

The Municipal Corporation of the Town of Fort Erie

By-law No. 129-2022

**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. 63
260-262 Gorham Road & 3854 Disher Street
Lucky Gas Inc. (Najeeb Quidwai) - Owner**

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. 63 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 19th day of September, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 129-2022 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 22

AMENDMENT NO. 63

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. 63 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. 63 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 rear yard of 3854 Disher Street from Low Density Residential to Commercial shown in Schedule A to enable a future boundary adjustment and redevelopment of commercial operations on 260-262 Gorham Road. The portion of 3854 Disher Street subject to this amendment will merge with 260-262 Gorham Road to the west.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 3854 Disher Street 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 proposal to expand the Commercial area on 260-262 Gorham Road to include a restaurant with a drive-thru along with a gas station, convenience store and car wash at this location is consistent with the Town's long term vision of concentrating automobile-orientated commercial development along arterial roads such as Gorham Road. There are currently no other commercial uses in Ridgeway-Thunder Bay that offer drive-thru service and the subject property is ideally located to serve both local residents and the travelling public on Gorham Road.

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

260-262 Gorham Road is already designated Commercial and has several commercial uses operating on site. The proposal to change a small area of 3854 Disher Street from Low Density Residential to Commercial will facilitate redevelopment of the overall site and improve its function with the streetscape along Gorham Road and Disher Street. Other vehicle-oriented commercial uses are located in the vicinity along Gorham Road. Single detached dwellings exist east of the subject property along Disher Street and are designated Low Density Residential.

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 property is well situated to provide commercial services to Ridgeway-Thunder Bay and Crystal Beach. The property is located along Gorham Road, which is a major arterial road that connects Ridgeway-Thunder Bay and Crystal Beach to Garrison Road/Highway 3 to the north and the Queen Elizabeth Way and the City of Niagara Falls further north. The land subject to this amendment will permit additional commercial uses on site and will add additional space for parking, landscape strips and a new car wash use. Noise mitigation measures will be implemented to ensure there are no undue noise impacts on residences east of the amendment area. There are no Natural Heritage Features present on site.

d) The location of the area under consideration with respect to:

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment, Conservation and Parks and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

260-262 Gorham Road and the amendment area is located on the east side of Gorham Road, a major arterial road. A traffic study has been completed that demonstrates that the Gorham Road/Disher Street intersection and the site itself have sufficient capacity to provide an acceptable level of service for traffic now and beyond 2024. The location will provide service to the local community and the wider travelling public along Gorham Road.

The recent revision to the proposed site plan will improve the interaction of the commercial operations with the streetscape and will also provide pedestrian connections to the uses on site. Removal of the entrance from Disher Street and tightening of the entrances of Gorham Road will improve the pedestrian and vehicle safety along the frontage of the property. This proposal will enable location of a proposed restaurant close to the street, thereby creating a street presence that encourages interaction with pedestrians along Gorham Road/Disher Street and improves ingress/egress from Gorham Road which currently is largely uncontrolled.

260-262 Gorham Road and the amendment area are located in the urban boundary with full access to existing sanitary sewer and water service. Redevelopment of the site is an efficient use of the existing services in the area.

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

The proposal to change the land use designation of a small portion of 3854 Disher Street from Low Density Residential to Commercial will be compatible with the residential uses on adjoining properties to the south and east. The Commercial area on 260-262 Gorham Road already exists and the land subject to this amendment will provide additional land for parking, landscape buffers and a new car wash with a stacking lane.

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:

No undue depreciating or deteriorating impacts on adjacent lands are anticipated as commercial uses already exist on 260-262 Gorham Road and other commercial uses exist nearby along Gorham Road. Town planning staff will ensure the proposed development interacts well with the streetscape and adjacent uses through a landscaping plan and site plan control. Noise mitigation measures will also be required to mitigate noise impacts on the adjacent residential uses along Disher Street.

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

This proposal will enable redevelopment of the site which will likely result in increased land value. This will in turn result in greater return via property taxes over time. Redevelopment of an existing commercial use also represents efficient use of land in the urban area and existing municipal infrastructure such as sewer and water service.

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

There are no Natural Heritage Features or environmentally significant areas on the subject property. 260-262 Gorham Road and 3854 Disher Street are already developed and so there are no anticipated impacts to the intent or implementing regulations of the Environmental Protection Act.

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. 63 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 the rear portion of 3854 Disher Street shown on Schedule "A" attached hereto shall change from Low Density Residential to Commercial.

SCHEDULE "A"



By-law No. 129-2022

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 19th DAY OF SEPTEMBER, 2022**

 Subject Lands - 260-262 Gorham Road & 3854 Disher Street

 Change from Low Density Residential to Commercial

PART “C” - THE APPENDICES

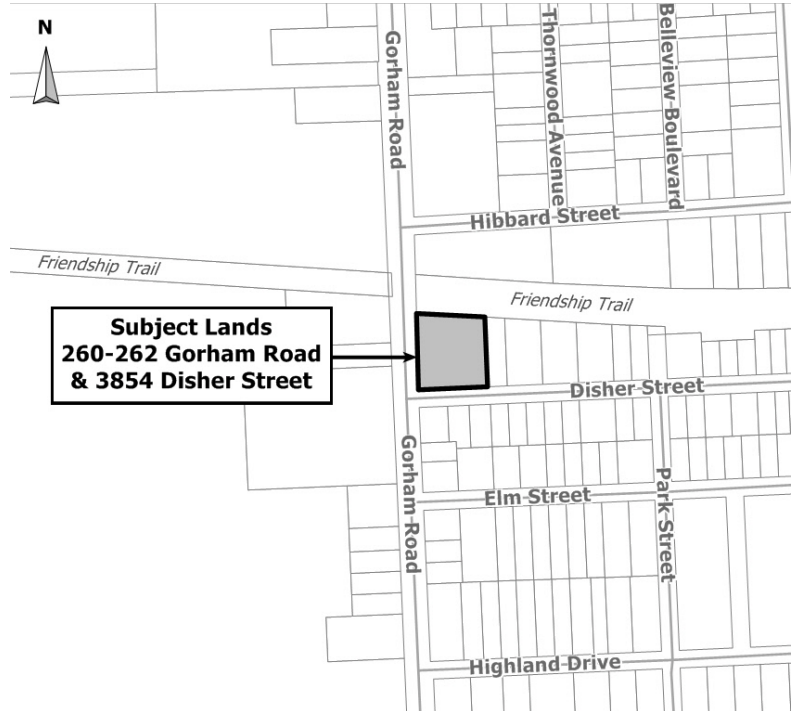
- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments

**Notice of Complete Application & Public Meeting
260-262 Gorham Road/3854 Disher Street – Combined Official Plan
and Zoning By-law Amendment**

PROPOSED CHANGE

To permit the addition of a car wash and drive-thru restaurant to the existing gasoline bar and the expansion of the commercial uses onto the residential property immediately to the east (the existing residential dwelling will remain). The proposed Official Plan Amendment will change the designation of the property with the address 3854 Disher Street from residential to Commercial zoning amendment will change the zoning of the property from C4 Zone to a site specific C4 Zone permitting a drive-thru restaurant (in addition to the uses

permitted in the C4 zone) with site specific regulations for minimum front yard (Disher Avenue) – 7.5 m, minimum easterly interior side yard – 1.8 m (to dwelling), minimum exterior side yard (Gorham Road) – 7.5 m, maximum coverage (for all buildings) – 11% , Minimum setback from pump island to property line – 3.6 m, minimum landscape strip adjacent to drive-thru - 2.0 m, maximum entrance width (Section 6.20 d) ii) – 12.1 m (Gorham Road), 10.7 m (Disher Street) and minimum landscape strip adjacent to parking area 2.0 m.



