



The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Agenda

Monday, January 23, 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"

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- 1. Invocation**
- 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: #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, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

- (b) Open House

Re: Proposed Zoning By-law Amendment - 4409 Erie Road - Applicant: Mary Lou Tanner (NPG Planning Solutions) - Owner: Crystal Bay Cottages Inc. (Bryan Keenan) - Tuesday, January 24, 2023 - 5:00 p.m. - Town Hall Atrium

- (c) Open House

Re: Proposed Zoning By-law Amendment - 0-17100, 0-17101 & 0-17102 Schooley Road - Applicant: Marz Homes (Crystal Beach)

Inc. (Dan Gabriele) - Agent: A. J. Clarke and Associates Ltd. (Stephen Fraser) - Monday, January 30 2023 - 5:00 p.m. - Town Hall Atrium

- (d) Open House

Re: Short Term Rental Land Use Study - February 1, 2023 - 6:00 p.m. - Town Hall Atrium

- (e) Proposed Draft Plan of Subdivision and Zoning By-law Amendment

Re: 613 Helena Street - Owner: SS Fort Erie Inc. (Hunain Siddiqui & Mohammad Feroz) - Agent: IBI Group (Tracy Tucker) - Monday, February 13, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 8, 2023.

- (f) Proposed Zoning By-law Amendment

Re: 533 & 549 Ridge Road North - Owner: 1855838 Ontario Inc. / Richard James Dekorte - Agent: Upper Canada Consultants (Ethan Laman) - Monday, February 13, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 8, 2023.

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

Re: 271 Ridgeway Road - Applicant: Michael Allen (ACK Architects Studio Inc.) - Owner: DCS Niagara Developments Inc. (Rick Boivin) - Monday, February 13, 2023 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on February 8, 2023.

6. Regional Councillor Report

7. Presentations and Delegations

- (a) Geoffrey Aldridge, 3765 Rebstock Road (*Via Zoom*)

Re: Mission of the Town of Fort Erie

- (b) Casey Bruyns, Ridgeway Lions Club

Re: Use of Crystal Ridge Community Centre - Emergency Shelter

- (c) Russ Young, 2000 Jewson Road

Re: December 2022 Storm & Priorities

- (d) Greg Hunter, 3735 Sussex Lane

Re: Stevensville-Douglastown Sewage Lagoon

- (e) Phill Lambert, Director, Infrastructure Planning & Development Engineering, Niagara Region (*Via Zoom*)

Re: Stevensville-Douglastown Sewage Lagoon

- (f) Dan Favero, 136 Lakeshore Road

Re: Town Policies vs. Law

8. Consent Agenda Items

8.1 Request to Remove Consent Agenda Items

8.2 Consent Agenda Items for Approval

1. Minutes

- 14 - 32 (a) Approve - Regular Council Meeting - December 12, 2022
[12.12 - Regular Council](#)
- 33 - 35 (b) Approve - Special Council Meeting - January 16, 2023
[01.16 - Special Council](#)
- 36 - 109 (c) Approve - Council-in-Committee Meeting - January 16, 2023
[01.16 - Council-in-Committee](#)
- 110 - 113 (d) Approve - Council-in-Budget Committee Meeting No. 2 - January 18, 2023
[01.18 - Council-in-Budget Committee Meeting No. 2](#)

2. Correspondence

- 114 (a) Receive - FORTIS Ontario - Letter of Appreciation - December 2022 Winter Storm
[Comm\(a\)-FORTIS](#)

3. Board/Committee Minutes

- 115 (a) Receive - Affordable Housing Committee - December 14, 2022
[AHC-Dec14](#)

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|-----------|-----|---|
| 116 - 119 | (b) | Receive - Mayor's Youth Advisory Committee - June 13, 2022
MYAC-June13 |
| 120 - 121 | (c) | Receive - Senior Citizens Advisory Committee - December 7, 2022
SCAC-Dec7 |
| 122 - 125 | (d) | Receive - Crystal Beach Business Improvement Area Board of Management - January 12, 2023
CBBIA-Jan12 |

4. Other Matters

Consent Agenda Resolution

Resolution:

That: Council approves the Consent Agenda Items as recommended.

8.3 Items Removed to be Dealt with Separately

9. Reports

- | | | |
|-----------|----------------------|---|
| 126 - 174 | 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) (<i>Postponed from January 16, 2023 Council-in-Committee Meeting - Previously Moved by Mayor Redekop as Recommendation No. 3)</i>) |
|-----------|----------------------|---|

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

dwelling, 1 block for condominium townhouse dwelling, 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.

[PDS-78-1-2022 - Spring Creek Estates Recommendation Report - FINAL](#)
[MEMO - Spring Creek Estates](#)

175 - 206

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, postponed from the January 16, 2023 Council-in-Committee Meeting to the January 23, 2023 Regular Council Meeting)***

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.

[PDS-78-2022 - Spring Creek Estates Recommendation Report - FINAL](#)

207 - 252

PDS-04-2023

Proposed Combined Official Plan and Zoning By-law Amendment - 97 Gorham Road - Urban Environments - Greg Hynde (Agent) - Bomofive Inc. - Ross Boncore & Kam Mofid (Owners)

Resolution:

That: Council approves the amendments to the Town’s Official Plan and Zoning Bylaw as detailed in Report No. PDS-04-2023 for the lands known as 97 Gorham Road, and further

That: Council directs staff to prepare the necessary by-laws.

[PDS-04-2023 - 97 Gorham Road Recommendation Report - Final](#)

253 - 266

PDS-05-2023

Proposed Zoning By-law Amendment - 63 Idylewyld Street - Urban Environments - Greg Hynde (Agent) - Frank Alessio (Owner)

Resolution:

That: Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-05-2023 for the lands known as 63 Idylewylde Street, and further

That: Council directs staff to prepare the necessary by-law.

[PDS-05-2023 63 Idylewylde Street ZBA Recommendation Report - Final](#)

267 - 273

COS-01-2023

Town of Fort Erie Committees of Council Review Resolution:

That: Council directs that the Cemetery Advisory Committee is dissolved; and further

That: Council directs that the Communities-in-Bloom Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law Nos. 24-2020 and 1-2019; and further

That: Council directs that the Transit Advisory Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law No. 143-2016; and further

That: Council directs that the Parks and Open Space Master Plan Working Group, the Short-Term Rental Options Roundtable and Waverly Beach Ad Hoc Committee are dissolved; and further

That: Council directs Staff to continue with the review of the remaining Committees and submit future reports for Council's consideration of Staff's recommendations; and further

That: Council appoints Councillor _____, Councillor _____, and Councillor _____ to the Court of Revision and Councillor _____ and Councillor _____ as Alternates; and further

That: Council appoints Councillor _____, Councillor _____, and Councillor _____ to the Gaming Appeals Committee and Councillor _____

_____ and Councillor _____ as
Alternates; and further

That: Council appoints Councillor _____,
Councillor _____, and Councillor _____
to the Dangerous Dog Appeals Committee and
Councillor _____ and Councillor _____
as Alternates; and further

That: Council appoints Councillor _____ to
the Traffic Coordinating Committee and Councillor
_____ as an Alternate; and further

That: Council appoints Councillor _____ to
the Street Naming and Way Finding Committee and
Councillor _____ as an Alternate.

[COS-01-2023 Boards and Committees](#)

10. New Business/Enquiries

- (a) Appointment - Mayor's Youth Advisory Committee - Weston Allen
(**CONFIDENTIAL MEMORANDUM**)

Resolution:

That: Council appoints Weston Allen to the Mayor's Youth
Advisory Committee for the period ending November 14, 2026,
or until a successor is appointed.

- (b) Appointment - Crystal Beach Business Improvement Area Board
of Management - Chris Hawksell (**CONFIDENTIAL
MEMORANDUM**)

Resolution:

That: Council appoints Chris Hawksell to the Crystal Beach
Business Improvement Area Board of Management for the
period ending November 14, 2026, or until a successor is
appointed.

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- (c) Great Lakes and St. Lawrence Cities Initiative - Freshwater
Health Campaign

Resolution:

Whereas the Town of Fort Erie, as a member of the Great
Lakes and St. Lawrence Cities Initiative, supports: protecting
source water, planning for climate change impacts and shoreline
resilience, ensuring safe and affordable water services for all our

residents, and building up a sustainable blue economy in the Great Lakes and St. Lawrence River Basin, and

Whereas ensuring healthy communities and a strong economy for Canadians depend on securing Canada's source water, which includes addressing water quality issues, contaminants and pollution, supporting biodiversity and reversing wetland and fish and wildlife habitat loss and improving community knowledge to empower citizens to safeguard this essential resource, and

Whereas a Freshwater Action Plan and the Great Lakes Protection Initiative it supported were first announced in the 2017 Canadian federal budget with a \$44.84 million investment over five years, and

Whereas the Freshwater Action Plan has combined science and action to address priorities in the Great Lakes such as preventing toxic and nuisance algae, enhancing the resilience of coastal wetlands in the Great Lakes, restoring Great Lakes Areas of Concern and supporting Canada's commitments under the Great Lakes Water Quality Agreement, among other priorities, and

Whereas a commitment was made by the Liberal Party of Canada in the 2021 federal election to strengthen the Freshwater Action Plan with an historic investment of \$1 billion over ten years to restore and protect large lakes and river systems starting with the Great Lakes and St. Lawrence River Basin, and

Whereas the federal government only committed \$19.6 million in funding in the 2022 Budget for the Freshwater Action Plan, falling short of the aforementioned commitment, and

Whereas the United States has invested \$1.8 billion in the Great Lakes Restoration Initiative (GLRI) since 2017 and will see accelerated funding with the *Infrastructure Investment and Jobs Act*, and

Whereas a 2018 University of Michigan study shows that for every dollar of federal spending on GLRI projects between 2010 and 2016, yielded \$3.35 in additional economic activity, and

Whereas nearly half of Canada's population lives in the Great Lakes and St. Lawrence River Basin, a region that will continue to see accelerated growth, resulting in greater land and resource use pressures that will further contribute to water availability and quality issues, and

Whereas the [Stockholm Resilience Centre](#) recently identified the importance of wetlands as carbon sinks and fresh water's role in climate mitigation, and

Whereas the Great Lakes-St. Lawrence Collaborative outlined 30 recommendations to Environment and Climate Change Canada as part of a ten-year, \$2.2 billion [Action Plan 2020-2030 to protect the Great Lakes and St. Lawrence](#) (Action Plan 2020-2030), addressing shoreline erosion, outdated infrastructure, invasive species, exposure to toxins and beach contamination, following an 18-month consultation with First Nations, NGOs, academics and other experts, and

Whereas the recommendations outlined in Action Plan 2020-2030 should serve as the basis of programming for strengthened federal action in the Great Lakes and St. Lawrence River Basin through its strengthened Freshwater Action Plan, and

Whereas the newly established Canada Water Agency should play a role in accelerating the rollout of funding made available through a strengthened Freshwater Action Plan, and

Whereas Freshwater Action Plan funding should largely be directed to community groups, local governments and First Nations to ensure that investments made will have the biggest local impact and empower action at the local level, rather than being held back for federal administration and operations, and

Whereas it is critical to implement a strengthened Freshwater Action Plan, including accelerating a \$1 billion over five years, and to creating a Canada Water Agency to consolidate and coordinate federal water efforts and support provinces and territories in addressing systemic issues impacting the viability of the Great Lakes and St. Lawrence River Basin and the communities dependent upon the region's source water;

Now therefore be it resolved,

That: The Town of Fort Erie calls on the federal government to:

- Commit \$1 billion in funding over five years for a strengthened Freshwater Action Plan in Budget 2023, and further
- Guide its Freshwater Action Plan funding to implement recommendations in the Action Plan 2020-2030
- Direct priority funding under the strengthened Freshwater Action Plan to projects in the Great Lakes and St. Lawrence River Basin.
- Make municipalities eligible for future funding in programs announced under the strengthened Freshwater Action Plan, and further

That: The Town of Fort Erie directs its staff to submit this resolution to the Federal Deputy Prime-Minister and Minister of Finance; the Minister of Environment and Climate Change; the Parliamentary Secretary to the Minister of Environment and Climate Change (responsible for the Canada Water Agency), and local Member of Parliament.

[NB-GLSLCI - MEMO - Freshwater Action Plan](#)

- 277 (d) Memorandum - Chris McQueen, Chief Administrative Officer - 2022 Winter Storm Debriefing
[MEMO 2022 Winter Storm Debriefing](#)

11. Motions

- (a) Mayor Redekop

Re: Town's Official Plan and Zoning By-law Revisions

Resolution:

That: Staff be directed to expedite the revisions to the Town's Official Plan and Zoning By-law to gain compliance with the new Regional Official Plan and to address misalignments with the Town's planning documents and Council's Strategic Plan and Vision.

12. Notice of Motion

13. Consideration of By-laws

- | | | |
|-----------|---------------|--|
| 278 - 280 | 2-2023 | To Provide for Interim Taxes for the Year 2023
2-2023 2023 Interim Tax Levy |
| 281 - 282 | 3-2023 | To Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of the Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses for the Year 2023 |

[3-2023 2023 Borrowing](#)

283 - 293	4-2023	To Adopt the 2023 Water and Wastewater Budget, to Adopt Rates, Fees and Charges For The Year 2023 <u>4-2023 2023 Water & Wastewater Budget Rates combined</u>
294 - 295	5-2023	To Rename a Portion of Commerce Parkway to Harber Court <u>5-2023 To Rename a Portion of Commerce Parkway to Harber Court</u>
296	6-2023	To Accept and Declare Lands as Public Highway on the North-West Corner of Catharine Street and Ellen Street (82 Ellen Street – Sam Passero, Estate Trustee of the Estates of Frank & Maria Passero) <u>6-2023 To Accept and Declare Lands as Public Highway - 82 Ellen ST</u>
297 - 300	7-2023	To Exempt a Certain Block in Plan 59M-452 from Part Lot Control - Alderson Court - Block 1 (Parklane Place Subdivision) Park Lane Home Builders Limited <u>7-2023 Part Lot Control - Block 1, 59M-452 - Alderson Court - Final</u> <u>MEMO - By-law 7-2023 - Part Lot Control - Block 1, 59M-452 - Final</u>
301 - 343	8-2023	To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area – Amendment No. 65 – 315 and 0-350 Garrison Road - 2717041 Ontario Inc. (Vijaykumar Patel) - Owner <u>8-2023 315 & 0-350 Garrison Road OPA</u>
344 - 346	9-2023	To Amend Zoning By-law No. 129-90, as amended - 315 and 0-350 Garrison Road - 2717041 Ontario Inc. (Vijaykumar Patel) - Owner <u>9-2023 315 & 0-350 Garrison Road ZBA</u>
347	10-2023	To Accept and Declare Lands as Public Highway on the South-West Corner of Mathewson Avenue and Dovercourt Road - 3815 Mathewson Avenue - Seguro Import Export Ltd. (R. El Fakih) <u>10-2023 To Accept and Declare Lands as Public Highway - 3815 Mathewson AV</u>

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348	11-2023	to Appoint Kennedy Lidstone as a Municipal Law Enforcement Officer and Repeal By-law No. 120-2021 11-2023 Appoint Kennedy Lidstone as a MLEO
349 - 351	12-2023	To Amend Zoning By-law No. 129-90, as amended - Peace Bridge Village Phase 4 Subdivision (0-10268 Louisa Street) - Ashton Homes (Western) Ltd. (Aldo Vercillo) - Owner 12-2023 Peace Bridge Village Phase 4 ZBA
352	13-2023	To Confirm the Actions of Council at its Council-in-Committee Meeting Held on January 16, 2023, Council-in-Budget Committee Meeting No. 2 Held on January 18, 2023 and its Council Meeting Held on January 23, 2023 13-2023 Confirmatory
	14.	Scheduling of Meetings
	15.	Call to Order
	16.	Adjournment



The Municipal Corporation of the
Town of Fort Erie

Regular Council Meeting Minutes

Monday, December 12, 2022

Council Chambers

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<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

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or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco "YourTV"

1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

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

2. Invocation

The Clerk read the Invocation.

3. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, *McDermott and Noyes

(*Departed at 9:10 p.m.)

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, C. Schofield, K. Walsh

Also Present: Regional Councillor Insinna (via Zoom)

4. Announcements/Addenda

There were 2 Addenda as follows:

- 1) Addition under Item No.8 – Presentations and Delegations: (e) Leigh Whyte, PLW Planning and Environmental Consulting Re: Expression of Appreciation to Environmental Advisory Committee – 2819 Colony Road (EAC Minutes – November 6, 2022); and
- 2) Addition of Closed Session as Item 14 Re: Ontario Land Tribunal Appeal – 214 Windmill Point Road South

Mayor Redekop wished everyone a happy holiday and prosperous New Year.

5. Declarations of Pecuniary Interest

None.

6. 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.

7. Regional Councillor Report

Regional Councillor Insinna gave the following report:

Thank you again for the opportunity to give a report to Council, it is greatly appreciated. I will keep this report short and save up my time for future reporting especially about the Region's Budget.

Appointments to Committees

At our Council meeting I was appointed as the representative to the Niagara Parks Commission. This will give our Town a further voice at the table and a special thanks to Mayor Redekop for his assistance. I was also appointed back to Niagara Regional Housing and the Source Water Protection Committee, and continue to sit on Public Works and Public Health and Social Services Committees.

Budget

The budget season has already begun at the Region and will run smoothly with our Mayor as Chair of the Budget Committee of the Whole.

Walk in the Cold

Please keep in mind February 25th for the “Walk in the Cold”. They are looking for volunteers and teams to walk that night. Anyone who would like to help and join me please contact the YMCA or our very own Fire Chief.

If I may be of any assistance please contact me.

Christmas Wish

I want to wish all of you a Joyous Holiday Season, Merry Christmas and a Happy Prosperous New Year!

8. Presentations and Delegations

All visual and oral presentations can be viewed as recorded at:
www.youtube.com/townofforterie

****Presenter's speaking notes retained in Clerk's office***

- (a) Presentations to Patricia Mountain and In Memory of Brad Murphy

Re: Contribution to Our Community and the Ridgeway Business Improvement Area (RBIA)

Mayor Redekop announced that he had 2 presentations to make. The first was a gesture and presentation to a family, as the individual had passed away in 2020. The presentation is an indication of the high regard we held for Brad Murphy, along with his wife Lorraine, who passed away a number of years ago. Both individuals were major promoters of the Ridgeway/Crystal Beach area. This evening we recognize Brad, along with Patty Mountain, his very reliable and trustworthy right-hand person.

Mayor Redekop stated that, “Once in a generation, individuals will make a mark on their community, they become synonymous with their neighbourhood in which they live or operate a

business. They elevate the area through their vision, optimism, personality and commitment. Such is the case with Patty Mountain and Brad Murphy and the Ridgeway Business Improvement Area.

Brad Murphy first joined the BIA in 1992 and continued to serve on the RBIA Board of Management until 2018. His prime event and the one that I will most fondly remember him for was the "Spirit of Christmas".

Mayor Redekop continued that Brad was a constant. If you were a business in Ridgeway during 1992-2018 you knew who Brad Murphy was, he was thoroughly committed to the area, to the businesses and to the people of Ridgeway and Crystal Beach.

Brad did a lot of the high-level events; however, the person who handled all the details was Patty Mountain.

If you wanted something done efficiently and effectively, on time or even before time, then you looked to Patty Mountain and Brad Murphy looked to Patty Mountain all the time. When you went in to their office you could see where Brad was sitting and then you could see where Patty sat. Patty's area was organized, Brad's was more organized mayhem.

Patty kept record of all of the minutes and financial records for the BIA. Patty served on the BIA from 2005-2022, she has passed the baton and was reluctant to do that, but sometimes you have to move on and that's what Patty Mountain has decided to do.

In closing, Mayor Redekop advised "I am thrilled to be able to present to Patty Mountain a Certificate of Recognition from the Town of Fort Erie and also to hand to the members of Brad's family who are here, a Certificate of Recognition in memory of Brad Murphy. Thank you for sharing your father with us for all those years.

- (b) Joshua Diamond, Water Quality Specialist, Niagara Peninsula Conservation Authority

Re: 2021 Water Quality Report

Joshua Diamond provided a PowerPoint presentation which can be found on the Town's website.

- (c) *Russ Young, 2000 Jewson

Re: Enforcement of Municipal By-laws

Mr. Young spoke on behalf of Mary Legacy and a by-law enforcement matter related to her property.

- (d) *William Howe and Michelle Cheng, 842 Rosehill Road

Re: Removal of EC Overlay - 842 Rosehill Road (EAC Minutes - November 6, 2022)

Mr. William Howe and Michelle Cheng requested that the Environmental Advisory Committee reconsider their decision on the removal of the Environmental Overlay on the property and offered other alternatives.

- (e) Leigh Whyte, PLW Planning and Environmental Consulting

Re: Expression of Appreciation to Environmental Advisory Committee – 2819 Colony Road (EAC Minutes – November 6, 2022)

Mr. Whyte expressed his appreciation to the Environmental Advisory Committee with respect to their recent assistance with his property.

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

Councillor Dubanow requested that Item No. 9.2 3 (h) be removed and dealt with separately.

9.2 Consent Agenda Items for Approval

1. Minutes

- (a) Approve - Regular Council Meeting - October 17, 2022
- (b) Approve - Inaugural Special Council Meeting - November 15, 2022

- (c) Approve - Special Council Meeting - November 21, 2022
- (d) Approve - Council-in-Committee Meeting - November 21, 2022
- (e) Approve - Special Council Meeting - December 1, 2022
- (f) Approve - Special Council Meeting - December 5, 2022
- (g) Approve - Council-in-Committee Meeting - December 5, 2022
- (h) Approve - Council-in-Budget Committee No. 1 Meeting - December 7, 2022

2. Correspondence

- (a) Receive - CIBC - Closure of the Ridgeway Banking Centre
- (b) Proclamation - Crime Stoppers of Niagara - January 2023 as Crime Stoppers Month

That: Council proclaims January 2023 as "Crime Stoppers Month" and approves that the Crime Stoppers flag be flown at Town Hall.

(Carried)

3. Board/Committee Minutes

- (a) Receive - Ridgeway Business Improvement Area Board of Management - November 1, 2022; Annual General Meeting - November 23, 2022
- (b) Receive - Community Gaming Development Corporation - June 29, 2022, October 26, 2022

- (c) Receive - Crystal Beach Business Improvement Area Board of Management - September 13, 2022; October 18, 2022; November 14, 2022; Annual General Meeting - November 30, 2022
- (d) Receive - Crystal Beach Beautification Committee - October 12, 2022
- (e) Receive - Senior Citizens Advisory Committee - October 5, 2022; November 2, 2022
- (f) Receive - Accessibility Advisory Committee - October 25, 2022; November 29, 2022
- (g) Receive & Approve Recommendation - Environmental Advisory Committee - September 7, 2022 regarding:
 - (i) Lots 36 & 37, 52 & 53 Plan M65: EC Overlay be removed **(Carried)**
- (h) Receive & Approve Recommendation - Environmental Advisory Committee - November 6, 2022, regarding:
 - (i) 842 Rosehill Road: Request to remove EC Overlay be denied until an EIS is completed to review the cumulative impact on the overall feature
- (i) Receive - Fort Erie Active Transportation Committee - October 11, 2022
- (j) Receive - Community Health and Wellness Committee - June 21, 2022; September 20, 2022; October 18, 2022
- (k) Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - Annual General Meeting - December 6, 2022

4. Reports

PDS-80-2022 Proposed Draft Plan of Standard Condominium - 424 & 426 Ridge Road North - Ridgeway Heights Inc. (Jason Pizzicarola) - Owner - Jason Pizzicarola – Agent
Resolution:

That: Council approves the Draft Plan of Standard Condominium dated December 12, 2022, showing a 18-unit condominium building, as shown in Appendix “2” of Report No. PDS-80-2022, 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-80-2022, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “5” of Report No. PDS-80-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*. **(Carried)**

5. Other Matters

Consent Agenda Resolution

Resolution No. 1
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council approves the Consent Agenda Items as recommended, save and except Item No. 9.2 3 (h).
(Carried)

9.3 Items Removed to be Dealt with Separately

Resolution No. 1A
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

- 9.2 3 (h)** Receive & Approve Recommendation - Environmental Advisory Committee - November 6, 2022, regarding:
- (i) 842 Rosehill Road: Request to remove EC Overlay be denied until an EIS is completed to review the cumulative impact on the overall feature

That: Council approves Consent Agenda Item 9.2 3 (h) as recommended. **(Carried)**

10. Reports

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)

Resolution No. 2

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

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.

Resolution No. 2A

Moved by: Councillor Dubanow

Seconded by: Councillor Lewis

That: An amendment be made to put a Holding Provision on Blocks 74 and 75 until issues surrounding the Black Creek and Baker Roads intersection and a potential 3rd access are resolved by the municipality.

Mayor Redekop gave the Chair to Councillor McDermott in order to speak to the matter.

Mayor Redekop requested Councillor Dubanow to withdraw his amendment. Councillor Dubanow declined. The amendment on the floor was voted on as follows:

That: An amendment be made to put a Holding Provision on Blocks 74 and 75 until issues surrounding the Black Creek and Baker Roads intersection and a potential 3rd access are resolved by the municipality.

(Lost)

Resolution No. 2B

Moved by: Mayor Redekop

Seconded by: Councillor Lewis

That: Report No. PDS-78-2022 be postponed to the January 23, 2023 Regular Council Meeting in order to permit staff to discuss with the developer the following items:

1. The alternate 3rd route access to Baker Road through the subdivision or any other alternate route that might be suggesting itself through those discussions;
2. The density of the development;
3. The interface of the homes on Black Creek Road; and
4. The removal of the stacked townhouse request for Blocks 74 and 75.

Councillor Dubanow requested a recorded vote, the results of which were as follows:

Yes

No

Councillor Christensen
Councillor Lewis
Councillor Flagg
Councillor Noyes
Mayor Redekop

Councillor Dubanow
Councillor McDermott

(Carried)

Councillor McDermott returned the chair to Mayor Redekop.

PDS-79-2022

Proposed Combined Official Plan and Zoning By-law Amendment & Draft Plan of Comment Elements Condominium & Disposal of Sixth Street Road Allowance and Part of Abutting Lane - 325 & 0-350 Garrison Road - Quartek Group Inc. - Susan Smyth (Applicant/Agent) - 2717041 Ontario Inc, - Vijaykumar Patel (Owner)

Resolution No. 3

Moved by: Councillor Dubanow

Seconded by: Councillor Noyes

That: Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-79-2022 for the lands known as 315 and 0-350 Garrison Road, and further

That: Council approves the Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road, dated November 25, 2022 and contained in Appendix "7", subject to the conditions contained in Appendix "8" of Report No. PDS-79-2022, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "8" of Report No. PDS-79-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further

That: Council directs that the Holding Provision not be removed until the abutting Town lands in accordance with Appendix “3” of Report No. PDS-79-2022 have been purchased by the Owner/Developer, and further

That: Council authorizes and approves the sale of the Sixth Street road allowance, Plan 519; Fort Erie, being all of PIN 64220-0126 (LT) and part of the abutting lane, Plan 519; Fort Erie, being part of PIN 64220-0120 (LT) to the Applicant, Vijaykumar Patel, for the amount of \$330,000 plus HST, and further

That: Council directs that the sale of the Sixth Street road allowance and part of the abutting lane be conditional on the subject lands legally merging in title with Applicant’s abutting lands, and further

That: Council directs Staff to submit the necessary By-laws to facilitate the amendments to the Official Plan and Zoning By-law, to authorize the entry into an Agreement of Purchase and Sale in a form satisfactory to the Town Solicitor, and to stop up and close the Sixth Street road allowance and abutting lane. **(Carried)**

PDS-81-2022

Proposed Zoning By-law Amendment - 0-13365 Pettit Road - D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) - KRS Holdings Inc. - Gary Singh (Owner)

Resolution No. 4

Moved by: Councillor Flagg

Seconded by: Councillor Lewis

That: Council approves the amendments to the Town’s Zoning By-law as detailed in Report No. PDS-81-2022 for the lands known as 0-13365 Pettit Road, and further

That: Council directs staff to submit the necessary By-law.

Resolution No. 4A
Moved by: Councillor Dubanow
Seconded by: Councillor Lewis

That: Report No. PDS-812022 be postponed to February 27, 2023, to consider the matter following receipt of a second planning opinion on the matter.
(Carried)

11. New Business/Enquiries

- (a) Appointments to the Ridgeway Business Improvement Area Board of Management

Resolution No. 5
Moved by: Councillor Christensen
Seconded by: Councillor Lewis

That: The following members of the Ridgeway Business Improvement Area are appointed to the Board of Management as recommended in the minutes of November 23, 2022, Annual General Meeting for the term ending November 14, 2026, until their successors are appointed:

1. Susan Atkinson
2. Christine Trombley-Davis
3. William (Bill) Day
4. Carol LaCivita
5. Chuck Lord
6. Anna Morlacchetti
7. Jennifer Priestly
8. Jennifer Wilkinson, and
9. Councillor Christensen

(Carried)

- (b) Appointments to the Crystal Beach Business Improvement Area Board of Management

Resolution No. 6
Moved by: Councillor Lewis
Seconded by: Councillor Noyes

That: The following members of the Crystal Beach Business Improvement Area are appointed to the Board of Management as recommended in the minutes of November 30, 2022, Annual

General Meeting for the term ending November 14, 2026, until their successors are appointed:

1. Regan Greatrix
2. Melissa Dubois
3. Robin Bannerman
4. Kirk Fretz
5. Carolyn Smith
6. Councillor Lewis, and
7. (1 Vacancy)

(Carried)

- (c) Appointments to the Bridgeburg Station Downtown Business Improvement Area Board of Management

Resolution No. 7

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: The following members of the Bridgeburg Station Downtown Business Improvement Area are appointed to the Board of Management as recommended in the minutes of December 6, 2022, Annual General Meeting for the term ending November 14, 2026, until their successors are appointed:

1. Todd Bews
2. Jesse Boles
3. Brandon Flannigan
4. Venu Katta
5. Vince Salvatori
6. Stacie Vankralingen
7. Anne Vella
8. William (Bill) Thomas, and
9. Councillor McDermott

(Carried)

- (d) Appointment - Mayor's Youth Advisory Committee - Grace A. Gismondi and William MacQuarrie

Resolution No. 8

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

That: Council appoints Grace A. Gismondi and William MacQuarrie to the Mayor's Youth Advisory Committee for the period ending November 14, 2026, until their successors are appointed.

(Carried)

- (e) Council Nomination - Niagara Region - Transit Commission Board

Resolution No. 9

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council nominates Mayor Redekop as the Town of Fort Erie Council Representative on the Niagara Region's Transit Commission Board. **(Carried)**

- (f) Council Appointment - Niagara Parks Commission

Resolution No. 10

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

That: Council recommends to the Niagara Parks Commission that Mayor Redekop be appointed as the Town of Fort Erie member of the Niagara Parks Commission for the 2022-2026 Term of Council. **(Carried)**

- (g) Councillor McDermott

Councillor McDermott made an enquiry with respect to Mary Legacy and the By-law enforcement matter related to her property. He asked if the CAO could acquire a detailed invoice of the samples taken in an effort to clarify the elevated cost of the samples at this property.

Mr. McQueen advised he would obtain the information and distribute to Council. He further advised that, although he had not seen the invoice, typically, pricing was based on the number of samples taken.

Councillor McDermott further asked that the CAO seek details as to why the Town's quotes from contractors were substantially higher than others.

Mr. McQueen advised that he would get the background information and circulate it to members of Council.

- (h) Councillor Noyes

Councillor Noyes stated that she realized that Committee composition and mandates were being reviewed; therefore, appointments were currently on hold, although she had several inquiries regarding submitting applications. She also required a timeline.

Ms. Schofield responded that several applications, unsolicited, had been received and would be held pending completion of the Committee review. Although the application form may be revised; if additional information is required, her staff would contact the individuals to obtain the information. As to a timeline, likely the end of January to early February.

Mayor Redekop asked that whether staff would try to make sure that this advertised as broadly as possible to make sure that we get as large a response to requests for committee positions as possible. Ms. Schofield advised, that absolutely, staff would. In addition, our communications have expanded quite a bit in the last couple of years and she is sure that communications will ensure that it gets out everywhere that we can get it to.

12. Motions

None.

13. Notice of Motion

Mayor Redekop gave notice of motion that staff be directed to expedite the revisions to the Town's Official Plan and Zoning By-law to gain compliance with the new Regional Official Plan and to address misalignments with the Town's planning documents and Council's Strategic Plan and Vision.

(Returnable January 23, 2023)

14. Closed Session

Resolution No. 11

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: Council will now hold a Closed Session Meeting at 8:57 p.m. to consider the following:

- (a) Pursuant to Section 239 (e) of the *Municipal Act, 2001* (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board), and Section 239 (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Re: Ontario Land Tribunal Appeal - 214 Windmill Point Road
South

(Carried)

Ms. Stirton provided Council with an up-date with respect to proposed Minutes of Settlement, followed by a question and answer period. Council gave direction to staff.

Resolution No. 12

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council does now rise and reconvene from Closed Session at 9:17 p.m. with report that staff proceed as directed. **(Carried)**

15. Consideration of By-laws

Resolution No. 13

Moved by: Councillor Flagg

Seconded by: Councillor Noyes

That: The by-law package containing:

147-2022: To Authorize the Execution of an Assumption Agreement for 315 Garrison Road with 2717041 Ontario Inc. (Vijaykumar Patel)

148-2022: To Authorize the Execution of an Amending Subdivision Agreement with 2835033 Ontario Inc. (Mitchell Williams) (Alliston Woods Subdivision)

149-2022: To Authorize the Execution of a Development Agreement with 1736106 Ontario Inc. (Connie Nothdurft) (Houck Crescent)

150-2022: To Amend By-law No. 93-12, as amended To Adopt a Reserve Policy for the Town of Fort Erie (Establish Heritage Reserve and Climate Change Reserve and Close Greater Fort Erie Secondary School Theatre, Battlefield Park Pavilion and Transit Capital Reserves)

151-2022: To Accept and Declare Lands as Public Highway on the East Side of Buffalo Road (448 Buffalo Road - Lea Anne Watson & Victoria James)

152-2022: To Amend Fees and Charges By-law No. 40-09, as amended (2023 Review)

153-2022: To Amend By-law No. 60-2017 - Sale of Land Policy

154-2022: To Waive Business Licensing Fees for 2023 (excluding Short Term Rentals)

155-2022: To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision - 3815 Mathewson Avenue - Seguro Import Export Ltd. c/o Rhayan El Fakih (Owner)

156-2022: To Exempt Certain Lots and Blocks in Plan 59M483 from Part Lot Control, Blocks 49 & 50 (Mitchell Crescent) - Blackcreek Signature Subdivision - Rinaldi Homes (Niagara) Inc.

157-2022: To Adopt the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023

is given first and second reading.

(Carried)

Resolution No. 14

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: By-laws:

147-2022

148-2022

149-2022

150-2022

151-2022

152-2022

153-2022

154-2022

155-2022

156-2022

157-2022

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

(Carried)

Resolution No. 15

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: By-law No. 158 -2022: To Confirm the Actions of Council at its Council-in-Committee Meeting held on November 21, 2022, Special Council Meeting held on December 1, 2022, Council-in-Committee Meeting held on December 5, 2022, Council-in-Budget Committee Meeting No. 1 held on December 7, 2022, and its Council Meeting held on December 12, 2022 is given first and second reading. **(Carried)**

Resolution No. 16

Moved by: Councillor Dubanow

Seconded by: Councillor Christensen

That: By-law No. 158-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

16. Scheduling of Meetings

- Fort Erie Not for Profit Committee, Wednesday, December 14th, 2022 at 11:00 a.m.
- Affordable Housing Committee, Wednesday, December 14, 2022 at 9:00 a.m., Conference Room #1
- Heritage Committee, Wednesday, December 14th, 2022 at 2:00 p.m., Conference Room #1

17. Adjournment

Resolution No. 17

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council adjourns at 9:27 p.m. to reconvene into a Regular Meeting of Council on January 23, 2023. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the Town of Fort Erie

Special Council Meeting Minutes

Monday, January 16, 2023

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"

1. Call to Order

Mayor Redekop called the meeting to order at 5:32 p.m.

2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott, Noyes

Staff: A. Dilwaria, S. Hansen, A. Herlovitch, J. Janzen, C. Patton, C. Schofield, K. Walsh

Re: Item 5(a) Callum Sheddum - Daniels & Partners LLP, Leah Wallace – Leah D. Wallace Heritage & Land Use Planning Services

Re: Item 5(b) Callum Sheddum - Daniels & Partners LLP, Marcus Letourneau – LHC Heritage Planning and Archaeology

3. Announcements/Addenda

None.

4. Declarations of Pecuniary Interest

None.

5. Closed Session

Resolution No. 1

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

That: Council will now hold a Closed Session Meeting at 5:32 p.m. to consider the following:

- (a) Pursuant to Section 239 (e) of the Municipal Act, 2001 (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board), and Section 239 (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Re: OLT Appeal of Intent to Designate - Ontario Heritage Act –
546 Ridge Road North – Proposed Minutes of Settlement

- (b) Pursuant to Section 239 (e) of the Municipal Act, 2001 (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board), and Section 239 (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Re: OLT Appeal of Denial of Demolition Permit - Ontario Heritage
Act - 477 Ridge Road North - Proposed Minutes of Settlement

(Carried)

Re: OLT Appeal of Intent to Designate - Ontario Heritage Act –
546 Ridge Road North – Proposed Minutes of Settlement

Mayor Redekop provided a brief overview. Council gave direction to legal counsel.

Re: OLT Appeal of Denial of Demolition Permit - Ontario Heritage
Act - 477 Ridge Road North - Proposed Minutes of Settlement

Mr. Sheddum provided an overview of the proposed Minutes of Settlement, followed by a question and answer period. Council gave direction to legal counsel.

Resolution No. 2

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Council does now rise and reconvene from closed session at 6:21 p.m. with respect to the following items:

- (a) OLT Appeal of Intent to Designate - Ontario Heritage Act - 546 Ridge Road North - Proposed Minutes of Settlement

With report that staff proceed as directed, and

- (b) OLT Appeal of Denial of Demolition Permit - Ontario Heritage Act - 477 Ridge Road North - Proposed Minutes of Settlement

With report that staff proceed as directed. **(Carried)**

6. Consideration of By-laws

Resolution No. 3

Moved by: Councillor Christensen

Seconded by: Councillor Lewis

That: By-law No. 1-2023: To Confirm the Actions of Council at its Special Council Meeting Held on January 16, 2023, is given first and second reading. **(Carried)**

Resolution No. 4

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

That: By-law No. 1-2023 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

7. Adjournment

Resolution No. 5

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council adjourns at 6:22 p.m. to reconvene into a Regular Meeting of Council on January 23, 2023. **(Carried)**

Mayor

Clerk



The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, January 16, 2023

Council Chambers

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<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"

1. Call to Order

Mayor Redekop called the meeting to order at 6:23 p.m.

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

2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott, Noyes.

Staff: M. Cedi, A. Herlovitch, C. McQueen, C. Schofield, K. Walsh, S. Yeung.

3. Announcements/Addenda

There was one Addendum as follows:

- 1) Addition under Item No.8.2 – Reports: PDS-03-2023 revised to include Appendix "4"

Mayor Redekop made the following announcements:

- **Christmas Storm**

My first announcement has to do with the Christmas storm that occurred at the end of last year between December 23rd and December the 26th, 2022. I want to thank the Town staff, and that includes the Fire Department and all the volunteers. Also, Canadian Niagara Power, Salvation Army, the Red Cross and all of the volunteers in the community that assisted, including the snowmobilers who helped the Town, the residents who assisted their relatives, friends, and their neighbours through the very difficult times of December 23rd to the 25th in particular.

