendments are requested to facilitate a future severance to create two new residential lots. The property is currently designated Rural, in part, and Environmental Protection, in part, in the Official Plan, and zoned Rural (RU) Zone, in part, Environmental Conservation (EC) Overlay Zone, in part, and Hazard (H) Zone, in part. The site-specific RU regulations are requested for a reduction in the



## Interoffice Memorandum

March 17, 2020  
File No. 350309-0489

To: Anamika Dilwaria, Senior Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
80-84 & 94 Jarvis Street**

---

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment for 80-84 & 94 Jarvis Street and the supporting documentation and offer the following comments:

1. The proposed development is subject to Site Plan Approval. The applicant shall attend a Pre-Consultation Meeting prior to making application for Site Plan Approval.
2. The application for Site Plan Approval shall be accompanied by a report by a transportation engineer that looks at the intersection of the one-way laneway with both Central Avenue and Klauck Street and identify any required improvements to site lines, etc.

Given the foregoing comments, I offer no objections to the proposed amendments.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

cc: Tim Marotta, Manager, Engineering Division; Aaron Butler, Manager, Development Approvals

## APPENDIX "3"

**Re: 350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis Street** 






**Signe Hansen** to: Anamika Dilwaria

03/17/2020 09:04 AM

From: Signe Hansen/FortErie

To: Anamika Dilwaria/FortErie@TownOfFortErie

History: This message has been replied to.

	Anamika Dilwaria	Anamika Dilwaria	350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis
	Jeremy Korevaar	Jeremy Korevaar	
	Keegan Gennings	Keegan Gennings	
	Ed Melanson	Ed Melanson	
	Anamika Dilwaria	Anamika Dilwaria	

ADilwaria@forterie.ca

Hi Anamika,

I don't have any comments with respect to the OPA and ZBA.

I assume this will come through again as a site plan, at which point I will be asking for cash-in-lieu of parkland for all additional residential units.

Has Chris commented on urban design for this application? If not, that too may come at the site plan application stage.

Regards

Signe

**Signe Hansen, OALA, CSLA, MBA**

**Manager, Community Planning**

The Corporation of the Town of Fort Erie | Planning and Development Services

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

T: 905-871-1600 x 2506 | F: 905-871-6411

## APPENDIX "3"



**80 Jarvis Street**

**Keegan Gennings** to: Anamika Dilwaria

03/17/2020 04:30 PM

From: Keegan Gennings/FortErie

To: Anamika Dilwaria/FortErie@TownOfFortErie

	Keegan Gennings	Keegan Gennings	80 Jarvis Street
--	-----------------	-----------------	------------------

To: ADilwaria@forterie.ca

Hi Anamika,

A review of the proposed OPA and ZBA for 80 Jarvis street has been completed and I have the following comments:

1) A record of site condition will be required for the introduction of a more sensitive use with the proposed residential use onto the lands. The record of site condition will required prior to the release of the building permit. Additional comments will be provided during the site plan process.

Regards,

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

## APPENDIX "3"








**Re: 350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis Street** 

**Ed Melanson** to: Anamika Dilwaria

03/01/2020 06:49 PM

From: Ed Melanson/FortErie

To: Anamika Dilwaria/FortErie@TownOfFortErie

	Anamika Dilwaria	Anamika Dilwaria	350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis
	Jeremy Korevaar	Jeremy Korevaar	
	Keegan Gennings	Keegan Gennings	
	Ed Melanson	Ed Melanson	
	Ed Melanson	Ed Melanson	

To: ADilwaria@forterie.ca

Good afternoon Anamika,

I have reviewed the attachments for this amendment application and have no questions or comments at this time.

Ed Melanson  
Fire Chief & CEMC  
Fort Erie Fire Department

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255



▼ Anamika Dilwaria---2020-02-25 10:52:18 AM---All, Attached is a copy of the interdepartmental memo, application, site plan, planning justificatio

## APPENDIX "3"



**RE: [External] 350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis Street**  
**Municipal Planning** to: Anamika Dilwaria

02/25/2020 11:41 AM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

	Anamika Dilwaria	Anamika Dilwaria	350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis
	Municipal Planning	Municipal Planning	
	Municipal Planning	Municipal Planning	
	David Deluce	David Deluce	
	Anamika Dilwaria	Anamika Dilwaria	

