



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 32-2018

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Being A By-law To Enact An Amendment To The  
Official Plan Adopted By By-law No. 150-06 For The Town Of Fort Erie  
Planning Area

Amendment No. 40  
District School Board of Niagara (DSBN) and Town Of Fort Erie  
3770 Hazel Street (Former Bertie Public School)

350302-0105

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The Municipal Council of the Corporation of the Town Of Fort Erie in accordance with the provisions of Section 17 of the Planning Act R.S.O. 1990 enacts as follows:

1. **THAT** amendment No.40 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text is hereby adopted and approved.
2. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **THAT** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 26<sup>th</sup> day of February, 2018.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, Carol Schofield the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 32-2018 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_ day of \_\_\_\_\_,20

**AMENDMENT NO. 40**  
**TO THE**  
**OFFICIAL PLAN**  
**FOR THE**  
**CORPORATION OF THE TOWN OF FORT ERIE**

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- Appendix 2 - Public Meeting Minutes
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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. 40 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. 40 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

Also attached is Part "C", the Appendices, which do not constitute part of this amendment. These Appendices (1 through 3 inclusive) contain the background data, planning considerations and public involvement associated with this amendment.

### **SECTION 2**

#### **PURPOSE OF THIS AMENDMENT**

The purpose of this Amendment is to change the land use designation of certain lands shown on Schedule A attached hereto from "Institutional" to "Special Policy Area 22" to permit the use of the site for Urban Residential, Institutional and/or parkland purposes.

### **SECTION 3**

#### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located at 3770 Hazel 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:**

With the closure of the schools, the lands at 3770 Hazel Street are surplus to DSBN's needs and will be sold. The proposed residential use will provide housing alternatives and residential intensification in a predominantly residential neighbourhood. The proposed institutional use is needed to provide opportunities for the adaptive reuse of the underutilized building.

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

The area surrounding 3770 Hazel Street is predominantly residential. The neighbourhood comprises of single detached homes, townhouses and an apartment complex. The proposed amendment will complement the existing neighbourhood by providing a similar mix of building forms.

**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 site at 3770 Hazel Street is approximately 2.5760 hectares in size and is flat. The site is adequately sized to accommodate a variety of residential and/or institutional uses. The existing building is adequately sized to accommodate a variety of institutional or residential uses should adaptive reuse of this facility be the desired development concept. There are no existing or potential natural heritage features on the site. There is a natural heritage feature located on an adjacent property to the north and in the future this site will be required to demonstrate no negative impact to that feature.

**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 surplus institutional building at 3770 Hazel Street has frontage to Hazel Street and access to Hazel Street and Belleview Boulevard both which are municipal roads. Existing water and sanitary sewer existing along both Hazel Street and Belleview Blvd. Storm Sewers are located along Belleview Blvd. Sidewalks currently exist along Hazel Street.

The site is located within a built up area with convenient access to Regional and municipal roads, transit, physical, social and commercial services, and educational facilities.

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

The proposed residential uses on the subject site is compatible with the adjacent residential uses in the area. The proposed institutional use of the property is consistent with how the property has historically been used and is compatible with the surrounding neighbourhood.

**f) The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties:**

There is no evidence to suggest that the introduction of additional residential lands into the neighbourhood will depreciate adjoining properties.

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

The current Official Plan and Zoning By-law designation for the subject property severely restrict the use of the site. The existing Official Plan designation would only permit institutional uses which typically do not generate property tax revenue for the Town. The redesignation of the subject property to a site specific policy area permitting residential uses in addition to institutional uses will increase the possibility for the Town to generate property tax revenue from the property.

**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. 40 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:

The subject lands described as 3770 Hazel Street (Former Bertie Public School) on the attached Schedule A are hereby re-designated to:

### **Special Policy Area 40- Bertie Public School Lands**

#### **MEDIUM DENSITY RESIDENTIAL POLICIES**

The lands designated on Schedule "A" as "Medium Density Residential" shall generally be governed by the Medium Density Residential policies of Section 4.18.7. Notwithstanding the policies of Section 4.18.7 the site shall:

- a) Permit single detached dwellings and semi-detached dwellings in addition to the permitted uses identified in 4.18.7 (a).
- b) Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies such as a visual impact assessment or shadow study, where in the opinion of the Town such impacts may be realized, and demonstration of compatibility.
- c) Permit institutional uses subject to the policies contained in 4.18.10.
- d) Permit a public park subject to the policies contained in 4.18.11.1.
- e) Permit Storm water management (SWM) facilities subject to the policies contained in 4.18.11.4.
- f) Any removal of the existing building and the overall redevelopment of the site should contain at a minimum, an apartment/condominium block with a minimum of 45 units.