We have had continuing dialogue with Emergency Management Ontario and the Region, and we will be doing a debrief session. We have received a number of comments from residents and other government agencies with respect to the emergency, so we will be doing a debrief, and Councillors will be involved in that. It will be a public process that will help us to design any improvements to the Emergency Plan that the Town of Fort Erie has, and has been in existence for many years. It will include aspects relative to logistics and communications in particular. We need to make sure that there are continuing communications and collaboration between the municipality, the Region, our sister municipalities in Niagara, and Emergency Management Ontario. There will be more to come, as I believe that at the beginning of February, there will be a formal process involving Emergency Management Ontario.

- **Hockey Team Exchange Program with Denmark**

At the beginning of January, end of December, 2 teams of high school student hockey players from Denmark came to Canada. It's part of a tradition that began in Fort Erie through Ridgeway Minor Hockey 28 years ago. This year was the first time that the exchange was able to take place since 2019 and it was the turn for the team from Denmark to come to Fort Erie.

Next year, a team from Fort Erie will be going to Denmark, and a team from Denmark will be coming here to try to get them back onto the schedule that was disrupted as a result of the pandemic. It's a fantastic program. The youth that come here are billeted in homes of hockey players and their parents and when our youth go to Denmark, a similar type of exchange occurs. It's been 28 years and some of the original founders of that program are still working with Fort Erie Minor Hockey, but there's been lots of new blood that has come into the program since then. It's very uplifting and it really highlights how a sport can actually

bring people together, so this was a great experience for all of our youth and for the youth that come here or that we visit on alternate years.

4. Declarations of Pecuniary Interest

None.

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

(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).

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Samantha Yeung, Junior Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

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

Craig Rohe, M.Pl., MCIP, RPP, Senior Planner, Upper Canada Consultants, provided a PowerPoint presentation, and summarized the Application.

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

No members of the public came forward.

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

(a) Dan Brodhagen, 163 Dominion Road

Mr. Brodhagen spoke in opposition of the development.

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received comments from:

- (a) Mark and Betty-Ann O'Brien, 63 Adelaide Street, in opposition, and
- (b) Charlie and Joyce Schofield, 71 Adelaide Street, in opposition,

which were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

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 No. 1
Moved by: Councillor Lewis

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

(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.

Mackenzie Ceci, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town’s website.

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

Leigh Whyte, MCIP, RPP, AICP, President/Principal Planner, PLW Planning and Environmental Consulting, Agent, provided a PowerPoint presentation, and summarized the Application.

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

No members of the public came forward.

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

- (a) J.P. Maloney, legal representative on behalf of Windmill Point Holdings Corporation, spoke in opposition to the Application and suggested that it was premature.
- (b) Barry Couse, 2535 Windmill Point Lane East, spoke in opposition to the Application and identified his concerns.
- (c) Charles Kreiner, 2587 Windmill Point Lane West, spoke in opposition to the Application and identified his concerns.

All visual presentations and oral presentations of the members of the public who spoke at this Public Meeting can be viewed as recorded at:

www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she received comments from:

- (d) H. Rudi Kroeker, 2479 Windmill Point Lane East, in opposition, which were circulated to members of Council and staff, and are appended to the Minutes.

Mayor Redekop declared the Public Meeting closed.

PDS-02-2023 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 No. 2
Moved by: Councillor Flagg

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. **(Carried)**

Council recessed for 10 minutes at 8:17 p.m. for 10 minutes.

7. Consent Agenda Items

None.

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

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 No. 3
Moved by: Mayor Redekop

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.

Recommendation No. 4
Moved by: Mayor Redekop

That: Report No. PDS-78-1-2022 be postponed to the January 23, 2023 Regular Council Meeting to allow the representative from the Region to provide Council with information relative to the lagoon and any additional information staff might provide.

(Carried)

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)

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.

Recommendation No. 5
Moved by: Mayor Redekop

That: Report No. PDS-78-2022 be postponed to the January 23, 2023 Regular Council Meeting. **(Carried)**

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

Recommendation No. 6
Moved by: Councillor Flagg

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.
(Carried)

8.3 New Business/Enquiries

None.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Noyes

9.1 Presentations and Delegations

None.

9.2 Reports

None.

9.3 New Business/Enquiries

(a) Councillor Lewis

Councillor Lewis enquired about the storm and Point Abino Road South; specifically, clarification on the work that was done prior to the storm, as there was some concern that it shouldn't have happened before the storm. He also requested clarification on where the funding came from for that work to be done.

Mr. Walsh responded that the Town ran a strip of asphalt down Point Abino Road prior to the end of the year. The goal was to reduce the maintenance required as we move into the ultimate construction of that area. Unfortunately, the storm took most of the asphalt away

that we replaced; however, the asphalt did do some good, as we didn't lose as much road as we thought we would lose after review. So, in that sense, it's good that we put it down. The funding for that work came from the MDRA funding that we've been approved for, so there was nothing directly out of the Town's coffers in that regard. We were trying to get it done last year but ran into some delays with our design; therefore, we are planning to reconstruct Point Abino Road with significant climate resiliency in 2023. There'll be a new wall on the east side of the road, which is the beach/water side, as well as raising the road in elevation to provide more protection. It's under design right now and there are quite a few approvals needed as we're working near or in water, but the plan is to get everything done in 2023.

In closing, Councillor Lewis stated that he knew that the winter storm, which did raise a bit of havoc especially in the Crystal Beach Ward 5 portion of Fort Erie, also happened at a time when it was holiday season and vacations; therefore, access to aggregate and stone to do any remedial work was challenging at best, if at all possible. However, he advised that he wanted to thank the Infrastructure Services department for the work that was done out there, acknowledging that it isn't where we hoped to be by the end of this year, but certainly appreciate the efforts, especially with the challenges that staff were faced with.

9.4 Business Status Report

No changes.

10. Corporate and Community Services

Chaired by Councillor McDermott

10.1 Presentations and Delegations

None.

10.2 Reports

None.

10.3 New Business/Enquiries

(a) Councillor Noyes

Councillor Noyes enquired whether Council would be advised of the cost of the Christmas Blizzard, and, whether the Town could look at ways in which to identify areas to improve communications(i.e. battery-operated radios) and Emergency Management in general.

Mr. McQueen responded that the Town had set up an expense code for all storm related expenses, thanks to Mr. Janzen, the Treasurer, who was also the Acting CAO at the time. It's been set up so all the costs associated are being tracked. Mr. Walsh may be able to speak to this a bit further, but there is still some storm recovery and cleanup efforts that are happening, so we haven't closed that off yet. Our hope would be that once we have that amount, we'll report back to council; however, we're also pursuing Provincial financial assistance through the MDRA, although, there are some eligibility criteria that we're tracking. The Town is also going to try and trigger Provincial assistance for residents, so there'll be a follow up on that. It's not an automatic, it's an eligibility-based thing that we will be tracking. We do appreciate any comments, constructive, or otherwise, regarding the storm. As with every emergency, we learn each time we go through it. This was an unusual event where we had a number of different challenges with flooding and wind and visibility all happening at the same time, which did complicate things; however, I do commend the staff, Council and the community for coming together. We will be following up, there will be more of a debrief report coming back to Council with some of the information that you've commented on, and some of the suggestions on preparing for the future as well.

(b) Councillor Dubanow

Councillor Dubanow commented on the challenges with the Blizzard and wanted to draw attention to the fact that the Town of Fort Erie had crews from out of town waiting and staging in Niagara Falls on Christmas Eve to come in and work in Fort Erie on Christmas Day to get our power set back up, clear our roads, to do things for the Town. Crews were as far away from Sudbury, Cornwall, and from all over the province. He advised that the plow he had he believed was from Thorold and the front-end loader needed to clear the snow out, was from Grimsby.

In closing, Councillor Dubanow advised he was very glad that there were so many people out there who were looking out for us at our time of need.

10.4 Business Status Report

No changes.

11. Scheduling of Meetings

- Library Board, Tuesday, January 17, 2023 - 4:00 p.m. Centennial Library
- Lincoln County Human Society, Tuesday, January 17, 2023 - 6:30 p.m. - 2493 Hwy 20, Fonthill
- Accessibility Advisory Committee, Tuesday, January 25, 2023 – 4:00 p.m. - Conference Room #2 – Town Hall

12. Adjournment

Recommendation No. 7
Moved by: Councillor Dubanow

That: Council-in-Committee hereby adjourns at 9:01 p.m.

(Carried)

Mayor

Clerk



92 Adelaide St Proposal
Mark to: cschofield, syeung

01/16/2023 01:59 PM

From: Mark <looseboots80@gmail.com>
To: cschofield@forterie.ca, syeung@forterie.ca
History: This message has been forwarded.

Hello and good day to you. I am concerned about a proposed Zoning by-law Amendment, application 350309-0549 to rezone the property 92 Adelaide St to permit the construction of a block of 5 townhomes and 2 single detached dwellings. I am in total opposition of this plan. This will destroy our corner for the housing does not reflect what is in the neighborhood now. This will mean how many people will be living on a parcel of land that at one time housed one family. We already have drainage issues on both sides of our street and this will only compound it. How many new vehicles will we have to contend with in and out of this complex housing of 7 families or parked on the road by the corner creating problems. This sort of plan will ruin this quiet street and hopefully we can keep this sort of crammed housing idea from happening. We also would like to be informed of the decision of the zoning by-law Amendment and our appeal rights on this matter. Thanks for your time... Mark and BettyAnne O'Brien, 63 Adelaide St, Ft Erie, L2A 5K5



Fw: Proposed Zoning By-Law Amendment Application - Location 92 Adelaide St. Fort Erie

Samantha Yeung to: Mayor and Council

01/16/2023 04:39 PM

Cc: Chris McQueen, Carol Schofield, Kelly Walsh, Jonathan Janzen, Alex Herlovitch, Samantha Yeung

From: Samantha Yeung/FortErie

To: Mayor and Council

Cc: Chris McQueen/FortErie@TownOfFortErie, Carol Schofield/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Alex Herlovitch/FortErie@TownOfFortErie, Samantha Yeung/FortErie@TownOfFortErie

Hello Mayor and Council,

Please refer to the comments below regarding the Public Meeting for 92 Adelaide Street this evening.

Thank you,
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

----- Forwarded by Samantha Yeung/FortErie on 01/16/2023 04:36 PM -----

From:

To: "syeung" <syeung@forterie.ca>

Date: 01/16/2023 04:32 PM

Subject: Proposed Zoning By-Law Amendment Application Location 92 Adelaide St. Fort Erie

Samantha,

We recently received a letter dated Dec. 14, 2022 re the above mentioned proposal . We did attend the Dec. 14, 2022 meeting at the Atrium, Town Hall. At that time we spoke to Daryl Vander Veen, Intermediate Development Planner, as well as Craig Rohe, Senior Planner. Upper Canada Consultants. We left our names, and address 71 Adelaide St., Fort Erie, L2A 5K5, so that we could receive info on the up coming meeting for Jan. 16, 2023. However, we did not receive a subsequent letter with any additional info as we had been told we would receive further information

We object to the proposed development on the property 92 Adelaide St., Fort Erie, for the following reasons.

Drainage is an issue, on both sides of the street, and that has been ongoing for some time. Seven extra home will only add to the problem with drainage.

Parking is a major issue as Adelaide St. is very narrow, and with seven homes situated

at 92 Adelaide St. , where will all the additional vehicles park?

It is well known that most homes these days have more than a couple of vehicles per residence.

Too many homes built in a relatively small area. At one time there was only one home on the same site that you are proposing to put seven homes on.

Bottom line seven homes on the property 92 Adelaide is way too many in our opinion.

Charlie & Joyce Schofield

71 Adelaide St.,

Fort Erie. On.



Planning Application - ZONING AMENDMENT - 214 WINDMILL POINT ROAD SOUTH

H.-Rudi Kroeker to: cschofield@forterie.ca

01/16/2023 05:21 PM

From: "H.-Rudi Kroeker" <hrkroeker@hotmail.com>

To: "cschofield@forterie.ca" <cschofield@forterie.ca>

History: This message has been replied to and forwarded.

Homeowners having to defend clear and longstanding land-use policy is bizarre; I would expect the committee and council to respect the Policy.

ZONING BY-LAW AMENDMENT AND CONSENT FOR SEVERANCE PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT AND IMPACT ANALYSIS prepared for Joseph Moore [Report] ignores unsupportive data. Selectively reporting research data is improper research practice; hence, the entire document must be taken as lacking integrity.

The Niagara Region's initial requirement regarding moving the laneway back to the center of the lot is not being respected, "That the Site Plan be revised to illustrate no change in the location of the driveway and parking area." [Regional Conditions of Minor Variance Approval, 214 Windmill Point Road South, Town of Fort Erie; sheets 15/56 to 19/56 attached] given that the report makes no note of retraction, it illustrates contempt for directives and the environment.

To be accurate the driveway was down the center of the existing lot since at least 1932 until March this year, when the Niagara Region stated they wanted it to remain where it was; whereupon, the developer Mr. Moore immediately destroyed the Vegetation Protection Zone on the North side of his lot and put the drive on the North side. Picture attached.

The region stated:

"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 typically require the completion of a Natural Heritage Evaluation ('NHE') when development and/or site alteration is proposed within 120m of a KNHF. Regional policies similarly require the completion of an Environmental Impact Study ('EIS') when development and/or site alteration is proposed within 50m of Significant Woodland. Further, Growth Plan policies also require that a minimum 30m 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...

The proposed driveway/parking area adjacent to the KNHF does not conform to Growth Plan policies, as new development / site alteration cannot be proposed within the VPZ. However, staff understand through conversations with Town staff that the site plan will be revised to show that the driveway and parking area will remain in their original locations..."

In conclusion, the Report cannot be relied on to waive Policy.

Yours very truly,

2479 Windmill Point Lane East, Ridgeway, ON

H. - Rudi Kroeker, P. Eng.



Co-Owner20220414_145407_resized.jpgA33-22 - 214 Windmill Point Road South - Report & Comments.pdf

REPORT TO THE COMMITTEE OF ADJUSTMENT

APPLICATION FOR MINOR VARIANCE OR PERMISSION

Section 45 of the Planning Act of Ontario R.S.O. 1990, as amended

File Number : **A33/22 FE**
Address : **214 Windmill Point Road South**
Name of Applicant/Agent : **Steven Rivers**
Name of Owner : **Joseph Moore**

PROPOSAL

The purpose and effect of this application is to reduce the established rear yard setback, reduce the minimum setback to the 1-in-100 year flood elevation, and vary the definition of the term "attached" in order to permit the renovation and expansion of the existing single detached dwelling on the subject property. The application also seeks to increase the maximum permitted building height and number of storeys of a proposed accessory structure.

SURROUNDING LAND USES

The subject property is located outside of the urban area boundary. A single detached dwelling is present on the subject property. The property is surrounded by single detached dwellings to the east and south. Rural lands utilized for residential purposes are located to the north of the subject property, and lands containing Provincially Significant Wetlands (PSWs) are present across the street from the subject property on the west side of Windmill Point Road South.

OFFICIAL PLAN

The subject property is designated Rural in part, and Environmental Protection in part in the Town's Official Plan. The Environmental Protection land use designation, and Natural Hazard designation as per Schedule C1 of the Official Plan, correspond with the floodplain that is associated with the Lake Erie shoreline. The property is also located within a zone of archeological potential as per Schedule D of the Official Plan. The structures that are subject to these variances are located on the portion of the lot that is designated Rural and Environmental Protection.

ZONING

The subject property is zoned Rural (RU) Zone in part, and Hazard (H) Zone in part, in accordance with Comprehensive Zoning By-law No. 129-90, as amended. The Applicant is requesting the following variances:

1. Reduction to the minimum established rear yard setback to a proposed covered and unenclosed walkway addition to the existing main residential building. A variance of 2.00 m is requested. The application proposes a reduction to 9.20 m, whereas an established setback of 11.20 m exists;
2. Reduction to the minimum setback required between the dwelling and the 1-in-100 year flood elevation. A variance of 4.80 m is requested. The

application proposes a reduction to 25.20 m, whereas Subsection 6.48 requires 30.00 m;

3. Increase to the maximum permitted building height and number of storeys for a proposed accessory structure. A variance of 2.50 m and one storey is requested. The application proposes an increase to 8.50 m and two storeys, whereas Subsection 8.5 permits 6.0 m and one storey; and
4. Revision to the definition of the term “attached”. The Zoning By-law states that the term attached means *“that the roof, wall and foundation of a building or structure is shared in common with another building or structure. Where the roof of one part of the structure is below the roof of another, the roof of one part of the structure may be shared in common with the wall of another”*. The Applicant is proposing to revise the first sentence of the definition to *“that the roof and foundation of a building or structure is shared in common with another building or structure”*, thereby requesting the deletion of the word “wall”.

ENVIRONMENTALLY SENSITIVE AREAS

A natural hazard area associated with the 1-in-100 year flood elevation is located on the subject property. This hazard area is regulated by the Niagara Peninsula Conservation Authority (NPCA). The Committee of Adjustment should refer to the comments from the NPCA in this regard. Provincially Significant Wetlands (PSWs) are present across the street from the subject property on the west side of Windmill Point Road South. Further, woodlands over 2 hectares and significant natural areas, as per Schedule C of the Town’s Official Plan, are located to the north of the subject property.

NEIGHBOURHOOD COMMENTS

As of the writing of this report, Planning Staff have received comments from area residents regarding the proposed use, height and number of storeys of the proposed accessory structure, and the private sewage system. Comments received are addressed below:

Proposed Use

Staff note that hotels and motels are not a permitted use under the Rural land use designation and zoning of the Town’s Official Plan and Zoning By-law, respectively. Staff note that Subsection 8.2 of the Zoning By-law permits one single detached dwelling on one lot, and one accessory apartment dwelling.

Height and Number of Storeys of Proposed Accessory Structure

Staff note that structures accessory to dwellings are permitted in the Rural Zone, subject to the provisions under Subsection 8.5 of the Zoning By-law. The proposed structure is well under the maximum permitted lot coverage provision of 10%. Staff address the variance for the proposed height and number of storeys later in this report.

Private Sewage System

Staff defer to the comments provided by the Niagara Region.

PLANNING ACT – FOUR TESTS

The Ontario Planning Act provides that a minor variance must meet the following four tests to be considered minor and supportable.

Is the variance minor in nature?

Reduction to Established Rear Yard Setback

The proposal to reduce the minimum established rear yard setback to 9.20 m is minor in nature. The existing main residential building is at an established, non-complying rear yard setback of 11.20 m. The Applicant is proposing to construct a covered and unenclosed ground floor walkway at the rear of the existing main residential building. The walkway will be covered by a second-floor roof overhang that will be supported by columns, as shown in **Appendix “1”**. The 2.00 m reduction is required to accommodate the supporting columns, and not an enclosed face of the existing building.

Given the size of the parcel, Staff are satisfied that the variance will not impact the overall availability of amenity space on the property. Further, no adverse privacy or visual impacts are anticipated given the unenclosed nature of the walkway.

Reduced Setback from the 1-in-100 Year Flood Elevation

The requested setback reduction from the 1-in-100 year flood elevation is minor in nature. The Applicant's sketch demonstrates that the dwelling is located outside of the natural hazard area associated with the 1-in-100 year flood elevation. The Committee of Adjustment should refer to the comments provided by the NPCA.

Increased Number of Storeys & Building Height of Proposed Accessory Structure

The proposal to increase the building height and number of storeys of a proposed accessory structure from 6.00 m and one storey to 8.50 m and two storeys, respectively, is minor in nature. The structure will be lesser in height than the main dwelling, ensuring that the garage will appear ancillary to the main dwelling. Further, the proposed structure is setback substantially from all property lines. As a result, the proposed variances are not anticipated to negatively impact abutting properties or the streetscape along Windmill Point Road South.

Revising the Definition of “Attached”

The proposal to revise the definition of “attached” that is contained in the Town's Comprehensive Zoning By-law No. 129-90, as amended, is not minor in nature. Planning Staff note that the current definition requires “*that the roof, wall and foundation*

of a building or structure is shared in common with another building or structure". The Applicant is seeking to delete the word "wall" from this definition. Staff have reviewed the information and plans provided by the Applicant and have determined that the information provided is insufficient. The plans provided show a separate roof structure for the existing main residential building and each proposed wing. Further, the Applicant has not demonstrated how the foundations of the north and west wings will be shared in common with the existing main residential building. To this end, Staff are unable to confirm if the proposed wings comply with the foundation requirement of the definition under consideration.

Is the proposed variance considered desirable for the appropriate use and development of the land and buildings?

The land use designation and zoning of the subject property permit the enlargement of the existing single detached dwelling, as well as the construction of structures accessory thereto. The proposal to construct an addition to the existing single detached dwelling and a structure accessory thereto is desirable for the appropriate use and development of the subject property, provided that the proposed development is located outside of the hazard area associated with the Lake Erie waterfront, as confirmed by the NPCA, and complies with the Zoning By-law.

Does the proposal meet the general intent of the Zoning By-law?

Reduction to Established Rear Yard Setback

The general intent of minimum rear yard setback regulations is to ensure that an adequate amount of amenity space is maintained on-site for residents of a dwelling, and further, to facilitate adequate separation from adjacent properties. The proposal meets this intent. Staff are satisfied that a sufficient amount of amenity space will remain on the property. Further, given that the setback reduction is being requested to accommodate an unenclosed extension to the existing main residential building, Staff do not anticipate the proposed setback resulting in adverse visual or privacy impacts on surrounding properties.

Reduced Setback from the 1-in-100 Year Flood Elevation

The general intent of the 30.00 m setback from the 1-in-100 year flood elevation is to ensure that human health and safety, and buildings are protected from the risks associated with regulated natural hazard areas. The Committee of Adjustment should refer to the comments provided by the NPCA to confirm that the proposed development is outside of the regulated natural hazard area. Should this be confirmed, Staff are satisfied that the proposed reduction meets the general intent of the Zoning By-law.

Increased Number of Storeys & Building Height of Proposed Accessory Structure

The general intent of regulations that limit the building height and storeys of structures accessory to dwellings is to ensure that the structures appear ancillary to the main dwelling, and that they are not used for human habitation. The proposed accessory structure will be situated on a large rural lot, setback substantially from all existing lot lines and the dwelling, and will be lesser in height than the main dwelling, all of which assist in promoting and maintaining an ancillary appearance. Further, Staff have been advised that only part of the structure will contain a second storey, which will be utilized for storage purposes. Although the Applicants are proposing to use the second storey for storage purposes only, Staff are requesting that a legal undertaking affirming that the accessory structure will not be used for human habitation be submitted as a condition of approval to ensure that this intent will be met and maintained. Overall, Staff are satisfied that the proposed variance meets the intent of the Zoning By-law.

Revising the Definition of “Attached”

The general intent of the definition of “attached” in the Zoning By-law is to assist with the differentiation of types of residential structures. This application contemplates the enlargement of the existing single detached dwelling, and includes the introduction of an accessory apartment dwelling. As previously noted, the Applicant is requesting to eliminate the word “wall” from the definition of attached. Based on Planning Staff’s review, the roof structures of the north and west wings and main residential building are not shared in common. Further, insufficient information was provided regarding the foundation.

By not meeting the definition of attached, Staff note that the proposal has implications on the accessory apartment dwelling that is proposed in the west wing, and the habitable rooms that are proposed in the north wing. The provisions that apply to accessory apartment dwellings under Subsection 6.43 of the Zoning By-law state that *“the accessory apartment shall be clearly **attached to**, and form part of the main building”*. The proposal does not meet the intent of the Zoning By-law in this respect. To this end, the west wing would be considered a separate single detached dwelling, whereas the Rural Zone only permits one single detached dwelling on one lot.

Further, if the north wing, which contains habitable rooms, is not considered to be attached to the main residential building, then this would render the north wing an accessory structure. *Subsection 6.1 a) of the Zoning By-law states that “where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include any building used for sleeping or eating accommodations, human habitation except as in this By-law is specifically permitted”*. To this end, the north wing as proposed would not comply with the Zoning By-law.

Does the proposal meet the general intent of the Official Plan?

The Official Plan land use designation permits use of the subject lands for residential purposes, including additions and structures accessory thereto. In general, the proposal

to enlarge the existing residential structure and construct a new accessory structure meets the intent of the Official Plan, provided that the structures are located outside of the hazard area associated with the Lake Erie shoreline, and are in compliance with the Zoning By-law.

The lands are located within a zone of archaeological potential as identified on Schedule D of the Town's Official Plan. Staff defer to the Region's comments and conditions relative to archeological resources.

CONCLUSION

Based on the above comments, Planning Staff support variances 1, 2 and 3 as requested, subject to the following condition:

- The Applicant provides a legal undertaking affirming that the accessory structure will not be used for human habitation.

Further, Planning Staff do not support variance 4 for the following reasons:

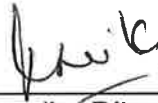
- The requested variance is not minor in nature; and
- The proposal does not meet the general intent of the Zoning By-law.

Prepared By:



Mackenzie Ceci
Junior Development Planner

Submitted By:



Anamika Dilwaria, MCIP, RPP
Acting Manager, Development Approvals

DATE: May 05, 2022

APPENDIX "1" to A33/22



3
SKA4

PERSPECTIVE OF EAST SIDE

214 Windmill Point

Keegan Gennings to Breanna Antonio

2022-05-06 02:58 PM

From Keegan Gennings/FortErie
To Breanna Antonio/FortErie@TownOfFortErie

Breanna,

I have reviewed the proposed variances for 214 Windmill Point Road South and offer the following:

- 1) The Region will need to verify that the reduced rear yard setback does not impact the pump tank or treatment tanks for the septic system.
- 2) The current drawings do not clearly indicate any foundations, therefore I am unable to confirm that the foundations between the existing and proposed structures are attached or not.

I have no comments for the additional variances that are being requested.

Regards,

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



**Town of Fort Erie
Infrastructure Services Department
Engineering Division**

Report To : Breanna Antonio, Secretary-Treasurer, Committee of Adjustment
 From : Spencer Pierce, Development Coordinator Technician
 Re : **A33/22 – 214 Windmill Point Road South**

URBAN or RURAL

Municipal Services

	Windmill Point Rd S	Private Property
Watermain frontage (Size and Material)	<u>150mm CI – TOFE</u>	150mm CI – TOFE (in easement)
Sanitary sewer frontage (Size and Material)	<u>N/A</u>	
Storm sewer frontage (Size and Material)	<u>N/A</u>	
Width of road allowance(s)	<u>+/-20.1m</u>	
Road widening req'd? Yes	size req'd ____	<u>No</u>
Daylighting triangle req'd? Yes	size req'd ____	<u>No</u>
Trees contribute fee req'd? Yes		<u>No</u>
Streetlight req'd? Yes		<u>No</u>

Engineering comments provided for the applicant's information (if applicable, to be addressed by applicant to develop the subject lands.)

1. All proposed works are shown to be outside of the easement in favour of the Town of Fort Erie on the property and shall be outside of the easement.

Approved by: Spencer Pierce, C, Tech
 Development Coordinator Technician

O:\Infrastructure Services\Engineering\13 Minor Variances\2022\A33-22 - 214 Windmill Point Road South\IS Comments A33-22.docx

Committee of Adjustments - May 5

Troy Davidson to Breanna Antonio

2022-05-04 02:43 PM

From: Troy Davidson/FortErie
To: Breanna Antonio/FortErie@TownOfFortErie
History: This message has been replied to.

Hi Breanna,

I have reviewed all the area's for review and comment. None of the areas for review are in the Municipal Drain areas. See the list below

B14-22	2150 Stevensville Road	n/a
B24-22	621 Scott Ave	n/a
B25-22	465 Central Ave	n/a
A14-22	1291 Kam Rd	n/a
A32-22	3405 Thunder Bay Rd	n/a
A39-22	3254 Riselay Ave	n/a
A40-22	3733 Crystal Beach Drive (x2)	n/a
A33-22	214 Windmill Pt Rd S.	n/a

Let me know if this is how you would like it or not, thanks

Troy Davidson
Drainage Superintendent
Town of Fort Erie
Infrastructure Services
1 Municipal Centre Drive
(905) 871-1600,ext 2411
tdavidson@forterie.on.ca

Fort Erie....
a Town proud of its past,
excited about today and
building for tomorrow.

Planning and Development Services

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

Via Email

May 5, 2022

Region File: D.16.01.MV-22-0045

Breanna Antonio
Secretary Treasurer - Committee of Adjustment
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Antonio:

**Re: Provincial and Regional Comments
Minor Variance Application – 2nd Submission
Town File: A33/22
Owner: Joseph Moore
Agent: Stephen Rivers
214 Windmill Point Road South
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the revised Minor Variance Application as it relates to 214 Windmill Point Road South located in the Town of Fort Erie. The property is designated "Rural" and "Environmental Protection" in 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 (No. 129-90), as amended.

The applicant is proposing to renovate and expand the existing detached dwelling on the property. The Minor Variance Application proposes to revise the definition of the term "Attached" as set out in the Town's Zoning By-law, as well relief to Sections 5.17, 6.48, 8.3, and 8.5 of the same. Specifically, the application proposes to:

- revise the definition of the term "attached", whereas the By-law defines the term as meaning *"that the roof, wall and foundation of a building or structure is shared in common with another building or structure. Where the roof of one part of the structure is below the roof of another, the roof of one part of the structure may be shared in common with the wall of another."* The Applicant is proposing to revise the definition to *"the roof and foundation of a building or structure is shared in common with another building or structure"*.
- reduce the minimum setback to the 1-in-100 year flood elevation from 30.0m to 25.2m;

- reduce the minimum established rear yard setback from 11.2m to 9.2m to the main dwelling; and
- increase the maximum height of an accessory building from 6.0m to 8.5m.

Regional staff note that no pre-consultation meeting was held to discuss the proposal. The following comments are provided from a Provincial and Regional perspective to assist the Committee in their consideration of the application.

Provincial and Regional Policy

The subject property is located outside of the urban area boundary for the Town of Fort Erie and within the "Rural Area" in accordance to 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").

Provincial and Regional policies state that the prominent use in the Rural Area shall be agriculture. Provincial policy states that limited residential development may be directed to rural lands provided such development does not adversely affect the viability of agricultural uses, is compatible with the rural landscape, protects natural features and areas, and can be sustained by rural services. The ROP allows for some non-farm development, including non-farm residential development and accessory structures, within the Rural Area with consideration of the potential impact to the long-term pattern and character of future rural development. The ROP limits non-farm development within the Rural Area in order to mitigate the cumulative impact of continuous introduction of non-farm development outside settlement areas.

Regional staff observe that the subject property does not occupy an active agriculture or agriculture-related use. The proposed location of the renovated single-detached dwelling and additional new structures will not impact or reduce the viability of any nearby agricultural lands and is surrounded by rural residential uses. The proposed development is permitted within Provincial and Regional Rural Area policies. Town staff should be satisfied that the proposed changes are consistent with local provisions and maintains compatibility with the surrounding local context.

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 typically require the completion of a Natural Heritage Evaluation ("NHE") when development and/or site alteration is proposed within 120m of a KNHF. Regional policies similarly require the completion of an Environmental Impact Study ("EIS") when development and/or site alteration is proposed within 50m of Significant

Woodland. Further, Growth Plan policies also require that a minimum 30m 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.

The proposed accessory building, new driveway and septic are within the above-noted setback. However, Growth Plan policies offer NHE exemptions for expansions to existing buildings and structures and accessory structures provided that the use does not expand into the KNHF or VPZ unless there is no alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure. The septic is an expansion of the existing system which is already within the VPZ, and therefore meets the NHE exemption requirements. The accessory building is partially within the footprint of the existing accessory building and is not closer to the KNHF, therefore it also it meets the NHE exemption requirements.

The proposed driveway/parking area adjacent to the KNHF does not conform to Growth Plan policies, as new development / site alteration cannot be proposed within the VPZ. However, staff understand through conversations with Town staff that the site plan will be revised to show that the driveway and parking area will remain in their original locations. As such, Regional Environmental Planning staff does not object to the proposed Minor Variance Application provided that the conditions of approval provided in the attached Appendix are satisfied.

Regional staff is available to meet with the applicant should clarity be needed regarding these requirements. Please contact the Region's Planning Ecologist, Lori Karlewicz (Lori.Karlewicz@niagararegion.ca) as needed.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration is not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the property exhibits the potential for the discovery of archaeological resources, as it abuts a significant waterbody (Lake Erie) and is identified as an area with "Archaeological Potential" within the Town's Official Plan Schedule D – Cultural Heritage Archaeological Zones of Potential.

Based on a review of available aerial imagery and the circulated application materials, staff acknowledge that the proposed dwelling renovations and new accessory structure are located on lands that have experienced disturbances from previous development and/or site alteration activities. As such, Regional staff do not offer any archaeological requirements for the proposed Minor Variance Application. The applicant is advised that the property may not be free and clear of archaeological resources. Town staff should

May 5, 2022

be satisfied that any archaeological requirements / provisions within the Town's Archaeological Master Plan is met for the proposed development.

Servicing

Regional Private Sewage System ("PSS") Inspection staff has reviewed the proposed Minor Variance Application and note that there is an ongoing PSS application for this property which is consistent with the plans that were submitted for the application. Staff note that the proposal will not negatively affect the septic system servicing of the property and that any Regional concerns can be addressed through the concurrent PSS application.

As such, Regional PSS staff do not object to the Minor Variance Application, in principle, and offer no further requirements at this time.

Conclusion

In conclusion, Regional staff do not object to the proposed Minor Variance Application, in principle, provided that the conditions of approval as provided within the attached Appendix are met. Town staff should also be satisfied that any local requirements / provisions are sufficiently addressed.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of the Committee's decision on this application when available.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc:

Lori Karlewicz, Planning Ecologist, Niagara Region
Devon Haluka, Private Sewage Systems Inspector, Niagara Region
Matteo Ramundo, Private Sewage Systems Inspector, Niagara Region

Attachment

Appendix: Regional Conditions of Minor Variance Approval

Appendix

Regional Conditions of Minor Variance Approval

214 Windmill Point Road South, Town of Fort Erie

- That the Site Plan be revised to illustrate no change in the location of the driveway and parking area.
- That a Landscape Planting Plan be submitted for Regional approval for the Vegetation Protection Zone (VPZ) area adjacent to the accessory building. The Plan will show how the condition of self-sustaining vegetation will be achieved, and shall include only native species that complement the existing vegetation community.

Note: The Region requires a fee in the amount of \$415 to review the Landscape Planting Plan. Payment can be provided at the time that the Plan is submitted.

Sorry to be a bother
Thank you in advance and have a wonderful day,

Breanna Antonio

Secretary Treasurer - Committee of Adjustment
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2508

E-mail-bantonio@forterie.ca

For further information on Committee of Adjustment please visit:

<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

From: "Sarah Mastroianni" <smastroianni@npca.ca>
To: "Breanna Antonio" <BAntonio@forterie.ca>
Date: 2022-05-02 06:41 PM
Subject: RE: REQUEST FOR COMMENT - May 12 CoA Hearing

Good Evening Breanna,

Please see NPCA's comments below for the files we have an interest in. These comments are all reiterated from previous hearings. Please let me know if you have any questions.

1291 Kam Rd – A14/22

The NPCA offers no objections to the demolition of the existing dwelling. Any rebuild will require a Work Permit from our office and will have to be in compliance with our policies of today. Essentially it will have to be confirmed that they have adequate shoreline protection in place as confirmed by our Engineer through photos being submitted to this office. This will have to be done before we can issue any permits for this property.

If the applicants wish to know that they will be able to obtain a Work Permit from the NPCA without needing upgrades to their shore wall first, staff suggests they submit photos of the existing shore wall prior to any demolition occurring on the property.

Lastly, the demolition will require a Permit from our office as well. We can entertain one permit for the demolition and rebuild together.

3405 Thunder Bay Rd A-32/22

The NPCA offers no objections to the approval of this application. However, as the works will fall within 15m of a watercourse that falls on and adjacent to this property, a Permit from the NPCA is required prior to the issuance of any building permits for this property.

214 Windmill Point S A-33/22



RE: REQUEST FOR COMMENT - May 12 CoA Hearing Sarah Mastroianni to Breanna Antonio 2022-05-03 09:36 AM
 From "Sarah Mastroianni" <smastroianni@npca.ca>
 To "Breanna Antonio" <BAntonio@forterie.ca>
 History: This message has been replied to.

Good morning!

See the revisions below. Sorry about that oversight. I should stop working at night I guess 😊

Thanks.

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

NPCA Watershed Explorer

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 <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> 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 <https://npca.ca/administration/enforcement-compliance>.

From: Breanna Antonio <BAntonio@forterie.ca>
Sent: May 3, 2022 9:24 AM
To: Sarah Mastroianni <smastroianni@npca.ca>
Subject: RE: REQUEST FOR COMMENT - May 12 CoA Hearing

Good Morning Sarah,

Thank you for your comments.

If I could make a small request that you revise the address and application file number for 214 Windmill Point Road South. The address is 214 Windmill Point Road South as opposed to 214 Prospect Point Road S. The application file number was an error on my part on the agenda and should be A33/22 as opposed to A40/22.

Sorry to be so particular but I anticipate a lot of public interest on this one from the comments received last circulation and just want to make sure comments are clear to the public.

The NPCA offers no objections to the approval of this application as the works are still located sufficiently outside of the NPCA regulated areas. Any works on this property should be circulated to the NPCA for review and approval prior to the issuance of any building permits.

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

NPCA Watershed Explorer

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.

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For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> 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 <https://npca.ca/administration/enforcement-compliance>.

From: Breanna Antonio <BAntonio@forterie.ca>

Sent: Wednesday, April 27, 2022 3:45 PM

To: rowcentre@bell.ca; Alex Herlovitch <AHerlovitch@forterie.ca>; alexander.morrison@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; andrew.norton@cnpower.com; clerk@niagararegion.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; devtplanningapplications@niagararegion.ca; esavoia@niagaraparks.com; Jeremy Korevaar <JKorevaar@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; lpuconsents@mpac.ca; Mackenzie Ceci <MCeci@forterie.ca>; matteo.ramundo@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; municipalnotices@enbridge.com; newdevelopment@rci.rogers.com; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>; Pieter Wasserman <PWasserman@forterie.ca>; proximity@cn.ca; radamsky@niagaraparks.com; randy.leppert@cogeco.com; Robert Kirk <RKirk@forterie.ca>; Signe Hansen <SHansen@forterie.ca>; Spencer Pierce <SPierce@forterie.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Tim Marotta <TMarotta@forterie.ca>; Sarah Mastroianni

<smastroianni@npca.ca>; Mark.LaForme@mncfn.ca; DOCA.Admin@mncfn.ca;
devon.haluka@niagararegion.ca

Subject: REQUEST FOR COMMENT - May 12 CoA Hearing

Good Afternoon,

Attached please find the Committee of Adjustment Agenda, Consent and Minor Variance Notices and submitted sketches/plans for the upcoming hearing on THURSDAY MAY 12, 2022 for your review and comment.

Please forward any comments you have as soon as possible to ensure they can be circulated to the COA members prior to the hearing. If comments are not received prior to the hearing, it will be assumed that you have no comments or objections.

Please note that you may already have comments for the following applications:

B14/22 - 2150 Stevensville Road - no changes have been made to this application but it was deferred as the applicant was unable to attend the hearing

A32/22 - 3405 Thunder Bay Road - application was deferred and the applicant has increased the exterior side yard setback

A40/22 - 214 Windmill Point Road South - application was deferred. This notice is not included in this email as we are awaiting the applicant to confirm if it is proceeding (confirmation should be received by tomorrow at which time I will forward the new notice of hearing)

All comments received will be presented to the committee, staff and the applicant/agent and made available to all members of the public that request further information.

The notices are being forwarded to you electronically only. If you require a hard copy of the Notice or the application or have any further questions in this matter please feel free to contact me.

Please ensure that if you are requesting any conditions of approval that they are written in clear and reasonable format for the applicant and outlined directly within your comments. If your comments could be provided by **Thursday May 5, 2022** it would be greatly appreciated.

