

The Municipal Corporation of the Town of Fort Erie

By-law No. 67-2021

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

**Amendment No. 53
Susan Smyth- Agent
Niagara Regional Housing - Applicant
Lions Douglas Heights Senior Residence - Owner
255 High Street**

350302-0121

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. 53 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 31st day of May, 2021.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true copy of By-law No. 67-2021 of the said Town. Given under my hand and the seal of the said Corporation this ____ day of _____, 20

AMENDMENT NO. 53

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. 53 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. 53 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add "Special Policy Area 26 Lions Douglas Heights Senior Residence" designation as shown in Schedule A to facilitate the construction of an 8-storey apartment building (10-storeys at the rear) and permitting the subject lands to develop for a maximum residential density of 108 units per hectare.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located at 255 High Street shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The subject lands are designated Medium High-Density Residential in the Official Plan. The lands designated Medium Density Residential can be developed for multi-unit structures such as the proposed apartment building. The applicant's proposal to construct a 8-storey apartment building (10-storeys at the rear) with 62 dwelling units meets the intent of the Official Plan as follows:

- i. The proposal will allow efficient use of underutilized urban land.
- ii. The proposed apartment building will provide affordable housing options for seniors.
- iii. The proposal will assist in making efficient use of existing and proposes infrastructure.
- iv. The proposal will also assist the municipality in achieving its growth targets

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

The subject lands currently contain a 6 storey 56 unit apartment building. The surrounding land uses are predominately residential. The proposed residential development will be compatible with the existing residential uses.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject lands are not constrained by any natural heritage features. The site generally slopes from west to east. A vegetated stepped slope exists at the easterly portion of the site that abuts the Goderich Street Parkette. The proposed building will be located on the easterly portion of the property. The applicant has completed a geotechnical study to support the feasibility of the site for the proposed use. Lastly, prior to the commencement of any work within the slope, the applicant will be required to obtain a work permit from NPCA.

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

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

The subject lands are located on High Street which is a local municipal road, capable of handling the volume of traffic generated by the proposed development. Further, the proposed development will be serviced by the municipal infrastructure.

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

The surrounding land-uses predominately are residential. The proposed apartment building will be compatible with the surrounding land uses. Though the proposed 8-storey apartment building (10-storeys at the rear) is taller than abutting buildings it will have a minimal adverse impact on the abutting residential dwellings. The shadowing from the proposed building will impact a small number of properties along High Street and Stanton Street during the winter months for a few hours in the morning and the front portion of a couple of residential properties along Stanton Street during the afternoon hours. During the spring and fall season, only a small southerly portion of one property located on the south side of Stanton Street will be impacted during the afternoon hours. During the summer months when people spend a large portion of time outside the shadowing of the proposed building will be contained within the site.

The westerly portion of Goderich Street Parkette will be in shadow during the winter months from approximately 4 pm until sunset. In the spring and fall season, a small westerly portion of the parkette will be in the shadow from 4 pm until sunset. However, the majority of the parkette will not be impacted by the shadowing. Lastly, during the summer months, the parkette will not be impacted by the shadowing of the proposed building.

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

There is no evidence to suggest that the proposed mixed-use building will have a depreciating or deteriorating effect upon adjoining properties.

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

All the works associated with the proposed development are the responsibility of the developer. The proposed residential development will provide the municipality with an additional tax base. Development charges for the 44 the units have been exempted by

Council as an affordable housing proposal. Additionally, Council has also exempted Development Charges for the 18 market rate units that will not be subsidized or funded by the Niagara Region or the Canada Mortgage and Housing Corporation. The Lions are agreeable to entering into an agreement to provide assurance that the additional 18 units will be rented at the Niagara Regional Housing average market rent for Fort Erie rates. Council previously approved covering the cost of the applicant's archaeological study. Lastly, the cash-in-lieu of parkland dedication requirement has also been waived.

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. 53 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The subject lands shown on the attached Schedule "A" are hereby redesignated to:

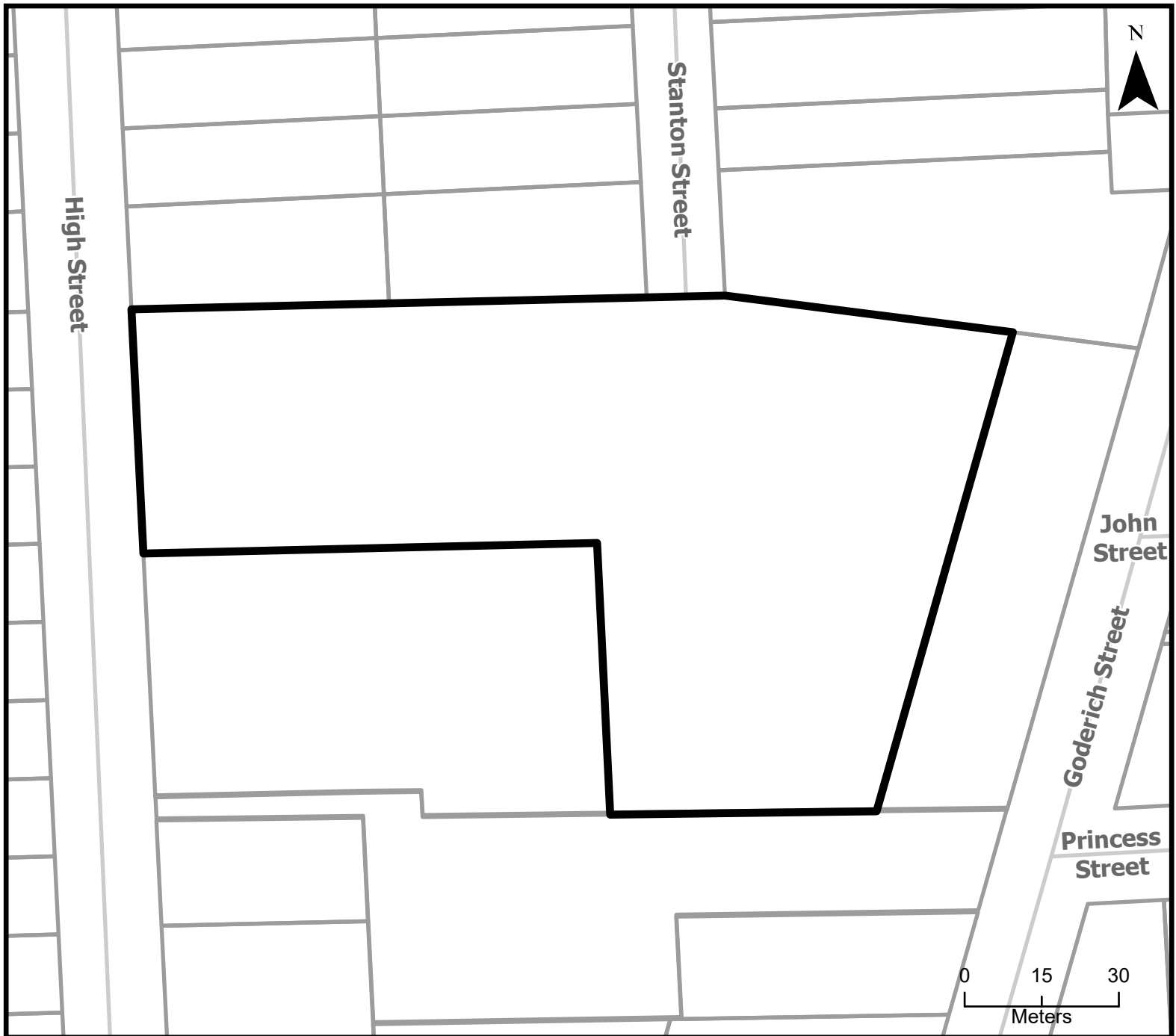
Special Policy Area 26- Lions Douglas Heights Senior Residence

2. Notwithstanding the Medium Density Residential designation, the subject lands can be developed for a maximum residential density of 108 units per hectare.
3. Notwithstanding the Medium Density Residential designation, the subject lands can be developed for an 8-storey apartment building (10-storeys at the rear).

PART “C” - THE APPENDICES

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

SCHEDULE "A"



By-law No. 67-2021

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 31st DAY OF MAY, 2021**



Subject Lands - Change to Special Policy Area 26 - Lions Douglas Heights Senior Residence



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: – Lions Douglas Heights Senior Residence (c/o Jayne Dodd)

Applicant: Niagara Regional Housing (c/o Gordon Szaszi)

255 High Street

Official Plan and Zoning By-law Amendment Application


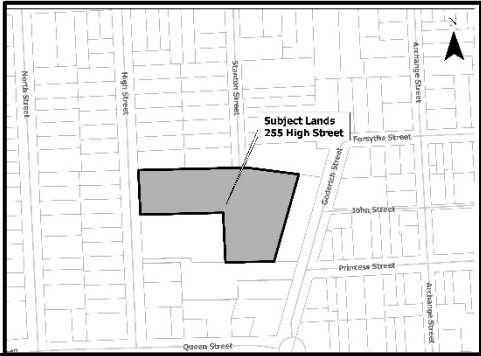

APPLICATION Nos: 350309-0515 & 350302-0121



DATE: March 8, 2021
TIME: 6:00 PM
LOCATION: This will be a virtual meeting

Residents can participate in Zoom Council meetings two different ways:

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

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

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>An Official Plan and Zoning By-law amendment are requested to allow the construction of a 10 storey seniors apartment building (Site Plan attached as Schedule 1), on the lands known as 255 High Street. The proposed building will include 62 dwelling units. The site currently includes a 6 storey apartment building with 56 dwelling unit.</p> <p>The subject property is located within the Urban Area and is currently designated Medium Density Residential in the Southend Secondary Plan, which permits a 3 storey apartment building at a density up to 50 units per hectare. The applicant is requesting an amendment to the Official Plan to allow an increase in the residential density to 108.15 units per hectare and a building height of 10 storeys. The amendment would facilitate the construction of 62 new dwelling units while maintaining the 56 existing dwelling units on site.</p>