**SCHEDULE "A" TO BY-LAW NO. 32-2018**



**By-law No. 32-2018**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 26th DAY OF FEBRUARY, 2018**

 Subject Lands - 3770 Hazel Street (former Bertie Public School)

 Part 1 - Change from Institutional to Special Policy Area 40

## **PART "C" - THE APPENDICES**

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

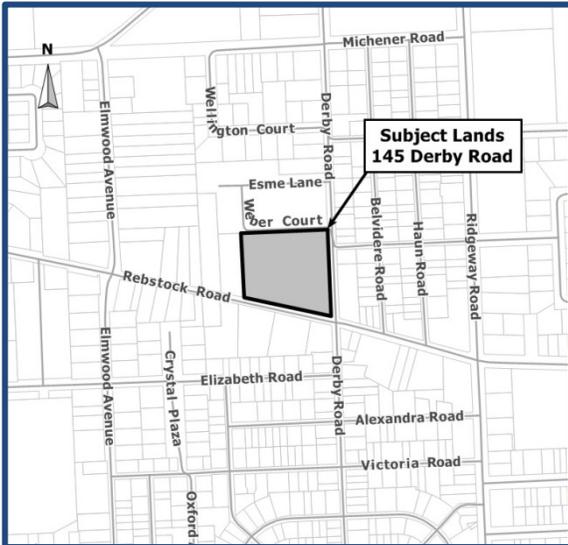
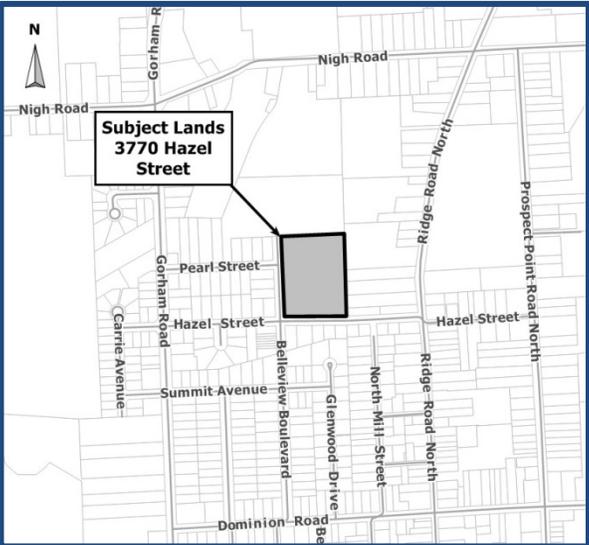


## PUBLIC INFORMATION OPEN HOUSE

**DATE:** WEDNESDAY, NOVEMBER 22, 2017  
**TIME:** 5:00 – 6:00 PM  
**LOCATION:** TOWN HALL ATRIUM,  
 1 MUNICIPAL CENTRE DRIVE, FORT ERIE, ON

## PUBLIC MEETING

**DATE:** MONDAY, DECEMBER 4, 2017  
**TIME:** 6:00 PM  
**LOCATION:** COUNCIL CHAMBERS AT TOWN HALL  
 1 MUNICIPAL CENTRE DRIVE, FORT ERIE

