

The Municipal Corporation of the Town of Fort Erie

By-law No. 64-2022

**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. 60
7 Central and a Portion of 100-1 Queen Street
Cengar Developments Inc. & Cengar Developments LP
(Anthony Di Battista and Sebastian Mizzi) - Owners**

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, c. P.13 enacts as follows:

1. **That** amendment No. 60 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping 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 20th day of June, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 64-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 60

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. 60 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. 60 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 add "Special Policy Area 28 "Compass Heights Developments" shown in Schedule A to enable the development of 12 storeys mixed-use building that includes 879.9 sq. m of commercial space, and 230 dwelling units on the above floors.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the south side of Garrison Road as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The subject lands are designated Core MixedUse, Special Policy Area 23 in the Official Plan which permits the construction of a 12-storey mixed-use building with a maximum residential density of 349 units per hectare. The applicant's proposal to increase in the residential density to 402 units per hectare meets the intent of the Official Plan as the increased density will allow efficient use of underutilized urban land and the apartment building will provide an 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 features. 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. 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 allow varied setbacks in order to provide interesting facade variations. The applicant is not proposing any changes to the building footprint or elevations to accommodate the additional 30 dwelling units.

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 Special Policy Area 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. 60 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. 1. The subject lands described as Part 1 on the attached Schedule "A" are hereby redesignated to:

Special Policy Area 28- Compass Heights Development

2. Notwithstanding the Core-Mixed Use designation, the subject lands can be developed for a maximum residential density of 402 units per hectare.

PART “C” - THE APPENDICES

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

SCHEDULE "A"



0 25 50 Metres

By-law No. 64-2022

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 20th DAY OF JUNE, 2022**



Subject Lands - Change to Special Policy Area 28
Cengar Developments Inc. & Cengar Developments LP.

Planning and Development Services
Map Created June 14, 2022


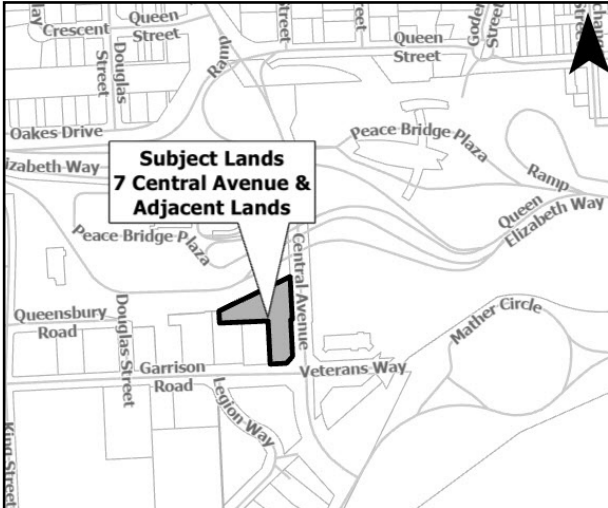






NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: – Jeff Andrews (Compass Heights Developments Ltd)
Agent: P. Leigh Whyte (PLW Consulting)
 7 Central Avenue and 100-1 Queen Street
 Official and Zoning By-law Amendment
APPLICATION NOs: 350302-129 and 350309-0522

DATE: April 11, 2022
TIME: 6:00 PM
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>A combined Official Plan and Zoning By-law amendment is requested to allow the construction of a 12 storey mixed-use building 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 230 dwelling units and 879.9 square metres of retail space. The lands are currently designated Core Mixed Use, Special Policy Area 23 in the Official Plan which permits the construction of a 12 storey mixed-use building with a maximum residential density of 349 units per hectare. The applicant is requesting an amendment to the Official Plan to add a new Special Policy Area designation to the subject lands to allow an increase in the maximum residential density to 402 units per hectare. The lands are currently zoned site-specific Core Mixed Use 1 (CMU1-659) (H), in accordance with the Zoning By-law No. 129-90, as amended by By-law No. 35-2021. 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 residential density and a reduction in the minimum interior side yard setback.</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>

Appendix "1"

A copy of the Information Report will be available to the public by 5:00 PM on **April 6th, 2022**. 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.

