

# The Municipal Corporation of the Town of Fort Erie

# **Council-in-Committee Meeting Agenda**

Monday, January 16, 2023 - 6:00 PM

#### Council Chambers

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's
website (www.forterie.ca) or Cogeco "YourTV"

#### Page

- 1. Call to Order
- 2. Roll Call
- 3. Announcements/Addenda
- 4. Declarations of Pecuniary Interest
- 5. Notice of Upcoming Public Meetings
  - (a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #2 - Wednesday, January 18, 2023 - Water and Wastewater Operating Budget; #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, January 23, 2023 - Water and Wastewater Budget and Rates By-law; Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

(b) Open House

Re: Proposed Zoning By-law Amendment - 0-19302 Courtwright Street - Owner/Applicant: David Zappone - Wednesday, January 18, 2023 - 5:00 p.m. - Town Hall Atrium Page

(c) Open House

Re: Proposed Zoning By-law Amendment - 4409 Erie Road - Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Bay Cottages Inc. (Bryan Keenan) - Tuesday, January 24, 2022 - 5:00 pm - Town Hall Atrium

# 6. Public Meetings

(a) Proposed Zoning By-law Amendment

Re: 92 Adelaide Street - Owner: Niagara Pines Developments Ltd. (Owner: Paul Savoia) - Agent: Upper Canada Consultants (Craig Rohe). The Applicant is proposing to rezone the property to permit the construction of a block of five townhouses and two single detached dwellings. The subject property is currently zoned Residential 2 (R2) Zone and are proposing to rezone from Residential 2 (R2) Zone to a site-specific Residential Multiple 1 (RM1) Zone. The RM1 zone which permits the use of townhouse dwellings and the application of the R2A Zone regulations for single detached dwellings. A special provision is requested to permit a reduced planting strip width along a street (Dominion Road).

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Samantha Yeung, Junior Development Planner (<u>syeung@forterie.ca</u>) or 905-871-1600 ext. 2528 for information on joining the zoom meeting.

Link: <a href="https://www.forterie.ca/pages/CurrentPublicNotices">https://www.forterie.ca/pages/CurrentPublicNotices</a>

8 - 45 **PDS-01-2023** 

Information Report - Proposed Zoning By-law Amendment - 92 Adelaide Street - Upper Canada Consultants - Craig Rohe (Agent) - Niagara Pines Developments Ltd. - Paul Savoia (Owner)

#### Recommendation:

**That:** Council receives for information purposes Report No. PDS-01-2023 regarding a proposed Zoning By-law Amendment for 92 Adelaide Street.

PDS-01-2023 - 92 Adelaide Street ZBA Information Report - FINAL

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

Re: 214 Windmill Point Road South - Owner: Joseph Moore -Applicant: Steven Rivers (South Coast Consulting). The Applicant is proposing to sever 214 Windmill Point Road South to facilitate the creation of three new residential lots. The subject property is located outside of the urban area boundary. The majority of the property is designated Rural and a portion designated Environmental Protection in the Official Plan. The Applicant is requesting an amendment to the Official Plan as the proposed lots do not comply with the lot frontage requirement of 46.00 m under Section 4.6.3. II. b) of the Official Plan. Further, the proposed lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a) of the Official Plan, where an infilling lot means "a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less". The majority of the subject property is zoned Rural (RU) Zone, and a portion adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone. A Zoning By-law amendment is requested as the proposed and retained lots do not meet the minimum lot frontage requirement of 46.00 m in accordance with Subsection 8.4 of the Zoning By-law.

To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Mackenzie Ceci, Intermediate Development Planner (<u>mceci@forterie.ca</u>) or 905-871-1600 ext. 2514 for information on joining the zoom meeting.

Link: <a href="https://www.forterie.ca/pages/CurrentPublicNotices">https://www.forterie.ca/pages/CurrentPublicNotices</a>

46 - 72 **PDS-02-2023** 

Proposed Combined Official Plan and Zoning Bylaw Amendment - 214 Windmill Point Road South -South Coast Consulting - Steven Rivers (Applicant/Agent) - Joseph & Irene Moore (Owners)

#### Recommendation:

**That:** Council receives for information purposes Report No. PDS-02-2023 regarding a proposed Combined Official Plan and Zoning By-law Amendment for 214 Windmill Point Road South.

PDS-02-2023 - 214 Windmill Point Road South - Information Report - FINAL

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# 7. Consent Agenda Items

None

# 8. Planning and Development Services

# 8.1 Presentations and Delegations

# 8.2 Reports

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PDS-78-1-2022

Supplemental Recommendation Report - Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent)

#### Recommendation:

**That:** Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-1-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

**That:** Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, revised on December 16, 2022, showing 54 lots for single detached dwellings, 8 blocks for semi- detached dwellings, 12 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling, 1 block for a stormwater management pond, 5 blocks for 0.3 m reserves, and 1 block for a 20 m reserve, as detailed in Appendix "2" of Report No. PDS-78-1- 2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "6" of Report No. PDS-78-1-2022, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "6" of Report No. PDS-78-1-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further

**That:** Council directs Staff to submit the necessary by-laws. <u>PDS-78-1-2022 - Spring Creek Estates Recommendation</u> Report - FINAL Page

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PDS-78-2022

Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent) (Postponed from December 12, 2022 Regular Council Meeting - Previously Moved by Councillor Noyes and seconded by Councillor Dubanow as Resolution No. 2)

#### Recommendation

**That:** Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

**That:** Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, dated December 9, 2021, showing 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a stormwater management pond, and 5 blocks for 0.3 m reserves, as attached as Appendix "2" of Report No. PDS-78-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "5" of Report No. PDS-78-2022, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "5" of Report No. PDS-78-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council directs Staff to submit the necessary by-laws.

<u>PDS-78-2022 - Spring Creek Estates Recommendation Report - FINAL</u>

PDS-03-2023

Proposed Draft Plan of Subdivision and Zoning By-law Amendment - Peace Bridge Village Phase 4 (0-10268 Louisa Street) -Ashton Homes (Western) Ltd. (Aldo Vercillo)

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- Owner - Upper Canada Consultants (William Heikoop) - Agent

#### Recommendation:

**That:** Council approves the amendment to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-03-2023 for the lands known as 0-10268 Louisa Street, and further

**That:** Council approves the Peace Bridge Village Phase 4 Draft Plan of Subdivision dated November 9, 2022, showing 31 lots for single detached dwellings, 6 blocks for 36 townhouse dwellings, and a block for a 0.30 m reserve as attached as Appendix "3" of Report No. PDS-03-2023, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "4" of Report No. PDS-03-2023, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "4" of Report No. PDS-03-2023 to the applicable agencies in accordance with the requirements of the Planning Act, and further

**That:** Council directs Staff to submit the necessary by-law. PDS-03-2023 - Peace Bridge Village Phase 4 Rec Report - FINAL REVISED

- 8.3 New Business/Enquiries
- 8.4 Business Status Report

184 - 185 <u>PDS-BSR-Jan-</u> 16

- 9. Infrastructure Services
  - 9.1 Presentations and Delegations
  - 9.2 Reports
  - 9.3 New Business/Enquiries
  - 9.4 Business Status Report

<u>IS-BSR -</u> 16JAN2023

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- 10. Corporate and Community Services
  - **10.1** Presentations and Delegations

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- 10.2 Reports
- 10.3 New Business/Enquiries

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- 11. Scheduling of Meetings
- 12. Adjournment



# **Planning and Development Services**

Prepared for	Council-in-Committee	Report No.	PDS-01-2023
Agenda Date	January 16, 2023	File No.	350309-0549

# Subject

INFORMATION REPORT - PROPOSED ZONING BY-LAW AMENDMENT 92 ADELAIDE STREET UPPER CANADA CONSULTANTS - CRAIG ROHE (AGENT) NIAGARA PINES DEVELOPMENTS LTD. - PAUL SAVOIA (OWNER)

#### Recommendation

**THAT** Council receives for information purposes Report No. PDS-01-2023 regarding

a proposed Zoning By-law Amendment for 92 Adelaide Street.

# Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

#### List of Stakeholders

Upper Canada Consultants – Craig Rohe (Agent) Niagara Pines Development Ltd. – Paul (Owner) Residents and Property Owners in the Town of Fort Erie

Prepared by:	Reviewed by:	Submitted by:	Approved by:
ORIGINAL SIGNED Samantha Yeung Junior Development Planner	ORIGINAL SIGNED Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	ORIGINAL SIGNED Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	ORIGINAL SIGNED Chris McQueen, MBA Chief Administrative Officer

# Purpose

The purpose of this report is to provide information to Council with respect to the proposed Zoning By-law Amendment application for the subject lands known as 92 Adelaide Street.

Craig Rohe of Upper Canada Consultants (Agent) submitted a Zoning By-law Amendment application on behalf of Niagara Pines Development Ltd. (Owner) for 92 Adelaide Street. The application proposes to rezone the subject lands to permit the development of a block of five -street townhouse dwellings and two single detached dwellings. The existing single detached dwelling on the property will be removed.

A location map showing the subject lands is attached as **Appendix "1"**. A preliminary site plan illustrating the proposed parcels and dwellings is attached as **Appendix "2"**.

The zoning of the subject land is proposed to change from Residential 2 (R2) Zone to a site-specific Residential Multiple 1 (RM1) Zone to facilitate the proposed development. The special provision is requested for a reduction in the width of the planting strip along Dominion Road.

#### Nature of the Site

The subject lands are located on the southwest corner of Dominion Road and Adelaide Street in the Town of Fort Erie. The following summarizes the land uses surrounding the subject property:

**North:** Single detached dwellings, triplex, townhouses and Dominion Road

**South:** Single detached dwellings

**East:** Single detached dwelling, Open Space, Old Fort Erie Historical Landmark

and Adelaide Street

**West:** Single detached dwellings

# **Planning Context**

### 2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development within settlement areas and encourage building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The proposed street townhouse and single detached dwellings will utilize the existing municipal infrastructure and are located in an established neighbourhood that has, public services and other amenities. The PPS also encourages opportunities for

intensification, the redevelopment of underutilized lands, and infill development where appropriate.

#### 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and is designated as Built-up Area. The delineated Built-up Area generally encourages growth and opportunities for residential intensification. The Growth Plan contains policies that encourage intensification, and the development of complete communities with a diverse mix of land uses that provide a range of housing types.

#### 2022 Regional Official Plan (ROP)

The Regional Official Plan (ROP) identifies the subject lands as being located within the Urban Area Boundary and the Built-up Area for the Town of Fort Erie. Within this designation, residential intensification is permitted subject to the availability of municipal services. Residential development is encouraged to integrate a diverse range of housing types to manage forecasted density growth.

#### 2011 Town of Fort Erie Official Plan

Official Plan Schedule A – Land Use Plan

The subject property is designated as Urban Residential in the Town of Fort Erie Official Plan. Lands with this designation are intended for a variety of housing forms including single detached dwellings and townhouses. In general, the Town's Official Plans are supportive of opportunities for residential development in the Urban Boundary. The proposal to rezone the subject property is consistent with the land use policy.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is within a petroleum resource area. The subject property is not within area identified as having potential for mineral aggregate resources and there are no active wells within 75.00 m.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

The subject lands are located within an area identified as having archaeological potential on Schedule D of the Town's Official Plan. A Stage 1 & 2 archaeological assessment was completed as part of the Zoning By-law Amendment approval process.

Official Plan Schedule D1 - Cultural Heritage Archaeological Zones of Sensitivity

The subject lands are within an archaeological zone of sensitivity as a war of 1812 zone on Schedule D1 of the Town's Official Plan. A Stage 1 & 2 archaeological assessment was completed as part of the Zoning By-law Amendment approval process.

# Comprehensive Zoning By-law No. 129-1990

The subject lands are currently zoned Residential 2 (R2) Zone, in accordance with the Town of Fort Erie's Comprehensive Zoning By-law No. 129-1990, which permits the use of single detached dwellings and accessory apartment dwellings. The applicant is requesting to rezone the subject lands to a site-specific Residential Multiple RM1 (RM1) Zone to facilitate the construction of five street—townhouse dwelling units and two single detached dwellings. The proposed townhouses and single detached dwellings will be two storeys in height

A site-specific provision is requested to allow a reduction in the width of the planting strip along Dominion Road. The proposed street townhouses and single detached dwellings comply with all the required zoning regulations except the width of the planting strip.

The table below offers a comparison of the R2 and RM1 zoning requirements versus the proposed special provisions for the townhouse dwelling (site-specific provisions highlighted in grey).

Zoning Regulation	Standard R2 Zone Requirement	Standard RM1 Zone Requirement	Proposed Site- specific RM1 Zone
Minimum Lot Frontage	15.00 m	6.00 m - townhouse lots 9.00 m - townhouse corner lots	7.70 m (unit 1); 6.00 m (unit 2 to 4); 12.96 m (unit 5)
Minimum Lot Area	510.00 sq m	200 m <sup>2</sup> - townhouse lot 270 m <sup>2</sup> - townhouse corner lot	309.70 m <sup>2</sup> (unit 1); 241.77 m <sup>2</sup> (unit 2 to 4); 408.78 m <sup>2</sup> (unit 5)
Maximum Lot Coverage of Dwelling	30% for lots with less than 510.00 sq m of lot area	40% - Exterior street townhouse 60% - Interior street townhouse	29% - Interior (unit 1) 36% - Interior (unit 2 to 4); 22% - Exterior (unit 5) Or 30.5 % entire lot
Minimum Front Yard	6.00 m	6.00 m to garage 4.00 m to dwelling	8.66 m (unit 1 to 5)
Minimum Interior and Exterior Side Yard	1.50 m	1.50 m - Interior 3.00 m - Exterior	1.50 m - Interior 3.82 m - Exterior
Minimum Rear Yard	8.00 m	6.00 m	17.10 m
Maximum Height	2 storeys 9.00 m	3 storeys 12.00 m	2 storeys
Planting Strips	Not a requirement	4.5m abutting a street	3.82 m
Maximum Number of Units in a row	N/A	8	5
Minimum Landscaped Area	N/A	25% for townhouse	52.64 %
Maximum Density	N/A	35 units/ha	34.72 units/ha
Privacy Area	N/A	Minimum depth of 4.50 m	17.10 m

Distance from building to internal driveways and parking areas	N/A	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area	N/A
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Under the RM1 zone, single detached dwellings are subject to the regulations of Section 12.3, Residential 2A (R2A), of the Zoning By-law No. 129-1990. The table below offers a comparison of the R2 and R2A zoning requirements versus the proposed provisions for the single detached dwelling.

Zoning Regulation	Standard R2 Zone Requirement	Standard R2A Zone Requirement	Proposed RM1 Zone
Minimum Lot Frontage	15.00 m	12.00 m	13.02 m
Minimum Lot Area	510.00 sq m	375 sq.m	523.20 m <sup>2</sup>
Maximum Lot Coverage	30% for lots with less than 510.00 sq m of lot area	50 %	26%
Minimum Front Yard	6.00 m	6.00 m to garage 3.00 m to dwelling	8.66 m
Minimum Interior Side Yard	1.50 m	1.2 m	1.5 m
Minimum Exterior Side Yard	3.00 m	3.00 m	N/A
Minimum Rear Yard	8.00 m	6.00 m	16.07 m
Maximum Height	2 storeys 9.00 m	2.5 storeys 10.50 m	2 storeys

Analysis for the requested site-specific regulation will be provided in the recommendation report.

# Studies

A <u>Stage 1 & 2 Archaeological Assessment</u> was completed in July 2022 by Earthworks Archaeological Services Inc. The Stage 1 study identified potential archaeological resources on-site and a subsequent Stage 2 study was recommended. As the Stage 2

study did not identify any archaeological material on site further archaeological assessments of the subject property are not required.

#### Niagara Region Comments

Niagara Region reviewed the provided Stage 1 & 2 Archaeological Assessment and the Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism. Regional staff are satisfied the archaeological requirements are met and require no further studies. Staff requests a standard warning clause with respect to the protection of any archaeological resources that may be encountered during construction activities be included within the future Site Plan Agreement.

### Financial/Staffing Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner.

# **Policies Affecting Proposal**

Notice of the January 16, 2022 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the December 22, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on December 22, 2022.

Land use policies for the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners. Comments received are summarized below. Full agency and staff comments are attached as **Appendix "4"**.

### **Agency Comments**

Enbridge Gas Inc.

Staff has no objection to the proposed application.

Mississaugas of the Credit First Nation (MCFN) Department of Consultation and Accommodation (DOCA)

The MCFN DOCA noted that the subject property is located on the treaty lands of the MCFN, the Mississaugas Treaty at Niagara 1781. MCFN DOCA staff requested that any

environmental assessment reports and archaeological assessment reports be circulated for review. If in-field assessment is required, MCFN DOCA staff request that they be present on-site.

Upon reviewing the Stage 1 & 2 Archaeological Assessment report and confirmation letter from the ministry of Citizenship and Multiculturalism (MCM), MCFN DOCA staff has no concerns with the Zoning By-law Amendment.

#### Niagara Region

Regional staff does not object to the proposed Zoning By-law Amendment application, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies.

#### **Staff Comments**

#### **Building Division**

There were no comments concerning this application.

#### Coordinator, Development Approvals

The Coordinator noted that the sanitary sewer located on Adelaide Street does not extend along the entire frontage on the subject land and stops approximately 14 meters from the north-east corner of the property. The applicant must provide a survey showing the location of the sanitary sewer manhole in relation to the lot lines to determine if a sewer extension is required.

Future planning application comments were received, however Planning Staff notes the development of the 5-unit street townhouse will not be subject to a Site Plan Approval process as per regulations of Bill 23, *More Homes Built Faster Act 2022*.

#### **Public Comments**

A public information open house meeting was held by Town staff and the Agent in the Atrium of Town Hall on December 14, 2022. Approximately 10 members of the public attended the meeting for information and provided comments. Two email submission and one written letter was received as of the writing of this report. Generally, comments received are opposed to the proposed development on the subject property.

Written comments are attached as **Appendix "5"** for review. Staff will address the comments below.

Issues raised by the members of the public are outlined below.

# Lot Size and Compatibility

Several residents raised concerns about the reduced lot frontage and lot area and the proposed size of the structures. It was noted that the existing lots in the area, primarily the south side of the subject lands, consists of larger lots. Local residents view the current proposal is not consistent with the area.

#### Staff Response

Planning staff note that "compatible" does not necessarily mean "the same as". Infill development can be expected to have smaller lot area and dimensions when compared to existing lots in the neighbourhood. The proposed lots meet all of the RM1 zone requirements aside from reduced planting strip width along Dominion Road. The lots in neighbourhood consist of diverse lot sizes. Additionally, a townhouse development is located on the north west corner of Dominion Road and George Road.

#### Parking and Traffic Concerns

Members of the public expressed concerns as there is limited amount of parking space provided on-site and future residents will park their vehicles within the road allowance. It was also noted that Adelaide Street is too narrow to accommodate street parking and on-street parking will result in unsafe traffic conditions on Adelaide Street.

### Staff Response

The Zoning By-law requires one parking space for each street townhouse unit and detached dwelling. The proposed development includes a garage that will provide the required parking. In addition, future residents will also be able to park a vehicle on the driveway. Each unit can therefore accommodate up to 2 parking spots.

Planning staff confirmed with the Municipal Law Enforcement Officer that there are no parking restrictions on Adelaide Street.

### <u>Drainage Concerns</u>

Residents of the area mentioned existing drainage issues along the rear end of the subject lands and east side of Long Tent Avenue. Pooling of rainwater and backed-up ditches have been an on-going issue in this area. Residents recognize that this is a separate situation from the development, however, believe that the proposal would contribute to worsening this issue. One resident asked if proper drainage has been fully considered for the properties surrounding the west side of Adelaide Street.

#### Staff Response

The proposed Zoning By-law Amendment application has been circulated to the Coordinator, Development Approvals for preliminary comments.

Planning staff notes drainage is reviewed as part of the development process and the submission of a grading plan prepared by an engineer will be required. It will demonstrate that there will not be any adverse drainage impacts to any adjacent property owners resulting from this development. All surface water is required to be contained on site. The grading plan could be set as a Condition of Consent with the Committee of Adjustment that will follow if this Zoning By-law Amendment is approved. The grading plan is also required and must be satisfactory to the Town's Building Division and the Infrastructure Services department for a building permit to be issued.

Concerns with the flow of existing ditches could be directed to the Operations division for assessment and repair as necessary.

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N/A

# Communicating Results

There are no communication requirements at this time.

#### Conclusion

This report is submitted to Council for information purposes. Should Council approve the Staff recommendation contained herein, Staff will prepare a recommendation report to Council on the proposed Zoning By-law Amendment for a future Council meeting.

#### **Attachments**

Appendix "1" - Location Plan

Appendix "2" - Preliminary Site Plan

Appendix "3" - Render and Elevation Drawings

Appendix "4" - Agency and Staff Comments

**Appendix "5" - Public Comments** 

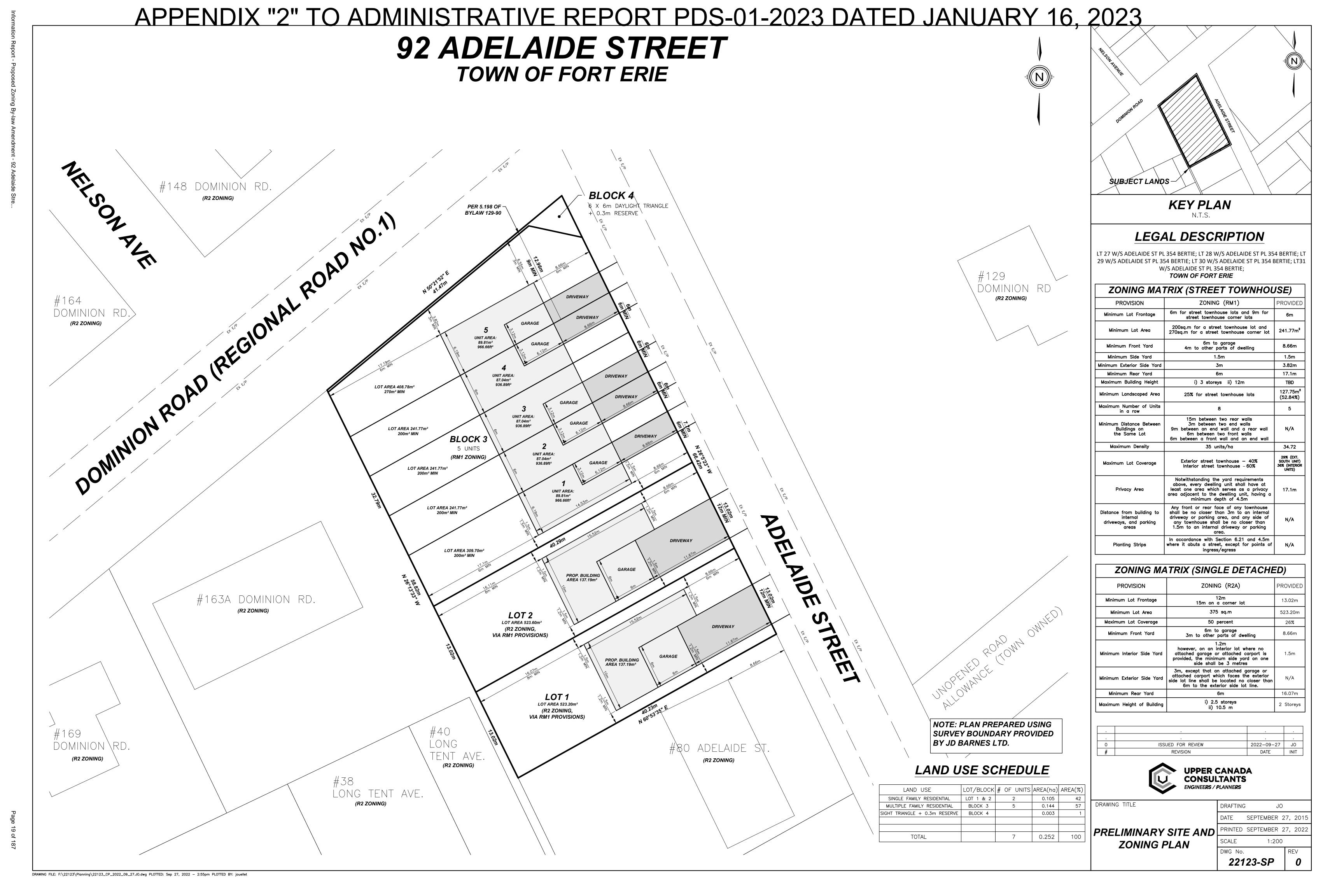
# APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-01-2023 DATED JANUARY 16, 2023





Subject Lands - 92 Adelaide Street

Planning & Development Services













# Interoffice Memorandum

December 9, 2022 File No. 350309-0549

To: Daryl Vander Veen, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: Application for Zoning By-law Amendment – 92 Adelaide Street

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment and the supporting documentation for **92 Adelaide Street** and have the following comments:

# **Municipal Servicing Comments**

 As per the comments provided as part of the Pre-Consultation Application the sanitary sewer does not front on the entire property and stops approximately 14 metres from the north-east corner of the property. A survey shall be provided showing the location of the sanitary sewer manhole in relation to the lots lines to determine if a sewer extension is required.

# **Future Planning Application Comments:**

- Site Plan Approval is required for the development of the 5-unit townhouse building.
- The separation of the individual lots will be completed via Consent to Sever. It will be my recommendation that the following conditions be applied to the severance of the property:
  - 1. A overall lot grading plan shall be provided for the entire property to ensure that the lot drainage is addressed in a comprehensive manner.
  - 2. Street tree fees will be applicable to all new building lots. One tree per property for interior lots and three trees for the corner lots. The fee for one street tree is \$500.

Given the foregoing comments, I require additional information before I can provide comprehensive feedback on this application with respect to municipal servicing.

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

### Re: 92 Adelaide St - Drainage Comments 🗎

Jeremy Korevaar Samantha Yeung

12/23/2022 09:38 AM

From Jeremy Korevaar/FortErie

To Samantha Yeung/FortErie@TownOfFortErie

#### HI Samantha,

If there are concerns with the flow of the existing ditches then this should be directed to the Operations group to look into and repair as necessary.

In my opinion, the addition of 7 houses on this street should not have a noticeable impact on the drainage in the ditch.

I hope this helps.

Have a great day!

#### Jeremy Korevaar, C.E.T.

Coordinator, Development Approvals

#### **Town of Fort Erie**

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

TEL: 1-905-871-1600 ext.2505

FAX: 1-905-871-6411

Please note: My last day with the Town of Fort Erie is December 23, 2022. If you send me an email before that date I will do my best to respond. If I don't respond by December 23, 2022, please redirect your inquiry to Anamika Dilwaria at adilwaria@forterie.ca.

Samantha Yeung Hi Jeremy, Hope you're doing well today. 2022-12-15 02:21:26 PM

From: Samantha Yeung/FortErie

To: Jeremy Korevaar/FortErie@TownOfFortErie

Date: 2022-12-15 02:21 PM

Subject: 92 Adelaide St - Drainage Comments

Hi Jeremy,

Hope you're doing well today.

I attended the Information Open House for 92 Adelaide last night. The general comments for this development is drainage along Adelaide Street and I was wondering if you could provide additional information regarding this for the surrounding area. This is to ensure both the development site and neighbours have proper drainage - the development could meet the city's requirement at the building permit stage but if there are backed up ditches already, would we/infrastructure services be able to assist

#### with this?

Attached is a written comment for reference. Any comments from you would be greatly appreciated!

Kind regards,

#### Samantha Yeung, BA, MSc PI

Junior Development Planner
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528 Email: syeung@forterie.ca

[attachment "Comments - 2022-12-14 Doug Sinclair.pdf" deleted by Jeremy Korevaar/FortErie]



RE: [External] Request for comments - proposed Zoning By-law Amendment application, 92 Adelaide Street, Town of Fort Erie (file no. 350309-0549)Municipal Planning to Daryl Vander Veen 2022-11-30 03:31 PM

From "Municipal Planning" < Municipal Planning@enbridge.com>
To "Daryl Vander Veen" < DVander Veen@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 Municipal Planning @ Enbridge.com.

Regards,

#### Jasleen Kaur

Municipal Planning Coordinator **Engineering** 

\_

#### **ENBRIDGE**

TEL: 437-929-8083

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

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

Sent: Tuesday, November 15, 2022 4:18 PM

Subject: [External] Request for comments - proposed Zoning By-law Amendment application, 92 Adelaide

Street, Town of Fort Erie (file no. 350309-0549)

#### **CAUTION! EXTERNAL SENDER**

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate? DO NOT click links or open attachments unless you are 100% sure that the email is safe. Good afternoon.

A complete application for a Zoning By-law Amendment application has been received from Craig Rohe of Upper Canada Consultants on behalf of Niagara Pines Developments Inc for 92 Adelaide Street in the Town of Fort Erie. The proposal will facilitate a future severance application to generate a block intended for future construction of five townhouse dwellings and to create two new lots intended for construction of single detached dwellings.

The lands are located within the Urban Area in the Lakeshore neighbourhood of Fort Erie and are currently designated Urban Residential in the Town's Official Plan. The lands are currently zoned Residential 2 (R2) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The application is proposing to change the zoning to Residential Multiple 1 (RM1) Zone with no site-specific special provisions requested.

The following documents are submitted for review:

- 0. Pre-consultation Agreement 92 Adelaide Street
- 1. Application for Zoning By-law Amendment & Covering Letter
- 2. Preliminary Site Plan
- 3. Planning Justification Report

# Re: Request for comments - proposed Zoning By-law Amendment application, 92 Adelaide Street, Town of Fort Erie (file no. 350309-0549)

Keegan Gennings to Daryl Vander Veen

2022-11-21 01:35 PM

From Keegan Gennings/FortErie

To Daryl Vander Veen/FortErie@TownOfFortErie

#### Hi Daryl,

I have no comments concerning the proposed zoning by-law amendment for 92 Adelaide.

# Regards,

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

Daryl Vander Veen Good afternoon, A complete application for a Zo... 11/15/2022 04:17:45 PM

From: DVanderVeen@forterie.ca
To:
Date: 11/15/2022 04:17 PM

Subject: Request for comments - proposed Zoning By-law Amendment application, 92 Adelaide Street,

Town of Fort Erie (file no. 350309-0549)

#### Good afternoon,

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The following documents are submitted for review:

- 0. Pre-consultation Agreement 92 Adelaide Street
- 1. Application for Zoning By-law Amendment & Covering Letter
- 2. Preliminary Site Plan
- 3. Planning Justification Report
- 4. Archaeological Assessment & Ministry Letter
- 5. PIN Location Map



RE: Request for comments - proposed Zoning By-law Amendment application, 92 Adelaide Street, Town of Fort Erie (file no. 350309-0549)Abby LaForme to Daryl Vander Veen 2022-11-16 08:14 AM

Cc "Mark LaForme"

From "Abby LaForme" <Abby.LaForme@mncfn.ca>
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Cc "Mark LaForme" < Mark.LaForme@mncfn.ca>

Good Morning Daryl,

Thank you for reaching out to MCFN DOCA for Consultation.

MCFN DOCA would like to comment on the Zoning By-law Amendment application, 92 Adelaide Street, Town of Fort Erie.