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**

Municipal Planning Analyst

Long Range Distribution Planning

**ENBRIDGE GAS INC.**

TEL: 416-495-5386

## APPENDIX "3"

500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com

**Safety. Integrity. Respect.**

**From:** Anamika Dilwaria <ADilwaria@forterie.ca>

**Sent:** Tuesday, February 25, 2020 11:31 AM

**To:** Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; clampman@npca.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; planification@csdcs.edu.on.ca; Randy.Leppert@cogeco.com; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; Deluce, David <ddeluce@npca.ca>; erik.acs@niagararegion.ca; executivedirector@fenfc.org; craig.krueger@cogeco.com; esavoia@niagaraparks.com; mr18enquiry@mpac.ca; aazouz@csdcs.edu.on.ca; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; lola.emberson@niagararegion.ca; aaazouz@csdcs.edu.on.ca; fawn.sault@mncfn.ca; doug.giles@niagararegion.ca; pontdj@hotmail.com; clerk@niagararegion.ca

**Subject:** [External] 350309-489, Official Plan and Zoning By-law Amendment Application, 80-84 and 94 Jarvis Street

**EXTERNAL: PLEASE PROCEED WITH CAUTION.**

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

All,

An application has been received by the Town of Fort Erie for an Official Plan and Zoning By-law Amendment for 80-84 and 94 Jarvis Street. The applicant is proposing to construct a 5 storey mixed-use building with 36 dwelling units and 85 square metres of retail space.

The subject property is within the urban boundary and is currently designated Commercial, and is located within the Bridgeburg Central Business District, Policy Area 5 in the Bridgeburg Secondary Plan. The lands are currently zoned Central Business District Commercial (C2A-419) in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2010-102.

The applicant is requesting an amendment to the Official Plan to allow an increase in the building height. The Plan allows

### **APPENDIX "3"**

a maximum building height of 3 storeys. This application also proposes to rezone the subject lands to a new site specific Central Business District Commercial (CA) zone. The site-specific regulations are requested for an increase in the building height and reduction in parking spaces.

In order for the Planning and Development Services Department to properly assess the application and prepare our report to Town Council, we would appreciate your comments as they pertain to the scope and jurisdiction of your department or agency in the form of a memorandum or letter. If we do not receive your comments or a request for an extension, staff may interpret this as your approval of the applications as submitted. We would request any comments you have on this application within 20 days (i.e. not later than **Monday, March 16<sup>th</sup>, 2020**).

If you have any questions please do not hesitate to contact me.

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](mailto:E-mail-adilwaria@forterie.ca)



## **APPENDIX "3"**

February 27, 2020

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

Re: **80-84 and 94 Jarvis Street**

Dear Anamika,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
Delivery Services Officer  
[Andrew.Carrigan@canadapost.ca](mailto:Andrew.Carrigan@canadapost.ca)

## **APPENDIX "3"**

### **Via Email Only**

March 17, 2020

File No.: D.10.01.OPA-20-0004 & D.18.01 ZA-20-0016

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  
Applicant: JPD – Jason Pizzicarola Design  
Owner: Mr. Jagjit Sandhu  
80, 84, 94 Jarvis Street  
Town of Fort Erie**

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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 to the building height and the Zoning By-law Amendment proposes to add site-specific provisions to the Central Business District Commercial (CA) Zone related to an increase in building height and reduction of parking spaces. The applications were submitted to allow for the construction of a 5 storey mixed-use building with 36 residential units and 85 square metres of ground floor retail space.

A pre-consultation meeting regarding this proposal was held on August 23, 2018. 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 2014 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

## **APPENDIX "3"**

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 Delineated Built-Up Area, 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 and 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 creation of development and/or redevelopment opportunities within settlement areas including mixed employment and residential uses to discourage commuting. Regional staff encourage the provision of alternative forms of housing to achieve Provincial and Regional policies directing the provision of housing that is affordable, accessible and suited to the needs of a variety of households and income groups. The Town may wish to consider the inclusion of a broader variety of unit sizes, such as 2 and 3 bedroom units, that would appeal to a broader range of household and income groups.

### **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 mixed commercial and residential uses. In order to meet the requirements for exemption to a Record of Site Condition, the change in use must meet the criteria identified under Section 15 of O. Reg. 153/04 under the *Environmental Protection Act*.