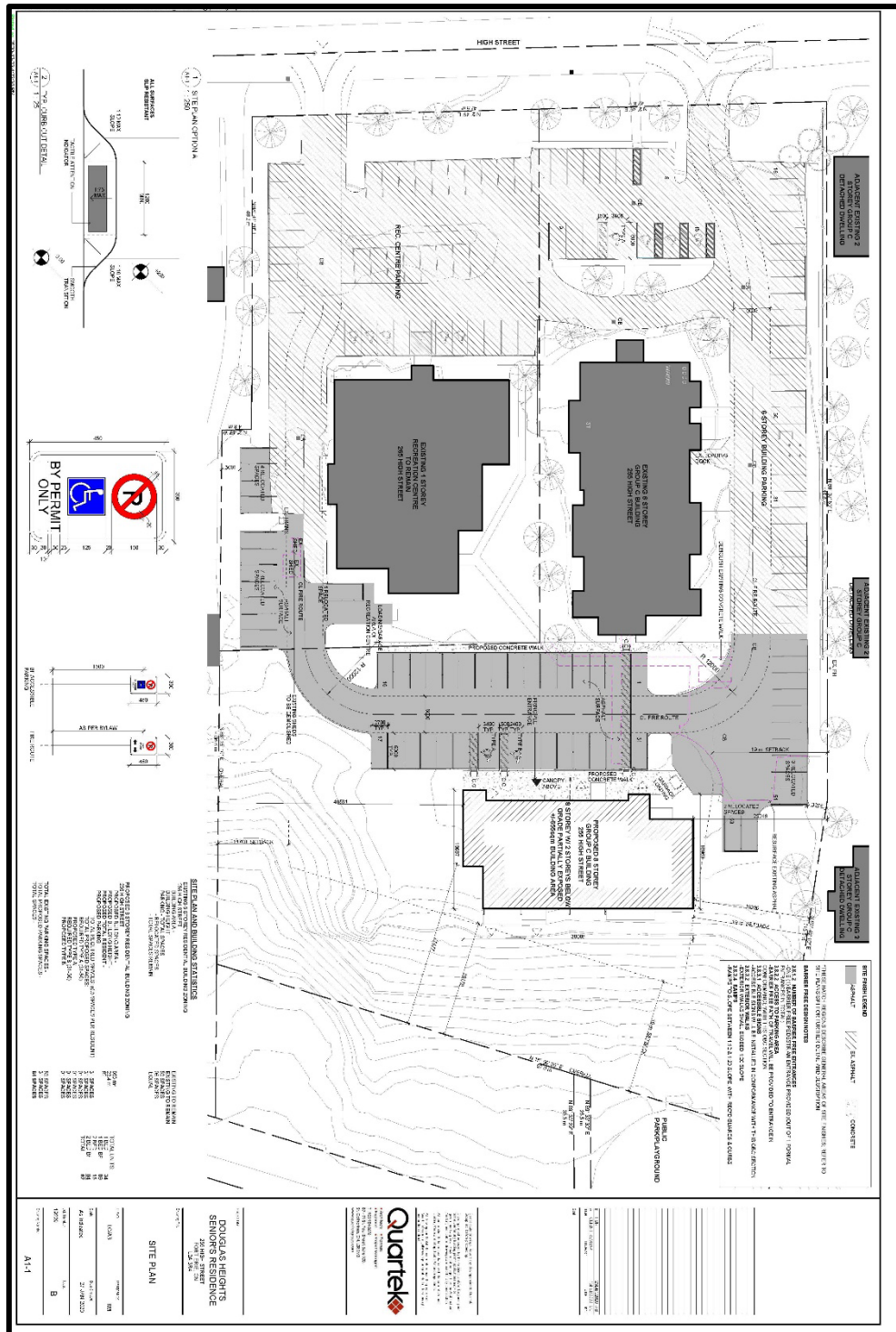
	<p>The lands are currently zoned site-specific Residential Multiple 2 (RM2-51), in accordance with Zoning By-law No. 129-90. The current zoning permits the 6 storey apartment building and 56 dwelling units on the lands. To facilitate the applicant's proposal, an amendment to the Zoning By-law is requested to allow a reduction in the minimum lot area per unit and the rear yard setback, an increase in the maximum number of dwelling units and an increase in the number of storeys.</p>
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the combined Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on March 3rd, 2021. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Anamika Dilwaria, Senior Development Planner.</p> <p><u>CONTACT INFORMATION</u></p> <p>Anamika Dilwaria, MCIP, RPP, Senior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2507 Or by e-mailing your comments to: adilwaria@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local</p>

Appendix "1"

	<p>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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SCHEDULE 1

Appendix "1"



4. Declarations of Pecuniary Interest

(a) Councillor Butler

Councillor Butler declared a pecuniary interest regarding Item 9.2 Report No. IS-12-2021 as her company does business with Circle P Paving Inc. She refrained from discussing and voting on the matter.

5. Notice of Upcoming Public Meetings

None.