Thanks in advance,

Breanna Antonio

Secretary Treasurer - Committee of Adjustment

Planning and Development Services

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive

Fort Erie, Ontario L2A 2S6

TEL: 1-905-871-1600 ext.2508

E-mail-bantonio@forterie.ca

For further information on Committee of Adjustment please visit:

<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>



RE: REQUEST FOR COMMENT - May 12 CoA Hearing
 Deluca, Peter (MTO) to Breanna Antonio 2022-05-02 02:49 PM
 Cc "Nunes, Paul (MTO)"
 From "Deluca, Peter (MTO)" <Peter.Deluca@ontario.ca>
 To "Breanna Antonio" <BAntonio@forterie.ca>
 Cc "Nunes, Paul (MTO)" <Paul.Nunes@ontario.ca>

Hi Breanna,

MTO Highway Corridor Management Section has reviewed the locations of the following applications:

Minor Variance File No. A14/22 - 1291 Kam Road

Minor Variance File Nos. A32/22 - 3405 Thunder Bay Road

Minor Variance File No. A39/22 - 3254 Riselay Avenue

Minor Variance File No. A40/22 - 3733 Crystal Beach Drive

Minor Variance File No. A40/22 - 214 Windmill Point Road South

The properties listed above appear to be located outside of the MTO Permit Control Area, and therefore this office has no comments.

Thanks,
 Peter DeLuca

From: Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>
Sent: April 28, 2022 12:28 PM
To: Deluca, Peter (MTO) <Peter.Deluca@ontario.ca>
Subject: FW: REQUEST FOR COMMENT - May 12 CoA Hearing

FYI,

From: Breanna Antonio <BAntonio@forterie.ca>
Sent: April 28, 2022 12:02 PM
To: rowcentre@bell.ca; Alex Herlovitch <AHerlovitch@forterie.ca>; alexander.morrison@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; andrew.norton@cnpower.com; clerk@niagararegion.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; devtplanningapplications@niagararegion.ca; Ellen Savoia <esavoia@niagaraparks.com>; Jeremy Korevaar <JKorevaar@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; lpuconsents@mpac.ca; Mackenzie Ceci <MCeci@forterie.ca>; matteo.ramundo@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; municipalnotices@enbridge.com; newdevelopment@rci.rogers.com; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>; Pieter Wasserman <PWasserman@forterie.ca>; proximity@cn.ca; radamsky@niagaraparks.com; randy.leppert@cogeco.com; Robert KIRK <rkirk@forterie.ca>; Signe Hansen <SHansen@forterie.ca>; Spencer Pierce <SPierce@forterie.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Tim Marotta <TMarotta@forterie.ca>; smastroianni@npca.ca; Mark.LaForme@mncfn.ca; Abby.LaForme@mncfn.ca; devon.haluka@niagararegion.ca
Subject: Re: REQUEST FOR COMMENT - May 12 CoA Hearing

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.
 Good Morning,

To follow my email from yesterday, application A40/22 for 214 Windmill Point Road South will be proceeding to the May 12th Committee of Adjustment hearing. This application has been revised and the new notice along with plans submitted with the application have been attached to this email.

If you could kindly provide comment by Thursday May 5, 2022 it would be appreciated.

Should you have any questions please feel free to contact me.

Kind regards,

Breanna Antonio

Secretary Treasurer - Committee of Adjustment
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2508

E-mail-bantonio@forterie.ca

For further information on Committee of Adjustment please visit:
<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

From: Breanna Antonio/FortErie
To: rowcentre@bell.ca, Alex Herlovitch/FortErie@TownOfFortErie, alexander.morrison@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, andrew.norton@cnpower.com, clerk@niagararegion.ca, Daryl Vander Veen/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, esavoia@niagaraparks.com, Jeremy Korevaar/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, lpuconsents@mpac.ca, Mackenzie Ceci/FortErie@TownOfFortErie, matteo.ramundo@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, municipalnotices@enbridge.com, newdevelopment@rci.rogers.com, "Nunes, Paul (MTO)" <Paul.Nunes@ontario.ca>, Pieter Wasserman/FortErie@TownOfFortErie, proximity@cn.ca, radamsky@niagaraparks.com, randy.leppert@cogeco.com, Robert Kirk/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie, Spencer Pierce/FortErie@TownOfFortErie, "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Tim Marotta/FortErie@TownOfFortErie, smastroianni@npca.ca, Mark.LaForme@mncfn.ca, DOCA.Admin@mncfn.ca, devon.haluka@niagararegion.ca
Date: 2022-04-27 03:44 PM
Subject: REQUEST FOR COMMENT - May 12 CoA Hearing

Good Afternoon,

Attached please find the Committee of Adjustment Agenda, Consent and Minor Variance Notices and submitted sketches/plans for the upcoming hearing on THURSDAY MAY 12, 2022 for your review and comment.

Please forward any comments you have as soon as possible to ensure they can be circulated to the COA members prior to the hearing. If comments are not received prior to the hearing, it will be assumed that you have no comments or objections.

Please note that you may already have comments for the following applications:

B14/22 - 2150 Stevensville Road - no changes have been made to this application but it was deferred as the applicant was unable to attend the hearing

A32/22 - 3405 Thunder Bay Road - application was deferred and the applicant has increased the exterior side yard setback



RE: REQUEST FOR COMMENT - May 12 CoA Hearing
 Norton, Andrew to Breanna Antonio 2022-05-03 03:26 PM
 From "Norton, Andrew" <Andrew.Norton@cnpower.com>
 To "Breanna Antonio" <BAntonio@forterie.ca>

My apologies, the meeting for May 12th.

Thanks

From: Norton, Andrew
Sent: May 3, 2022 3:25 PM
To: Breanna Antonio <BAntonio@forterie.ca>
Subject: RE: REQUEST FOR COMMENT - May 12 CoA Hearing

Hi Breanna,

CNPI has no concerns with consent files of minor variances scheduled for May 5, 2022 COA meeting.

Thank you

Andrew Norton
 Eng Tech, Planner II
 Canadian Niagara Power Inc.
 PH: 905-871-0330 ext. 3207
 FX: 905-871-4458
 Email: andrew.norton@cnpower.com

From: Breanna Antonio <BAntonio@forterie.ca>
Sent: April 28, 2022 12:02 PM
To: rowcentre@bell.ca; Alex Herlovitch <AHerlovitch@forterie.ca>; alexander.morrison@niagararegion.ca; Anamika Dilwaria <ADilwaria@forterie.ca>; Norton, Andrew <Andrew.Norton@cnpower.com>; clerk@niagararegion.ca; Daryl Vander Veen <DVanderVeen@forterie.ca>; devtplanningapplications@niagararegion.ca; esavoia@niagaraparks.com; Jeremy Korevaar <JKorevaar@forterie.ca>; Keegan Gennings <KGennings@forterie.ca>; lpiconsents@mpac.ca; Mackenzie Ceci <MCeci@forterie.ca>; matteo.ramundo@niagararegion.ca; Mohammad Kamruzzaman <MKamruzzaman@forterie.ca>; municipalnotices@enbridge.com; newdevelopment@rci.rogers.com; Nunes, Paul (MTO) <Paul.Nunes@ontario.ca>; Pieter Wasserman <PWasserman@forterie.ca>; proximity@cn.ca; radamsky@niagaraparks.com; randy.leppert@cogeco.com; Robert Kirk <RKirk@forterie.ca>; Signe Hansen <SHansen@forterie.ca>; Spencer Pierce <SPierce@forterie.ca>; Dunsmore, Susan <Susan.Dunsmore@niagararegion.ca>; Tim Marotta <TMarotta@forterie.ca>; smastroianni@npca.ca; Mark.LaForme@mncfn.ca; Abby.LaForme@mncfn.ca; devon.haluka@niagararegion.ca
Subject: Re: REQUEST FOR COMMENT - May 12 CoA Hearing

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

To follow my email from yesterday, application A40/22 for 214 Windmill Point Road South will be proceeding to

the May 12th Committee of Adjustment hearing. This application has been revised and the new notice along with plans submitted with the application have been attached to this email.

If you could kindly provide comment by Thursday May 5, 2022 it would be appreciated.

Should you have any questions please feel free to contact me.

Kind regards,

Breanna Antonio

Secretary Treasurer - Committee of Adjustment

Planning and Development Services

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive

Fort Erie, Ontario L2A 2S6

TEL: 1-905-871-1600 ext.2508

E-mail-bantonio@forterie.ca

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<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

From: Breanna Antonio/FortErie

To: rowcentre@bell.ca, Alex Herlovitch/FortErie@TownOfFortErie, alexander.morrison@niagararegion.ca, Anamika Dilwaria/FortErie@TownOfFortErie, andrew.norton@cnpower.com, clerk@niagararegion.ca, Daryl Vander Veen/FortErie@TownOfFortErie, devtplanningapplications@niagararegion.ca, esavoia@niagaraparks.com, Jeremy Korevaar/FortErie@TownOfFortErie, Keegan Gennings/FortErie@TownOfFortErie, lpconsents@mpac.ca, Mackenzie Ceci/FortErie@TownOfFortErie, matteo.ramundo@niagararegion.ca, Mohammad Kamruzzaman/FortErie@TownOfFortErie, municipalnotices@enbridge.com, newdevelopment@rci.rogers.com, "Nunes, Paul (MTO)" <Paul.Nunes@ontario.ca>, Pieter Wasserman/FortErie@TownOfFortErie, proximity@cn.ca, radamsky@niagaraparks.com, randy.leppert@cogeco.com, Robert Kirk/FortErie@TownOfFortErie, Signe Hansen/FortErie@TownOfFortErie, Spencer Pierce/FortErie@TownOfFortErie, "Dunsmore, Susan" <Susan.Dunsmore@niagararegion.ca>, Tim Marotta/FortErie@TownOfFortErie, smastroianni@npca.ca, Mark.LaForme@mncfn.ca, DOCA.Admin@mncfn.ca, devon.haluka@niagararegion.ca

Date: 2022-04-27 03:44 PM

Subject: REQUEST FOR COMMENT - May 12 CoA Hearing

Good Afternoon,

Attached please find the Committee of Adjustment Agenda, Consent and Minor Variance Notices and submitted sketches/plans for the upcoming hearing on THURSDAY MAY 12, 2022 for your review and comment.

Please forward any comments you have as soon as possible to ensure they can be circulated to the COA members prior to the hearing. If comments are not received prior to the hearing, it will be assumed that you have no comments or objections.

Please note that you may already have comments for the following applications:

B14/22 - 2150 Stevensville Road - no changes have been made to this application but it was deferred as the applicant was unable to attend the hearing

A32/22 - 3405 Thunder Bay Road - application was deferred and the applicant has increased the exterior side yard setback



Alexander D. Vilardo
avilardo@colliganlaw.com

May 4, 2022

SENT VIA EMAIL: (mbutler@forterie.ca)

Town of Fort Erie
Committee of Adjustment
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Re: 214 Windmill Point Road South

Dear Committee Members:

I respectfully request that this letter be read aloud to the Committee of Adjustment.

My name is Alexander Vilardo, and my family has owned the property at 2567 Windmill Point Road West Lane for roughly 30 years. For my entire life, we have spent summers at our cottage. Each summer, my father would commute into Buffalo for work each day, and before him, my grandfather would do the same. One day, I hope to continue that tradition. For now, I am looking forward to spending quiet, sunny days on our deck with my one-year-old daughter or walking the beach with few people around. That likely will not happen if the large-scale renovation at 214 Windmill Point Road South is allowed.

The property at 214 Windmill Point Road South, long owned by the Jayson family, already is the largest property with the largest structures in Windmill Point. It is a beautiful property, to be sure. I understand that the new owners want to build four structures comprising of at least 20 bedrooms and 15 bathrooms and potentially 26 bedrooms and 19 bathrooms. These owners can call it what they want, but at the end of the day, a project of that size changes the character and integrity of Windmill Point. What has long been a private, quiet beachfront neighborhood would turn into a crowded, loud gathering place that would no longer offer the privacy and respite from the chaos of the rest of the world.

To start, the project would bring an increase in traffic to the neighborhood, which would not only increase the noise level but would also drive off many of the deer, foxes, and other animals seen regularly in our neighborhood. Further, with at least 20 bedrooms, it is reasonable to expect at least 30 people continuously at this property. It also is reasonable to expect that those people would be outside drinking, partying, and playing loud music. Reading a book on our deck or putting my one-year-old down for naptime would be near impossible. Additionally, 30-plus people using showers, sinks, and toilets at 214 Windmill Point Road South would create

a significant strain on the infrastructure and ecology of the neighboring properties and would create all sorts of additional water runoff.

I know that my grandparents, who are no longer with us, had a vision that our family would use our cottage to get away from the hustle and bustle of “the real world.” I know that my mother, who passed away in 2020 after an incredibly short battle with non-smoker’s lung cancer, carried out my grandparents’ goal for us, as the cottage was her favorite place on Earth. My family finally is ready logistically—with the border reopening—and emotionally to get back to our cottage and enjoy our memories of my mother while creating new memories with my daughter. To have that place and the surrounding area turned upside down by a hotel pretending to be another family residence would be a travesty for us.

The new owners might say something similar about their wishes—that they want to enjoy the place with their family. I certainly can appreciate that wish, but I vehemently disagree that Windmill Point is the place to make this specific wish come true. A 20-bedroom project is not a family residence—it is a hotel. I promise that, if the new owners were building a 5-bedroom house, I would not be taking the time to write this letter.

There are other areas where such a hotel would be welcome and would make sense; Windmill Point is not one of them. This would affect not only the beachfront owners on the private lane, but it also would affect the other neighboring property owners on Windmill Point Road and Thunder Bay Road.

After spending parts of 30 years in Windmill Point, I simply cannot imagine it with a hotel. The new owners can call their vision what they want, but at the end of the day, a hotel is exactly what it is. With that, I respectfully request that the new owners’ building plan be denied.

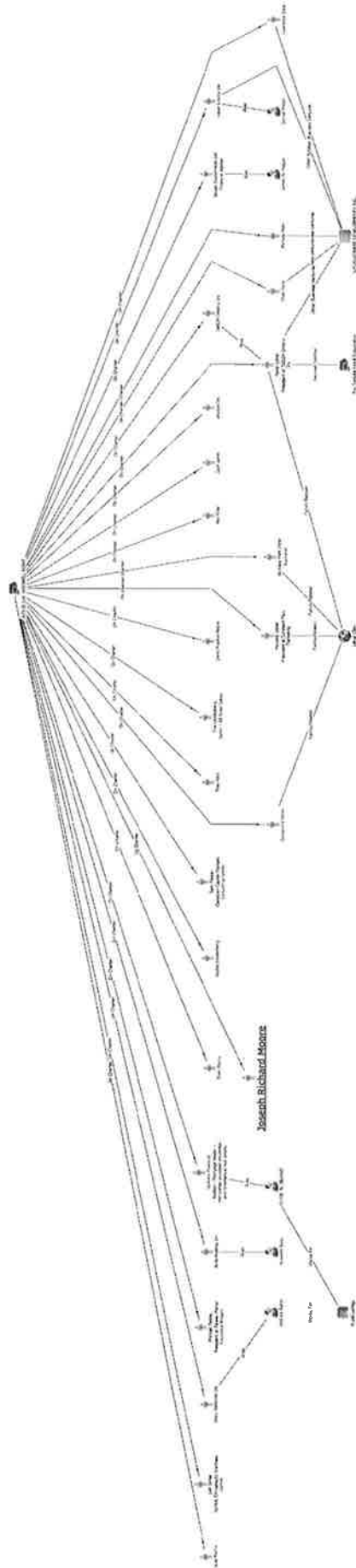
Respectfully,

A handwritten signature in dark ink, appearing to read "Alex O. Vilardo".

Alexander Vilardo
2567 Windmill Point Road West Lane

CC: Councilor Marina Butler

Relationships/Connections between individuals on charter



1 Attachment



Good day Breanna

Dear Ms. Breanna Antonio,

(g) One single detached dwelling on one lot and one accessory apartment dwelling...]

Of direct concern to all of us, regards our beach; it appears the developer would take claim to part of our beach [denoted by the line "EX. PROPERTY LINE 84.500m" "PIN 64200-0103(LT)" in the Final Revised Pan], entirely all access to the shore in front of Lot 0118 and a substantial portion the shore in front of Lot 0117. The blue area in the lower right is not water, it is beach! See the attached maps, 0119 on the pin map is our property [lot 0119 which right, title and interest in the properties being vested in the name of the Windmill Point Holdings Corporation, as Corporate Trustee for all of the Lot Owners in said Plan 67 now known as Plan 407.

In spite of the prohibitions stated on the Final Revised Plan [Plan], the Plan shows construction and implied approval of new buildings that are specifically designed to be for not permitted usage; and land ownership that is vigorously disputed, and inconsistent with the key map on the face page of the subject application.

I find it odd that after Joe and Irene Moore purchased the property, the land registry added 21 new names to the deed, which quite a few of them have been in ventures before, please see attached "Link Analysis", but ironically now all of those names have been removed and one lawyer has been added 'Patrick G. Morris' who practices 'Real Estate Law'. It is obvious to some of us that this is most likely a means to hide the real purpose of this property.

Sincerely

Harold and Carole Bergeron

From: Breanna Antonio <BAntonio@forterie.ca>

Sent: May 3, 2022 9:52 AM

To: harold.n.bergeron@bell.net

Subject: Minor Variance File No A33/22 214 Windmill Point Road South

Good Morning,

The subject minor variance application is scheduled to be heard by the Committee of Adjustment on May 12, 2022. The new notice of hearing has been attached to this email and was circulated to all property owners within 60 metres of the subject property. As mentioned, new comments pertaining to the revised application will need to be submitted should you have any.

Kind regards,

Breanna Antonio

Secretary Treasurer - Committee of Adjustment

Planning and Development Services

The Corporation of the Town of Fort Erie

1 Municipal Centre Drive

Fort Erie, Ontario L2A 2S6

TEL: 1-905-871-1600 ext.2508

E-mail-bantonio@forterie.ca

For further information on Committee of Adjustment please visit:

<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

From: Breanna Antonio/FortErie
 To: <harold.n.bergeron@bell.net>
 Cc: mbutler@forterie.ca
 Date: 2022-04-19 10:06 AM
 Subject: Re: Minor Variance File No A33/22 214 Windmill Point Road South - OPPOSE

Good Morning,

Your comments have been received and will be circulated to the Committee of Adjustment members and applicant/agent however the subject minor variance application will not be proceeding to the April 21st Committee of Adjustment hearing but a deferral to a later hearing date has been requested. A new notice of public hearing will be circulated to all property owners within 60 metres of the subject property advising of the new hearing date and details of the application a minimum of 10 days prior to the hearing in accordance with the *Planning Act* requirements.. Following the notice circulation for the new hearing new comments will need to be submitted.

Should you have any questions please feel free to contact me.

Kind regards,

Breanna Antonio

Secretary Treasurer - Committee of Adjustment
 Planning and Development Services
 The Corporation of the Town of Fort Erie
 1 Municipal Centre Drive
 Fort Erie, Ontario L2A 2S6
 TEL: 1-905-871-1600 ext.2508

E-mail-bantonio@forterie.ca

For further information on Committee of Adjustment please visit:

<https://www.forterie.ca/pages/CommitteeofAdjustmentHome>

From: <harold.n.bergeron@bell.net>
 To: <BAntonio@forterie.ca>
 Cc: <mbutler@forterie.ca>
 Date: 2022-04-18 10:59 AM
 Subject: Minor Variance File No A33/22 214 Windmill Point Road South - OPPOSE

Dear Ms. Breanna Antonio.

Please enter this letter of opposition for minor variance file number A33 / 22, 214 Windmill Point Road South, into the minutes for the Committee of Adjustment minor variance hearing meeting. Please read aloud, Ms. Bulter.

We, Harold and Carole Bergeron at 2497 Windmill Point Lane, **oppose** the development and request for minor variant changes on the above property, 214 Windmill Point Road South.

We oppose the development/change of use of this property into a commercial/hotel/resort use (i.e., non-single-family residential use); furthermore, we wish to ensure our Association property boundaries (especially beach rights) are not impacted. These variances act to facilitate that.

Four detached structures are shown housing 20+ bedrooms and 15 baths.

The term “barn” is not a defined term in the By-law.

However, “By-law 129-90 Section 5.3 “ACCESSORY BUILDING OR STRUCTURE” means a building or structure that is incidental and exclusively devoted to the main use and/or home occupation, and located on the same lot therewith.”

Which means, given it is two storeys, we could be looking at another 6,200 square feet; given the average living density shown so far, adds at least 6 bedrooms and 4 baths.

26+ bedrooms and 19 baths is more characteristic of a commercial use than a dwelling.

Additionally, the unexpanded septic bed allows or contemplates the primary residence going from 8,300 square feet to 15,000 square feet. If the infill areas between the three main structures are “renovated,” that would add at least another 6 bedrooms and 4 baths.

This usage is not contemplated under RU zone, and the Regional or Fort Erie official plans.

[By-law 129-90 Section 5.3 8.2 PERMITTED USES...

(g) One single detached dwelling on one lot and one accessory apartment dwelling...]

Of direct concern to all of us, regards our beach; it appears the developer would take claim to part of our beach [denoted by the line “EX. PROPERTY LINE 84.500m” “PIN 64200-0103(LT)” in the Final Revised Pan], entirely all access to the shore in front of Lot 0118 and a substantial portion the shore in front of Lot 0117. The blue area in the lower right is not water, it is beach! See the attached maps, 0119 on the pin map is our property [lot 0119 which right, title and interest in the properties being vested in the name of the Windmill Point Holdings Corporation, as Corporate Trustee for all of the Lot Owners in said Plan 67 now known as Plan 407.

In spite of the prohibitions stated on the Final Revised Plan [Plan], the Plan shows construction and implied approval of new buildings that are specifically designed to be for not permitted usage; and land ownership that is vigorously disputed, and inconsistent with the key map on the face page of the subject application.

I find it odd that after Joe and Irene Moore purchased the property, the land registry added 21 new names to the deed, which quite a few of them have been in ventures before, please see attached “Link Analysis”, but ironically now all of those names have been removed and one lawyer has been added ‘Patrick G. Morris’ who practices ‘Real Estate Law’. It is obvious to some of us that this is most likely a means to hide the real purpose of this property.

Sincerely

Harold and Carole Bergeron

To: Fort Erie Committee of Adjustment c/o Ms. Marina Butler

Fort Erie Town Councilor, Ward 4

mbutler@forterie.ca

From: Dr. Kenneth R. Kahn and Linda Angert Kahn
2403 Windmill Point Road – East Lane, Ridgeway, ON, L0S 1N0
Kenrkahn@buffalo.edu 716.866.4632; 905.894.4733
Lindakahn33@gmail.com 716.462.1275

Date: May 4, 2022

Regarding: ***Minor Variance File No A33/22 214 Windmill Point Road South***

Ms. Butler:

We are respectively voicing our concern and objection to the above referenced “Minor Variance” that appears to change in a major way the characteristic of our beach habitat with negative impact on the long-loved environment of the Windmill Point and Staniland Park communities. We request that you read this correspondence out loud to the Town of Fort Erie’s Committee of Adjustment to ensure it is filed with the board minutes.

As residents of 2403 Windmill Point Road, East Lane, we are the immediate next door neighbors to 214 Windmill Point Road South – a property that has traditionally been referred to as the “Farm Property.” We have been home owners since 1987 and have been fortunate to live in a congenial atmosphere with life-long friendships established with both our Canadian and American neighbors.

What Mr. Moore is proposing not only changes the dynamic of our communities, but also disrupts the tranquility and respite of being home in a safe, quiet venue. We are deeply troubled and concerned with Mr. Moore’s variance – quite a MAJOR variance to increase the footprint of the buildings on his property. He has actually commenced construction at this time without proper permitting from the Town Board.

It appears that Mr. Moore is planning a 20,000 square foot enclosed floor area housing 20 bedrooms and 15 baths with the possibility of a second story of another 6,200 square feet which would add six more bedrooms and four baths. A “home” with 26 bedrooms and 19 baths appears to be a high density living space, much more than a dwelling – rather a rooming house, hotel, motel, or conference center.

We are not aware any home in Windmill Point or Staniland Park that has more than six bedrooms.

The septic bed allows or contemplates the primary residence going from 8,300 square feet to 15,000 square feet. We are also troubled with the prospect of noise, garbage, traffic, and displaced wildlife.

Of additional concern to the residents of Windmill Point and to us in particular is that Mr. Moore appears to have taken claim to part of “our” beach – the pie-shaped beach (for which we pay taxes) that is directly in front of our home at 2403 Windmill Point Road, East Lane. [denoted by the line “EX. PROPERTY LINE 84.500m” “PIN 64200-0103(LT)” in the Final Revised Plan]. The entire beach at Windmill Point is owned by the community residents and cannot be part of any variance request. Documentation regarding the beaches is well substantiated in Town of Fort Erie files and The Windmill Point Association would be able to provide such to you and members of the Committee of Adjustment upon request.

We who have lived in Windmill Point and Staniland Park question what Mr. Moore’s true intentions actually are.

We strongly oppose the development and change of use of this property into a commercial/hotel/resort use (i.e., non-single-family residential use); and furthermore, we wish to ensure the Windmill Point Association property boundaries (especially beach rights) are not impacted. These variances act to facilitate commercial development and harm our land title.

We hereby request that the Town reject permits or variances for 214 Windmill Point Road South now before you. We appreciate your thorough investigation of Mr. Moore and his true objectives and exactly how those intended end targets will impact our communities (both human and natural) as well as quality of life for those who have enjoyed our beautiful Canadian lakeshore. We thank the Town of Fort Erie and members of the Committee of Adjustment for your commitment and management. We welcome your guidance and insights.

Respectfully submitted,

Kenneth R. Kahn and Linda Angert Kahn

8 Attachments



REGULAR MEETING OF BOARD OF SUPERVISORS - 2022-05-06 Page 92 of 362

However, "By-law 129-90 Section 5.3 "ACCESSORY BUILDING OR STRUCTURE" means a building or structure that is incidental and exclusively devoted to the main use and/or home occupation, and located on the same lot therewith."

Which means, given it is two storeys, we could be looking at another 6,200 square feet; given the average living density shown so far, adds at least 6 bedrooms and 4 baths.

26+ bedrooms and 19 baths are more characteristic of a commercial use than a dwelling.

I oppose request for variance 4.

Additionally, the unexpanded septic bed allows or contemplates the "primary residence" going from 8,300 square feet to 15,000 square feet. If the infill areas between the three main structures are "renovated" that would add at least another 6 bedrooms and 4 baths.

This usage is not contemplated under RU zone, and the Regional or Fort Erie official plans.

[By-law 129-90 Section 5.3 8.2 PERMITTED USES... (g) One single detached dwelling on one lot, and one accessory apartment dwelling...]

Anything that enables the developer to construct the commercial buildings shown is in contempt of prohibitions and Provincial, Regional, Town policies.

I oppose request for variance 2.

Of direct concern to all of us, regards our beach; it appears the developer would take claim to part of our beach [denoted by the line "EX. PROPERTY LINE 84.500m" "PIN 64200-0103(LT)" in the Final Revised Plan], entirely all access to the shore in front of Lot 0118 and a substantial portion the shore in front of Lot 0117. The blue area in the lower right is not water, it is beach! See the attached maps, Lot 0119 on the pin map is our property [lot 0119 which right, title and interest in the properties being vested in the name of the Windmill Point Holdings Corporation, as Corporate Trustee for all of the Lot Owners in said Plan 67 now known as Plan 407]. Nearly an acre of land is in dispute. Resolution of the property line(s) shown on the Town/Region's reference Plan (59R11256) [Inst No 508774] would affect dimensions and distances permitted under Hazard (H) Zone and encroach on the other Rear Yard Setback with respect to our property line (it would appear to be less than the required 15m)

I oppose request for variance 3.

In spite of the prohibitions noted by the Town's land-use professionals on the Public Notice included drawing A1-1MV [Plan], the Plan ignores these and shows construction and implied approval of new buildings that are specifically designed to be for not permitted usage; and land ownership that is vigorously disputed, and inconsistent with the key map on the face page of the subject application and its reference Plan (59R11256) attached [the KEY MAP is a mirror image]. The Town's land-use professionals have tried to limit the use to compliant purposes in their notes; however, the plan has not been revised to show that, and leaves us in an enigma as to what is intended and will truly emerge.

The Town's Development Planners have stated on page 64 of developer's own Justification Report "Further, the proposal does not comply with the policies outlined in the Provincial Plan Statement and Region's Official Plan."

Today I received a mailed document "Consent for Severance Applications, 214 Windmill Point Road South" stating the developer will make applications for a Zoning By-Law Amendment. The drawing on the back is so unclear that it is useless.

Clearly, this is a fragmentary attempt at creeping development before required permissions. The developer's complete proposal must be considered in whole.

I oppose granting of all these variances.

I wish to be informed of the Decision of the Committee of Adjustment.

Yours very truly,
2479 Windmill Point Lane East
H. - Rudi Kroeker, P. Eng.
 Resident and POA for Owner



Re: Minor Variance File No A33/22 214 Windmill Point Road SouthPatrick Henry to
 BAntonio 2022-05-04 08:28 PM
 From "Patrick Henry" <drpdghenry@gmail.com>
 To BAntonio@forterie.ca
 History: This message has been replied to.

Ms. Antonio,

I believe you have already received letters from my neighbours regarding the construction on this property in Windmill Point neighborhood. Without needing to recreate the wheel and replicate all the details of the various letters, I would simply like to also state that I oppose the proposed variances, for all of the same reasons that my neighbours have submitted. The proposed property construction clearly is not for a large family... and of note it is my understanding that this same builder has a history of taking ownership of single family dwellings and converting them into multiplexes (for profit) - all signs would indicate that this is the true intention here. I am not a lawyer nor experienced in property law, so I will leave the nitty-gritty of our arguments to my more-qualified neighbours, however i can assert that there is a unified position amongst the large majority of home-owners in windmill point against the proposed construction/development in question.

Kind regards, PH



Re: Minor Variance File No A33/22 214 Windmill Point Road Southoscar oberkircher
 oberkircher to BAntonio@forterie.ca 2022-05-04 08:38 PM
 Cc "mbutler@forterie.ca"
 From "oscar oberkircher oberkircher" <ocnjan@yahoo.com>
 To "BAntonio@forterie.ca" <bantonio@forterie.ca>
 Cc "mbutler@forterie.ca" <mbutler@forterie.ca>
 History: This message has been replied to.

On Wednesday, May 4, 2022, 05:01:40 PM EDT, H.-Rudi Kroeker <hrkroeker@hotmail.com> wrote:

Ms. Breanna Antonio,

I oppose the development/change of use of this property into a commercial/hotel/resort use (i.e., non-single-family residential use); furthermore, I wish to ensure our Association property boundaries (especially beach rights) are not impacted.

All these variances act to facilitate commercial development and harm our land title.

I am particularly concerned that the variance proposals are coming in piecemeal whereas it is more transparent to have the entire project be submitted at one time to be considered in its entirety.

The purpose of the incrementalism of the applications seems to be disguise to overall purpose of the actions which seems to be to convert a residential property in a rural zoned area to be transitioned to a commercial venture which will dramatically alter the character of the area in an irrecoverable fashion.

First at question is the ownership of the beach claimed by the property owners. This must be addressed and settled prior to approval of any of the variance requests. Should approvals be granted prior to addressing the beach ownership discrepancy then those approvals may result in the unlawful loss of property by community property owners.

Second, it appears that the building proposed will not be operated as a permitted single detached dwelling and some of the variances will facilitate it not being used as such. Considering the definition under the Zoning by-law, it doesn't appear that the dwelling, with separate wings that are only attached with a covered walkway, will not function as a single, independent and separate housekeeping establishment.

Third, is the height of the accessory dwelling (or barn). The variance to increase the height suggests the building will not be used as an accessory structure, and the only reason for the variance is to support a second story that will accommodate another dwelling. It could be as tall or taller than the primary dwelling, which is not "accessory".

In closing I request that the Committee of Adjust deny variance requests 1, 2, 3 & 4, work to determine the ownership of the beach in question and not consider variance applications for this property until the entire project with all necessary variance applications is presented so that the total project and its impact can be reviewed.

Sincerely;
 Oscar Oberkircher
 2465 Windmill Point Rd

MEMO

To: Fort Erie Committee of Adjustment
c/o Ms. Marina Butler
Fort Erie Town Councilor, Ward 4
mbutler@forterie.ca

From: Irving A. Barrett, Jr.
2663 Windmill Point Rd. – West Lane
Ridgeway, ON, L0S 1N0
jan.barry54@gmail.com
716.633.5621
905.894.3362

Re: **Minor Variance File No A33/22 214 Windmill Point Road South**

Date: May 5, 2022

Important to know is that since 1917 the Barrett family has resided at our family home in Windmill Point. I have enjoyed harmonious and life-long friendships with both our Canadian and American neighbors, which is why the concealment, proposed actions, and lack of communication from Mr. Moore to the Windmill Point residents is troubling.

I feel compelled to bring forward my concerns as it relates to the minor variance that Mr. Moore is requesting on behalf of 214 Windmill Point Road South. My perspective is that Mr. Moore is attempting to distract and manipulate the Town Board, Committee of Adjustment, and Windmill Point residents. It appears that he is planning a 20,000 square foot enclosed floor area housing 20 bedrooms and 15 baths, and the possibility of a second story of another 6,200 square feet which would add six more bedrooms and four baths. To my knowledge, not one home in Windmill Point has more than six bedrooms.

Mr. Moore tells his neighbors that he has a “big family”. Really, a structure of 26 bedrooms and 19 baths is more like a high-density rooming house, hotel, or motel than a dwelling. Additionally, the septic bed allows or contemplates the primary residence going from 8,300 to 15,000 square feet. Added to my concerns are noise, garbage, traffic, safety, security, and displaced wildlife. Also, it will alter the essential character of the neighborhood and reduce property values.

Of equal concern to the residents of Windmill Point is that Mr. Moore appears to take claim to part of “our” beach. The beach at Windmill Point is owned by the residents and cannot be part of any variance request. Should you require documentation regarding the ownership of the beach, it is well documented in Town of Fort Erie files or I would be happy to provide to you and members of the Committee of Adjustment with documentation upon request.

Because of the aforementioned concerns, the scale of the project, and overwhelmingly not desired by the Windmill Point and Staniland Park residents, I strongly oppose the Committee of Adjustment passing the proposed minor variance.

As always, thank you to the Town of Fort Erie and members of the Committee of Adjustment for your commitment and leadership. I would appreciate your reading out-loud my concerns and welcome your comments and insights.

MEMO

To: Ms. Breanna Antonio
Fort Erie Committee of Adjustment
BAntonio@forterie.ca

Ms. Marina Butler
Fort Erie Town Councilor, Ward 4
mbutler@forterie.ca

From: Susan Barrett Green and Richard Green
2667 Windmill Point – West Lane
Ridgeway, ON, L0S 1N0
susie432@gmail.com
rfg1947@gmail.com
716.634.3009
905.894.6706

Re: **Minor Variance File No A33/22 214 Windmill Point Road South**

Date: May 4, 2022

As a life-long resident of Windmill Point, I can attest that over the years many families within the tranquil Windmill Point community have dealt with new construction or major renovation projects. While we do not have the newest home in the Association, we did construct a new home in 2001 on a second lot owned by our family since 1917. Like those that went before us or those who have built since, each family communicated with the Association their plans and took into account the Town's zoning issues and followed Association by-laws before a shovel hit the ground.

Unfortunately, that is not the case with Mr. Moore or his legal designee at 214 Windmill Point Road South. He has not been forthcoming with regards to his 'real' plans and changes his story and misconstrues his intentions, based on who he is talking with within the Association or residents of Staniland Park. His actions and non-actions are troubling to not only the 31 members of the Windmill Point Association who respect each other and value open communication, but to the residents of Staniland Park and neighbors on Windmill Point and Thunder Bay Roads.

It is not just his lack of communication, secrecy, and disregard for neighbors regarding Mr. Moore's actions, it appears his intent is to construct 26+ bedrooms and 19 baths on said property. By any definition, this is not a family home, but high-density housing units with existing building enlargements. Of equal concern is his assessment that he would be able to take claim to part of the beach and access to the shore in front of Lot 0118 and a substantial portion of the shore in front of Lot 0117. Important to note is that the Windmill Point Holdings Corporation collectively "owns" the beaches, as documented in filings in the Town Hall. They are not available to Mr. Moore.

Additionally, the proposed project(s) will negatively impact the environment, displace wildlife, create unnecessary noise, and added stress on garbage and traffic issues.

As a result of the aforementioned concerns, we feel compelled to lend our names to oppose the development and change of use of this property as a commercial hotel and resort. Further, please convey our concerns to the Fort Erie elected officials and the Committee of Adjustment as it relates to the minor variance that Mr. Moore is requesting on behalf of 214 Windmill Point Road South, and we respectively request that our letter be read aloud and recorded in the minutes.

Thank you for your attention to this troubling dispute that will facilitate commercial development, reduce our property values, and harm our land titles. We hope and trust that you will work on this with the feedback presented by the like-minded residents of Windmill Point.

Minor variance File No A 33/22 214 Windmill Point Rd South

Mary Pat Pauly to BAntonio

2022-05-06 08:21 AM

Cc "Bernadette Heins", "Shelia Quinlavin", "Tracy Shewchuk"

From "Mary Pat Pauly" <marypatpauly@gmail.com>

To BAntonio@forterie.ca

Cc "Bernadette Heins" <bph327@aol.com>, "Shelia Quinlavin" <weimer888@verizon.net>, "Tracy Shewchuk" <tsshewchuk@hotmail.com>

History: This message has been replied to.

Ms. Antonio

We oppose the changes / variances proposed at 214 Windmill point south.
We reviewed the documents and oppose the major changes required in the zoning to accommodate this development.

The proposed changes enable the property to be used as other than single family dwelling and negatively affect the environment and established community.
This proposal threatens all that the current zoning requirements have been protecting.

We would like to have our opposition noted at the upcoming May 12, 2022 meeting.
We would like to be notified of decision.

Thank you very much

Mary Pat Pauly MD
Bernadette Pauly Heins

2617 Windmill Point Rd West

SULLIVAN | MAHONEY LLP
LAWYERS

May 6, 2022

Via Email to bantonio@forterie.ca

Reply to St. Catharines Office
J. PATRICK MALONEY
905.688.5403 (Direct line)
pmaloney@sullivanmahoney.com

Ms. Breanna Antonio, Secretary/Treasurer, Committee of Adjustment
Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Dear Ms. Antonio:

**Re: Minor Variance File No. A33/22- 214 Windmill Point Road South, Fort Erie
Our File No. 133906**

We are the solicitors for Windmill Point Holdings Corporation in relation to the above-noted application for minor variance. Windmill Point Holdings Corporation consists of owners of lands immediately to the south of the lands subject to this application. While we do intend to provide oral submissions during the Committee of Adjustment hearing on May 12, 2022, please accept these written submissions in opposition to the proposed variances. We would respectfully request that you provide these comments to the Committee in advance of the hearing.

In particular, we wish to raise several issues with the proposed variances and provide justification that the variances do not meet the test required under subsection 45 of the *Planning Act*.

Compliance with Town's Zoning By-law/Conformity with Town's Official Plan

In terms of the use of the Subject Lands, they are zoned within the Rural (RU) Zone in the Town of Fort Erie's Zoning By-law and within the Rural and Environmental designations in the Town's Official Plan. Relevant to this hearing, the RU Zone and Rural designation only permit one single detached dwelling on one lot, and one accessory apartment dwelling. The RU zone and Rural designation do not permit any other type of residential use, nor does it permit any similar hotel/motel type use.