PUBLIC MEETING

Date: June 11, 2018

Time: 6 p.m.

Place: Council Chambers, Town Hall, 1 Municipal Centre Drive, Fort Erie,
ON L2N 2S6

HAVE YOUR SAY

Input on any proposed matter 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, unless you do one of the above now, you may not be able to appeal the decision later.

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WRITTEN STATEMENT

To provide input in writing, or to request personal notice if the proposed change is adopted, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6 or an email to cschofield@forterie.ca.

MORE INFORMATION

A copy of the Information Report will be available to the public by 5 p.m. on June 6, 2018. The information report will be available at www.forterie.ca (Government > Agendas & Minutes) or from the Town's Planning and Development Services Department.

For more information about this matter, including information about preserving your appeal rights, contact Matt Kernahan, MCIP, RPP, Senior Development Planner, at mkernahan@forterie.ca or 905-871-1600, ext. 2507.



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING





Owner – Lucky Gas Inc (Najeeb Quidwai)

Agent – Urban & Environmental Management Inc (Greg Taras)
260-262 Gorham Road & 3854 Disher Street


COMBINED OFFICIAL PLAN & ZONING BY-LAW AMENDMENT

APPLICATION 350309-0462

DATE: March 9, 2020
TIME: 6:00 PM
LOCATION: MUNICIPAL TOWN HALL COUNCIL CHAMBERS

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|---|---|
|  | <p><u>LOCATION OF SUBJECT LANDS</u></p>  |
|  | <p>WHAT WILL THIS AMENDMENT CHANGE:</p> <ul style="list-style-type: none"> This proposal will permit the addition of a car wash and drive thru restaurant to the existing gasoline bar and to permit the expansion of the commercial uses onto the rear yard of the residential property immediately to the east. The existing residential dwelling on 3854 Disher Street will remain. The proposed Official Plan amendment will change the land use designation of the rear of 3854 Disher Street from Low Density Residential to Commercial. The proposed Zoning By-law Amendment will change the zoning of 260-262 Gorham Road and the rear of 3854 Disher Street from C4 Zone and R2 Zone to a site-specific C4 Zone that permits a drive thru restaurant and contains zoning provisions that implement the site plan. The zoning of the remnant portion of 3854 Disher Street will change from R2 Zone to a site-specific R2 Zone that contains provisions for reduced lot area, reduced lot frontage, reduced rear yard setback and increased maximum lot coverage for the dwelling. |
|  | <p><u>GETTING MORE INFORMATION</u></p> <p>Input on the proposed 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 March 4, 2020. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or from the Planning and Development Services Department.</p> <p><u>CONTACT INFORMATION</u></p> <p>Daryl Vander Veen, Planning Technician Planning and Development Services Department</p> |

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| | <p>Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2509 Or by e-mailing your comments to: dvanderveen@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 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>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> |

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The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, June 11, 2018

1. Call to Order

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

2. Roll Call

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

Staff: K. Dolch, J. Janzen, *S. Hansen, M. Kernahan, M. Marshall, E. Melanson, C. Millar, *L. Richardson, J. Tessmer, K. Walsh and C. Watson

**Arrived at 8:00 p.m.*

3. Announcements/Addenda

Mayor Redekop made the following announcements:

- The Fort Erie Race Track opened for its 121st season on May 29th. They had a large crowd and generous wagering. After the racing was over The Caverners played, a Beatles Tribute Band.
- On June 1st the Canadian Citizenship Ceremony was held at the Peace Bridge Public School where 30 new Canadians were sworn in. They were from various parts of the world and are now choosing Canada as their home. The ceremony was presided over by Mike Scott, Order of Canada and one of the former owners of Peace Bridge Brokerage Logistics.
- On June 4th the Chamber of Commerce Bursary Awards Ceremony was held at the Bell Tower and was made possible by sponsorships from businesses locally and outside of Fort Erie. The Mayor congratulated the bursary recipients: Gabriel Demizio, Noah Desmarais, Aracely-Elizabeth Huezo, Laura Kim, Caitlyn MacInnis, Samantha Meli, Payton Midgley, Kendell Perchaluk, Jakob Schulz and Holly Smith.
- The Provincial Election was held on June 7th and we have a new government. The Mayor sent a letter today on behalf of Council to the Premier-Elect to indicate we are quite anxious to work with the new

about "Living and Leveraging Your Greatness."

2. The Annual Kinsmen Club of Fort Erie Sports Wall of Fame Dinner at the Leisureplex. There will be a reception held in advance of dinner scheduled for 7:00 p.m. This year's honourees include: Bill Hawkey, Clyde Brooks, Cheryl Susick-Hebbourn, Matt Desrosiers and the 1978-1979 Fort Erie Jr. B Meteors. For tickets or more information call 905-871-5838.
- On June 6th a Town Staff Appreciation Barbecue was held which is an annual event to show appreciation to those individuals who work for the municipality and help to make this wonderful Town day in and day out.
- It was brought to the Mayor's attention last week that there were signs posted on some utility poles in the Thompson Road area, which were of a racist and inflammatory nature. It was then brought to his attention a couple of days later that in the north end of Fort Erie in the Bowen Road vicinity, that someone was actually distributing very racist and inflammatory material. The Mayor advised the individuals who brought it to his attention to contact the police. The Mayor contacted the local police department and spoke to Kim McAllister who is a Staff Sgt. and was very helpful. She takes this as serious as the Town because we pride ourselves on diversity and inclusion and making sure this is a welcoming community. This type of material has no place in Fort Erie. He was advised by the Staff Sgt. that she brought it to the attention of their investigative unit, their forensic unit, who are pursuing the matter. If there is any further material, or if anyone in the community receives any material or is aware of any racist, hateful material, to bring it to the attention of the Mayor or Staff Sgt. McAllister for further action.

4. Disclosures of Pecuniary Interest

Mayor Redekop disclosed a pecuniary interest with respect to Public Meeting (a) and Report No. PDS-32-2018 since the property owner is a client of his law firm. The Mayor abstained from discussing or voting on the matter.

5. Notice of Upcoming Public Meetings

None.

6. Public Meetings

Mayor Redekop turned the Chair over to Councillor Knutt due to his pecuniary interest.