	<p><b><u>NATURE OF AMENDMENT</u></b></p> <p>The <b>Town of Fort Erie</b> has initiated an Amendment to the Town’s Official Plan and Zoning By-law for lands owned by the District School Board Niagara located at 145 Derby Road and 3770 Hazel Street. The District School Board of Niagara has requested that the Town initiate the necessary Official Plan and Zoning By-law amendments to redevelop the underutilized sites for their highest and best use.</p> <div style="display: flex; justify-content: space-around;">   </div>
	<p><b>WHAT THIS AMENDMENT WILL CHANGE:</b></p> <p>The proposed Official Plan Amendment will change the designation of the subject lands from Institutional to a site specific policy area to permit certain Institutional uses in addition to residential uses. The proposed Zoning by-law amendment will change the zoning of the subject lands from Institutional to site specific Residential Multiple 1 RM1 Zone which would permit a variety of residential uses including single detached, semi-detached, townhouse dwellings and 3 storey apartments as well as institutional uses such as a community centre, nursing home, etc.</p>
	<p><b><u>GETTING MORE INFORMATION</u></b></p> <p>Input on the proposed Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on <b>November 29, 2017</b>. The information report will be available in the Council agenda portion of the Town’s Web Site: <a href="http://www.forterie.ca">www.forterie.ca</a> or from the Planning and Development Services Department.</p>

**APPENDIX "1"**

  	<p><b><u>CONTACT INFORMATION</u></b></p> <p>Kira Dolch, MCIP, RPP, CNU-A, Associate Director Planning and Development Services Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2502 Or by e-mailing your comments to: <a href="mailto:kdolch@forterie.ca">kdolch@forterie.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision of the Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Interim Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>
	<p><b><u>LEGAL NOTICE</u></b></p> <p>The Town of Fort Erie has not yet made a decision regarding this application.</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 in respect of the proposed Official Plan and Zoning By-law amendment before the By-laws are passed, the person or public body is not entitled to appeal the decision of the Town of Fort Erie to the Ontario Municipal Board.</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 in respect of the proposed Official Plan and Zoning By-law amendment before the By-laws are passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board, unless in the opinion of the Board, there are reasonable grounds to do so.</p> <p>If you wish to be notified of the decision of the Town of Fort Erie in respect of the proposed Official Plan and Zoning by-law amendment, you must make a written request to Carol Schofield, Interim Clerk, and such request should include the name and address to which such notice should be sent.</p>

## **APPENDIX "2"**

Council-in-Committee - 04 Dec 2017 Meeting Minutes

### **4. Disclosures of Pecuniary Interest**

Councillor Butler disclosed a pecuniary interest with respect to Report Nos. PDS-92-2017 and PDS-94-2017 including Public Meeting 6 (e) since she conducts business with members of that company. She abstained from discussing or voting on the matter.

Mayor Redekop disclosed a pecuniary interest with respect to Report No. PDS-91-2017 and Public Meeting 6 (d) since he is involved, on behalf of a client, in litigation with respect to the principal of that subdivision. He abstained from discussing or voting on the matter.

### **5. Public Notice of Upcoming Meetings**

(a) 2018 Budget Meeting Schedule

Re: Council-in-Budget Committee: #2 - Wednesday, December 6, 2017 - Water and Wastewater Operating Budget and User Fee Analysis; #3 - Wednesday, January 10, 2018 - EDTC and Library; #4 - Wednesday, January 24, 2108 - General Levy Operating Budget and Assessment Analysis; #5 - Wednesday, January 31, 2018, if necessary. All budget meetings begin at 6:00 p.m. in Town Hall Council Chambers; Council adoption of Budget By-laws: Monday, January 22, 2018 - Water and Wastewater Budget and Rates; Monday, February 26, 2018 - General Levy Budget.

(b) Open House (Upper Canada Consultants)

Re: Harbourtown Village (lands located south of Dominion Road, west of Bardol Avenue, east of Basset Avenue and north of Lake Erie) - Combined Official Plan and Zoning By-law Amendment and Draft Plan of Subdivision - Tuesday, December 5, 2017 - 5:00 - 7:00 p.m. - Leisureplex Banquet Hall

### **6. Public Meetings**

(a) Official Plan Amendment and Property Rezoning

Re: Town Initiated Official Plan and Property Rezoning - Lands owned by the District School Board of Niagara (DSBN) located at 145 Derby Road and 3770 Hazel Street. The proposed Official Plan Amendment will change the designation from Institutional to a site specific policy area to permit certain institutional uses in addition to residential uses. The proposal will change the zoning from Institutional to site specific Residential

## APPENDIX "2"

### Council-in-Committee - 04 Dec 2017 Meeting Minutes

Multiple 1 RM1 Zone which will permit a variety of residential uses (single, semi-detached, townhouse and 3 storey apartments) as well as institutional uses such as a community centre, nursing home, etc.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding a proposed Official Plan Amendment and Zoning Amendments to the Zoning By-law No. 129-90. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

Ms. Dolch, Associate Director, Planning and Development Services delivered a power point presentation which is available for viewing on the Town's website.