6. Public Meetings

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

Re: 255 High Street - Owner: Lions Douglas Heights Senior Residence (c/o Jayne Dodd) - Applicant: Niagara Regional Housing (c/o Gordon Szaszi) - Agent: Susan Smyth (Quartek Group Inc.). The applicant is requesting an amendment to the Official Plan to allow an increase in the residential density to 108, 15 units per hectare and building height of 10 storeys. The amendment would facilitate the construction of 62 new dwelling units while maintaining the 56 existing dwellings units on site. The subject property is currently zoned site-specific Residential Multiple 2 (RM2-51) and permits the 6 storey apartment building and 56 dwellings units on the lands. To facilitate the proposal, an amendment to the zoning by-law is requested to allow a reduction in the minimum lot area per unit and the rear yard setback, an increase in the maximum number of dwelling units and an increase in the number of storeys.

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

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

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

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

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

Susan Smyth (Quartek Group Inc.), Agent, was present to speak on behalf of the Application. Ms. Smyth advised she was present to answer any questions, and Mr. Szaszi from Niagara Regional Housing is also present to answer questions.

Mr. Szaszi advised that the unit count and rent being allocated to each unit was decided through financial modeling done through Lions Douglas Heights and Niagara Regional Housing. Mr. Szaszi added that Lions Douglas Heights is mandated to serve seniors with 1 bedroom units after reviewing core needs data and wait list data. Mr. Szaszi further advised that 2 bedroom units will also be available to generate necessary revenue to cover the cost of the mortgage.

Mr. Szaszi advised that the proposed rental rates are not typical market rental rates; the one-bedroom units are at the low end of market at just over a \$1,000 a month as per Niagara Regional Housing's proposed average market rents. He further advised that the 2 bed units are also at the low end of market coming in at \$1,157, according to Niagara Regional Housing's proposed average market rents. Mr. Szaszi added that the 2019 report from the Region identified that in Fort Erie you could expect market rent for a 2 bed unit to be \$1,367; they are proposing \$1,157, which is approximately \$200 a month cheaper. He further added that after their own review of market rental in the area, they found similar new builds in Fort Erie charging between \$1,500 to \$1,800 a month for a new 2 bedroom unit.

Mr. Szaszi stated that the units they are proposing are considerably lower in rent than in the private market. Mr. Szaszi advised that after reviewing the Lions Douglas Heights internal wait list, the Niagara Regional Housing's wait list, and the Region's Core Needs Study, it was determined that 1 bed units are the major need in Fort Erie and across the Region, and is why they chose to focus the development with these types of units.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes.

The Clerk advised that she had received comments via email from Robert Brion, 255 High Street, and read the comments into

the Minutes as follows:

“As a resident of 255 High St I have some concerns with respect to the addition at the rear of the present building.

Questions ?

I must assume that the building will be constructed on piles, either steel or concrete. This being the case it would call for bringing in heavy equipment along with heavy floats, trucks etc Also, earth moving equipment. Can we expect much vibration from the pile driving, and is this likely to create damage to the existing building.? Where would this equipment be stored during the time of use? Currently the residents of 255 have two parking areas, one on the West side of the building and the other on the North side. I realize there would be some loss of spaces on the North side, but more importantly will the North side driveway be used to service the new site both for the movement of construction equipment and later after construction is finished. Would this driveway be used for service vehicles garbage trucks etc? Since the current building has no parking spots on the South side of the Lions Senior Centre, could this driveway be used for construction movements and later to access the new buildings traffic, plus service vehicles so as not to impact the North side residents vehicle movements which could otherwise be dangerous with so many other vehicle movements?

One final question, will we have any remaining Green space, and will the old School flag pole and oak tree be preserved?

Yours sincerely

Robert Brion”

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

(a) Reverend William Thomas

Reverend William Thomas stated that he applauds the Lions Club for proposing apartments with geared to income rent and market rent units in 1 location as it is really good to have that kind of mix in the community. Reverend Thomas advised that although the 2 bedrooms will be based on market rent, they will

be considered quite an affordable rate to start with. He added that the Lions Club has little control over how people on the wait list gain access to the units. Reverend Thomas advised that he supports the project.

(b) Stephen Passero

Mr. Passero advised that he is in favour of the application. He stated that the easement for access is the subject of a future agreement. Mr. Passero further added that the Lions Douglas Heights Seniors facility and the proposed new center are under the same membership base as Lions Douglas Heights Seniors Residence; the easement agreement is a mere formality.

Mr. Passero advised that the construction setup and conveyance of vehicles, will take place at the Douglas Heights Senior Center, the application site property, as well as a staging center. He further advised that their top priorities for their current tenants will be to provide as little disruption as possible and maintain their safety.

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

(a) David Willick, 245 Stanton Street

Mr. Willick advised that he lives adjacent to the proposed building. He added that he is in favor of affordable housing in Fort Erie, however, he continues to have 3 main concerns with the proposed building:

1. The shading effect on his property
2. The loss of privacy due to the east-facing balconies and their ability to clearly see his patio
3. The loss of his current view of Lake Erie

Mr. Willick advised that his concerns were identified at the February 11th virtual meeting, through subsequent email messages, and that he provided suggestions to mitigate his concerns. He added that he has received a reply that he is not satisfied with.