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Regional staff are unable to determine if the exemption criteria are met in accordance with O. Reg. 153/04. A Phase 1 Environmental Assessment was not circulated that would identify previous uses associated with the property and determine whether the property meets the O. Reg. 153/04 exemption criteria. It is also unclear from the submitted site plan whether the existing building envelope will remain unchanged. Confirmation that the proposal is in accordance with O. Reg. 153/04 should be satisfied prior to the change of use on the site. If the Town is to consider the change of use prior to confirmation that the proposal meets O. Reg. 153/04, the requirement can be satisfied through the use of a Holding zoning provision, as part of a subsequent site plan approval process or through the building permit process.

### **Technical Comments**

#### 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, however, it is highly unlikely that these conditions will be met for a 5 storey mixed use building. Therefore, waste collection will be the responsibility of the owner through a private contractor and not Niagara Region.

### **Additional Information**

#### 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 should be submitted as part of the future Site Plan Control application to ensure that the site and building design is in accordance with Ministry of Environment, Conservation and Parks (MOECP) NPC-300 Guidelines given the proximity to the railway corridor.

### **Conclusion**

The proposed Official Plan and Zoning By-law Amendments align with the intent and direction of Provincial and Regional policies. Regional staff notes that it is important to ensure that the proposed development meets the requirements of the *Environmental Protection Act* and O. Reg. 153/04.

The reviewed Official Plan Amendment is exempt from Regional Council approval in accordance with policies 14.E.6 and 14.E.7 of the Regional Official Plan and the Memorandum of Understanding. The Region would appreciate the opportunity to

### **APPENDIX "3"**

review a copy of the final draft Official Plan and Zoning By-law amendments prior to Council decision.

Regional staff may require future development applications, including Site Plan Control, be circulated to the Region for review and comment should Provincial and Regional interests not be adequately addressed through the subject Zoning By-law Amendment application.

Should you have any questions concerning the above noted comments, or if you would like a hard copy of the comments, please do not hesitate to contact me at 905-688-9000 extension 3518. Please send notice of Council's decision on these applications.

Respectfully,

A handwritten signature in black ink, appearing to read "Lola Emberson".

Lola Emberson, MCIP, RPP  
Senior Development Planner

cc: Mr. A. Butler, Manager, Development Approvals, Fort Erie  
Mr. P. Busnello, Manager of Development Planning, Niagara Region  
Ms. S. Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region



## APPENDIX "3"

**Fw: Feedback on : Official Plan and Zoning By-law Amendment Application APPLICATION 350309-0489-**

**Anamika Dilwaria** to: Holly Galloway

2021-01-04 03:45 PM

From: Anamika Dilwaria/FortErie  
To: Holly Galloway/FortErie@TownOfFortErie

Hi Holly ,

Can you please include this in Appendix 3.

Thanks  
Anamika

----- Forwarded by Anamika Dilwaria/FortErie on 01/04/2021 03:39 PM -----

From: "Bridgeburg Books" <bridgeburgbooks@gmail.com>  
To: adilwaria@forterie.ca  
Cc: "George McDermott" <GMcDermott@forterie.ca>, "Wayne Redekop" <WRedekop@forterie.ca>  
Date: 12/28/2020 02:26 PM  
Subject: Feedback on : Official Plan and Zoning By-law Amendment Application APPLICATION 350309-0489

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Dear Anamika,

Please accept this correspondence in regards to Official Plan and Zoning By-law Amendment Application APPLICATION 350309-0489 for 80-84 and 94 Jarvis Street.

As a Jarvis Street business owner and home owner I am in full support of the amendment for a five storey development. As the eastern portion of Jarvis street is presently zoned for 10 storey development this change does not affect the present or future character of the neighbourhood in a negative or significant fashion. I would urge you to support this application in earnest without delay.

I am, however, curious about the commercial aspect of the plans. The architectural rendering illustrates 3 separate commercial units totally roughly 200 m2. Presently there is a glut of small commercial space available on Jarvis Street. What is not present is a large, vacant space, suitable for a grocery store, which is the most needed commercial aspect of the street and what the community at large needs. We live in a food desert. It is not possible to acquire fresh produce without motorized transportation. This impacts the neighbourhood in a significant and negative fashion. Compelling the developer to shift the plans to consist of a single, larger, commercial space instead of three, smaller, divided units, could help facilitate the arrival of an appropriate commercial grocery partner.