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(c) Official Plan Amendment and Property Rezoning

Re: Urban & Environmental Management Inc. - Greg Taras (Agent) - Lucky Gas - Najeeb Quidwai (Owner) - 260-262 Gorham Road and 3854 Disher Street. The applicant is proposing to amend the Official Plan designation of the property known as 3854 Disher Street from Residential to Commercial and the zoning from C4 Zone to a site specific C4 Zone all to permit the addition of a car wash and drive-thru restaurant to the existing gasoline bar and the expansion of the commercial uses onto the residential property immediately to the east.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider the proposed Official Plan Amendment and Zoning By-law Amendment to the Town's Comprehensive Zoning By-law No. 129-90.

Matt Kernahan, Senior Development Planner, delivered a power point presentation which is available for viewing on the Town's website.

Mr. Kernahan confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting and reviewed the related report.

Mayor Redekop inquired if the agent wished to speak to the proposed amendment.

Greg Taras Planner with Urban & Environmental Management Inc. and Agent for the owner Mr. Quidwai, stated that Mr. Kernahan provided a detailed presentation and he would like to add a few things. He displayed some slides which are available for viewing on the Town's website.

Mr. Taras stated there have been some questions about the component being the residential that is being added. They are proposing that approximately 125 feet of the rear of the property be added in as commercial use so the whole property would be rezoned commercial. The lot is approximately 200 feet deep so they are looking to utilize the rear portion of it. The front is residential on Disher Street and Mr. Quidwai's personal residence which he would continue to maintain as his residence even though it would be rezoned to commercial. The components of the rezoning is to use the rear portion of the

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residential for the stacking lanes for the car wash. The mechanical room for the car wash and the two car wash bays, one a self-serve is to the north and the portion to the south is the automatic car wash. Four of the required parking spots would also be included on the residential property along the north boundary where Mr. Quidwai's current residence is. The other component is the restaurant on the southwest corner of the property where there is currently a residence. That would be torn down and also there's an existing automatic car wash that would be torn down to create a restaurant and drive-thru lanes.

Mr. Taras explained they are proposing to have employee parking on the four parking spots that are in the residential area. There would be less traffic and those cars would be parked for a longer period as opposed to cars that would be coming in and out of the restaurant where there would be more movement. Waste, garbage and recycling would be managed indoors and a garbage room is proposed at the northeast corner of the restaurant. He advised the entire site will be paved and landscaped which will include a two metre wide grass strip and as well coniferous and deciduous trees will be planted. In the southeast and northeast corner there will be additional tree plantings, with evergreen and shrubbery plantings along with south side of the restaurant, along Disher Street, between the restaurant and the drive-thru, and between Gorham Road and the drive-thru.

Mr. Taras stated the noise study was completed and to meet the noise guidelines a three metre high noise barrier fence is required along the east of the property line at the northeast corner of the property, the residential property, south to where the residential property is and moving west. To the south is an area that required a three metre high noise barrier fence. South of that to Disher Street will be a two metre high privacy fence. Along the north side of the property along the Friendship Trail will be a lower fence, approximately 1.3 metres. The Town has requested the fence be lower and they are confirming that with the Town. Further to the request to connect the property to the Friendship Trail, there will be a walkway to the convenience area in the northwest corner that would have an opening in the fence to connect to the Friendship Trail.

Mr. Taras stated with respect to the noise study, in addition to the three metre high noise barrier, the automatic car wash would only operate from 7:00 a.m. to 7:00 p.m. in order to meet the noise guidelines. The car wash doors will remain closed in the

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washing and drying wash cycle, and new automatic car wash technology will be employed. Specific types of dryer and wash equipment has been specified that could have low noise impacts which was considered by the consultant.

Mayor Redekop inquired if anyone wished to speak in favour of the proposed amendment.

No person(s) came forward.

Mayor Redekop inquired if anyone wished to speak in opposition of the proposed amendment.

Eilish Barkhouse Coulis (BC), 3830 Disher Street advised she has lived 4 doors down from the gas station for 13 years and her family for 50 years. Ms. BC advised they just found out about the plan two weeks ago, even though the gas station modifications started two years ago and is still not finished. It is an eyesore to the neighbourhood.

Ms. BC stated they have a couple of concerns and complaints:

- The property isn't taken care of;
- People pick up the garbage and construction garbage that is flying into the neighbours' yards;
- The grass was recently mowed for the first time;
- There are two mounds of dirt that has been there for the past two years;
- Blocking access to the bike path which the residents on that side of Disher Street use;
- Transport trucks back up on Disher Street which is a busy street with kids, people walking their dogs and it is a safety concern;
- Worried these things will persist and get worse with the expansion of the residential home turning into commercial property;
- Noise study has been done but still worried about that;
- Concerned about fumes;
- Concerned about traffic on Disher Street being unsafe for the residents and going onto Gorham Road being a bottleneck situation like it is at Tim Hortons in Crystal Beach;
- Concerned about a gas station going up across the street on Gorham Road and what happens if one or both fail, it will be an eyesore, there will be gas pumps and they are worried about that lowering the price of their homes;
- The property across from the gas station on Disher Street

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petitioned for commercial status and was denied because they were worried about traffic;

- Disher Street is a residential street and they want peace and quiet and for it to stay that way.

Ms. BC presented a hand drawn slide of a proposal which included a few minor differences:

- No need to encroach on the residential property;
- The restaurant is pushed back;
- Remove one set of gas pumps because it is unnecessary with the gas station across the street;
- Reduce double lane entrance to car wash to one lane;
- Drive-thru should be on south side of restaurant going around the back instead of the front and not going onto Disher Street, food pick-up on the east side;
- Exit road would be big enough for transport trucks to go in and out for gasoline and a directed exit so there is no crossing oncoming traffic;
- Parking lot can be removed for the diesel fuel pump and leaves ample parking in front of the restaurant and store and have employee parking in the back;
- Fencing around entire property so it doesn't encroach on other people's property will act as a noise and light barrier and deter garbage from being thrown on public land;
- Consideration for people who live there and bought residential and expect it to stay a peaceful community.

Robert Baker, 3842 Disher Street stated that he and his wife Vicki own the property which is one house away from the proposed car wash. He stated his concerns are based in three areas:

1. Noise - the noise study states the decibel level at the entrance to the car wash would be a noise level of 93 dba which is basically a lawn mower running. They stipulated a fence, hours of operation but there will be a noise problem. He would like to know what the noise will be in his backyard as he's not that far away. A small change in the angle of the car wash a few degrees would help. It's the entrance that's noisy.
2. Light – there are big high ones so that you can see gas stations from kilometres away. He asked that the lights be set up to have a minimum impact on the surrounding properties;
3. Smells - since the prevailing winds are from the west puts them in the path of restaurant odors.

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Mr. Baker asked Council to consider the impact of this development on them and their neighbours and to mitigate the impact in every way possible.