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Mississaugas Treaty at Niagara 1781.

In light of this, the MCFN Department of Consultation and Accommodation must be in receipt of all

Environmental Assessment reports, and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at the cost of the proponent.

#### Thank you

Abby (LaForme) Lee, Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0

Ph: (905) 768 - 4260

Email: Abby.LaForme@mncfn.ca

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

Sent: Tuesday, November 15, 2022 4:18 PM

Subject: Request for comments - proposed Zoning By-law Amendment application, 92 Adelaide Street, Town

of Fort Erie (file no. 350309-0549)

Good afternoon,

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RE: Request for Further Comments - Zoning By-law Amendment for 92 Adelaide StreetAbby LaForme to Samantha Yeung 12/21/2022 02:40 PM

Cc "Mark LaForme", "Daryl Vander Veen", "Adam LaForme", "Marie-Annick Prevost" From "Abby LaForme" <Abby.LaForme@mncfn.ca>

To "Samantha Yeung" <SYeung@forterie.ca>

Cc "Mark LaForme" <Mark.LaForme@mncfn.ca>, "Daryl Vander Veen"

<DVanderVeen@forterie.ca>, "Adam LaForme" <Adam.LaForme@mncfn.ca>, "Marie-Annick Prevost" <Marie-Annick.Prevost@mncfn.ca>

Good Afternoon Samantha,

Thank you for reaching out to MCFN DOCA with the additional information. MCFN DOCA Consultation has no additional comments at this time.

My colleague Marie from MCFN DOCA Archaeological Operations Unit informed me with the following comments:

MCFN DOCA has no concerns about Stage 2 report mentioned below. They test-pitted the lawn of the private property at 5m intervals and didn't find any artifacts. Therefore, Stage 3 was not recommended. If you have any questions regarding the said above comments, please feel free to contact Marie (Marie-Annick.Prevost@mncfn.ca) in the New year.

\*Please note that our offices will be closed for the holidays on December 21, 2022 at 4:30pm and re-open January 9<sup>th</sup> at 8:30am.\*

Happy Holidays!

Abby (LaForme) Lee Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0

Ph: (905) 768 - 4260

Email: Abby.LaForme@mncfn.ca

From: Samantha Yeung <SYeung@forterie.ca>
Sent: Tuesday, December 20, 2022 3:12 PM
To: Abby LaForme <Abby.LaForme@mncfn.ca>

**Cc:** Mark LaForme <Mark.LaForme@mncfn.ca>; Daryl Vander Veen <DVanderVeen@forterie.ca> **Subject:** Request for Further Comments - Zoning By-law Amendment for 92 Adelaide Street

Good afternoon Abby,

Hope you have been doing well.

I am emailing in regards to the proposed Zoning By-law Amendment application on 92 Adelaide Street in the Town of Fort Erie. Comments were received from the MCFN in November 2022 requesting to be involved in all environmental assessment reports and in-field participation. Following up on the Archaeological Assessment

report completed in July 2022, please advise if the submission is satisfactory to the requirements of the MCFN.

Attached are received comments and the Archaeological Assessment report for your reference.

Thank you in advance,

#### Samantha Yeung, BA, MSc PI

Junior Development Planner
The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528 Email: <a href="mailto:syeung@forterie.ca">syeung@forterie.ca</a>



# **Planning and Development Services**

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

#### Via Email

November 28, 2022

Region Files: D.18.01.ZA-22-0094

Daryl Vander Veen Intermediate Development Planner Planning & Development Services Town of Fort Erie 1 Municipal Centre Drive Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen

Re: Regional and Provincial Comments

**Zoning By-law Amendment Application** 

Town File: 350309-0549

Owner: Niagara Pines Developments Ltd.

Agent: Upper Canada Consultants (c/o Craig Rohe)

92 Adelaide Street Town of Fort Erie

Regional Planning and Development Services staff has reviewed the materials that were provided with the circulation of the above noted Zoning By-law Amendment Application. The Region received its circulation from the Town of Fort Erie on November 15, 2022.

The property is currently designated "Urban Residential" under the Town's Official Plan and is zoned "Residential 2 (R2) Zone" under the Town's Comprehensive Zoning Bylaw (No. 129-1990). The Applicant is proposing to rezone the subject lands from "Residential 2 (R2) Zone" to "Residential Multiple 1 (RM1) Zone" in order to facilitate future Consent (Severance) Applications to create a block for 5 townhouse dwellings, as well as to create 2 new lots for single-detached dwellings.

A virtual pre-consultation meeting for this proposal occurred on February 10, 2022, with Town staff, Regional staff, and the Owner in attendance. The following comments are offered from a Provincial and Regional perspective to assist the Town with its consideration of the subject Amendment Application.

# **Provincial and Regional Policies**

The property is designated "Settlement Area" in the *Provincial Policy Statement*, 2020 ("PPS"), "Delineated Built-up Area" in the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, 2020 Consolidation ("Growth Plan") and the *Niagara Official Plan* ("NOP").

Provincial and Regional policies support the intensification of land uses in Urban Areas where appropriate servicing and infrastructure exist and support the achievement of complete communities. PPS Policies 1.1.1 and 1.1.3.2 promote efficient development and land use patterns that sustain the financial well-being of municipalities over the long-term through minimizing servicing costs by ensuring that infrastructure is planned and available to meet current and projected needs. Additionally, Growth Plan Section 3.2.1 "Integrated Planning" sets out policy direction for coordinated and responsible infrastructure investment for long-range land use planning, including the full life cycle costs of infrastructure and strategies to pay for these costs over the long-term.

The NOP promotes higher density development and development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The proposed Application will assist the Town in achieving its intensification target (50%) as set out in the NOP and would contribute to the diversification of housing supply (townhouse units) in Niagara.

Regional staff has reviewed the "Planning Justification Report" prepared by Upper Canada Consultants (dated October 2022) and observe that Pages 25-28 of the Report address policies of the former Regional Official Plan ("ROP") and omits an analysis of the current in-effect NOP (which was approved by the Province on November 4, 2022). However based on the nature of the proposed development, Regional staff is satisfied that the policy analysis of the PJR maintains the same intent as the in-effect policies and objectives of the NOP. More specifically, the proposed development represents residential infill within an established urban neighbourhood that will make better use of existing municipal infrastructure and contribute to the diversification of housing supply. As such, staff finds the PJR to be acceptable for the purpose of this Application review.

# **Archaeological Potential**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP 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.

Staff has reviewed the "Stage 1-2 Archaeological Assessment" prepared by Earthworks Archaeological Services Inc. (dated July 20, 2022). The Assessment investigated the entirety of the subject lands with a methodology consisting of a background literature

review of surrounding historical settlement patterns, an on-site visual inspection, and a Test Pit Survey at maximum 5 metre intervals. The investigation did not result in the identification of any archaeological resources on the site and concluded that no further archaeological assessment of the Study Area is warranted.

The Archaeological Assessment was accompanied by a Letter of Acknowledgement (dated October 13, 2022) from the Ministry of Citizenship and Multiculturalism which states that the Assessment has been entered into the Ontario Public Register of Archaeological Reports as a condition of licensing in accordance with Part VI of the Ontario Heritage Act.

As such, staff is satisfied that the Region's archaeological requirements for the proposed Zoning By-law Amendment Application are met and offer no further requirements. Staff will request for a standard warning clause with respect to protection of any archaeological resources that may be encountered during construction activities be included within the future Site Plan Agreement.

# **Land Use Compatibility – Noise**

The subject property has frontage along Dominion Road, which is a Regional Road. Staff note that this portion of Dominion Road has an average annual daily traffic ("AADT") count of 2,600 trips per day. Given this relatively low AADT count, Regional staff do not offer any land use compatibility requirements for the proposed development.

# Regional Road Allowance

The subject property has frontage along Regional Road 1 (Dominion Road). The designated road allowance meets the width requirement of the NOP. Therefore, Regional staff do not request a road widening width along Dominion Road at this time; however, a daylight triangle of 6 metres x 6 metres will be required at the corner of Dominion Road and Adelaide Street. A 0.3 metre reserve will also be required along the side lot against Dominion Road. Regional staff acknowledge that the daylight triangle and reserve are shown on the development plans.

The requested daylighting triangle is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this Plan will be the full responsibility of the Applicant. The Applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition. Should the applicant have any questions, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk

Phone: (905) 980-6000 Ext. 3271 Email: jordan.hadler@niagararegion.ca

(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information

Phone: (905) 980-6000 Ext. 3325

Email: <a href="mailto:normans.taurins@niagararegion.ca">normans.taurins@niagararegion.ca</a> (Inquiries -specific to the reference plan)

The Applicant is advised that Dominion Road is currently undergoing reconstruction that is expected to be completed soon. Project details are available online at: <a href="https://www.niagararegion.ca/projects/dominion-road/default.aspx">https://www.niagararegion.ca/projects/dominion-road/default.aspx</a>

# **Regional Permit Requirements**

Prior to any construction / work taking place within the Regional Road Allowance, a Regional Construction Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Please also note that the placement of any sign, notice or advertising device within 20 metres of the centerline of Dominion Road will require a Regional Sign permit. Permit Applications can be made online at: http://niagararegion.ca/living/roads/permits/default.aspx

#### **Waste Collection**

The Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The proposed development 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:

- Garbage bags or cans 2 maximum per unit (collected every-other-week).
- Recycling blue / grey boxes or carts no limit (collected weekly).
- Organics green bins or carts no limit (collected weekly).

If the above mentioned collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

# **Protection of Survey Evidence**

The Applicant is advised that survey evidence adjacent to the Regional Road Allowance shall not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the Applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. This clause will be requested to be included within the future Site Plan Agreement.

### Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment Application, as the proposal is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that all local requirements and provisions are met, and that the development is compatible with the surrounding local neighbourhood context.

Please contact the undersigned at <u>Alexander.Morrison@niagararegion.ca</u> should you have any questions related to the above comments. Please send the Notice of Decision on this Application when available.

Respectfully,

Mari

Alexander Morrison, MCIP, RPP Senior Development Planner

cc. Susan Dunsmore, Manager, Development Engineering, Niagara Region Chris Pirkas, Development Approvals Technician, Niagara Region



Public Meeting, Proposal Adelaide StreetDave Harkins to dvanderveen 2022-12-14 10:42 AM
From "Dave Harkins" <XXXXXXX>
To dvanderveen@forterie.ca

Good Morning Daryl

My name is

My name is Dave Harkins and I live at 58 Adelaide Street. I am writing this letter because I strongly oppose the proposed development. There are issues with drainage in the ditches, which are always full and this would just add to it. 7 units mean at least 7 cars parked near the intersection on an already narrow street. In the winter this would be a total disaster. The road would be tore up worse than it already is, which is pretty bad. The added traffic is not needed. These units would be an eyesore on our quaint little street. A smaller version may be acceptable facing the Dominion Road but that would mean tearing up the sidewalk that was built knowing the proposal was pending. I understand an archeological study was done but I go by every day and never saw it. Usually they take weeks. Please dont force this on us for the sake of a developer. Let him propose these units get downsized to something reasonable and they face the Dominion Road.

Could this be spoken to the people attending the meeting? Thank you for your time and consideration



Proposed Zoning By-law Amendment for 92 Adelaide St.Doug Sinclair to dvanderveen 2022-12-14 10:14 AM
From "Doug Sinclair" <XXXXXXX>
To dvanderveen@forterie.ca

Good morning Daryl:

Firstly I would like to thank you for taking the time to return my call regarding the above.

Further to our conversation, my concerns are as follows:

- 1. Most of the lots are 80' wide and aesthetically the abundance of housing on that property would take away from the looks of the street. We feel too many buildings are being crammed into one spot.
- 2. With that being said, the parking along Adelaide St. would become a safety hazard for vehicles coming and going from Dominion Rd. (If a car is parked on the road, it only leaves one lane open for traffic.)
- 3. Is the infrastructure capable of handling more drainage without causing a back up for all the ditches further along the same side of the street? Since the Dominion Rd. was redone, we are experiencing more water in the ditch than ever before.

Thanks for suggesting sending our concerns as we are unable to attend tonight's meeting. We appreciate you will keep us informed with e-mails regarding the decisions being made.

Thanks again for your help.

Doug Sinclair Shelley Moore XXXXXXX

## DARYL VANDEER VEEN;

#### PROPOSAL FOR 92 ADELAIDE ST.

### LOCATION BACKGROUND

Before discussing this proposal, we should consider looking at Adelaide St. as a whole. At the present time the street is made up of around 80 foot lots and I would guess at residents with moderate or higher incomes. Properties are maintained at higher than normal appearances; traffic is moderately heavy due to easy access to the Lake Erie waterfront. At the present time there are no sidewalks, but a larger number of pedestrians walking for exercise and to take the dog for a walk dogs down to the waterfront.

The property in question is at the entrance to Adelaide St., from Dominion Rd. This property came on the market in the fall of 2021. Property is roughly 228'E of frontage on Adelaide.

If we look across the road from the proposed building site is a larger property with only one building on it .Beside this property can be found a 60' unopened road allowance owned by the Town of Fort Erie . The larger property has 278'E frontage on Adelaide St., and also 218'E frontage on Dominion Rd.

Based on the above known information, it is my feeling that if this proposal is granted at this time, the following will make this acceptance a bigger problem. In that if the owner of the larger property decides to sell, and if this property is purchased by a Developer, the Developer knowing that the Town approved the development across the road will have grounds to submit a similar plan with a larger number of dwellings (perhaps 12-14 houses on this property). Conceivable all of these points would cause an influx between the two properties of people and cars:

(These figures based on approximately 3 persons per house with average of 1.5 cars per home),

People 21X 3 = 63

Cars 21X 1.5 = 31.5.

All of these influxes within 300' of the Stop sign to Dominion Rd. Based on the above facts it is recommended that the Town not deviate from a frontage close to the 80' lots presently on the street.

## DRAINAGE

At the present time drainage from this property is something of a problem. This problem is really not fully the responsibility of this lot. Ground water is being fed into the property from the East side of Long Tent Av., Dominion Rd., Water then pools on the West side of 92 Adelaide St. This water then flows into the West side of 80 Adelaide St. The problem at 80 was partially solved by "Plantation Irrigation" working on the problem. They laid irrigation pipes around the grassed area of the back garden with drainage pipes to the ditch on the east side of Adelaide St. This resulted in helping to solve part of the problem of pooling from #92. However the drainage ditch on the West side of Adelaide St., has problems further down Adelaide St., and backs up with heavy rains. This causes pooling in the ditch which then forces water to flow backwards into outlets lower than the pooled water (in the case of #80 the irrigation pipes). Another problem seems to be that when drainage pipes were installed on the South side of Dominion, the drainage ditch was filled in and no drainage on the North Side of #92 (which now has to find its way to the drainage ditch on the West side of Adelaide). The flow of water from #92 is noticeable as it passes #80 at this time.

# **QUESTION**

If the Proposal is accepted at some time, has the ground water & sump pump outlets been fully considered for at most seven properties entering the ditch on the West side of Adelaide St.?

### **PARKING**

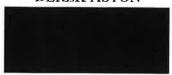
We can all remember the past year, Dominion Rd., was renovated, we had a heavier than usual snowfall in November. Workmen on the road renovation had to park somewhere, trucks waiting for their turn had to wait somewhere. Adelaide St was a close location within 300' of Dominion. This in turn made the exit & entrance into a single lane most of the time. Sometimes the crew would use a flagman who screwed it up worse or they stuck up a made up sign saying road closed. This didn't help as homeowners had to turn around and go along the lake road. No notices were ever given to homeowners as to changes, No thanks were ever given to the homeowners for their inconveniences. We had to put up with this for nearly a year. Let's look at the snowfall problem; the snowplow came along Dominion Rd., from the west and left a bank of snow across the entrance to Adelaide St. The homeowners on Adelaide St., created one lane out of the intersection with their vehicles. If you were trying to enter Adelaide from Dominion, you had to back up across Dominion and take a run at the one lane due to the incline of the entrance. It was late afternoon when the Township plough came. A annoying thing about ploughing is that homeowners clean their driveways down to the road. Then the plow comes along and pushes the snow bank back by about a foot and dumps it on the clean driveways by a depth of about 8 feet and the width of the driveway. This procedure is repeated about 15 minutes later. Let us now look at what is going to happen if this approval is given. Cars, for the 5 condominiums:

The driveways are approximately 26 feet in length; a car is about 15 feet in length, If we assume that the homeowner uses the garage for storage, this would mean the homeowner could only have one car. Where would his visitors park? Note:

I have a friend who lives on the street and is expecting 8 cars over Christmas Eve and he is presently looking for extra parking space. If we look at present, homeowners with 80' lots, they have a 2 car garage and can park at least 4 cars in the driveway.

Based on the above facts it is recommended that the Town not deviate from a frontage close to the 80' lots presently on the street.

### DEREK ASTON



CAROL SCHOFIELD 1 MUNICIPAL CENTRE DRIVE FORT ERIE, ON. L2A 2S6

### PROPOSAL FOR 92 ADELAIDE ST.

## LOCATION BACKGROUND

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# QUESTION

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## **PARKING**

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# PARKING, Contd.

Let's look at the snowfall problem; the snowplow came along Dominion Rd., from the west and left a bank of snow across the entrance to Adelaide St. The homeowners on Adelaide St., created one lane out of the intersection with their vehicles. If you were trying to enter Adelaide from Dominion, you had to back up across Dominion and take a run at the one lane due to the incline of the entrance. It was late afternoon when the Township plough came. A annoying thing about ploughing is that homeowners clean their driveways down to the road. Then the plow comes along and pushes the snow bank back by about a foot and dumps it on the clean driveways by a depth of about 8 feet and the width of the driveway. This procedure is repeated about 15 minutes later.

Let us now look at what is going to happen if this approval is given. Cars, for the 5 condominiums;

The driveways are approximately 26 feet in length; a car is about 15 feet in length, If we assume that the homeowner uses the garage for storage, this would mean the homeowner could only have one car. Where would his visitors park? Note:

I have a friend who lives on the street and is expecting 8 cars over Christmas Eve and he is presently looking for extra parking space. If we look at present, homeowners with 80' lots, they have a 2 car garage and can park at least 4 cars in the driveway.

### TREES

In the last few years diseased trees have been cut down in the vicinity of Dominion Rd., & Adelaide St. I believe that about 6 large mature trees were cut down on this property. This left 1 large mature and 2 wild fruit trees on this property. Note:

I live next door at #80 with an 80' lot. On this property are 4 mature trees & 9 saplings growing.

I see no indication of trees being planted by the Developer on #92 Adelaide St.

Based on the above facts it is recommended that the Town not deviate from a frontage close to the 80' lots presently on Adelaide St.

Copy; Wayne Redekop
Nick Dubanow
Samantha Young

### 92 Adelaide St Proposed By-Law Amendment

Hannah Polinski to syeung

01/04/2023 01:51 PM

From "Hannah Polinski" <XXXXXXX>

To syeung@forterie.ca

Hi Samantha,

Please find below my comments regarding the proposed zoning by-law amendment of 92 Adelaide Street:

Fort Erie is not a town for sale. A townhouse at the 92 Adelaide property would not suit the street, given there is no room for parking. This area has already suffered from building an abundance of townhouses that has destroyed the local ecosystem and environment, particularly along the waterfront near the old dance hall. These developments would not benefit local Fort Erie residents, who are in need of affordable housing, and would instead benefit out of towners looking to buy cheaper property from Toronto or Buffalo. The Town of Fort Erie has a responsibility to provide housing that its own citizens can access, not these new developments that are going up at a rapid pace in this end of town. The proposed bylaw change is proposed for the builders and investors to make money, not for the citizens of Fort Erie that need it.

Thanks, Hannah



# **Planning and Development Services**

Prepared for	Council-in-Committee	Report No.	PDS-02-2023
Agenda Date	January 16 <sup>th</sup> , 2023	File Nos.	350302-0162,
	•		350309-0545

### Subject

PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT 214 WINDMILL POINT ROAD SOUTH SOUTH COAST CONSULTING. - STEVEN RIVERS (APPLICANT/AGENT) JOSEPH & IRENE MOORE (OWNERS)

### Recommendation

**THAT** Council receives for information purposes Report No. PDS-02-2023

regarding a proposed Combined Official Plan and Zoning By-law Amendment

for 214 Windmill Point Road South.

# Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

### List of Stakeholders

South Coast Consulting - Steven Rivers (Applicant/Agent) Joseph & Irene Moore (Owners) Residents and Property Owners in the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed
Mackenzie Ceci Intermediate Development Planner	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer
Reviewed by:		
Original Signed		
Anamika Dilwaria, MCIP, RPP Manager, Development Approvals		

## **Purpose**

The purpose of this report is to provide information to Council with respect to the proposed Combined Official Plan and Zoning By-law Amendment for the property known as 214 Windmill Point Road South.

The application was submitted by Steven Rivers of South Coast Consulting on behalf of Joseph and Irene Moore, Owners of the subject property. A Location Plan showing the subject property is attached as **Appendix "1"**.

The application proposes to sever 214 Windmill Point Road South to facilitate the creation of three new residential lots, shown as Parts 2, 3 and 4 on the sketch contained in **Appendix "2"**. The existing single detached dwelling is proposed to be maintained on the retained lot, denoted as Part 1 on the sketch. In order to facilitate the proposed future severance, the Applicant is requesting amendments to the Town's Official Plan and Zoning By-law, as the proposed lots do not comply with the minimum lot frontage requirement of 46.00 m under Section 4.6.3. II. b) of the Official Plan, and Subsection 8.4 of the Zoning By-law. Further, the lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a) of the Official Plan.

Staff note that the subject property was subject to a previous Minor Variance application (File No. A33/22). The decision of the Committee of Adjustment was appealed to the Ontario Land Tribunal. A hearing was held on December 14<sup>th</sup>, 2022. The case remains with the Ontario Land Tribunal. The Combined Official Plan and Zoning By-law Amendment application only relates to matters associated with the proposed lot creation, and does not relate to the previous minor variance requests.

### **Nature of the Site**

The subject property is located outside of the urban area boundary on the east side of Windmill Point Road South and south of Thunder Bay Road. The property, which contains one single detached dwelling and a corresponding septic system, is approximately 11.51 ac (4.66 ha) in size, with approximately 130 m of frontage on Windmill Point Road South. The following summarizes the land uses surrounding the subject property:

**North:** Single-detached dwellings, Significant Woodlot and associated Vegetation

**Protection Zone** 

South: Windmill Point Lane West, single detached dwellings, and Lake Erie

East: Single detached dwellings and Lake Erie; and

West: Windmill Point Road South, single detached dwellings, and Provincially

Significant Wetlands

## **Planning Context**

### 2020 Provincial Policy Statement

The subject property is located within the *Rural Area* under the 2020 Provincial Policy Statement and is designated as *Rural Lands*, which are reserved for the management or use of resources, resource-based recreational uses, agricultural uses, home occupations and home industries, cemeteries, and other rural land uses. *Rural Lands* are also reserved for residential development, including lot creation, that is locally appropriate, compatible, and can be privately serviced.

### 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is located within the Greater Golden Horseshoe Growth Plan Area, is contained within the *Rural Area*, and is designated as *Rural Lands*. Reserved uses generally correspond with those identified in the Provincial Policy Statement, including new multiple lots and residential development in appropriate, site-specific locations.

## 2022 Niagara Official Plan (NOP)

The Niagara Official Plan (NOP) designates the subject property as *Rural Lands*. The predominant use of these lands is for agricultural uses. However, non-agricultural related development, including lot creation, may be permitted, subject to the following criteria:

 a maximum of three new lots (in addition to the retained lot) may be permitted on each lot in existence as of June 16, 2006;

- the minimum size of the proposed and retained lots shall each be 1
  hectare unless it is determined through a hydrogeological study, that
  considers potential cumulative impacts, that a smaller size lot will
  adequately accommodate private water and sewage treatment facilities for
  long-term operation but not be less than 0.4 hectares;
- the development will be at a scale and density suitable to the physical characteristics of the site;
- soil and drainage conditions;
- installation and long-term operation of an adequate means of waste disposal;
- the proposed development will be consistent with the natural heritage policies of this Plan; and
- proposed developments must be appropriately separated from conflicting land uses.

### **Town of Fort Erie Official Plan**

The majority of the subject property is designated Rural in the Town's Official Plan. Reserved uses of the Rural land use designation include agriculture of all types, agriculturally-related uses, linear facilities of public utility agencies, parks, conservation clubs, veterinary establishments and kennels, the conservation of wildlife and forest, and non-agricultural development, including residential development. Lot creation is permitted subject to the following policies under Section 4.6.3 II. of the Town's Official Plan:

- a. Infilling lot shall mean the establishment of one new dwelling on a new lot which fronts on a public road and which is situated on the same side of the road and between either an existing dwelling and another existing dwelling or a natural heritage feature or an improved road allowance where the distance between such structures or features is 90 metres or less;
- b. The minimum lot size should be 0.4 hectares with a minimum frontage of 46 metres;
- c. It does not adversely affect the integrity or efficient management of natural heritage resources; and
- d. Any new lot is of sufficient size and has suitable soil site conditions for the installation and long term operation of a sustainable private waste disposal system and sustainable private potable water supply as determined by the Town or relevant approval agency.

The Applicant is requesting an amendment to the Official Plan as the proposed and retained lots shown in **Appendix "2"** do not comply with the lot frontage requirement of 46.00 m under Section 4.6.3. II. b. of the Official Plan. Further, the lots do not comply with the definition of an infilling lot under Section 4.6.3. II. a.

The portion of the property adjacent to the Lake Erie shoreline is designated Environmental Protection in the Town's Official Plan. These lands are also designated as a Natural Hazard in accordance with Schedule C1 of the Official Plan. These designations correspond with the floodplain that is associated with the Lake Erie shoreline. The proposed lot creation is located outside these land use designations.

In accordance with Schedule C of the Town's Official Plan, the eastern portion of the property is located within an Environmental Corridor that is associated with the Lake Erie Shoreline. Further, majority of the north property line is impacted by woodlands over 2 ha. The proposed lot lines are located outside of these features.

The subject property is located within a zone or archeological potential in accordance with Schedule D of the Town's Official Plan. Regional Staff did not identify archeological study requirements at the Official Plan and Zoning By-law Amendment stage.

Schedule B of the Official Plan illustrates that the subject property is not located within a petroleum resource area. Further, there are no active wells within 75 metres of the subject property.

Section 13.7 III of the Town's Official Plan details criteria for consideration when an amendment to the Official Plan is proposed. An analysis of the proposal with respect to these criteria will be included in the future Recommendation Report to Council.

### Comprehensive Zoning By-law No. 129-1990

The majority of the subject property is zoned Rural (RU) Zone in accordance with Subsection 8.4 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. Permitted uses of the RU Zone include agricultural and agriculturally related uses, parks, conservation clubs, kennels, pet day care establishments, the conservations of plants and wildlife, one single detached dwelling, one accessory apartment dwelling, home occupations, and uses, buildings and structures accessory thereto.

The minimum lot frontage requirement for rural lots with single detached dwellings as the principle use is 46.00 m. Further, the minimum lot area requirements are 1.0 ha, or 0.4 ha if a Hydrogeological Study/Assessment is undertaken and demonstrates that a private septic system can be achieved on a lot with an area less than 1.0 ha.

The Applicant is proposing to create three new lots for residential development, shown as Parts 2, 3, and 4 on the sketch contained in **Appendix "2"**. The retained lot (Part 1) is denoted as Part 1 on the sketch. The lot frontages of the proposed and retained lots

do not comply with the 46.00 m requirement under Subsection 8.4 of the Zoning By-law. The Applicant is seeking site-specific zoning relief to address the lot frontage deficiencies. The lot frontages and areas of the proposed and retained lots are presented in **Table 1** below alongside the requirements under Section 8.4 of the Zoning By-law. The requested site-specific provisions are highlighted in red.

Table 1. Lot frontages and areas of proposed and retained lots alongside as-of-right zoning requirements.

Part No.	Minimum Lot Frontage (Required)	Minimum Lot Frontage (Proposed)	Minimum Lot Area (Required)	Minimum Lot Area (Proposed)
1	46.00 m	29.43 m	(i) 1.0 ha  (ii) 0.4 ha, if a hydrogeological study undertaken by an applicant demonstrates that a private septic system can be achieved on lot with less than 1.0 ha of lot area with no negative impacts on surface and/or ground water features subject to review and approval by the relevant approval authority.	3.43 ha
2		33.53 m		0.41 ha
3		33.53 m		0.41 ha
4		33.53 m		0.41 ha

A <u>Hydrogeological Assessment</u>, prepared by Terra Dynamic Consulting Ltd., and dated March 8, 2022 was submitted with the application and reviewed by Regional Staff. Regional Staff concurred with the recommendations of this study, which support the proposed lot creation provided that:

- Each new lot has the septic bed is placed in the northeastern corner of the parcel, while maintaining the minimum 3 m Ontario Building Code setback from the property boundary;
- Each new lot be required to have sewage effluent nitrogen removal systems of at least 75% nitrogen removal; and
- Each new lot has the provision of municipal water supply.

The portion of the subject property adjacent to the Lake Erie shoreline is zoned Hazard (H) Zone in accordance with Subsection 34 of the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. This zoning corresponds with the floodplain that is associated with the Lake Erie shoreline. The proposed lot creation is located outside of the H Zone and lands regulated by the Niagara Peninsula Conservation Authority.

# Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application are the responsibility of the Owners.

No impediments to the AODA legislation are expected to be developed through the amendments proposed.

## Studies

A <u>Hydrogeological Assessment</u> was submitted with the application. The findings of this study are discussed in detail throughout this report.

## **Policies Affecting Proposal**

A Public Information Open House for these applications was held on September 20<sup>th</sup>, 2022. All property owners within 120 metres of the subject property were notified of the Open House via mailed notice.

Notice of the January 16<sup>th</sup>, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the December 22<sup>nd</sup>, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject property were mailed a "Notice of Complete Application and Public Meeting" on December 19<sup>th</sup>, 2022.

Land use policies that apply to the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

# Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on August 23<sup>rd</sup>, 2022. Comments received to date are summarized below. Detailed comments are attached as **Appendix** "3".

# **Agency Comments**

### Niagara Region

Regional Staff note that the property is impacted by a Significant Woodland that is part of the Region's Core Natural Heritage System, and is mapped as part of the Growth Plan's Provincial Heritage System. The submission of a Natural Heritage Evaluation was not requested by Regional Staff, provided that all development, proposed lot lines, and/or site alternation adheres to the Vegetation Protection Zone requirements of the Growth Plan, which requires that a 30 m Zone as measured from the outside of the Woodland be established as natural self-sustaining vegetation.

Regional Staff do no object to the proposed amendments to the Official Plan and Zoning By-law, provided that the features and their associated 30 m Vegetation Protection Zone are placed into an appropriately restrictive environmental zone / designation. Consistent with the comments provided by Regional Staff through the previous Minor

Variance application process (File No. A33/22), Regional Staff continue to request that the existing driveway be moved outside of the feature and its Vegetation Protection Zone, and continue to recommend that a Landscape Plan be prepared as a condition of the future consents to demonstrate ow the entirety of the Vegetation Protection Zone will be planted with native, natural self-sustaining vegetation.