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

Mayor Redekop asked if anyone from the School Board was present and if they are supportive of the changes.

Sue Mabee, Planning Supervisor, DSBN advised she appreciates the collaborative approach Planning has taken to redesignate the former school sites which helps the board in the disposition of the properties and helps ensure the community gets the highest and best use from an under-utilized property.

Ms. Mabee explained for Council's information in terms of what will happen with the school sites. They have been declared surplus by the Board and they go through regulations under the *Education Act* in terms of how those properties are disposed of. First they are offered to preferred agencies and no agency has indicated an interest in the properties. The next step is to put them up for public tender and the Board will wait to see the outcome of the Official Plan and Zoning By-law amendments prior to that. Pending the timing of these applications is when the properties will be to public tender.

Mayor Redekop asked if anyone was present to speak or ask questions.

## APPENDIX "2"

Council-in-Committee - 04 Dec 2017 Meeting Minutes

Richard Paterak, 3711 Hazel Street, on behalf of the Beachcombers, a registered charitable organization that provides social and recreational opportunities for older adults in the Ridgeway/Crystal Beach area. The Beachcombers believe that when public school properties are offered to the Town and Region, a public consultation should occur before a decision is made. The social and community involvement between the school and the community is part of the glue that strengthens our area. School buildings are a physical symbol of the community's commitment to education and public enterprise that the community has paid for through its taxes. He stated that due to the historic community attachment to school buildings, he asked that the current process be stopped and begun anew with full community consultation. They also believe there should be adequate public and accessible indoor community centre space. The Crystal Ridge Community Centre is the only community centre in the area and he suggested it is under-utilized.

Mr. Paterak advised the Beachcombers approve the retention of the institutional zoning of the two schools so they may be available to the public in the future for active recreation, programming space and community services. Beachcombers does not believe it would be able to financially own these facilities but they may be able to support some form of tenancy or partial tenancy with municipal support. Their other interest is the zoning of the balance of the open land. They are in favour of the inclusion of zoning that allows multi-residential apartment structures. He explained that currently there is only one publicly owned rent geared to income apartment building in the area with a long waiting list. There are a large number of single seniors and couples who currently wish to downsize into non-luxury rental or condo accommodations. The possibility that a developer would build apartment buildings for the local population is welcomed.

Mr. Paterak stated that provincial law does not allow privately owned apartment structures to restrict rentals or ownership on the basis of age. They are also cognizant that developers of single family homes, etc. are unenthusiastic about building and marketing apartment condos. He asked the Town to explore phasing of development as part of any future proposals so that the first phase will be multi-residential buildings.

Leigh Whyte, 116 Jarvis Street introduced his two partners, Andrew and Carman Tice, owners of a similar property that would demonstrate the direction of Council and Planning staff

## APPENDIX "2"

### Council-in-Committee - 04 Dec 2017 Meeting Minutes

are pursuing right now. They were involved in the redevelopment of the former Rose Seaton School for the use as currently occupied by a Chinese school for the northern area of the site which was subdivided. We have now had a pre-consultation on the redevelopment of the southerly parcel, the old athletic fields of that property. He can attest that the rezoning and official plan amendments to that property weighed heavily in the consideration in the purchase of the property. It is very similar to what is currently being proposed and they would be open to public use. They have a development concern that was recently presented to staff and they were supportive and provided guidance on the direction and is similar to what is being proposed for these two sites. It was interesting to hear from Mr. Paterak and the potential for development which is similar to what they are proposing. They would have a strong interest in being part of the tender process and would be open to the consideration of public groups as well as participating or occupying some of this space.

Mr. Whyte congratulated Council and staff in doing the right thing with vacant school properties and for a strong contributing aspect to the residential fibre of this area with the potential for institutional uses.