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

sullivanmahoney.com



Official Counsel

Each of the variances applied for would facilitate the construction of three separate and distinct dwelling units, including a 6-bedroom Main House, an addition consisting of a 10-bedroom north wing and a further addition consisting of a 4-bedroom west wing. It is important to note that the west wing and the north wing each have their own independent bathrooms (15+ bathrooms), kitchen/dining facilities, independent living rooms and separate parking areas. It also appears that most units have a separate private entrance to the outside walkway. There are all characteristics of a motel or hotel use, which is prohibited in the RU Zone. These are not characteristics of one permitted single detached dwelling.

Under the Town's Zoning By-law, a single detached dwelling means a dwelling unit which is freestanding, separate and detached from other main buildings or main structures. The proponent is attempting to address this by having a simple covered walkway connecting the three different dwelling units. However, it is our submission that despite this covered area, the north and west wings are actually separate and detached from the main building. In such case, the proposed development is actually for three dwelling units.

Even if it was accepted that the three units are actually attached through that covered walkway, the definition of a single detached dwelling includes reference to a "dwelling unit". Under the Town's Zoning By-law, a "dwelling unit" means a suite of habitable rooms which:

- (i) is located in a building;
- (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;
- (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof, and
- (iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

In the proposed development, the main house, north wing and west wing do not appear to be used in common as a single independent and separate housekeeping establishment. We understand that each unit is separate and distinct from each other and can be lived in independent of any of the other areas. Each unit contains independent food preparation facilities or kitchens and independent sanitary facilities or bathrooms and these are provided for the exclusive common use of the occupants of each unit. As noted above, each of the units, and in many cases, individual bedrooms have a private entrance directly outside.

Taking this into consideration, and focusing on the test for a minor variance under section 45 of the *Planning Act*, the specific variance seeking a change in the definition of "attached" and the variances seeking changes in setbacks would facilitate the development of three different dwelling units on the Subject Lands. In our view, this clearly does not meet the general intent and purpose of the Town's Zoning By-law which only allows one single detached dwelling.

Moreover, this type of high density and multiple unit form of development is not supported in the Town's Official Plan. Clearly, it is not appropriate for the development of the subject lands and is not minor in nature.

With respect to the height of the accessory building, the variance to increase the height has little justification. The intent and purpose of a height limitation in the Town's Zoning By-law is to be sure the structure is actually accessory to the height of the primary dwelling and that the accessory building is used for storage associated with the primary dwelling.

We understand that the height will actually be closer in height to the primary dwellings by a few feet and is therefore not accessory. Our clients also have concerns that the variance is to support a second storey that could accommodate additional dwellings on the second floor of the accessory structure. We also understand that the proposed development of the north wing will include an 8-car garage, so there will be ample room for storage. Similar to the above, the variance is not supported by the test under section 45 of the *Planning Act*.

Title Issues

In addition to the variance not be able to meet the minor variance test, we have had a preliminary review of title and there are certainly some underlying title issues associated with the ownership of the beach along Lake Erie. In particular, certain lands suggested to be owned by the Applicant may not actually be owned by them. We understand that the Applicant has sought an opinion from its surveyor as to ownership and the Applicant's own surveyor did raise issues with conflicting ownership of the beach and attempted to legally opine on what the ownership is. In our experience along Lake Erie in this area, this is not a simple issue and, without certainty, needs to be resolved before any development proposal can be approved for the Subject Lands. In that regard, consideration of the variances applied for is premature until that issue is resolved.

Full Development Proposal

A cursory review of the development proposal raises certain red flags as to what is actually proposed for the Subject Lands. In the Applicants planning justification report, there are references to a development proposal other than what is being presented, including severances on the Subject Lands. We have been made aware of a potential application for a zoning by-law amendment or Official Plan amendment. This has all created considerable confusion surrounding the application and raises of question on what the development proposal of the lands may actually be. In our view, the Committee should not be making a decision when only half of the development story is present.

As described above, it is our respectful submission that each of the variances applied for do not meet the general intent and purpose of the Town's Zoning By-law or the Town's Official Plan, are

not appropriate for the development of the lands (including the adjacent beach lands under uncertain ownership) and are not minor in nature. It is for these reasons that our client asks that the Committee refuse each of the variance sought as part of Minor Variance File No. A33/22.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:

A handwritten signature in black ink, appearing to be 'J. Patrick Maloney', written over a light blue horizontal line.

J. Patrick Maloney

JPM:sm

cc—clients
cc—Mackenzie Ceci



The Municipal Corporation of the Town of Fort Erie

Council-in-Budget Committee Meeting No. 2 Minutes

Wednesday, January 18, 2023

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"

1. Call to Order

Mayor Redekop called the meeting to order at 6:00 p.m.

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

2. Roll Call

Present: His Worship Mayor Redekop and Councillors Christensen, Dubanow, Flagg, Lewis, McDermott, and Noyes

Staff: J. Janzen, C. McQueen, C. Patton, C. Schofield, and K. Walsh

3. Announcements/Addenda

None.

4. Declarations of Pecuniary Interest

None.

5. Water and Sewer Operating Budget

Chaired by Councillor McDermott

(A) Presentations

(a) Jonathan Janzen, Director, Corporate Services

Mr. Janzen delivered a PowerPoint presentation which is available for viewing on the Town's website.

Mr. Janzen provided the following commentary:

- Costs: Town increase of 1.88% + Region increase of 5.14% for a combined budget increase of 7.02%.
- Rates: When distributed over estimated volumes for 2023, the net increase for the average household is 5.25%.
- Capital: Infrastructure gaps identified in the 2019 AMP are funded with reserve transfers. Water and wastewater capital was presented and approved on December 7.
- Debt: No new debt budgeted or forecasted. Existing debt maturing in 2025 and 2031 will provide additional funding options.

(B) Reports

CBC-03-2023 2023 Water and Wastewater Operating Budget

Recommendation No. 1
Moved by: Councillor Dubanow

That: Council approves the 2023 Water and Wastewater Operating Budget attached as Appendix "1" to Report No. CBC-03-2023, and further

That: Council sets 2023 Water and Wastewater rates, subject to Regional Council approval of treatment rates, effective with billing for January 2023 as follows:

- 2023 water base rate per month: \$25.50
- 2023 water rate per cubic metre: \$1.607
- 2023 wastewater base rate per month: \$42.72

- 2023 wastewater rate per cubic metre: \$2.495, and further

That: Council excludes the capital asset amortization of \$1.8 million from the 2023 Water and Wastewater Operating Budgets, and further

That: Council directs staff to submit the 2023 Water and Wastewater Operating Budget and Rates By-law for Council approval on January 23, 2023.

Recommendation No. 2
Moved by: Mayor Redekop

That: Council authorizes staff to utilize \$210,000 from the Water Wastewater Reserve Fund or a combination of Reserve Funds to reduce the Water and Wastewater Budget increase from 5.25% to 4.25% overall. **(Carried)**

Following approval of the amendment, Recommendation No. 2, as amended, was voted on as follows:

That: Council approves the 2023 Water and Wastewater Operating Budget attached as Appendix “1” to Report No. CBC-03-2023, as amended, and further

That: Council sets 2023 Water and Wastewater rates, subject to Regional Council approval of treatment rates, effective with billing for January 2023 as follows:

- 2023 water base rate per month: \$25.50
- 2023 water rate per cubic metre: \$1.570
- 2023 wastewater base rate per month: \$42.72
- 2023 wastewater rate per cubic metre: \$2.452, and further

That: Council excludes the capital asset amortization of \$1.8 million from the 2023 Water and Wastewater Operating Budgets, and further

That: Council directs staff to submit the 2023 Water and Wastewater Operating Budget and Rates By-law for Council approval on January 23, 2023. **(Carried)**

6. Date of Next Meeting

- (a) Wednesday, February 15, 2023 - Library, General Levy
Operating Budget & Assessment Analysis
- (b) Wednesday, February 22, 2023 (*if required*)

7. Adjournment

Recommendation No. 2
Moved by: Councillor Dubanow

That: Council-in-Budget Committee adjourns at 7:38 p.m. **(Carried)**

Mayor

Clerk

JAN 12 2023

MAYOR'S OFFICE
TOWN OF FORT ERIE

January 6, 2023

Mayor Wayne H. Redekop
The Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON
L2A 2S6

Dear Mayor Redekop,

On behalf of FortisOntario and Canadian Niagara Power, I wish to extend our thanks and appreciation to you, the Town of Fort Erie officials and staff for your support and the assistance during the restoration effort following the recent winter blizzard. We appreciate the patience and cooperation that you and your teams provided during the major blizzard that swept Canadian Niagara Power's service territory during the Christmas holidays.

Restoration efforts of this magnitude require a competent group of dedicated professionals committed to safety, cooperation and good communication, which included your team. In addition to the coordination of services and snow removal, we were able to communicate with you on a regular and timely basis for media communications and reassurance to the community customers that our crews and contractors were working diligently and safely to restore power quickly under challenging working conditions.

Once again, thank you for your cooperation, and we look forward to our continued partnership.

Sincerely,



Scott Hawkes
President & Chief Executive Officer

RECEIVED

JAN 23 2023

BY COUNCIL

MINUTES

FORT ERIE AFFORDABLE HOUSING COMMITTEE

Meeting Date, Time, and Location

December 14, 2022 – 9:00 am, Town Hall, Conference Room #1

Committee Members	Council/Staff Support
Ashley Chiarello (<i>regrets</i>) Anne Watters Martha Mason (<i>regrets</i>) Richard Paterak (<i>regrets</i>) Kelly Kendrick-Collings Sherrie Kechego-Weekes (<i>absent</i>) Juli Longaphie (<i>regrets</i>) Brian Hodge Mark Newman Rev. Bill Thomas	Mayor, Wayne Redekop Chris Millar, Senior Neighbourhood Planner, Interim Senior Community Planner and Urban Designer <u>Invited Guests:</u> Tom Insinna, Regional Councilor (<i>absent</i>) Jefferey Sinclair, Niagara Region (<i>regrets</i>) Monica Witvoet, FE Multicultural Society

1) Call to Order/Welcome/Quorum

No quorum present.

Meeting adjourned to January 2023 with yet to be confirmed date and time.

2) Administrative Matters

n/a

3) Business Arising

n/a

New Business

Staff provided attending members with overview and information relevant to the Affordable Housing Committee as it pertains to Bill 23 recently passed by the Provincial government.

Discussion on interpretations of Affordable and Attainable Housing were shared and other matters such as development charge exemptions were also discussed.

6) Enquiries by Members / Articles

n/a

6) Next Meeting

TBD

7) Adjournment

n/a



Meeting Date, Time, and Location

Monday June 13, 2022. Lunchroom. 4:30pm

Members

PRESENT

Thomas Mete, Mackenzie Arts, Logan Steele, Sydney Steele, Paige Gismondi, Mollee Morin, Mason Smith, Sawyer Smith, Enza Wybraniak

ABSENT

Tristain Jagiello

STAFF

Fran Vella, Adult Advisor
Kevin Beauchamp, Communications Advisor
Mayor Wayne Redekop
Guest: Signe Hansen, Manager, Community Planning

1) **Call to Order**

The meeting was called to order by Chair Thomas Mete at 4:39 p.m.

2) **Approve Agenda**

The Chair asked if the members were in agreement with the Agenda or if there are any changes/additions.

Moved by: Sawyer Smith

Seconded by: Logan Steele

That: The MYAC Agenda for the June 13th, 2022 meeting be accepted. **(CARRIED)**

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

Committee to pass a motion to adopt the minutes of the previous meeting:

Moved by: Sawyer Smith

Seconded by: Logan Steele

That: The minutes of the MYAC meeting of May 9th, 2022 be approved. **(CARRIED)**

5)

Delegations

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

Through the 2022 Capital Budget process, Council approved funding to replace the Kinsmen Pool in Lions Sugarbowl Park with a free, accessible and inclusive destination splash pad, as well as construct an accessible public washroom.

As an important user of Lions Sugarbowl Park, the Town is interested in seeking the input of MYAC members to explore priorities for the development of these park amenities and review conceptual alternatives.

Signe will provide us with the slideshow she presented and a google doc is inserted and all members can put ideas into a google doc to submit.

6)

Business Arising from Minutes

1. Tree Give Away Event
2. Transit Presentation- A google doc is open where we can share ideas on why youth would want to use transit and how to best reach them: co-op, summer job, beach with friends, out with friends, store, school, extracurricular- please do this today or tomorrow
<https://docs.google.com/document/d/1dygGzoROZ6sMvaMIiYkfSgM5WIE8ivGnSbhM2ArkOIY/edit?usp=sharing>
3. Virtual Easter Egg Hunt: Sarah Willick and family winners. They found out about the contest on the Town Facebook page.
4. MYAC gear
5. This is from the last meeting but I wanted to mention this opportunity again. This may be of interest to the Mayor's Youth Advisory Council. Students aged 15-29 can apply for funding to start their own business. More info included in the links below. This program is administered by the Niagara Falls Small Business Centre but is open to all Fort Erie residents that meet the qualifications. Information is available at www.ontario.ca/summercompany.
6. Survey Monkey did not work: will work with Kevin to try to create or revamp this for September

7)

New Business

1. Scholarships: Secondary (4) and Elementary (2). Choose recipients
Secondary Recipient: Kyle Mullin
Committee to pass a motion to award the secondary scholarship of \$500 to #4.
Moved by: Mackenzie Arts
Seconded by: Sawyer Smith

That: The secondary scholarship will be awarded to Kyle Mullin. **(CARRIED)**

Elementary Recipient: Scarlet Lepp

Committee to pass a motion to award the elementary scholarship of \$50 to #2.

Moved by: Sawyer Smith

Seconded by: Logan Steele

That: The elementary scholarship will be awarded to Scarlet Lepp. **(CARRIED)**

2. Review expense items for submission (expense submission attached):

Committee to pass a motion to approve the submission expenses by Fran Vella.

Moved by: Sawyer Smith

Seconded by: Mollee Morin

That: the submission of expenses by Fran Vella is valid and should be submitted. **(CARRIED)**

3. End of the year team building: Google doc on places and dates you cannot attend

4. Summer meetings: we will have our team building and then meet in Sept

5. Community Service hours: if you have not submitted community service hours please do so to Fran.

6. Transit Presentation- A Google Doc will be opened where we can share ideas on why youth would want to use transit and how to best reach them: co-op, summer job, beach with friends, out with friends, store, school, extracurricular

7. Good luck to our graduates: Enza, Mollee, Sawyer and Thomas

8) **Enquiries by Members**

None.

9) **Next Meeting**

The next meeting of MYAC will be held on TBD in Conference room #1.

10) **Adjournment**

Chair Thomas Mete called to adjourn at 5:40 p.m.

Moved by: Sawyer Smith

Seconded by: Logan Steele

That: The meeting be adjourned

(CARRIED)

Minutes recorded by:

Minutes approved by:

Mackenzie Arts, Secretary

Thomas Mete, Chair

Town of Fort Erie- Payment Voucher					
Committee Name:		Mayor's Youth Advisory		Mail Chq	
				P/U Chq Pick up	
Payable To: Fran Vella		Date: June 7, 2022		Amount Payable \$637.29	
Address: 237 Prospect Point Rd S					
Particulars	Acct#	G/L Expense	HST Rebate	HST	Invoice Total
Easter Basket (receipts attached)	OG-65200-3422	\$32.06	\$ - 3.54	\$ - 4.10	\$35.60
Meeting expenses (receipts attached)	OG-65200-2993	\$38.24	\$ - 2.45	- 2.83	\$40.69
MYAC gear (receipt attached)	OG-65200-3250	\$561.00	\$ -	0	\$561.00
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Total Voucher			\$ -		\$637.29

Approved By: _____

CHAIR Signature

Thomas metc
 Print Name

SECRETARY

mackenzie arts.
mackenzie Arts.

**Please enter Amounts in hilited cells only*

MINUTES

Meeting Date, Time, and Location

Wednesday December 7, 2022

10:00 am

Fort Erie Lions' Seniors Centre

Members

Rosalie Snyder, Graham Rignall, Barbara Hopkins, Bill Doyle, Maria Scott, Sandra Peitsch, Noreen Smith, Eleanor Hurst, Wyndmill Hoskin, Fran Hill, Deborah Fairlie, Jayne Cruikshank, Helen Rignall, Councillor Noyes

Regrets: Joan Christensen, Lida Greenaway

1) **Welcome & Announcements**

- Meeting was called to order at 10:05 by Vice-Chair Graham Rignall, who welcomed everyone and thanked them for attending.

2) **Introduction of Special Guests**

- None

3) **Minutes of Previous Meeting**

- Meeting of Nov. 2, 2022 was reviewed, and correction noted.: Item 4, paragraph 3 was changed to read "It was noted that Ann Marie requested an explanation of where the money came from to host "Seniors Stepping Out" in June of 2022 with regards to SCAC budget."
Motion to accept minutes as corrected was made by H. Rignall 2nd by Hurst...carried

4) **Treasurer's Report**

- Report submitted by Treasurer Doyle indicating SCAC has a balance of approximately \$12,000.00 in the 2022 allotted grant. (see attached)
Motion to accept Treasurer's report made by Snyder, 2nd by Fairlie... carried

5) **Business Arising from Previous Minutes**

Graham Rignall's Report

- December Christmas Luncheon – There is 136 tickets and 122 sold – Graham will purchase 10 \$25 Walmart Gift Cards as prizes – Marie Scott & Wyndmill Hoskin will be on the door – Sing Niagara scheduled to perform first from 12 to 12:45 and dinner will be served at 1 pm – Graham will pick up 17 Poinsettias from the Mill and these will also be used as prizes.
- January luncheons at Happy Jacks – Graham Rignall – Tickets for the luncheons at Happy Jack's were distributed at this meeting.

Tentative Calendar for 2023

- Information for March event should be ready for SCAC's next meeting
Motion to accept the 2023 calendar up to the month of March was made by Snyder, 2nd by Hurst.... Carried
- Follow up on Seniors Literary contest – There were not as many participants as we hoped for but knowing the event was acknowledged made the event a success – Prizes are being presented on Tuesday Dec. 14th at 6 pm at RCL 230. RCL 230 President Hopkins thanked the SCAC members for helping with distribution of the posters.
- Inventory update – Maria Scott indicated that Black Creek Social will take the two coffee urns and are also interested in the bingo sheets
- Request for 4 members of SCAC to sit on the committee of "Connecting Our Community" – Joan Christensen and Barb Hopkins are already considered to be committee members. – the request for four SCAC committee members is still on hold for further discussion.

6) **Correspondence**

- Barb Hopkins read the email from Diana Kelley of the Town noting that the coffee urns were indicated as being unsafe so they should be thrown in the garbage

7) **Other Business**

- Rosalie Snyder thanked those who are working so hard for this committee
- There was open discussion on SCAC members reapplying to the Town – Graham Rignall presented a copy of the application
- There was open discussion that SCAC should have at least one learning event on the events calendar

8) **Next Meeting Date and Adjournment**

The next meeting date has been scheduled for Wed. Jan. 4, 2023 at 10:00 am

Motion for adjournment Smith, 2nd Hurst

Dec. 7, 2022 meeting adjourned at 11:20 am

Minutes prepared by

Barbara Hopkins

Minutes approved by



Crystal Beach BIA

Minutes

Meeting Date, Time, and Location

Thursday January 12th, 2023 @ 6pm – Crystal Ball Café, Erie Road, Crystal Beach ON L0S1B0

Members Present

Board Members – Melissa Dubois, Caroline Smith, Kirk Fretz, Robin Bannerman, Regan Greatrix via Zoom, Tom Lewis

Regrets –

Absent -

BIA Members –

Guest -

1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:03 pm.

2) **Roll Call**

Recording secretary noted all attendees.

3) **Disclosures of Pecuniary Interest**

None.

4) **Approval of Agenda**

Motion to amend the agenda to nominate the Board members first and foremost. Carry motions to name the Chair, Secretary and Treasurer.

Moved by Kirk Fretz / Seconded by Robin Bannerman Carried.

Nominate the Board members

**Carolyn Smith motions to nominate Kirk Fretz to be Chair
/ Seconded by Robin Bannerman Carried.**

**Kirk Fretz motions to nominate Robin Bannerman to be Secretary / Seconded by
Carolyn Smith Carried**

**Kirk Fretz motions to nominate Carolyn Smith to be Treasurer
Regan Greatrix Carried.**

/ Seconded by

5)

Presentations and Delegations

Goran Maljkovic presented.

- A.** Goran acknowledged receiving an email sent on behalf of the CB BIA announcement of the AGM dated November 15th, 2022, per the 15 days AGM advance notice. However, there was no time or location stipulated in the invitation. Per the BIA protocol, a 15 day advance notice via mail or electronic notice is required. Goran suggested the CB BIA AGM on November 30th, 2022 ought to be struck and redone.
- B.** Goran reminded the CB BIA that NO cash donations / prizes can be given / donated to ANY outside charity. For example, the Polar Plunge which occurred Saturday December 3rd, 2022 at Bay Beach in Crystal Beach is not able to donate to any outside cause/charity. Any and all monies collected/raised at the event are to be allocated to offset the event expenditures and ANY proceeds from the event are to be allocated toward the CB BIA. Should there be any excess proceeds associated with the event, those proceeds are not to be allocated to any other organization.
- C.** Food Trucks: For the record; Goran is 100% opposed to food trucks operating in Crystal Beach. Goran cited dozens of municipalities who have banned food truck events from their municipalities. The OBBIA does not in fact, encourage food truck events in municipalities. If these events do take place, fares to the food trucks are to be levied heavily, as is the associated insurance. In charging food trucks, the entire season must be fulfilled, not only sporadic weeks. The question arises - ARE food trucks in keeping with the CB BIA mandate of promoting local business? A suggestion from the floor to understand if a flip side and / or a 2 sided survey can be completed to ask if the Supper Market adds or detracts from the local businesses of Crystal Beach????

6)

Agenda Items

In-filling the vacancy on the Board

**Regan motions to nominate Chris Hawkswell to fill Board vacancy position with
Lauren Bacon stepping down.
All were in favour
Carried.**

Overview of 2023 BIA sanctioned events

- a. List of events to be compiled for next meeting's discussion including a hopeful list of sub committees to be formed to manage events as well as a projection for a potential Events' Manager to assist.
- b. For planning purposes, we are looking to restore meetings the first Tuesday of each month (barring holiday weekends where the Monday is a holiday in which case, we would postpone

by one week) and look to the Crystal Ridge Library as a meeting venue. Several businesses feel the communication needs to improve where scheduling regular meetings is concerned.

7)

Reports & Correspondence

- a. Treasurer's Report – n/a
- b. Councillor's Report – Tom Lewis
- Winter storm cleanup is still ongoing. If you have any trees in the area that need attention please call it in to the TOFE.
- Street signs have started going up along Erie Rd and look great. It is my hope that they will be completed before the spring summer holiday season.
- The Crystal Beach Iconic Sign is up and looks fantastic. This is the great result of true community partnership, creativity and pride. Thanks to Joan Christensen, CBBIA (Kirk and Chris), ACB, TOFE, Niacon Construction, Signature Sins, Raimondo and Associates and Niagara Tourism Relief Fund.
- I have been in discussion with the TOFE CAO about Garbage pickup in the business core and hope to have a solution in place to improve this issue moving forward in the summer peak season.
- Between now and early spring I would like to have some discussions with the BIA on long term planning where the BIA's wants to be in the next 5 and 10 years and what we need to do to get there.
- I will be reaching out to the Ward 4 Councillor Joan to set up a meeting between her, I and the Ward 4 & 5 BIA Chair's to discuss areas where we can work together and start building a relationship.
- The clerk will be in touch with the CBBIA Chair for governance training in the coming months. It is my hope that that the three BIA's can meet at the same time and allow for some opportunity for the BIA's to informally come together.
- I will be following up with TOFE Economic Development Department for a list of businesses in the BIA area and or who is paying into the levy so the committee can begin working on updating the membership list. This will be a very helpfully process for the BIA to undertake. I will also be following up with the TOFE on what happened with the way finding initiative specifically for signage along Gorham and Ridgeway Road.

8) **New Business and Inquiries by Members**

To better prepare our membership and to get back on track, we suggest you earmark the first Tuesday of each month as a CB BIA meeting. We aim to meet at 6:00pm. Location will likely be the Crystal Ridge Library.

Should the Tuesday occur just after a long weekend, we look to postponing the meeting by one week.

9) **Next Meeting Date and Adjournment**

The next meeting will be Tuesday February 7th, at 6:00pm

Motion to adjourn. Moved by Kirk Fretz / Seconded by Robin Bannerman Carried.

The meeting was adjourned at 7:22pm.



Planning and Development Services

Prepared for	Council-in-Committee	Report No.	PDS-78-1-2022
Agenda Date	January 16 th , 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)
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Recommendation	
<u>THAT</u>	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
<u>THAT</u>	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 <i>Planning Act</i> , 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
<u>THAT</u>	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 <i>Planning Act</i> , and further
<u>THAT</u>	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:

Original Signed

Mackenzie Ceci
Intermediate Development Planner

Reviewed by:

Original Signed

Anamika Dilwaria,
MCIP, RPP
Manager, Development Approvals

Submitted by:

Original Signed

Alex Herlovitch, MCIP, RPP
Director, Planning and
Development Services

Approved by:

Original Signed

Chris McQueen, MBA
Chief Administrative
Officer

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 12th, 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 12th, 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 northerly 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 30th, 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 22nd, 2022 Regular Council meeting in order for additional information to be provided through a Supplemental Report.

Report No. [PDS-34-2022](#) and Supplemental Report No. [PDS-34-1-2022](#) were received by Council on August 22nd, 2022.

Recommendation Report No. [PDS-78-2022](#) was presented to Council on December 12th, 2022. The Report was postponed to the January 23rd, 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 12th, 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 21st, 2022. The Supplemental Recommendation Report is being presented to Council in advance of January 23rd, 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**.

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.

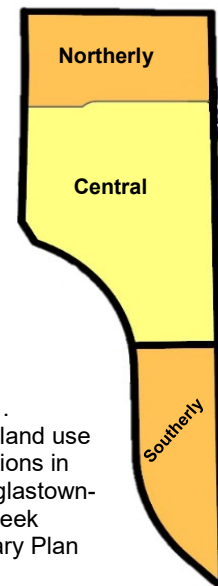


Figure 1.
Existing land use
designations in
the Douglastown-
Black Creek
Secondary Plan

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:



Figure 2.
Proposed land
use designations

- 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. [IS-21-2022](#), 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 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-~~

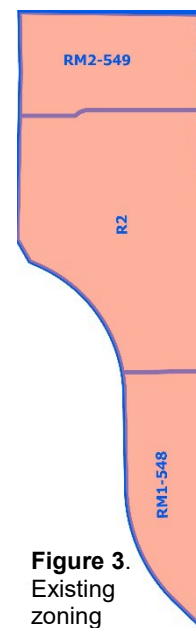


Figure 3.
Existing
zoning



Figure 4.
Proposed
zoning

~~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 style="list-style-type: none"> • Fourplexes • Apartment dwellings • Home for the Aged • Residential uses existing at the date of passing of this by-law • Assisted Living House Nursing Home • Uses, buildings and structures accessory to the foregoing permitted use 	<ul style="list-style-type: none"> • Fourplexes • Apartment dwellings • Home for the Aged • Residential uses existing at the date of passing of this by-law • Assisted Living House Nursing Home • Uses, buildings and structures accessory to the foregoing permitted use • Stacked townhouses • Block townhouses 	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 ² /unit	200 m ² /unit	The Applicant's request for 200 m ² /unit will not allow them to achieve their requested maximum density of 75 units/ha. A requirement of 200 m ² /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 m ² /unit. This requirement is more than the standard RM2 minimum lot area requirement of 115 m ² /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 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
Minimum Interior side yard	One half the building height 14 m / 2 = 7 m	5 m	

			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 blue) and an analysis regarding their inclusion and merit are outlined in the table below.

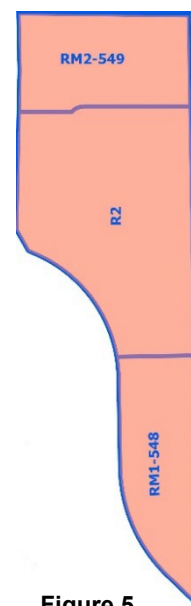


Figure 5.
Existing zoning

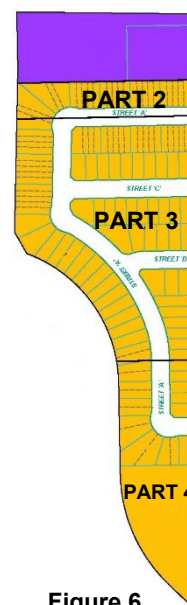


Figure 6.
Proposed zoning

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul style="list-style-type: none"> • 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 style="list-style-type: none"> • 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 • Stormwater Management pond • Open spaces uses 	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 ² for an interior street townhouse lot and 270 m ² for a corner street townhouse	180 m² for an interior street townhouse lot and 215 m² 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 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.
Maximum lot coverage Subsection 12.3 (Single-detached dwelling)	50%	Delete the requirement	

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.
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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 ~~553-629~~);
- ~~1243~~ blocks for a total of ~~53 59~~ on-street townhouse dwelling units (Blocks ~~634-73 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 By-law 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/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 30th Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5th, 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 7th, 2022. Comments received in advance of the Public Meeting are available in Report No. [PDS-34-2022](#) for review.

Comments from Public and Council

A Public Information Open House for these applications was held on April 7th, 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. [PDS-34-2022](#).

At the statutory Public Meeting on May 30th, 2022, Report No. [PDS-34-2022](#) was presented to Council for information purposes. Supplemental Report No. [PDS-34-1-2022](#) 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 18th, 2022, inquiring once more about a new access to Netherby Road. A response from the MTO was received on November 1st, 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 12th, 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 (Existing/Approved)	135 units <ul style="list-style-type: none">• 121 single detached dwellings• 14 semi-detached dwelling units
Spring Creek Estates (Proposed)	70 units <ul style="list-style-type: none">• 54 single detached dwellings• 16 semi-detached dwelling units
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:

SUBDIVISION NAME	NUMBER OF UNITS
Black Creek Signature (Existing/Approved)	46 street townhouse dwelling units
Spring Creek Estates (Proposed)	149 units <ul style="list-style-type: none">• Up to 80 units by way of an apartment dwelling• 16 block townhouse dwelling units• 53 street townhouse dwelling units
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 [219225](#) 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

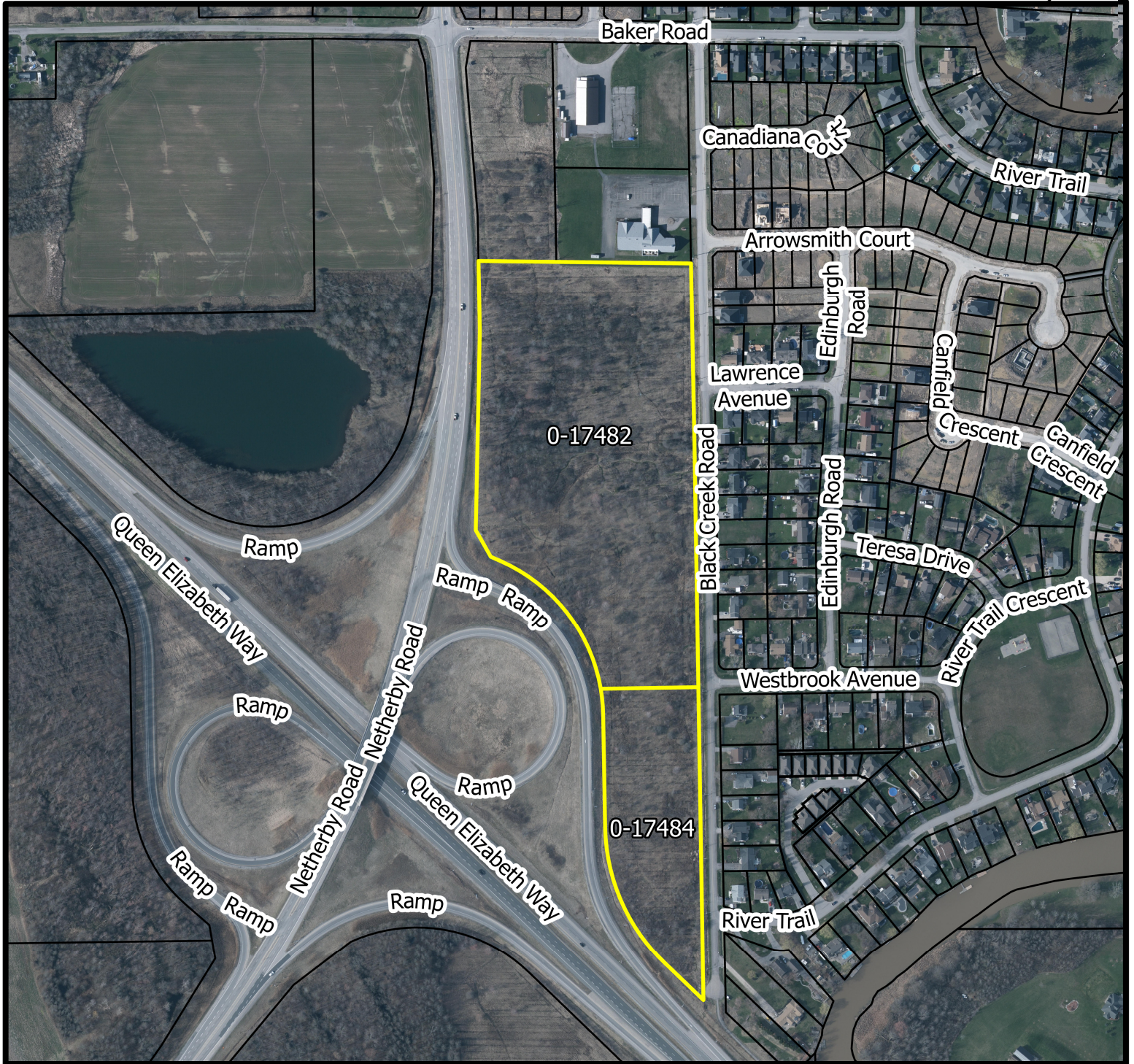
Appendix "4" - Proposed Land Use Changes

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



LOCATION PLAN

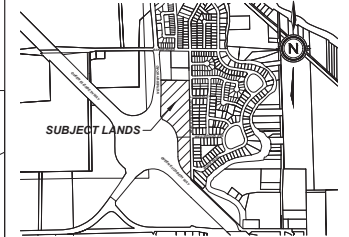
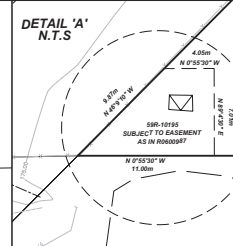
Zoning By-law Amendment - 0-17484 & 0-17482 Black Creek Road

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

SPRING CREEK ESTATES SUBDIVISION TOWN OF FORT ERIE

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 63 TOTAL AREA = 1358.156m ² UNIT A ~ 298.466m ² B ~ 247.922m ² C ~ 250.100m ² D ~ 250.100m ² E ~ 311.600m ²	BLOCK 68 TOTAL AREA = 1005.000m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 228.000m ²	BLOCK 73 TOTAL AREA = 1035.180m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 258.180m ²
BLOCK 64 TOTAL AREA = 1373.500m ² UNIT A ~ 311.600m ² B ~ 250.100m ² C ~ 250.100m ² D ~ 250.100m ² E ~ 314.170m ²	BLOCK 69 TOTAL AREA = 1035.180m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 258.180m ²	
BLOCK 65 TOTAL AREA = 1121.081m ² UNIT A ~ 311.600m ² B ~ 247.922m ² C ~ 245.212m ² D ~ 307.177m ²	BLOCK 70 TOTAL AREA = 968.010m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 228.000m ²	
BLOCK 66 TOTAL AREA = 991.146m ² UNIT A ~ 215.657m ² B ~ 181.489m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 228.000m ²	BLOCK 71 TOTAL AREA = 1005.000m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 258.180m ²	
BLOCK 67 TOTAL AREA = 1005.000m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 228.000m ²	BLOCK 72 TOTAL AREA = 1005.000m ² UNIT A ~ 228.000m ² B ~ 183.000m ² C ~ 183.000m ² D ~ 183.000m ² E ~ 228.000m ²	



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19, BROKEN FRONT CONVESSION AT THE SOUTH ANGLE AND PART OF LOT 22, ADJOINING CROSS CONVESSION, GEOGRAPHIC TOWNSHIP OF WILLOUGHBY, COUNTY OF WELLAND NOW IN THE TOWN OF FORT ERIE

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.

5009823 Ontario Inc. (Mike Colosimo) DEC. 9, 2021 DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

J.D. BARNES LTD. DEC. 9, 2021 DATE

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) MUNICIPAL WATER
- i) CLAY LOAM
- j) SEE PLAN
- k) FULL SERVICE
- l) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE LOT RESIDENTIAL	LOT 1-54	54	2.484	28.46
SEMI-DETACHED RESIDENTIAL	BLOCK 55-62	16	0.8622	7.63
STREET TOWNHOUSE	BLOCK 63-73	53	1.1906	13.72
BLOCK TOWNHOUSE	BLOCK 74	16	0.4343	5.01
APARTMENT/STACKED TOWNS	BLOCK 75	80	1.0377	11.36
SWM POND	BLOCK 76		1.0086	11.62
ROADWAY			1.5829	18.24
0.5m RESERVE	BLOCK 77-81		0.0593	0.10
20m RESERVE	BLOCK 82		0.0986	1.14
FUTURE STREET TOWNS	BLOCK 83		0.1663	1.92
TOTAL		219	8.6768	100.00

DEVELOPABLE AREA: 8.6768 ha
DEVELOPABLE DENSITY: 23-24 units/ha

REVISION	DATE	BY
0	2022-12-16	ML



DRAWING TITLE	DRAFTING	ML/JV
DRAFT PLAN OF SUBDIVISION (OPTION 3)	DATE	DECEMBER 6, 2021
	PRINTED	DECEMBER 16, 2022
	SCALE	1:1000
	DWG No.	20174-DP
	REV	0

DENSITY CALCULATION:

TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.
UNITS ~ 2.44 PEOPLE
TOTAL AREA IN ha = 8.6768 ha
TOTAL NUMBER OF PEOPLE REQUIRED = 433.84 PEOPLE

PROPOSED:

UNITS = 2.44 PEOPLE X 219 UNITS = 534.36 PEOPLE
LIVE/WORK/EMPLOYMENT ~ 219 UNITS X 5% = 10.95 JOBS

TOTAL = 545.31 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha) ~ 545.31/8.6768 ha = 62.85 PERSONS & JOBS PER HECTARE

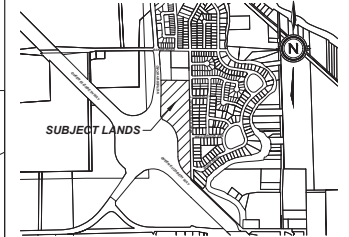
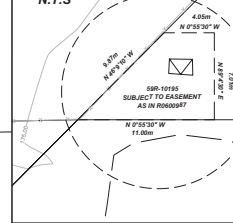
APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-78-1-2022 DATED JANUARY 16, 2023

SPRING CREEK ESTATES SUBDIVISION TOWN OF FORT ERIE

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 61 TOTAL AREA = 1358.156m ² UNIT A - 298.466m ² B - 247.922m ² C - 250.100m ² D - 250.100m ² E - 311.600m ²	BLOCK 67 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	BLOCK 73 TOTAL AREA = 1035.180m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 258.180m ²
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BLOCK 63 TOTAL AREA = 1118.975m ² UNIT A - 311.600m ² B - 247.922m ² C - 250.100m ² D - 307.177m ²	BLOCK 69 TOTAL AREA = 1035.180m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 258.180m ²	
BLOCK 64 TOTAL AREA = 1466.272m ² UNIT A - 549.954m ² B - 257.705m ² C - 658.612m ²	BLOCK 70 TOTAL AREA = 968.010m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	
BLOCK 65 TOTAL AREA = 1184.696m ² UNIT A - 591.762m ² B - 255.431m ² C - 337.503m ²	BLOCK 71 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	
BLOCK 66 TOTAL AREA = 991.146m ² UNIT A - 215.657m ² B - 181.499m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	BLOCK 72 TOTAL AREA = 1005.000m ² UNIT A - 228.000m ² B - 183.000m ² C - 183.000m ² D - 183.000m ² E - 228.000m ²	

DETAIL 'A'
N.T.S.