CONTACT INFORMATION

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

PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION

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

PLANNING ACT LEGAL NOTICE REQUIREMENTS

The Town of Fort Erie has not yet made a decision regarding the application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land 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.

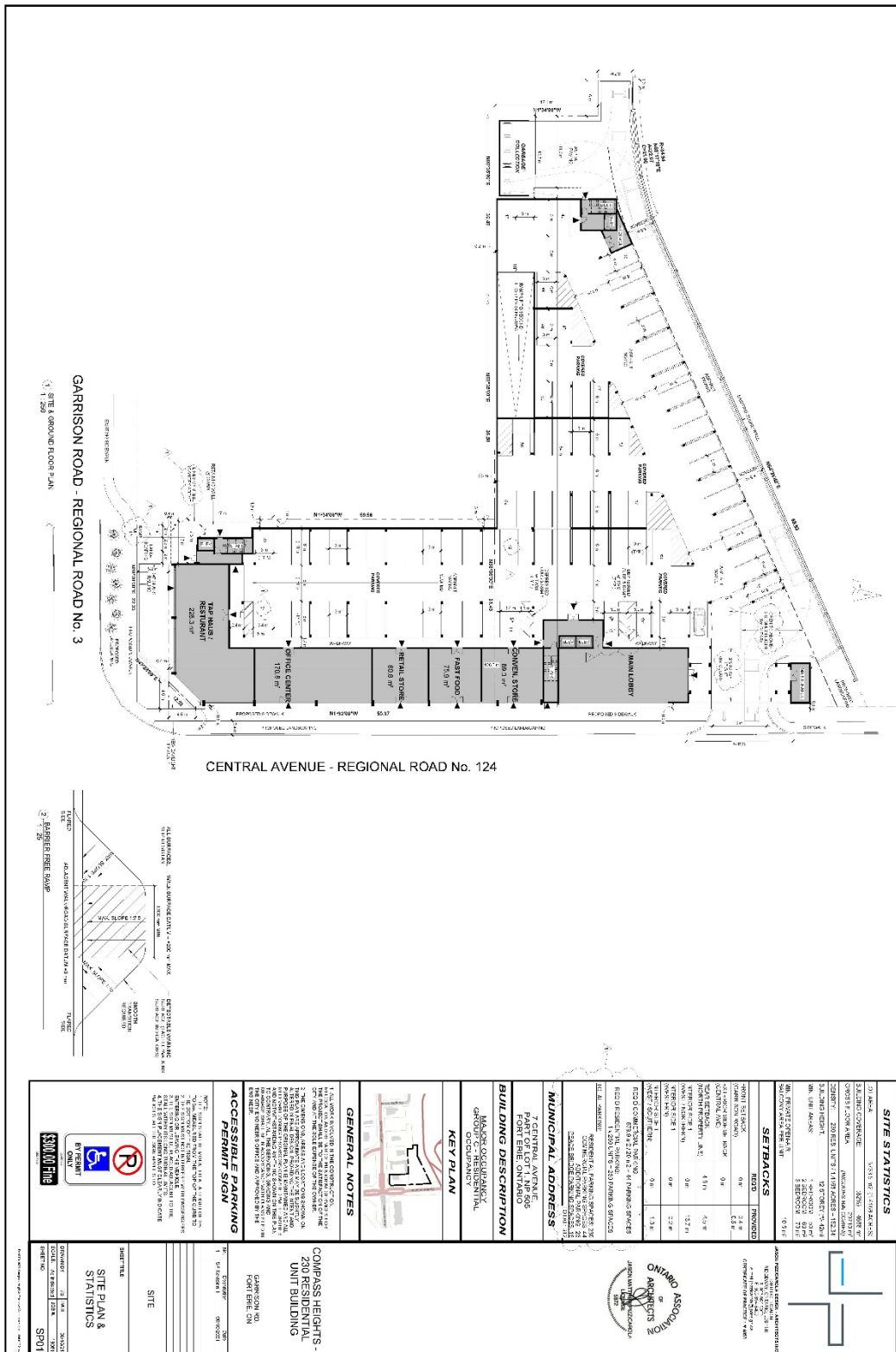
If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

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

Notice dated at the Town of Fort Erie this 17th day of March, 2022.