Mr. Willick stated that the responses to the shading effect from Mrs. Smyth contradicted the shading facts that are outlined in the Planning Department's own report PDS 18-2021, page 9,

which clearly states that a shading effect on his property will occur during 3 of the 4 seasons every year. Mr. Willick advised that his family has owned the adjacent property for over 80 years and that they have abided by the local by-laws. He added that the proposal is asking him to compromise on the amount of sunlight received during 3 of the 4 seasons per year, the compromise the privacy on his patio, and the view. Mr. Willick stated that this is his childhood home and his planned retirement home. Mr. Willick asked that Council consider the compromises he is being asked to make, and that they consider maintaining the height of the building at 6 stories maximum.

Mayor Redekop declared the Public Meeting closed.

(b) Proposed Zoning By-law Amendment

Re: 0-13365 Pettit Road - Owner: KRS Holdings Inc. (Gary Singh) - Agent: D.C. McCloskey Engineering Ltd. (Mark McCloskey). The applicant is proposing a commercial development that includes a card-locked commercial refueling station for transport trucks and two restaurants with drive-thrus. The subject property is currently zoned Highway Commercial C3-173(H) Zone. The proposal would change the zoning to a site-specific Highway Commercial C3 Zone which will permit a card-locked commercial refueling station. The current zoning permits restaurants with drive-thrus. Site Specific Regulations are also being requested. *(Presentation by Daryl Vander Veen, Junior Planner)*

Mr. Vander Veen, Junior Planner, 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 Application, and public comments received.

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

Jackie Lassaline, Lassaline Planning Consultants, Consultant for D.C. McCloskey Engineering Ltd., was present to speak on behalf of the Application. Ms. Lassaline advised the proposal is for a travel center with 2 restaurants, a diesel cardlock fueling station, and truck and car parking; the restaurants will each have a drive-through capacity to service the traveling public.



Interoffice Memorandum

February 1, 2021

File No. 350302-0121 and 350309-0515

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

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment for **255 High Street** and the supporting documentation and offer the following comments:

1. The development application indicates that the proposed amendment to the Official Plan is to permit an increase in density from 50 units per hectare to 108.15 units per hectare and the proposed amendment to the Zoning By-law is to permit a reduction in the minimum lot area, an increase in the maximum number of dwelling units and the number of storeys.
2. We have completed a high-level review of the Function Servicing Report prepared by Quartek Group Inc. dated December 2020 and we have the following comments:
 - a. Section 3.0 – Water Supply – The Town's Water Use By-law (By-law No. 66-2016) only permits one water service per property, therefore water supply to the proposed building will have to be connected to the existing water supply. Furthermore, the Water By-law also requires that a water service that serves multiple buildings shall be metered at the property line in a chamber. Alternatively, the applicant may consider abandoning the existing water service and installation of a new water service. We do not object, in principle, to a water connection to Stanton Street. The proponent would be required to restore Stanton Street to the satisfaction of the Infrastructure Services department. Details regarding restoration will be discussed during the Site Plan stage.
 - b. Section 4.0 – Sanitary Sewerage – Calculations shall be provided in detail at the Site Plan stage confirming that the 150mm private sewer lateral has adequate capacity.
 - c. A more detailed review of the servicing will be conducted during though the Site Plan application.

Given the foregoing comments and observations, we offer no objections to the proposed Official Plan and Zoning By-law Amendment.

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

Appendix"3"

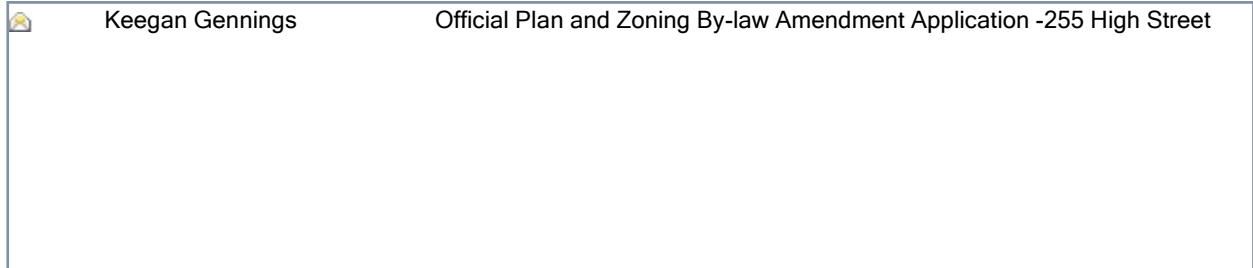


Official Plan and Zoning By-law Amendment Application -255 High Street

Keegan Gennings to: Anamika Dilwaria

01/28/2021 11:42 AM

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



Hi Anamika

I have reviewed the proposal for the Zoning By-law and Official Plan amendment for 255 High street and have no comments.

I will have comments for the site plan application.