Gord Shaw, 3848 Disher Street stated his wife Amy is a long-time resident and he is a recent resident from Toronto. He expressed the following issues:

- Disher Street is a patchwork quilt of small patches of tar and asphalt and has been that way for a number of years. They have not repaved the street which is a Town issue. The culverts in that area are not dug out and the water flow goes into their backyards. He questioned what will happen when they change that system or add additional load on that system. It needs to be either redone, repaired or improved;
- Transit uses the street and trucks use the street. They watch the trucks back into the gas station creating a safety issue;
- He referred to the storage of gasoline and with the additional tanks or pumps he will need to add more fuel;
- He referred to the convenience store and stated there is one storage tank in that area and they have to come in and drill, there seems to be a well driller thing going down in there;
- A traffic study is needed on Gorham Road and Disher Street;
- The noise study has been done but they will be impacted directly and he will have no peace in his backyard;
- Instead of a drive-thru make it a drop in and pick up like other restaurants on Garrison Road;
- It has been under construction for 1 ½-2 years;
- Traffic is not safe for walkers and bikers on the Friendship Trail. It is difficult to get across Gorham Road now. There will be additional traffic and someone may get hurt;
- He is concerned about the proximity of the propane tank and suggested it be moved to an area closer to the fence;
- There will be more tanks, more trucks, more gas storage;
- If he's keeping the house it has to be brought up to code;
- There is an old tree that needs to come down although it is a heritage tree. He can see problems for neighbours for that one tree;
- He referred to the four trees that run on the property and stated a third of a sentry tree is on his property and two-thirds are on the other property; the tree on the far end is half and half between the two of them and the other two in the middle are on the other property;
- He referred to the indoor storage of garbage and is concerned about rats. The more people, the more garbage and not everybody is going to throw their garbage into the

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inside storage;

- There are a number of old trailers on the property and if they are removed there will be more room so that 3854 could be left residential as a buffer;
- People on the south side of Disher Street have concerns regarding the lights of vehicles coming in and out.

Mike Minor, 3859 Disher Street advised he has raised his family across the street from this proposed project for 25 years and has lived in Ridgeway for 42 years. He has seen businesses come and go because this is a small and quiet community. He does not want to see this project go through for the following reasons:

- Traffic flow is a big issue. There has been no traffic study. This is an extremely busy area from mid-June to Labour Day and Gorham Road is the only direct road to Crystal Beach;
- From a safety point of view, for first responders, fire, ambulance and police will have an increase in response time due to the increased traffic;
- Infrastructure - he questioned if the sewers and water lines will be able to withstand the added volume and pressures because of the increase in public use;
- Population in Ridgeway after Labour Day drops off considerably and he questioned if the business will be able to sustain itself in slow times or will it go bankrupt and they will have to stare at a deserted building;
- LCBO trailer up the road is there for the second season and then it's gone for the winter;
- He spoke with Wayne who said it was the worst winter in years and the same with Jeff, Manager at ValuMart;
- At a meeting in the Atrium he was told there could be no drive-thru's on Gorham Road. With the drive-thru exit onto Disher Street it's going to be a nightmare to get out and into their driveways;
- The exit from the drive-thru is directly in front of his house. He will have lights on his house all the time and traffic;
- He would like to see the restaurant moved back;
- He would like to see residential remain residential and add more than 60 x 100 lots, possibly 120 and a noise buffer.

Mayor Redekop closed the Public Meeting.

7. Consent Agenda Items

APPENDIX "2"

Council-in-Committee – 11 June 2018 Meeting Minutes

PDS-34-2018 Proposed Official Plan and Zoning By-law
Amendment - 260-262 Gorham Road and
3854 Disher Street - Urban &
Environmental Management Inc. Greg
Taras (Agent) - Lucky Gas - Najeeb
Quidwai (Owner)

Recommendation No. 5
Moved by: Councillor Butler

That: Council receives for information purposes Report No. PDS-34-2018 regarding a proposed amendment to the Town's Official Plan and Comprehensive Zoning By-law No. 129-90 for 260-262 Gorham Road and 3854 Disher Street.

Recommendation No. 6
Moved by: Councillor Butler

That: The recommendation be amended to request the applicant to perform a Traffic Impact Study on Gorham Road and Disher Street to be conducted during the peak summer months. **(Carried)**

**Following the approval of the amendment,
Recommendation No. 5 was voted on as amended as
follows:**

That: Council receives for information purposes Report No. PDS-34-2018 regarding a proposed amendment to the Town's Official Plan and Comprehensive Zoning By-law No. 129-90 for 260-262 Gorham Road and 3854 Disher Street, and further

That: The applicant is requested to perform a Traffic Impact Study on Gorham Road and Disher Street to be conducted during the peak summer months. **(Carried)**

PDS-36-2018 Request for Extension Conditions of
Agreement of Purchase and Sale - Town
Road Allowance - South of 359 Gorham
Road

Recommendation No. 7
Moved by: Mayor Redekop

That: Council grants an extension to Gorham Road Inc. to enter into a Site Plan Agreement for the development of 359-379

APPENDIX "2"



The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, March 9, 2020

1. Call to Order

The meeting was called to order by Mayor Redekop, Chair at 6:05 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit and Anishinaabe people, many of whom continue to occupy this area.

2. Roll Call

Present: His Worship Mayor Redekop, Councillors Butler, Dubanow, Lubberts, McDermott, Noyes and Zanko

Staff: K. Dolch, J. Ferraccioli, K. Gennings, J. Janzen, T. Kuchyt, D. Maiden, E. Melanson, C. Millar, C. Schofield, J. Tessmer, D. Vander Veen and K. Walsh

3. Announcements/Addenda

There was one Addendum being a revision under Section 9. Planning and Development Services, 9.2 Report No. PDS-16-2020. Report No. PDS-16-2020 was replaced due to additional public comments being added to Appendix "5".

Mayor Redekop made the following announcements:

- On Saturday, March 7th, the Fort Erie Native Friendship Center held it's 25th Annual Mid-Winter Pow Wow. It was very well attended, and thanked the Town's CAO for being in attendance. They were very much welcomed by the indigenous community, and there were a lot of activities, dancing, drumming, singing, and a lot of good food as well.
- Last Tuesday, March 3rd, the Consul General in New York for Canada was in Buffalo, and they had an opportunity to discuss the situation in the United States where the Homeland Security has indicated that it will not renew or accept new applications for the Trusted Traveler Program, which includes Nexus. That of course has implications for

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

Stevensville Fire Hall on the north side, whenever it rains it floods out completely so there's obviously another storm drain concern or issue that's underlying that maybe this could fix that with enhancements to the storm drain or a bigger, better one that could fix that problem as well. His last point is they were told by Mr. Judd who was the drainage superintendent in 2014, that the reason they're doing this is because of what the Region is doing is illegal by dumping municipal water onto private property with no access to be able to clean it up and do anything with it. They don't want that. They stand pretty firm they do not want this drain done and would like it to go down Stevensville Road.