SCHEDULE 1



Apendix "2"

owner of the property, or the residents if they don't agree with the decision made by Council. This is an overview of the background with respect to the Public Meetings that we'll be dealing with later on this evening.

4. Declarations of Pecuniary Interest

(a) Mayor Redekop

Mayor Redekop declared a pecuniary interest with respect to Item No. 7.2 Report No. PDS-22-2022 Re: Bridgeburg North Secondary Plan Initiation Report, as he lives adjacent to the area under consideration for the North Bridgeburg Secondary Plan.

(b) Councillor Dubanow

Councillor Dubanow declared a pecuniary interest with respect to Item No. 8.2 Report No. PDS-23-2022 Re: The Regulation, Control & Registration of Animal Rescue Groups, as the company he works for provides contract services to the Fort Erie SPCA who may be impacted by such a by-law.

5. Notice of Upcoming Public Meetings

(a) Open House

Re: Proposed Zoning By-law Amendment - 3914 Alexandra Road - Owner: Centurion Building Corporation (Nicholas Colaneri) - Wednesday, April 13, 2022 - 5:00 p.m. - Town Hall Atrium.

6. Public Meetings

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

Re: 7 Central Avenue and 100-1 Queen Street - Owner: Compass Heights Developments Ltd. (Jeff Andrews) - Agent: PLW Consulting (P. Leigh Whyte). The Applicant's request is to amend the Official Plan from Core Mixed Use, Special Policy Area 23, which permits the construction of a 12-storey mixed-use building with a maximum residential density of 349 units per hectare, to add a new Special Policy Area designation to allow an increase in the maximum residential density to 402 units per hectare, to construct a 12-storey mixed-use building which will include 230 dwelling units and 879.9 square metres of retail space. The Applicant's request is to also rezone the subject lands from Core Mixed Use 1 (CMU1-659) (H) to a site-specific Core Mixed Use 1 (CMU1) Zone to allow

Apendix "2"

an increase in the maximum residential density and a reduction in the minimum interior side yard setback.

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

Ms. Dilwaria, Senior Development Planner, Development approvals, 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.

P. Leigh Whyte, PLW Consulting (Agent), was present to speak on behalf of the Application. Mr. Whyte provided the following comments:

- Mr. Whyte advised that they are going from 200 to 230 units within the same building footprint.
- The one change is they are not moving the building.
- After concerns from the Region about wind levels on Garrison Road, they came up with a design which may protrude over the property line within a 1.3 m setback.
- Originally there was parking on the first, second, and third floors. Some of the units were removed to create more parking.
- The original footprint assumed about a 1000 sq. ft per unit, the conclusion was that they did not need to be that big.
- Due to the increase in the cost of construction materials, they made the units smaller to make them less expensive and more marketable.
- They started sales for the units.
- As the design of the individual units comes together, they will be working on civil engineering.
- There's a gravity sanitary sewer that needs to be improved.
- The Region is in the process of improving the capacity of the Catherine Street pump station, completion to take place in 2025.

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

No members of the public came forward.

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

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(a) Roxanne Burton, 3252 Hyman Avenue, Ridgeway

Ms. Burton asked if the set back will exist at ground level so that you can still walk around under the canopy, and that it's just the canopy that will hang over the set back.

Mayor Redekop responded that there must be some infrastructure that will hold up the canopy that will encroach over towards the property line.

Mr. Whyte stated that the far corner may require it.

Mayor Redekop declared the Public Meeting closed.