Regards,

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

Appendix"3"



Re: Invitation: Request for Comments- Official Plan and Zoning By-law Amendment Application -255 High Street (Jan 28 12:00 PM EST) 📎

Ed Melanson to: Anamika Dilwaria

01/11/2021 06:41 PM

From: Ed Melanson/FortErie

To: Anamika Dilwaria/FortErie@TownOfFortErie

📧	Anamika Dilwaria	Request for Comments- Official Plan and Zoning By-law Amendment Application -255 High Street
✅	Aaron Butler	<i>Accepted: Request for Comments- Official Plan and Zoning By-law Amendment Application -255 High Street</i>
✅	Jeremy Korevaar	<i>Accepted: Request for Comments- Official Plan and Zoning By-law Amendment Application -255 High Street</i>
📧	Ed Melanson	<i>Good Evening Anamika, I have reviewed the request for Official Plan and Zoning Bylaw amendment. I ha</i>
❌	Ed Melanson	<i>Declined: Request for Comments- Official Plan and Zoning By-law Amendment Application -255 High Street</i>

Good Evening Anamika,

I have reviewed the request for Official Plan and Zoning Bylaw amendment. I have no objections or comments at this time.



Ed Melanson

Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

Anamika Dilwaria

Invitation: Request for Comments- Official Plan and Zoning By-law Amendmen...

2021-01-08 08:40:59 AM

Invitation: Request for Comments- Official Plan and Zoning By-law Amendment Application -255 High



Interoffice Memorandum

January 28, 2021

File No: 350309-0515/350302-0121

To: Anamika Dilwaria, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **255 High Street - OPA & ZBA Application**

I have no comments relative to the application for an Official Plan Amendment and Zoning By-law Amendment for 255 High Street.

I will have comments relative to the future site plan application, regarding requirements for cash-in-lieu of parkland, a tree inventory and preservation plan, site circulation and park access, and a landscape plan.

Regards

Signe Hansen, OALA, CSLA, MBA
Manager, Community Planning
/sh

Appendix"3"

January 21, 2021

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Re: 255 High Street

Dear Anamika,

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

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

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

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

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

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

Appendix"3"



RE: [External] Official Plan And Zoning By-Law Amendment -Proposed Residential Dev -255 High Street
Municipal Planning to: Anamika Dilwaria

01/20/2021 09:56 AM

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

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

	Anamika Dilwaria	Anamika Dilwaria	Official Plan And Zoning By-Law Amendment -Proposed Residential Dev -255 High Street
	Mail Router	Mail Router	
	David Deluce	David Deluce	
	Jessica Abrahamse	Jessica Abrahamse	
	Anamika Dilwaria	Anamika Dilwaria	

Thank you for your circulation.

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

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE

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

Via Email Only

February 17, 2021

File No.: D.10.01.OPA-21-0003 & D.18.01 ZA-21-0004

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

Dear Mrs. Dilwaria:

**Re: REVISED - Regional and Provincial Comments
Official Plan and Zoning By-law Amendments
City File: AM-2019-015
Applicant: Niagara Regional Housing
Owner: Lions Douglas Heights Seniors Residence
255 High Street
Town of Fort Erie**

Regional Development Planning staff has reviewed the information circulated with the applications for Official Plan and Zoning By-law Amendments at the above noted address. The Official Plan Amendment is requesting to allow an increase in the residential density. The Zoning By-law Amendment proposes to add site-specific provisions to allow a reduction in lot area, an increase in the maximum number of dwelling units and an increase in building height. The applications were submitted to allow for the construction of a ten (10) storey residential apartment building (eight (8) storeys above grade) with sixty-two (62) residential units in addition to the existing six (6) storey building with 56 residential units.

Pre-consultation meetings regarding this proposal were held on March 12, 2020. The following comments are provided from a Regional and Provincial perspective to assist the City in considering the applications.

Provincial and Regional Policies

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

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

The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness and provide a range and mix of housing types. The policies further state that until the Region completes a municipal comprehensive review that is approved and in effect, the annual minimum intensification target contained in the Regional Official Plan for the Town, being fifteen percent (15%), will continue to apply.

The subject site is designated Urban Area in the Regional Official Plan (ROP), which permits a full range of residential, commercial and industrial uses subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development and efficient development in Urban Areas and defers to the Town's Official Plan with respect to density, height, urban design and built form compatibility policies.

The Region supports the proposed development as it will provide for efficient use of land and infrastructure through redevelopment of an existing underutilized property within the settlement area. Regional staff encourage the provision of alternative forms of housing to achieve Provincial and Regional policies and provide residential units that are affordable, accessible and accommodate the needs of a variety of households and income groups. The proposal is intended to provide affordable housing options for the senior population in the Town and includes a variety of unit sizes, including one-bedroom and two-bedroom units with a number of barrier free units provided for both the one-bedroom and two-bedroom units. The proposal will contribute toward the Town's 15% intensification target and conforms with the growth management policies of the ROP.

Archaeology

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject land was identified as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential and the Town of Fort Erie's Archaeological Master Plan.

A Stage One & Two Archaeological Assessment prepared by The Fossil Hill Group, dated October 5, 2020, was submitted with the application. The Stage Two Assessment resulted in the identification of two contemporary artifacts (button, ceramic sherd) and five pre-contact artifacts (one fragment and four core tertiary flakes) that do

not meet criteria to warrant a Stage Three assessment. As such, the Licensed Archaeologist recommends no further archaeological assessment is required.