Walt Curry, 3814 Ryan Avenue asked if Council has looked at segregating the property specifically on Derby Road. He suggested the Town could retain the school and look at subdividing the balance of the property which would provide for the opportunity of a community centre for seniors and young people. Using the existing building we could start right away. In Crystal Beach there is little, if any, capability for that to happen. Right now we have a disenfranchised area. This would allow the opportunity for development which would fit in with whatever plan goes forward. The local school has already been paid for by the ratepayers and could be reutilized for all people i.e. daycare, seniors and younger people who have nowhere to go. That possibility could be considered because if the amendments change there is no provision for it to remain or for a community centre.

Jim Puhl, 3811 Rebstock Road questioned what is an agency. The Mayor responded that would be the municipality and Ms. Mabee added other school boards, municipalities and the Region. Mr. Puhl referred to Seasons, a retirement home in Welland and he suggested they might be interested in it but may not know it's for sale. It could mean more jobs in the community.

## APPENDIX "2"

### Council-in-Committee - 04 Dec 2017 Meeting Minutes

He suggested that perhaps Town staff or that he could contact them. He questioned if they could buy it cheaper if no changes were made to the property but if it changes to residential, the price will go up. The Mayor advised that DSBN markets the properties and they will be subject to a tendering process. He suggested that Seasons could contact the Clerk or Ms. Mabee. He added the school board's objective is to get as much for the property as possible.

Orma Bleeks, 411 Cherrywood Avenue stated that last year several community members anticipated this happening and talked about what to do. They relied on people who had background in meeting with other governmental departments and thought the Ontario government had a plan in place for community hubs and that Crystal Beach and Fort Erie would benefit from a hub. They tried to see how this could happen and unfortunately missed the application process. They were notified on a Friday that the application was due on Monday. It was an 18 page application and it was impossible to meet the deadline. The only facility in Crystal Beach is the firehall but it must be booked one month in advance and insurance is required.

Ms. Bleeks asked Council to look at this property. There is a huge influx of seniors in Crystal Beach. In 10 years many seniors may not be able to live in their own homes. Their connections are here and if they were to move elsewhere, they will lose those connections. She hopes that housing does not become \$500,000 plus. She bought her home in 2003 and although it has increased in value, taxes have more than doubled and her income has not increased much. She volunteers at the church on Elmwood Avenue and several families had to move out of Crystal Beach because they can't afford to live there. These things have to be taken into consideration. We do not want to become Oakville where everything is so expensive. She urged Town staff and Council to work hard to find solutions. It is not just about the money but it's about people living well together and feeling a connection to the Town.

Don West, 106 Haun Road questioned that the form of housing being referred to for the property is not only for seniors but also for first time homeowners who need something small and affordable. He stated this property will be zoned for 25-50 units per hectare and he questioned how many houses can be built on the property. Ms. Dolch responded the property is 2 hectares which would be 50 units minimum because it is 25 units per

## APPENDIX "2"

### Council-in-Committee - 04 Dec 2017 Meeting Minutes

hectare. He asked how wide is the Derby Road property to which Ms. Dolch advised it is 3 acres which is a little over a hectare and would be 30-35 units. Mr. West suggested that does not come close to answer the issues for senior residents. Small affordable housing needs to be denser than that and if you are talking about senior residents, each unit being 500-600 sq. ft., that would call for higher density. He suggested that is not enough.

Mayor Redekop closed the public meeting.

(b) Property Rezoning

Re: Town Initiated Zoning By-law Housekeeping Amendment - To effect minor changes, clarify definitions and regulations including the Residential 1 R1 Zone, Residential 2B R2B Zone and the Open Space EOS Zone, and removing inconsistencies/redundancies within the by-law.

Mayor Redekop announced this is a statutory Public Meeting under the *Planning Act of Ontario*, R.S.O. 1990, Chapter P.13 regarding proposed Zoning Amendments to the Zoning By-law No. 129-90. He described the meeting process and stated members of the public would be given an opportunity to address Council concerning the proposed amendments.

Mr. 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 asked if anyone was present to speak to the proposed amendments.