(b) Proposed Zoning By-law Amendment

Re: 0-15850 Rebstock Road - Owner: M5V Inc. (Sherad McQueen) - Agent: NPG Solutions Inc. (Mary Lou Tanner). The Applicant's request is to rezone the lands to a site-specific Residential Multiple 1 (RM1) Zone to allow the construction of a 6-block stacked townhouse complex with 154 dwelling units. The site-specific regulations will add stacked back to back townhouse units to the list of permitted uses, remove the requirement for a privacy area, a reduction in the minimum lot frontage, minimum rear yard depth (Block A), minimum landscaped area, number of parking spaces and an increase in the maximum building height and number of storeys and maximum density. The subject property is currently designated Urban Residential in the Town's Official Plan and Medium Density Residential in the Crystal Beach Secondary Plan. As the Crystal Beach Secondary Plan is under appeal, the Medium Density Residential designation is not in effect. The lands are zoned Residential Multiple 1 (RM1-684), in the Crystal Beach Secondary Plan. As the Crystal Beach Secondary Plan is under appeal, the Residential Multiple 1 (RM1-684) Zone is not in effect. It is currently zoned Neighbourhood Development (ND-428) by Zoning By-law No. 129-90, as amended.

Ms. Dilwaria, Senior Development Planner, Development approvals, 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.

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8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-19-2022 Proposed Official Plan and Zoning By-law Amendment - 7 Central Avenue & 100-1 Queen Street - P. Leigh Whyte (PLW Consulting) (Agent) - Jeffrey Andrews (Compass Heights Development Ltd.) (Owner)

Recommendation No. 1
Moved by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-19-2022 regarding proposed amendments to the Town's Official Plan and Zoning By-law for 7 Central Avenue and a portion of 100-1 Queen Street.

PDS-20-2022 Proposed Zoning By-law Amendment - 0-15850 Rebstock Road - Mary Lou Tanner (NPG Planning Solutions Inc.) (Applicant) - M5V Inc. (Sherard McQueen) (Owner)

Recommendation No. 2
Moved by: Councillor Lubberts

That: Council receives for information purposes Report No. PDS-20-2022 regarding an amendment to the Town's Zoning By-law for 0-15850 Rebstock Road.

Recommendation No. 3
Moved by: Mayor Redekop

That: The recommendation may be amended to add:

"That: A peer review of the Traffic Study be completed prior to Council receiving the Recommendation Report."**(Carried)**

Councillor Dubanow gave the Chair to Councillor Zanko in order to speak to the matter.



Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email Only

January 7, 2022

Region Files: D.10.01.OPA-21-0056
D.18.01.ZA-21-0125

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, ON, L2A 2S6

Dear Ms. Dilwaria:

**Re: Regional and Provincial Comments
Local Official Plan Amendment and Zoning By-Law Amendment
Town File: AM-2019-015
Applicant: Jeffrey Andrews (Compass Heights Development Ltd.)
Agent: P. Leigh Whyte (PLW Consulting)
7 Central Avenue
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed the above-noted concurrent local Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") applications as it relates to 7 Central Avenue in the Town of Fort Erie. Regional staff received the circulation on December 10, 2021.

The subject lands are located within the Town's Urban Area and designated "Core Mixed Use, Special Policy Area 23" in the Town's Gateway Secondary Plan, and zoned "Site-Specific Core Mixed Use 1 ("CMU1-649") ("H")" in accordance with the Town's Zoning By-law. Regional staff note that in 2020, the property had been subject to an approved OPA and ZBA (Region Files: OPA-20-0023 and ZA-20-0056) that allowed for the construction of a 12-storey mixed-use building consisting of 200 residential units and 879.9 m² of commercial space. Since that time, Regional staff and Town staff have been working with the applicant through an ongoing Site Plan Application process (Region File: SP-21-0009) to address required planning studies and site / building design considerations.