Town Staff note that the relocation of the driveway, if imposed, will have an impact on the proposed lot configurations, likely requiring the frontage of Part 1, the retained lot, to be increased to allow for the driveway to be relocated on a portion of the lot that is outside/south of the 30 m Vegetation Protection Zone. Increasing the frontage of Part 1 would in turn reduce the size of the three new lots (Parts 2, 3, and 4) further, or reasonably yield a proposal wherein only two new lots are created.

### Canada Post

No comments regarding this application. Future lots would receive mail delivery via the existing community mailbox located across from 2547 Thunder Bay Road.

Enbridge, Niagara Peninsula Conservation Authority & Mississaugas of the Credit First Nation

No concerns or objections

#### **Staff Comments**

**Engineering Services & Building Department** 

No comments or objections

### Neighbourhood / Community Planning

- Street tree fee contribution as a condition of consent
- Written permission is required from the Town, in order to remove any vegetation within the Town Road allowance
- Parkland dedication required as a condition of consent
  - o In accordance with Part 5 of the Town's Parkland Dedication By-law (By-law No. 69-08), Waterfront lands designated as Environmental Protection Areas in the Official Plan shall be gratuitously conveyed to the Town through the development review process and shall not be accepted by the Town as parkland dedication, nor included in the calculation thereof

#### **Public Comments**

A Public Information Open House for this application was held on September 20<sup>th</sup>,2022. All property owners within 120 metres of the subject property were notified of the Open House via mailed notice. The Open House was attended by Town Staff, the Applicant, and fifteen area residents. Written comments were received from two additional area residents in advance of the Open House, which are attached as **Appendix "4"** for review. Public comments received are summarized below, alongside preliminary responses/comments from Town Planning Staff.

### **Driveway Relocation**

Concerns were raised by several area residents regarding the driveway that was relocated to the northern limit of Part 1. Area residents feel that the Vegetation Protection Zone should be reinstated.

### Staff's Response

Regional Staff have requested for the driveway to be moved outside of the natural heritage feature and its associated Vegetation Protection Zone, and continue to recommend that a Landscape Plan be prepared as a condition of the future consents to demonstrate ow the entirety of the Vegetation Protection Zone will be planted with native, natural self-sustaining vegetation.

### **Property Lines**

A few area residents are disputing the location of the subject property's property lines adjacent to the Lake Erie shoreline.

### Staff's Response

The determination of property lines is a civil and legal matter. It is Staff's understanding that the parties involved in the dispute have consulted and engaged their Lawyers.

### Fowler's Toad

Area residents raised concerns with respect to the Fowler's Toad, noting that the proposed development would limited the movement of the toad to and from the shoreline of Lake Erie, and that the Owners are altering the beach and the Toads' habitat.

### Staff's Response

The proposed lot creation and resulting residential development are located outside of the Environmental Corridor, as identified on Schedule C of the Town's Official Plan. Residents are encouraged to contact the Ministry of the Environment, Conservation and Parks to obtain more information, or to report sightings or suspected illegal activity.

## Ownership of Subject Property

Concerns were raised by several area residents regarding the ownership of the property.

### Staff's Response

Staff have received a copy of the Parcel Register for the subject property and can confirm that Joseph and Irene Moore are the registered Owners of the subject property.

# <u>Proposed Lot Frontages, Proposed Number of Lots & Size of Proposed Single Detached Dwellings</u>

Concerns were raised by a few area residents regarding the number of proposed lots, noting that two lots that comply with the lot frontage requirement of 46.00 m could be created rather three. Concerns were also raised regarding the proposed lot frontages, and the size of future single detached dwelling that can be built.

## Staff Response

Property owners have the right to submit development applications under the *Planning Act*. The decision to approve or deny an application is subject to Town Council, and each application is assessed individually based on its merit with respect to Provincial, Regional, and Town policies. Staff will consider these comments when formulating their future recommendation to Council.

With respect to the size of the future dwellings that can be built should this proposal receive the necessary approvals, future dwellings would be subject to the standard setback, height, and lot coverage provisions under Subsection 8.4 of the Town's Zoning By-law.

### <u>Drainage</u>

Owners of a property located south of the subject property on the opposite side of Windmill Point Lane East raised a concern regarding drainage, noting that the storm culvert at the end of Windmill Point Road South backs up during and after heavy rainfalls, and that the proposed development would exacerbate this issue and result in flooding on Windmill Point Lane East, Windmill Point Road South, and/or their private property.

### Staff's Response

Following a review of records, Staff observed one report/complaint from the property owners, dated November 29, 2019, wherein storm debris blocked the outlet of a concrete storm drain. The Town commissioned Lawns & More Inc. to clean out the drain

outlets and rectified the issue. Rural cross sections are generally more susceptible to these types of blockages in comparison to urban cross sections.

Staff note that the submission of a Lot Grading Plan will be required as a condition of the future severances. The Plan will not be approved if neighbouring properties / lands will be negatively impacted by the proposed grading.

**Alternatives** 

N/A

### **Communicating Results**

There are no communication requirements at this time.

### Conclusion

This report is submitted to Council for information purposes. Should Council approve the Staff recommendation contained herein, Staff will prepare a Recommendation Report to Council for the proposed Combined Official Plan and Zoning By-law Amendment, which will be scheduled for a future Council meeting.

### **Attachments**

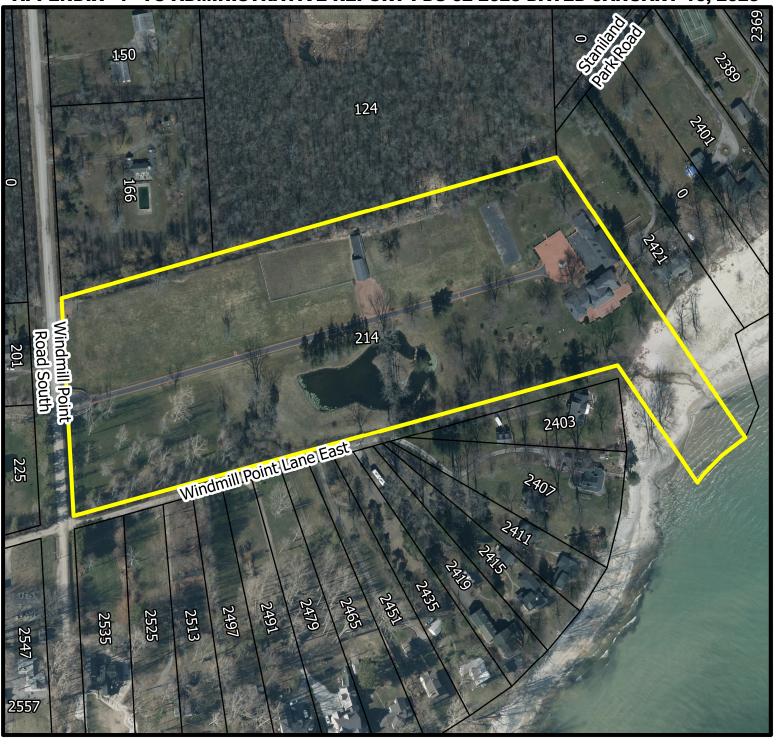
Appendix "1" - Location Plan

Appendix "2" - Consent Sketch

Appendix "3" - Agency and Staff Comments

Appendix "4" - Written Comments from Area Residents

# APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023



0 50 100 Metres

# **LOCATION PLAN**

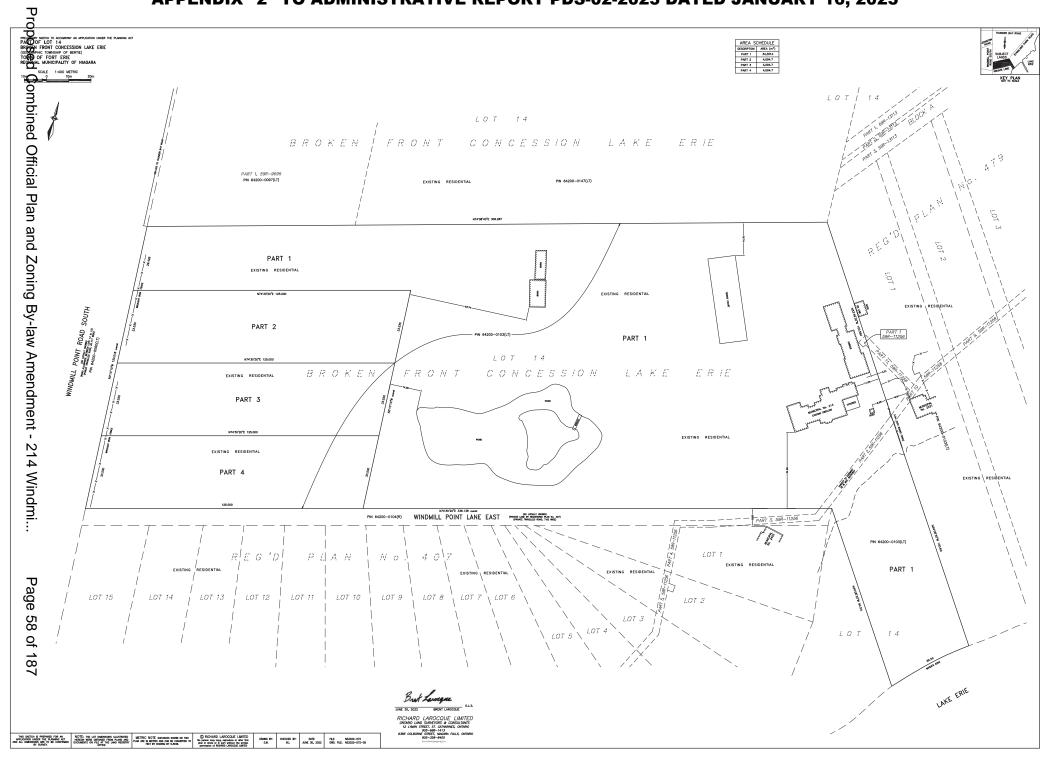
Combined Official Plan and Zoning By-law Amendment 214 Windmill Point Road South

Subject Lands - 214 Windmill Point Road South

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# APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023



# RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Abby LaForme to Mackenzie Ceci 08/23/2022 01:54 PM

Cc "Mark LaForme"

From "Abby LaForme" <Abby.LaForme@mncfn.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>
Cc "Mark LaForme" <Mark.LaForme@mncfn.ca>

### Good Afternoon,

MCFN DOCA has no questions or concerns at this time. Please see the attached letter for more information.

Thank you

Abby LaForme, Acting Consultation Coordinator



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0

Ph: (905) 768 - 4260

Email: Abby.LaForme@mncfn.ca

# RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

CARRIGAN, Andrew to Mackenzie Ceci 08/26/2022 01:18 PM

From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>

To "Mackenzie Ceci" <MCeci@forterie.ca>

### Good Afternoon,

CPC has no comments regarding this application. Future lots would receive mail delivery via the existing community mailbox located across from 2547 Thunder Bay Rd.

### Thank you

**Andrew Carrigan** | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

Please consider the environment before printing this email.

# RE: [External] Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Municipal Planning to Mackenzie Ceci

09/06/2022 08:47 AM

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

To "Mackenzie Ceci" <MCeci@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,

### Jasleen Kaur

Municipal Planning Coordinator **Engineering** 

#### **ENBRIDGE**

TEL: 437-929-8083 500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

# RE: Town of Fort Erie Request for Comments - Combined Official Plan and Zoning By-law Amendment Application (214 Windmill Point Road South)

Sarah Mastroianni to Mackenzie Ceci 09/27/2022 07:06 PM

From "Sarah Mastroianni" <smastroianni@npca.ca>
To "Mackenzie Ceci" <MCeci@forterie.ca>

Hi Mackenzie,

There are no NPCA concerns with the approval of these applications. There are no NPCA regulated features impacted as a result of the approval of the applications.

Thank you.

Sarah Mastroianni Manager, Planning and Permits Niagara Peninsula Conservation Authority (NPCA) 250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2 Tel: 905-788-3135 | extension 249

smastroianni@npca.ca www.npca.ca

## APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023



# **Planning and Development Services**

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

### Via Email

November 2, 2022

Region Files: D.10.01.OPA-22-0031

D.18.01.ZA-22-0066

Mackenzie Ceci Intermediate Development Planner Planning and Development Services Town of Fort Erie 1 Municipal Centre Drive Fort Erie, ON, L2A 2S6

Dear Ms. Ceci

Re: Regional and Provincial Comments

Combined Local Official Plan & Zoning By-law Amendment Applications

**Owner: Joseph Moore** 

Agent: South Coast Consulting (c/o Steven Rivers)

214 Windmill Point Road South

**Town of Fort Erie** 

Regional Planning and Development Services staff has reviewed the proposed combined Local Official Plan and Zoning By-law Amendment Applications as it relates to the above noted address. The Region received its circulation from the Town on August 23, 2022. The property is approximately 4.7 ha (11.61 acres) in size.

The property is currently designated "Rural" in part and "Environmental Protection" in part within the Town's Official Plan, and is zoned "Rural (RU) Zone" in part and "Hazard (H) Zone)" in part within the Town's Zoning By-law. Amendments to the Town's Official Plan and Zoning By-law are required to facilitate the creation of three lots (Parts 2, 3 and 4 on the Consent Sketch) for future residential development.

A Local Official Plan Amendment is required for the proposed lot creation, as the proposal does not meet the Town's definition of 'infill lots'. Specifically, the Applicant is proposing the creation of three new lots, whereas only one new lot is permitted. Additionally, the Amendment is needed to address deficiencies with respect to lot frontage and distance separation to other structures / features. A Zoning By-law Amendment is required to establish special provisions that would provide relief to the deficiencies with minimum lot area and minimum to frontage for all parcels involved.

D.10.01.OPA-22-0031 D.18.01.ZA-22-0066 November 2, 2022

A virtual pre-consultation meeting for this proposal was held on April 22, 2021. Regional staff observe that the proposed Application has been revised since its initial concept, as the number of proposed new lots has been reduced from four to down to three. The following comments are provided from a Provincial and Regional perspective to assist the Town with its review of the Amendment Applications.

# **Regional and Provincial Policies**

The property is located outside of the Urban Area of the Town of Fort Erie and is designated "Rural Area / Lands" within the *Provincial Policy Statement, 2020* ("PPS"), the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and the *Regional Official Plan* ("ROP").

In the Rural Area / Lands, the predominant use of lands is intended for agriculture, but some non-farm development is permitted. Staff notes that the subject Local Official Plan and Zoning By-law Amendment Applications do not propose to change the land use designations of the PPS, Growth Plan, or ROP. The Amendments set out to establish a site-specific special provisions that reflects the existing delineated Provincial and Regional land use designations and to address deficiencies to minimum lot area and minimum lot frontage as a result of the future Consent (Severance) Applications.

Section 5.C of the ROP sets out the circumstances and permissions related to rural development and lot creation in the Rural Area. ROP policies in Section 5.C.6 state that development in the Rural Area is limited to 3 lots or less and specifies that impacts to existing agricultural uses and the rural character of the area must be carefully considered before non-farm residential development in the Rural Area can be approved.

Policy 5.C.6.4(i) of the ROP states that new rural development consisting of 3 lots shall be a minimum of 1 ha in size, unless it is demonstrated that a smaller sized lot will adequately accommodate private water and sewage treatment facilities for long-term operation. All three proposed lots appear to be less than 1 ha in size. Regional staff has reviewed the "Hydrogeological Assessment" prepared by Terra-Dynamic Consulting Ltd. (dated March 8, 2022) and find it to be acceptable. Staff concurs with the Study's recommendations, which supports the proposed lot creation provided that:

- Each new lot has the septic bed is placed in the northeastern corner of the parcel, while maintaining the minimum 3 m Ontario Building Code set-back from the property boundary.
- Each new lot be required to have sewage effluent nitrogen removal systems of at least 75% nitrogen removal. And
- Each new lot has the provision of municipal water supply.

Regional staff has also reviewed the "Preliminary Planning Policy Justification Report and Impact Analysis" prepared by South Coast Consulting (dated July 13, 2022). Although Regional staff does not object to the proposed Amendments, it is

D.10.01.OPA-22-0031 D.18.01.ZA-22-0066 November 2, 2022

recommended that the Report be revised and re-submitted at the time of the future Consent Application(s) to include a more detailed policy analysis of applicable ROP policies. Specifically, the "Regional Official Plan" analysis section (page 10 of the Report) should contain a similar policy analysis to that of the subsequent sections which address the Town of Fort Erie's Official Plan policies and Provincial Plans policies.

Staff also observe that a Schedule, one for each the Local Official Plan Amendment and Zoning By-law Amendment, was not included with the subject Applications. These Schedules are requested for staff's review, for which its need is further described within the Region's "Core Natural Heritage" comments below.

# **Core Natural Heritage**

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland. The property is also mapped as part of the Growth Plan's Provincial Natural Heritage System ("NHS"). As such, this feature is considered a Key Natural Heritage Feature ("KNHF") and the natural heritage policies identified in the Growth Plan apply accordingly.

Growth Plan policies require that a minimum 30 m Vegetation Protection Zone ("VPZ") as measured from the outside boundary of a KNHF be established as natural self-sustaining vegetation. Development and/or site alteration is not permitted within a KNHF or its VPZ. Due to the scope, nature and location of the subject property, staff were satisfied that the requirement to complete a Natural Heritage Evaluation ("NHE") could be waived provided all development and/or site alteration adheres to Growth Plan VPZ requirements.

Therefore, as it relates to the proposed Amendment Applications, staff does not object provided that the features and their associated 30 m VPZ are placed into an appropriately restrictive environmental zone / designation. Consistent with comments provided through the previous Minor Variance Application process (Town File: A33/22; Region File: MV-22-0045), staff continues to request that the driveway be moved outside of the feature and it's VPZ.

Staff will review the future Consent Applications to ensure they meet the intent of both Provincial and Regional CNHS policies. Growth Plan policies state that development and/or site alteration is not permitted within a KNHF / Key Hydrologic Feature or associated 30 m VPZ. As such, any newly proposed lot lines shall be located outside of these setbacks. Staff will continue to recommend that a Landscape Plan be prepared as a condition of consent to demonstrate how the entirety of the 30 m VPZ will be planted with native, natural self-sustaining vegetation.

D.10.01.OPA-22-0031 D.18.01.ZA-22-0066 November 2, 2022

### **Waste Collection**

The Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed residential lots are 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 curbside limits are not exceeded:

- Recycling blue / grey boxes no limit (weekly collection).
- Organics green bins no limit (weekly collection).
- Garbage cans or bags 2 maximum (bi-weekly collection).
- Collection will be at the curbside only.

If the above mentioned waste collection limits cannot be met, then waste collection will be the responsibility of the Owner through a private contractor and not Niagara Region.

## Conclusion

Regional Planning and Development Services staff does not object to the proposed Local Official Plan and Zoning By-law Amendment Applications, in principle, subject to the comments of this letter. It is requested that a Schedule for each the Local Official Plan Amendment and Zoning By-law Amendment be provided to show the "Environmental" designation and zone for the subject lands. Town staff should also be satisfied that the proposed Amendments are aligned with all applicable local requirements and provisions.

Given the site-specific nature of the Local Official Plan Amendment, the Amendment is exempt from Regional Council approval in accordance with ROP Policies 14.E.7 and 14. E.8, the Memorandum of Understanding, and Regional By-law No. 2019-73.

If you have any questions related to the above comments, please contact the undersigned at <a href="mailto:Alexander.Morrison@niagararegion.ca">Alexander.Morrison@niagararegion.ca</a>.

Respectfully,

Mori

Alexander Morrison, MCIP, RPP Senior Development Planner

cc. Pat Busnello, Manager, Development Planning, Niagara Region
Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region
Chris Pirkas, Development Approvals Technician, Niagara Region
Cara Lampman, Manager, Environmental Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region

## APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023

# Re: Invitation: Comments Due - 214 Windmill Point Road South Combined Official Plan and Zoning By-law Amendment Application (Sep 22 12:00 PM EDT)

Chris Millar to Mackenzie Ceci 09/22/2022 08:28 AM

From Chris Millar/FortErie

To Mackenzie Ceci/FortErie@TownOfFortErie

#### Mackenzie,

Following review of the previous Pre-consultation Agreement, and in review of the plan submitted herein, I have no further comment to those supplied by Pieter previously.

Sincerely Chris Millar, MCIP, RPP, CNU-A Senior Community Planner Town of Fort Erie 1 Municipal Centre Drive Fort Erie, Ontario Canada L2A 2S6

TEL: 1-905-871-1600 ext.2504

FAX: 1-905-871-6411



# **Interoffice Memorandum**

August 30, 2022 File No. 350302-0162 and 350309-0545

To: Mackenzie Ceci, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: Application for Combined Official Plan and Zoning By-law Amendment -

214 Windmill Point Road South

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Official Plan and Zoning By-law Amendment for **214 Windmill Point Road South** and have no comments or objections.

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

# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023

### 214 Windmill Point Road - OPA and ZBA

Keegan Gennings to Mackenzie Ceci

09/22/2022 12:03 PM

From Keegan Gennings/FortErie

To Mackenzie Ceci/FortErie@TownOfFortErie

### Hi Mackenzie,

I have no comments concerning the proposed official plan amendment and zoning by-law amendment. It was noted that the planning justification report that it states they are proposing to construct an accessory/ barn building, if the barn will be used to house animals MDS calculations will need to be performed.

### Regards,

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

### APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023

### FW: zoning bylaw amendment, 214 Windmill Point Road South

Bary Couse to mceci@forterie.ca

09/17/2022 05:07 PM

From "Bary Couse" <XXXXXXXXXX

To "mceci@forterie.ca" <mceci@forterie.ca>
History: This message has been replied to.

Dear Mackenzie Ceci.

We strongly oppose this application of severance by Joseph Moore for the following reasons.

The proposed severance and development would interfere with the breeding patterns of the fowler's toad. The Fowler's toad is Endangered, which "means the species is facing imminent extinction or extirpation." The creation of physical barriers would limit the movement of the Fowler's toad to and from the shoreline of Lake Erie which is critical in the life cycle of the Fowler's toad. The Fowler's toad is only found in small pockets along the north shore of Lake Erie in all of Canada and is restricted to only three localities. Rondeau, Long Point and Niagara.

This application does not fulfil the towns requirement for individual lot frontage for servance (4.6.3 II b) minimum 46 m frontage.

This application does not comply with the Town of Fort Erie official plan for a new septic system (12.4 IV) minimum 46m frontage.

### APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023

The storm culvert at the south end of Windmill Point Road South backs up during and after heavy rainfalls. The proposed development for these lots would increase this problem by creating less land area to allow for soil absorption of rainwater. This increased flow could result in flooding on Windmill Point Lane and/or Windmill Point Road South. This could effect our private property!

Finally as a matter of clarity. It should be pointed out that the map showing property demarcation by the

Town of Fort Erie vs the map provided by Joe Moore are different in regards to the water front portions. See attachments.

Thank you Mackenzie.

Bary and Dianne Couse

### APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-02-2023 DATED JANUARY 16, 2023

## **Zoning By law amendment 214 Windmill**

Paula Barnhart to mceci 09/12/2022 10:50 AM

From "Paula Barnhart" <XXXXXXX>

To mceci@forterie.ca

History: This message has been replied to.

I am opposed to the requested change for the amendment to the Official Plan

- 1. Why would we have an official plan if you change it when the proposal clearly does not meet frontage requirements?
- 2. The official plan was put in place to protect not only the vision for our beautiful town but to protect the homeowners and their properties and the vision for our town itself.
- 3. Why would the town approve a change when there is clearly a violation of infilling and would not protect the natural heritage feature?
- 4. I fail to see how this proposal would benefit the Town of Fort Erie or its residents in any way. The proposal would have an impact on the environmental concerns that would disturb not only the fowler toad but the many birds that use this property for protection.

There is no reason to approve this request. We have a plan and the town should stick to it. If this is approve it will start a whole new influx of building requests for our beautiful rural area. Please present my concerns to the Council and I look forward to a response that protects the Official Plan.

Paula Barnhart



# **Planning and Development Services**

Prepared for Council-in-Committee Report No. PDS-78-1-2022

**Agenda Date** January 16<sup>th</sup>, 2023 **File Nos.** 350302-131, 350309-540

& 350308-123

# Subject

SUPPLEMENTAL RECOMMENDATION REPORT

PROPOSED DRAFT PLAN OF SUBDIVISION AND COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

SPRING CREEK ESTATES - 0-17482 AND 0-17484 BLACK CREEK ROAD 5009823 ONTARIO INC. - MITCH WILLIAM AND MIKE COLOSIMO (OWNERS) UPPER CANADA CONSULTANTS - MATT KERNAHAN (AGENT)

#### Recommendation

**THAT** Council approves the amendments to the Town's Official Plan and Zoning By-

law No. 129-90 as detailed in Report No. PDS-78-1-2022 for the lands known

as 0-17482 and 0-17484 Black Creek Road, and further

**THAT** Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black

Creek Road, revised on December 16, 2022, showing 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 12 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling, 1 block for a stormwater management pond, 5 blocks for 0.3 m reserves, and 1 block for a 20 m reserve, as detailed in **Appendix "2"** of Report No. PDS-78-1-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "6"** of Report No.

PDS-78-1-2022, and further

**THAT** Council directs staff to circulate the Conditions of Draft Plan Approval in

**Appendix "6"** of Report No. PDS-78-1-2022 to the applicable agencies in

accordance with the requirements of the Planning Act, and further

**THAT** Council directs Staff to submit the necessary by-laws.

#### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

#### List of Stakeholders

5009823 Ontario Inc.- Mitch William and Mike Colosimo (Owners) Upper Canada Consultants – Matt Kernahan (Agent) Residents and Property Owners in the Town of Fort Erie

Prepared by: Submitted by: Approved by:

Original Signed Original Signed Original Signed

Mackenzie Ceci Alex Herlovitch, MCIP, RPP Chris McQueen, MBA Intermediate Development Planner Director, Planning and Chief Administrative

Development Services Officer

Reviewed by:

# **Original Signed**

Anamika Dilwaria, MCIP, RPP Manager, Development Approvals

#### **Purpose**

Matt Kernahan of Upper Canada Consultants, Agent and Applicant for 5009823 Ontario Inc. c/o Mitch Williams and Mike Colosimo, Owners of the subject properties known as 0-17482 and 0-17484 Black Creek Road, have submitted applications for a Draft Plan of Subdivision and a Combined Official Plan and Zoning By-law Amendment.

Supplemental Recommendation Report No. PDS-78-1-2022 is a redlined version of Report No. PDS-78-2022, which was presented to Council on December 12<sup>th</sup>, 2022. PDS-78-1-2022 intends to provide supplemental information and updated recommendations to Council with respect to the proposed applications. Changes to the proposal and updated/supplemental information are captured in red lettering/ tracked changes throughout this Report.

A Location Plan of the lands that are subject to the proposed applications is attached as **Appendix "1"**.

The revised Draft Plan of Subdivision proposes to subdivide 8.68 hectares of land to create 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 1243 blocks for street townhouse dwellings, 1 block for block (condominium) townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a Stormwater Management Pond, and 5 blocks for 0.3 m reserves, and 1 block for a 20 m reserve to accommodate a possible future road connection. The proposed Draft Plan of Subdivision, which is attached as **Appendix "2"**, will provide a total of 219225 dwelling

units. The original Draft Plan of Subdivision that was presented to Council on December 12<sup>th</sup>, 2022 is included for review as **Appendix "3"**.

To facilitate the creation of the proposed subdivision, the Applicant has submitted a concurrent Combined Official Plan and Zoning By-law Amendment application. The northerly and southerly portions of the subject lands are currently designated Medium Density Residential, and the central portion is designated Low Density Residential in the Douglastown-Black Creek Secondary Plan. The Applicant is proposing to introduce a Site Specific Policy Area to the northernly portion of the site to allow for a maximum density of 75 units/ha, and add block and stacked townhouses as a permitted uses. The Applicant is also proposing to redesignate the Low Density Residential lands to Medium Density Residential, and introduce a second Site Specific Policy Area that allows for Low Density Residential uses (single detached, semi-detached, and duplex dwellings) to be constructed in conjunction with Medium Density Residential uses. A schedule showing the proposed land use designations for the subject lands is included as **Appendix "4"**.

The subject lands are currently zoned Residential Multiple 2 (RM2-549) Zone, Residential 2 (R2) Zone, and Residential Multiple (RM1-548) Zone, in accordance with the Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the northerly portion of the subject lands to a site-specific Residential Multiple 2 (RM2) Zone, and the remaining lands to a site-specific Residential Multiple 1 (RM1) Zone. A schedule showing the proposed zoning for the subject lands is included as **Appendix "5"**.

# **Background**

The statutory Public Meeting for this proposal was held on May 30<sup>th</sup>, 2022, and Report No. PDS-34-2022 was presented to Council for information purposes the same evening. Report No. PDS-34-2022 was postponed by Council until the August 22<sup>nd</sup>, 2022 Regular Council meeting in order for additional information to be provided through a Supplemental Report.

Report No. <u>PDS-34-2022</u> and Supplemental Report No. <u>PDS-34-1-2022</u> were received by Council on August 22<sup>nd</sup>, 2022.

Recommendation Report No. <u>PDS-78-2022</u> was presented to Council on December 12<sup>th</sup>, 2022. The Report was postponed to the January 23<sup>rd</sup>, 2023 Regular Council Meeting to allow for additional discussions to take place between Town Staff and the Applicant/Developers with respect to the following matters:

- The alternate third access to Baker Road through the subdivision or any other alternate route that might be suggesting itself through those discussions;
- The density of the development;
- · The interface of the homes on Black Creek Road; and

• The removal of the stacked townhouse request for Blocks 74 and 75

Following the December 12<sup>th</sup>, 2022 Regular Council Meeting, the Applicant and Developers met with Town Staff to address the concerns raised by Council. The revised Draft Plan of Subdivision that is contained in **Appendix "2"** was submitted to Town Staff on December 21<sup>st</sup>, 2022. The Supplemental Recommendation Report is being presented to Council in advance of January 23<sup>rd</sup>, 2023 as all of the concerns raised by Council have been addressed to the satisfaction of Staff.

#### Nature of the Site

The subject lands are located in the Douglastown-Black Creek neighbourhood of Fort Erie, east of Netherby Road and west of Black Creek Road. The lands are approximately 8.68 ha in size, with roughly 670 m of frontage on Black Creek Road. The subject lands are currently vacant.

The following summarizes the land uses surrounding the subject lands:

North: Faith Reformed Church, Black Creek Community Centre, and vacant

commercial lands

**South:** Queen Elizabeth Way (QEW)

**East:** Black Creek Road and single detached dwellings **West:** Netherby Road (Niagara Regional Road No. 25)

# **Planning Context**

# 2020 Provincial Policy Statement

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages a diverse mix of land uses that provide an appropriate supply and range of housing options, and opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate.

The proposal complies with the policies outlined in the PPS, namely as it will facilitate the development of underutilized urban lands, and will provide a range of housing options in the Douglastown-Black Creek neighbourhood, which is predominantly comprised of single-detached dwellings.

# 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area, and are contained within the Delineated Built-up Area. The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, and provide a range of housing types.

The proposal complies with the policies outlined in the Growth Plan as it will assist with diversifying housing options in the Douglastown-Black Creek neighbourhood.