The Mayor asked Mr. Morris if he had comments to any issues raised by Mr. Brunning to which he advised he did not. The Mayor thinks that one of the suggestions was that this water should be directed instead of west and south, east to Stevensville Road along the Eagle Street road allowances? Mr. Brunning clarified not down Eagle Street, strictly Stevensville Road. He referenced Eagle Street because that's where the Region's plan is to do road reconstruction from Bowen Road to Eagle Street. He took a measurement from the ditch where it's starting now to Eagle Street and that's 125 feet. It's not far off from where they're planning on stopping the road construction so he thinks that 120 feet isn't too much to ask if they extended that much to fix the existing problems. The Mayor stated the water north of the CP rail line would have to flow towards Stevensville Road as opposed to south. Mr. Brunning advised it already flows down Stevensville Road so it would just be putting in a dog leg or however they have to attach it to the storm drain on Stevensville Road. The Mayor asked Mr. Morris if he had any comments to which he replied that he did not.

Mayor Redekop closed the Public Meeting.

Council recessed at 8:04 p.m. for 10 minutes.

(c) Official Plan Amendment and Property Rezoning

Re: Lucky Gas Inc. (Najeeb Quidwai) - Owner - Urban & Environmental Management Inc. (Greg Taras) - Applicant/Agent - 260-262 Gorham Road / 3854 Disher Street. The applicant is proposing the addition of a car wash and drive thru restaurant to the existing gasoline bar and expansion of the commercial uses onto the rear yard of the residential property immediately to the east. The Official Plan Amendment will change the land use

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

designation of the rear of 3854 Disher Street from Low Density Residential to Commercial. The zoning amendment will change the zoning of 260-262 Gorham Road and the rear of 3854 Disher Street from C4 Zone and R2 Zone to a site specific C4 Zone. The zoning of the remnant portion of 3854 Disher Street will change from R2 Zone to a site specific R2 Zone for reduced lot area, lot frontage and rear yard setbacks and increased maximum lot coverage for the dwelling.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider an Official Plan Amendment to change the land use designation of the rear of 3854 Disher Street, and a Property Zoning Amendment to change the zoning of 260-262 Gorham Road and the rear of 3854 Disher Street.

Mr. Vander Veen, Planning Technician, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the meeting, and public comments received.

Mayor Redekop enquired if the applicant or agent wished to speak to the proposed amendments.

Greg Taras stated he is a registered professional planner and senior planner at Urban & Environmental Management Inc. He introduced Mr. Quidwai, owner of Lucky Gas and the property. He wanted to focus on a few items that will assist Council in their consideration. Lucky Gas first submitted their official plan and zoning by-law amendment in April 2018. In May 2018 they held an informal public open house and then a formal public meeting on June 11, 2018. There were a number of comments received from Council members and the public at that time so what the proponent has done is they undertook a number of studies and made some changes from what was originally proposed. Another informal public open house was held on February 11, 2020 so they could present this information to the public.

Mr. Taras summarized the major changes made so that Council is aware of what's been done since the original application:

- The existing property at 3854 Disher Street was originally part of the application. The whole property was going to be zoned C4. They received comments from the public expressing

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

concern that in the future, the residence might be removed, torn down and the whole property would then be expanded for commercial use. In order to remedy that, they have left the residence and part of the property as residential and the commercial now would be around it so it's only the rear part of 3854 Disher Street that would be included in the C4 designation.

- Council requested that a traffic impact study be completed. At the same time there was a proposal being done for 275 Gorham Road which is across the street. The traffic impact study was done in conjunction with both developments by the same traffic consultant and that report went before Council when the property at 275 Gorham Road was considered. The conclusions from the traffic impact study was that there would be no significant impact to the surrounding road network from both of these proposals going forward. The second conclusion was that the existing trail crossing, even if neither of these developments went forward requires improvement. This was already an issue before either of these were being considered.
- The other issue was to do with the car wash and the noise that could potentially occur from the car wash. The proponent is proposing to add both a self-wash and an automatic car wash bay so there'll be two bays. Concerns were identified with respect to the noise impact to neighbours from the proposed automatic car wash operation. The proponent investigated a number of measures to reduce the potential sound impact from the car wash. The main one they looked at was to enhance the door for the car wash so rather than a standard car wash door they would be utilizing a five layer polycarbonate sheeting door for this purpose that helps to reduce the sound impact significantly.
- Within the car wash itself, the dryers, which are one main source of noise, will be moved forward in the car wash bay so it doesn't have as much impact on noise. This car wash will not be able to operate with the doors open. So when a car enters, the door opens, the car enters, both doors must close before the car wash process can engage and then once it's finished, the doors will open so that the car can leave the car wash.
- Based on these changes, the proponent had their noise consultant, RWDI, update the noise study. They had previously provided a noise study from the sub-consultant and this was updated considering these changes. Two conclusions were reached, if the eight foot high noise barrier was allowed along the east side of the property, there would

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be a very small area of the adjacent property that would have a one decibel increase over the permitted 50 decibel sound limit at the property line. That is with the 2.3 metre tall fence. If the three metre high fence is permitted, then the 50 decibel guideline is achieved at the property line. You will see that it is actually no longer the car wash that is the source of the noise that creates the one decibel increase. With the enhanced door and moving the blowers forward, it's actually now the queuing area that is the cause of the one decibel increase. So it's cars potentially idling in that location that creates the one decibel increase. In order to try to reduce the impact of the idling, the proponent is proposing to put up "no idling" signs at the queuing area entrance and at a couple of spots in the queue so the drivers will shut off their engines while waiting. When the car wash comes into operation the proponent will have staff monitoring any idling instances at the beginning to make sure that customers are aware and that they shouldn't be idling.

Mr. Taras explained that for the operation of the automatic car wash, customers will first have to go into the convenience store to get a token or pin number to enter the car wash. The proponent's staff will let customers know the wait times to try to limit the number in the queuing lane to three vehicles. The queuing lane has to have a minimum of four vehicles but they would like to get it down to three and that would reduce potential idling. The automatic car wash, because of the door system, will have a 7-8 minute cycle time. So if someone was waiting as the fourth car in line, they potentially could be waiting a half an hour. From Mr. Quidwai's experience as an operator of a facility with a car wash, customers won't wait that long. He's not anticipating people waiting in the queuing line that long to use the facility. There's also a lot of newer vehicles where car's automatically shut off when they're idling for a short period of time, even coming to a stop sign or a traffic light, some cars stop idling and then restart. There is technology that's moving forward in the automobile industry that is reducing idling as well. When they asked the noise consultant to look at the impacts of the noise from the car wash and idling, they also predicted what the noise would be offsite at adjacent properties. Where they have the eight foot high, 2.3 metre high noise barrier and the one decibel increase, they predicted sound levels at an adjacent property on the property line, 45 decibels reducing to 38 decibels at this location, 42 at this location, 41 and then decreasing to 36 at this location. What they did not consider was if there were any barriers or fencing in between these. They took a straight line

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approach in a worst case. If you look at the three metre high fence those decibel readings go down a little further, 42, 35, 39, 38, 33. Mr. Taras has provided staff with some examples of typical noise at those decibel ratings. For example, a normal sound level for a quiet neighbourhood is 50 decibels. A busy street has a 70 decibel rating. Average noise rating inside a house is approximately 40 decibels. The 50 decibels is the typical urban quiet neighbourhood for daytime ratings. The car wash will only operate from 7:00 a.m. to 7:00 p.m.