Further I wonder does the town have the capacity to establish restrictions on the commercial component of the application? Although a grocery store may not be a possible option it is worth noting that some commercial additions to the street would NOT result in a net positive result for the community. For example, a second pharmacy or convenience store would be of no net benefit. A corporate coffee shop would potentially impact the locally owned cafe. There may be other important examples that emerge through the process of consultation.

In summary, despite my hopes for properly guided commercial development that truly benefits the community in the north end, I believe that even without this the development should be approved. I can see absolutely no reason to deny the request to build to 5 storeys. I am not informed on regulations regarding balcony size, the second aspect of the variance, though it would be helpful to know the difference between what has been proposed and what is presently in the building code to better understand this request.

These are my concerns with regard to the amendment. Thank you for receiving them. May I ask

### **APPENDIX "3"**

that you kindly confirm receipt of my communication please and, if possible, respond to my questions at your earliest convenience, ideally before the public virtual meeting on the matter on the 11th of January?

Warm regards,

Morgan Boenke

Bridgeburg Books

16 Jarvis Street

Fort Erie, Ontario

L2A 2S1

[www.bridgeburgbooks.com](http://www.bridgeburgbooks.com)

[www.facebook.com/bridgeburgbooks](https://www.facebook.com/bridgeburgbooks)

905-871-8484

## APPENDIX "3"



**Re: Proposed Mixed-Use Building - 80-84 and 94 Jarvis Street**

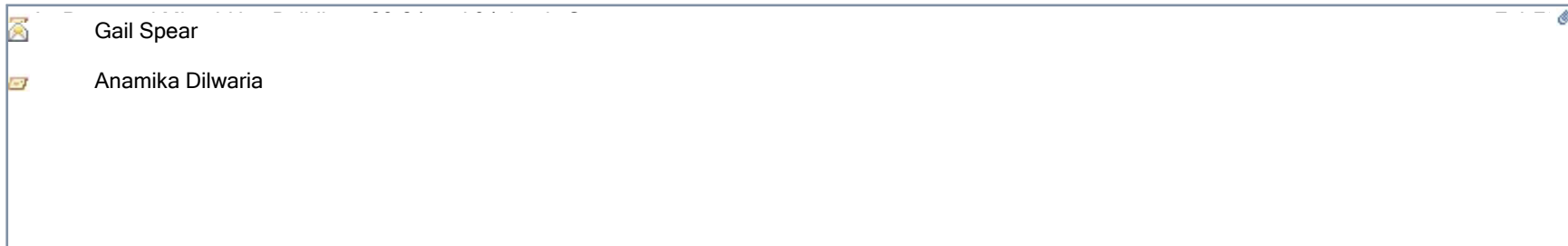
**Gail Spear** to: Anamika Dilwaria

02/09/2021 12:23 PM

From: "Gail Spear" <gspear1@cogeco.ca>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been replied to.



Hi Anamika

Thank you for the opportunity to respond to the project. We sent it out to our BIA and noone has responded negatively. We are in favour and looking forward to the development in Downtown Bridgeburg.

We are really happy that the alleys will be cleaned up also. Just all good news for us.

Thanks again

Gail Spear

Chair

BBIA

----- Original Message -----

**From:** [Anamika Dilwaria](#)

**To:** [fatesalon@hotmail.com](mailto:fatesalon@hotmail.com) ; [gspear1@cogeco.ca](mailto:gspear1@cogeco.ca)

**Sent:** Monday, February 08, 2021 12:00 PM

**Subject:** Proposed Mixed-Use Building - 80-84 and 94 Jarvis Street

Hi Vince and Gail,

I have attached a copy of the Information Report, Site Plan and Elevation for a proposed 5 storey mixed-use building at 80-84 and 94 Jarvis Street. for your information. The Public Meeting for the proposed development was held on January 11, 2021 and I am planning to take the recommendation report to Council on March 8, 2021.



## APPENDIX "3"

Please review the attached documents and advise if you have any questions or concerns by **Friday, February 12, 2021**. If I don't hear back from you by Friday, I will assume you have no concern with the proposed development.

Thanks,

Anamika Dilwaria, M.A, 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](mailto:E-mail-adilwaria@forterie.ca)

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Thanks for connecting.

For up-to-date information about the Town of Fort Erie's response to the COVID-19 virus, please visit  
<https://www.forterie.ca/pages/Covid19News>

We also strongly encourage you to stay-up-to-date with the latest advice from Niagara Region Public Health at  
<https://www.niagararegion.ca/health/covid-19/default.aspx>

All critical services, including water and wastewater and road operations as well as fire services will continue to operate to support our community. For after-hours services, including road or wastewater operations, please call 905-871-1600. For emergency assistance from fire services please call 911.