# 2022 Regional Official Plan

The new Regional Official Plan (ROP) identifies the subject lands as being located within the Urban "Built-up" Area of the Town. Built-up areas are planned to accommodate a compact built form, mix of land uses, and public service facilities in order to support the creation of complete communities. A diverse range and mix of housing types, unit sizes, and densities is encouraged to accommodate current and future housing needs. Further, built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities are supported.

The proposal complies with the policies outlined in the ROP. The proposal represents a compact built form, and an efficient use of urban land, and existing services and infrastructure. Further, the proposal introduces a diverse range of housing options that will cater to a variety of households, age, and income groups. The proposal also aligns with Regional growth management policies, and assists the Town with achieving its intensification target.

# Official Plan and Douglastown-Black Creek Secondary Plan

The northerly (2.05 ha) and southerly (2.02 ha) portions of the subject lands are currently designated Medium Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan, as shown in orange on **Figure 1**.

Figure 1.

Existing land use

The Secondary Plan reserves Medium Density Residential

The Secondary Plan reserves Medium Density Residential lands for multiple-unit structures such as townhomes, triplex, quads and/or low-rise apartment dwellings, and their accessory uses, and provides for a density range of 17 to 50 units/ha. Approximately 200 new Medium Density units are envisioned in this Secondary Plan area, all of which shall be located on the west site of Black Creek Road.

**Northerly** 

Central

designations in

Section 4.20.7 (g) anticipates that the northerly portion of the subject lands will be developed to accommodate 100 dwelling units across two or three low-rise apartment buildings. The Plan outlines that this location is suitable for seniors' development, and may provide for a range of tenureship, care, and accommodation arrangements. These lands may also be used to accommodate a fully-assisted nursing home or home for the aged, providing for a residential density of up to 75 units/ha.

Section 4.20.5 k) states that stormwater management facilities shall be permitted within both the Low Density Residential and Medium Density Residential designations of the Plan.

The central portion of the subject lands is designated Low Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan, as shown in yellow on **Figure 1**. Low Density Residential lands are reserved for single detached, semi-detached, and duplex dwellings, and their accessory uses, providing for a density of up to 16 units/ha.

Section 4.20.6 c) and d) of the Plan state that low density residential development shall comply with the Ministry of Transportation's setback requirements, and should be expected to accommodate modestly smaller lot areas and dimensions in comparison to the majority of the existing low density residential lots in the neighbourhood. This will allow for the efficient use of infrastructure, and the diversification of housing options and costs.

The Applicant is proposing to introduce a Site Specific Policy Area to the northerly 1.47 ha of the subject lands, shown as Part 1 on **Figure 2**. The Policy Area would introduce stacked and block townhouses as a permitted uses, and provide for a density range of 17 to 75 units/ha.

The Applicant is also proposing to redesignate the Low Density Residential lands to Medium Density Residential, and introduce another Site Specific Policy Area for the remaining 7.21 ha of land, shown as Part 2 on **Figure 2**, allowing for Low Density Residential uses (single detached, semi-detached, and duplex dwellings) to be constructed in conjunction with Medium Density Residential uses. The standard Medium Density Residential range of 17 to 50 units/ha would be maintained for these lands. A Stormwater Management Pond is planned for the south part of the subject lands.

Section 13.7 III of the Town's Official Plan details criteria for consideration when an amendment to the Official Plan is proposed. Staff have addressed the relevant criteria in detail below:

a. The need for the proposed use;

The Douglastown-Black Creek Secondary Plan envisions the subject lands to be utilized for residential development that contributes to the diversification of the low and medium density housing stock, and provides a range of tenureship options and opportunities to age in place. Further, the Secondary Plan provides for approximately 200 new medium density residential units in the neighbourhood, all to be located on the west side of Black Creek Road.

The proposed amendments that provide for an increase in density allow for the reallocation of development and density on site as a portion of the southerly Medium Density Residential lands are required to accommodate a Stormwater Management Pond. Further, the addition of permitted uses through the Site Specific Policy Areas assists with introducing a diverse range of housing options to the neighbourhood that will not only cater to a variety of households, age, and income groups, but will also provide for a range of tenureship opportunities, as envisioned through the Secondary Plan.

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

The Douglastown-Black Creek neighbourhood is predominantly comprised of low density residential development. The approval of Black Creek Signature Subdivision in 2016 introduced 10 blocks for a total of 46 street townhouse dwelling units, which along with the subject lands, represents the only medium density residential lands in the neighbourhood. As a portion of the subject site's medium density residential lands will be utilized for a Stormwater Management Pond, the proposed land use designation and Site Specific Policy Areas, which can provide for an additional 14955 medium density residential units, will ensure that approximately 200 medium density residential units can be achieved in accordance with the Secondary Plan.

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

The subject lands are not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses.

- d. The location of the area under consideration with respect to:
  - I. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
  - II. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and

III. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.

The subject lands are located within the urban boundary and will tie into the existing municipal and Regional infrastructure. The Region has stated that there are no capacity concerns with respect to the Stevensville-Douglastown Lagoon to accommodate this development. A Stormwater Management Pond will be constructed to manage stormwater quality and quantity.

The Traffic Briefs and Addendum completed by R.V. Anderson Associates Limited note that the intersections of Black Creek Road at Baker Road, and Baker Road at Netherby Road have sufficient capacity to accommodate the future site generated traffic without any anticipated operational concerns. No upgrades or changes to the traffic control at these intersections are required as a result of the generated traffic. Further, the existing surrounding road network has sufficient capacity to accommodate the future site generated traffic.

Despite several requests by the Town to reconsider and re-evaluate the MTO's position regarding a third access to Netherby Road, the Ministry of Transportation has advised on several occasions that a new access will not be permitted at any location along Netherby Road from the highway ramp to Baker Road. The existing road network has sufficient capacity to accommodate the additional traffic generated by the proposed development. Nonetheless, an alternative was recommended by Infrastructure Services through Report No. <a href="IS-21-2022">IS-21-2022</a>, which involves the widening Baker Road between Netherby Road to Black Creek Road to a four-lane cross section, which would ultimately provide additional vehicular capacity on Baker Road.

At a minimum, 1.50 m wide concrete sidewalks will be provided on one side of all streets. Further, no driveway accesses to Black Creek Road will be provided to ensure the safety of cyclists and pedestrians.

e. The compatibility of the proposed use with uses in adjoining areas;

The subject lands are adjacent to Netherby Road, vacant commercial lands, and institutional uses, and are in proximity to low density residential development. The Secondary Plan process allocated the subject lands for low and medium density residential development, and evaluated the compatibility of these residential uses. The proposed amendments ultimately align with the vision and intent of the Secondary Plan, and in the opinion of Staff, do not have a notable impact on compatibility.

An Environmental Noise Feasibility Study was submitted with the applications. The Study determined that the stationary noise sources from the adjacent institutional land

uses and transportation noise sources will not result in incompatibility issues following the implementation of the recommended noise control measures.

 f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties. On the contrary, the proposed development may have an overall positive and catalytic effect by attracting commercial development to the vacant commercial lands to the north, and by supporting the adjacent institutional uses.

g. The potential effect of the proposed use on the financial position of the municipality; and

The proposed redesignation of the subject lands will not negatively affect the financial position of the municipality as all works associated with the proposed development are the responsibility of the Owner/Developers. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

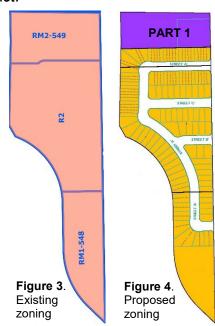
h. The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

As the lands were envisioned for residential development through the Douglastown-Black Creek Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the *Environmental Protection Act*.

# Zoning By-law No. 129-90

#### Northerly Portion

The northerly portion of the subject lands as shown on **Figure 3** is currently zoned site-specific Residential Multiple 2 (RM2-549) Zone, in accordance with Zoning Bylaw No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to reconfigure the zone boundary by rezoning a portion of the subject lands, shown as Part 1 on **Figure 4**, to a new site-specific RM2 Zone. The site-specific RM2 Zone will add block townhouses as a permitted use, subject to the provisions under Subsection 14.3 of the Zoning By-law, which will facilitate the development of Block 74 on the proposed Draft Plan of Subdivision (**Appendix "2"**). The new site-



specific RM2 Zone will also add stacked townhouses to the list of permitted uses. The Applicant has removed the request to add stacked townhouses to the list of permitted uses. The following site-specific provisions are also requested for the stacked townhouses/apartment dwellings that are proposed on Block 75 of the proposed Draft Plan of Subdivision (Appendix "2"). The site-specific provisions (in blue) and an analysis regarding their inclusion and merit are outlined in the table below.

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul> <li>Fourplexes</li> <li>Apartment dwellings</li> <li>Home for the Aged</li> <li>Residential uses existing at the date of passing of this by-law</li> <li>Assisted Living House Nursing Home</li> <li>Uses, buildings and structures accessory to the foregoing permitted use</li> </ul>	<ul> <li>Fourplexes</li> <li>Apartment dwellings</li> <li>Home for the Aged</li> <li>Residential uses existing at the date of passing of this by-law</li> <li>Assisted Living House Nursing Home</li> <li>Uses, buildings and structures accessory to the foregoing permitted use</li> <li>Stacked townhouses</li> <li>Block townhouses</li> </ul>	Assists with providing additional housing options, catering to a range of income and age groups, and tenureship preferences.
Minimum lot frontage	30 m	12 m (stacked townhouse and apartment dwelling)	Facilitates the creation of a flag lot. The frontage of 12.00 m maintains adequate space to accommodate a driveway access to the rear of the lands, landscaping and servicing connections. The reduction in frontage and flag-shaped nature of the lot means that the apartment dwelling or stacked townhouses will be distanced from Black Creek Road, which will assist with limiting massing and visual impacts

Minimum lot area	200 m <sup>2</sup> /unit	200 m²/unit	The Applicant's request for 200 m²/unit will not allow them to achieve their requested maximum density of 75 units/ha. A requirement of 200 m²/unit would limit the Applicant to a density of 50 units/ha. In order to align the Applicant's proposed maximum density and minimum lot area, Staff recommend, in consultation with the Applicant, 129 m²/unit. This requirement is more than the standard RM2 minimum lot area requirement of 115 m²/unit, and will uphold the vision and the intent of the Secondary Plan with respect to density and the planned number of medium density residential units
Maximum Density	50 units/ha	75 units/ha	Corresponds with the density requested through the concurrent amendment to the Secondary Plan. This will help meet the Secondary Plan's medium density residential target of 200 new units
Minimum Density	17 units/ha	17 units/ha	No change proposed
Maximum height	3 storeys (12 m)	4 storeys (14 m)	The proposed height and interior side yard setback are
Minimum Interior side yard	One half the building height 14 m / 2 = 7 m	5 m	appropriate in this location. As the development will be situated towards Netherby Road, no massing or visual impacts are anticipated with respect to the adjacent institutional use and nearby low density residential development. Further, with respect to the adjacent vacant commercial lands to the north, and vacant residential lands to

			the south, enhanced buffering and landscaping treatments can be incorporated at the Site Plan Control stage to limit
	N. d.	4.4	compatibility concerns.
Minimum	Not currently	14 m	This new setback provision
Setback to	specified		aligns with the Ministry of
Netherby			Transportation's setback
Road			requirement

The remaining portion of the lands shown as Part 2 on **Figure 6** will be rezoned to a site-specific Residential Multiple 1 (RM1) Zone, as the lands are proposed to be developed for on-street townhouse dwellings. The new site specific RM1 Zone is discussed in detail below.

#### Central Portion

The central portion of the subject lands as shown on **Figure 5** is zoned Residential 2 (R2) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the lands shown as Part 3 on **Figure 6** to the site-specific Residential Multiple 1 (RM1) Zone mentioned above, allowing the lands to be developed for single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes, street townhouse dwellings, and block townhouse dwellings.

#### Southerly Portion

The southerly portion of the subject lands as shown on **Figure 5** are zoned Residential Multiple 1 (RM1-548) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the lands shown as Part 4 on **Figure 6** to the same site-specific RM1 Zone that is proposed for the central and remaining northerly portions of the site (Parts 2 and 3 on **Figure 6**). The site-specific zoning would also permit the use of the lands for a Stormwater Management Pond and open space uses. Additional site-specific provisions are requested. The site-specific provisions (in blue) and an analysis regarding their inclusion and merit are outlined in the table below.



Zone	Requirement	Proposed	Analysis
Permitted uses	Single detached dwellings Semi-detached dwellings Duplexes Triplexes Fourplexes Street townhouse dwellings Block townhouse dwellings Residential uses existing at the date of passing of this by-aw	<ul> <li>Single detached dwellings</li> <li>Semi-detached dwellings</li> <li>Duplexes</li> <li>Triplexes</li> <li>Fourplexes</li> <li>Street townhouse dwellings</li> <li>Block townhouse dwellings</li> <li>Residential uses existing at the date of passing of this by-aw</li> <li>Stormwater Management pond</li> <li>Open spaces uses</li> </ul>	Consistent with Secondary Plan policy 4.20.5 k) which states that Stormwater Management facilities shall be considered a permitted use within the Medium Density Residential designation of this Plan, and that appropriate zoning shall be applied as part of the development process.
Minimum lot area Subsection 14.3	200 m <sup>2</sup> for an interior street townhouse lot and 270 m <sup>2</sup> for a corner street townhouse	180 m <sup>2</sup> for an interior street townhouse lot and 215 m <sup>2</sup> for a corner street townhouse	Facilitates a compact built form that minimizes land consumption
Maximum Density	50 units/ha	50 units/ha	Existing – no change proposed
Minimum Density	17 units/ ha	17 units/ha	Existing – no change proposed
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse - 60%	Delete the requirement	Provisions are duplicative in nature. The setbacks will function to regulate the size of the building envelope. Further, the
Maximum lot coverage Subsection 12.3 (Singledetached dwelling)	50%	Delete the requirement	minimum landscaped open space area provisions of 30% in the front yard and 20% overall will have to be complied with, ensuring that an appropriate amount of open space area is achieved on site.

Minimum	1.2m plus an	1.5 m, except where no	Sufficient space is
Interior Side	additional .5m for	private garage or carport	maintained for drainage,
Yard	every storey or part	is provided a side yard	access, maintenance,
setback	thereof above the	of not less than 3.0m on	and privacy purposes.
Subsection	ground floor; except	one side of such semi-	The setback is
13.4 (semi-	where no private	detached dwelling is	consistent with the
detached	garage or carport is	required	setback requirements
dwellings	provided a side yard		found in other residential
	of not less than 3.0m		zones.
	on one side of such		
	semi-detached		
	dwelling is required		

# **Subdivision Design**

The Draft Plan of Subdivision (**Appendix "2"**) will subdivide the approximately 8.68 ha of land into the following:

- 54 lots for single detached dwellings (Lots 1-54);
- 8 blocks for a total of 16 semi-detached dwelling units (Blocks 553-620);
- 1213 blocks for a total of 53 59 on-street townhouse dwelling units (Blocks 631-73 and 83);
- 1 block for a total of 16 block (condominium) townhouse dwelling units (Block 74);
- 1 block for an apartment dwelling/stacked townhouses containing up to 80 units (Block 75);
- 1 block for Stormwater Management Pond (Block 76);
- 5 blocks for 0.3 m reserves (Blocks 77-81); and
- 1 block for a 20 m reserve to accommodate a possible future road connection (Block 82).

The proposed subdivision will have frontage on Black Creek Road, and will be accessed via three new roads, shown as Street A, Street B, and Street C on the Draft Plan of Subdivision contained in **Appendix "2"**. A noise barrier wall will be provided along the west property line.

The Draft Plan of Subdivision will be subject to the conditions of approval contained in **Appendix "6"**.

Staff note that development on Blocks 74 and 75 will be subject to Site Plan Control. Since Council showed an interest in having input on the design of the developments, Staff can bring the future Site Plans forward for Council's approval.

# Studies

The following studies were submitted with the Combined Official Plan and Zoning Bylaw Amendment, and Draft Plan of Subdivision applications:

- Stage 1 and 2 Archaeological Assessment;
- Environmental Noise Feasibility Study;
- Functional Servicing Report;
- Traffic Brief; and
- Best Management Practices Review

Staff note that the findings of these studies are discussed in detail throughout Report No. <u>PDS-34-2022</u>.

# Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the applications and servicing the proposed development are the responsibility of the Owner/Developers.

No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the proposed amendments and approvals.

# **Policies Affecting Proposal**

Notice of the May 30<sup>th</sup> Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5<sup>th</sup>, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 m of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on the same date.

Land use policies that apply to the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

# Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on February 7<sup>th</sup>, 2022. Comments received in advance of the Public Meeting are available in Report No. <u>PDS-34-2022</u> for review.

#### **Comments from Public and Council**

A Public Information Open House for these applications was held on April 7<sup>th</sup>, 2022. All property owners within 120 m of the subject lands were notified of the Open House via mailed notice. The Open House was attended by Town Staff, the Owner and their Agent, and several area residents. Comments from area residents were also received via email. Public comments and correspondence received prior to the Information Report, and responses from Town Planning Staff and the Agent are available for review through Report No. <u>PDS-34-2022</u>.

At the statutory Public Meeting on May 30<sup>th</sup>, 2022, Report No. <u>PDS-34-2022</u> was presented to Council for information purposes. Supplemental Report No. <u>PDS-34-1-2022</u> was prepared in response to the following concerns that were raised by Council with respect to the applications:

- lagoon capacity;
- stormwater pond and outlet;
- underground stormwater management and drainage scheme;
- third point of access/egress; and
- community housing needs

Following the Public Meeting, additional concerns were raised regarding the capacity of the Stevensville-Douglastown Lagoon and the provision of a third point of access/egress. Responses to these concerns are summarized below.

#### Stevensville-Douglastown Lagoon Capacity

 Staff consulted Niagara Regional Staff again regarding the concerns related to their facility and received a response stating that the Lagoon has sufficient sewershed capacity for the proposed subdivision, and that no capacity concerns are anticipated at this time (Appendix "7").

#### Third Point of Access/Egress

• On several occasions, the Ministry of Transportation (MTO) has confirmed that a new access is not permitted at any location along Netherby Road from the highway ramp to Baker Road. Following the Public Meeting, Infrastructure Services Staff sent a letter to the MTO, dated October 18<sup>th</sup>, 2022, inquiring once more about a new access to Netherby Road. A response from the MTO was received on November 1<sup>st</sup>, 2022 and is included as **Appendix "8"**. The correspondence states that the MTO cannot support opening an access at this location as opening this access would compromise the operational safety of the highway and put motorists' safety at risk.

At the December 12<sup>th</sup>, 2022 Regular Council Meeting, additional concerns were raised by Council with respect to the following matters:

- The alternate third access to Baker Road through the subdivision or any other alternate route that might be suggesting itself through those discussions;
- The density of the development;
- The interface of the homes on Black Creek Road; and
- The removal of the stacked townhouse request for Blocks 74 and 75

Responses to the above noted matters are provided below:

#### **Alternative Access**

As discussed previously in this Report, the Traffic Briefs and Addendum completed by R.V. Anderson Associates Limited note that the intersections of Black Creek Road at Baker Road, and Baker Road at Netherby Road, have sufficient capacity to accommodate the additional traffic generated by the proposed development without any anticipated operational concerns. No upgrades or changes to the traffic control at these intersections are required as a result of the additional generated traffic. Further, the existing surrounding road network has sufficient capacity to accommodate the future site generated traffic.

Despite these findings, some members of Council have expressed concerns with respect to vehicular access to the development site and neighbourhood, and have motioned for Town Staff and the Developers to explore options that would facilitate an additional access to Baker Road or a direct connection to Netherby Road.

Planning Staff consulted the Town's Infrastructure Services Department with respect to the feasibility of an L-shaped road connection to Baker Road through the subdivision and adjacent parcels to the north. Infrastructure Services identified a concern with respect to this configuration, noting that the intersection of the proposed L-shaped road and Baker Road would be too close to the intersection of Netherby Road and Baker Road. For this reason, an additional access to Baker Road is not a viable option.

However, the Applicant and Developers approached Planning Staff with an alternative solution that would preserve and respect the interests of the Town, the Douglastown – Black Creek community, and the Developers. The solution involves earmarking a 20 m Reserve Block, shown as Block 82 on the revised Draft Plan of Subdivision (**Appendix "2"**) that is of a suitable size and geometry to accommodate a road connection to Netherby Road, should such a connection be approved by the Ministry of Transportation. This Block, through a condition of Draft Plan approval, would be reserved and precluded from development for a period of up to three years, providing sufficient time for discussions regarding the access/connection to Netherby Road to continue between the Town and Ministry of Transportation, and for the

balance of the development to proceed. Should three years pass and it be determined that a road connection to Netherby Road through Block 82 is not feasible, then the Block can be utilized by the Developers for residential development.

#### Density of the Development

# **Low Density Residential Development**

- The Douglastown-Black Creek Secondary Plan provides for approximately 190 additional low density residential units
- The following Table outlines the total number of low density residential units that are existing/approved/proposed in the Douglastown-Black Creek Secondary Plan Area following the approval of the Secondary Plan:

SUBDIVISION NAME	NUMBER OF UNITS
Black Creek Signature	135 units
(Existing/Approved)	121 single detached dwellings
	<ul> <li>14 semi-detached dwelling units</li> </ul>
Spring Creek Estates (Proposed)	70 units
	<ul> <li>54 single detached dwellings</li> </ul>
	<ul> <li>16 semi-detached dwelling units</li> </ul>
	TOTAL = 205

 The total of 205 low density residential units meets the intent and vision of the Secondary Plan.

# **Medium Density Residential Development**

- The Douglastown-Black Creek Secondary Plan provides for approximately 200 new medium density residential units, all of which shall be located on the west side of Black Creek Road
- The following Table outlines the total number of medium density residential units that are existing/approved/proposed in the Douglastown-Black Creek Secondary Plan Area following the approval of the Secondary Plan:

ME NUMBER OF UNITS
ture 46 street townhouse dwelling units
<ul> <li>(Proposed)</li> <li>Up to 80 units by way of an apartment dwelling</li> <li>16 block townhouse dwelling units</li> </ul>
• 53 street townhouse dwelling units  TOTAL = 195
TOTAL = 195

 The total of 195 medium density residential units meets the intent and vision of the Secondary Plan

Section 4.20.5 of the Douglastown – Black Creek Secondary Plan states the following with respect to Stormwater Management Facilities:

"Stormwater management (SWM) facilities are essential for sustainable development, including residential areas. As such and given the exact size and location of facilities is determined after detailed engineering studies have been provided with development plans; SWM facilities shall be considered a permitted use within both the Low Density Residential and Medium Density Residential designations of this Plan. Appropriate zoning shall be applied as a part of the development process or potentially through municipal housekeeping amendments once location, construction and size have been finalized."

Although a Stormwater Management Pond was envisioned for this development site through the Secondary Plan process, the exact size and location could not be determined until the subdivision of the lands was conceptualized, and a detailed engineering review was completed. Based on the comments received from Council, the Developers dedicated additional lands as part of the Stormwater Management Block than originally intended in order to improve its recreational utility and allow for the provision of supporting amenities.

# Reverse Lotting and Interface with Black Creek Road

Reverse lotting is a term that is used to describe through lots that front onto an internal road, and have rear yards that interface with another road. With respect to the proposed Draft Plan of Subdivision contained in **Appendix "2"**, proposed Lots 44 to 54 (inclusive) are considered reverse lots as they plan to support single detached dwellings and driveways that will front onto, and have access to an internal road (Street 'A'), and will have rear walls and yards that interface with Black Creek Road. In the case of this development, reverse lotting allows for the optimal use of developable urban land. Further, this configuration provides for a continuous and uninterrupted pedestrian corridor along Black Creek Road, and minimizes pedestrian/cyclist and vehicular conflicts. To ensure that pedestrian and cyclist safety is maintained and prioritized, Planning Staff will include a provision in the site-specific zoning that will prohibit driveways along Black Creek Road for the end units of Blocks 69, 73, and 53, Lots 44 to 54 (inclusive), and Lots 24, 25, 40 and 41.

To ensure that the development interfaces positively with the public realm along Black Creek Road, Staff will implement a condition of Draft Plan approval requiring the Developers to install a decorative fence to the satisfaction of Town Staff.

Decorative fencing can be an effective method of enhancing the streetscape and public realm for developments with reverse lotting.

Further, as conditions of Draft Plan approval, the Developers will be required to submit Landscape and Streetscape Plans to the satisfaction of Town Staff. Among other items, these plans are required to demonstrate site landscaping, streetscape treatments, and how the development will interface with Black Creek Road.

# Request to Include Stacked Townhouses as a Permitted Use

Acknowledging Council's concerns with respect to the proposed built form, the Developers have agreed to modify their proposed amendments to the Town's Official Plan and Comprehensive Zoning By-law No.129-90 by eliminating stacked townhouses from their request.

#### **Alternatives**

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

# **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

# **Communicating Results**

There are no communication requirements at this time.

#### Conclusion

Planning Staff are of the opinion that the proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications represent good planning. The applications will facilitate the creation of a subdivision that will

accommodate upwards of <u>219225</u> residential units, providing for the diversification of the neighbourhood's housing stock, a range of tenureship options, and a compact form of development that will better utilize the Town's existing urban land and infrastructure. Further, the proposal aligns with the intent and objectives of the Douglastown-Black Creek Secondary Plan, alongside Provincial and Regional policies. Planning Staff recommend that Council approves the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision as proposed.

#### **Attachments**

**Appendix "1"-** Location Plan

Appendix "2" - Draft Plan of Subdivision – Revised

Appendix "3"- Draft Plan of Subdivision – Original

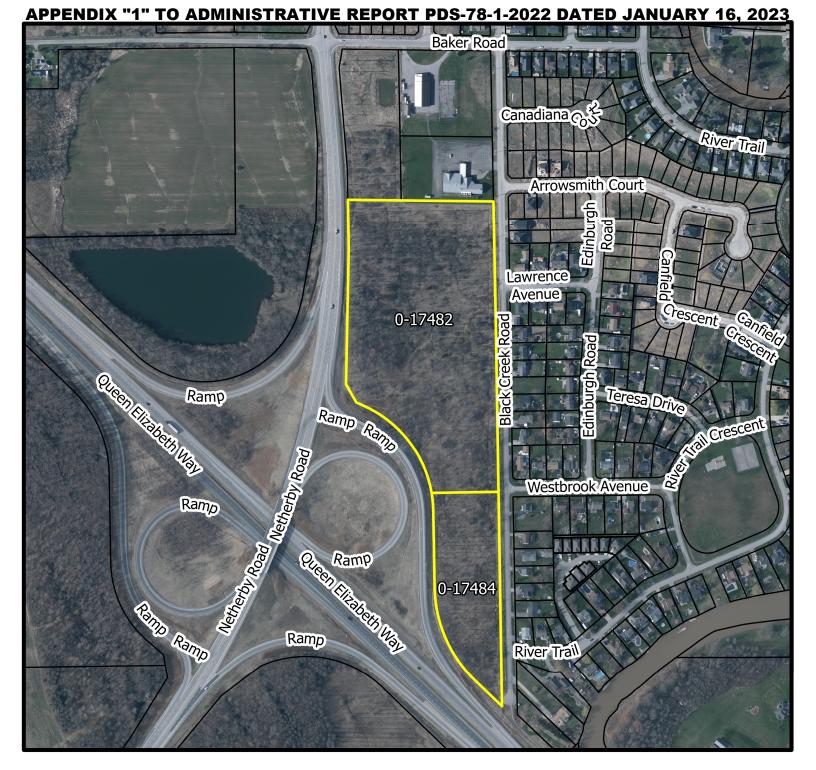
Appendix "4"- Proposed Land Use Changes

**Appendix "5"-** Proposed Zoning Changes

Appendix "6"- Revised Conditions of Draft Plan Approval

**Appendix "7"-** Email Response from Niagara Region

**Appendix "8"-** Response Letter from Ministry of Transportation



0 100 200 Metres

# **LOCATION PLAN**

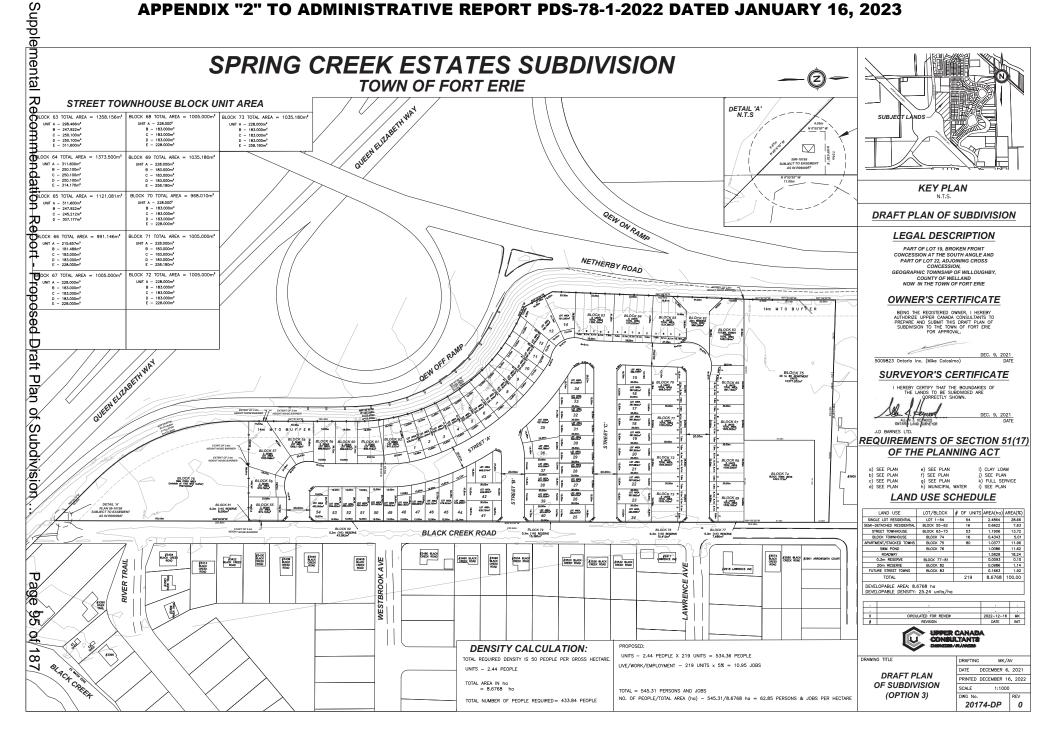
Zoning By-law Amendment - 0-17484 & 0-17482 Black Creek Road