KEY PLAN
N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19, BROKEN FRONT CONVESSION AT THE SOUTH ANGLE AND PART OF LOT 22, ADJOINING CROSS CONVESSION, GEOGRAPHIC TOWNSHIP OF WILLOUGHBY, COUNTY OF WELLAND, NOW IN THE TOWN OF FORT ERIE

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE TOWN OF FORT ERIE FOR APPROVAL.

5009823 Ontario Inc. (Mike Colosimo) DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | | |
|-------------|--------------------|-----------------|
| a) SEE PLAN | e) SEE PLAN | i) LOT LOAN |
| b) SEE PLAN | f) SEE PLAN | j) SEE PLAN |
| c) SEE PLAN | g) SEE PLAN | k) FULL SERVICE |
| d) SEE PLAN | h) MUNICIPAL WATER | l) SEE PLAN |

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(%)
SINGLE LOT RESIDENTIAL	LOT 1-54	54	2.484	28.45
SEMI-DETACHED RESIDENTIAL	BLOCK 53-60	16	0.8622	7.63
STREET TOWNHOUSE	BLOCK 61-73	59	1.4551	16.77
BLOCK TOWNHOUSE	BLOCK 74	16	0.4343	5.00
APARTMENT/STACKED TOWNS	BLOCK 75	80	1.0377	11.95
SWIM POND	BLOCK 76		1.0086	11.62
ROADWAY			1.5828	18.24
0.3m RESERVE	BLOCK 77-81		0.0593	0.10
TOTAL		225	8.6768	100.00

DEVELOPABLE AREA: 8.6768 ha
DEVELOPABLE DENSITY: 25.93 units/ha

DRAWING TITLE

DRAFT PLAN OF SUBDIVISION
DATE: DECEMBER 9, 2021
PRINTED: DECEMBER 9, 2021
SCALE: 1:1000
DWG No. 20174-DP
REV 0

DENSITY CALCULATION:

TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.
UNITS - 2.44 PEOPLE
TOTAL AREA IN ha = 8.6768 ha
TOTAL NUMBER OF PEOPLE REQUIRED = 433.84 PEOPLE

PROPOSED:

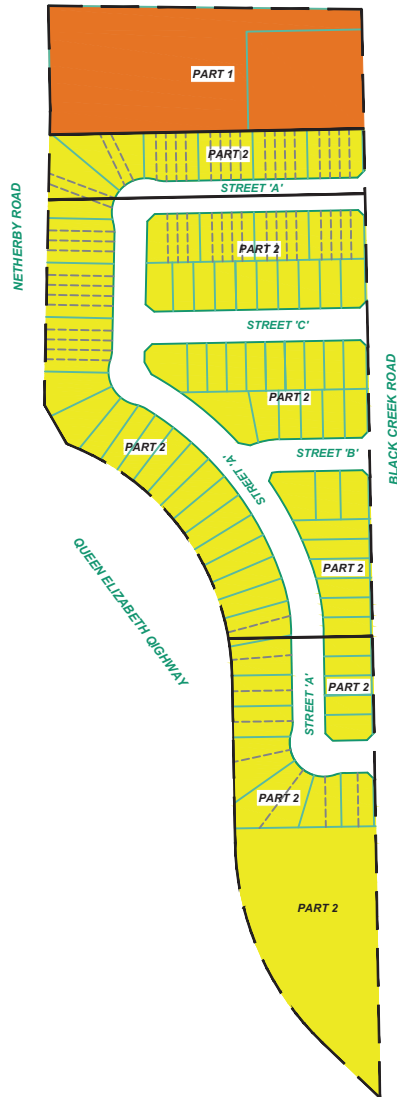
UNITS = 2.44 PEOPLE X 225 UNITS = 549.00 PEOPLE
LIVE/WORK/EMPLOYMENT - 225 UNITS X 5% = 11.25 JOBS

TOTAL = 560.25 PERSONS AND JOBS
NO. OF PEOPLE/TOTAL AREA (ha) = 560.25/8.6768 ha = 64.56 PERSONS & JOBS PER HECTARE

OFFICIAL PLAN AMENDMENT
SCHEDULE 'A'

REGULAR MEETING OF COUNCIL -23 Jan 2023

Page 150 of 352



LEGEND

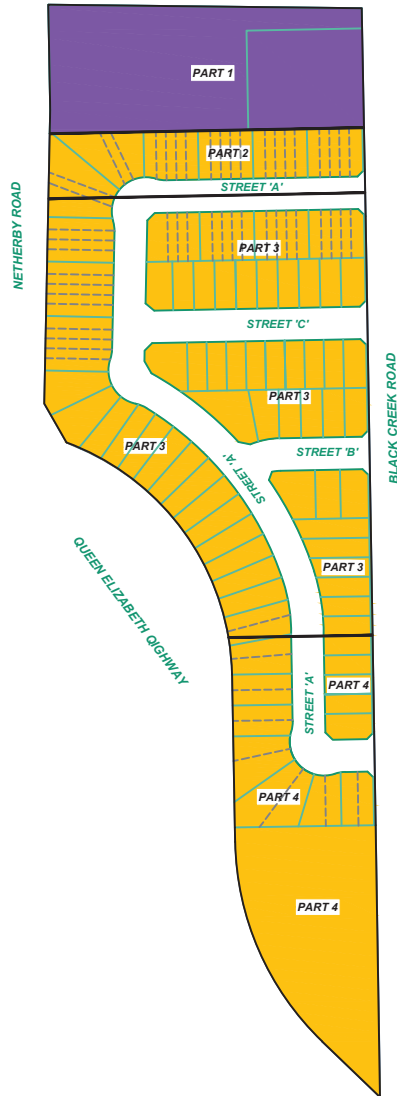
- PART 1 - MEDIUM DENSITY RESIDENTIAL (MAX 75 UNITS / HA)
- PART 2 - MEDIUM DENSITY RESIDENTIAL (17-50 UNITS / HA)
- SPECIAL POLICY AREA _____

SPRING CREEK ESTATES
SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. _____

MAYOR: _____

CLERK: _____





LEGEND

- PART 1 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 2 (RM2-XXX) ZONE
- PART 2 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE
- PART 3 - FROM RESIDENTIAL 2 (R2) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE
- PART 4 - RESIDENTIAL MULTIPLE (RM1-548) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE

SPRING CREEK ESTATES
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____



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."*

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.

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.

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 with 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."*

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.

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.
 - b) 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.

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:

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 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:
<https://www.ontario.ca/page/ministry-transportation>

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
7th 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
7^e étage
159 avenue Sir William Hearst
Downsview ON M3M 0B7
Tél: 416 235-5372
Téléc: 416 235-4267



November 1, 2022

Sent Via email kwalsh@forterie.ca

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,

A handwritten signature in cursive script that reads "Morgan Lawrence".

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

Interoffice Memorandum

January 19, 2023

To: Mayor and Council
From: M. Ceci, Intermediate Development Planner & A. Dilwaria, Manager,
Development Approvals
Subject: **SPRING CREEK ESTATES – COMBINED OFFICIAL PLAN AND
ZONING BY-LAW AMENDMENT, AND DRAFT PLAN OF SUBDIVISION**

At the January 16th, 2023 Council-in-Committee meeting, Council postponed PDS-78-2022 and PDS-78-1-2022 to the January 23rd, 2023 Regular Council meeting to allow for a Regional representative to be in attendance and provide information relative to the Stevensville-Douglastown Lagoon.

Planning Staff have prepared this Memorandum in response to the following additional concerns and comments that were raised by Council at the January 16th, 2023 meeting:

1. Stacked townhouses and the development of Block 75;
2. Block 82 and the proposed three-year reserve period;
3. Servicing allocation; and
4. Plantings along the rear of Lots 44 to 54 (inclusive).

1. Stacked Townhouses

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. Staff note that an apartment building is proposed for Block 75 in lieu of stacked townhouses.

2. Alternative Access

To address concerns relative to the provision of an alternative vehicular access to the development site and neighbourhood, Supplemental Recommendation Report No. PDS-78-1-2022 recommends earmarking a 20-m Reserve Block, shown as Block 82 on the revised Draft Plan of Subdivision, 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. The Block was proposed to be reserved and precluded from development for a period of up to three years, providing time for discussions regarding the access/connection to Netherby Road to continue between the Town and Ministry of Transportation. Members of Council requested that the reserve

period be increased to five years, and this amendment was supported by the Developers. To incorporate this change, Staff note that an amendment to Condition 4 in Appendix "6" of PDS-78-1-2022 is required.

3. Servicing Allocation

Niagara Regional Staff have confirmed that the Lagoon has sufficient sewershed capacity for the proposed subdivision, and that no capacity concerns are anticipated at this time.

Staff note that Condition 30 in Appendix "6" of PDS-78-1-2022 states *"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."*

This condition, which was imposed by Regional Staff, explains that the commitment of servicing allocation, which includes Lagoon capacity, will not be assigned until such time that the Plan of Subdivision is registered. Staff note that if no capacity is available at the time of registration, development will not be able to proceed until the necessary expansion / upgrade of the system is completed. Condition 30 requires the Owner to provide a written acknowledgment of this arrangement.

4. Planting Strip

Members of Council raised a concern regarding the public realm and interface along Black Creek Road as a result of the proposed reverse lotting, and proposed the inclusion of a planting strip. Staff recommend that Condition 23 in Appendix "6" of PDS-78-1-2022 be amended to also require the installation of a 2.00-m (6.56 ft) planting strip along the rear of Lots 44 to 54 (inclusive).

Amendments

Should a member of Council wish to move the amendments suggested in this Memorandum, Staff recommend the following phrasing:

- ***That Condition 4 in Appendix "6" of PDS-78-1-2022 be amended as follows: "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 five years. The Developer may use the Block for residential development should five years pass and approvals for a road connection not be obtained"; and***
- ***That Condition 23 in Appendix "6" of PDS-78-1-2022 be amended as follows: "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 a 2.00-m (6.56 ft) planting strip along the rear of Lots 44 to 54 (inclusive), to the satisfaction of the Director, Planning and Development Services."

All of which is respectfully submitted,

Original Signed

Mackenzie Ceci
Intermediate Development Planner

Attach: Revised Conditions of Draft Plan Approval

Original Signed

Anamika Dilwaria, MCIP, RPP
Manager, Development Approvals

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 five years. The Developer may use the Block for residential development should five 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."*

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.

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 a 2.00-m (6.56 ft) planting strip along the rear of Lots 44 to 54 (inclusive), 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.

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 with 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 Douglstown Sewage Lagoons that may interfere with some activities of the owners/tenants who occupy these lands.”*

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.

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.
 - b) 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.

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:

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 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:
<https://www.ontario.ca/page/ministry-transportation>



Planning and Development Services

Prepared for	Regular Council	Report No.	PDS-78-2022
Agenda Date	December 12 th , 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:

Original Signed

Mackenzie Ceci
Intermediate Development Planner

Reviewed by:

Original Signed

Anamika Dilwaria,
MCIP, RPP
Manager, Development Approvals

Submitted by:

Original Signed

Alex Herlovitch, MCIP, RPP
Director, Planning and
Development Services

Approved by:

Original Signed

Chris McQueen, MBA
Chief Administrative
Officer

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 30th, 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 22nd, 2022 Regular Council meeting in order for additional information to be provided through a Supplemental Report.

Report No. [PDS-34-2022](#) and Supplemental Report No. [PDS-34-1-2022](#) were received by Council on August 22nd, 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

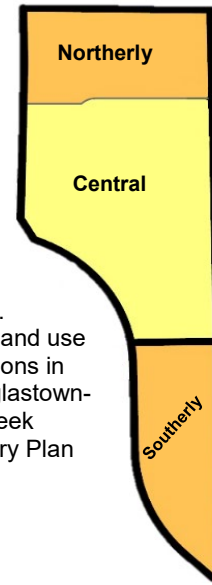
will cater to a variety of households, age, and income groups. The proposal also aligns with Regional growth management policies, and assists the Town with achieving its intensification target.

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.

Figure 1.
Existing land use
designations in
the Douglastown-
Black Creek
Secondary Plan



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 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 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



Figure 2.
Proposed land
use designations

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.

- 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. As an alternative, Infrastructure Services, through Report No. [IS-21-2022](#), 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 depreciating 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 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.

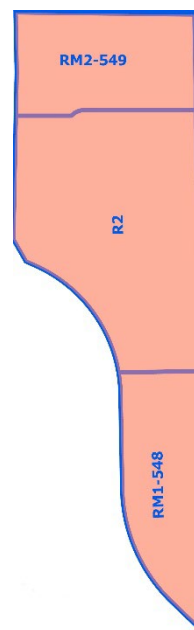


Figure 3.
Existing zoning



Figure 4.
Proposed zoning

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul style="list-style-type: none"> • Fourplexes • Apartment dwellings • Home for the Aged • Residential uses existing at the date of passing of this by-law • Assisted Living House Nursing Home • Uses, buildings and structures accessory to the foregoing permitted use 	<ul style="list-style-type: none"> • Fourplexes • Apartment dwellings • Home for the Aged • Residential uses existing at the date of passing of this by-law • Assisted Living House Nursing Home • Uses, buildings and structures accessory to the foregoing permitted use • Stacked townhouses • Block townhouses 	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 m ² /unit	200 m ² /unit	The Applicant's request for 200 m ² /unit will not allow them to achieve their requested maximum density of 75 units/ha. A requirement of 200 m ² /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 m ² /unit. This requirement is more than the standard RM2 minimum lot area requirement of 115 m ² /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 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 Interior side yard	One half the building height 14 m / 2 = 7 m	5 m	
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.

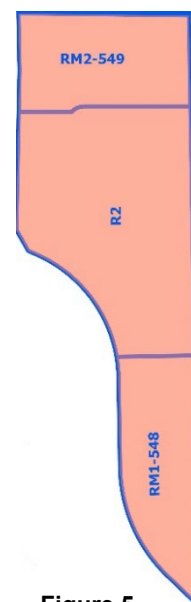


Figure 5.
Existing zoning

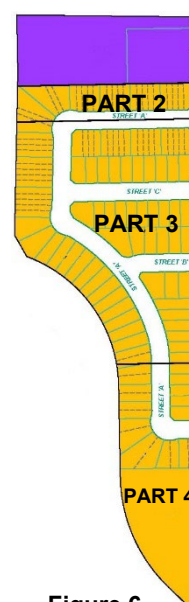


Figure 6.
Proposed zoning

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul style="list-style-type: none"> 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 style="list-style-type: none"> 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 Stormwater Management pond Open spaces uses 	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 ² for an interior street townhouse lot and 270 m ² for a corner street townhouse	180 m ² for an interior street townhouse lot and 215 m ² 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 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.
Maximum lot coverage Subsection 12.3 (Single-detached dwelling)	50%	Delete the requirement	
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 By-law 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 30th Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5th, 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 7th, 2022. Comments received in advance of the Public Meeting are available in Report No. [PDS-34-2022](#) for review.

Comments from Public and Council

A Public Information Open House for these applications was held on April 7th, 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. [PDS-34-2022](#).

At the statutory Public Meeting on May 30th, 2022, Report No. [PDS-34-2022](#) was presented to Council for information purposes. Supplemental Report No. [PDS-34-1-2022](#) 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 18th, 2022, inquiring once more about a new access to Netherby Road. A response from the MTO was received on November 1st, 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

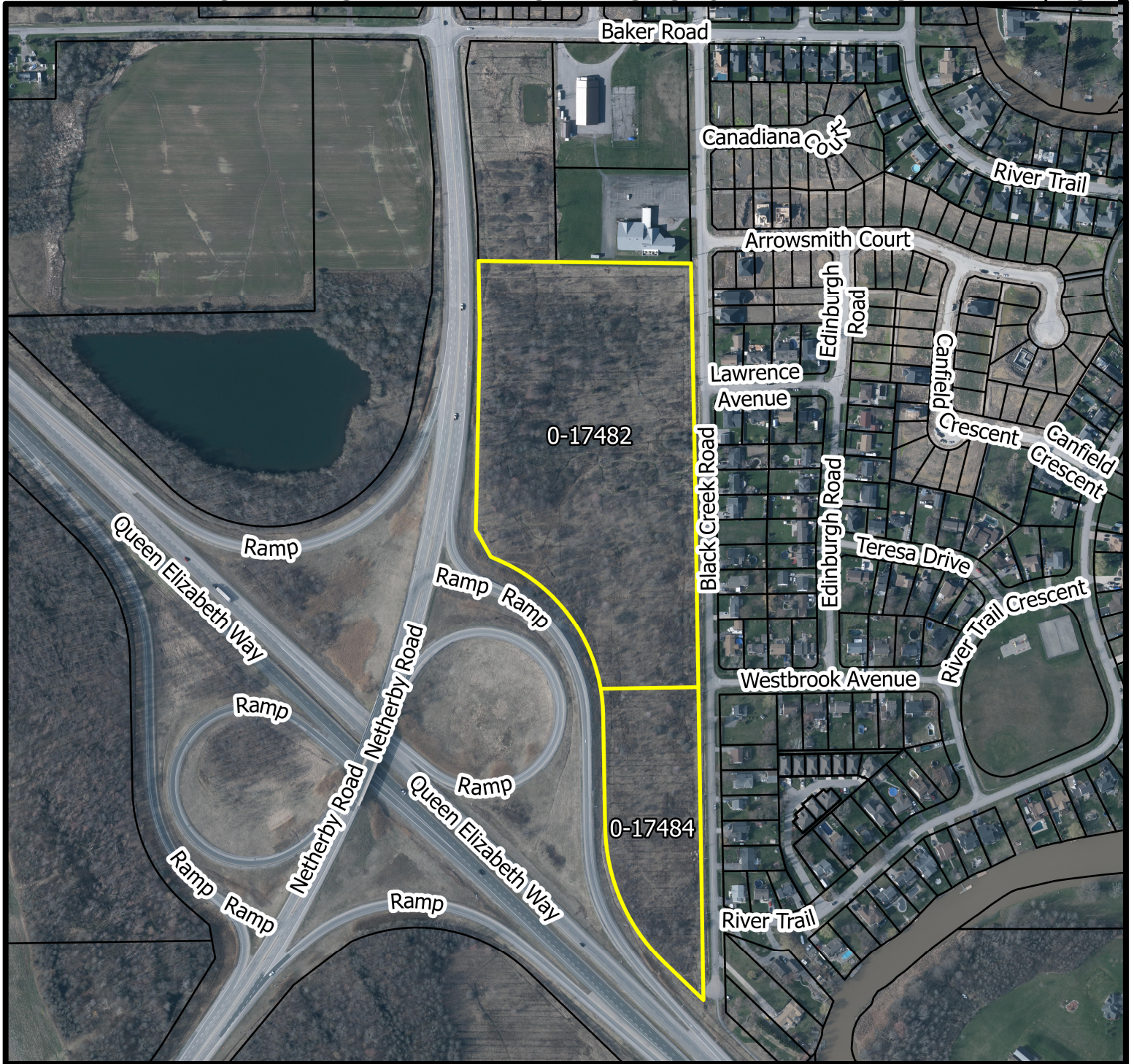
Appendix “3”- Proposed Land Use Changes

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



LOCATION PLAN

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

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

SPRING CREEK ESTATES SUBDIVISION TOWN OF FORT ERIE

STREET TOWNHOUSE BLOCK UNIT AREA

BLOCK 61 TOTAL AREA = 1358.156m²
 BLOCK 73 TOTAL AREA = 1035.180m²
 UNIT A = 228.000m²
 B = 183.000m²
 C = 183.000m²
 D = 183.000m²
 E = 258.180m²

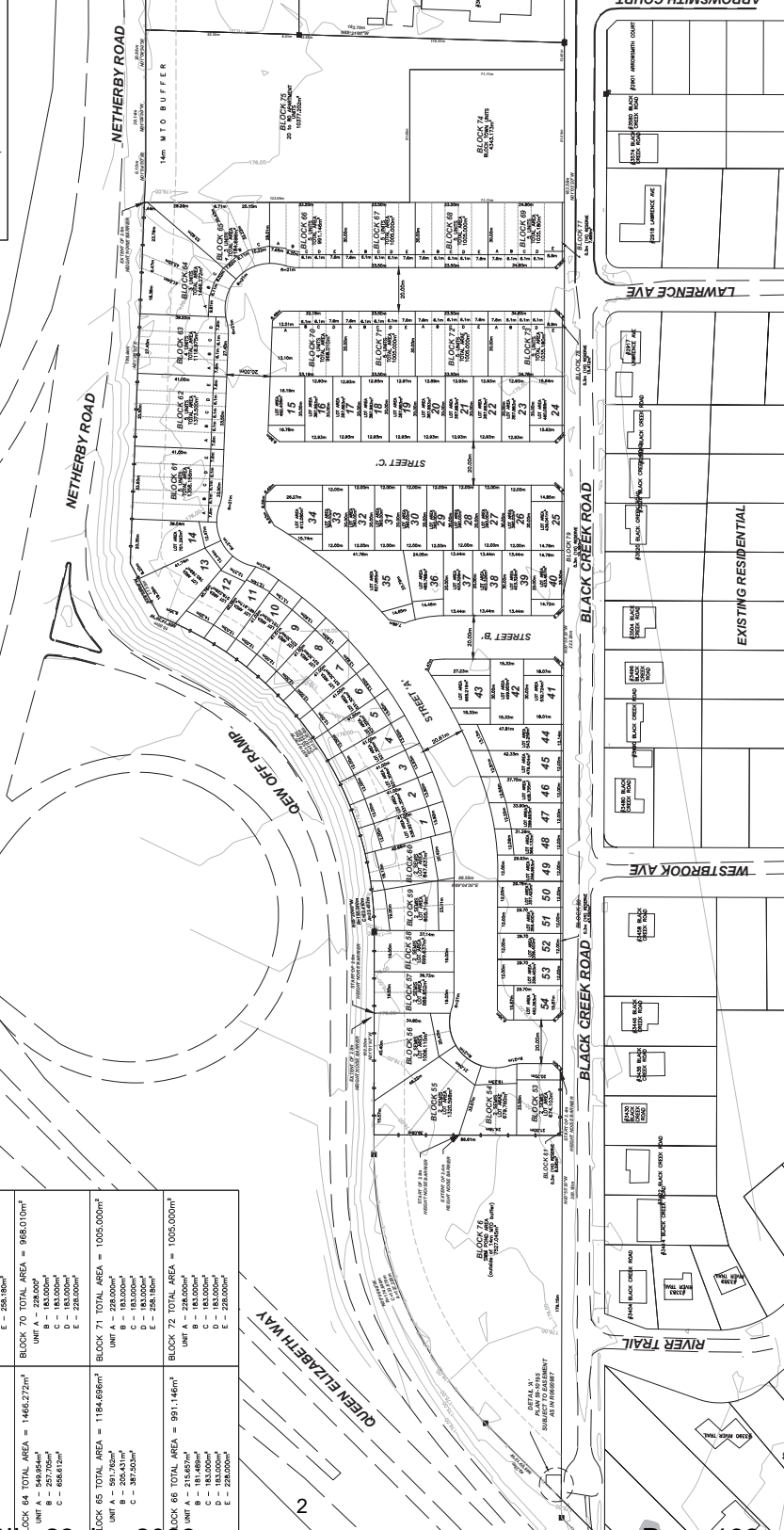
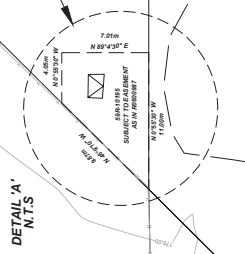
BLOCK 62 TOTAL AREA = 1373.500m²
 UNIT A = 228.000m²
 B = 183.000m²
 C = 183.000m²
 D = 183.000m²
 E = 258.180m²

BLOCK 63 TOTAL AREA = 1118.975m²
 UNIT A = 228.000m²
 B = 183.000m²
 C = 183.000m²
 D = 183.000m²
 E = 258.180m²

BLOCK 64 TOTAL AREA = 1466.272m²
 UNIT A = 228.000m²
 B = 183.000m²
 C = 183.000m²
 D = 183.000m²
 E = 258.180m²

BLOCK 65 TOTAL AREA = 1184.698m²
 UNIT A = 228.000m²
 B = 183.000m²
 C = 183.000m²
 D = 183.000m²
 E = 258.180m²

BLOCK 66 TOTAL AREA = 991.146m²
 UNIT A = 228.000m²
 B = 183.000m²
 C = 183.000m²
 D = 183.000m²
 E = 258.180m²

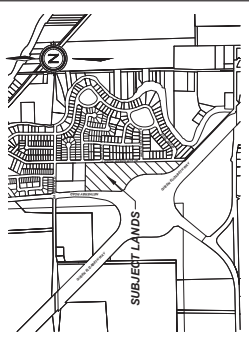


DENSITY CALCULATION:

TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE.
 UNITS = 244 PEOPLE
 TOTAL AREA IN ha
 = 6.6768 ha
 TOTAL NUMBER OF PEOPLE REQUIRED = 433.84 PEOPLE

PROPOSED:

UNITS = 244 PEOPLE X 225 UNITS = 549.00 PEOPLE
 LIVE/WORK/EMPLOYMENT = 225 UNITS X 5% = 11.25 JOBS
 TOTAL = 560.25 PERSONS AND JOBS
 NO. OF PEOPLE/TOTAL AREA (no) = 560.25/6.6768 ha = 84.56 PERSONS & JOBS PER HECTARE



KEY PLAN N.T.S.

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION

PART OF LOT 19, BROKEN FRONT
 CONVEYANCE
 PART OF LOT 21, ADDING CROSS
 CONCESSION
 GEORGEANOS CONVEYANCE
 COUNTY OF WELAND
 NOW IN THE TOWN OF FORT ERIE

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER I HEREBY
 AUTHORIZE UPPER CANADA CONSULTANTS
 TO PREPARE AND SUBMIT THIS DRAFT PLAN OF
 SUBDIVISION FOR THE TOWN OF FORT ERIE
 FOR APPROVAL

DATE
 509823 Ontario Inc. (Mica Cosentino)

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF
 THE LANDS SHOWN ARE
 CORRECTLY SHOWN

DATE
 Dec 9, 2021

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE PLAN
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) SEE PLAN
- i) SEE PLAN
- j) SEE PLAN
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- u) SEE PLAN
- v) SEE PLAN
- w) SEE PLAN
- x) SEE PLAN
- y) SEE PLAN
- z) SEE PLAN

LAND USE SCHEDULE

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(m ²)
STREET TOWNHOUSE	BLOCK 61-73	90	1.4651	16.77
STREET TOWNHOUSE	BLOCK 74	10	0.4453	5.00
STREET TOWNHOUSE	BLOCK 75	10	0.4453	5.00
STREET TOWNHOUSE	BLOCK 76	10	0.4453	5.00
STREET TOWNHOUSE	BLOCK 77-81	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 78	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 79	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 80	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 81	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 82	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 83	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 84	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 85	1.0000	11.562	13.24
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STREET TOWNHOUSE	BLOCK 198	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 199	1.0000	11.562	13.24
STREET TOWNHOUSE	BLOCK 200	1.0000	11.562	13.24

DEVELOPABLE AREA: 8.6768 ha
 DEVELOPABLE DENSITY: 25.93 units/ha



DRAFT PLAN OF SUBDIVISION

DRAWING TITLE

DRAFTING

DATE

PRINTED

SCALE

DWG NO.

REV

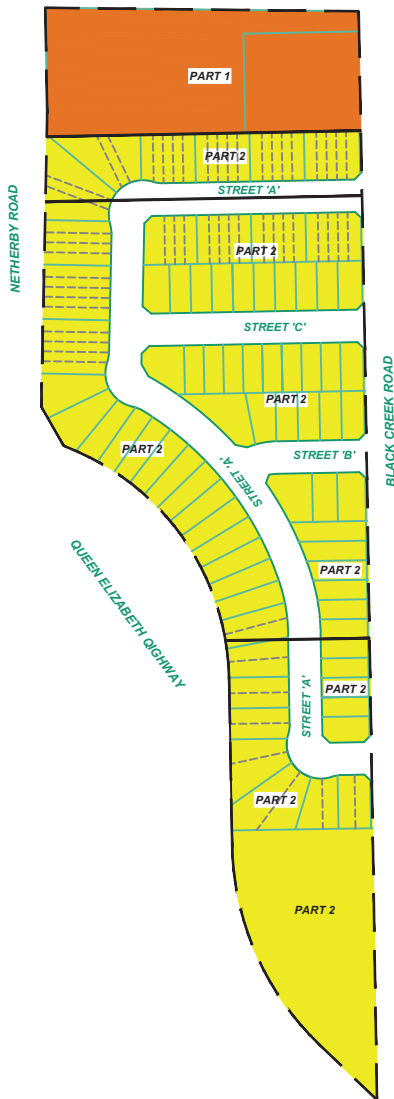
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OFFICIAL PLAN AMENDMENT
SCHEDULE 'A'

REGULAR MEETING OF COUNCIL -23 Jan 2023

Page 194 of 352



LEGEND

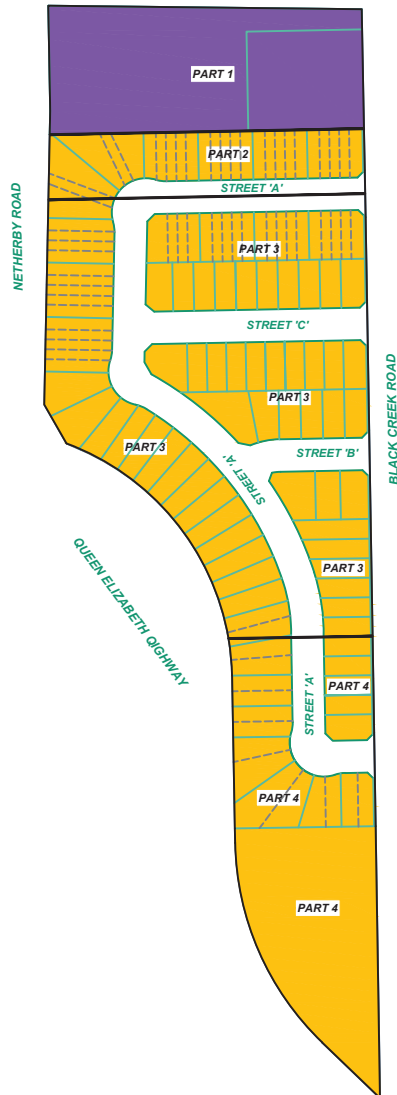
- PART 1 - MEDIUM DENSITY RESIDENTIAL (MAX 75 UNITS / HA)
- PART 2 - MEDIUM DENSITY RESIDENTIAL (17-50 UNITS / HA)
- SPECIAL POLICY AREA _____

SPRING CREEK ESTATES
SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. _____

MAYOR: _____

CLERK: _____





LEGEND

- PART 1 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 2 (RM2-XXX) ZONE
- PART 2 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE
- PART 3 - FROM RESIDENTIAL 2 (R2) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE
- PART 4 - RESIDENTIAL MULTIPLE (RM1-548) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE

SPRING CREEK ESTATES
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____



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 with 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.
 - b) 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 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:
<https://www.ontario.ca/page/ministry-transportation>

**Ministry of
Transportation**
Corridor Management Section
Central Region
7th 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
7^e étage
159 avenue Sir William Hearst
Downsview ON M3M 0B7
Tél: 416 235-5372
Téléc: 416 235-4267



November 1, 2022

Sent Via email kwalsh@forterie.ca

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	Report No.	PDS-04-2023
Agenda Date	January 23, 2023	File No.	350309-0501

Subject	PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT 97 GORHAM ROAD URBAN ENVIRONMENTS - GREG HYNDE (AGENT) BOMOFIVE INC - ROSS BONCORE & KAM MOFID (OWNERS)
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Recommendation	<p><u>THAT</u> Council approves the amendments to the Town's Official Plan and Zoning By-law as detailed in Report No. PDS-04-2023 for the lands known as 97 Gorham Road, and further</p> <p><u>THAT</u> Council directs staff to prepare the necessary By-laws.</p>
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Relation to Council's 2018-2022 Corporate Strategic Plan	Priority: Managed Growth through Responsibility, Stewardship and Preservation
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List of Stakeholders	Urban Environments - Greg Hynde (Agent) Bomofive Inc - Ross Boncore & Kam Mofid (Owners) Residents and Property Owners in the Town of Fort Erie
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Prepared by:	Reviewed by:	Submitted by:	Approved by:
<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>
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 for the proposed Zoning By-law Amendment application for a Combined Official Plan and Zoning By-law Amendment application for 97 Gorham Road. Greg Hynde of Urban Environments (Agent) submitted the application on behalf of Bomofive Inc. (Ross Boncore & Kam Mofid), the Owner of the subject property. The intent of this application is to permit development of two apartment buildings that are four storeys in height on the subject property.

Background

The Official Plan Amendment proposes to permit an increase in density on the subject property to 111.30 units/hectare. The subject property is currently designated Medium Density Residential and Environmental Conservation in the Ridgeway-Thunder Bay Secondary Plan. The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. An Official Plan Amendment is required to permit the increased density.

The current zoning of the subject property is Residential Multiple 1 (RM1-508) Zone and Environmental Conservation (EC) Overlay Zone in accordance with the Town's Zoning By-law No. 129-1990. The existing zoning permits apartment dwellings up to four storeys in height. This Zoning By-law Amendment proposes to change the zoning of the subject lands from Residential Multiple 1 (RM1-508) Zone to a site-specific Residential Multiple 2 (RM2) Zone with special provisions to implement the Applicant's development plan. The proposed site-specific RM2 zoning contains provisions to permit reduced lot area and a reduced number of on-site parking spaces.

Since the Public Meeting which was held on May 9, 2022 the Applicant has revised the plans to address feedback from Council and members of the public on the development. The two apartment buildings have been orientated north to south and were shifted as far south as possible to mitigate shadowing impacts on parcels to the north. Further, the entrance driveway has been shifted north to obtain some additional separation from the intersection of Gorham Road and Farr Road. A total of 72 dwelling units are still being proposed. Planning staff have held discussions with the Applicant and they have also agreed to implement a front yard setback of 7.50 m. Therefore a provision for reduced front yard setback is no longer required.

This development proposes 18 two-bedroom dwelling units and 54 one-bedroom dwelling units between the two apartment buildings. All of the proposed dwelling units are intended to be rental units. A total of 90 parking spaces are proposed with 4 being accessible parking spaces. A total of 36 outdoor parking spaces for bicycles are also proposed on site for active transportation.

A location map showing the subject lands is attached as **Appendix “1”**. A revised site plan is attached as **Appendix “2”**. Floor plans and elevation drawings of the proposed development is attached as **Appendix “3”**.

Nature of the Site

The subject property is located in the Ridgeway-Thunder Bay neighbourhood of the Town of Fort Erie on the west side of Gorham Road just north of Farr Avenue. The lot area of the parcel is 0.65 ha (1.60 ac). An apartment complex consisting of three one storey buildings currently exists on the property. The following summarizes the land uses surrounding the subject property:

North:	Single detached dwellings along Gorham Road.
South:	Vacant commercial land, Farr Avenue and the Ridgeway Memorial Cemetery.
East:	Single detached dwellings and a motel.
West:	Wooded area and agricultural lands.

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 to settlement areas and promote building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The PPS encourages opportunities for intensification, redevelopment of underutilized lands and infill development where appropriate. This proposal is consistent with the PPS policies.

2020 Growth Plan for the Greater Golden Horseshoe

The subject property is within the Greater Golden Horseshoe Growth Plan Area (Growth Plan) and designated Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for intensification. This proposal is consistent with the Growth Plan policies.

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. The subject property is considered to be Built-up Area under the NOP. This proposal complies with the policies of the NOP. The proposed apartment dwellings will provide an opportunity for intensification of underutilized land and will increase the variety of

housing types in the area. The proposed development will assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% of new residential dwelling units within the Built-up Area.

2013 Ridgeway-Thunder Bay Secondary Plan & 2011 Town of Fort Erie Official Plan

Ridgeway-Thunder Bay Secondary Plan & Official Plan Land Use Designation - Medium Density Residential

The subject property is designated Medium Density Residential in the Ridgeway-Thunder Bay Secondary Plan. The Secondary Plan states that lands with this land use designation are intended for multiple-unit structures such as townhomes and apartment dwellings. The Secondary Plan notes that Medium Density Residential development should constitute 40% of new development in the Ridgeway-Thunder Bay neighbourhood in order to achieve density targets. The Secondary Plan states that new apartment dwellings should generally be low-rise with a maximum height of four storeys. The intended density for lands designated Medium Density Residential in the Secondary Plan is 25 to 75 units/hectare. The proposed density for this development is 111.30 units/hectare and therefore an Official Plan Amendment is required to permit the increased density on the subject property. The increase in density is approximately 32%.

Ridgeway-Thunder Bay Secondary Plan & Official Plan - Natural Heritage

The Secondary Plan identifies a small portion of the subject property in the southwest corner as Locally Significant Natural Area and Woodlot Over 2 Hectares and the property is also within an Environmental Corridor as identified on Schedule RTB-3 Open Space and Natural Heritage Plan of the Ridgeway-Thunder Bay Secondary Plan. This area is also designated Environmental Conservation in Schedule RTB-2 Future Land use Plan of the Secondary Plan.

Niagara Region requested completion of an Environmental Impact Study (EIS) during pre-consultation to address impacts on the woodland. A site visit conducted by the Region in 2019 confirmed that the natural heritage feature was located completely on the adjacent property and not on the subject property itself. Niagara Region agreed to waive the requirement for an EIS in lieu of a Tree Preservation Plan (TPP) to ensure adjacent trees are not impacted. The Agent has completed a TPP as part of the submission for this application.

Ridgeway-Thunder Bay Secondary Plan & Official Plan - Natural Hazards & Fish Habitat

There are no natural hazards or fish habitat on or in the vicinity of the subject property as identified on Schedule RTB-3a Open Space, Natural Hazards and Fish Habitat Plan of the Ridgeway-Thunder Bay Secondary Plan. Similarly, the subject lands are not

within area under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

Official Plan Schedule B - Mineral Aggregate & Petroleum Resources

Schedule B of the Official Plan illustrates that the subject property is partially within a petroleum resource area. Section 7.3 of the Official Plan requires the protection of petroleum resource operations (wells) as identified by the Ministry of Natural Resources and Forestry (MNR) by ensuring a minimum setback of 75 metres. Staff note that there are no active wells within 75 metres of the subject property as identified on MNR map data of petroleum resources. The subject property is not within area identified as having potential for mineral aggregate resources.

Official Plan Schedule D – Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan identifies the subject property as being within area with archaeological potential. The Owner/Agent obtained an archaeological consultant to conduct a Stage 1 & 2 archaeological assessment. The Stage 2 assessment did not locate any cultural heritage or archaeological resources and so the study recommended that no further assessment is required for the subject property.

Official Plan Subsection 13.7 III - Amendments to the Land Use Plan

Subsection 13.7 III. Of the Official Plan provides some criteria for Council to review when considering amendments to the Land Use Plan and amendments to the implementing Zoning By-law. These are:

a. The need for the proposed use;

There is need in Ridgeway and in the Town of Fort Erie in general for provision of additional rental units. According to the most recent data available from the Canadian Mortgage and Housing Corporation (CMHC) dated October 2021, there are approximately 489 apartment rental units in Fort Erie and the vacancy rate is 2.4%. This development will add 72 rental units, representing an increase of 14.7% to the Town's overall apartment rental unit availability.