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

Site Servicing

Although the Functional Servicing Report notes the location of the connections to the various services, the Region and Town have had discussions regarding the review of current flows received by the Catherine Street Sewage Pumping Station (SPS). The peak wet weather flows at the Catherine Street SPS are significant and impact the available capacity for further development and growth. The Region is currently undertaking the Class Environment Assessment (EA) for the upgrade of the capacity of the Catherine Street SPS. Based on the timeline for design and approvals, the Regional Capital Forecast has identified the construction project for the upgrade of the Catherine Street SPS in 2024, which is subject to Regional Council budget approval.

The Town of Fort Erie has been working to remove wet weather flows from the sewershed to free up capacity at the SPS. In order to verify available wet weather sanitary capacity in the Catherine Street SPS system and required mitigation measures to accommodate future development, Regional staff will require that future Site Plan/Condominium submissions include a Sanitary Sewer Servicing Design Brief which contains the following calculations:

- Estimated dry weather flow from the proposed development calculated on the current Town of Fort Erie design standards for number of people per unit and estimated flow per person.
- Estimated wet weather flow (at the beginning of the sanitary sewers lifecycle) from the proposed development based on the OPSS 410, which requires testing of public side sewers with allowable leakage of 0.01 L/s/ha (22 L/c/d or 0.075 L/mm/100m of sewer per hour). If post monitoring is completed, this will be the acceptable level of wet weather flow portion for the new sanitary sewer system;
- Estimated wet weather flow (at the end of the sanitary sewers lifecycle) long term wet weather flow from the proposed development with a maximum infiltration allowance of 0.286 L/ha/s.

Regional staff note that the applicant/owner be advised of the current constraints at the SPS and will be requesting conditions be included in the future site plan agreement in regards to this situation.

Stormwater Management

The submitted 'Functional Servicing Report (dated December 2020 by Quardeck)' indicates that the development will provide water quality treatment and peak flow control prior to discharge to the existing storm sewer on Goderich Street. Regional staff would recommend the site captured runoff be routed through oil/grit separator (OGS), storage facility and orifice control, in order to prevent sedimentation in storage, orifice blockage and to facilitate access to OGS. At the time of future Planning Act Application (i.e. Site Plan), a detailed stormwater management plan shall be provided to demonstrate the development will not impose negative impacts in terms of storm water quality and quantity.

Conclusion

Regional staff have no objection to the proposed Official Plan and Zoning By-law amendments, however note the applicant should be advised of the current constraints at the SPS. The proposal is consistent with the PPS and conforms to Provincial Plans and the Regional Official Plan from a Provincial and Regional perspective.

The proposed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the ROP and the Memorandum of Understanding. The Region, however, would appreciate the opportunity to review a copy of the final draft Official Plan and Zoning By-law Amendments prior to Council decision..

Should you have any questions concerning the above noted comments, please do not hesitate to contact me at 905-688-9000 extension 3518.

Respectfully,



Lola Emberson, MCIP, RPP
Senior Development Planner

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



February 17,2021

VIA EMAIL

Anamika Dilwaria, M.A., M.Pl., MCIP, RPP
Senior Development Planner
The Corporation of the Township of Fort Erie
adilwaria@forterie.ca

Dear Anamika,

RE: MCFN Response to Official Plan and Zoning By Law Amendment for Proposed Residential Development at 255 High Street

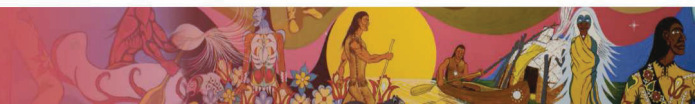
Confirmation of Receipt

I am writing on behalf of the Mississaugas of the Credit First Nation ("MCFN") to acknowledge that we have received your above named communication, dated January 19,2021 .

Outline of MCFN Rights and Territory

In 1781 , the Crown and MCFN entered into Mississaugas Treaty at Niagara (1781) regarding the lands in which your project is situated.

The Mississaugas of the Credit First Nation are the descendants of the "River Credit" Mississaugas. The undisputed Territory of the MCFN is defined as a Territory commencing at Long Point on Lake Erie thence eastward along the shore of the Lake to the Niagara River. Then down the River to Lake Ontario, northward along the shore of the Lake to the River Rouge east of Toronto then up that river to the dividing ridges to the head waters of the River Thames then southward to Long Point, the place of the beginning. Our Territory encompasses the lands and waters that were used and occupied by our Ancestors. Territories are usually large tracts of land that reflect the breadth required for seasonal activities and habitation and changes in those movement patterns through time. Through Treaties with the Crown, MCFN agreed to share our Territory with newcomers. However, not all of MCFN's Territory has been dealt with through a Treaty.



With the exception of a small part of the Credit River, our Treaties with the Crown did not deal with the water parts of our Territory. We have not agreed to share any part of our waters with settlers. We formally gave notice to the Crown of this claim in 2016. We note that any lands that have been artificially created on our waters have also not been dealt with by any Treaty.