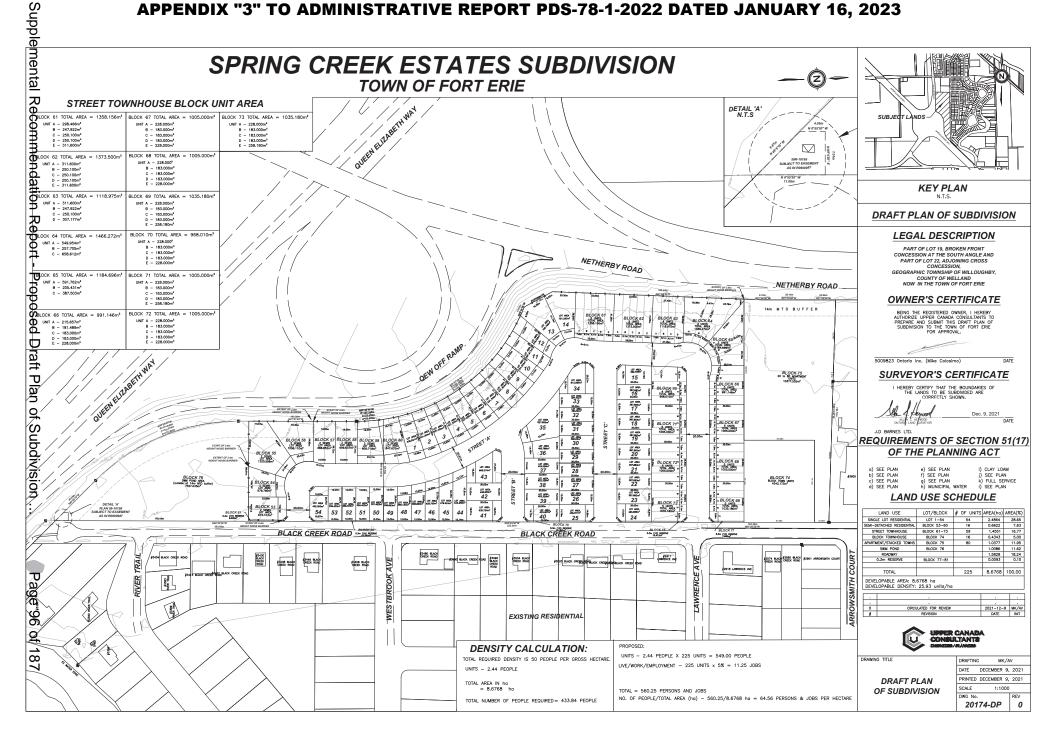
Subject Lands - 0-17484 & 0-17482 Black Creek Road

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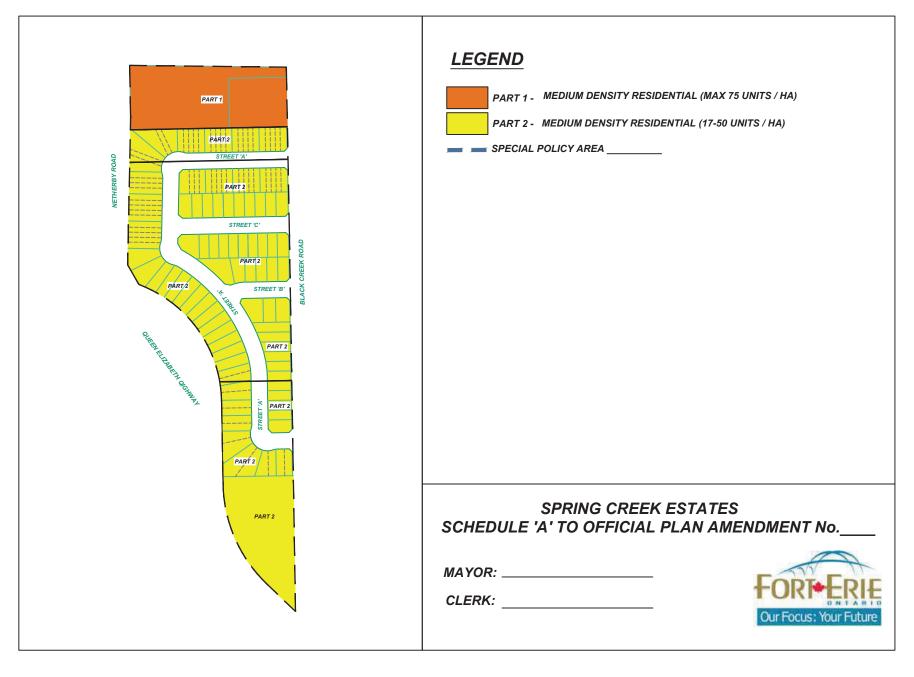
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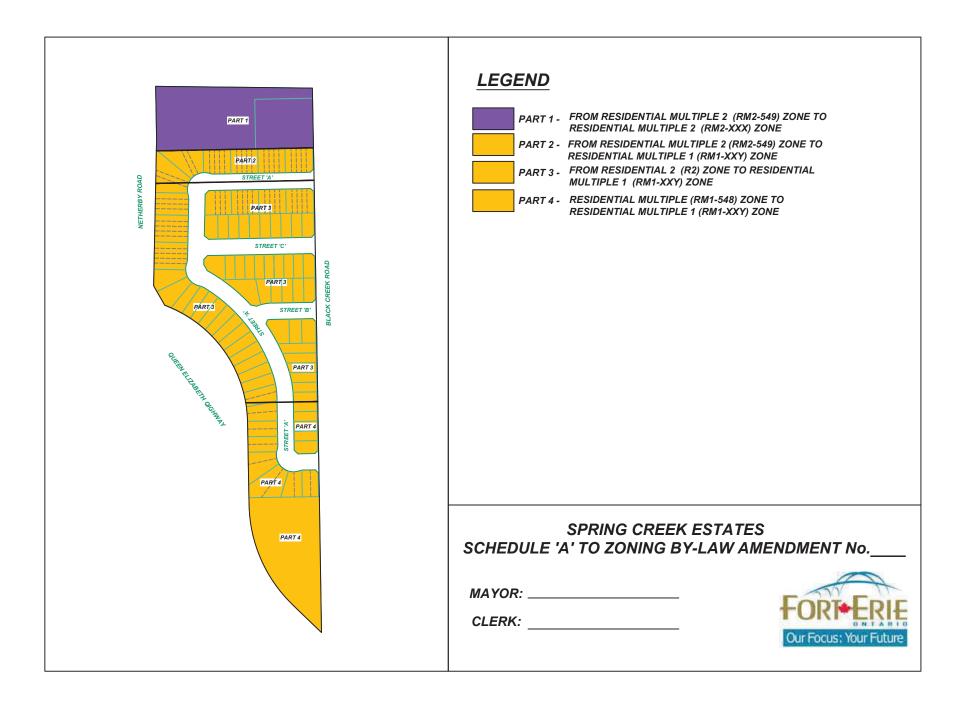
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# APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-78-1-2022 DATED JANUARY 16, 2023 OFFICIAL PLAN AMENDMENT SCHEDULE 'A'





# CONDITIONS OF DRAFT PLAN APPROVAL SPRING CREEK ESTATES

The conditions of final approval and registration of the Spring Creek Estates Draft Plan of Subdivision File No. 350308-0123 Town of Fort Erie are as follows:

- 1. That this approval applies to the Spring Creek Estates Draft Plan of Subdivision CON BF SEA PT LOT 19 RP59R10225 PART 3 and CON BF SEA PT LOT 19 RP59R10195 PARTS 1 & 2, being all of PINs 642520159 and 642520160, prepared by J.D Barnes Ltd, revised December 16, 2022, and signed by Allan J. Heywood on December 9, 2021, showing 54 lots for single detached dwellings (Lots 1-54), 8 blocks for a total of 16 semi-detached dwelling units (Blocks 55-62), 12 blocks for up to 59 on-street townhouse dwelling units (Blocks 63-73 and 83), 1 block for a total of 16 block (condominium) townhouse dwelling units (Block 74), 1 block for an apartment dwelling/stacked townhouse containing up to 80 units (Block 75), 1 block for Stormwater Management Pond (Block 76), 5 blocks for 0.3 m reserves (Blocks 77-81)., and 1 block for a 20 m road connection reserve (Block 82).
- 2. That the owner deed Block 76, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.
- 3. That the owner deed Blocks 78 to 81, inclusive, as shown on the Draft Plan of Subdivision, to the Town for 0.30 m reserves, free and clear of any mortgages, liens and encumbrances.
- 4. That Block 82, as shown on the Draft Plan of Subdivision, be reserved to accommodate a future road connection, and be precluded from development for a period of up to three years. The Developer may use the Block for residential development should three years pass and approvals for a road connection not be obtained.
- 5. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
- 6. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
- 7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."
- 8. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."

Conditions of Draft Plan Approval

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- 9. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.
- 10. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
- 11. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
- 12. That the streets be named to the satisfaction of the Town.
- 13. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town and the District School Board of Niagara.
- 14. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."
- 15. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
- 16. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed sediment and erosion control plans.

Conditions of Draft Plan Approval

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- 17. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 16 above.
- 18. That the Developer is responsible to front-end the reconstruction of Black Creek Road from Lawrence Avenue to River Trail to an urban cross-section and the construction of storm sewers on Black Creek Road from Lawrence Avenue to River Trail and on Lawrence Avenue from Black Creek Road to Edinburgh Road.
- 19. That payment of cash-in-lieu of parkland dedication is made to the Town of Fort Erie in accordance with the Planning Act and By-law No. 69-08.
- 20. That the Developer submits a Landscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff. The Plan shall address pedestrian circulation, outdoor public amenity space, site landscaping, streetscape treatments, appropriate buffering of the QEW/QEW interchange, and interface with Black Creek Road.
- 21. That the Developer submits a Tree Preservation Plan, pursuant to the Subdivision Control Guidelines. The Plan shall illustrate how trees on Town lands will be protected during construction.
- 22. That the Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines, showing how the development will interface with Black Creek Road.
- 23. That the Developer agrees to install a decorative fence along the east property lines of Blocks 69, 73, and 53, Lots 44 to 54 (inclusive), and Lots 24, 25, 40 and 41 in accordance with By-law No. 150-08, as amended from time to time, and to the satisfaction of the Director, Planning and Development Services.
- 24. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.
- 25. That as recommended by the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated October 28, 2021) that the owner submits a Stage 3 Archaeological Assessment (including any subsequent recommended assessments) prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each completed archaeological assessment involving the subdivision lands, including all applicable Letters of Acknowledgement from the Ministry shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed development and must be accepted by the MHSTCI, and to the satisfaction of Niagara Region, prior to clearance of this condition.

Conditions of Draft Plan Approval

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NOTE: No demolition, grading, or other soil disturbances shall take place on the subject property prior to the issuance of all applicable Letters of Acknowledgement from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

26. That the owner agrees to include the following warning clause with respect to the potential discovery of archaeological resources in the Subdivision Agreement:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

- 27. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to implement the approved noise mitigation measures / devices and ensure that the required warning clauses be included in all Agreements of Purchase and Sale or Lease or Occupancy in accordance with the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. (dated December 14, 2021).
- 28. That the owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units in the subdivision:
  - "Purchasers/tenants are advised that sound levels due to increasing road traffic on Netherby Road and the QEW may occasionally interfere wit some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."
  - "The lands in the Plan of Subdivision may be exposed to noise, reduced air quality, odour, and/or dust from nearby agricultural uses/operations, vehicle traffic, and/or Douglastown Sewage Lagoons that may interfere with some activities of the owners/tenants who occupy these lands."

Conditions of Draft Plan Approval

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- 29. That the owner agrees to include a clause in the Subdivision Agreement noting that no access will be permitted to Netherby Road.
- 30. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
- 31. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.
- 32. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP) Compliance Approval under the Transfer of Review Program.
- 33. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled *Stormwater Management Planning and Design Manual, March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to the Niagara Region for review and approval:
  - Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - Detailed erosion and sedimentation control plans; and
  - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
- 34. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
- 35. That the applicant ensure that all streets can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and By-laws relating to the curbside collection of waste.

Conditions of Draft Plan Approval

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- 36. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
- 37. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.
- 38. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, survey and internal road construction plans.
- 39. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study to assess the impacts on the QEW and Netherby Road Interchange and identify any related highway improvements.
- 40. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - a) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - b) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

# 41. The owner further agrees to:

- a) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- c) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- d) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales

Conditions of Draft Plan Approval

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office(s) showing specific Centralized Mail Facility locations.

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

# **Clearance of Conditions**

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- ◆ District School Board of Niagara for Condition 13
- Niagara Region Planning & Development Department for Conditions 25-36 (inclusive)
- Ministry of Transportation for Conditions 37-39 (inclusive)
- ◆ Canada Post for Conditions 40-42 (inclusive)
- 1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:
  - a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
  - b) Section 160(2) allows certain exceptions.

#### 2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

#### 3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above with clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Conditions of Draft Plan Approval

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Sue Mabee
Supervisor of Planning
District School Board of Niagara
191 Carlton Street
St. Catharines, ON
L2R 7P4

Phone No: 905-641-1550 ext. 54225

Email: sue.mabee@dsbn.org

Director, Development Approvals
Planning and Development Services Department
The Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON, L2V 4T7
Phone No: (905) 980-6000
Toll Free: 1-(800) 263-7215

Email: devtplanningapplications@niagararegion.ca

Mr. Ted Lagakos Senior Project Manager Highway Corridor Management Section – Central Operations Ministry of Transportation 7th Floor, Building D, 159 Sir William Hearst Downsview, ON M3M 0B7

Phone No: (416) 268-3932 Email: ted.lagakos@ontario.ca

Andrew Carrigan Officer, Delivery Planning Canada Post 955 Highbury Avenue North London, Ontario N5Y 1A3 Phone: 226-268-5914

Email: andrew.carrigan@canadapost.ca

#### 5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous, they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

#### 6. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning and

Conditions of Draft Plan Approval

Page 9 of 9

Development Services Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

#### 7. NOTES

- Written permission is required from the Town to remove trees on Town property
- Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.
- All Ministry of Transportation submissions should be provided in electronic form.
- The Ministry of Transportation does not clear individual conditions. The Ministry issues a single "Clearance Letter" once all plan conditions have been addressed to their satisfaction.
- Ministry of Transportation Draft Plan of Subdivision comments may need to be updated/revised if the Applicant delays securing ministry clearances and/or ministry priorities change.
- Ministry Building and Land Use permits will be required for individual building lots within 395 m from the centre point of QEW and Netherby Road and 45 m from all ministry property limits.
- Ministry permits are required prior to any on site grading being undertaken.
- Sign permits are required for signing within 400m of the QEW.
- Permit inquiries can be directed to Mr. Peter Deluca, Corridor Management Officer, at (647) 248-8548 or peter.deluca@ontario.ca
- Information regarding the ministry's application process, forms and the policy (see specifically Highway Access Management Guidelines and Storm Water Management resources) can be found at the link: <a href="https://www.ontario.ca/page/ministry-transportation">https://www.ontario.ca/page/ministry-transportation</a>

# Fw: Douglastown Sewage Lagoon - Black Creek Road Subdivision (Spring Creek Estates)

Anamika Dilwaria to Mackenzie Ceci

11/23/2022 09:07 PM

From Anamika Dilwaria/FortErie

To Mackenzie Ceci/FortErie@TownOfFortErie

---- Original message -----

From: "Morrison, Alexander" < Alexander. Morrison@niagararegion.ca>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca> Cc: "Lambert, Phill" <Phill.Lambert@niagararegion.ca>

Subject: Douglastown Sewage Lagoon - Black Creek Road Subdivision (Spring Creek Estates)

Date: Wed, Nov 23, 2022 12:44 PM

#### Hi Anamika:

I have followed up with our Infrastructure Planning and Development Engineering Team with respect to the Douglastown Sewage Lagoon. I am able to confirm that the Lagoon has sufficient sewershed capacity for the proposed Black Creek Road Subdivision (Spring Creek Estates) and that our Team does not anticipate any capacity concerns at this time.

I have copied the Region's Director of Infrastructure Planning and Development Engineering, Phill Lambert, to this email should there be any additional questions on this matter.

Thank you, Alex

#### Alexander Morrison, MCIP, RPP

Senior Development Planner

Planning & Development Services | Niagara Region

P: (905) 980-6000 ext. 3378

E: alexander.morrison@niagararegion.ca

**F**: 905-641-5208

1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7

Ministry of Transportation

Corridor Management Section Central Region 7<sup>th</sup> Floor 159 Sir William Hearst Avenue Toronto, ON M3M 0B7 Tel (416) 235-5372 Fax (416) 235-4267 Ministère des Transports

Section de la gestion des couloirs routiers Région du Centre 7e étage

159 avenue Sir William Hearst Downsview ON M3M 0B7

Tél: 416 235-5372 Téléc: 416 235-4267



November 1, 2022

Sent Via email <a href="mailto:kwalsh@forterie.ca">kwalsh@forterie.ca</a>

Mr. Kelly M. Walsh, P. Eng. Director, Infrastructure Services

Re: Access to Netherby Road (Niagara Regional Road 25)

Dear Mr. Walsh,

Thank you for your letter regarding access to Netherby Road (Niagara Regional Road 25), I appreciate the opportunity to respond.

The Ministry of Transportation is responsible for managing the Provincial Highway network. Through the application of legislation, policies, and guidelines, the Ministry supports economic growth while ensuring the safe and efficient movement of people and goods across the province.

MTO has been given the authority for control of Provincial Highway corridors under the *Public Transportation and Highway Improvement Act (PTHIA)*. Access management is required to ensure the safe and efficient movement of traffic along freeways and arterial highways, where access connections to property are secondary to safety and mobility. Without effective access management, the function and character of highway corridors can deteriorate rapidly.

This portion of Netherby Road is designated Controlled Access Highway (CAH) under the PTHIA, meaning that direct access is prohibited. As such, the ministry cannot support opening an access at this location to public traffic. Opening this access would compromise the operational safety of the highway and put motorists' safety at risk.

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

Thank you again for bringing your concerns to my attention.

Regards,

Morgan Lawrence P.Eng

Head, Highway Corridor Management Section (Central, West)

- c. Becca Lane, Director, Operations (Central)
- c. Moin Khan, Manager of Operations (Central)
- c. Ted Lakagos, Senior Project Manager



## **Planning and Development Services**

Prepared for Regular Council Report No. PDS-78-2022

**Agenda Date** December 12<sup>th</sup>, 2022 **File Nos.** 350302-131, 350309-540

& 350308-123

#### Subject

PROPOSED DRAFT PLAN OF SUBDIVISION AND COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT

SPRING CREEK ESTATES – 0-17482 AND 0-17484 BLACK CREEK ROAD 5009823 ONTARIO INC. - MITCH WILLIAM AND MIKE COLOSIMO (OWNERS) UPPER CANADA CONSULTANTS - MATT KERNAHAN (AGENT)

#### Recommendation

**THAT** Council approves the amendments to the Town's Official Plan and Zoning By-

law No. 129-90 as detailed in Report No. PDS-78-2022 for the lands known as

0-17482 and 0-17484 Black Creek Road, and further

**THAT** Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black

Creek Road, dated December 9, 2021, showing 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a stormwater

management pond, and 5 blocks for 0.3 m reserves, as attached as **Appendix "2"** of Report No. PDS-78-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "5"** of Report No. PDS-78-

2022, and further

**THAT** Council directs staff to circulate the Conditions of Draft Plan Approval in

Appendix "5" of Report No. PDS-78-2022 to the applicable agencies in

accordance with the requirements of the *Planning Act*, and further

**THAT** Council directs Staff to submit the necessary by-laws.

#### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

#### **List of Stakeholders**

5009823 Ontario Inc.- Mitch William and Mike Colosimo (Owners) Upper Canada Consultants – Matt Kernahan (Agent) Residents and Property Owners in the Town of Fort Erie

Prepared by: Submitted by: Approved by:

Original Signed Original Signed Original Signed

Mackenzie Ceci Alex Herlovitch, MCIP, RPP Chris McQueen, MBA

Intermediate Development Planner Director, Planning and Chief Administrative

Development Services Officer

Reviewed by:

Original Signed

Anamika Dilwaria, MCIP, RPP

Manager, Development Approvals

#### **Purpose**

Matt Kernahan of Upper Canada Consultants, Agent and Applicant for 5009823 Ontario Inc. c/o Mitch Williams and Mike Colosimo, Owners of the subject properties known as 0-17482 and 0-17484 Black Creek Road, have submitted applications for a Draft Plan of Subdivision and a Combined Official Plan and Zoning By-law Amendment. The purpose of this report is to provide recommendations to Council with respect to the proposed applications.

A Location Plan of the lands that are subject to the proposed applications is attached as **Appendix "1"**.

The Draft Plan of Subdivision application proposes to subdivide 8.68 hectares of land to create 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for block (condominium) townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a Stormwater Management Pond, and 5 blocks for 0.3 m reserves. The proposed Draft Plan of Subdivision, which is attached as **Appendix "2"**, will provide a total of 225 dwelling units.

To facilitate the creation of the proposed subdivision, the Applicant has submitted a concurrent Combined Official Plan and Zoning By-law Amendment application. The northerly and southerly portions of the subject lands are currently designated Medium Density Residential, and the central portion is designated Low Density Residential in the

Douglastown-Black Creek Secondary Plan. The Applicant is proposing to introduce a Site Specific Policy Area to the northernly portion of the site to allow for a maximum density of 75 units/ha, and add block and stacked townhouses as permitted uses. The Applicant is also proposing to redesignate the Low Density Residential lands to Medium Density Residential, and introduce a second Site Specific Policy Area that allows for Low Density Residential uses (single detached, semi-detached, and duplex dwellings) to be constructed in conjunction with Medium Density Residential uses. A schedule showing the proposed land use designations for the subject lands is included as **Appendix "3"**.

The subject lands are currently zoned Residential Multiple 2 (RM2-549) Zone, Residential 2 (R2) Zone, and Residential Multiple (RM1-548) Zone, in accordance with the Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the northerly portion of the subject lands to a site-specific Residential Multiple 2 (RM2) Zone, and the remaining lands to a site-specific Residential Multiple 1 (RM1) Zone. A schedule showing the proposed zoning for the subject lands is included as **Appendix "4"**.

#### Background

The statutory Public Meeting for this proposal was held on May 30<sup>th</sup>, 2022, and Report No. <u>PDS-34-2022</u> was presented to Council for information purposes the same evening. Report No. PDS-34-2022 was postponed by Council until the August 22<sup>nd</sup>, 2022 Regular Council meeting in order for additional information to be provided through a Supplemental Report.

Report No. <u>PDS-34-2022</u> and Supplemental Report No. <u>PDS-34-1-2022</u> were received by Council on August 22<sup>nd</sup>, 2022.

#### **Nature of the Site**

The subject lands are located in the Douglastown-Black Creek neighbourhood of Fort Erie, east of Netherby Road and west of Black Creek Road. The lands are approximately 8.68 ha in size, with roughly 670 m of frontage on Black Creek Road. The subject lands are currently vacant.

The following summarizes the land uses surrounding the subject lands:

**North:** Faith Reformed Church, Black Creek Community Centre, and vacant

commercial lands

**South:** Queen Elizabeth Way (QEW)

**East:** Black Creek Road and single detached dwellings **West:** Netherby Road (Niagara Regional Road No. 25)

#### **Planning Context**

#### 2020 Provincial Policy Statement

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages a diverse mix of land uses that provide an appropriate supply and range of housing options, and opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate.

The proposal complies with the policies outlined in the PPS, namely as it will facilitate the development of underutilized urban lands, and will provide a range of housing options in the Douglastown-Black Creek neighbourhood, which is predominantly comprised of single-detached dwellings.

#### 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area, and are contained within the Delineated Built-up Area. The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, and provide a range of housing types.

The proposal complies with the policies outlined in the Growth Plan as it will assist with diversifying housing options in the Douglastown-Black Creek neighbourhood.

## 2022 Regional Official Plan

The new Regional Official Plan (ROP) identifies the subject lands as being located within the Urban "Built-up" Area of the Town. Built-up areas are planned to accommodate a compact built form, mix of land uses, and public service facilities in order to support the creation of complete communities. A diverse range and mix of housing types, unit sizes, and densities is encouraged to accommodate current and future housing needs. Further, built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities are supported.

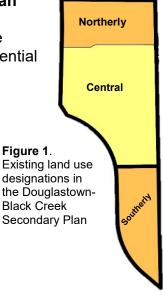
The proposal complies with the policies outlined in the ROP. The proposal represents a compact built form, and an efficient use of urban land, and existing services and infrastructure. Further, the proposal introduces a diverse range of housing options that

will cater to a variety of households, age, and income groups. The proposal also aligns with Regional growth management policies, and assists the Town with achieving its intensification target.

#### Official Plan and Douglastown-Black Creek Secondary Plan

The northerly (2.05 ha) and southerly (2.02 ha) portions of the subject lands are currently designated Medium Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan, as shown in orange on **Figure 1**.

The Secondary Plan reserves Medium Density Residential lands for multiple-unit structures such as townhomes, triplex, quads and/or low-rise apartment dwellings, and their accessory uses, and provides for a density range of 17 to 50 units/ha. Approximately 200 new Medium Density units are envisioned in this Secondary Plan area, all of which shall be located on the west site of Black Creek Road.



Section 4.20.7 (g) anticipates that the northerly portion of the subject lands will be developed to accommodate 100 dwelling units across two or three low-rise apartment buildings. The Plan outlines that this location is suitable for seniors' development, and may provide for a range of tenureship, care, and accommodation arrangements. These lands may also be used to accommodate a fully-assisted nursing home or home for the aged, providing for a residential density of up to 75 units/ha.

Section 4.20.5 k) states that stormwater management facilities shall be permitted within both the Low Density Residential and Medium Density Residential designations of the Plan.

The central portion of the subject lands is designated Low Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan, as shown in yellow on **Figure 1**. Low Density Residential lands are reserved for single detached, semi-detached, and duplex dwellings, and their accessory uses, providing for a density of up to 16 units/ha.

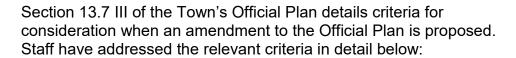
Section 4.20.6 c) and d) of the Plan state that low density residential development shall comply with the Ministry of Transportation's setback requirements, and should be expected to accommodate modestly smaller lot areas and dimensions in comparison to the majority of the existing low density residential lots in the neighbourhood. This will allow for the efficient use of infrastructure, and the diversification of housing options and costs.

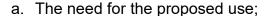
PART 1

PART/2

The Applicant is proposing to introduce a Site Specific Policy Area to the northerly 1.47 ha of the subject lands, shown as Part 1 on **Figure 2**. The Policy Area would introduce stacked and block townhouses as permitted uses, and provide for a density range of 17 to 75 units/ha.

The Applicant is also proposing to redesignate the Low Density Residential lands to Medium Density Residential, and introduce another Site Specific Policy Area for the remaining 7.21 ha of land, shown as Part 2 on **Figure 2**, allowing for Low Density Residential uses (single detached, semi-detached, and duplex dwellings) to be constructed in conjunction with Medium Density Residential uses. The standard Medium Density Residential range of 17 to 50 units/ha would be maintained for these lands. A Stormwater Management Pond is planned for the south part of the subject lands.





The Douglastown-Black Creek Secondary Plan envisions the subject lands to be utilized for residential development that contributes to the diversification of the low and medium density housing stock, and provides a range of tenureship options and opportunities to age in place. Further, the Secondary Plan provides for approximately 200 new units in the neighbourhood, all to be located on the west side of Black Creek Road.

The proposed amendments that provide for an increase in density allow for the reallocation of development and density on site as a portion of the southerly Medium Density Residential lands are required to accommodate a Stormwater Management Pond. Further, the addition of permitted uses through the Site Specific Policy Areas assists with introducing a diverse range of housing options to the neighbourhood that will not only cater to a variety of households, age, and income groups, but will also provide for a range of tenureship opportunities, as envisioned through the Secondary Plan.

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

The Douglastown-Black Creek neighbourhood is predominantly comprised of low density residential development. The approval of Black Creek Signature Subdivision in 2016 introduced 10 blocks for a total of 46 street townhouse dwelling units, which along with the subject lands, represents the only medium density residential lands in the neighbourhood. As a portion of the subject site's medium density residential lands will be utilized for a Stormwater Management Pond, the proposed land use designation and

Site Specific Policy Areas, which can provide for an additional 155 units, will ensure that approximately 200 medium density residential units can be achieved in accordance with the Secondary Plan.

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

The subject lands are not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses.

- d. The location of the area under consideration with respect to:
  - I. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
  - II. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
- III. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.

The subject lands are located within the urban boundary and will tie into the existing municipal and Regional infrastructure. The Region has stated that there are no capacity concerns with respect to the Stevensville-Douglastown Lagoon to accommodate this development. A Stormwater Management Pond will be constructed to manage stormwater quality and quantity.

The Traffic Briefs and Addendum completed by R.V. Anderson Associates Limited note that the intersections of Black Creek Road at Baker Road, and Baker Road at Netherby Road have sufficient capacity to accommodate the future site generated traffic without any anticipated operational concerns. No upgrades or changes to the traffic control at these intersections are required as a result of the generated traffic. Further, the existing surrounding road network has sufficient capacity to accommodate the future site generated traffic.

Despite several requests by the Town to reconsider and re-evaluate the MTO's position regarding a third access to Netherby Road, the Ministry of Transportation has advised on several occasions that a new access will not be permitted at any location along Netherby Road from the highway ramp to Baker Road. As an alternative, Infrastructure Services, through Report No. <a href="IS-21-2022">IS-21-2022</a>, recommended widening Baker Road between Netherby Road to Black Creek Road to a four-lane cross section, which would ultimately provide additional vehicular capacity on Baker Road.

At a minimum, 1.50 m wide concrete sidewalks will be provided on one side of all streets. Further, no driveway accesses to Black Creek Road will be provided to ensure the safety of cyclists and pedestrians.

e. The compatibility of the proposed use with uses in adjoining areas;

The subject lands are adjacent to Netherby Road, vacant commercial lands, and institutional uses, and are in proximity to low density residential development. The Secondary Plan process allocated the subject lands for low and medium density residential development, and evaluated the compatibility of these residential uses. The proposed amendments ultimately align with the vision and intent of the Secondary Plan, and in the opinion of Staff, do not have a notable impact on compatibility.

An Environmental Noise Feasibility Study was submitted with the applications. The Study determined that the stationary noise sources from the adjacent institutional land uses and transportation noise sources will not result in incompatibility issues following the implementation of the recommended noise control measures.

f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties. On the contrary, the proposed development may have an overall positive and catalytic effect by attracting commercial development to the vacant commercial lands to the north, and by supporting the adjacent institutional uses.

- g. The potential effect of the proposed use on the finance
- h. ial position of the municipality; and

The proposed redesignation of the subject lands will not negatively affect the financial position of the municipality as all works associated with the proposed development are the responsibility of the Owner/Developer. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

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

As the lands were envisioned for residential development through the Douglastown-Black Creek Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the *Environmental Protection Act*.

#### Zoning By-law No. 129-90

#### Northerly Portion

The northerly portion of the subject lands as shown on Figure 3 is currently zoned site-specific Residential Multiple 2 (RM2-549) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to reconfigure the zone boundary by rezoning a portion of the subject lands, shown as Part 1 on Figure 4, to a new site-specific RM2 Zone. The site-specific RM2 Zone will add block townhouses as a permitted use, subject to the provisions under Subsection 14.3 of the Zoning By-law, which will facilitate the development of Block 74 on the proposed Draft Plan of Subdivision (Appendix "2"). The new site-specific RM2 Zone will also add stacked townhouses to the list of permitted uses. The following site-specific provisions are also requested for the stacked townhouses/apartment dwellings that are proposed on

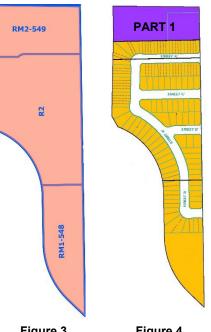


Figure 3. Existing zoning

Figure 4. Proposed zoning

Block 75 of the proposed Draft Plan of Subdivision (**Appendix "2"**). The site-specific provisions (in red) and an analysis regarding their inclusion and merit are outlined in the table below.