The Ridgeway-Thunder Bay Secondary Plan Medium Density Residential land use designation also intends for apartments on the subject property and this proposal will assist the Town in achieving that Secondary Plan's goal of 610 new medium density residential units in the neighbourhood over the long term. This proposal will assist in reaching that goal.

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

Currently the existing area is considered to be underutilized, consisting mainly of single detached dwellings on large lots and existing commercial uses. The site is currently occupied by two single storey apartment buildings which were formerly a motel. The Ridgeway-Thunder Bay Secondary Plan has identified the area as being sufficient for a cluster of medium density residential development. Aside from this site, the lands across the street on the east side of Gorham Road and north of Farr Avenue have also been designated medium density residential. There are also five parcels on the south side of Farr Avenue between Gorham Road and Ridge Road North to the east that have been designated for medium density residential use. Further, staff note that the large agricultural parcel to the west of the subject property is now within the Urban Boundary following the recent approval of the Niagara Official Plan. This area of the Ridgeway-Thunder Bay neighbourhood is intended for intensification over the long term.

- 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 well suited for medium density residential development such as the proposed apartment buildings. The subject property is located near public open space and commercial amenities associated with downtown Ridgeway to the east and the Gorham Commercial Gateway and Friendship Trail to the north. The increased density of the proposal will require some zoning relief for a reduced number of parking spaces, primarily visitor parking. There is enough landscaped area and private amenity area on-site for the future residents.

Circulation of Niagara Region and the Niagara Peninsula Conservation Authority have indicated that there are no significant natural features on the subject lands.

- 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 property is located on the west side of Gorham Road and slightly north of Farr Avenue. Gorham Road is an arterial road and provides access to Highway 3/Garrison Road and the QEW to the north and Crystal Beach to the south. The Applicant's revised development plan has moved the access driveway to the site to the north to improve visibility and increase distance from the Gorham Road/Farr Avenue intersection. Gorham Road features paved shoulders lending itself to active transportation by bicycle and a sidewalk is available on the east side of Gorham Road.

The Applicant provided a functional servicing report that was peer reviewed by the Town's consultant GM BluePlan. It was noted that there is adequate capacity in the municipal water supply and sanitary sewers for the proposed development; however there is a capacity issue at the Nigh Road pump station operated by Niagara Region to the north. This was also confirmed via comments from Niagara Region. A Holding (H) Zone provision is recommended to be included with the zoning to hold development until such time as Nigh Road pump station is upgraded.

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

The proposed development is compatible with the other residential land uses in the area. The former lands to the west are now also within the Urban Boundary following the approval of the Niagara Official Plan.

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

The Applicant has revised the proposed site plan to relocate the apartment dwellings as far away as possible from the single detached dwellings to the north, which will mitigate privacy and shadowing impacts. Fencing and landscaping along the northern lot line will also be utilized to minimize impacts to the single detached dwelling to the north. No depreciating or deteriorating effects are anticipated on the lands to the west and south, which are currently vacant.

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

This proposal will improve the financial position of the Town through development Charges and long-term collection of property taxes from the proposed apartment buildings.

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

Consultation with the Niagara Peninsula Conservation Authority (NPCA) and Niagara Region have verified that there are no natural heritage or NPCA-regulated features on the subject property. The Applicant has completed a Tree Preservation Plan (TPP) that contains recommendations for protection of trees on the parcel to the west and south. No conflicts with the Environmental Protection Act are anticipated from this development.

Town of Fort Erie Comprehensive Zoning By-law No. 129-90

The subject property is currently zoned Residential Multiple 1 (RM1-508) Zone and Environmental Conservation 9EC) Overlay Zone in accordance with the Town of Fort

Erie's Comprehensive Zoning By-law No. 129-1990. The existing zoning was implemented as part of the Ridgeway-Thunder Bay Secondary Plan which was approved in 2013 by Town Council. The existing RM1-508 zoning permits apartment dwellings on the subject property up to four storeys in height. Apartment dwellings in the RM1-508 Zone are subject to the regulations of Subsection 15.3 of the Zoning By-law (the Residential Multiple 2 (RM2) Zone regulations) apart from the limitation in building height.

This application is proposing to change the zoning of the property to a site-specific Residential Multiple 2 (RM2) Zone to implement the Agent's development plan. The proposed zoning will remain similar to the existing zoning but will contain the following special provisions:

- reduced lot area to 89.83 sq m per dwelling unit;
- reduced amount of on-site parking spaces to 89 (1.25 parking spaces per dwelling unit).

A comparison of the proposed development versus the existing zoning regulations is contained in the chart below.

Zoning Regulation	Existing RM1-508 Zoning	Proposal	Planning Comments
Minimum Lot Frontage	30.00 m	73.20 m	Exceeds requirement.
Minimum Lot Area	115 sq m per dwelling unit	89.83 sq m per dwelling unit	Support. The minimum lot area per dwelling unit is calculated by dividing the total lot area by the total number of proposed units. The minimum lot area per dwelling unit is not the same as the minimum floor area per dwelling unit. The proposal complies with the minimum floor area requirements per dwelling unit of the Zoning By-law.
Maximum Lot Coverage	40%	24%	Lot coverage is less than what is

Zoning Regulation	Existing RM1-508 Zoning	Proposal	Planning Comments
			permitted by the zoning.
Minimum Front Yard	7.50 m	7.50 m	Following discussions with Planning staff, the Applicant has agreed to increase the proposed front yard setback to 7.50 m. A special provision for reduced front yard setback is no longer required.
Minimum Side Yard	One-half of the building height or 4.00 m, whichever is greater	28.43 m (north side) 6.00 m (south side)	The apartments have been located as far south as possible to provide maximum distance from the single detached dwellings to the north and mitigate massing and shadowing impacts.
Minimum Rear Yard	One-half of the building height or 7.50 m whichever is the greater	6.10 m	No comment.
Maximum Height (m)	26.00 m	12.00 m	Building height is less than what is permitted by the zoning.
Maximum Height (Storeys)	4 storeys	4 storeys	The proposed height meets the maximum height established by the existing zoning and the medium density residential land use designation in the Secondary Plan.
Landscaped Area (does not include	25%	29.4%	Exceeds requirement.

Zoning Regulation	Existing RM1-508 Zoning	Proposal	Planning Comments
parking areas or access or maneuvering space)			Amenity area will be provided south of the buildings and by way of private balconies attached to each unit.
Parking Spaces	1.50 parking spaces per dwelling unit (108 required)	1.25 parking spaces per dwelling unit (90 provided)	Support. There are a sufficient number of parking spaces available for each dwelling unit. This reduction primarily affects visitor parking. Staff note that 18 excess parking spaces will be available on site for visitor parking.

Holding (H) Zone Provision

Planning staff recommend inclusion of a Holding (H) Zone provision as recommended by the Town's Coordinator, Development Approvals. The (H) Zone provision would later be removed once the requisite upgrades to the Nigh Road pump station to the north are completed. See comments from the Coordinator, Development Approvals for more detail in **Appendix "4"**.

Removal of the Environmental Conservation (EC) Overlay Zone

Planning staff provided the comments from Niagara Region, the Niagara Peninsula Conservation Authority (NPCA) and the Tree Saving Plan completed by the Applicant to the Town's Environmental Advisory Committee (EAC) for comment. EAC reviewed the site and the Tree Saving Plan during a meeting on January 12, 2023. The Committee recommended removal of the Environmental Conservation (EC) Overlay Zone from the property subject to the recommendations in the Tree Saving Plan.

Studies

The following studies were submitted with the Zoning By-law Amendment:

- [Stage 1 & Stage 2 Archaeological Assessment;](#)
- [Environmental Site Assessment;](#)
- [Functional Servicing Report;](#)

- [Updated Shadow Study](#);
- [Traffic Impact Brief](#);
- [Tree Saving Plan](#);
- [Urban Design Brief](#)

Staff note that the findings of these studies are discussed in detail in [Information Report No. PDS-28-2022](#).

Financial/Staffing Implications and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner. No impediments to the AODA legislation are expected as a result of this proposal.

Policies Affecting Proposal

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

This application was recirculated for comments on April 25, 2022 to relevant Departments/Community and Corporate Partners. Comments received prior to the Public Meeting can be found on [Information Report No. PDS-28-2022](#). Comments received following the information report are summarized below and attached as **Appendix "4"**.

Staff Comments

Coordinator, Development Approvals

Following review of the Applicant's Functional Servicing Report (FSR), the Coordinator, Development Approvals initiated a review of the FSR by the Town's sewer model consultant GM BluePlan to determine the impact to the receiving infrastructure systems. The cost of this additional review was at the Applicant's expense.

The conclusions are as follows:

- The proposed development will not have a negative impact on the existing water distribution system.
- The existing sanitary sewer system downstream of the proposed development is constrained at the Nigh Road sewer pump station operated by Niagara Region.
- The existing design flows exceed that station's current firm capacity of 21.5 litres per second.

- The existing sewers downstream of the development have sufficient capacity to accommodate the proposed development. However, the 5 year design storm flows exceed the station capacity resulting in sewer surcharging under a 5 year design storm that exceeds the basement protection level of 1.8 m below ground.
- Without system upgrades the proposed development is expected to further increase sewer surcharging and resulting basement flooding and/or system overflow risk.
- As such, a combination of pumping upgrades and/or storage upgrades to the Nigh Road SPS and/or wet weather flow reductions are needed to support the development.

In response to the conclusions of GM Blue Plan's review, the Coordinator, Development Approvals recommends that a Holding (H) Zone provision be added to the site-specific zoning for this proposal which can be lifted upon completion of upgrades to the Nigh Road pump station to accommodate the development.

The Coordinator, Development Approvals also reviewed the Traffic Impact Brief submitted by the Applicant and agreed with the conclusion that a modified Wc-8L hidden entrance warning sign be installed near the crest of the hill to warn motorists of the driveway entrance.

Neighbourhood Planner & Urban Designer

No objection to the Official Plan and Zoning By-law Amendment in principle.

It is suggested that the roof may be planted and used as passive recreation space for residents. This will also mitigate the effects of the heat island effect as a large percentage of the property will be paved for parking.

Consider use of permeable paving for the parking areas for improved on-site storm water drainage.

Consider additional trees and landscaping space in the parking area and along the southern edge of the property to privacy and screening.

External Agency Comments

Niagara Region

Regional staff do not object, in principle, to the proposed Local Official Plan and Zoning By-law Amendment Applications as the proposed changes are consistent with the PPS and conform to Provincial and Regional growth management policies.

Regional staff are satisfied that the proposed amendments will not establish new uses that are less compatible with nearby existing and planned uses. Additionally, the proposed amendments will permit residential uses that contribute to the diversification

of Niagara's housing supply (apartment units) and will utilize existing municipal infrastructure. The proposed development will support the Town in achieving its intensification targets.

Region staff completed a site walk of the property with the Agent on November 15, 2019, and determined that due to the scope, nature, and location of the proposal that the requirement for an EIS could be scoped to the completion of Tree Saving Plan ("TSP"). Staff has reviewed the TSP prepared by Natural Resource Solutions Inc. (dated September 2021), and offer no objection to the findings and/or recommendations contained within the Plan. In summary, Environmental Planning staff does not object to the proposed amendments.

Based on the Region's *Master Servicing Plan, 2016* ("MSP"), the property is located within Nigh Road Sewage Pumping Station ("SPS") sewershed. This sewershed has been allocated growth out to the year 2041 in consultation and collaboration with the Town. The MSP was completed at a high level and did not allocate capacities to individual properties.

Currently, the MSP has identified a future upgrade to the Nigh Road SPS to upgrade the capacity from 29 L/sec to 45 L/sec; however, it was noted that flow monitoring and I/I Study was to be completed in order to assess whether the upgrade is required before the project was scheduled for design and construction. For information purposes, it is noted that review and design of the Nigh Road SPS upgrade is scheduled for late 2022, with construction commencing in 2025. The timing of this project is subject to changing pending budget approval by Regional Council.

Public Comments

A public information open house was held virtually via Zoom by Town staff on March 8, 2022 from 5.00 p.m. to 6.00 p.m. All property owners within 120 metres of the subject lands were notified of the information open house on February 22, 2022 via mailed notice. The open house meeting was attended by Town staff, the Agent, the Agent's architect, and several members of the public. Three members of the public were in attendance for the information open house. Several emails were also submitted in regard to the application and can be found in [Information Report No. PDS-28-2022](#).

A statutory Public Meeting for this application was held during the Council-in-Committee meeting that occurred on May 9, 2022. Three members of the public were in opposition to the proposal and provided oral comments to Council. In addition, written comments in the form of a presentation were provided to Council that are attached to the meeting minutes.

Staff comments in response to the feedback received from the public are addressed below.

Concerns with Traffic

Several residents expressed concern with the impacts on traffic on Gorham Road resulting from this development and noted that they believe signs will not adequately address the proposed access driveway.

Planning Response

Infrastructure Services obtained a consultant to complete a study on the road traffic operations of Gorham Road/Ridgeway Road. This study was brought forward to Council during the Council-in-Committee meeting on June 20, 2022. Although the report covered a variety of traffic matters along the road corridor, it noted in the recommendations that there is no reason to defer the 97 Gorham Road development due to impacts to the corridor from site traffic.

Further, the review recommended that following improvements to the Gorham Road/Farr Avenue intersection over the next 1 to 5 years:

- Refreshment of pavement markings for crosswalks
- Installation of tactile strips on crosswalks on the east leg (north and south side)
- Accessibility improvement pedestrians crossing at the intersection channelizations with curb cuts, curbs and repaired landing areas
- Upgrade traffic signal heads to oversized highway heads and reflective tape on backboards

The Traffic Impact Brief prepared by the Applicant notes that the increase in traffic generated by this development will remain within the local operational capacity of Gorham Road and that no additional improvements are required, with the exception that a vehicle crossing and hidden driveway sign be installed near the intersection of Farr Avenue and Gorham Road due to decreased visibility for left turning vehicles heading northbound. The Town's Coordinator, Development Approvals concurred with the conclusions of the Traffic Impact Brief. Further, the Town-initiated Gorham Road & Ridgeway Road Traffic Operations Review concluded that there will not be significant impacts to traffic in the road corridor resulting from site traffic from this development.

Municipal Water and Sanitary Sewer Capacity

On resident expressed concern with the adequacy of municipal water and sanitary sewer capacity in the area.

Planning Response

The Town's Coordinator, Development Approvals initiated a review of the Applicant's Functional Servicing Report (FSR) by the Town's sewer model consultant GM BluePlan. The review concluded that the water supply was adequate but there is an existing capacity issue at the Nigh Road pump station to the north. A Holding (H) Zone

provisions is recommended until such time that the pump station is upgraded. Niagara Region has confirmed that review of the pump station is underway with an upgrade expected to be completed by the end of 2025.

Shadowing and Privacy Impacts to the Parcels to the North

Two property owners directly north of the subject property commented during the information open house that they were concerned about the height of the proposed apartment dwellings and the impacts of shadows and reduction of privacy resulting from the height of the units.

Planning Response

Following the Public Meeting planning staff meet with the Applicant to discuss options for revising the site plan. The Applicant subsequently submitted a revised plan that relocated the two apartment dwellings to the south of the property and altered their orientation from east to west to north to south. The setback of the buildings from the property to the north was increased from 6.00 m to 28.34 m. Planning staff are of the opinion that this reconfiguration will mitigate shadow, privacy and massing impacts to the parcels to the north. Landscaping and screening will be reviewed in detail by staff in during the site plan control stage if the application is approved.

The Applicant also submitted an updated shadow study that is attached to this report as **Appendix “5”**. This shadowing impacts to the parcels to the north have been largely mitigated by the revised design.

Reduced Front Yard Setback

One member of the public enquired why a reduction to the front yard setback to 6.00 m is requested when the zoning requirement is 7.50 m.

Planning Response

The urban design brief submitted by the Agent’s architect notes that the thought behind the reduced front yard setback was to bring the apartment dwellings closer to the street in an effort to create an active street presence and enhance the streetscape. Having the apartment building a bit closer enhances accessibility to the buildings for pedestrians and also allows the parking spaces to be located at the rear of the buildings. Planning staff support the reduced front yard setback of 6.00 m. Landscaping and architectural design along the street will be reviewed by staff during the site plan control stage.

Reduced Amount of Parking Spaces Per Dwelling Unit

Several residents noted that this development is proposing parking spaces at 1.24 parking spaces per dwelling unit whereas the Zoning By-law requirement for apartment dwellings is 1.50 parking spaces per dwelling unit. One resident noted that in their

opinion 2.00 parking spaces per dwelling unit was more appropriate as most residents in Niagara Region rely on their personal motor vehicles for transportation.

Planning Response

Planning staff note that the intent of requiring 1.50 parking spaces per dwelling unit is to ensure there is one parking space for each dwelling unit and to have excess parking spaces in order to provide adequate parking for guests. Planning staff support the reduction to 1.25 parking spaces per dwelling unit. The proposal will provide one parking space per dwelling unit and 18 parking spaces will be available on site for guest parking. A review of other local area municipalities in Niagara revealed that most (7 out of the 12 municipalities) permit 1 to 1.25 parking spaces per unit for apartment buildings. Planning staff are of the opinion that the provision of additional rental units in this instance provides greater net benefit to the Town than the requiring the standard amount of visitor parking spaces.

Sidewalks on West Side

One resident noted that it would be desirable to have a sidewalk on the west side of Gorham Road for pedestrians so they can have access to nearby amenities without having to cross Gorham Road. The resident noted that this should be a condition of the development.

Planning Response

There do not appear to be any plans at the current time to install sidewalks on the west side of Gorham Road. Improvements to the crosswalks at the intersection of Gorham Road/Ridgeway Road and Farr Avenue are anticipated following the recommendations of the Town-initiated Gorham Road & Ridgeway Road Traffic Operations Review.

Increase in Density for the Property

Several residents had concerns with the increase in density for the proposal. A question was also submitted asking if this project would contribute to the increase of 1,100 new units envisioned for the neighbourhood in the Secondary Plan.

Planning Response

The subject property is designated Medium Density Residential in the Ridgeway-Thunder Bay Secondary Plan. The planned density for Medium Density Residential in the Secondary Plan is 25 to 75 units/hectare. The planned 72 dwelling units equate to 111.30 units/hectare.

Planning staff support the increased density. The main impact of the increase in density in this instance is a reduced lot area for the amount of dwelling units proposed. The

proposed units will add to the mix and type of units available in the Ridgeway-Thunder Bay neighbourhood. The proposed apartment buildings otherwise comply with all of the existing zoning requirements other than the front yard setback and are consistent with the intended land use of the property as established by the Ridgeway-Thunder Bay Secondary Plan.

Planning staff note that the dwelling units generated by this development will count towards the new units envisioned for the Ridgeway-Thunder Bay neighbourhood if this proposal is approved. The land use designation will remain Medium Density Residential.

Communicating Results

There are no communication requirements at this time.

Alternatives

Council could choose not to approve the proposed Zoning By-law Amendment. This is not recommended as the proposal is consistent with Provincial and Regional Policies, conforms to relevant Town Policies and represents good land use planning. The proposed development presents an opportunity to provide some additional rental units to the Town of Fort Erie and will increase the variety of housing options in the Ridgeway-Thunder Bay neighbourhood.

Second Opinion Clause

Should a motion be placed before Council that does not support Planning Staff's Recommendation, 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 that 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.

Conclusion

Planning staff recommend approval of this Zoning By-law Amendment application. This proposal will permit development of two apartment buildings that will provide additional housing variety and provisions of rental units. The proposed amendments are consistent with Provincial, Regional and Town planning policy and the proposed use is similar to and compatible with the other land uses in the area.

Attachments

Appendix “1” - Location Plan

Appendix “2” - Revised Site Plan

Appendix “3” - Revised Rendering & Elevation Drawings

Appendix “4” - New Staff and Agency Comments

Appendix “5” - Updated Shadow Study



LOCATION PLAN

Combined Official Plan & Zoning By-law Amendment - 97 Gorham Road

Subject Lands - 97 Gorham Road

REGULAR MEETING OF COUNCIL -23 Jan 2023

Planning & Development Services
Map of Page 225 of 352

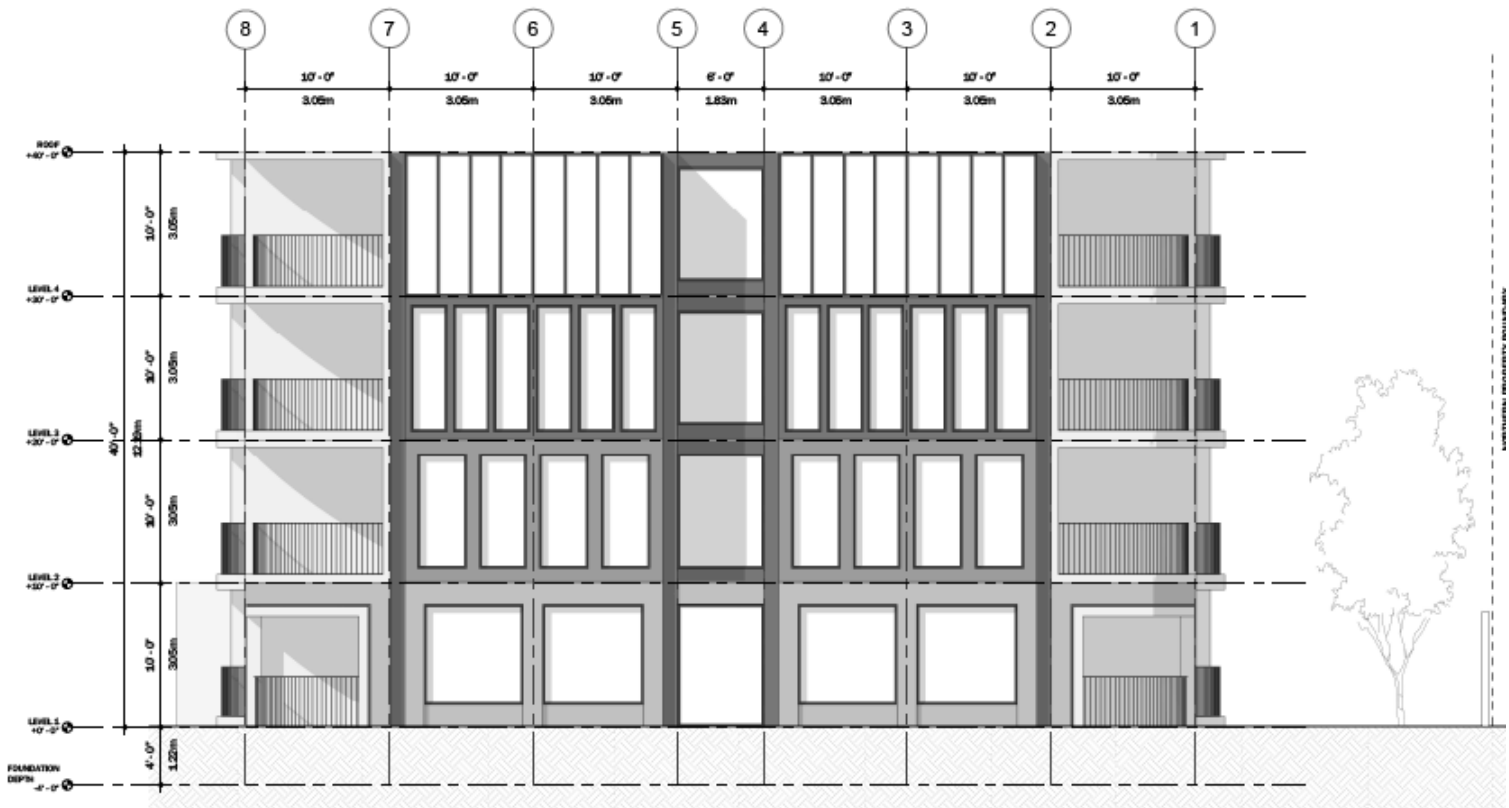


RIDGEWAY RESIDENCES

97 GORHAM ROAD, RIDGEWAY, ON



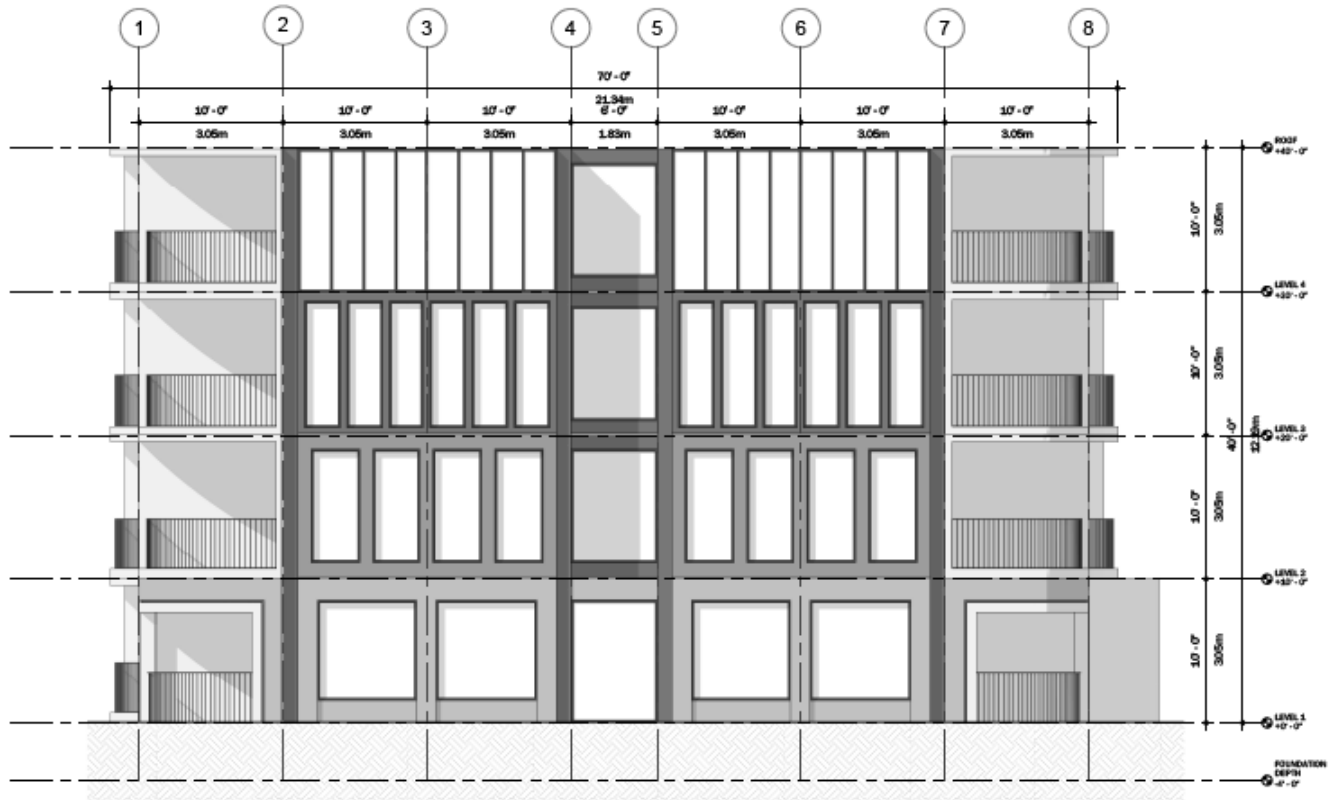
APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-04-2023 DATED JANUARY 23, 2023



EAST

1

SCALE: 3/16" = 1'-0"



WEST

2

SCALE: 3/16" = 1'-0"



Interoffice Memorandum

August 31, 2022

File No. 3503022 -0133 & 350309-0501

To: Daryl Vander Veen, Intermediate Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment – 97 Gorham Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **97 Gorham Road** and have the following comments:

- Functional Servicing Report prepared by Quartek Group Inc. dated July 2021
 - I agree with the conclusions of the report that the proposed development will not have a negative impact on the existing water distribution system.
 - The Functional Servicing Report was provided to the GM BluePlan, the consultant that prepared the Town's Wastewater Master Plan and Pollution Prevention Control Plan for review. GM BluePlan also has custody of the wastewater system model and has completed an evaluation of the proposed development's sanitary sewer flows. The outcome of that review has identified that:
 - The existing system downstream of the proposed development is constrained at the Nigh Road SPS.
 - The existing design flows exceed the stations current firm capacity of 21.5 L/s.
 - The existing sewers downstream of the development have sufficient capacity to accommodate the proposed development. However, the 5 year design storm flows exceed the station capacity resulting in sewer surcharging under a 5 year design storm that exceeds the basement protection level of 1.8 m below ground.
 - Without system upgrades the proposed development is expected to further increase sewer surcharging and resulting basement flooding and/or system overflow risk.
 - As such, a combination of pumping upgrades and/or storage upgrades to the Nigh Road SPS and/or wet weather flow reductions are needed to support the development.
- Traffic Impact Brief prepared by Quartek Group Inc. dated November 2020
 - I agree with the conclusion of the report recommending the installation of a modified Entrance Wc-8L warning sign with associated hidden entrance tab be installed at the crest of the hill to warn northbound motorists of the driveway entrance. The proposed driveway entrance will be an improvement to the existing driveway that is located closer to Farr Avenue.

Given the foregoing comments, we recommend that a Holding provision be added to the zoning by-law for this property which can be lifted upon completion of upgrades to the Nigh Road Pumping Station to accommodate the development.

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



Interoffice Memorandum

May 16, 2022

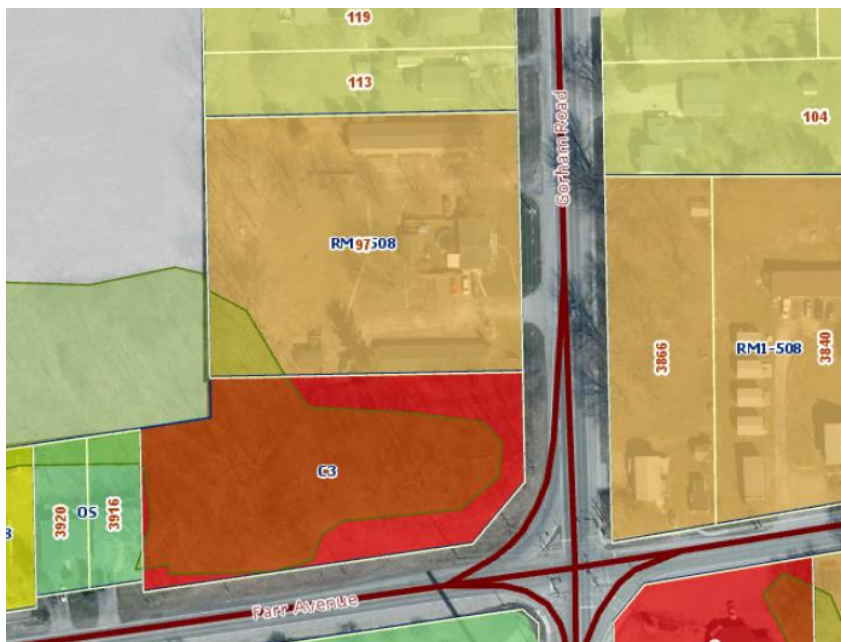
File No: 350309-0501 & 350302-0133

To: Daryl Vander Veen, BES, Junior Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Combined Official Plan & Zoning By-law Amendment - 97 Gorham Road**

1. Official Plan & Secondary Plan

The site is located in the Ridgeway-Thunder Bay Secondary Plan area and is designated as Medium Density Residential as per Schedule "RTB-2" of the Secondary Plan. Therefore, Section 4.18.7 Medium Density Residential will apply. The site is currently zoned as Environmental Conservation (EC) and Site Specific Residential Multiple (RM1-508) Zone.

Image 1 – Showing the site plan in its context



2. Urban Design

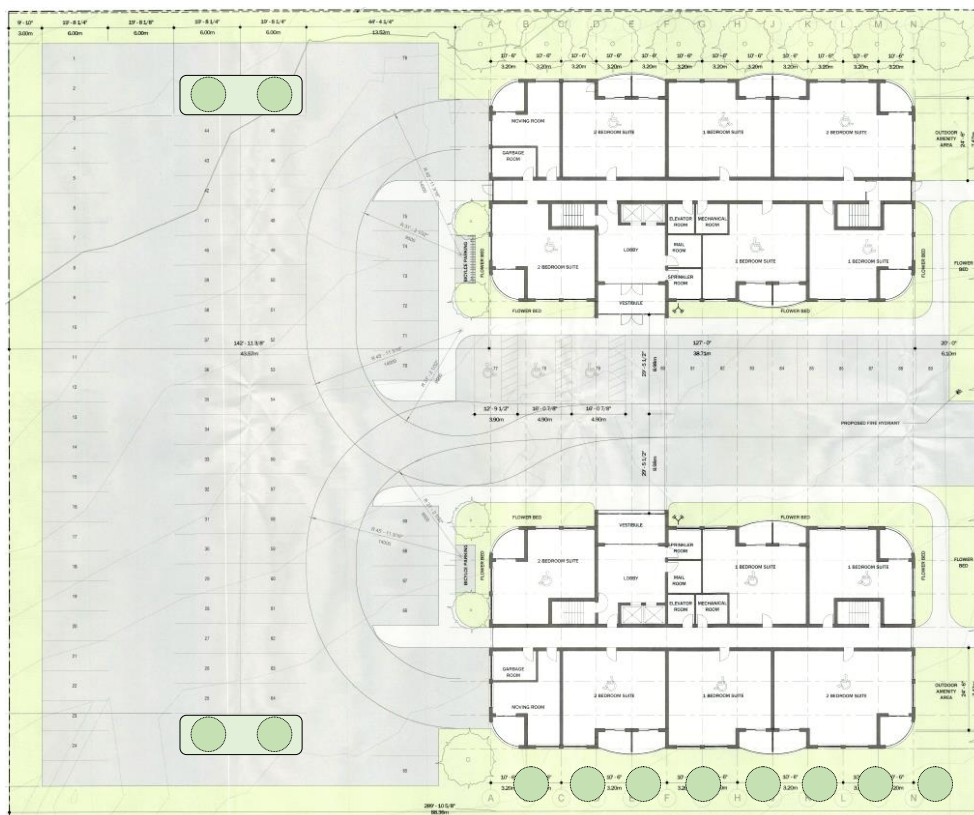
It is suggested that the roof may be planted and used as a passive recreation space for residents. This will also mitigate the effects of heat island effect as a large percentage of the property will be paved for parking.

Please consider the use of permeable paving for the parking area for improved on-site storm water drainage.

Please consider additional trees and landscaping space in the parking area as can be seen in the image below.

Please consider additional landscaping and trees on the southern edge of the property to provide privacy and screening.

Image 2 – Showing possible additional landscaping and screening



3. Conclusion

Neighbourhood Planning & Urban Design in principle do not oppose the Official Plan & Zoning By-law Amendment - 97 Gorham Road

Kind regards,

Pieter Wasserman, B.A.S, M. Arch, MCPUD
Neighbourhood Planner & Urban Designer

PCW/pcw
Attach. none

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

June 6, 2022

File: D.10.01.OPA-22-0015
D.18.01.ZA-22-0040

Mr. 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 Review Comments
Local Official Plan Amendment & Zoning By-law Amendment
Town Files: 350309-0501 & 350302-0133
Owner: Bomofive Inc. (c/o Ross Boncore & Kam Mofid)
Agent: Urban Environments (c/o Greg Hynde)
97 Gorham Road
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed proposed concurrent Local Official Plan and Zoning By-law Amendment Applications for 97 Gorham Road located in the Town of Fort Erie. Regional staff received circulation of the applications on April 25, 2022, with payment of the required review fees on June 3, 2022.

The Applicant is proposing to permit an increase in density on the property to 111.30 units/hectare. The property is currently designated "Medium Density Residential" and "Environmental Conservation" in the Ridgeway-Thunder Bay Secondary Plan ("Secondary Plan"). The Medium Density Residential land use designation is reserved for multiple-unit structures including apartment dwellings. The Secondary Plan envisions a density of 25 to 75 units/hectare on areas designated Medium Density Residential. The Local Official Plan Amendment is required to permit the increased density.

The property is zoned as "Residential Multiple 1 (RM1-508) Zone" and "Environmental Conservation (EC) Overlay Zone" in accordance with the Town's Zoning By-law (No. 129-1990), as amended. The existing zoning permits apartment dwellings up to 4-storeys in height. The Applicant is proposing a Zoning By-law Amendment to change the current zoning of the property from "Residential Multiple 1 (RM1-508) Zone" to a "Site-Specific Residential Multiple 2 (RM2) Zone" with special provisions to that include

- a reduced lot area of 6,468.00m² for 72 dwelling units (111.30 units/hectare)
- a reduced amount of on-site parking spaces to 89 (1.24 parking spaces per dwelling unit) and;
- a reduced front yard setback of 6.00m.

A pre-consultation meeting for these applications was held on October 10, 2019 with the Regional staff, Town staff, and Agent in attendance. The following comments are provided from a Provincial and Regional perspective to assist Council in its consideration of these applications.

Regional and Provincial Policies

The lands are designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS"), "Delineated 'Built-Up' Area" within the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and "Urban (Built-Up) Area" of the *Regional Official Plan* ("ROP"). Provincial policies direct growth to Settlement Areas and the Delineated Built-Up Area that provide for an appropriate range and mix of housing types and the efficient use of existing servicing, infrastructure, and public service facilities. Within Delineated Built-Up Areas, intensification and infill in a compact-built form is encouraged that offers a mix of uses at an appropriate scale and transition that respects the surrounding urban fabric.

Regional staff has reviewed the "*Planning Justification Report*" prepared by Urban Environments (dated December 23, 2021) and is satisfied that the proposed amendments will not establish new uses that are less compatible with nearby existing and planned uses. Additionally, the proposed amendments will permit residential uses that contribute to the diversification of Niagara's housing supply (apartment units) and will utilize existing municipal infrastructure. The proposed development will support the Town in achieving its intensification target (15%) as set out in the ROP.

As such, Regional staff does not object, in principle, to the proposed amendments as they are consistent with the PPS and conform to Provincial and Regional growth management policies, subject to the comments below.

Site Condition

The proposed amendments involve the conversion of a commercial use (motel) into a more sensitive (residential) use. In accordance with the *Environmental Protection Act* and Ontario Regulation 153/04 ("O. Reg. 153/04"), as amended, a change in land use of this nature requires obtaining a Record of Site Condition ("RSC") to demonstrate that site's condition meets the appropriate standards to safeguard the health and safety of the future occupants / users of the proposed use.

Regional staff has reviewed the "*Phase One Environmental Site Assessment*" and "*Phase Two Environmental Site Assessment*" ("ESA") prepared by Hallex Environmental Ltd. (dated March 17, 2020 and September 25, 2020 respectively). The Phase One ESA confirmed that the property could be impacted by a historic potentially contaminating activity involving aboveground storage tanks that typically store heating oil. The Phase One ESA recommended that a Designated Substance and Hazardous Materials Survey and Phase Two ESA be conducted to determine to validate the presence or absence of contaminants on site.

The Phase Two ESA consisted of an investigation that was comprised of a total of 5 boreholes drilled to a maximum depth of approximately 6.1m below ground surface, with soil samples being collected at 0.6m intervals. Groundwater monitoring wells were installed into 3 of the boreholes. The analysis of the boreholes was completed in accordance with the Ministry of the Environment, Conservation and Parks' ("MECP") Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*, while the site was compared to Table 3: Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition, Residential Land Use, site conditions standards for soil and groundwater samples.

The findings of the Phase Two ESA concluded that all soil and groundwater samples met the MECP's Table 3 requirements. Based on these results, the Phase Two ESA concluded that the property is suitable for residential land use with no further environmental work required.

In accordance with the *Environmental Protection Act* and O. Reg. 153/04, a RSC shall be obtained for the proposed change in land use and be provided to the Town and Region. Regional staff also requires that a Letter of Reliance from a Qualified Professional be submitted for the Phase One and Phase Two ESAs which indicates that despite any limitations or qualifications included in the assessments, that the Region is authorized to rely on all information and opinions provided in these reports. Staff acknowledge that these requirements can be addressed through conditions of the future Site Plan Agreement.