As many Town staff are focusing on emergency management at this time, we thank you in advance for your patience.



## Interoffice Memorandum

March 5, 2021  
File No. 350309-0489

To: Anamika Dilwaria, Senior Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
80-84 & 94 Jarvis Street – Response to January 11, 2021 Meeting  
Comments**

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This memo is provided in response to comments and questions received from members of Council at the January 11, 2021 Council-in-Committee meeting.

Questions were raised about the adequacy of the unnamed laneway that runs west to east from Central Avenue to Klauck Street to accommodate the proposed development traffic. The laneway width varies between 2.73m and 3.57m. The block of land that contains the laneway is 4.26m wide. The laneway is also signed to be a one-way lane with traffic entering from Central Avenue and exiting at Klauck Street. To put this width into context, new roads that are constructed in subdivision have a pavement surface width of 8.5m from curb to curb. This width allows for two-way traffic in addition to on-street parking. Therefore, it is our opinion that the existing surface width is adequate to accommodate one-way traffic.

Comments were also raised regarding a narrow parcel of land that the Town owns to the east of the proposed development that runs south to north from the unnamed lane to Dufferin Street. This parcel of land is 1.91m wide and therefore not an appropriate width to accommodate vehicle traffic.

Our previous comments advised the applicant that the future application for site plan approval would require the submission of a report by a transportation engineer that looks at the intersection of the one-way laneway with both Central Avenue and Klauck Street and identify any required improvements to site lines, etc. Any development of this site, with or without an amendment to the Official Plan and/or Zoning By-law would necessitate the need to look at traffic at these intersections given the potential site line impacts. Furthermore, Klauck Street is also a one-way road from Jarvis Street to Dufferin Street, therefore exiting the unnamed lane onto Klauck Street is a safer maneuver than if Klauck Street was a two-way road.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

cc: Tim Marotta, Manager, Engineering Division; Aaron Butler, Manager, Development Approvals

## APPENDIX "3"



### Re: Laneway behind 94 Jarvis Street

**Kelly Walsh** to: Anamika Dilwaria

02/23/2021 09:48 AM

From: Kelly Walsh/FortErie  
To: Anamika Dilwaria/FortErie@TownOfFortErie

History: This message has been replied to.

		Anamika Dilwaria	Laneway behind 94 Jarvis Street
		Kelly Walsh	<i>Anamika - we'll respond to you on Tuesday. Kelly M. Walsh, P. Eng. D</i>
		Anamika Dilwaria	<i>Sounds good. Thanks,</i>
		Kelly Walsh	<i>Yes, the laneway is maintained by the Town under MMS Class 6 stand</i>
		Anamika Dilwaria	<i>Kelly, Thanks for the information. Much appreciated.</i>

Yes, the laneway is maintained by the Town under MMS Class 6 standards

We have not slotted the laneways into the 10 year capital plan. Due to their condition, they likely need major reconstruction work rather than a simple overlay.

**Kelly M. Walsh, P. Eng.**

**Director, Infrastructure Services**

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive | Fort Erie, ON | L2A 2S6  
W: 905-871-1600 ext. 2400

Please consider the environment before printing this email

Anamika Dilwaria Hi Kelly, You may recall on January 11, an Infor...

2021-02-22 11:25:04 AM

From: Anamika Dilwaria/FortErie  
To: Kelly Walsh/FortErie@TownOfFortErie  
Date: 2021-02-22 11:25 AM  
Subject: Laneway behind 94 Jarvis Street

Hi Kelly,

You may recall on January 11, an Information Report PDS -01-2021, was presented to Council for a 5 storey mixed-use building at 80-84 and 94 Jarvis Street. The residential portion of the building is being accessed via a laneway at the back. At the Council meeting some questions were brought up about the maintenance of the laneway.

I am now working on the Recommendation Report for March 22 Council meeting and would like to include answers to the questions raised at the Jan 11 Council meeting. It would be greatly appreciated, if you can you please provide an answer to the question mentioned below so I can include the information in my report.

1. Is the laneway maintained by Town?

## **APPENDIX "3"**

2. What are the timelines for the reconstruction of the laneway.

Thanks

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](mailto:E-mail-adilwaria@forterie.ca)