Through the subject amendments (circulated December 10, 2021), the applicant is proposing to increase the residential density of the property to permit 230 residential units. The additional 30 units are envisioned to be wholly contained within the interior of

the proposed development concept. As such, the amendment applications do not propose to change the site or building height, massing, and built form of the development, which will remain as a 12-storey mixed-use building with 879.9 m² of commercial space.

A virtual pre-consultation meeting for the subject amendments occurred on October 28, 2021 with Regional staff, Town staff, Niagara Parks staff, the applicant, and agent in attendance. Regional staff offer the following comments from a Provincial and Regional perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS"), "Delineated Built-Up Area" within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Office Consolidation* ("Growth Plan"), and "Urban Area (Built-Up) Area" and "Niagara Economic Gateway - Gateway Economic Zone" in the *Regional Official Plan* ("ROP").

Provincial and Regional policies direct for development to take place in urban areas to make efficient use of existing servicing and infrastructure and support the achievement of complete communities. These same policies place emphasis on intensification and infill to foster a mix of land uses that provide for the diversification of housing options, improved social equity and quality of life, connection to multiple forms of transportation, access to public amenities and institutions, and spaces that are vibrant and resilient in design. A full range of residential and commercial uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation. 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.

Regional staff have reviewed the "*Second Planning Policy Justification and Impact Analysis Report*" prepared by South Coast Consulting (dated November 2021) that was submitted within the proposed amendments. The Report sets out that increasing the maximum number of units permitted on the property up to 230 units aligns with Provincial, Regional, and Local planning policies and objectives. Further, the Report concludes that the increased number of units will not have a negative impact to property or its surrounding area as demonstrated through planning studies that are being completed through the separate ongoing Site Plan Application process.

Staff acknowledge that the proposed development is considered as infill and residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing services and contribute toward achieving intensification targets

APPENDIX "3"

OPA-21-0056 & ZA-21-0125

January 7, 2022

as set out in the ROP. Staff caution that approving developments that exceed the provisions of the Town's Official Plan and Zoning By-law could result in cumulative impacts that could influence the ability for the Town and Region to forecast, schedule, and budget for Capital Work Projects. Town staff should be satisfied that the proposed increased in maximum permitted units is appropriate for the surrounding urban fabric and municipal servicing capacities.

Site Condition

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. As indicated in the Regional comment letter (dated February 26, 2021) through the Site Plan Approval process, 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*.

Staff acknowledge that this requirement for the RSC can be satisfied as a condition of the Draft Plan / Site Plan Approval, and therefore, offer no further site condition requirements for the proposed amendment applications.

Land Use Compatibility

The PPS states that major facilities (such as transportation corridors and industrial uses) and sensitive land uses, including residences shall be appropriately planned and developed to minimize and mitigate any potential adverse effects from odour, noise, and other contaminants, and to minimize risk to public health and safety.

Regional staff acknowledge that potential nuisances generated from nearby noise sources, as well as implementing appropriate site / building design mitigation measures, will be addressed through the separate ongoing Site Plan Application process. Further, provided that the proposed amendments do not change the proposed height, massing, and built form of the development, staff have no further land use compatibility requirements for the proposed amendment applications.

The applicant is advised that an updated Detailed Noise Study is required for and will be managed through the ongoing separate Site Plan Application.

Archaeological Potential

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 is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

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OPA-21-0056 & ZA-21-0125
January 7, 2022

As indicated in the Region's comment letter (dated February 26, 2021) through the Site Plan Application process, staff have reviewed the "*Stage 1 and Stage 2 Archaeological Assessment*" prepared by Detritus Consulting Inc. (dated January 6, 2021) which resulted in the identification of no archaeological resources. As such, staff have no further archaeological requirements for the proposed amendment applications.

The applicant is advised that the inclusion of a standard warning clause and a condition to obtain a copy of the acknowledgement letter from the Ministry of Heritage, Sport, Tourism and Cultural Industries for the archeological assessments is required and will be addressed through the ongoing separate Site Plan Application.