Mr. Taras explained another concern that was raised was with respect to the condition of the property. He went back to the site plan with the landscape plan. Originally the diesel tanks were on the right side and the gasoline tanks on the left side in terms of the underground storage tanks. This necessitated the fuel truck to come in, offload fuel into the gas tanks, go to Disher Street, turn around and come back in so they could then fill the diesel tanks. The proponent, with the reconstruction, is moving all the tanks to the same side so that the fuel tank now comes in, fills up both tanks, then leaves out Disher Street and back onto Gorham Road. There's no turning around and the frequency with which fuel is delivered is about every five days in the summer months, June, July and August, and once every seven days during other times of the year.

Finally, Mr. Taras advised that the proponent undertook a survey at his facility in the convenience store for the last four months. A copy has been provided to the Town. It was basically were they for or against the proposal and there was a space for anyone to provide comments. Approximately 600 signatures were received, all were in favour and support of the proposed development including nine residents on Disher Street.

Mayor Redekop enquired if anyone present wished to speak in favour of the proposed amendments.

No members of the public came forward.

Mayor Redekop enquired if anyone present wished to speak in opposition to the proposed amendments or have questions.

a) Robert Baker – 3842 Disher Street

Mr. Baker stated that he wanted to point out to Council a couple of things on the noise study. His lot is the second lot over and it is actually the noisier lot than the one beside the

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

fence. That is where more of the noise is. The numbers that Mr. Taras gave you are not correct. The noise level in his lot or point of arrival in the noise study, is 50 decibels. It's certainly not 50 decibels at this point. If you look at where the lots are laid out, his lot is against the Friendship Trail, three lots from the gas station. This is not reasonable that its going to make 50 decibels. The other thing he wanted to point out in the noise study, this is required by a perfectly fitted door. It has five layers and has to be perfectly hung and fitted. If there's a gap, if somebody bumps it, if anything changes, he would now be living at 60 decibels which is way beyond any reasonable limit for his backyard. He believes in Ridgeway. He does not believe people are moving here from Toronto to live at the provincial limit. That's not where he is now or where he wants to be in the future.

Mr. Baker also mentioned that the study keeps mentioning a future restaurant, they want to evaluate future changes based on the restaurant. What he's basically saying is we can make it now but when the restaurant's running, depending on how many people, they're not going to make 50 decibels. Council's decision is going to make a huge difference in how his backyard and life is. The future restaurant and future impact in the study may have to be looked at again. In the report, it also says that the Town has said that the distance of two metres to a residential property is not fair.

Mr. Baker will provide Council with a handout. He has done some research that two metres is not a reasonable distance to a residential property. A perfectly fitted door, no cars can be running, windows down and radio on, a 12-minute cycle and they're going to cut it down to three cars maximum. Even at two cars he's at 20 minutes listening to that gentleman's preferred choice of music. People don't roll up their windows in a drive-thru. They don't shut off their engines all the time. Some will. But this is not fair and reasonable to expect that everybody's going to not have their window down, not be on their cell phone, not have their engine running. Guys on 4 x 4 trucks are not going to shut their engine off. That's not how it works.

Mr. Baker explained that he has been all around the peninsula since this happened a year and a half ago, he's looked at every car wash. There isn't one anywhere that pointed to somebody's backyard at that distance. It's not

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

reasonable. He thinks there's going to be further problems down the line. He questioned what happens when the refill truck comes in and if there's a car or a car with a trailer at the gas pumps, he can't get by them. He'll hear the horn going because he can't get through to fill up the tanks because there's cars in the filling station at the pumps.

Mr. Baker stated that everything is pushed to the absolute maximum of what is allowable. It's not fair. He's lived here for 30 years. He's owned two homes in this Town and paid his taxes. A change like this to his life is not fair and reasonable. He asked last time when he was in front of Council and told them he liked them to change that car wash and pin it around so the side was facing him and the doors were facing the public area but he won't move one brick.

Mr. Baker advised that according to what he's read, when this place hits its maximum in 2024, the number of cars going through and going to the restaurant is over 50%. Is this not going to also impact noise. It's just not reasonable. He asked Council to deny this application because there's no way you're forcing me out of Town. A drive-thru next to a residence at that distance is just not right.

b) Erin Tyler, 1918 Nigh Road

Ms. Tyler asked if there is a restriction on how high the lights can be when in a residential neighbourhood knowing there are street lights on Disher Street and on Gorham Road and in a concentrated area around a fast food place? She also questioned where is the garbage storage located on the map. Mr. Vander Veen advised the indoor garbage is in the corner. Ms. Tyler asked if it was for the full facility to which Mr. Taras confirmed it's an enclosed area for garbage. Ms. Tyler asked if would be a standard one week pick-up. If all of the garbage is going into one compartment but there is one, two, three, four, five facilities that are going to be using the storage unit. Mr. Taras advised it would be a private collection, so as required to whatever set-up under contract for the facility. Ms. Tyler stated from the moral and mom's side of it, a fast food restaurant located across the street from a school is risky business, especially considering the impression of the surrounding area especially Crystal Beach, with how natural it seems to be growing. It's been very progressive in how it's made its moves to have people and control of the flow of people in the Town but then having a

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

fast food restaurant across the street from a school is not so great. She referred to the smell that comes from it if it is frying food, there's some chicken places for instance, have an odour that neighbourhoods have noticed. This is a concern that she sees coming up in the future.

c) Mike Minor, 3859 Disher Street

Mr. Minor stated the school being referred to is still being used, not as a school, but they do have students there on Thursdays and sleep the weekend. He is the gentleman with the lights that are always shining on his house. It's become a problem because of the addition of the pumps at the top. Never was before because the pumps were to the left. This is causing an issue for him. He feels if the restaurant and drive-thru were turned towards Gorham Road. He knows it could cause a lot of problems with traffic but you're going to have extreme traffic issues no matter if this goes through or not with both restaurants. To the point of the tanker truck, how many times has he heard him blowing his horn trying to get away from traffic. The whole thing doesn't make sense to him. He's trying to be a good corporate citizen. If you turned the restaurant around. He doesn't feel there is enough people for the car wash. The idling aspect, a car is shut off, he has a car that shuts off and automatically comes back on two and a half to three minutes and the car wash is approximately eight minutes. The proximity of the parking on the east wall for the restaurant to the west, is too close. He sees issues with pedestrians. He feels there is too much going on and they need to re-evaluate.

d) Jacob Van Den Akker, 3848 Disher Street

Mr. Van Den Akker stated that everyone's concerns are valid. He is concerned with the minor variance to shrink the backyard. He showed where his house is. He's worried about the proximity of the commercial property in relation to shrinking his backyard and the impact it may or may not have on him sitting on his deck in the backyard. He may have kids and doesn't want them playing and people hanging outside in their cars, smoking cigarettes or other things. This is a concern. He's not against someone trying to build a business or further a business.