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul> <li>Fourplexes</li> <li>Apartment dwellings</li> <li>Home for the Aged</li> <li>Residential uses existing at the date of passing of this by-law</li> <li>Assisted Living House Nursing Home</li> <li>Uses, buildings and structures accessory to the foregoing permitted use</li> </ul>	<ul> <li>Fourplexes</li> <li>Apartment dwellings</li> <li>Home for the Aged</li> <li>Residential uses existing at the date of passing of this by-law</li> <li>Assisted Living House Nursing Home</li> <li>Uses, buildings and structures accessory to the foregoing permitted use</li> <li>Stacked townhouses</li> <li>Block townhouses</li> </ul>	Assists with providing additional housing options, catering to a range of income and age groups, and tenureship preferences.

Minimum lot frontage	30 m	12 m (stacked townhouse and apartment)	Facilitates the creation of a flag lot. The frontage of 12.00 m maintains adequate space to accommodate a driveway access to the rear of the lands, landscaping and servicing connections. The reduction in frontage and flag-shaped nature of the lot means that the apartment dwelling or stacked townhouses will be distanced from Black Creek Road, which will assist with limiting massing and visual impacts
Minimum lot area	200 m²/unit	200 m <sup>2</sup> /unit	The Applicant's request for 200 m²/unit will not allow them to achieve their requested maximum density of 75 units/ha. A requirement of 200 m²/unit would limit the Applicant to a density of 50 units/ha. In order to align the Applicant's proposed maximum density and minimum lot area, Staff recommend, in consultation with the Applicant, 129 m²/unit. This requirement is more than the standard RM2 minimum lot area requirement of 115 m²/unit, and will uphold the vision and the intent of the Secondary Plan with respect to density and the planned number of medium density residential units
Maximum Density	50 units/ha	75 units/ha	Corresponds with the density requested through the concurrent amendment to the Secondary Plan. This will help meet the Secondary Plan's medium density residential target of 200 new units

Minimum Density	17 units/ha	17 units/ha	No change proposed
Maximum height	3 storeys (12 m)	4 storeys (14 m)	The proposed height and interior side yard setback are
Minimum Interior side yard	One half the building height 14 m / 2 = 7 m	5 m	appropriate in this location. As the development will be situated towards Netherby Road, no massing or visual impacts are anticipated with respect to the adjacent institutional use and nearby low density residential development. Further, with respect to the adjacent vacant commercial lands to the north, and vacant residential lands to the south, enhanced buffering and landscaping treatments can be incorporated at the Site Plan Control stage to limit compatibility concerns.
Minimum Setback to Netherby Road	Not currently specified	14 m	This new setback provision aligns with the Ministry of Transportation's setback requirement

The remaining portion of the lands shown as Part 2 on **Figure 6** will be rezoned to a site-specific Residential Multiple 1 (RM1) Zone, as the lands are proposed to be developed for on-street townhouse dwellings. The new site specific RM1 Zone is discussed in detail below.

#### Central Portion

The central portion of the subject lands as shown on **Figure 5** is zoned Residential 2 (R2) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the lands shown as Part 3 on **Figure 6** to the site-specific Residential Multiple 1 (RM1) Zone mentioned above, allowing the lands to be developed for single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes, street townhouse dwellings, and block townhouse dwellings.

#### Southerly Portion

The southerly portion of the subject lands as shown on **Figure 5** are zoned Residential Multiple 1 (RM1-548) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the lands shown as Part 4 on **Figure 6** to the same site-specific RM1 Zone that is proposed for the central and remaining northerly portions of the site (Parts 2 and 3 on **Figure 6**). The site-specific zoning would also permit the use of the lands for a Stormwater Management Pond and open space uses. Additional site-specific provisions are requested. The site-specific provisions (in red) and an analysis regarding their inclusion and merit are outlined in the table below.



Zone	Requirement	Proposed	Analysis
Permitted uses	Single detached dwellings Semi-detached dwellings Duplexes Triplexes Fourplexes Street townhouse dwellings Block townhouse dwellings Residential uses existing at the date of passing of this by-aw	<ul> <li>Single detached dwellings</li> <li>Semi-detached dwellings</li> <li>Duplexes</li> <li>Triplexes</li> <li>Fourplexes</li> <li>Street townhouse dwellings</li> <li>Block townhouse dwellings</li> <li>Residential uses existing at the date of passing of this by-aw</li> <li>Stormwater Management pond</li> <li>Open spaces uses</li> </ul>	Consistent with Secondary Plan policy 4.20.5 k) which states that Stormwater Management facilities shall be considered a permitted use within the Medium Density Residential designation of this Plan, and that appropriate zoning shall be applied as part of the development process.
Minimum lot area Subsection 14.3	200 m <sup>2</sup> for an interior street townhouse lot and 270 m <sup>2</sup> for a corner street townhouse	180 m <sup>2</sup> for an interior street townhouse lot and 215 m <sup>2</sup> for a corner street townhouse	Facilitates a compact built form that minimizes land consumption
Maximum Density	50 units/ha	50 units/ha	Existing – no change proposed

Minimum Density	17 units/ ha	17 units/ha	Existing – no change proposed	
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse - 60%	Delete the requirement	Provisions are duplicative in nature. The setbacks will function to regulate the size of the building	
Maximum lot coverage Subsection 12.3 (Singledetached dwelling)	50%	Delete the requirement	envelope. Further, the minimum landscaped open space area provisions of 30% in the front yard and 20% overall will have to be complied with, ensuring that an appropriate amount of open space area is achieved on site.	
Minimum Interior Side Yard setback Subsection 13.4 (semi- detached dwellings	1.2m plus an additional .5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required	1.5 m, except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required	Sufficient space is maintained for drainage, access, maintenance, and privacy purposes. The setback is consistent with the setback requirements found in other residential zones.	

#### **Subdivision Design**

The Draft Plan of Subdivision (**Appendix "2"**) will subdivide the approximately 8.68 ha of land into the following:

- 54 lots for single detached dwellings (Lots 1-54)
- 8 blocks for a total of 16 semi-detached dwelling units (Blocks 53-60)
- 13 blocks for a total of 59 on-street townhouse dwelling units (Blocks 61-73)
- 1 block for a total of 16 block (condominium) townhouse dwelling units (Block 74)
- 1 block for an apartment dwelling/stacked townhouses containing up to 80 units (Block 75)
- 1 block for Stormwater Management Pond (Block 76); and
- 5 blocks for 0.3 m reserves (Blocks 77-81).

The proposed subdivision will have frontage on Black Creek Road, and will be accessed via three new roads, shown as Street A, Street B, and Street C on the Draft Plan of Subdivision contained in **Appendix "2"**. A noise barrier wall will be provided along the west property line.

The Draft Plan of Subdivision will be subject to the conditions of approval contained in **Appendix "5"**.

Staff note that development on Blocks 74 and 75 will be subject to Site Plan Control. Since Council showed an interest in having input on the design of the developments, Staff can bring the future Site Plans forward for Council's approval.

#### **Studies**

The following studies were submitted with the Combined Official Plan and Zoning Bylaw Amendment, and Draft Plan of Subdivision applications:

- Stage 1 and 2 Archaeological Assessment;
- Environmental Noise Feasibility Study;
- Functional Servicing Report;
- Traffic Brief; and
- Best Management Practices Review

Staff note that the findings of these studies are discussed in detail throughout Report No. PDS-34-2022.

## Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the applications and servicing the proposed development are the responsibility of the Owner/Developer.

No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the proposed amendments and approvals.

#### **Policies Affecting Proposal**

Notice of the May 30<sup>th</sup> Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5<sup>th</sup>, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 m of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on the same date.

Land use policies that apply to the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

#### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on February 7<sup>th</sup>, 2022. Comments received in advance of the Public Meeting are available in Report No. <u>PDS-34-2022</u> for review.

#### **Comments from Public and Council**

A Public Information Open House for these applications was held on April 7<sup>th</sup>, 2022. All property owners within 120 m of the subject lands were notified of the Open House via mailed notice. The Open House was attended by Town Staff, the Owner and their Agent, and several area residents. Comments from area residents were also received via email. Public comments and correspondence received prior to the Information Report, and responses from Town Planning Staff and the Agent are available for review through Report No. <u>PDS-34-2022</u>.

At the statutory Public Meeting on May 30<sup>th</sup>, 2022, Report No. <u>PDS-34-2022</u> was presented to Council for information purposes. Supplemental Report No. <u>PDS-34-1-2022</u> was prepared in response to the following concerns that were raised by Council with respect to the applications:

- lagoon capacity;
- stormwater pond and outlet;
- underground stormwater management and drainage scheme;
- third point of access/egress; and
- · community housing needs

Following the Public Meeting, additional concerns were raised regarding the capacity of the Stevensville-Douglastown Lagoon and the provision of a third point of access/egress. Responses to these concerns are summarized below.

#### Stevensville-Douglastown Lagoon Capacity

Staff consulted Niagara Regional Staff again regarding the concerns related to their facility and received a response stating that the Lagoon has sufficient sewershed capacity for the proposed subdivision, and that no capacity concerns are anticipated at this time (**Appendix "6"**).

#### Third Point of Access/Egress

On several occasions, the Ministry of Transportation (MTO) has confirmed that a new access is not permitted at any location along Netherby Road from the highway ramp to Baker Road. Following the Public Meeting, Infrastructure Services Staff sent a letter to the MTO, dated October 18<sup>th</sup>, 2022, inquiring once more about a new access to Netherby Road. A response from the MTO was received on November 1<sup>st</sup>, 2022 and is included as **Appendix "7"**. The correspondence states that the MTO cannot support opening an access at this location as opening this access would compromise the operational safety of the highway and put motorists' safety at risk.

#### **Alternatives**

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

#### **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's recommendations, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

#### **Communicating Results**

There are no communication requirements at this time.

#### Conclusion

Planning Staff are of the opinion that the proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications represent good planning. The applications will facilitate the creation of a subdivision that will accommodate upwards of 225 residential units, providing for the diversification of the neighbourhood's housing stock, a range of tenureship options, and a compact form of development that will better utilize the Town's existing urban land and infrastructure. Further, the proposal aligns with the intent and objectives of the

Douglastown-Black Creek Secondary Plan, alongside Provincial and Regional policies. Planning Staff recommend that Council approves the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision as proposed.

#### **Attachments**

Appendix "1"- Location Plan

Appendix "2"- Draft Plan of Subdivision

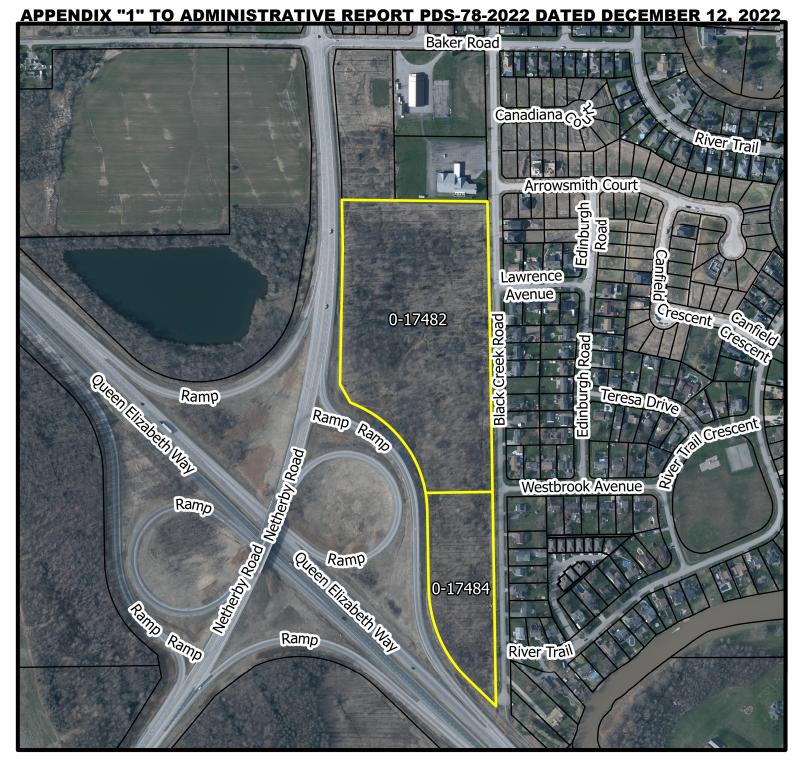
Appendix "3"- Proposed Land Use Changes

Appendix "4"- Proposed Zoning Changes

Appendix "5"- Conditions of Draft Plan Approval

Appendix "6"- Email Response from Niagara Region

Appendix "7" - Response Letter from Ministry of Transportation



0 100 200 Metres

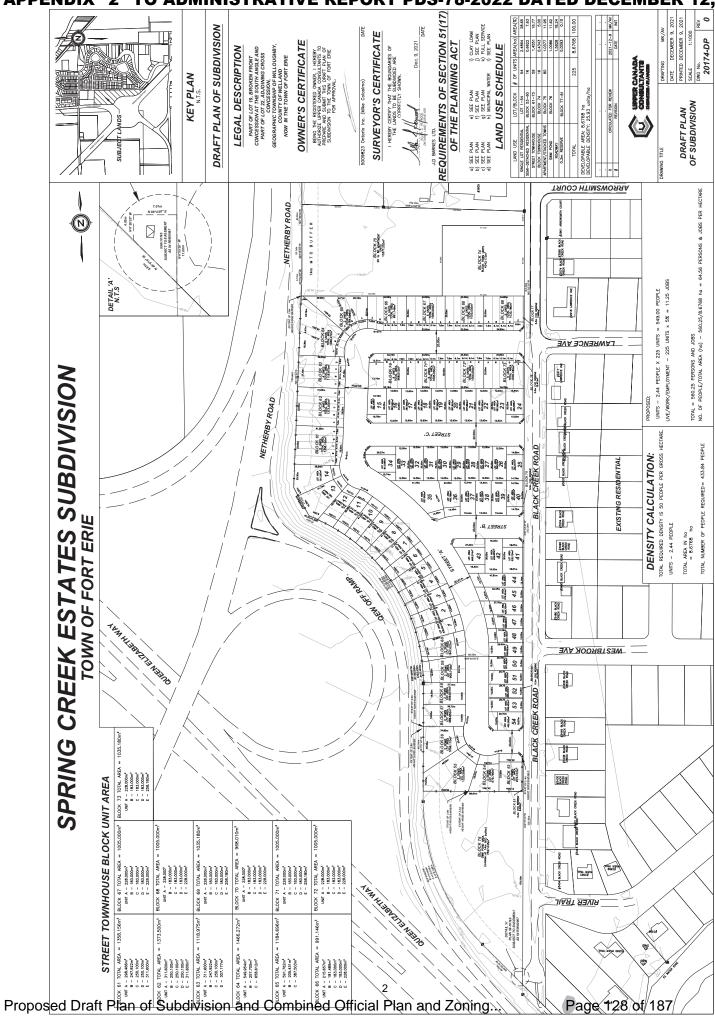
## **LOCATION PLAN**

Zoning By-law Amendment - 0-17484 & 0-17482 Black Creek Road

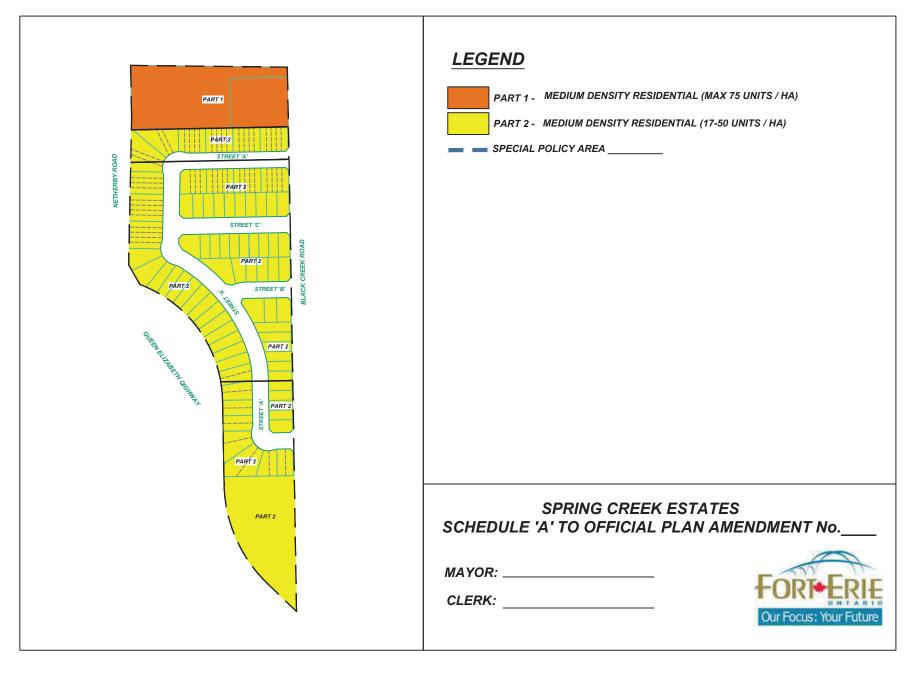
Subject Lands - 0-17484 & 0-17482 Black Creek Road

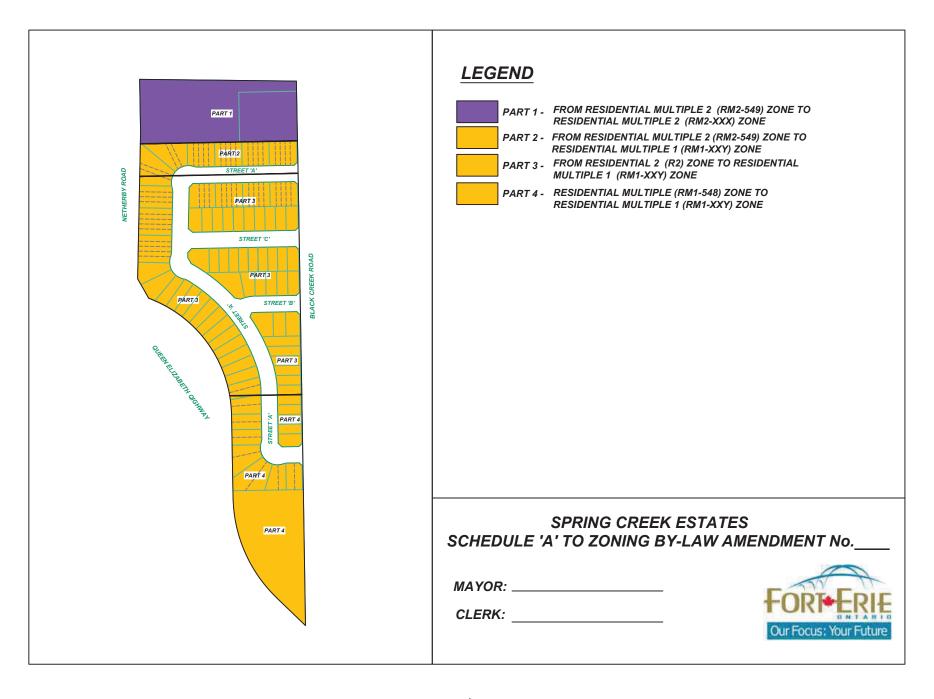


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# OFFICIAL PLAN AMENDMENT SCHEDULE 'A'





## CONDITIONS OF DRAFT PLAN APPROVAL SPRING CREEK ESTATES

The conditions of final approval and registration of the Spring Creek Estates Draft Plan of Subdivision File No. 350308-0123 Town of Fort Erie are as follows:

- 1. That this approval applies to the Spring Creek Estates Draft Plan of Subdivision CON BF SEA PT LOT 19 RP59R10225 PART 3 and CON BF SEA PT LOT 19 RP59R10195 PARTS 1 & 2, being all of PINs 642520159 and 642520160, prepared by J.D Barnes Ltd, dated December 9, 2021, and signed by Allan J. Heywood on December 9, 2021, showing 54 lots for single detached dwellings (Lots 1-54), 8 blocks for a total of 16 semi-detached dwelling units (Blocks 53-60), 13 blocks for a total of 59 on-street townhouse dwelling units (Blocks 61-73), 1 block for a total of 16 block (condominium) townhouse dwelling units (Block 74), 1 block for an apartment dwelling/stacked townhouse containing up to 80 units (Block 75), 1 block for Stormwater Management Pond (Block 76), and 5 blocks for 0.3 m reserves (Blocks 77-81).
- 2. That the owner deed Block 76, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.
- 3. That the owner deed Blocks 78 to 81, inclusive, as shown on the Draft Plan to the Town for 0.30 m reserves, free and clear of any mortgages, liens and encumbrances.
- 4. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
- 5. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
- 6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."
- 7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
- 8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway

- designs and appropriate mitigation measures to address groundwater issues encountered.
- 9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
- 10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
- 11. That the streets be named to the satisfaction of the Town.
- 12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.
- 13. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."
- 14. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
- 15. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed sediment and erosion control plans.
- 16. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 15 above.

- 17. That the Developer is responsible to front-end the reconstruction of Black Creek Road from Lawrence Avenue to River Trail to an urban cross-section and the construction of storm sewers on Black Creek Road from Lawrence Avenue to River Trail and on Lawrence Avenue from Black Creek Road to Edinburgh Road.
- 18. That payment of cash-in-lieu of parkland dedication is made to the Town of Fort Erie in accordance with the Planning Act and By-law No. 69-08.
- 19. That the Developer submits a Landscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff. The Plan shall address pedestrian circulation, outdoor public amenity space, site landscaping, streetscape treatments, appropriate buffering of the QEW/QEW interchange, and interface with Black Creek Road.
- 20. That the Developer submits a Tree Preservation Plan, pursuant to the Subdivision Control Guidelines. The Plan shall illustrate how trees on Town lands will be protected during construction.
- 21. That the Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines, showing how the development will interface with Black Creek Road.
- 22. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.
- 23. That as recommended by the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated October 28, 2021) that the owner submits a Stage 3 Archaeological Assessment (including any subsequent recommended assessments) prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each completed archaeological assessment involving the subdivision lands, including all applicable Letters of Acknowledgement from the Ministry shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed development and must be accepted by the MHSTCI, and to the satisfaction of Niagara Region, prior to clearance of this condition.

NOTE: No demolition, grading, or other soil disturbances shall take place on the subject property prior to the issuance of all applicable Letters of Acknowledgement from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

24. That the owner agrees to include the following warning clause with respect to the potential discovery of archaeological resources in the Subdivision Agreement:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

- 25. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to implement the approved noise mitigation measures / devices and ensure that the required warning clauses be included in all Agreements of Purchase and Sale or Lease or Occupancy in accordance with the *Environmental Noise Feasibility Study* prepared by Valcoustics Canada Ltd. (dated December 14, 2021).
- 26. That the owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units in the subdivision:
  - "Purchasers/tenants are advised that sound levels due to increasing road traffic on Netherby Road and the QEW may occasionally interfere wit some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."
  - "The lands in the Plan of Subdivision may be exposed to noise, reduced air quality, odour, and/or dust from nearby agricultural uses/operations, vehicle traffic, and/or Douglastown Sewage Lagoons that may interfere with some activities of the owners/tenants who occupy these lands."
- 27. That the owner agrees to include a clause in the Subdivision Agreement noting that no access will be permitted to Netherby Road.
- 28. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

- 29. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.
- 30. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP) Compliance Approval under the Transfer of Review Program.
- 31. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled *Stormwater Management Planning and Design Manual, March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to the Niagara Region for review and approval:
  - Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - Detailed erosion and sedimentation control plans; and
  - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
- 32. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
- 33. That the applicant ensure that all streets can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and By-laws relating to the curbside collection of waste.
- 34. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
- 35. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.

- 36. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, survey and internal road construction plans.
- 37. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study to assess the impacts on the QEW and Netherby Road Interchange and identify any related highway improvements.
- 38. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - a) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - b) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

#### 39. The owner further agrees to:

- a) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- c) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- d) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- 40. The owner/developer provides the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, for buildings and complexes with a common lobby, common indoor or sheltered space in accordance with Canada Post's multi-unit policy.

#### **Clearance of Conditions**

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- District School Board of Niagara for Condition 12
- Niagara Region Planning & Development Department for Conditions 23-34 (inclusive)
- Ministry of Transportation for Conditions 35-37 (inclusive)
- ◆ Canada Post for Conditions 38-40.
- 1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:
  - a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
  - b) Section 160(2) allows certain exceptions.

#### 2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act. R.S.O. 1990.

#### 3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above with clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Sue Mabee
Supervisor of Planning
District School Board of Niagara
191 Carlton Street
St. Catharines, ON
L2R 7P4

Phone No: 905-641-1550 ext. 54225

Email: sue.mabee@dsbn.org

Director, Development Approvals
Planning and Development Services Department
The Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON, L2V 4T7

Phone No: (905) 980-6000 Toll Free: 1-(800) 263-7215

Email: devtplanningapplications@niagararegion.ca

Mr. Ted Lagakos Senior Project Manager Highway Corridor Management Section – Central Operations Ministry of Transportation 7th Floor, Building D, 159 Sir William Hearst Downsview, ON M3M 0B7 Phone No: (416) 268-3932

Email: ted.lagakos@ontario.ca

Andrew Carrigan
Officer, Delivery Planning
Canada Post
955 Highbury Avenue North
London, Ontario N5Y 1A3
Phone: 226-268-5914

Email: andrew.carrigan@canadapost.ca

#### 5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous, they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

#### 6. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning and

Development Services Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

#### 7. NOTES

- Written permission is required from the Town to remove trees on Town property
- Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.
- All Ministry of Transportation submissions should be provided in electronic form.
- The Ministry of Transportation does not clear individual conditions. The Ministry issues a single "Clearance Letter" once all plan conditions have been addressed to their satisfaction.
- Ministry of Transportation Draft Plan of Subdivision comments may need to be updated/revised if the Applicant delays securing ministry clearances and/or ministry priorities change.
- Ministry Building and Land Use permits will be required for individual building lots within 395 m from the centre point of QEW and Netherby Road and 45 m from all ministry property limits.
- Ministry permits are required prior to any on site grading being undertaken.
- Sign permits are required for signing within 400m of the QEW.
- Permit inquiries can be directed to Mr. Peter Deluca, Corridor Management Officer, at (647) 248-8548 or <a href="mailto:peter.deluca@ontario.ca">peter.deluca@ontario.ca</a>
- Information regarding the ministry's application process, forms and the policy (see specifically Highway Access Management Guidelines and Storm Water Management resources) can be found at the link: <a href="https://www.ontario.ca/page/ministry-transportation">https://www.ontario.ca/page/ministry-transportation</a>

Ministry of Transportation

Corridor Management Section Central Region 7<sup>th</sup> Floor 159 Sir William Hearst Avenue Toronto, ON M3M 0B7 Tel (416) 235-5372 Fax (416) 235-4267 Ministère des Transports

Section de la gestion des couloirs routiers Région du Centre 7e étage 159 avenue Sir William Hearst

Downsview ON M3M 0B7 Tél: 416 235-5372 Téléc: 416 235-4267



November 1, 2022

Sent Via email <a href="mailto:kwalsh@forterie.ca">kwalsh@forterie.ca</a>

Mr. Kelly M. Walsh, P. Eng. Director, Infrastructure Services

Re: Access to Netherby Road (Niagara Regional Road 25)

Dear Mr. Walsh,

Thank you for your letter regarding access to Netherby Road (Niagara Regional Road 25), I appreciate the opportunity to respond.

The Ministry of Transportation is responsible for managing the Provincial Highway network. Through the application of legislation, policies, and guidelines, the Ministry supports economic growth while ensuring the safe and efficient movement of people and goods across the province.

MTO has been given the authority for control of Provincial Highway corridors under the *Public Transportation and Highway Improvement Act (PTHIA)*. Access management is required to ensure the safe and efficient movement of traffic along freeways and arterial highways, where access connections to property are secondary to safety and mobility. Without effective access management, the function and character of highway corridors can deteriorate rapidly.

This portion of Netherby Road is designated Controlled Access Highway (CAH) under the PTHIA, meaning that direct access is prohibited. As such, the ministry cannot support opening an access at this location to public traffic. Opening this access would compromise the operational safety of the highway and put motorists' safety at risk.

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

Thank you again for bringing your concerns to my attention.

Regards,

Morgan Lawrence P.Eng

Head, Highway Corridor Management Section (Central, West)

- c. Becca Lane, Director, Operations (Central)
- c. Moin Khan, Manager of Operations (Central)
- c. Ted Lakagos, Senior Project Manager

#### Fw: Douglastown Sewage Lagoon - Black Creek Road Subdivision (Spring Creek Estates)

Anamika Dilwaria to Mackenzie Ceci

11/23/2022 09:07 PM

From Anamika Dilwaria/FortErie

To Mackenzie Ceci/FortErie@TownOfFortErie

---- Original message -----

From: "Morrison, Alexander" < Alexander. Morrison@niagararegion.ca>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca> Cc: "Lambert, Phill" <Phill.Lambert@niagararegion.ca>

Subject: Douglastown Sewage Lagoon - Black Creek Road Subdivision (Spring Creek Estates)

Date: Wed, Nov 23, 2022 12:44 PM

#### Hi Anamika:

I have followed up with our Infrastructure Planning and Development Engineering Team with respect to the Douglastown Sewage Lagoon. I am able to confirm that the Lagoon has sufficient sewershed capacity for the proposed Black Creek Road Subdivision (Spring Creek Estates) and that our Team does not anticipate any capacity concerns at this time.

I have copied the Region's Director of Infrastructure Planning and Development Engineering, Phill Lambert, to this email should there be any additional questions on this matter.

Thank you, Alex

#### Alexander Morrison, MCIP, RPP

Senior Development Planner

Planning & Development Services | Niagara Region

P: (905) 980-6000 ext. 3378

E: alexander.morrison@niagararegion.ca

**F**: 905-641-5208

1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7



## **Planning and Development Services**

Prepared for	Council-in-Committee	Report No.	PDS-03-2023
Agenda Date	January 16, 2023	File No.	350302-0127 &
	•		350309-0544

#### Subject

PROPOSED DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT PEACE BRIDGE VILLAGE PHASE 4 (0-10268 LOUISA STREET)
ASHTON HOMES (WESTERN) LTD (ALDO VERCILLO) - OWNER
UPPER CANADA CONSULTANTS (WILLIAM HEIKOOP) - AGENT

#### Recommendation

THAT Council approves the amendment to the Town's Zoning By-law No. 129-90 as

detailed in Report No. PDS-03-2023 for the lands known as 0-10268 Louisa

Street, and further

**THAT** Council approves the Peace Bridge Village Phase 4 Draft Plan of Subdivision

dated November 9, 2022, showing 31 lots for single detached dwellings, 6 blocks for 36 townhouse dwellings, and a block for a 0.30 m reserve as attached as **Appendix "3"** of Report No. PDS-03-2023, in accordance with the provisions of the *Planning Act, R.S.O.* 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "4"** of Report No.