Like our ancestors before us, we continue to use the lands, waters, and watershed ecosystems within our Territory for a variety of livelihood, harvesting, ceremonial and spiritual purposes. We have always exercised governance functions and stewardship in order to protect our Territory, conserve the fish and wildlife that depend upon it, and ensure its ongoing ability to sustain our people. We assert that our Aboriginal and treaty rights fundamentally entitle us to continue to act as stewards of our Territory, to be involved in decisions that affect it, and to participate in the ongoing, responsible management of the resources it provides.

Duty to Consult and Accommodate

As you will know, the Crown has a constitutional duty to consult and accommodate MCFN in respect of any decisions that might affect its asserted or proven Aboriginal and/or Treaty Rights. We expect that, consistent with the Crown's constitutional duty, no approval should be issued to this project until MCFN has been sufficiently consulted and accommodated. Nothing in this letter shall be construed as to affect our Aboriginal and/or Treaty Rights and hence shall not limit any consultation and accommodation owed to MCFN by the Crown or any proponent, as recognized by section 35 of the Constitution Act, 1982.

MCFN has the right to free and informed consent prior to the approval of any project or any planning decision adversely impacting its Territory and to benefit economically from resource development within its Territory.

MCFN has formed the Department of Consultation and Accommodation ("DOCA") to represent its interests in consultation and accommodation matters. It is DOCA's mandate to ensure that we are directly involved in all planning and development that impacts the integrity of our Territory. In this regard, DOCA will assess and help alleviate impacts on our rights, land claims, and ways of life by building relationships with governments and private sector proponents. We share a mutual interest in ensuring that projects in the Territory are planned, reviewed, and developed in a manner which ensures healthy communities, ecological protection, and sustainable development for present and future generations in the Territory.



DEPARTMENT OF CONSULTATION AND ACCOMMODATION

Mississaugas of the Credit First Nation
4065 Hwy #6, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260



MCFN is not opposed to development, but MCFN must to be involved in development decision making. MCFN has a deep connection to its Territory and we have a stewardship responsibility for our land. By engaging with us, a project proponent can learn our perspective on how to care for this land and we can work together to shape the project to mitigate damaging effects to our land and perhaps even work to improve our environment. MCFN is the only party who shall determine whether there are impacts to our Aboriginal and treaty rights.

One of the ways we require proponents to engage with us is in providing transparency during the environmental survey and archaeological assessment process. The best way to accomplish this is by having Field Liaison Representatives ("FLRs") on location while fieldwork is occurring, who can ensure that the Nation's special interests and concerns are respected and considered during fieldwork. The cultural and natural resources in question are part of MCFN's territory and heritage and it is our responsibility to ensure their protection, on behalf of the Nation. MCFN's stewardship of its territory extends through the life of any development project and beyond.

DOCA Project Registration

DOCA has completed an initial intake review of the project communication you have provided. This file has been assigned DOCA Project 2021-0088 ; please use this number in all future communications.

We respectfully ask you to immediately notify us if there are any changes to the project.

Referral to DOCA Units

Following DOCA's initial intake review of the project communication, the file has been referred to the following DOCA Units for additional follow-up.

	Unit Identification	Primary Contact	Email Address
✓	Archaeology	Megan DeVries	megan.devries@mncfn.ca
✓	Cultural/Historical	Darin Wybenga	darin.wybenga@mncfn.ca
✓	Environment	Fawn Sault (Temp)	fawn.sault@mncfn.ca
✓	FLR Participation	Megan DeVries	megan.devries@mncfn.ca
	Governance	Mark LaForme	mark.laforme@mncfn.ca
	Economic Development	Director	SED.Director@mncfn.ca

If you have not been contacted by the indicated DOCA Units within fourteen days following receipt of this letter, please let me know.



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4065 Hwy #6, Hagersville, Ontario N0A 1H0



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Request for Missing Information

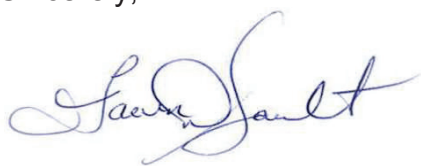
In order to proceed with our follow-up review, we ask you to ensure that all available information relating to the project has been transmitted to us. We have identified the following general information as missing from your initial project communication:

Outstanding Project Information	
✓	Name of person or body undertaking the action or decision.
✓	Contact information for the person or body undertaking the action or decision.
✓	List of documents pertaining to the proposed action/decision that are available for MCFN to review.
✓	Description of what other information is expected to become available before the proposed action/decision is undertaken.
✓	Deadlines or filing dates pertaining to the action/decision.
✓	The Crown or Municipal review/ approval that is required for the project.
✓	How the proposed action or decision may affect and/or benefit MCFN, its rights and territory.

Closing

We ask that you respond with the above requested information within fourteen days following receipt of this letter. We thank you in advance for your attention to our requirements and we look forward to working with you further to shape the planning for development in our Territory.

Sincerely,



Fawn Sault
Consultation Coordinator
fawn.sault@mncfn.ca

**DEPARTMENT OF CONSULTATION AND ACCOMMODATION**

Mississaugas of the Credit First Nation
4065 Hwy #6, Hagersville, Ontario N0A 1H0



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