Archaeological Resources

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.

Regional staff has reviewed the "*Stage 1-2 Archeological Assessment*" prepared by Detritus Consulting Ltd. (dated April 15, 2020), which was required for the application due to the presence of registered archaeological sites and natural watercourse features within 300m of the property. Its methodology consisted of background research of the

property and the surrounding area, field assessment, and a test pit survey at 5m intervals between individual test pits. The Assessment was scoped to a Study Area that consisted of previously undisturbed areas of the site and resulted in the identification or discovery of no archaeological resources on the property.

At this time, Regional staff has not been provided with a Letter of Acknowledgement from the Ministry of Heritage, Sport, Tourism and Cultural Industries ("MHSTCI") for the completed Stage 1-2 Archaeological Assessment. This letter is necessary to confirm that all archaeological resource concerns have met the Ministry's licensing and resource conservation requirements.

Regional staff acknowledge that the proposed development will require future *Planning Act* Applications (i.e., Site Plan) and note that this requirement can be addressed through a condition of Agreement. Similarly, in recognizing that no archaeological assessment regardless of its intensity can entirely negate the possibility of deeply buried archaeological materials, Regional staff will require that a standard archaeological clause is also included within the future Agreement.

Therefore, Regional staff offer no further archaeological requirements for the proposed Local Official Plan Amendment and Zoning By-law Amendment Applications.

Core Natural Heritage

The property is impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland located adjacent to the subject lands. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") is typically required in support of site alteration and/or development proposed within 50m of Significant Woodland to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Staff completed a site walk of the property with the Agent on November 15, 2019, and determined that due to the scope, nature, and location of the proposal that the requirement for an EIS could be scoped to the completion of Tree Saving Plan ("TSP"). Staff has reviewed the TSP prepared by Natural Resource Solutions Inc. (dated September 2021), and offer no objection to the findings and/or recommendations contained within the Plan.

In summary, Environmental Planning staff does not object to the proposed amendments, in principle, and will provide conditions of approval at the time that the future Site Plan Application is circulated to ensure that the recommendations of the TSP are sufficiently implemented.

Staff note that the TSP includes a recommendation to develop a Landscape Plan for the subject lands to address the tree removals required to facilitate the proposed development of the subject lands. Therefore, a Landscape Plan should be prepared by

a Qualified Professional as part of the next submission that adequately addresses the recommendations as contained within the TSP.

Site Servicing

Based on the Region's *Master Servicing Plan, 2016* ("MSP"), the property is located within Nigh Road Sewage Pumping Station ("SPS") sewershed. This sewershed has been allocated growth out to the year 2041 in consultation and collaboration with the Town. The MSP was completed at a high level and did not allocate capacities to individual properties.

Currently, the MSP has identified a future upgrade to the Nigh Road SPS to upgrade the capacity from 29 L/sec to 45 L/sec; however, it was noted that flow monitoring and I/I Study was to be completed in order to assess whether the upgrade is required before the project was scheduled for design and construction. The MSP can be found at the following link <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

An update to the MSP is currently underway and the project information can be found at the following link: <https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx>.

Review of Functional Servicing Report

Regional staff has reviewed the "*Functional Servicing Report*" ("FSR") prepared by Quartek (dated July 2021) and note that the anticipated peak flow from the total development is 3.78 L/sec; however, the timing for the project was not included. Regional staff requests that the consultant provide further timing for the anticipated flows from the development with the future *Planning Act* Application (i.e., Site Plan).

The Applicant is advised that the report has been provided to the Region's Water / Wastewater staff for review in order to understand whether the current flows and the anticipated flows are acceptable.

For information purposes, it is noted that review and design of the Nigh Road SPS upgrade is scheduled for late 2022, with construction commencing in 2025. The timing of this project is subject to changing pending budget approval by Regional Council.

Stormwater Management

Regional staff has reviewed the FSR prepared by Quartek (dated July 2021) and understand that the development is proposing to install new storm sewers and outlet to the northwest across other adjacent private land. Regional staff request clarifications with regards to how the existing site stormwater is accommodated to its outlet. Further, staff offer the following comments for information purposes to assist the Applicant with the preparation of a Detailed Site Plan:

- Stormwater runoff shall be captured and treated to a Normal Level of protection prior to discharge from the site. Staff encourages the Applicant to incorporate Low Impact Development stormwater management measures in site design.
- If the development will discharge to the adjacent private land:
 - a) Assurance that the Owner of adjacent property is aware of the development proposal, the intended outlet location, and the proposed Stormwater Management Plan for the development.
 - b) Post-development flow be controlled to pre-development level for the 2-year up to and including the 100-year storms prior to discharge from the site.
 - c) Stormwater outlet installation provides for adequate erosion protection.
- If the development will discharge to the Gorham Road storm sewer, please confirm the Town's requirements with regards how the additional flow to local infrastructure will be accommodated. Regional staff will defer to Town staff with respect to ensuring that local infrastructure requirements can be met.
- At the future Site Plan Application stage, the Region requires that a Stormwater Management Report (and the associated review fee) be submitted to this office that indicates in detail how the above noted criteria will be achieved. The Report should include a section that addresses inspection and maintenance requirements of the stormwater management measures for the future Owner.
- Prior to construction, the Region requires that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organic green bins or containers – no limit (weekly collection).
- Garbage / waste containers – 2 per unit to a maximum of 24 containers (bi-weekly collection).
- Collection will be at the curbside only.

Regional staff requests that future *Planning Act* Applications (i.e., Site Plan) clearly indicate the intent for waste collection services.

Conclusion

Based on the discussion above, Regional staff does not object, in principle, to the proposed Local Official Plan and Zoning By-law Amendment Applications as the proposed changes are consistent with the PPS and conform to Provincial and Regional growth management policies. The Applicant is advised that the future Site Plan Application should address the Region's comments and requirements as outlined in this letter.

Regional staff notes that given the site-specific nature of the Local Official Plan Amendment Application, 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.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of the staff report and notice of Council's decision on these applications, including a copy of the adopted Local Official Plan Amendment for our files.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner, Niagara Region

cc:

Cheryl Selig, Manager (A), Development Planning, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region

97 Gorham Road

Shadow Study Update Jan 2023



STUDY DATES + TIMES

March 21

June 21

Dec 21

@

9:30am

12:30pm

3:30pm

MARCH 21

9:30am



MARCH 21

12:30pm



MARCH 21

3:30pm



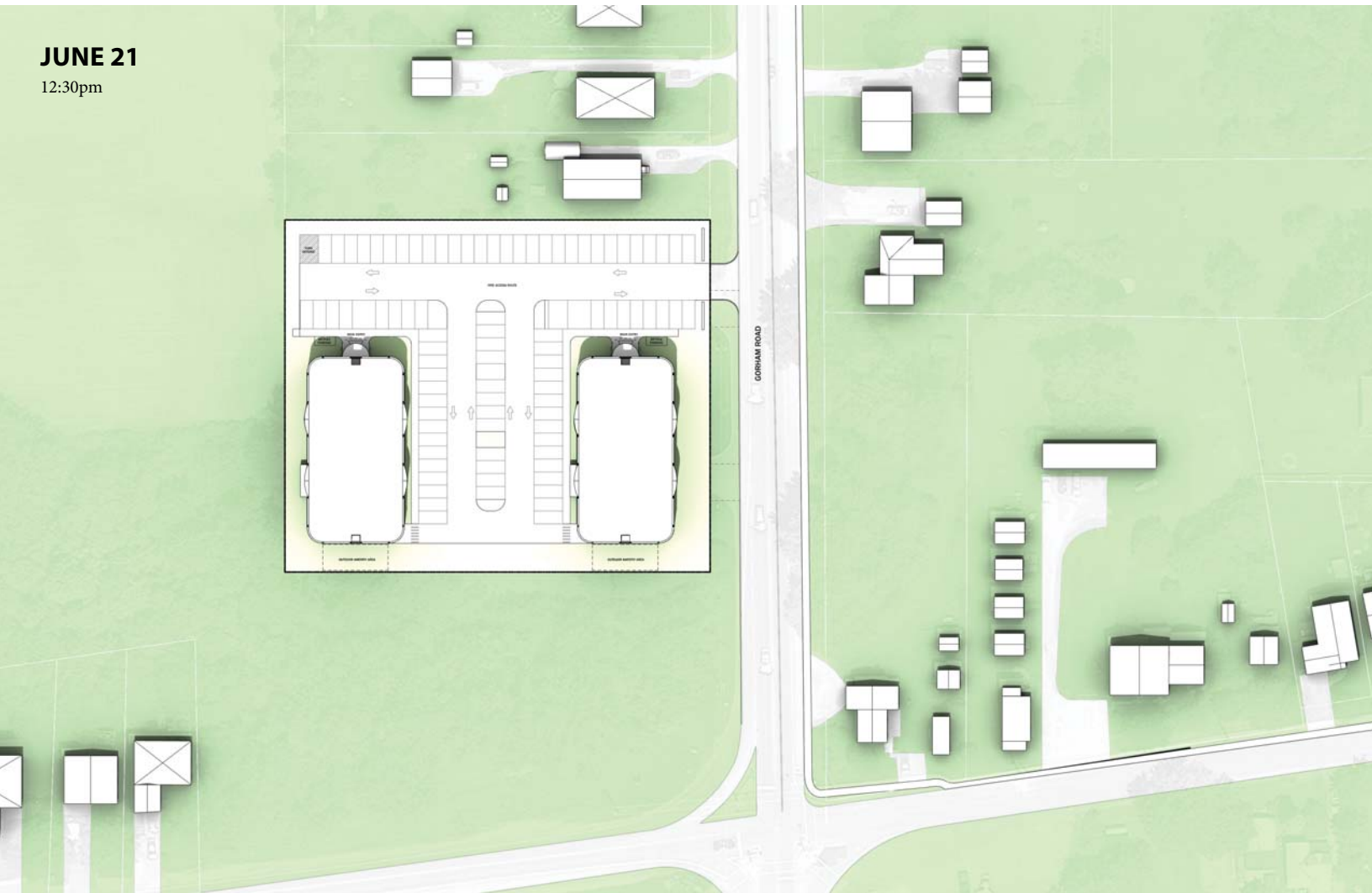
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JUNE 21

3:30pm



DECEMBER 21

9:30am



DECEMBER 21

12:30pm



DECEMBER 21

3:30pm





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Planning and Development Services

Prepared for
Agenda Date

Council
January 23, 2023

Report No.
File No.

PDS-05-2023
350309-0527

Subject

**PROPOSED ZONING BY-LAW AMENDMENT
63 IDYLEWYLDE STREET
URBAN ENVIRONMENTS - GREG HYNDE (AGENT)
FRANK ALESSIO (OWNER)**

Recommendation

THAT Council approves the amendments to the Town's Zoning By-law No. 129-90 as detailed in Report No. PDS-05-2023 for the lands known as 63 Idylewylde Street, and further

THAT Council directs staff to prepare the necessary by-law.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

Urban Environments - Greg Hynde (Agent)
Frank Alessio (Owner)
Residents and Property Owners in the Town of Fort Erie

Prepared by: <i>Original Signed</i>	Reviewed by: <i>Original Signed</i>	Submitted by: <i>Original Signed</i>	Approved by: <i>Original Signed</i>
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

Greg Hynde of Urban Environments (Agent) submitted a Zoning By-law Amendment application on behalf of Frank Alessio (Owner) for 63 Idylewylde Street. The intent of this application is to permit development of two semi-detached dwellings with a total of four dwelling units on the subject property. The existing single detached dwelling and the detached garage on the property will be removed.

The purpose of this report is to provide a staff recommendation on the proposed Zoning By-law Amendment application.

A location map showing the subject lands is attached as **Appendix “1”**. A survey sketch illustrating the proposed parcels and dwellings is attached as **Appendix “2”**. A rendering and elevation drawings are attached as **Appendix “3”**.

The zoning of the subject lands is proposed to change from Residential 2 (R2) Zone to a site-specific Residential 3 (R3) Zone that permits semi-detached dwellings with site-specific provisions to permit reduced lot frontage, a reduced interior side yard setback between the two semi-detached dwellings, reduced lot area, and increased lot coverage.

Nature of the Site

The subject property is located in the Southend neighbourhood of the Town of Fort Erie on the north side of Idylewylde Street. The following summarizes the land uses surrounding the subject property:

North:	Single detached dwellings, Sugarbowl Park, and Gilmore Lodge (a Niagara Region-operated long-term care home).
South:	Single detached dwellings, a commercial building, an industrial building and a multi-residential complex.
East:	Single detached dwellings and a commercial building.
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 to settlement areas and encourage building strong communities through the efficient use of land, resources, infrastructure and public service facilities that are planned or available. The proposal complies with the policies outlined in the PPS as it entails infill development within the existing urban Settlement Area of Fort Erie. The proposed new semi-detached dwellings

will utilize existing municipal infrastructure and is located in an established neighbourhood that has access to transit, public services and other amenities. This proposal is also an opportunity to provide additional housing type variety in the Southend neighbourhood.

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

The subject property is within the Greater Golden Horseshoe Growth Plan Area and designated Built-up Area. In general, the Growth Plan directs residential uses within the delineated Built-up Area and encourages opportunities for intensification. The proposal complies with the policies outlined in the Growth Plan as it involves creation of two new semi-detached dwellings on an infill parcel within the Built-up Area and intensifies underutilized residential land.

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. The subject property is considered to be Built-up Area under the NOP. This proposal complies with the policies of the NOP. The proposed semi-detached dwellings are characteristic of intensification and compact built form, and will also increase the variety of housing types in the area. The proposed development will assist the Town of Fort Erie to achieve the minimum residential intensification target of 50% of new residential dwelling units within the Built-up Area.

2018 Southend Secondary Plan & 2011 Town of Fort Erie Official Plan

Southend Secondary Plan

The subject property is designated Low-Density Residential in the Southend Secondary Plan. The Secondary Plan states that lands with this designation are intended for single-detached, semi-detached and duplex dwellings. The proposal to rezone the new parcel to permit development of a semi-detached dwelling is consistent with the land use policy of the Southend Secondary Plan. The Secondary Plan notes that the neighbourhood is largely built out and any new low density residential development will likely come from consent or limited vacant parcel infill. Infill development can be expected to represent a more compact design and the Southend Secondary Plan promotes opportunities for slight intensification on vacant or underutilized properties. The proposal is consistent with the Secondary Plan as it facilitates residential intensification of vacant and underutilized land.

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. Section 7.3 of the Official Plan requires the protection of petroleum

resource operations (wells) as identified by the Ministry of Natural Resources and Forestry (MNR) by ensuring a minimum setback of 75.00 metres. Staff note that there are no active wells within 75.00 metres of the subject property as identified on MNR map data of petroleum resources. 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

No natural heritage features are identified on or within the vicinity of 85 Idylewylde Street. Similarly, Schedule C1 does not identify any natural hazard area or fish habitat on or near the subject property.

Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential

The subject property is not within area identified as having archaeological potential on Schedule D of the Town's Official Plan.

Comprehensive Zoning By-law No. 129-1990

The subject property is currently zoned Residential 2 (R2) Zone in accordance with the Town of Fort Erie's Comprehensive Zoning By-law No. 129-1990. A Zoning By-law Amendment application is required as the R2 zoning does not permit semi-detached dwellings. This application is proposing to rezone the property to a site-specific Residential 3 (R3) Zone with special provisions to permit reduced lot frontage, reduced interior side yard setbacks between the two semi-detached dwellings and increased lot coverage. The semi-detached dwellings are proposed to be two storeys in height.

The table below offers a comparison of the R2 and R3 zoning requirements versus the proposed special provisions for the semi-detached dwelling (requested special provisions for zoning departures are highlighted in grey):

Zoning Regulation	Standard R2 Zone Requirement	Standard R3 Zone Requirement	Proposed Site-specific R3 Zone	Planning Comments
Minimum Lot Frontage	15.00 m	9.50 m unit frontage for an interior lot; 19.00 m total lot frontage	8.32 m (Parcel 2 & Parcel 3); 8.82 m (Parcel 1 and Parcel 4); 17.14 m total lot frontage per semi-detached dwelling	Support. The proposed lot frontages will be sufficient for appropriately-sized dwellings.
Minimum Lot Area	510.00 sq m	305.00 sq m per unit;	253.60 sq m (Parcel 2 and Parcel 3);	Support. The proposed parcels will be of

Zoning Regulation	Standard R2 Zone Requirement	Standard R3 Zone Requirement	Proposed Site-specific R3 Zone	Planning Comments
		610.00 sq m total lot area	268.8 sq m (Parcel 1 and Parcel 4); 522.40 sq m total lot area per semi-detached dwelling	sufficient size to accommodate appropriately-sized dwellings with space for servicing, parking and amenity area.
Maximum Lot Coverage of Dwelling	30% for lots with less than 510.00 sq m of lot area	1 storey - 60% 2 storey - 40%	2 storey - 45%	Support. The proposed lots will have sufficient space for parking and amenity space. An increase of 5% will not result in the proposed dwellings overpowering the lot.
Minimum Front Yard	6.00 m	6.00 m to garage 3.00 to dwelling	6.00 m to garage 6.00 m to dwelling	The front yard setback is compatible with adjacent properties.
Minimum Interior Side Yard (2-storey dwelling)	1.50 m	1.20 m, plus an additional 0.50 m for every additional storey or part thereof above the ground floor (1.70 m)	1.70 m to adjacent parcels 1.20 m between the proposed semi-detached dwellings	Support. The reduced interior side yard setback will only occur between Parcel 2 and Parcel 3. The proposed 1.20 m setback is sufficient for maintenance, access and drainage. The interior side yard setback to dwellings on adjacent lots to the west and

Zoning Regulation	Standard R2 Zone Requirement	Standard R3 Zone Requirement	Proposed Site-specific R3 Zone	Planning Comments
				east will meet the required 1.70 m for a two storey demi-detached dwelling.
Minimum Rear Yard	8.00 m	6.00 m	10.00 m	The proposed rear yard setback exceeds the Zoning By-law requirement.
Maximum Height	2 storeys 9.00 m	2.5 storeys 9.00 m	2 storeys 9.00 m	No comment.

Planning Analysis

The subject property is currently comprised of four whole lots and one part lot on Plan 17/NP 511 (Lots 192 to 195 and Part Lot 196). This proposal will consolidate the lots and adjust the parcel boundaries slightly to achieve the proposed lot configuration as illustrated in **Appendix “2”**. If this Zoning By-law Amendment is approved, an application for a Deeming By-law will be submitted to merge all of the lots followed by a Consent application to generate the proposed lot configuration. Planning staff support this approach as reconfiguring the lots will increase the lot frontage of the existing four lots from 7.44 m to 8.32 m and eliminate the part lot. This is an improvement on the existing situation and will reduce lot fragmentation.

In general planning staff are supportive of the proposed site-specific zone provisions as outlined in the chart above. The proposed lot frontage and lot area will result in parcels that are of sufficient size for appropriately-sized semi-detached dwellings with space for servicing, parking and amenity area. The proposed parcels feature increased rear yards resulting in increased amenity space and the reduced interior side yard setback will only apply between the two proposed semi-detached dwellings (Parcel 2 and Parcel 3 on the application sketch). The required 1.70 m setback will be maintained to adjacent parcels to the east and west (59 Idylewylde Street and 75 Idylewylde Street) which mitigates massing impacts.

Planning staff support the proposed Zoning By-law Amendment application as it facilitates construction of two semi-detached dwellings with a total of four dwelling units on an underutilized residential parcel. The proposed semi-detached dwellings will add housing variety in the area and the relatively large lot size of the property is well suited for infill development. Development of a semi-detached dwelling on an infill parcel in the existing urban area meets Town, Regional and Provincial planning policy that encourages intensification in the existing urban area and maximizes the efficient use of municipal infrastructure and services.

Studies

No studies were requested as part of this Zoning By-law Amendment application.

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner and no Staffing implications are expected.

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

Policies Affecting Proposal

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 on November 3, 2022. Comments received are summarized in [Information Report No. PDS-74-2022](#). No new comments from staff or external have been received since that time.

Public Comments

A public information open house was held by Town staff in the Atrium of Town Hall on September 29, 2022. All property owners within 120 metres of the subject lands were notified of the information open house on September 15, 2022 via mailed notice. The open house meeting was attended by Town staff and the Agent. No members of the public attended the information open house meeting.

One email from a member of the public was received. That email is contained in [Information Report No. PDS-74-2022](#).

The statutory Public Meeting for this application was held during the Council-in-Committee meeting on December 5, 2022. All property owners within 120 metres of the subject lands were notified of the information open house on November 10, 2022 via mailed notice. A notice was also placed in the Fort Erie Post on the same date. One area planning consultant spoke in favour of the application. One member of the public was in opposition to the proposal and conducted a presentation.

No further written comments were received for this application following the Public Meeting. Comments received from members of the public are addressed below.

Benefit of Rezoning Applications

Two residents provided comments requesting additional information regarding the benefit to the Town and its residents is when an approval for a Zoning By-law Amendment application like this proposal is granted by the Town. They are concerned about the appearance of new dwellings, especially those with reduced lot sizes like those found in newer subdivisions. The member of the public who provided a presentation at the Public Meeting was of the opinion that granting zoning departures is counterproductive and new development should meet the existing zoning provisions.

Staff Response

There are several benefits that arise from Zoning By-law Amendments to the Town from a planning perspective. Provincial, Regional and Town planning policy encourage infill development in existing urbanized areas as it is the most sustainable and efficient form of development. Dwellings added via infill development efficiently utilize existing infrastructure such as municipal water and sanitary sewers, travelled roads, transit systems, and parks without using greenfield sites or requiring significant infrastructure investment by the municipality. In the case of this application specifically, introduction of alternative forms of housing such as semi-detached dwellings provide more housing options and are generally more affordable than single detached dwellings. More dwelling units in an urban area also benefits local businesses by having more year-round residents to sustain them.

In regard to granting zoning departures through site-specific Zoning By-law Amendments, planning staff note that the base zone regulations are general and granting departures is acceptable on a case-by-case basis provided the request is in line with good planning principles and do not cause negative impacts on adjacent parcels or the neighbourhood. It is generally accepted at all levels of planning policy in Ontario that a best practice is to embrace more compact built form and to direct as much growth to built-up areas as possible to ensure communities are sustainable and make efficient use of land and existing municipal infrastructure. New development does not necessarily have to be the same as the existing built form or existing parcel sizes, in fact, it is generally accepted that new development will comprise smaller lot frontage and lot area. In the case of this proposal planning staff are of the opinion that the requested zoning departures are relatively insignificant and the resulting parcels sizes and dwellings are compatible with the surrounding neighbourhood with no negative impacts anticipated from the propose development.

Cost of Zoning By-law Amendments to the Municipality/Tax Base

One resident commented that Zoning By-law Amendment applications such as this proposal were causing undue impacts to the municipality and by association taxpayers. The resident noted that proposal should meet the Zoning By-law to prevent undue costs.

Staff Response

Planning staff note that application fees for Planning Act applications such as this Zoning By-law Amendment are intended for recovery of costs imposed on the municipality by processing the applications. The Town conducts a review of processing cost on an annual basis in an effort to ensure the cost of development is borne by the developer and not the wider tax base. It is noted that the municipality also benefits from development in the long term by way of cash-in-lieu of parkland dedication for creation of new lots, collection of development charges for new dwellings, and collection of property tax revenue. The proposed development does not impose a financial impact on the tax base.

Communicating Results

There are no communication requirements at this time.

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner and no staffing implications are expected.

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

Alternatives

Council may decide to deny this Zoning By-law amendment application. Planning staff do not recommend this as the proposal will introduce additional housing variety in the area, represents efficient use of underutilized land and existing municipal infrastructure and is consistent with Provincial, Regional and Town planning policy.

Second Opinion Clause

Should a motion be placed before Council that does not support Planning Staff's Recommendation, 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.

Conclusion

The proposed Zoning By-law Amendment presents an opportunity to develop two semi-detached dwellings inside the Urban Boundary on currently underutilized residential land. The proposal makes efficient use of existing municipal infrastructure and adds additional housing variety to the area. This proposal is consistent with Provincial, Regional and Town planning policy and in planning staff's opinion this application is representative of good planning.

Attachments

Appendix "1" - Location Plan


Appendix "2" Preliminary Site Plan

Appendix "3" - Plans and Renders of the Proposed Dwellings

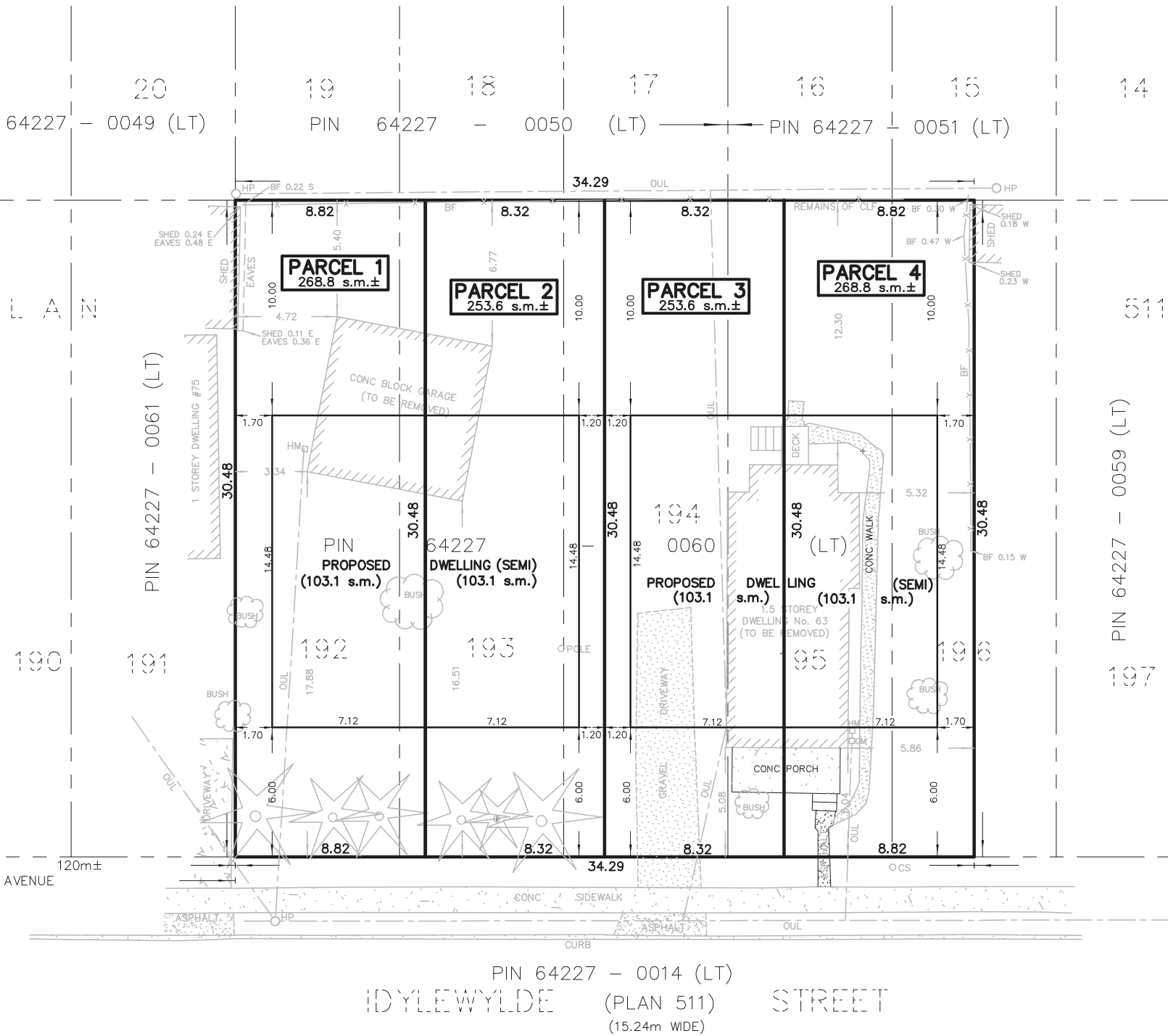


LOCATION PLAN

Proposed Zoning By-law Amendment - 63 Idylewylde Street

 Subject Lands - 63 Idylewylde Street

APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-05-2023 DATED JANUARY 23, 2023

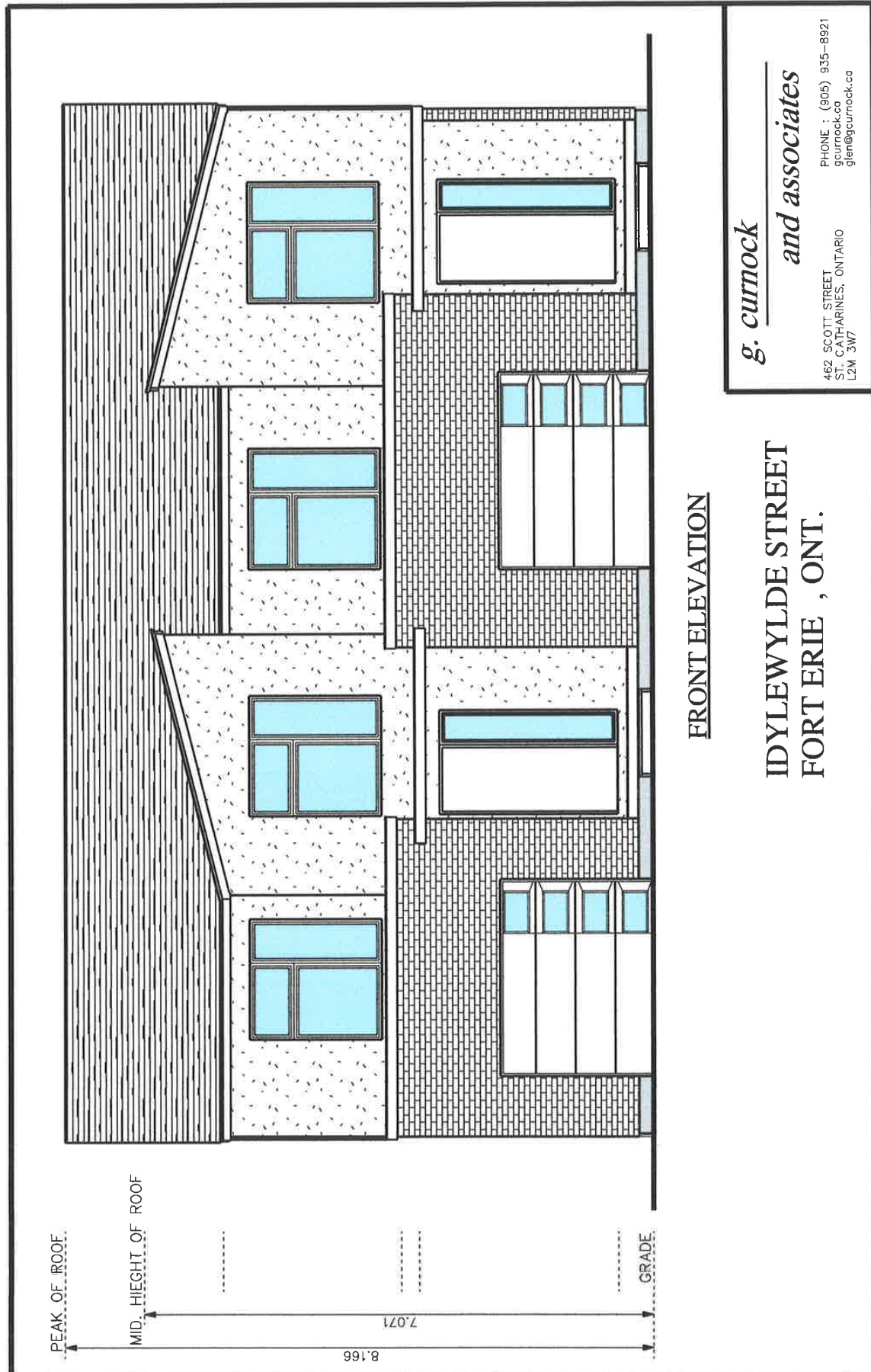




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Community Services

Prepared for	Council-in-Committee	Report No.	COS-01-2023
Agenda Date	January 23, 2023	File No.	320504

Subject	
TOWN OF FORT ERIE COMMITTEES OF COUNCIL REVIEW	

Resolution	
<u>THAT</u>	Council directs that the Cemetery Advisory Committee is dissolved; and further
<u>THAT</u>	Council directs that the Communities-in-Bloom Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law Nos. 24-2020 and 1-2019; and further
<u>THAT</u>	Council directs that the Transit Advisory Committee is dissolved and directs Staff to submit a by-law to Council to repeal By-law No. 143-2016; and further
<u>THAT</u>	Council directs that the Parks and Open Space Master Plan Working Group, the Short-Term Rental Options Roundtable and Waverly Beach Ad Hoc Committee are dissolved; and further
<u>THAT</u>	Council directs Staff to continue with the review of the remaining Committees and submit future reports for Council's consideration of Staff's recommendations; and further
<u>THAT</u>	Council appoints Councillor _____, Councillor _____, and Councillor _____ to the Court of Revision and Councillor _____ and Councillor _____ as Alternates; and further
<u>THAT</u>	Council appoints Councillor _____, Councillor _____, and Councillor _____ to the Gaming Appeals Committee and Councillor _____ and Councillor _____ as Alternates; and further
<u>THAT</u>	Council appoints Councillor _____, Councillor _____, and Councillor _____ to the Dangerous Dog Appeals Committee and Councillor _____ and Councillor _____ as Alternates; and further
<u>THAT</u>	Council appoints Councillor _____ to the Traffic Coordinating Committee and Councillor _____ as an Alternate; and further
<u>THAT</u>	Council appoints Councillor _____ to the Street Naming and Way Finding Committee and Councillor _____ as an Alternate.

Relation to Council's 2018 – 2022 Corporate Strategic Plan

<p>Strategic Priority 4: Promoting Business, Economic Growth and Employment Opportunities</p> <p>Strategic Objective: Promote service excellence and efficiency/effectiveness</p>

List of Stakeholders

<p>Current Board and Committee Members</p> <p>Future Board and Committee Members</p> <p>Residents</p>

Prepared by:	Reviewed by:	Submitted and Approved by:
<i>Original Signed</i>	<i>Original Signed</i>	<i>Original Signed</i>
Ashlea Carter, AMP Deputy Clerk	Carol Schofield, Dipl.M.A. Manager, Legislative Services/Clerk	Chris McQueen, MBA Chief Administrative Officer

Purpose of Report

This report's purpose is to advise Council of the state of the Town's Committees. Since the Town's last comprehensive review of Committees in 2005, legislation and Town policies have changed, and as such, there are possible efficiencies to be realized. At the direction of the Chief Administrative Officer, Staff have conducted a broad preliminary review of Town Committees. This report will outline the findings of the initial stage of this review.

Analysis

At the December 12, 2022 Regular Council meeting, Council appointed Directors to the Board of Management for the three (3) Business Improvement Areas: Bridgeburg, Crystal Beach and Ridgeway. At that meeting, Council also recommended its representative for the Niagara Region's Transit Commission Board and the Niagara Parks Commission. No further action is required for these Boards.

Terms of Reference for many of the Town Committees are outdated or non-existent. Staff will prepare Terms of Reference for these Committees to establish standard expectations and accountability. Terms of Reference will also provide appropriate background for interested applicants. Legislative Services has created a standard template to assist Staff in this objective. Updated Terms of Reference will be brought to Council over the next few months for approval and subsequent passage by by-law.

Minor modifications have been made to the Application Form for Boards and Committees to emphasize the time commitment required for participation and provide more space for applicants to identify their qualifications.

Community Health Care Services Committee

As a starting point, issues and concerns surrounding public health care are prominent. With the new South Niagara Hospital anticipated opening in Niagara Falls in 2026, and the loss of Fort Erie's Urgent Care Centre, the Community Health Care Services Committee's mandate and objectives need reimagining to be more effective. Staff recommend maintaining the Community Health Care Services Committee's current membership until Staff have conducted a full review and submitted new Terms of Reference for Council's consideration. This additional time will allow Staff to engage with the Committee on how to tackle this pressing issue.

Environmental Advisory Committee

On November 22, 2022, the Province of Ontario's Bill 23, *More Homes Built Faster Act, 2022* received Royal Assent. This Bill changed the *Conservation Authorities Act*, *Planning Act*, and *Ontario Land Tribunal Act*, among others. These changes affect how building and planning applications are processed and, therefore, change how the Environmental Advisory Committee may consider requests for removing EC Overlays. Staff recommend maintaining the Environmental Advisory Committee's current membership and the current Terms of Reference until no later than December 31, 2023. This additional time will allow Staff to review the changes coming from Bill 23 and report to Council on how it may affect the Committee and staffing levels.

Crystal Beach Beautification Committee

Under Section 204 (1) of the *Municipal Act, 2001*, a municipality may designate an area as a local business improvement area and may establish a Board of Management to oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures, and to promote the area as a business or shopping area.

At the October 27, 2008, Regular Council meeting, Council established the Crystal Beach Beautification Committee by Resolution No. 13 for two (2) years. The Committee was re-established indefinitely at the September 13, 2010, Regular Council meeting by Resolution No. 3. The mandate of the Committee is "to undertake beautification efforts in Crystal Beach in cooperation with the Crystal Beach Business Improvement Area (CBBIA) Board of Management and community". Establishing this Committee removed some beautification efforts from the responsibility of the CBBIA.

Crystal Beach is the only BIA that does not include all beautification efforts in its levy and planning. As a result, the Committee's grant is placed on the tax levy. Staff will engage with the CBBIA Board of Management about bringing all beautification efforts under its complete direction and levy. Staff recommend maintaining the Crystal Beach Beautification Committee's current membership until no later than December 31, 2023. This additional time will allow Staff to engage with the CBBIA Board of Management and the Committee to discuss how it can bring all beautification efforts under the

CBBIA's responsibility and to include the cost under its levy in 2024. A future report on this initiative will be submitted to Council.

Affordable Housing Committee

Similar to public health care, issues and concerns surrounding affordable housing are also prominent, impacted with the passing of Bill 23. The Affordable Housing Committee has done an excellent job of acquiring information and reviewing possible tools for the Town to utilize. To address the pressing concerns of affordable housing, Staff recommend a further review of this Committee's Terms of Reference so that it may advise Council more effectively on how the Town may directly encourage and increase affordable housing options in the municipality. Staff recommend maintaining the Affordable Housing Committee's current membership until Staff have conducted a full review and submitted new Terms of Reference for Council's consideration.

Committees and Ad Hoc Committees Recommended for Dissolution

The following Committees and Groups are suggested to have met their mandate and are recommended for dissolution. If any needs arise, Council may reappoint a new Ad Hoc Committee with new Terms of Reference.

Committee	Comments
Cemetery Advisory Committee By-law No. 25-2013 By-law No. 110-2014	Under By-law No. 25-2013, the Cemetery Advisory Committee was mandated with providing advice and making recommendations concerning the administration of the Cemeteries, the budget, rate changes, and any major projects proposed or being undertaken in connection with the Cemeteries. The Cemetery Master Plan was approved in 2014. The Committee did not meet during the last term of Council. The Director of Infrastructure Services supports the dissolution of the Committee. As the Committee is permissive under By-law No. 25-2013 an amendment or repeal is not necessary.
Communities-in-Bloom Committee By-law No. 24-2020 By-law No. 1-2019	The Communities-in-Bloom Committee has advised Staff that the current members do not intend to reapply to the next term of the Committee and the Committee has not requested a budget allocation for 2023. The Committee is proud of its years of effort towards Fort Erie's second place finish in the International Communities-in-Bloom competition, which represents a significant accomplishment and fulfils part of the Committee's mandate. In addition, the Planning and Development Services Department does not currently have adequate resources to support the Committee in the manner it has in the past.
Parks and Open Space Master Plan Working Group	The Working Group has not met in approximately one year. The project is being managed by staff in consultation with the community and stakeholders. It is

May 1, 2017 Memorandum 2017 Parks and Open Space Master Plan Recommendation No. 5	unusual for Council to appoint a working group for a master plan study. Staff is recommending dissolving this committee, in lieu of the public consultation process.
Short-Term Rental Options Roundtable January 19, 2019 Report No. PDS-77-2018 Recommendation No. 3	The Roundtable has accomplished its mandate. Dissolving is a matter of housekeeping.
Transit Advisory Committee By-law No. 143-2016	Staff recommend dissolving the Committee as the final agreement between the Town and the Niagara Transit Commission, transferring responsibility of local transit, is complete.
Waverly Beach Ad Hoc Committee Report No. PDS-09-2018 January 15, 2018 Council-in-Committee Meeting Minutes	The Committee last met on May 1, 2019. The work of the Committee is now being performed through a multi-year consultant study that is managed by staff. The results of the study will be presented to Council at a future date, when next steps will be identified. Staff recommend dissolving this committee as its mandate to perform the study is underway.