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

e) Eilish BC (Barkhouse-Coulis), 3830 Disher Street

Ms. BC stated her concerns are pretty much the same as everybody else's about noise. Her main concern is the traffic. She knows that a traffic study has been done but we're adding more cars to Disher Street and there is already a lot of cars there. They have kids playing on the street, She walks her dogs on that street as do many other people. They are concerned about safety also how are they going to get off of Disher Street by adding more cars coming onto Disher Street from the gas station. How is she supposed to get to work on time. She asked Council to consider what it would feel like to live there if this went through.

Ms. BC explained they don't want to see the development completely shut down. We want to see business succeed in Ridgeway they just feel there's a way it can be done without encroaching onto their residential street. They don't want to live in a noisy place that's why they moved to sleepy Fort Erie.

Mayor Redekop closed the Public Meeting.

(d) Public Meeting

Re: *Building Code Act* - Proposed Increase in Building Permit Fees

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of a Public Meeting to consider the proposed increase in Building Permit Fees.

Mr. Gennings, Chief Building Official, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Gennings advised that this Public Meeting is a requirement of the *Ontario Building Code Act* when a municipality is considering changing Building Permit fees.

Mr. Gennings advised that notice of the Public Meeting was advertised in the Fort Erie Post newspaper on February 13, 2020 in accordance with the *Building Code Act*. Staff provided notice through a number of other means by posting on the Town's website, Facebook and emailed to the Town's frequent builders, including an excerpt of the proposed permit fees. The Fees and Charges report was approved by Council on

APPENDIX "2"

Council-in-Committee - 09 Mar 2020 Meeting Minutes

That: Council approves the amendment to the Town's Zoning By-law No. 129-90 for Peace Bridge Village Phase 2 Subdivision as detailed in Appendix "4" of Report No. PDS-15-2020, and directs staff to submit the necessary by-law to Council for approval.

Recommendation No. 6
Moved by: Councillor Butler

That: The hour of adjournment be extended to 10:45 p.m.
(Carried)

9. Planning and Development Services

Chaired by Councillor Noyes.

9.1 Presentations and Delegations

None.

9.2 Reports

| | |
|--------------------|---|
| PDS-11-2020 | Proposed Official Plan and Zoning By-law Amendment - 260-262 Gorham Road and 3854 Disher Street - Urban & Environmental Management Inc. - Greg Taras (Agent) - Lucky Gas - Najeeb Quidwai (Owner) |
|--------------------|---|

Recommendation No. 7
Moved by: Councillor Zanko

That: Council receives for information purposes Report No. PDS-11-2020 regarding a proposed amendment to the Town's Official Plan and Comprehensive Zoning By-law No. 129-90 for 260-262 Gorham Road and 3854 Disher Street.

Recommendation No. 8
Moved by: Mayor Redekop

That: Report No. PDS-11-2020 be postponed to the September 14, 2020, Council-in-Committee Meeting in order to obtain the Traffic Study relative to Gorham Road Garrison Road south.
(Carried)

APPENDIX "3"



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

May 14, 2018

Matt Kernahan, MCIP, RPP,
Senior Development Planner
Town of Fort Erie
Planning & Development Services
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Matt Kernahan,

Re: Official Plan Amendment, Zoning By-law Amendment
Lucky Gas Inc. c/o Najeeb Quidwai
260-262 Gorham Road, Ridgeway
Town of Fort Erie

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

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

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman

Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS DISTRIBUTION

TEL: 416-495-5386

MunicipalPlanning@enbridge.com

500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com

Integrity. Safety. Respect.

AC/jh



DELIVERY PLANNING
CANADA POST CORPORATION
955 Highbury Avenue North
London ON N5Y 1A3

May 22, 2018

Matt Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6

RE: 260-262 Gorham Road

Dear Matt:

Canada Post Corporation has no requirements or conditions regarding this project as the development in question falls within the Post Office Box-served boundaries of the Ridgeway Post Office.

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 this decision, I can be reached at 226-268-5914 or the above noted address.

I appreciate the opportunity to comment on this project.

Sincerely,

A. Carrigan

Andrew Carrigan
Delivery Services Officer

Via Email Only

May 25, 2018

Files:

D.18.01.ZA-18-061

D.10.01.ZA-18-024

Mr. Matt Kernahan, MCIP, RPP, CNUa
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
L2A 2S6

Dear Mr. Kernahan:

**RE: Regional and Provincial Review Comments
 Combined Official Plan and Zoning By-law Amendment
 Applicant: Mr. Najeeb Quidwai
 Address: 260 Gorham Road
 Town of Fort Erie**

An initial pre-consultation meeting for the proposal was held on October 13, 2016 with the applicant and staff from the Region, Town and Canadian Niagara Power. An additional pre-consultation meeting was held on January 11, 2018 where the applicant provided updated drawings and information. Regional staff also conducted a site visit on January 11, 2018.

The proposed amendments are to rezone and re-designate the subject lands to permit the addition of a car wash and drive-thru restaurant to an existing gasoline bar. The application also seeks to permit the expansion of commercial uses onto the abutting residential property to the east (existing residential dwelling will remain). The existing residential property is known as 3854 Disher Street and will change from an existing c4 zone to a site specific C4 Zone to allow the drive-thru restaurant. This site specific zoning change also captures existing deficient setbacks associated with the residential building. Regional staff offers the following comments to assist the Town in considering the proposed amendments.

Provincial and Regional Policies

The subject property is within the Urban Area Boundary for Crystal Beach according to the Regional Policy Plan. In addition, the lands are located within the Built Boundary according to Regional Official Plan. The Urban Area policies provide for a range of

industrial, commercial, and residential uses. Provincial and Regional policies support mixed used commercial development, including the conversion of existing building stock, in the urban area where appropriate levels of services and infrastructure exist.

The proposal will facilitate the redevelopment of an existing commercial use and will create additional employment opportunities.

Core Natural Heritage

A review of Regional and Provincial mapping indicates that there are no natural heritage features located on or near the subject lands.

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 provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage containers for the entire property

Sewer Sampling

Based on the proposed uses, a sewer sampling manhole will be required for each lateral connection.

Stormwater Management

If the Town of Fort Erie is requesting a Stormwater Management breif or plan, quantity control will be the Town of Fort Erie's requirements, however, the Region would request quality control be required to a Normal standard. If required, this can be reviewed by the Region at the Site Plan phase.

Bikeways Master Plan

The subject property has frontage on a roadway designated as being within the Regional Niagara Bicycling Network Plan, Tice Road. 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. This may involve additional pavement width, elimination of on-street parking, etc.

Conclusion

As indicated to Town staff, the Zoning By-Law amendment application is eligible for a reduction in the required Regional review fee from \$1250 to \$300 due to the subject lands being within the Urban Area, on a local road, with local servicing and the limited scope of Regional and Provincial interests.

APPENDIX "3"

Regional staff supports the approval of the proposed amendments from a Regional perspective subject to the above comments and any local concerns.