PDS-03-2023, and further

**THAT** Council directs staff to circulate the Conditions of Draft Plan Approval in

Appendix "4" of Report No. PDS-03-2023 to the applicable agencies in

accordance with the requirements of the *Planning Act*, and further

**THAT** Council directs Staff to submit the necessary by-law.

#### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

#### **List of Stakeholders**

Ashton Homes (Western) Ltd (Aldo Vercillo) - Owner Upper Canada Consultants (William Heikoop) - Agent Residents and Property Owners in the Town of Fort Erie

Prepared by:	Reviewed by:	Submitted by:	Approved by:
Original Signed	Original Signed	Original Signed	Original Signed
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

#### **Purpose**

The purpose of this report is to provide a staff recommendation to Council regarding the proposed Peace Bridge Village Phase 4 Subdivision. Applications for a Draft Plan of Subdivision and a Zoning By-law Amendment were submitted by William Heikoop of Upper Canada Consultants, Agent for Ashton Homes (Western) Limited (Aldo Vercillo), Owner of the subject property located at 0-10268 Louisa Street. A location map showing the area subject to the applications is attached as **Appendix "1"**. The statutory Public Meeting for this proposal was held on September 12, 2022. Council received the related Report No. PDS-63-2022 for information purposes on the same date.

The proposed Plan of Subdivision has been revised slightly since the Public Meeting in response to feedback from Town staff regarding the future road connection to lands to the south. Town staff recommended that the future road connection be reconfigured to align with the westerly extension of Arthur Street into the development to prevent vehicle and maintenance conflicts that may result from the additional bend in the road. The original draft plan is attached as **Appendix "2"**. The revised draft plan is proposing 31 lots for single detached dwellings, 6 blocks for a total of 36 townhouse dwellings and one block for a 0.30 m reserve. The revised draft plan of Subdivision is attached as **Appendix "3"**.

This Zoning By-law Amendment is required to change the zoning of the subject land from Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone to a specific Residential 2A (R2A) Zone for the single detached dwellings and a site-specific Residential Multiple 1 (RM1) Zone for the townhouse dwellings. The site-specific R2A Zone contains a special provision to permit reduced lot area. The site-specific RM1 Zone contains special provisions to permit reduced lot area, increased maximum density, increased maximum lot coverage for exterior townhouse units and a reduced planting strip width along a street.

#### **Nature of the Site**

The subject site is located on the south side of Louisa Street in the Garrison neighbourhood of Fort Erie and is 2.64 hectares in area. The property is municipally known as 0-10268 Louisa Street and is vacant land.

The following are the land uses surrounding the subject property:

**North:** Vacant, wooded residential land, an existing non-conforming

commercial use and Peace Bridge Village Phases 1 and 2.

South: Vacant, wooded residential land, single-detached dwellings, an

apartment building and a stormwater detention pond owned by the

Town but currently maintained by the developer.

**East:** Single detached dwellings.

West: An existing, non-conforming commercial use, vacant, wooded

residential land and single detached dwellings.

#### **Planning Context**

## 2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth to settlement areas and encourage building strong communities through the efficient use of land, resources, and infrastructure. The PPS supports development of complete communities with an appropriate range and mix of housing types.

This proposal is consistent with the policies of the PPS. The proposed development is occurring in a designated growth area within the Urban Boundary. The proposed single detached dwellings and street townhouses provide for a mix of housing types. The proposal efficiently uses urban land and is adequately serviced with water and sanitary sewer. A stormwater facility on Albert Street is also in place to accommodate stormwater discharge from Peace Bridge Village Phase 4. This proposal will help foster a complete community by infilling underutilized land and enhancing connectivity between previous phases of Peace Bridge Village and the Lakeshore and Garrison neighbourhoods to the east and southeast.

#### 2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within a Settlement Area in the Growth Plan and is designated as Designated Greenfield Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for efficient use of urban land and a range and mix of housing types.

Peace Bridge Village Phase 4 Subdivision is consistent with the policies of the Growth

Plan. The proposed development is located within a Settlement Area. The Growth Plan requires development in Designated Greenfield Areas to achieve a minimum density of 50 people and jobs per ha across the municipality. Niagara Region has noted in their comments that the proposed density of this project is 60 people and jobs per hectare therefore exceeding the minimum density requirement under the Growth Plan. The proposed plan of subdivision represents efficient use of urban land and has a mix of housing types.

#### 2022 Niagara Official Plan (NOP)

The NOP notes that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage growth. The NOP promotes intensification, compact built form and a diverse range and mix of housing types. Similar to the Growth Plan, the NOP establishes a minimum density of 50 residents and jobs per hectare for designated greenfield areas.

This proposal is consistent with the NOP. The proposed development represents is permitted by the land use designation of the property in the Town's Official Plan and makes efficient use of urban land and existing infrastructure that was constructed as part of earlier phases of Peace Bridge Village. The proposed single detached dwellings and townhouse dwellings are consistent with compact built form and provide a mix of housing types.

#### 2011 Town of Fort Erie Official Plan

Official Plan Schedule A - Land Use Plan

The subject lands are designated Urban Residential and Environmental Conservation on Schedule A of the Town's Official Plan. Section 4.9 of the Official Plan states that lands with Urban Residential designation are intended for a variety of housing forms including single detached dwellings and multi-unit residential dwellings including townhouses.

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is not within a petroleum resource area and staff note that there are no active wells within 75.00 metres of the subject property. The subject property is not within area identified as having potential for mineral aggregate resources.

Official Plan Schedule C - Natural Heritage Features & Schedule C1 - Natural Hazards & Fish Habitat

Schedule C of the Official Plan identifies the property as being part of Woodlands Over 2 Hectares. Schedule C1 of the Official Plan does not identify any natural hazard area

or fish habitat on or near the subject property. The property is not within area under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

Planning staff note that the site has since been cleared and an Environmental Impact Study (EIS) was completed that demonstrates that no natural heritage features, natural hazard areas or fish habitat are present on the subject lands.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan illustrates the subject property as being within area identified as having potential for archaeological resources. Niagara Region has provided some comments on archaeological requirements which are contained in the "Comments from Relevant Departments/Community and Corporate Partners" section of this report.

Urban Residential Land Use Designation

Subsection 4.7.4.1 Urban Residential of the Official Plan provides guidance to Council when considering medium-density residential uses and infill residential intensification on vacant land. Townhouse dwellings are considered to be medium-density residential uses in the Town's Official Plan. Planning staff has provided analysis with respect to these criteria below.

In considering medium-density and high-density residential uses, redevelopment and infill residential intensification on vacant land, regard shall be given to the following:

 The height, bulk and arrangement of buildings and structures to achieve a harmonious design, compatible integration with the surrounding area and not negatively impact on lower density residential uses;

The proposed plan of subdivision features a mix of single detached dwellings and townhouse dwellings. The proposed R2A zoning for the single detached dwellings permits building heights of up to 2.5 storeys and 10.50 m in height and the RM1 zoning for the townhouse dwellings permits building heights of up to 3 storeys and 12.00 m in height. Although the final dwelling designs are premature at this stage, the future dwellings are anticipated to fit in well with the surrounding area and are similar to prior phases of Peace Bridge Village to the north. The townhouse dwellings are clustered in the core of the development with single detached dwellings being located along the periphery of the development site. This allows the development to blend well with the surrounding neighbourhood.

b. Appropriate open space, including landscaping and buffering to maximize privacy and minimize the impact on adjacent lower density uses;

The subject property is naturally buffered from nearby low density uses by the Louisa Street road allowance to the north and the partially closed Phillips Street road allowance to the south and east which is used as a vegetated corridor for a storm sewer. The

proposed street townhouses are clustered in the centre of the development with the proposed single detached dwellings arranged along the westerly, southerly and easterly edges of the development. This transition from townhouses to single detached dwellings minimizes impacts to other nearby single detached dwellings to the north and southeast.

c. Parking areas that are sufficient size to satisfy the need of the development and are well designed and properly related to buildings and landscaped areas;

All of the proposed dwellings will provide on-site parking via driveways and garages. The Zoning By-law requires one parking space per dwelling unit for single detached dwellings and street townhouse dwellings. All of the proposed units front onto public streets and parking will occur in the front yard. Adequate space will be available in the rear yard for landscaping and amenity area.

d. The design and location of refuse pick-up and recycling service areas meets Regional Waste Collection design requirements;

All dwelling units in the proposed development will front onto public streets. Niagara Region has confirmed in their comments that all units will be eligible for curbside pick up service.

e. Driveway access, internal roadways and pedestrian walkways that are safe and properly designed;

The plan of subdivision was revised to remove an additional bend associated with a future road connection to the lands to the south. This future road connection now aligns with the section of street that connects to Arthur Street. The revised design will minimize vehicle, pedestrian and maintenance conflicts. Driveways will be located in the front yards of the proposed dwellings and will connect directly to public streets. The Town's Subdivision Control Guidelines require installation of a sidewalk on one side for pedestrian movement.

f. Convenient access to a collector or arterial road;

The proposed development has direct access to Louisa Street and Arthur Street. While these roads are not collector or arterial roads they provide convenient access to Albany Street to the south and Garrison Road to the north.

g. Location in regard to the elements of traditional neighbourhood design and within convenient walking distance of the central focus of the neighbourhood;

The proposed plan of subdivision will integrate well with the previous phases of the Peace Bridge Village subdivision. The Town does anticipate a Town park near this site although the final location has yet to be determined via a future Parks and Open Space Master Plan.

h. Building designs that place windows and balconies to overlook pedestrian routes and parking areas to encourage "eyes on the street"; and

All of the proposed units will front onto and face public streets, thereby providing "eyes on the street".

i. Site planning considerations that facilitate walking and cycling activity such as secured bike storage, lighting and bikeways.

Sidewalks for pedestrian movement will be required in accordance with the Town's Subdivision Control Guidelines. Active transportation via walking or cycling will be possible via connection to the existing road and sidewalk networks of surrounding neighbourhoods.

Official Plan - Subdivision Control

Section 13.5 II. of the Official Plan provides some direction for Council when considering approval of a Plan of Subdivision. These are:

a. The Plan of Subdivision conforms with the policies of this Plan;

The Urban Residential land use designation permits development of single detached dwellings and townhouse dwellings. The Applicant has completed an Environmental Impact Study (EIS) that demonstrates that there are no natural heritage features present on the subject property.

 Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

The development is located within the Urban Boundary and dwellings within will have access to emergency services and garbage collection services. The development will integrate with existing municipal water, sanitary sewer and storm sewer infrastructure in the area, including infrastructure in prior phases of Peace Bridge Village that were designed to accommodate this development. The Applicant has provided a Functional Servicing Report which demonstrates that sufficient services will be available for this development. Municipal services will need to be extended along Louisa Street from Burwell Street to Arthurs Street and within Street 'A' and Street 'B' to service the proposed parcels within the subdivision in accordance with the Town's Subdivision Control Guidelines.

c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

The subject property is within the Urban Boundary and all parcels are required to be serviced via municipal water and sanitary sewer systems. Any service extensions will be at the initial cost of the developer. The cost of storm sewers and sanitary sewers will be reimbursed by a Development Charge funded project, as noted by the Town's Coordinator, Development Approvals.

d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

The subject property is within the Urban Boundary and is consistent with Provincial, Regional and Town planning policy which promote intensification and development within the existing urban area. The proposed plan of subdivision is in the public interest as it will provide additional dwelling units, housing variety and financial benefit to the Town.

#### Plan of Subdivision Design

The revised draft plan of subdivision is attached as **Appendix "3"** and consists of the following elements:

- 31 lots intended for single detached dwellings
- 6 blocks intended for 36 street townhouse dwellings
- 1 block for a 0.30 metre reserve associated with a future road connection to the land to the south

The revised draft plan features two new roads, Street 'A' and Street 'B' that align with the Arthur Street and Burwell Street road allowances. The future road connection to lands to the south now align with Arthur Street and is part of Street 'B'. The majority of the proposed dwellings will front onto Street 'A'. 18 of the townhouse dwellings and 9 of the single detached dwellings will front onto Louisa Street directly. 7 single detached dwellings will front onto Street 'B'. Louisa Street will need to be constructed from Burwell Street to Arthur Street as a result of this proposal as the road is currently untravelled between those two road allowances. The overall density of the plan of subdivision is 25.37 units/ha.

Section 13.5 II of the Official Plan provides some

The conditions of draft plan approval for the proposed plan of subdivision are attached as **Appendix "4"**.

#### Comprehensive Zoning By-law No. 129-1990

The lands are currently zoned Neighbourhood Development (ND) Zone and

Environmental Conservation (EC) Overlay Zone in accordance with Zoning By-law No. 129-1990. The Agent is requesting to rezone the subject lands to a new site-specific Residential 2A (R2A) Zone for the proposed single detached dwellings and a new site-specific Residential Multiple 1 (RM1) Zone for the proposed townhouse dwellings. The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the site.

#### Proposed Zoning - Residential 2A (R2A Zone

The proposed site-specific R2A Zone contains a special provision to permit reduced lot area. Sixteen of the lots intended for single detached dwellings (Lots 2 through 7, and 9 through 18) have lot areas that are less than 325.00 sq m. The remaining 16 lots comply with the base R2A zone regulations. Departures from the base R2A zoning regulations are highlighted in grey in the table below.

Table 1: Zone Comparison Chart - Proposed Site-specific R2A Zone			
Zoning Regulation	Base Regulations	Proposed Regulations	
Minimum Lot Frontage	12.00 m for an interior lot	No change	
	15.00 m for a corner lot		
Minimum Lot Area	375.00 sq m	325.00 sq m	
Maximum Lot Coverage	50%	No change	
Minimum Front Yard	6.00 m to garage	No change	
	3.00 m to other parts of		
	dwelling		
Minimum Interior Side	1.20 m	No change	
Yard	3.00 m on one side if no		
	attached garage or carport		
Minimum Exterior Side	3.00 m	No change	
Yard	6.00 m if an attached		
	garage or carport faces the		
	exterior lot line		
Minimum Rear Yard	6.00 m	No change	
Maximum Building Height	2.5 storeys and 10.50 m	No change	

#### Planning Analysis

Planning staff support the reduction in the minimum lot area. The requested reduction is minor and a lot area of 325.00 sq m is sufficient to accommodate development of appropriately-sized dwellings, on-site parking and amenity area for the future residents. Planning staff do not anticipate any compatibility issues with other existing parcels in the area.

#### Proposed Zoning - Residential Multiple 1 (RM1) Zone

The proposed site-specific RM1 Zone contains special provisions to permit a reduction to the minimum lot area for interior and exterior townhouse dwellings, increased maximum lot coverage for exterior street townhouse dwelling, increased maximum density and a reduction to the required planting strip width along a street. Departures from the base zoning regulations are highlighted in grey in the table below.

Table 2: Zone Comparisor	Chart - Proposed Site-spec	cific RM1 Zone
Zoning Regulation	Base Regulations	Proposed Regulations
Minimum Lot Frontage	6.00 m for an interior street townhouse lot 6.00 m for an interior street townhouse lot	No change
Minimum Lot Area	200.00 sq m for an interior street townhouse lot 270.00 sq m for an exterior street townhouse lot	170.00 sq m for an interior street townhouse lot 265.00 sq m for an exterior street townhouse lot
Minimum Front Yard	6.00 m to garage 3.00 m to other parts of dwelling	No change
Maximum Lot Coverage	60% interior street townhouse 40% exterior street townhouse	No change for interior street townhouse 50% for exterior street townhouse
Minimum Interior Side Yard	1.50 m	No change
Minimum Exterior Side Yard	3.00 m 6.00 m if an attached garage or carport faces the exterior lot line	No change
Minimum Rear Yard	6.00 m	No change
Maximum Building Height	3 storeys and 12.00 m	No change
Minimum Landscaped Area	25% for street townhouse lots	No change
Maximum Number of Units in a Row		No change
Maximum Density	35 units per hectare	50.63 units per hectare
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling	No change

	unit, having a minimum depth of 4.50 m	
Planting Strips	In accordance with Section	In accordance with Section
	6.21 and 4.5m where it	6.21 and 3.00 m where it
	abuts a street, except for	abuts a street, except for
	points of ingress/egress.	points of ingress/egress.

#### Planning Response

Planning staff support the reduced lot area for interior and exterior street townhouse lots. The reduction in lot area is relatively minor and staff note that the future dwellings units will comply with all of the setback requirements outlined in the Zoning By-law. Sufficient area will be available to accommodate development of townhouse dwellings with adequate space for servicing, parking and amenity area.

An increase in the maximum lot coverage from 40% to 50% is requested for exterior street townhouse units. Planning staff are of the opinion that the exterior townhouse dwellings will be appropriately sized and will not overpower the lots. The proposed townhouse dwellings will meet all of the setback requirements of the RM1 zoning and there will be sufficient space for servicing, parking and amenity area.

Planning staff support the increased maximum density of 50.63 units/ha. This zoning departure is technical and is largely a result of the townhouses being clustered together. Planning staff note that the subject property is designated Urban Residential in the Town's Official Plan which does not have a set density limit. When the development is reviewed in its entirety the overall density for the site is 33.67 units/ha which falls within the density range specified in the RM1 Zone regulations.

Finally, planning staff are supportive of the reduced planting strip width where it abuts a street. Planting strip widths of 4.50 m are not necessary as the proposed street townhouse dwellings comply with the setback requirements of the base RM1 zone and adequate space is available for parking in the front yard and amenity area in the rear yard.

#### Proposed Zoning - Removal of Environmental Conservation (EC) Overlay Zone

Planning staff are supportive of the request to remove the EC Overlay Zone from the subject property as the Town's mapping does not identify any natural heritage feature on the subject lands. Additionally the applicant has submitted as EIS that confirms that there are no natural heritage features on the subject property.

Correspondence between the Applicant and the Region staff contained in Report No. PDS-63-2022 confirms that the applicant had received permission from the Regional Forester to remove the tree removal in an effort to remove numerous dead ash trees that were on the subject property.

The Town's Environmental Advisory Committee (EAC) reviewed the site and the EIS an recommended that the developer be required to maximize street trees within the development to compensate for the tree removal. Further, they noted that the Town should consider requiring the developer to pay a fee for tree plantings elsewhere in Town.

Planning staff note that planting of new street trees will be a requirement along with a landscape plan as a condition of approval. One new tree per new lot is required, with the exception of corner lots, where three new street trees are required. The proposed development will therefore be required to plant approximately 84 street trees. In 2023, it is estimated that the cost of planting street trees will increase to \$1,000 per tree. The developer will therefore be required to pay an estimated \$84,000 for street tree plantings for this proposal.

Planning staff do not recommend asking for a cash payment for tree planting elsewhere as it is difficult to quantify an exact dollar amount and new trees will be planted as part of the subdivision approval process as outlined above.

#### Studies

The following studies were submitted with the Zoning By-law Amendment and Draft Plan of Subdivision applications:

- Stage 1 Archaeological Assessment;
- Environmental Impact Study; and
- Functional Servicing Report

Staff note that the findings of these studies are discussed in detail throughout Report No. PDS-63-2022.

## Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the applications are the responsibility of the Owner. No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the proposed amendments and approvals.

### Policies Affecting Proposal

Notice of the September 12, 2022 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the August 18, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject property were mailed a "Notice of Complete Application and Public Meeting" on August 18, 2022.

Land use policies that apply to the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

#### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on August 18, 2022. Comments received prior to the Public Meeting are included in <a href="Report No. PDS-63-2022">Report No. PDS-63-2022</a> for review. Comments received following the Public Meeting are summarized below and are attached in full as **Appendix "5"**.

#### Coordinator, Development Approvals

No objections to the proposed Zoning By-law Amendment. Staff requested that the future road connection to the lands to the south be realigned with the extension of Arthur Street. A list of conditions regarding servicing are attached as part of **Appendix** "4".

#### Environmental Advisory Committee (EAC)

This application was brought to EAC as part of the agenda for the September 7, 2022 meeting. Discussion occurred about the site being cleared prior to completion of the EIS and EAC having a chance to review the site. EAC did not object to the removal of the Environmental Conservation (EC) Overlay Zone as the site has been cleared; however they did provide the following recommendations:

THAT: EAC makes the following recommendations regarding Peace Bridge Village Phase 4 Subdivision:

- 1. That the developer maximize street trees within the development.
- 2. That the Town consider asking for a cash payment for tree planting elsewhere in the community in advance of the development applications.

The Minutes of EAC were approved by Council on December 12, 2022. However, Council did not approve the recommendations.

#### Niagara Catholic District School Board (NCDSB)

No objections. NCDSB staff note that the proposed development is likely to generate an enrollment increase at Our Lady of Victory JK-8 Catholic ES, and so they request to be circulated on future development applications pertaining to this development.

#### Niagara Peninsula Conservation Authority (NPCA)

NPCA staff provided an email noting that the EIS completed for this development has identified that the subject property was cleared of vegetation prior to the

commencement of field surveys. The EIS has not identified any NPCA regulated features within or immediately adjacent to the subject lands. Due to the lack of NPCA regulated features within the study area, no further comment is offered on this application.

#### Niagara Region

Niagara Region provided updated comments with respect to requiring the completion of a Stage 2 archaeological assessment. The updated letter notes that the Region has agreed that the Stage 2 archaeological assessment can be completed as a condition of approval. The Region also provided a revised set of conditions of approval that have been included as part of **Appendix "4"**.

Niagara Region notes that they are satisfied with the conclusions of the Applicant's Environmental Impact Study (EIS) that there are no Regionally-designated natural heritage features on the subject property. Region staff agree that a Tree Preservation Plan (TPP) is required in accordance with the recommendations of the EIS. The requirement for a TPP is included as a condition of approval for this development.

#### **Public Comments**

A public information open house was held in-person in the Atrium of Town Hall on August 23, 2022 from 5 to 6 pm. All property owners within 120 metres of the subject lands were notified of the information open house via a notice mailed by Staff on August 9, 2022. Staff, the Agent, and a representative from the developer attended the information open house meeting. Approximately 25 members of the public attended the information open house meeting. Comments and feedback from the public are outlined below. Public comments and correspondence received prior to the Information Report and responses from Town Planning staff are available for review through Report No. PDS-63-2022.

No members of the public provided comments ad the statutory Public Meeting on September 12, 2022. Further, no additional written correspondence has been received by staff from members of the public following the Public Meeting.

#### **Alternatives**

Council may elect to deny the Zoning By-law Amendment and Draft Plan of Subdivision applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

### **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's

recommendations, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

#### **Communicating Results**

There are no communication requirements at this time.

#### Conclusion

Planning Staff are of the opinion that the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications represent good planning. The applications will facilitate development of the next phase of the Peace Bridge Subdivision containing a total of 67 dwelling units that represent a compact form of development that will better utilize the Town's existing urban land and municipal infrastructure and aligns with the intent and objectives of Town, Regional and Provincial planning policies. Planning Staff recommend that Council approves the Zoning By-law Amendment and Draft Plan of Subdivision as proposed, and direct staff to circulate the conditions of draft plan approval to the appropriate external agencies and prepare the necessary by-laws.

#### **Attachments**

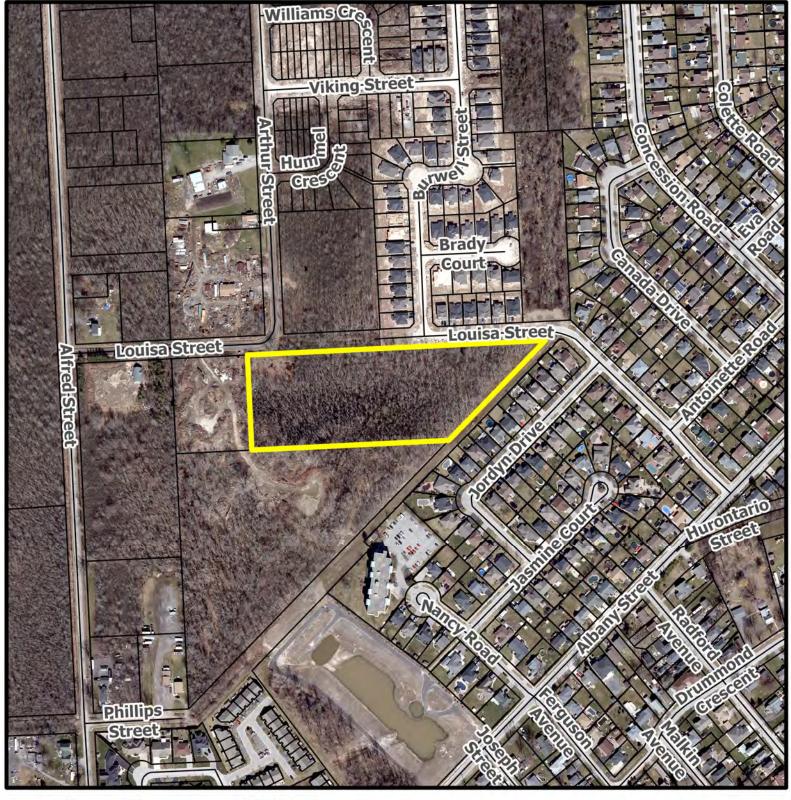
**Appendix "1" -** Location Plan

Appendix "2" - Original Proposed Draft Plan of Subdivision

Appendix "3" - Revised Proposed Draft Plan of Subdivision

**Appendix "4"** - Conditions of Draft Plan Approval

Appendix "5" - New Staff and Agency Comments

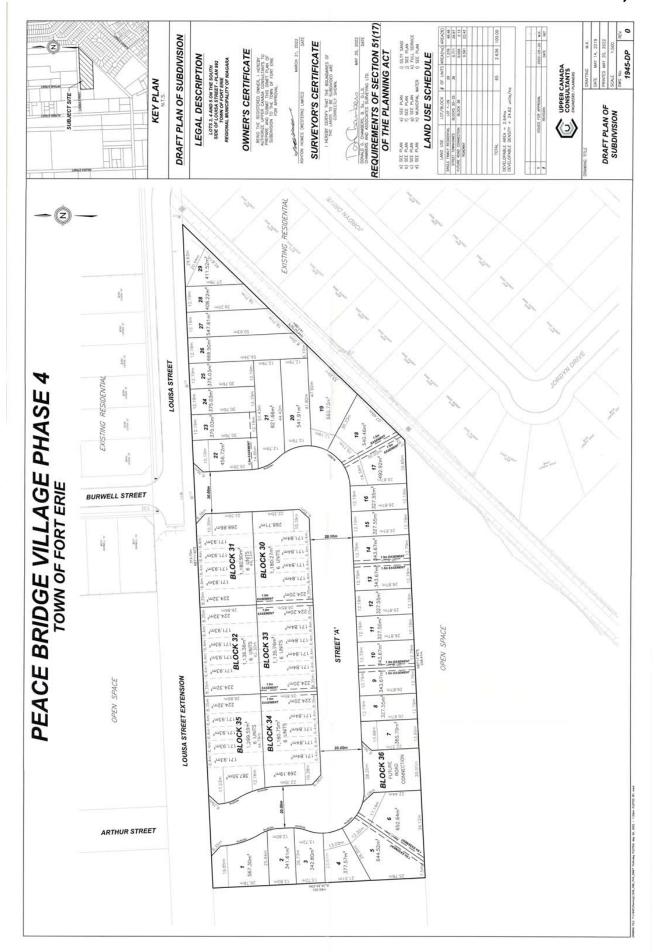


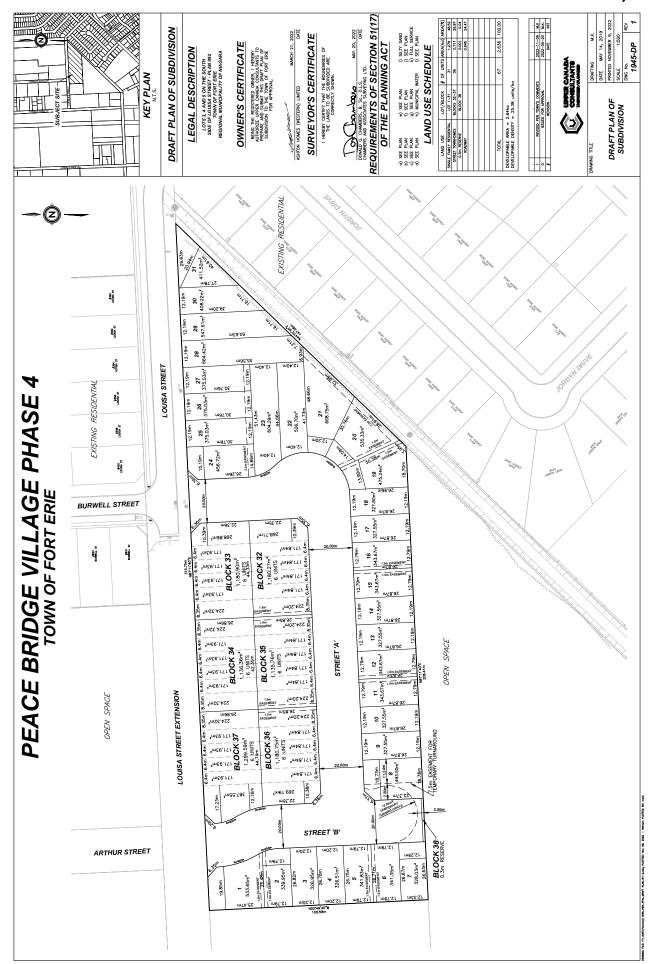
0 65 130 260 Meters

## LOCATION PLAN Proposed Plan of Subdivision & Zoning By-law Amendment - Peace Bridge Village Phase 4

Subject Lands - Peace Bridge Village Phase 4 Subdivision (0-10268 Louisa Street)

Proposed Draft Plan 50119 Publicision and Zoning By-law Amendment - Peace B... Map cre Reg by 5725 12187 Our Focus: Your Future





# CONDITIONS OF DRAFT PLAN APPROVAL Peace Bridge Village Phase 4 Plan of Subdivision January 16, 2023

The conditions of final approval and registration of the Peace Bridge Village Phase 4 Subdivision by Ashton Homes (Western) Ltd. in the Town of Fort Erie are as follows:

- 1. That this approval applies to the Peace Bridge Village Phase 4 Draft Plan of Subdivision prepared by Donald G Chambers on May 20, 2022, showing 31 lots for single detached dwellings (Lots 1-31), 6 blocks for a total of 36 street townhouse dwelling units and a block for 0.3 m reserves.
- 2. That the owner deed Block 38, as shown on the Draft Plan to the Town for the purpose of a 0.30 metre serve, free and clear of any mortgages, liens and encumbrances.
- 3. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
- 4. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
- 5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."
- 6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
- 7. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.
- 8. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
- 9. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.