Jim Puhl, 3811 Rebstock Road questioned why is "cottage" defined in the first place and do they pay less taxes. He also questioned why we have 1½ storeys. Mr. Kernahan responded we do not have cottages as a permitted use. There was a time when cottages were common in Crystal Beach. The intent of the by-law is to provide for year round dwellings which is permitted and a cottage is not permitted. The Mayor asked if a cottage is an existing non-conforming use and that cottages would not be permitted to be constructed now to which Mr. Kernahan

**APPENDIX "3"**

RE: 145 Derby Road (Crystal Beach Public School) and 3770 Hazel Street (Bertie Public School)  
 Craig Krueger to: Kira Dolch 01/12/2017 11:37 AM  
 From: Craig Krueger <Craig.Krueger@cogeco.com>  
 To: Kira Dolch <KDolch@forterie.ca>

Thanks Kira, Cogeco has received the notification and has no concerns.  
 Thanks

**CRAIG KRUEGER**

System Planner  
 Niagara Falls- Niagara on the Lake  
 Fort Erie- Port Colborne  
 T 289-296-6239 | C 905 650-5886

7170 McLeod Road  
 Niagara Falls, ON L2G 3H2

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**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]

**Sent:** Thursday, November 30, 2017 11:11 AM

**To:** Development OPA and Zoning Group

**Subject:** 145 Derby Road (Crystal Beach Public School) and 3770 Hazel Street (Bertie Public School)

All:

## **APPENDIX "3"**

Please find attached a circulation for comments for the Official Plan and Zoning By-law amendment for 145 Derby Road and 3770 Hazel Street. Attached is a letter for request for comments, concepts and the draft by-laws.

Let me know if you have any questions or concerns.

All the best,

Kira Dolch, MCIP, RPP, CNU-A  
Associate Director, Planning and Development Services  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario  
Canada  
L2A 2S6

TEL: 1-905-871-1600 ext.2502  
FAX: 1-905-871-6411

**APPENDIX "3"**

RE: 145 Derby Road (Crystal Beach Public School) and 3770 Hazel Street (Bertie Public School) Sarah Mastroianni to: Kira Dolch 11/12/2017 11:43 AM  
 Cc: "craig.rohe@niagararegion.ca"  
 From: Sarah Mastroianni <smastroianni@npca.ca>  
 To: Kira Dolch <KDolch@forterie.ca>  
 Cc: "craig.rohe@niagararegion.ca" <craig.rohe@niagararegion.ca>

Hi Kira,

Please be advised that the NPCA would offer no objections to the proposed OPA and ZBA for these properties.

145 Derby Road is not impacted by any lands regulated by the NPCA or under the Environmental Policies of the Regional Official Plan.

3770 Hazel Street does fall within the adjacent lands of an ECA- Significant Woodland located on abutting lands to the north and east. While not a concern at this stage, any study requirements (EIS), setbacks or mitigation measures necessary to ensure protection to this ECA feature along with stormwater management requirements can be dealt with through future development phases for this property.

Thank you.

**Sarah Mastroianni**  
**Watershed Planner**  
*Niagara Peninsula Conservation Authority*  
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**From:** Kira Dolch [<mailto:KDolch@forterie.ca>]  
**Sent:** Thursday, November 30, 2017 11:11 AM  
**To:** Development OPA and Zoning Group <Development\_OPA\_and\_Zoning\_Group@forterie.ca>  
**Subject:** 145 Derby Road (Crystal Beach Public School) and 3770 Hazel Street (Bertie Public School)

All:

Please find attached a circulation for comments for the Official Plan and Zoning By-law amendment for 145 Derby Road and 3770 Hazel Street. Attached is a letter for request for comments, concepts and the draft by-laws.

Let me know if you have any questions or concerns.

All the best,

Kira Dolch, MCIP, RPP, CNU-A  
 Associate Director, Planning and Development Services  
 Town of Fort Erie  
 1 Municipal Centre Drive  
 Fort Erie, Ontario  
 Canada  
 L2A 2S6

**APPENDIX "3"**

TEL: 1-905-871-1600 ext.2502

FAX: 1-905-871-6411 The information contained in this communication, including any attachment(s), may be CONFIDENTIAL, is intended only for the use of the recipient(s) named above, and may be legally PRIVILEGED. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure or copying of this communication, or any of its contents, is STRICTLY PROHIBITED. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