Urban Design

Regional Urban Design staff have reviewed the circulated amendment applications and materials and acknowledge that the proposed additional 30 units will be contained wholly within the interior of the proposed development and that there is no changes to site design or building height, massing, and built form. As such, staff offer no further urban design comments with regards to the proposed amendments and defer to Town staff for any urban design comments with respect to the built form for the amendment applications.

The applicant is advised that the Region's urban design comments will continue to be addressed through the ongoing separate Site Plan Application process. Regional staff will continue to work closely with the applicant and the Town staff throughout this process to address any outstanding urban design matters.

Conclusion

Regional Planning and Development Services staff do not object to the proposed concurrent OPA and ZBA applications, in principle, recognizing that matters relating to site condition, archaeological potential, noise, and urban design will be addressed through the ongoing separate Site Plan Application process. It is Regional staff's opinion that the proposed amendments are consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to any local requirements.

Regional staff notes that in accordance with the policies 14.E.7 and 14.E.8 of the ROP, the Memorandum of Understanding, and By-law No. 2019-73, the reviewed OPA is exempt from Regional Council Approval. If you have any questions related to the above comments, please contact the undersigned at Alexander.Morrison@niagararegion.ca.

Please send a copy of the staff report and notice of Council's decision on these amendment applications.

APPENDIX "3"

OPA-21-0056 & ZA-21-0125
January 7, 2022

Respectfully,

A handwritten signature in dark ink, appearing to read "Alex Morrison". The signature is fluid and cursive, with the first name "Alex" and last name "Morrison" clearly distinguishable.

Alexander Morrison, MCIP, RPP
Senior Development Planner

cc: Diana Morreale, Director, Development Approvals, Niagara Region
Pat Busnello, Manager, Development Planning, Niagara Region
Katie Young, Development Planner, Niagara Region
Julia van der Laan de Vries, Urban Designer, Niagara Region

APPENDIX "3"

January 5, 2022

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: 7 Central Ave

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

APPENDIX "3"



RE: [External] Request for Comments - Official Plan and Zoning By-law Amendment - 7 Central Av

Municipal Planning to: Anamika Dilwaria

12/13/2021 07:22 AM

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

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

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments - Official Plan and Zo
	Mail Router	Mail Router	<i>Everyone, An application has been rec</i>
	Caralee Grummett	Caralee Grummett	<i>I am out of the office from 2021-12-10</i>
	Mail Router	Mail Router	<i>Everyone, An application has been rec</i>
	Mail Router	Mail Router	<i>Everyone, An application has been rec</i>

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.

Regards,

Alice Coleman

Municipal Planning Analyst

Long Range Distribution Planning

—

ENBRIDGE

TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com

500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Anamika Dilwaria <ADilwaria@forterie.ca>

Sent: Friday, December 10, 2021 2:37 PM

To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; planification@csdccc.edu.on.ca;


APPENDIX "3"



OPA & ZBA Application, 7 Central Av
Keegan Gennings to: Anamika Dilwaria

01/04/2022 12:20 PM

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

	Keegan Gennings	OPA & ZBA Application, 7 Central Av

Hi Anamika,

I have no comments concerning the OPA and ZBA for 7 Central.

Regards,

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

APPENDIX "3"



**Re: Invitation: Request for Comments- OPA & ZBA Application, 7 Central Av
(Jan 4 12:00 PM EST)** 📎

Ed Melanson to: Anamika Dilwaria

12/13/2021 07:10 PM

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

📧	Anamika Dilwaria	Request for Comments- OPA & ZBA Application, 7 Central Av
🏠	Signe Hansen	<i>I am out of the office until 2021-12-13.</i>
✅	Pieter Wasserman	<i>Accepted: Request for Comments- OPA & ZBA Application, 7 Central Av</i>
✅	Jeremy Korevaar	<i>Accepted: Request for Comments- OPA & ZBA Application, 7 Central Av</i>
✅	Mohammad Kamruzzaman	<i>Accepted: Request for Comments- OPA & ZBA Application, 7 Central Av</i>

Good Evening Anamika,

I have no objections, questions or concerns about this application.