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- 11. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
- 12. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site:
  - b) Detailed sediment and erosion control plans.
- 13. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 11 above.
- 14. That the Developer is responsible to enter into a Subdivision Agreement which identifies the Developer's responsibilities with respect to the complete construction of Louisa Street from Burwell Street to the west limit of Lot 1. The scope of work for the required project includes road construction in accordance with Town Standard Drawing PW-501 FE including curb and gutter and sidewalks, storm sewer construction, sanitary sewer construction and watermain construction; all to the satisfaction of the Director, Infrastructure Services. Some of the works have been identified in the Town's 2018 Development Charges Background Study and are eligible for reimbursement by the Town.
- 15. That payment of cash-in-lieu of parkland dedication is made to the Town of Fort Erie in accordance with the Planning Act and By-law No. 69-08.
- 16. That the Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines to the satisfaction Town Staff. The Plan shall address site landscaping, streetscape treatments and an appropriate buffering with Louisa Street.
- 17. That the Developer submits a Tree Preservation Plan, pursuant to the Subdivision Control Guidelines. The Plan shall illustrate how trees on Town lands will be protected during construction.
- 18. That the developer pays a financial compensation of \$50,000 for the tree planting elsewhere in the municipality.
- 19. That the Owner completes a Stage 2 Archaeological Assessment (plus any subsequent recommended assessments) and submits a copy of the Assessment(s) to the Town of Fort Erie, the Niagara Region, and the Ministry of Heritage, Sport, Proposed Draft Plan of Subdivision and Zoning By aw Amendment Peace B...

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Tourism and Culture Industries (MHSTCI) for review and approval. A copy of all applicable Letters of Acknowledgement from the MHSTCI shall be provided to the Town of Fort Erie and Niagara Region which confirms that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.

- 20. That the Owner agrees to include the following warning clause within the Draft Plan Agreement to protect for any potential archaeological resources that may be discovered during construction activities:
  - Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
  - In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture and Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."
- 21. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
- 22. That a Tree Preservation Plan (TPP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with the Niagara Region's Woodland Conservation By-law.
- 23. That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control (ESC) Plan and Tree Preservation Plan (TPP).
- 24. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that Draft Approval of this Subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the Plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
- 25. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Proposed Draft Plan of Subdivision and Zoning By-law Amendment Peace B.:.

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Subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the Plan is registered, and a similar clause be inserted in the Subdivision Agreement between the Owner and the Town.

- 26. That prior to final approval for registration of this Plan of Subdivision, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval (ECA) under the Transfer of Review Program or the pending Consolidated Linear ECA Program.
- 27. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks' documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
  - b) Detailed erosion and sedimentation control plans.
- 28. That the Subdivision Agreement between the Owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
- 29. That the Owner ensures that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the curbside collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.
- 30. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- 31. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 32. The owner shall complete to the satisfaction of the Director of Engineering of the Town of Fort Erie and Canada Post:
  - a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

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- ii. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
  - work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
  - iii. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv. determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rearloading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings.

#### **Clearance of Conditions**

Prior to granting prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Niagara Region Conditions 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 & 29.
- Bell Canada Conditions 30 & 31.
- Canada Post Condition 32.
- 1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:
  - a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
  - b) Section 160(2) allows certain exceptions.

#### 2. WATER AND SEWER SYSTEMS

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water

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Resources Act, R.S.O. 1990.

#### 3. CONVEYING

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Diana Morreale Director, Development Approvals Niagara Region

Phone: (905) 980-6000 ext. 3367

Email: diana.morreale@niagararegion.ca

Juan Corvalan Senior Manager - Municipal Liaison Bell Canada

Email: planninganddevelopment@bell.ca

Andrew Carrigan Officer, Delivery Plannning Canada Post

Phone: (226) 268-5915

Email: Andrew.Carrigan@Canadapost.ca

#### 5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

#### 6. CONDOMINIUM AGREEMENT

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

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#### 7. NOTES

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.
- Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clauses pertaining to any of these conditions have been included.
- The Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- In order to request clearance of the above noted Regional conditions, a letter
  outlining how the conditions have been satisfied, together with all studies and
  reports (two hard copies and a PDF digital copy), the applicable review fee, and
  the draft subdivision agreement shall be submitted to the Niagara Region by the
  applicant as one complete package or circulated to the Niagara Region by the
  Town of Fort Erie.



## Interoffice Memorandum

September 12, 2022 File No. 350308-0127

To: Daryl Vander Veen, Intermediate Development Planner From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: ZONING BY-LAW AMENDMENT & DRAFT PLAN OF SUBDIVISION

**APPLICATION – PEACE BRIDGE VILLAGE PHASE 4 - COMMENTS** 

On behalf of the Infrastructure Services Department, Engineering Services Division, a review has been completed for the above noted Zoning By-law Amendment and Draft Plan of Subdivision applications and supporting documents and have the following comments:

#### **Zoning By-law Amendment**

#### The Application

- The subject lands are currently zoned Neighbourhood Development (ND) Zone with an Environmental Conservation Overlay (EC) Zone. The application is proposing to change the zoning to a site-specific Residential 2A (R2A) Zone for the single detached dwellings and a site-specific Residential Multiple 1 (RM1) Zone for the townhouse dwellings. The site-specific R2A Zone is proposing special provisions to permit reduced lot frontage for a corner lot and reduced lot area. The site-specific RM1 Zone is proposing special provisions to permit reduced lot area, increased density, increased lot coverage and a reduced planting strip width where it abuts a street.
- The Zoning By-law Amendment also proposes to remove the Environmental Conservation (EC) Overlay Zone from the subject lands.

#### Comments

No comments or objections

#### **Draft Plan of Subdivision**

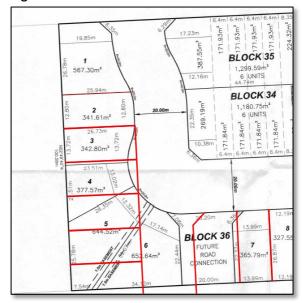
#### The Application

 29 lots for single detached dwellings, 6 blocks for a total of 36 townhouse dwellings and one block for a future road connection.

#### **General Comments**

- The developer will be responsible for all associated costs to extend required municipal services for the subject lands. Since the planned lots are within the urban area boundary, they must be serviced by the municipal sanitary sewer system and the municipal water distribution system.
- 2. In addition to providing full municipal services to the proposed streets of the plan of subdivision, the developer shall be responsible for the following off-site works:
  - Louisa Street from Burwell Drive to west limit of Lot 1

- Road construction to the Town's Urban Standard including a sidewalk along the north side of Louisa Street to line up with the sidewalk constructed as pat of Peace Bridge Village Phase 1 and Garrison Village Phase 5 (Developer's expense)
- ii. Storm sewers (Development Charge funded project, to be reimbursed by the Town)
- iii. Sanitary sewers (Development Charge funded project, to be reimbursed by the Town)
- iv. Watermains (Developer's expense)
- 3. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.
- 4. All municipal servicing is to be designed and constructed to Ontario Provincial Standards and Town Guidelines and will be subject to the approval of the Town of Fort Erie Director of Infrastructure Services.
- 5. Prior to installing sewer services, the Owner must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Owner must submit Ministry of Environment 'Form 1' Record of Watermain to the Town.
- 6. A geotechnical study is required to confirm sewer pipe design, pipe bedding and backfill and to assess ground water conditions and bedrock elevations.
- 7. The Developer should consider an alternate road layout to provide a better traffic flow to the lands to the south. The skewed alignment has potential for vehicle and maintenance conflicts. Consider an alignment like this:



#### **Roads Comments**

- All internal roads within this development shall be designed and constructed to a full urban cross section consistent with the Town of Fort Erie typical urban cross section standard, (PW-501 FE), (curb & gutter, storm sewer and sidewalk), Ontario Provincial Standards (OPS) and Transportation Association of Canada (TAC).
- 2. All proposed roadways within the plan shall be dedicated as public highways.
- 3. LED Streetlights will be required as per the Town street light policy.
- 4. At a minimum a 1.5m wide concrete sidewalk shall be provided on one side of all streets. Cross-walks shall be limited to intersections with STOP control as much as practical. The sidewalk on Louisa Street shall be located on the north side to tie into the existing sidewalk on Louisa Street
- 5. Daylight triangles that meet the Town's standards have been shown on the plan as part of the proposed public roads.
- 6. Street shall be named in accordance with the Town's Streetnaming Policy.

#### **Watermain Comments**

- 1. Water service laterals shall be 20mm diameter type 'k' copper.
- 2. Fire hydrants at the standard spacing must be provided, and hydrant layout is also subject to review and approval by the Town of Fort Erie.

#### **Sanitary Sewer Comments**

1. Sanitary sewer laterals shall be equipped with inspection tee clean-outs to the satisfaction of the Infrastructure Services Department.

#### **Storm Drainage Comments**

- 1. The developer of these lands must address any downstream impacts of storm water runoff from the proposed development. Downstream impacts can be mitigated with on-site storm management. Storm water management must include a means to control the release of post development storm run off to predevelopment rates for storm events (for the 5-year storm and up to and including the 100-year storm). The difference in pre and post development runoff shall be stored on site and released at a safe controlled rate. The release rate shall not create downstream flows that may increase erosion. If the receiving outlet(storm sewer, ditch or drainage course) has not been designed for the 5-year storm, then site discharge must be controlled to the site pre-development rate discharge for that outlet based on the existing design capacity of the outlet and the downstream system.
- 2. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management

Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.

- 3. A Subdivision Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.
- 4. Existing overland drainage patterns must be maintained.

If the Draft Plan is modified as a result of the above comments or comments from other agencies, the modified plan may have an effect on the above comments.

We recommend the following conditions be imposed on the Draft Plan of Subdivision:

- 1. That the owner deed Block 36, as shown on the Draft Plan to the Town for future road purposes, free and clear of any mortgages, liens and encumbrances.
- 2. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
- 3. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
- 4. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."
- 5. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
- 6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that "The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."
- 7. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway designs and appropriate mitigation measures to address groundwater issues encountered.

- 8. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
- 9. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
- 10. That the streets be named to the satisfaction of the Town.
- 11. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
- 12. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed sediment and erosion control plans.
- 13. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 12 above.
- 14. That the Developer is responsible to enter into a Subdivision Agreement which identifies the Developer's responsibilities with respect to the complete construction of Louisa Street from Burwell Street to the west limit of Lot 1. The scope of work for the required project includes road construction in accordance with Town Standard Drawing PW-501 FE including curb and gutter and sidewalks, storm sewer construction, sanitary sewer construction and watermain construction; all to the satisfaction of the Director, Infrastructure Services. Some of the works have been identified in the Town's 2018 Development Charges Background Study and are eligible for reimbursement by the Town.

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



# Town of Fort Erie



## ENVIRONMENTAL ADVISORY COMMITTEE

Meeting Date, Time, and Location

5:20 PM, September 7, 2022, Town Hall

#### **Attendance**

Members present: Shannon Larocque, Bree Smalldon, Frank Raso, Kate Ashbridge, Councillor Lubberts, Rick Stockton and Nadine Litwin

Members absent: Tim Seburn, David Rutton

Others present: Daryl Vander Veen, Intermediate Development Planner

#### Call to Order

Shannon called the meeting to order at 5:20 PM.

#### **Declaration of Pecuniary Interest and General Nature**

None.

#### Approval of Minutes from July 20, 2022 Meeting

A motion was put forward by Councillor Lubberts to approved the July 20, 2022 EAC meeting minutes and was seconded by Rick Stockton.

#### EC Removal Request - Lots 36 & 37, 52 & 53 Plan M65

The Owner has requested the removal of the EC layer from several lots that are part of the former Jetmar Plan of Subdivision (Lots 36 & 37, 52 & 53 Plan M65).

The following motion was put forth by Frank Raso and was seconded by Nadine Litwin:.

**THAT:** EAC supports the request for the removal of the EC Overlay Zone from the subject lands (Lots 36 & 37, 52 & 53 on Plan M65). **(CARRIED)** 

## Review of EIS - Peace Bridge Village Phase 4 (0-10268 Louisa Street)

Staff have requested comments from EC in regard to the ongoing application for a Plan of Subdivision and Zoning By-law Amendment for the proposed Peace Bridge Village Phase 4

Subdivision. The application proposed to remove the EC zoning from the subject property as part of the Zoning By-law Amendment application.

EAC noted that there was not much to comment on for the Environmental Impact Study as the site was cleared of vegetation by the developer prior to completion of the EIS and circulation of the proposal to EAC. Staff noted that the developer did receive permission from the Niagara Region Regional Forester to clear dead ash trees from the site.

The following motion was put forth by Bree Smalldon and was seconded by Nadine Litwin:

**THAT:** EAC makes the following recommendations regarding Peace Bridge Village Phase 4 Subdivision:

- 1. That the developer maximize street trees within the development.
- 2. That the Town consider asking for a cash payment for tree planting elsewhere in the community in advance of the development applications. (CARRIED)

### New Business

- EAC would like to request that a Natural Assets Inventory Plan be tabled for the 2023 budget.
- 2. Rick Stockton noted that he was informed of a road constructed over a dune in the Point Abino area off of Abino Hills Road and asked that staff follow up with the NPCA.
- 3. EAC reminded staff that in accordance with their Terms of Reference all EIS documents associated with development applications need to be circulated to EAC for review not just those that involve EC Zone removal.

#### **Next Meeting**

To be confirmed.

#### Adjournment

The meeting was adjourned at 6:50 P.M.

Minutes prepared by: Minutes approved by:

Daryl Vander Veen Shannon Larocque

Intermediate Development Planner Chair



NCDSB Comments: proposed Peace Bridge Village Phase 4 Plan of Subdivision & Zoning By-law Amendment application, 0-10268 Louisa Street, Town of Fort Erie (file nos. 350309-0544 & 350302-0127)Planning to DVanderVeen@forterie.ca 2022-09-26 02:56 PM

From "Planning" <Planning@ncdsb.com>
To "DVanderVeen@forterie.ca" <DVanderVeen@forterie.ca>

Hello,

Thank you for circulating the above-noted application to Niagara Catholic. The proposed development is likely to generate an enrollment increase at Our Lady of Victory JK-8 Catholic ES.

Niagara Catholic requests to be circulated on future development applications pertaining to the development.

Thank you.

Alex

### Alexsandria Pasquini-Smith, MCIP, RPP

Administrator of Planning & Properties

Tel: 905-735-0240 Ext. 131

Cell: 905-933-1734

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

Sent: Monday, August 22, 2022 12:52 AM

**Subject:** Fw: Request for comments - proposed Peace Bridge Village Phase 4 Plan of Subdivision & Zoning Bylaw Amendment application, 0-10268 Louisa Street, Town of Fort Erie (file nos. 350309-0544 & 350302-0127)

This email originated from outside Niagara Catholic.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello everyone,

Please see the corrected title for this circulation.

Regards,

Daryl

Daryl Vander Veen, BES

Junior Development Planner
Planning & Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
Phone: (905) 871-1600 ext. 2509
Email: dvanderveen@forterie.ca

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file:///C:/Users/DVanderveen/AppData/Local/Temp/notes5BEE4B/~web7937.htm

--Forwarded by Daryl Vander Veen/FortErie on 08/22/2022 12:43AM -----



RE: Request for comments - proposed Peace Bridge Village Phase 4 Plan of Subdivision & Zoning By-law Amendment application, 0-10268 Louisa Street, Town of Fort Erie (file nos. 350309-0544 & 350302-0127)Sarah Mastroianni to Daryl Vander Veen 2022-10-31 04:37 PM

From "Sarah Mastroianni" <smastroianni@npca.ca>
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Good Afternoon Daryl,

NPCA staff have reviewed this file and offer the following comments:

The EIS completed for this development has identified that the subject property was cleared of vegetation prior to the commencement of field surveys. The EIS has not identified any NPCA regulated features within or immediately adjacent to the subject lands. Due to the lack of NPCA regulated features within the study area, no further comment is offered on this application.

Thank you.

Sarah Mastroianni
Manager, Planning and Permits
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2
Tel: 905-788-3135 | extension 249
<a href="mailto:smastroianni@npca.ca">smastroianni@npca.ca</a>
<a href="mailto:www.npca.ca">www.npca.ca</a>

The NPCA is updating our Planning and Permitting Policies! To find out more visit <u>Get Involved with NPCA</u> and register for the August 24, 2022 Virtual Public Information Session.

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the Staff Directory and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at Get Involved NPCA Portal, or on social media at facebook.com/NPCAOntario & twitter.com/NPCA\_Ontario.

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <a href="https://npca.ca/administration/permits">https://npca.ca/administration/permits</a>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <a href="https://gis-npca-camaps.opendata.arcgis.com/">https://gis-npca-camaps.opendata.arcgis.com/</a> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <a href="https://npca.ca/administration/enforcement-compliance">https://npca.ca/administration/enforcement-compliance</a>.

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

**Sent:** August 22, 2022 12:48 AM

**Subject:** Fw: Request for comments - proposed Peace Bridge Village Phase 4 Plan of Subdivision & Zoning Bylaw Amendment application, 0-10268 Louisa Street, Town of Fort Erie (file nos. 350309-0544 & 350302-0127)

Proposed Draft Plan of Subdivision and Zoning By-law Amendment - Peace B...

Page 175 of 187

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#### Via Email

September 15, 2022

Region Files: D.11.0.1.SD-22-0035

D.18.01.ZA-22-0069

Daryl Vander Veen
Junior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Vander Veen:

Re: Regional and Provincial Comments

**Draft Plan of Subdivision & Zoning By-law Amendment Applications** 

Town Files: 350309-0544 & 350302-0127

Applicant: Aston Homes (Western) Limited (c/o Aldo Vercillo)

Agent: Upper Canada Consultants (c/o Ethan Laman)

0-10268 Louisa Street (Peace Bridge Village Subdivision – Phase 4)

**Town of Fort Erie** 

Regional Development Services staff has reviewed the proposed Draft Plan of Subdivision and Zoning By-law Amendment Application materials for Phase 4 of the Peace Bridge Village Subdivision. The Region received circulation of the Applications from the Town on August 19, 2022.

The proposed Subdivision consists of 29 lots for single-detached dwellings, with six blocks for a total of 36 townhouse dwellings, and one block for a future road connection. The lands are located within the Urban Area and are designated "Urban Residential" and "Environmental Conservation" in the Town of Fort Erie's Official Plan, and zoned "Neighbourhood Development (ND) Zone" and "Environmental Conservation (EC) Overlay Zone" in accordance with the Town's Zoning By-law (No.129-1990).

The Zoning By-law Amendment proposes to change the ND Zone to a site-specific "Residential 2A (R2A) Zone" to permit single-detached dwellings, as well as proposes a site-specific "Residential Multiple 1 (RM1) Zone" to permit the townhouse dwellings. The site-specific R2A Zone includes special provisions to permit a reduced lot frontage and lot area for a corner lot, while the site-specific RM1 Zone is proposing special provisions to permit reduced lot area, increased density, increased lot coverage and a reduced planting strip width where the Zone abuts a street. The Amendment also proposes to remove the EC Zone from the subject lands.

A pre-consultation meeting for the proposed development occurred on January 13, 2022 with Town staff, Regional staff, the Applicant, and Agent in attendance. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these Applications.

### **Provincial and Regional Policies**

The lands are located within a "Settlement Area" under the *Provincial Policy Statement,* 2020 ("PPS"), are "Designated Greenfield Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe,* 2020 Consolidation ("Growth Plan"), and "Urban Designated Greenfield Area" under the *Regional Official Plan* ("ROP").

Provincial and Regional policies direct growth to the Urban Area and supports development that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. A full range of residential, commercial and industrial uses are permitted generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility and environmental conservation.

The subject lands are identified and delineated as Designated Greenfield Area ("DGA") in accordance to Provincial and Regional Plans. DGA policies set out for these lands to be developed at a minimum density of 50 people and jobs per hectare ("ppj/ha") across the municipality (Town of Fort Erie). Based on total developable area of the site, proposed density of the subject lands is approximately 60 ppj/ha, which achieves the DGA target of 50 ppj/ha as set out in Provincial and Regional policies.

Regional staff has reviewed the "Planning Justification Report" ("PJR") prepared by Upper Canada Consultants (dated May 2022) and finds its contents acceptable. Staff concur that the proposed development will make better use of existing underutilized urban lands while improving the efficiency of available municipal services and contributing to the diversification of Niagara's housing supply (townhouses). Town staff should be satisfied that the proposed development compatible with the surrounding urban fabric.

## Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

At the pre-consultation meeting, staff identified that the property exhibited the potential for the discovery of archaeological resources given its location within 300m of a

registered archaeological site, as well as being located within the Town's mapped area of 'Archaeological Potential' as set out in Schedule D of the Town's Official Plan.

Regional staff has reviewed the "Stage 1 Archeological Assessment" prepared by Detritus Consulting Ltd. (dated May 25, 2022) which included a Study Area of approximately 2.66 ha and consisted of a background review of the property and surrounding historical context. The Assessment determined that the property exhibits moderate to high archaeological potential and recommends that a Stage 2 Archaeological Assessment be completed for the entirety of the Study Area.

Based on previous correspondence with the Agent, it is understood that the Stage 2 Assessment is currently being undertaken. The Applicant is advised that the findings and recommendations of the Stage 2 Assessment could result in changes to subdivision design, as well as zoning provisions. A Condition requiring the submission of the Stage 2 Archaeological Assessment, and any necessary subsequent assessments, is included in the Appendix.

The required applicable Letter(s) of Acknowledgement from the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") confirming that all archaeological resource concerns have met licensing and resource conservation requirements can be addressed through a condition of Draft Plan Agreement. Additionally, in recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, the inclusion of a standard archaeological resource warning clause will be required within the Subdivision Agreement.

## **Core Natural Heritage System**

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") was required in support of development.

Staff note that the subject lands had been cleared of vegetation prior to commencement of the EIS. As such, the field work program completed in support of this application was focused primarily on adjacent lands. Staff has reviewed "Environmental Impact Study" the prepared by Beacon Environmental Ltd. (dated May 2022), which characterized any remaining features on and adjacent to the subject property and assessed potential impacts associated the proposed development to demonstrate that there will be no significant negative impacts to the features and associated ecological and hydrological functions. The EIS determined that based on existing conditions the subject lands do not support natural features or functions of the Region's CNHS. However, the EIS does conclude that the cultural woodland located adjacent to the southern boundary of the property achieves Regional criteria to be designated Significant Woodland and candidate Significant Wildlife Habitat. The EIS recommends that a Tree Preservation Plan ("TPP") be prepared to ensure protection of the adjacent woodland during the construction phase of the development. Based on our review, Regional Environmental

Planning staff are satisfied that the EIS adequately addresses Provincial and Regional natural heritage policies.

As it relates to the proposed Zoning By-law Amendment Application, staff does not object to the Amendment, as the EIS has confirmed that there are no Regionally-designated CNHS features on the property. As it relates to the Draft Plan of Subdivision, appropriate conditions with respect to natural environment requirements are provided in the attached Appendix.

### Servicing

Site servicing will be under the jurisdiction of the Town of Fort Erie. As a condition of Draft Plan Approval, the Region must review and approve any new / extended sanitary sewer services under the Ministry of Environment, Conservation and Parks' ("MECP") Transfer of Review Program or the pending Linear Consolidated Environmental Compliance Approval ("ECA") Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval. Appropriate conditions to this effect are provided in the attached Appendix.

### **Stormwater Management**

Regional staff has reviewed the "Functional Servicing Report" prepared by Upper Canada Consultants (dated May 2022) which indicates that stormwater from the site will outlet to the existing stormwater management pond north of Albany Street (between Albert Street and Nancy Road). The pond is registered with the MECP (ECA #6466-B96RU5) to provide a Normal standard water quality treatment and necessary flow control prior to discharge to the storm sewer on Albany Street. Therefore, staff does not object, in principle, to the proposed Stormwater Management Plan. Appropriate conditions for the review of stormwater management requirements are provided in the attached Appendix.

The following comments are offered to Town staff to assist with the review of the Town's stormwater infrastructure:

- Clarification should be provided as to whether the development will require the stormwater management pond be extended, or, if the existing pond had been built as the ultimate configuration outlined in the ECA.
- Based on the "Stormwater Management Plan Peace Bridge Village" (dated July 2018, revised February 2019), the site is in the area 'A61' (a 5.73 ha land) that is designated to an Impervious Weighted Average of 50%. The total impervious land of the subject 2.64 ha development may be over 50 percentage. It may require the future impervious cover of the remaining vacant land in 'A61' be balanced or on-site control measures in order to ensure the Town storm infrastructure not to be impacted. It is recommended that the impervious land percentage within the subject development be clarified.

#### **Waste Collection**

The Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of the Region's Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the Owner(s) bring their waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling blue/grey bins no limit (collected weekly).
- Organic green bins (no limit collected weekly).
- Garbage/waste bags or cans 2 maximum per unit (collected every-other-week).

A condition with respect to waste collection is provided in the attached Appendix.

#### Conclusion

In conclusion, Regional Planning and Development Services staff offer no objection to the proposed Draft Plan of Subdivision and Zoning By-law Amendment applications, subject to the satisfaction of any local requirements and the Conditions of Draft Approval as listed in the attached Appendix.

Provided the Conditions of Draft Plan Approval are satisfied, Regional staff consider the applications to be consistent with the Provincial Policy Statement and conform with Provincial and Regional policies.

Should you have any questions or wish to discuss these comments further, please contact the undersigned at <a href="mailto:diana.morreale@niagararegion.ca">diana.morreale@niagararegion.ca</a> or 905-980-6000 extension 3367.

Please send notice of the Town's decision on these applications.

Respectfully,

murrele

Diana Morreale, MCIP, RPP

Director, Development Approvals

cc: Mr. Alex Morrison, Senior Development Planner, Niagara Region

Mr. Pat Busnello, Manager of Development Planning, Niagara Region

Ms. Susan Dunsmore, Manager, Development Engineering, Niagara Region

Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region

Appendix: Niagara Region's Conditions of Draft Plan Approval

#### **APPENDIX**

## Niagara Region's Conditions of Draft Plan Approval Peace Bridge Village Subdivision – Phase 4 (0-10268 Louisa Street), Fort Erie

- 1. That the Owner completes a Stage 2 Archaeological Assessment (plus any subsequent recommended assessments) and submits a copy of the Assessment(s) to the Town of Fort Erie, the Niagara Region, and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of all applicable Letters of Acknowledgement from the MHSTCI shall be provided to the Town of Fort Erie and Niagara Region which confirms that all archaeological resource concerns have met licensing and resource conservation requirements prior to any development on the site.
- 2. That the Owner agrees to include the following warning clause within the Draft Plan Agreement to protect for any potential archaeological resources that may be discovered during construction activities:
  - "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.
    - In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Heritage, Sport, Tourism and Culture and Industries should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."
- 3. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
- 4. That a Tree Preservation Plan (TPP) be provided to the satisfaction of the Niagara Region as required under Policy 7.B.1.19 of the Regional Official Plan. The TPP shall be prepared by a qualified professional, preferably by a Certified Arborist or qualified member of the Ontario Professional Foresters Association, in accordance with the Niagara Region's Woodland Conservation By-law.

- **5.** That the Subdivision Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control (ESC) Plan and Tree Preservation Plan (TPP).
- 6. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that Draft Approval of this Subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the Plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
- 7. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this Subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the Plan is registered, and a similar clause be inserted in the Subdivision Agreement between the Owner and the Town.
- 8. That prior to final approval for registration of this Plan of Subdivision, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval (ECA) under the Transfer of Review Program or the pending Consolidated Linear ECA Program.
- 9. That prior to approval of the final plan or any on-site grading, the Owner shall submit a Detailed Stormwater Management Plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks' documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Planning and Development Services for review and approval:
  - **a)** Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site.
  - b) Detailed erosion and sedimentation control plans.
- **10.** That the Subdivision Agreement between the Owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the condition above.
- 11. That the Owner ensures that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara policy and by-laws relating to the curbside collection of waste and recycling throughout all phases of development. If developed in phases, where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.

#### Clearance of Conditions

Prior to granting final approval, the Town of Fort Erie must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

#### **Subdivision Agreement**

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

**Note:** Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.



## The Municipal Corporation of the Town of Fort Erie

Business Status Report
Planning and Development Services
January 16, 2023

Forecasted Reports	Status	Source
97 Gorham Road OPA & ZBA - Recommendation Report	Jan 23	Application
63 Idylewylde Street Zoning By-law Amendment - Recommendation Report	Jan 23	Application
By-law Peace Bridge Village -Phase 4-	Jan 23	Application
By-law 0-17482 and 0-17484 Black Creek Road – OPA & ZBA	Jan 23	Legislative
By-law 0-350 and 315 Garrison Road – OPA & ZBA	Jan 23	Application
By-law 0-13365 Pettit Road ZBA	Jan 23	Application
PLC By-law & Memo – Block 1, 59M-452 – Alderson Court	Jan 23	Application
533-549 Ridge Road ZBA - Public Meeting & Information Report	Feb 13	Application
271 Ridgeway Road - Official Plan & Zoning By-law Amendment - Public Meeting & Information/Recommendation Report	Feb 13	Application
613 Helena Street - Public Meeting & Information Report (tentative)	Feb 13	Application
214 Windmill Point Road South – OPA & ZBA - Recommendation Report	Feb 13	Application
644 Garrison- OPA & ZBA- Recommendation Report	Feb 13	Application
Schooley Road Condominium – Draft Plan Modification and Extension (tentative)	Feb 13	Application
92 Adelaide Street ZBA – Recommendation Report	Feb 13	Application

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Designated Heritage Property Grant Program	Feb 13	Staff Initiative
2022 CIP Program Update	Feb 13	Legislative
Secondary Plan Program Update	Feb 13	Legislative

Prepared By:

Respectfully Submitted By:

**ORIGINAL SIGNED** 

ORIGINAL SIGNED

Alex Herlovitch, MCIP, RPP Director, Planning & Development Services

Chris McQueen, MBA Chief Administrative Officer



## The Municipal Corporation of the Town of Fort Erie Business Status Report Infrastructure Services January 16, 2023

Forecasted Reports	Source	Status
Annual Drinking Water – Report	Operating Budget	February 13, 2023
Idylewylde Street Reconstruction – Tender Award	Capital Budget	February 13, 2023
King Street Road Reconstruction – NRFP Award	Capital Budget	February 13, 2023
Frenchman's Creek Drain – Engineer's Report	Operating Budget	February 13, 2023
Wildwood Ave. Drainage Improvements – Tender Award	Capital Budget	March 20, 2023
Thunder Bay (Round-a-bout) Reconstruction – NRFP Award	Capital Budget	March 20, 2023
Glenny Drain – Engineer's Report	Operating Budget	March 20, 2023
Asset Management Work Order Management System – NRFP Award	Capital Budget	March 20, 2023
2022 Road Condition Assessment & Proposed Three-Year Resurfacing Plan – Report	Capital Budget	March 20, 2023

Prepared By: Respectfully Submitted By:

Original signed: Original signed:

Kelly Walsh, P.Eng Chris McQueen, MBA Chief Administrative Officer

Director, Infrastructure Services



## The Municipal Corporation of the Town of Fort Erie

Business Status Report
Corporate Services; Community Services; Fire and Emergency Services January 16, 2023

Forecasted Reports	Source	Status
Town of Fort Erie Committees of Council Review	Report	January 23, 2023
Borrowing Certain Sums to Meet Expenses For The Year 2023	By-law	January 23, 2023
Interim Levying of Taxes for 2023	By-law	January 23, 2023
Adopt the 2023 Water and Wastewater Budget, to Adopt Rates and Fees For The Year 2023	By-law	January 23, 2023

Prepared by:	Prepared by:	Prepared by:
"original signed"	"original signed"	"original signed"
Chris McQueen, MBA Chief Administrative Officer	Mark Schmitt, Fire Chief	Jonathan Janzen, Director, Corporate Services/Treasurer