Regional staff has reviewed the draft Official Plan amendment forwarded with the circulation. The proposed Official Plan amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding. Please forward notice of Town Council's decision on these applications and a copy of the amendments as adopted for our files.

If you have any questions or would like to discuss these comments, please contact me at extension 3610.

Please send notice of Council's decision on this application.

Sincerely,

Erik Acs, MCIP, RPP
Senior Planner

APPENDIX "3"



Re: Public Notice and Request for Comments - 260-262 Gorham Road 
Ed Melanson to: Matt Kernahan

07/05/2018 06:21 PM

Good evening Matt,

I have no questions on this application at this time.

Ed Melanson
Fire Chief & CEMC
Fort Erie Fire Department

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



Matt Kernahan

Please find attached a notice of complete applic...

07/05/2018 03:11:55 PM

From: Matt Kernahan/FortErie
To: Andrew.Carrigan@Canadapost.ca, circulations@mmm.ca, smastroianni@npca.ca, kathy.levinski@ncdsb.com, kris.watson@cnpower.com, LandUsePlanning@HydroOne.com, MunicipalPlanning@enbridge.com, planification@csdccc.edu.on.ca, Randy.Leppert@cogeco.com, sue.mabee@dsbn.org, karen.singer@bell.ca, Jacqueline.moyle@bell.ca, Chris Millar/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie, Ed Melanson/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, Jeremy Korevaar/FortErie@TownOfFortErie, "Deluce, David" <ddeluce@npca.ca>, erik.acs@niagararegion.ca, executivedirector@fenfc.org, craig.krueger@cogeco.com, esavoia@niagaraparks.com, lynne.cunningham@mpac.ca, aazouz@csdccc.edu.on.ca, jthibert@forteriecanada.com, cgrummett@forteriecanada.com, kaudet@forteriecanada.com, scott.whitwell@ncdsb.com, doug.giles@niagararegion.ca, Fawn.Sault@mncfn.ca, pontdj@hotmail.com, clerk@niagararegion.ca
Date: 07/05/2018 03:11 PM
Subject: Public Notice and Request for Comments - 260-262 Gorham Road

Please find attached a notice of complete application and public meeting and associated application for a combined Official Plan and Zoning By-law amendment for the property located at 260-262 Gorham Road. Please provide any comments you have on the application not later than **Monday, May 27, 2018**. Thanks.

[attachment "2018 Zoning OPA Application.pdf" deleted by Ed Melanson/FortErie] [attachment "180314-Shell Ridgeway Noise Feasibility Assessment 1802642 Report.pdf" deleted by Ed Melanson/FortErie] [attachment "Landscape Plan.pdf" deleted by Ed Melanson/FortErie] [attachment "Planning Justification Report Apr 5 2018.pdf" deleted by Ed Melanson/FortErie] [attachment "Site Plan.pdf" deleted by Ed Melanson/FortErie] [attachment "Notice of Complete Ap and Public Mtg - 260-262 Gorham.pdf" deleted by Ed Melanson/FortErie]

Matt Kernahan, MCIP, RPP
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6



Interoffice Memorandum

May 22, 2018
File No. 350309-0462

To: Matt Kernahan, Senior Development Planner
From: Jeremy Korevaar, Coordinator, Development Approvals
Subject: **Application for Combined Official Plan and Zoning By-law Amendment –
260-262 Gorham Road – Engineering Division Comments**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment for 260-262 Gorham Road and the supporting documentation and have no objections to the proposed amendment.

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

cc: Jason Marr, Manager, Engineering Division



February 14, 2020

Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6

Re: Official Plan and Zoning By-law Amendment (260-262 Gorham Road & 3854 Disher Street

Dear Daryl,

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment.

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 this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer



RE: [External] Request for comments - recirculation for Official Plan and Zoning By-law Amendment (260-262 Gorham Road & 3854 Disher Street)
Municipal Planning to: Daryl Vander Veen 2020-02-18 05:34 AM
From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>

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 GAS INC.

TEL: 416-495-5386

500 Consumers Road, North York, Ontario M2J 1P8

Enbridge.com

Safety. Integrity. Respect.

From: Daryl Vander Veen <DVanderVeen@forterie.ca>

Sent: Thursday, February 13, 2020 5:29 PM

Subject: [External] Request for comments - recirculation for Official Plan and Zoning By-law Amendment (260-262 Gorham Road & 3854 Disher 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.

Good evening,

An revised application has been received from Greg Taras (Urban & Environmental Management Inc) on behalf of Lucky Gas Inc (Najeeb Quidwai) for a Combined Official Plan and Zoning By-law Amendment for 260-260 Gorham Road and 3854 Disher Street. As a result planning staff are recirculating the application.

The purpose of the application is to permit the addition of a car wash and drive thru restaurant to the existing gasoline bar and to permit the expansion of the commercial uses onto the rear yard of the residential property immediately to the east. The existing residential dwelling on 3854 Disher Street will remain. The proposed

APPENDIX "3"



Re: Request for comments - recirculation for Official Plan and Zoning By-law Amendment (260-262 Gorham Road & 3854 Disher Street) 📎

Ed Melanson to: Daryl Vander Veen

2020-02-17 01:03 PM

From: Ed Melanson/FortErie
To: Daryl Vander Veen/FortErie@TownOfFortErie

Good Afternoon Daryl,

i have no comments or concerns at this time.

Ed Melanson
Fire Chief & CEMC
Fort Erie Fire Department

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



Daryl Vander Veen

Good evening, An revised application has been...

2020-02-13 05:29:11 PM

From: Daryl Vander Veen/FortErie
To:
Date: 2020-02-13 05:29 PM
Subject: Request for comments - recirculation for Official Plan and Zoning By-law Amendment (260-262 Gorham Road & 3854 Disher Street)

Good evening,

An revised application has been received from Greg Taras (Urban & Environmental Management Inc) on behalf of Lucky Gas Inc (Najeeb Quidwai) for a Combined Official Plan and Zoning By-law Amendment for 260-260 Gorham Road and 3854 Disher Street. As a result planning staff are recirculating the application.

The purpose of the application is to permit the addition of a car wash and drive thru restaurant to the existing gasoline bar and to permit the expansion of the commercial uses onto the rear yard of the residential property immediately to the east. The existing residential dwelling on 3854 Disher Street will remain. The proposed Official Plan amendment will change the land use designation of the rear of 3854 Disher Street from Low Density Residential to Commercial. The proposed Zoning By-law Amendment will change the zoning of 260-262 Gorham Road and the rear of 3854 Disher Street from C4 Zone and R2 Zone to a site-specific C4 Zone that permits a drive thru restaurant and contains zoning provisions that implement the site plan. The zoning of the remnant portion of 3854 Disher Street will change from R2 Zone to a site-specific R2 Zone that contains provisions for reduced lot area, reduced lot frontage, reduced rear yard setback and increased maximum lot coverage for the dwelling.

The following was submitted with the application package:

1. Application for Combined Official Plan & Zoning By-law Amendment
2. Updated Site Plan
3. Landscape Plan & Details
4. Traffic Impact Study