**Via E-mail Only**

December 6, 2017

Files: D.10.01.OPA-17-030  
D.18.01.ZA-17-123  
D.10.01.OPA-17-031  
D.18.01.ZA-17-124

Kira Dolch, MCIP, RPP, CNU  
Associate Director  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Ms. Dolch:

**Re: Regional and Provincial Review Comments  
Official Plan Amendment & Zoning By-law Amendment  
3770 Hazel Street (Bertie Public School) & 145 Derby Road (Crystal Beach Public  
School)  
Town of Fort Erie**

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Regional Planning and Development Services staff has reviewed the above applications and supporting materials submitted by the District School Board of Niagara in partnership with the Town of Fort Erie for Official Plan Amendments and Zoning By-law Amendments for two former school properties – Bertie Public School and Crystal Beach Public School. The applications were received by Regional staff on November 30, 2017.

The draft amendments propose to change the land use designations on both school sites to Site Specific Policy Areas, built upon the land use planning framework of the Medium Density Residential designation in the Town's Official Plan. Concurrent Zoning By-law Amendments have also been submitted to change the property zoning from Institutional to a Site Specific Medium Density Residential zone that also permits Institutional uses.

Regional staff notes that a pre-consultation meeting did not take place for these applications.

The following comments are provided from a Regional and Provincial perspective and are submitted to assist the Town in forming a recommendation on these applications.

**Regional and Provincial Policies**

Both properties are located within the Crystal Beach Urban Area, as defined by the Regional Official Plan (ROP). Urban Areas are considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).

## **APPENDIX "3"**

The ROP, 2014 PPS and 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and delineated built-up areas to support intensified development and to build upon existing servicing and infrastructure. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improved social equity and quality of life, new and expanded access to multiple forms of transportation, and the provision of spaces that are vibrant and resilient in their design.

Generally Regional staff considers the applications to be a proactive step in repurposing/redeveloping underutilized urban lands (former schools). Given the surrounding land uses for both properties is predominantly low density residential, the residentially based development solutions (i.e single detached, semi-detached, multi-unit and apartments) are considered appropriate. Further, the permissions for institutional uses to be established may create opportunities to reuse all or portions of the existing buildings.

### **Site Condition**

Ontario Regulation 153/04 sets out the requirements for Environmental Site Assessments and Records of Site Condition when considering new developments. Regional staff consults this Regulation when reviewing development applications on behalf of the Ministry of the Environmental and Climate Change (MOECC) to ensure that changes in land use do not result in any negative impacts or incompatible circumstances for future residents/tenants.

Both properties were previously used as schools, which are considered as "Institutional Uses" under Ontario Regulation 153/04. As the proposed rezoning is permit Residential and/or Institutional uses, a mandatory filing of a Record of Site Condition will not be required to facilitate the redevelopment of these properties.

### **Regional Infrastructure**

Regional staff notes that these properties do not have frontage along any Regional Roads.

A 275 mm Regional Force Main traverses across the frontage of the Bertie Public School site (3370 Hazel Street). Connections to this pipe will not be permitted.

Any future development of this site will be required to address and consider potential impacts to the Regional pipe during construction activities. Conditions to this affect will be applied through future land division, condominium or site plan applications.

### **Conclusion**

Regional Planning and Development Services staff support the approval of the proposed Official Plan and Zoning By-law Amendments as the proposed amendments are considered to align with the intent and direction Regional and Provincial policy and are context sensitive.

Given the site specific nature of the applications, the Official Plan Amendments are exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities and Regional Official Plan Policy 14.E.7.

If Town staff would like to discuss these comments, please contact me at extension 3442 or Lindsay Earl, MCIP, RPP, Senior Development Planner at extension 3387.

## APPENDIX "3"

Please send any revised materials to our office, as well as a copy of City Council's decision on the Official Plan and Zoning By-law Amendments.

Best regards,



Craig Rohe, M.Pl., MCIP, RPP  
Development Planner  
Niagara Region

Cc: Lindsay Earl, MCIP, RPP, Senior Development Planner, Niagara Region  
David Deluce, MCIP, RPP, Acting Manager, Development Review and Approvals, NPCA  
Susan Dunsmore, P.Eng., Development Engineer, Niagara Region