Ed Melanson
Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600
Cell: (905) 329-7255

Anamika Dilwaria <https://filr.forterie.ca:8443/filr/public-link/file-dow...>

2021-12-10 02:31:54 PM



**Invitation: Request for Comments- OPA & ZBA Application, 7 Central
Av**

**2022-01-04 Tue 12:00 PM - 12:15
PM**

Attendance is **required** for Ed Melanson

Chair: **Anamika Dilwaria/FortErie**

No Location Information

Anamika Dilwaria has invited you to a meeting. You have not yet responded.

APPENDIX "3"

Required:	Ed Melanson/FortErie@TownOfFortErie, Jeremy Korevaar/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, Mohammad Kamruzzaman/FortErie@TownOfFortErie, Pieter Wasserman/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie
Optional:	Aaron Butler/FortErie@TownOfFortErie

Description

[attachment "Internal Staff Circulation Memo -.pdf" deleted by Ed Melanson/FortErie]

<https://filr.forterie.ca:8443/filr/public-link/file-download/ff8080827da50ea5017da5cede4f5bf1/1293/7950369502279398459/7%20Central.zip>



Interoffice Memorandum

January 26, 2022
File No. 350309-0537

To: Anamika Dilwaria, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **Application for Combined Official Plan and Zoning By-law Amendment -
7 Central Avenue**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment for **7 Central Avenue** and the supporting documentation and offer the following comments:

1. The development application indicates that the proposed amendment to the Official Plan is to permit an increase in density and the proposed amendment to the Zoning By-law is to permit an increase to the total number of permitted units from 200 to 230.
2. An analysis of the sanitary system was completed by GM BluePlan as part of the previous application for Official Plan Amendment and Zoning By-law Amendment (Town File No. 350309-0509). That report identified the need for upgrades to the downstream sanitary sewer system. In response to this requirement it was our recommendation that a holding provision be applied to the zoning which should not be removed until such time that the necessary sewer upgrades were completed by the applicant. Town Council upheld this recommendation and implemented a holding provision with the passing of By-law No. 35-2021
3. A Pre-Consultation Meeting to discuss the development proposal was held on October 28, 2021 and a comment was provided requiring that an addendum to the sanitary sewer system analysis was to be provided **in support of this amendment**. Subsequent to receiving this application, GM BluePlan completed an analysis of the receiving sewer system and recommends that:
 - a. The existing gravity sewers downstream of the proposed development have existing capacity restrictions and do not have capacity to accommodate the development flows until the identified sewer upgrades within the Town's PPCP&MP are implemented.
 - b. Once the previously identified sewer upgrades are implemented the downstream sewers will have sufficient capacity to accommodate the development flows while limiting downstream sewer surcharging to less than 1.8 m below surface; however, a slight increase in system surcharging is anticipated.
 - c. The existing Catherine Street SPS has sufficient firm capacity, utilizing the Region's existing design criteria to accommodate the proposed development. However, when reviewing the design flows to the Station, based on observed flow monitoring data, the estimated peak 5 year is 346 L/s. As such, keeping in line with the Town's performance objectives, a recommendation to implement approximately 75 L/s reduction in wet weather flows with the Catherine Street SPS Catchment Area, it is likely that a demonstrated 3.5 L/s reduction in the upstream catchment may need to be achieved before the development can proceed.
4. A copy of the full report is attached for the file.

APPENDIX "3"

Given the foregoing comments, I recommend that the Zoning By-law Amendment should be recommended for approval and that the Holding Provision in place against this property remain in force and affect and that the Holding Provision not be removed until the sanitary sewer upgrades identified by GM BluePlan have been completed to the satisfaction of the Town of Fort Erie, Director, Infrastructure Services.

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