Municipally Mandated Committees

The Committees in the chart below are vital for carrying out Town mandates and strategic objectives. Updating these Committee's Terms of Reference, if necessary, will bring them into the standard format for consistency across Town Committees and address any inconsistencies with Town Policies.

Review and Update Terms of Reference to the Standard Format	No Changes or Updates Needed
Committee of Adjustment	Community Gaming and Development Corporation
Fort Erie Active Transportation Committee	Gaming Appeals Committee
Mayor's Youth Advisory Committee	
Museum and Cultural Heritage Advisory Committee	
Senior Citizens Advisory Committee	
Traffic Coordinating Committee	

Provincially Legislated Committees

The Committees in the chart below are provincially legislated and shall continue operating. Updating these Committee's Terms of Reference, if necessary, will bring them into the standard format for consistency across Town Committees.

Committee	Comments
Accessibility Advisory Committee By-law No. 171-2002 By-law No. 150-2005 By-law No. 177-2006	Update Terms of Reference to the standard format
Court of Revision Drainage Act, R.S.O., 1990	No changes or updates needed
Property Standards Committee By-law No. 186-2008	No changes or updates needed

Council Member Committees for Appointment

Councillor appointments are required for the following Committees.

Committee	Composition of Council Members
Court of Revision (Tribunal under the Drainage Act, R.S.O., 1990)	3 Members of Council 2 Alternate Members of Council
Dangerous Dog Appeals Committee By-law No. 73-2021 Section 3. (I) and Section 25.	3 Members of Council 2 Alternate Members of Council
Gaming Appeals Committee By-law No. 88-2022 Section 2.	3 Members of Council 2 Alternate Members of Council
Traffic Coordinating Committee By-law No. 97-2016	1 Member of Council 1 Alternate Member of Council
Street Naming and Way Finding Committee By-law No. 194-2006	1 Member of Council 1 Alternate Member of Council

Financial/Staffing Implications and Accessibility (AODA) Implications

This will be a substantial commitment by Legislative Services Staff over the next few months, as well as Staff Liaisons.

Policies Affecting Proposal

If Council approves the recommendations in this report, the by-laws identified will need to be amended or repealed.

Comments from Relevant Departments/Community and Corporate Partners

The appropriate Staff members have reviewed and commented on this report relative to their respective Committees.

Communicating Results

The Boards and Committees web page will be updated following Council's decision regarding the recommendations in this report. A call-out for applications will be made via local newspaper, the Town's web site and social media.

Alternatives

Council could choose not to review its Committees and update Terms of Reference. This is not recommended.

Conclusion

It is important to keep the Town's Committees relevant to ongoing municipal needs and provincial legislation, as applicable. Reviewing and updating the Town's Committee's and their Terms of Reference at the beginning of the new term of Council is timely, as they have not been fully reviewed since 2005. Establishing a uniform Terms of Reference will provide for consistency and effectiveness among the Town's Committees.

Attachments

None.



MEMO

\$1 Billion Booster for Freshwater Health Campaign

EXECUTIVE SUMMARY

Working with other organizations across Canada, the Cities Initiative is advocating that the federal government **invest \$1 billion in a strengthened Freshwater Action Plan**, a Liberal election commitment which may be in jeopardy because of recent efforts by the government to reduce spending. As part of our campaign, the Cities Initiative is **asking member cities to reinforce this message with the federal government and local federal and provincial elected officials ahead of Budget 2023.**

HOW CAN YOUR CITY HELP?

- Encourage your municipal council to **pass a resolution and send a letter** to the Deputy Prime Minister and Finance Minister (Chrystia Freeland) and the Minister of Environment and Climate Change (Steven Guilbeault). The Cities Initiative has prepared templates of a resolution and letter
- **Talk to your local federal and provincial elected representatives** to communicate your support for this campaign and the need for the federal government to live up to its commitment

WHY THIS MATTERS

- A \$1-billion investment in the Freshwater Action Plan would **lead to enhanced funding for Great Lakes and St. Lawrence River Basin stewardship**, through budget increases for the Great Lakes Protection Initiative and the St. Lawrence Action Plan
- Without sustained funding from the federal government, **successful programs like the Great Lakes Protection Initiative won't be able to continue** as their funding will sunset in 2023
- The **Great Lake Protection Initiative supports action by municipal and local organizations** that enhance water quality. Increased funding could therefore have enhanced community benefits, as well as supporting local and regional economies
- **Population growth and increasing pressure to develop more housing will exacerbate land and water use pressures** in our region. Significant funding is needed to ensure we are able to address water quality and availability issues to allow for growth
- In the long run, **stewarding our source water reduces the cost of treating water** – helping keep water services affordable – as well as ensuring that water ultimately remains drinkable
- Investments to restore Great Lakes water quality have been shown to **create positive economic spinoffs** (more than \$3 for every \$1 spent on the Great Lakes Restoration Initiative in the US)

WHAT THE CITIES INITIATIVE IS DOING

- The Cities Initiative was part of the Great Lakes-St. Lawrence Collaborative that developed the [Action Plan 2020-2030](#), a 10-year, \$2.2-billion strategy which outlined 15 key actions to protect the economy and ecology of the Great Lakes and St. Lawrence River, address shoreline erosion, outdated infrastructure, invasive species, exposure to toxins and beach contamination.
 - Action Plan 2020-2030 in large part serves as the blueprint for Cities Initiative and other organizations' advocacy around the Freshwater Action Plan



- The Cities Initiative is working with the Great Lakes Fishery Commission (GLFC), the Great Lakes Commission (GLC), the Canadian Coalition for Healthy Waters and the Québec Coalition for Healthy Waters to advocate for a **\$1 billion investment in the Freshwater Action Plan over five years**
 - As part of its work with the GLFC and GLC, along with the interparliamentary Great Lakes-St. Lawrence Taskforce, the Cities Initiative will participate in a summit in Ottawa in February 2023 to highlight the need for this investment. More details will be shared in the new year.
- The Cities Initiative also:
 - Passed a [resolution](#) this summer in support of the ask for a \$1-billion investment in the Freshwater Action Plan
 - Provided a [submission](#) to the federal Standing Committee on Finance for its 2023 pre-Budget consultations, which included a section on the Freshwater Action Plan

BACKGROUND – Freshwater Action Plan

- During the 2021 federal election, the Liberal Party committed to a “strengthened Freshwater Action Plan,” including a **historic investment of \$1 billion over ten years**
 - The Cities Initiative and other organizations are pressuring the government to **accelerate the funding commitment over five years**, given the critical need to invest in freshwater restoration and stewardship projects, as well as concerns that longer-term funding commitments may be canceled by a future government
 - The original Freshwater Action Plan launched in 2017 following a Budget commitment of \$70.5 million over five years was scheduled to sunset in 2022.
 - Budget 2022 committed \$19.6 million to sustain the Freshwater Action Plan until March 2023, indicating that the future of the initiative would be communicated at a later date
- In the context of inflation and potential recession, the federal government is looking to reduce spending. According to [reports](#), the Deputy Prime Minister and Finance Minister, Chrystia Freeland, has indicated that new programs will need to be funded by budget cuts to other programs
 - A **renewed push for austerity** by the federal government **could put this promised investment in jeopardy**
- The original Freshwater Action Plan funding of \$70.5 million (2017-2022) was divided between the **Great Lakes Protection Initiative (GLPI; \$44.84 million)** and the Lake Winnipeg Basin Program (\$25.7 million)
 - The **GLPI investments focused on supporting Canada’s commitments under the Canada-United States Great Lakes Water Quality Agreement** in six particular program areas:
 - preventing toxic and nuisance algae
 - assessing and enhancing the resilience of Great Lakes and coastal wetlands
 - evaluating and identifying at-risk nearshore waters
 - reducing releases of harmful chemicals
 - engaging Indigenous Peoples in addressing Great Lakes issues
 - increasing public engagement through citizen science
 - By comparison, **the United States has invested US\$1.8 billion in its Great Lakes Restoration Initiative since 2017** (more than US\$3.8 billion since 2010)
- The GLPI has leveraged \$2.13 in other funding for every dollar the federal government spent



BACKGROUND – *Canada Water Agency*

- The Government of Canada has also committed to launching a Canada Water Agency to help coordinate federal efforts "to keep our fresh water safe, clean, and well-managed."
 - The Budget also committed \$43.5 million over five years and \$8.7 million ongoing to create the Canada Water Agency.
 - The government has committed to standing up the Agency in 2022, but there have been no further announcements on the Canada Water Agency to date.
- **The Cities Initiative sees the Canada Water Agency playing an important role in overseeing program development for a strengthened Freshwater Action Plan and in coordinating the rollout of funding.**

Interoffice Memorandum

January 23, 2023

To: Mayor and Council
From: Chris McQueen, Chief Administrative Officer
Subject: **2022 Winter Storm Debriefing**

Over the week of December 23, 2022, the Town of Fort Erie and many Lake Erie south coast communities experienced an historic (according to Environment Canada) winter storm and blizzard conditions. A combination of high winds and accumulation of snow created dangerous weather conditions that hampered emergency response and recovery efforts by the Town (the downed trees and hydro lines also hindered access), emergency responders and local utilities. The storm additionally caused extensive damage and uprooting to trees, flooding in coastal and low-lying areas, damage to property and utilities, prolonged utility and communication outages. Despite these challenges, the Town, Canadian Niagara Power, Police & Emergency Services, community agencies & businesses, partner municipalities and residents across the community undertook heroic efforts to respond to the health, safety and essential needs of others and the entire community.

There were many successes, challenges and learnings gleaned from this storm event, that will be reviewed and incorporated into the Town's Emergency Response Plan and procedures. The Town has been conducting operational level debrief sessions with front line staff, first responders, support staff, supervisory and management staff and the Senior Management teams to formulate a consolidated debrief of all aspects of the storm event (e.g. Strengths, Weaknesses, Opportunities, and Threats (SWOT) and Required Actions). Where immediate actions or solutions have been identified, staff have proceeded to address them.

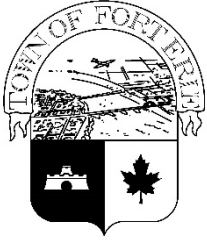
A Town-level consolidated debrief session will be held in the last week of January to discuss and consolidate findings, problem solve the challenges and barriers, and develop an action plan to improve our ability to support community-wide resilience and respond to future emergencies. This will include any required updates to the Town's Emergency Management Program and Emergency Plan Governing the Provision of Necessary Services During an Emergency (By-Law No. 40-2017). The Town has also scheduled a cross-agency debrief session in early February where each agency and the Town will discuss their findings and coordinated planning to effectively respond to future events.

A comprehensive summary of the Town's operational debriefs, the cross-agency debriefing session, required actions arising from those discussions will be provided in an Information Report to Council on February 27, 2023. All costs associated with the storm are being tracked under a special expense code so they can be included in the report and used to pursue any available provincial funding assistance programs.

All of which is respectfully submitted,

Original Signed By:

Chris McQueen, MBA
Chief Administrative Officer



The Municipal Corporation of the Town of Fort Erie

By-law No. 2-2023

Being a By-law to Provide For Interim Taxes For The Year 2023

Whereas Section 317 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, (the "Act") provides that the council of a local municipality, before the adoption of estimates for the year, may pass a by-law levying amounts on the assessment of property in the local municipality rateable for local municipality purposes; and

Whereas it is deemed appropriate to provide for such interim levy on the assessment of property in the Town of Fort Erie;

Now Therefore the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **That** in this by-law the following words shall be defined as:

"Minister" shall mean the Minister of Finance;

"MPAC" shall mean the Municipal Property Assessment Corporation;

2. **That** the amounts levied for 2023 shall be as follows:

2.1 For the Residential, Pipeline, Farmland and Managed Forest property classes there shall be imposed and collected an interim levy of:

- i. The percentage prescribed by the Minister under Section 317(3) of the *Act* ;
or,
- ii. 50%, if no percentage is prescribed, of the total taxes for municipal and school purposes levied on in the year 2022.

2.2 For the Multi-Residential, Commercial and Industrial property classes there shall be imposed and collected an interim levy of:

- i. The percentage prescribed by the Minister under Section 317(3) of the *Act* ;
or,
- ii. 50%, if no percentage is prescribed, of the total taxes for municipal and school purposes levied on in the year 2022.

3. **That** for the purposes of calculating the total amount of taxes for the year 2022 under Section 2, if any taxes for municipal and school purposes were levied on a property for only part of 2022 because assessment was added to the collector's roll during 2022, an amount shall be added equal to the additional taxes that would have been levied on the property if taxes for municipal and school purposes had been levied for the entire year.

4. **That** the provisions of this by-law apply in the event that assessment is added for the year 2022 to the collector's roll after the date this by-law is passed and an interim levy shall be imposed and collected.
5. **That** all taxes levied under this by-law shall be payable to the office of the Treasurer, or any financial institution within the Town of Fort Erie, in accordance with the provisions of this by-law.
6. **That** a penalty of one and one-quarter percent (1.25%) of the amount of each installment shall be imposed on the first day of default and an interest charge of one and one-quarter percent (1.25%) imposed on the first day of each calendar month thereof in which default continues until the taxes are paid as prescribed by Section 345 of the *Act*.
7. **That** the interim tax levy imposed by this by-law shall be paid in two installments due on the following dates:
 - i. One-half (1/2) thereof on the 28th day of February of 2023; and
 - ii. One-half (1/2) thereof on the 28th day of April of 2023.

Non-payment of the amount on the dates stated above shall constitute default and any subsequent installments shall forthwith become payable.

8. **That** the Treasurer may mail or cause to be mailed to the address of the residence or place of business of each person taxed under this by-law, a notice specifying the amount of taxes payable, or such other address as the taxpayer directs.
9. **That** the notice to be mailed under this by-law shall contain the particulars provided for in this by-law and the information required to be entered in the collector's roll under Section 343 of the *Act*.
10. **That** the final levy for the year 2023 to be made under the *Act*, shall be reduced by the amount to be raised by the levy imposed by this by-law.
11. **That** the provisions of Section 317 of the *Act*, as amended, apply to this by-law.
12. **That** the Treasurer shall be authorized to accept part payment from time to time on account of any taxes due, and to give a receipt of such part payment. No part payment shall be accepted on account of taxes in respect of which a tax arrears certificate is registered under the *Act*, except under an extension agreement entered into under Section 378 of the *Act*.
13. **That** nothing in this by-law shall prevent the Treasurer from proceeding at any time with the collection of any tax, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.
14. **That** in the event of any conflict between the provisions of this by-law and any other by-law, the provisions of this by-law shall prevail.
15. **That** this by-law shall come into force and take effect on the day of the final passing thereof.

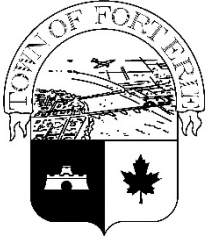
- 16. That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 2-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2023



The Municipal Corporation of the Town of Fort Erie

By-law No. 3-2023

Being a By-law to Authorize the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of The Corporation of the Town of Fort Erie to Borrow Certain Sums to Meet Expenses For The Year 2023

Whereas pursuant to Section 407(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, (the “Act”) provides that at any time during a fiscal year, a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amounts council considers necessary to meet the expenses of the municipality for the year; and

Whereas a Demand Operating Facility Agreement is in place with The Toronto-Dominion Bank to permit the Town to borrow from time to time to an upset limit of \$2.5 million dollars; and

Whereas it is deemed necessary to authorize the borrowing of monies to meet the expenses of The Corporation of the Town of Fort Erie for the year 2023 pending the collection of current revenues in accordance with the provisions of the Demand Operating Facility Agreement;

Now therefore the Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of the Corporation are authorized to borrow from time to time from the Toronto-Dominion Bank in accordance with the Demand Operating Facility Agreement.
2. **That** the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer are authorized to execute on behalf of the Corporation a promissory note or notes in accordance with the Demand Operating Facility Agreement.
3. **That** a promissory note or notes, signed by the Mayor or Acting Mayor, and the Treasurer or Deputy Treasurer, and affixed with the Corporate Seal, for the amount from time to time borrowed under the authority hereof and interest thereon may be given to the Toronto-Dominion Bank or its representative from time to time as security for such loans.
4. **That** the Treasurer or Deputy Treasurer are authorized and directed to apply in payment of the money borrowed as aforesaid, together with interest thereon, all the monies now or hereafter collected or received on account or realized in respect of taxes levied for the current year and previous years and all of the monies collected or received from other sources excluding the sale of debentures, which may be lawfully applied for such purpose.
5. **That** all of the taxes levied or to be levied for the current year and previous years, and all other revenues of the Corporation which may be lawfully charged for such purposes are charged with repaying the same so borrowed.

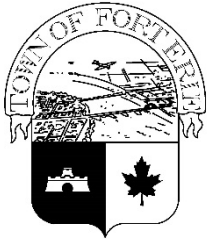
6. **That** the Mayor or Acting Mayor and the Treasurer or Deputy Treasurer of the Corporation are authorized and directed to execute any documentation necessary to complete the intent of this by-law.
7. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
8. **That** the Clerk of the Town is authorized to effect any minor modifications, errors, omissions or corrections solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 3-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2023



The Municipal Corporation of the Town of Fort Erie

By-law No. 4-2023

Being a By-law to Adopt the 2023 Water and Wastewater Budget, to Adopt Rates, Fees and Charges For The Year 2023

Whereas By-law No. 3-2022 adopted rates, fees, and charges for the year 2022 and continues in effect until superseded by the passage of this by-law; and

Whereas Report No. CBC-03-2023 was approved, as amended, at the Council-in-Budget Committee meeting held on January 18, 2023, to utilize \$210,000 from the Water Wastewater Reserve Fund or a combination of Reserve Funds to reduce the Water and Wastewater Budget increase from 5.25% to 4.25% overall, as follows:

THAT: Council approves the 2023 Water and Wastewater Operating Budget attached as Appendix "1" to Report No. CBC-03-2023, as amended, and further

THAT: Council sets the 2023 Water and Wastewater rates, subject to Regional Council approval of treatment rates, effective with billing for January 2023 as follows:

- 2023 water base rate per month: \$25.50
 - 2023 water rate per cubic metre: \$1.570
 - 2023 wastewater base rate per month: \$42.72
 - 2023 wastewater rate per cubic metre: \$2.452
- and further,

THAT: Council excludes the capital asset amortization of \$1.8 million from the 2023 Water and Wastewater Operating Budgets, and further

THAT: Council directs staff to submit the 2023 Water and Wastewater Operating Budget and Rates By-law for Council approval on January 23, 2023; and

Whereas in accordance with Public Notice Policy By-law No. 206-07 public notice of the budget meeting schedule and by-law adoption was published in the Post on November 24th, 2022, posted on the Town of Fort Erie website and included in the Council Agendas;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the 2023 Water and Wastewater Budget for the Town of Fort Erie as set out in Schedule "A" attached to and forming part of this by-law is approved and adopted.
2. **That** the Water and Wastewater Rates for 2023 Rates, Fees, and Charges as set out in Schedule "B" attached and forming part of this by-law are established approved and adopted.
3. **That** the rates and fees and charges established herein shall remain in effect until repealed or superceded by another by-law.

4. **That** where any by-laws or amendments have been repealed or superseded with respect to the payment of rates and fees and charges, same are recognized to be in force and effect at that time and to continue in effect for collection purposes.
5. **That** the Clerk of the Town is authorized to effect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 4-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 2023

Schedule "A" to By-law No. 4-2023

Run Date: 19/01/23 9:17 AM

CORPORATION OF THE TOWN OF FORT ERIE 2023 BUDGET REPORT

	2022	2022	2023	2024	2025	2026	2027	2028
	YTD Actuals	Approved Budget	Budget	Forecast	Forecast	Forecast	Forecast	Forecast
Revenue								
Water/wastewater billings	(20,873,884)	(20,352,134)	(21,571,607)	(23,370,645)	(24,719,697)	(26,101,031)	(27,683,701)	(29,348,236)
Local Improvement Charges	(120,872)	(120,901)	(43,555)	(43,555)	(22,397)	(22,397)	(22,397)	(22,397)
Grants	0	(18,000)	(36,000)	(36,000)	(7,500)	(7,500)	(7,500)	(7,500)
Interest & Penalties	(47,106)	(46,000)	(46,000)	(46,000)	(46,000)	(46,000)	(46,000)	(46,000)
User Fees	(100,209)	(103,000)	(90,500)	(90,500)	(90,500)	(90,500)	(90,500)	(90,500)
Total Revenue	(21,142,071)	(20,640,035)	(21,787,662)	(23,586,700)	(24,886,094)	(26,267,428)	(27,850,098)	(29,514,633)
Expenses								
Wages & Benefits	2,227,430	2,253,092	2,337,220	2,378,110	2,428,051	2,479,043	2,531,107	2,584,252
Materials & Services	706,680	964,100	1,004,952	1,366,054	909,654	908,304	917,254	1,182,704
Debt Interest Charges	63,873	82,683	72,838	63,211	53,375	45,123	37,856	30,567
Regional Treatment Costs	12,577,538	12,319,094	13,360,150	13,888,328	15,519,532	16,863,575	18,331,227	19,934,309
Total Expenses	15,575,521	15,618,969	16,775,160	17,695,703	18,910,612	20,296,045	21,817,444	23,731,832
NET BEFORE FINANCING AND TRANSFERS	5,566,550	5,021,066	5,012,502	5,890,997	5,975,482	5,971,383	6,032,654	5,782,801
FINANCING & TRANSFERS								
Interdepartmental Transfers								
Fleet Related Charges	236,513	365,343	369,488	373,785	378,443	383,052	388,822	391,225
Program Support Charges	969,670	969,670	1,066,604	1,181,242	1,212,302	1,258,418	1,306,652	1,357,107
Total Interdepartmental Transfers	1,206,183	1,335,013	1,436,092	1,555,027	1,590,745	1,641,470	1,695,474	1,748,332
Debt Principal Charges								
Repayment of Debt	267,075	267,075	269,361	271,741	274,220	212,000	212,000	212,000
Total Debt Principal Charges	267,075	267,075	269,361	271,741	274,220	212,000	212,000	212,000
Reserve Transfers								

Water & Wastewater

Page No: 1

CORPORATION OF THE TOWN OF FORT ERIE
2023 BUDGET REPORT

	2022	2022	2023	2024	2025	2026	2027	2028
	YTD Actuals	Approved Budget	Budget	Forecast	Forecast	Forecast	Forecast	Forecast
Transfers from Reserves	(224,195)	(450,828)	(894,000)	(124,000)	(105,000)	(105,000)	(105,000)	(415,000)
Transfers to Reserves	4,156,289	4,156,289	4,480,036	4,880,036	4,480,036	4,480,036	4,480,036	4,480,036
Transfers from Development Charges Reserve	(210,192)	(286,483)	(278,987)	(691,807)	(264,519)	(257,123)	(249,856)	(242,567)
Total Reserve Transfers	3,721,902	3,418,978	3,307,049	4,064,229	4,110,517	4,117,913	4,125,180	3,822,469
NET FINANCING & TRANSFERS	5,195,160	5,021,066	5,012,502	5,890,997	5,975,482	5,971,383	6,032,654	5,782,801
(SURPLUS)/DEFICIT CARRYFORWARD	0	0	0	0	0	0	0	0
DEPARTMENT NET REVENUE /(EXPENDITURE)	371,390	0	0	0	0	0	0	0
Reconciliation to Accrual Basis								
Reserve Transfers								
Transfers from Reserves	(224,195)	(450,828)	(894,000)	(124,000)	(105,000)	(105,000)	(105,000)	(415,000)
Transfers to Reserves	4,156,289	4,156,289	4,480,036	4,880,036	4,480,036	4,480,036	4,480,036	4,480,036
Transfers from Development Charges Reserve	(210,192)	(286,483)	(278,987)	(691,807)	(264,519)	(257,123)	(249,856)	(242,567)
Total Reserve Transfers	3,721,902	3,418,978	3,307,049	4,064,229	4,110,517	4,117,913	4,125,180	3,822,469
Debt Principal Charges								
Repayment of Debt	267,075	267,075	269,361	271,741	274,220	212,000	212,000	212,000
Total Debt Principal Charges	267,075	267,075	269,361	271,741	274,220	212,000	212,000	212,000
Accrual Entries								
Amortization	(899,169)	(1,783,300)	(1,798,300)	(1,798,300)	(1,798,300)	(1,798,300)	(1,798,300)	(1,798,300)
Total Accrual Entries	(899,169)	(1,783,300)	(1,798,300)	(1,798,300)	(1,798,300)	(1,798,300)	(1,798,300)	(1,798,300)
ACCRUAL BASIS SURPLUS/(DEFICIT)	3,461,198	1,902,753	1,778,110	2,537,670	2,586,437	2,531,613	2,538,880	2,236,169

SCHEDULE "B" TO BY-LAW NO. 4-2023

1. WATER AND WASTEWATER RATES FOR 2023

1.1 RATES SCHEDULE

The following rates shall apply to all water and wastewater bills issued after February 1st, 2023.

Metered Consumption Rate			(\$)
Per Cubic Metre			
(1 Cubic Metre equals 1000 liters)			
Water			1.570
Wastewater			2.452
Total			4.022
Water Only Commercial Users			1.620
Per 1000 Gallons			
(1 Cubic Metre equals 220 gallons)			
Water			7.136
Wastewater			11.145
Total			18.281

Flat Rates Per Month			
(Base Rate plus Consumption Rate Estimate for a less than 25 mm meter)			
Water			50.62
Wastewater			81.95
Total			132.57
Wastewater Only			81.95

Monthly Base Rates Per Meter Size					
Meter Size		Meter Size Factor	Water (\$)	Wastewater (\$)	Combined (\$)
(mm)	(Inches)				
Base Meter Rate			25.50	42.72	68.22
Less than 25mm		1	25.50	42.72	68.22
25	1	1.4	35.70	59.81	95.51
38	1.5	1.8	45.90	76.90	122.80
50	2	2.9	73.95	123.89	197.84
75	3	11	280.50	469.92	750.42
100	4	14	357.00	598.08	955.08
150	6	21	535.50	897.12	1,432.62
200	8	29	739.50	1,238.88	1,978.38
250	10	40	1,020.00	1,708.80	2,728.80

(For clarification; the first bill utilizing the 2023 rates will be mailed February 15th, 2023 and will include the January 2023 consumption and base period. The due date of the bill will be March 3rd, 2023.)

- 1.2 The base rate set out in Section (1.1) above, applies to all buildings in a serviced area provided with a water service connection, or a wastewater service connection, or both.
- 1.3 The monthly water and wastewater flat rates for 25 mm or greater meter sizes shall be calculated on the basis of the applicable meter rate plus the estimated monthly usage established by engineering study.
- 1.4 A monthly rate shall be applied in accordance with Section (1.1) herein, and collected from customers connected to the wastewater collection system but not connected to the water system.
- 1.5 The monthly wastewater flat rate for customers provided with wastewater services only shall include the minimum base rate for wastewater as set out in Section (1.1) herein.
- 1.6 The minimum monthly billing for water or wastewater or both shall be the base rate according to meter size.
- 1.7 Notwithstanding any other provisions of this by-law, where a single meter is installed for the servicing of a multi-unit complex, the monthly water and wastewater base rate shall be the base rate for a meter size less than 25 mm multiplied by the number of units in the complex or such other base rate established in any development agreement entered into between the Town and the property owner.

2. **CONSTRUCTION, RENOVATION, COMMERCIAL OR OTHER USE OF UNMETERED WATER**

- 2.1 Except as approved by separate agreement, where water is obtained from the Corporation for building construction or renovation purposes, prior to water meter installation, the charges shall be calculated as follows:

A one-time initial flat rate fee of:	\$229.00	Up to 3,000 square feet of gross floor area
	\$345.00	3,000 to 6,000 square feet gross floor area
	\$461.00	6,000 square feet and over

to be paid upon the issuance of the building permit or a conditional building permit. This fee covers the cost of water used and an estimate of contributions to the sanitary system through direct inflow during new construction or renovation for a maximum period of 90 days after which time a monthly flat rate fee for water and wastewater as established by the Engineer, or his designate, shall apply until the meter is installed. The 90-day period may be extended with cause, in writing, by the Engineer or designate on the payment of a pro-rated fee based on the initial flat rate fee.

2.2 Other Unmetered Usage

Except as approved by separate agreement, where unmetered water is obtained from the Corporation for commercial or social usages and where such water is provided unmetered, the Engineer or his designate shall approve the manner in which the water is obtained and discharged and shall calculate the appropriate fees, both base rates and consumption rates, to be applied, based on estimated water usage, and estimated return of water to the wastewater collection system, the applicable water and wastewater rates and the duration of time services will be supplied. The calculated fees shall be paid upon the issuance of permission to obtain water.

2.3 Water Returned to the Wastewater Collection System

Except as authorized by the Engineer or designate, only water originating from the water works system may be returned to the wastewater collection system. Storm, surface and ground waters shall be directed to the appropriate storm water drainage system.

3. WASTEWATER SERVICE RATES

3.1 Metered Non-Domestic Wastewater Users

Metered non-domestic wastewater users shall be charged a usage rate and a monthly base rate and as set out below in sub-paragraphs a) and b) respectively:

a) Usage Rate

A usage rate per metered volume of wastewater discharged to the wastewater collection system as per sub-section 1.1

b) Base Rates

(i) Water and Wastewater Non-domestic Customers

Non-domestic customers receiving both metered water and metered wastewater services shall pay a monthly single wastewater base rate based on the water meter size as set out in sub-section 1.1

(ii) Non-domestic Wastewater Only Customers

Non-domestic customers receiving metered wastewater services only shall pay a monthly wastewater base rate calculated, by the Engineer or his designate, based on the equivalent water meter size for the peak rate of wastewater discharge.

4. PENALTY

- 4.1** The water and wastewater rates set out in Section (1.1) and not paid in full on or before the due date will be charged a penalty of one and one half percent (1.5%). If a water and/or wastewater account is partially paid, payment of the penalty is required on the unpaid portion.
- 4.2** Senior citizens upon proof of age of sixty-five will not be charged a penalty on the water and wastewater rates for their primary residence.

5. METER BILLING CALCULATION – FIRST TIME CUSTOMER

- 5.1** Where a customer paying for water and wastewater services on a meter rate basis is first added to the municipal metered billing system, the first metered bill shall be issued on the next regularly scheduled billing date following the date of installation to the date on which the meter was read.

6. NON SUFFICIENT FUND (NSF) CHARGES

- 6.1** NSF payments shall result in a fee of \$30.00 exclusive of any applicable taxes. Two NSF payments made within a one (1) year period shall result in the suspension of cheque writing privileges to the Town of Fort Erie for a period of one year from the date of the last NSF payment.

7. MISCELLANEOUS SERVICE FEES

All fees and charges are exclusive of any taxes

7.1	Issue of a duplicate/second copy of a bill for an account	\$ 6.77
7.2	Reminder or Final/Disconnect Notice for overdue account	\$ 6.77
7.3	Hard copy of water account history for property owner	\$ 13.45
7.4	New account/transfer account	\$ 53.60
7.5	Bulk Water Hauler Activation	\$ 53.60
7.6	Additional/replacement of water key tags	\$ 30.40
7.7	Water Service turn on during normal business hours	\$ 109.10
	- after business hours	\$ 193.20
	<i>(Water Service turn on fees do not apply to first time connections)</i>	
7.8	Water Service turn off during normal business hours	\$ 109.10
	- after business hours	\$ 193.20
7.9	Water Service turn off resulting from an illegal turn on	\$ 219.00
7.10	Analog water meter read – monthly charge	\$ 20.00

7.11	Request confirmation of meter read Note: A one-time meter read at no charge will be permitted per customer. If a meter read has already occurred in response to an estimate, it will act as the one-time exemption.	\$ 64.50
7.12	Missed appointment with meter technician	\$ 64.50
7.13	Installation by a private contractor	
	New Water Service Connection Inspection and Permit Issue	\$ 306.45
	New Wastewater Service Connection Inspection and Permit Issue	\$ 306.45
	New Storm Water Service Connection Inspection and Permit Issue	\$ 306.45
7.14	Owner requested meter test (Refundable if meter determined to be faulty)	\$ 529.65
7.15	Water Meter including Ground Strap & Remote Reader:	
	5/8" x 3/4" T-10 R-900i E-coder	\$ 481.73
	3/4" T10 R-900i E-coder	\$ 619.43
	1" T10 R-900i E-coder	\$ 756.55
	1 1/2" Mach10 R-900i E-coder	\$1,586.77
	2" production T-10 R-900i E-coder	\$1,436.73
	2" compound meter R900 E-coder	\$3,699.43
	3" or larger	cost + overhead
	Frost Plate	\$ 39.25
	Frost Plate Replacement	\$ 218.63
	Other Water Meter Parts Replacement	cost + overhead
	Meter Pit for 5/8" x 3/4" T-10 R-900i E-coder-supply	\$1,663.32
	Note: Supply costs for pits for other sizes will be provided as required	
	Note: "Supply only" rate is subject to the approval by the Manager, Water and Wastewater Services	
	Meter Pit - install	<u>\$1,056.90</u>
		<u>\$2,720.22</u>
7.16	Private fire hydrant annual inspection	\$ 166.85
7.17	Fire hydrant flow inspection	\$ 148.10
7.18	New service tap	\$ 198.65

7.19 Non-Municipal Year Round Residential Systems
(fee quoted is annual cost)

<u>Type</u>	<u>Frequency</u>	
Microbiological Sampling	Weekly	\$8,801.90
Free Chlorine Sampling	Weekly	\$5,126.86
pH/Alkalinity Sampling	Quarterly	\$466.06
THM Sampling	Quarterly	\$791.15
HAA Sampling	Quarterly	\$1,560.22
Lead Sampling	Bi-annually	\$342.61
Backflow Device Testing each	Annually	\$954.34
Annual Reporting	Annually	\$93.19
<u>Maintenance if required</u>	<u>Frequency</u>	
Hydrant Inspection/Testing each	Annually	\$295.97
Leak Detection	Annually	\$255.22
<u>Additional Fees</u>	<u>Frequency</u>	
Adverse Response/Reporting	As required	\$515.09
Time & Materials	As required	cost

8. INDEXING OF SERVICE FEES

8.1 The service fees set out in Section 7 hereto shall be adjusted without amendment to this By-law annually for all billings issued after February 1st in each year, based on the 12 months to September 30th Statistics Canada *Consumer Price Index (CPI)*.

9. FAILURE TO RECEIVE BILL

9.1 Failure to receive a bill for services rendered does not preclude payment.

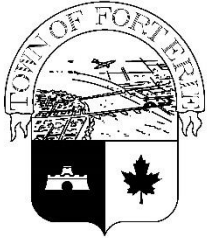
10. WATER/WASTEWATER RATE STRUCTURE

10.1 Water and wastewater rates established herein shall be adjusted without by-law amendment to this schedule, to reflect changes in rates charged by the Regional Municipality of Niagara for water and wastewater treatment as charges become effective.

10.2 Water and wastewater rates shall be adjusted annually to reflect Council approved water and wastewater budgets.

10.3 Water rates shall include a consumption rate that recovers the costs of Regional water supply, as well as a portion of the water and wastewater utility operating costs.

- 10.4** Water rates shall include a base rate that recovers all other costs related to water not recovered through the consumption rate and other miscellaneous water revenues as detailed in the annual water budget approved by Council.
- 10.5** Wastewater rates shall include a consumption rate that recovers the cost of wastewater services, maintenance and all costs of Regional treatment.
- 10.6** Wastewater rates shall include a base rate that recovers all other costs related to wastewater services not recovered through the wastewater consumption rate and other miscellaneous wastewater revenues as detailed in the annual wastewater budget approved by Council, including wastewater system operations, extraneous flow and capital programs.



The Municipal Corporation of the Town of Fort Erie

By-law No. 5-2023

Being a By-law to Rename a Portion of Commerce Parkway to Harber Court

Whereas Section 9 of the *Municipal Act, 2001*, as amended ("the Act"), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas paragraph 1 of Subsection 11(3) of the Act provides that a lower-tier municipality and an upper-tier municipality may pass by-laws respecting matters within the sphere of jurisdiction for highways, including parking and traffic on highways; and

Whereas By-law No. 194-06 sets out duties and responsibilities of a Street Naming and Wayfinding Committee, subject to the direction of Council; and

Whereas Harber Realty Holdings Inc. owns certain lands within the Fort Erie Business Park, which front upon the northwest portion of Commerce Parkway, namely 1481 Commerce Parkway and 0-13469 Commerce Parkway ("the Harber Lands"); and

Whereas Harber Realty Holdings Inc. and Abatement Technologies Limited have expanded their business operations and constructed a new state-of-the-art manufacturing and warehousing facility, located at 1481 Commerce Parkway; and

Whereas Harber Realty Holdings Inc. has requested that the northwest portion of Commerce Parkway abutting the Harber Lands be renamed Harber Court in honour of the Harber family and their business operations in the Town of Fort Erie for the last 76 years; and

Whereas the only lands that would be affected by the name change are the Harber Lands; and

Whereas it is deemed desirable to proceed to rename the northwest portion of Commerce Parkway to Harber Court, in honour of the Harber family and their business operations in the Town of Fort Erie for the last 76 years;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the northwest portion of Commerce Parkway, being composed of part of Part Lot 6, Concession 5, Niagara River, Bertie, designated as Part 1 on Reference Plan 59R-12781; Fort Erie, being part of PIN 64238-0077 (LT) and Part Lot 6, Concession 5, Niagara River, Bertie, designated as Part 2 on Reference Plan 59R-16513; Fort Erie, being all of PIN 64238-0108 (LT), is renamed "Harber Court".

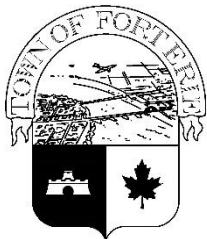
2. **That** the provisions of By-law No. 194-06 are waived.
3. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 5-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .



The Municipal Corporation of the Town of Fort Erie

By-law No. 6-2023

Being a By-law to Accept and Declare Lands as Public Highway on the North-West Corner of Catharine Street and Ellen Street (82 Ellen Street – Sam Passero, Estate Trustee of the Estates of Frank & Maria Passero)

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B52/22 F.E., the owners are required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a daylighting triangle on the north-west corner of Catharine Street and Ellen Street, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Catherine Street;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the acceptance of land from Sam Passero, Estate Trustee of the Estates of Frank and Maria Passero, legally described as Part of Lot 36, Plan 510; Fort Erie, designated as Part 4 on Reference Plan 30R-16040, being part of PIN 64226-0111 (R) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Catharine Street, for public use.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 6-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20



The Municipal Corporation of the Town of Fort Erie

By-law No. 7-2023

Being a By-law to Exempt a Certain Block in Plan 59M-452 from Part Lot Control, Alderson Court Block 1 (Parklane Place Subdivision) Park Lane Home Builders Limited

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:
 - (a) Block 1, Plan 59M-452, Fort Erie
being all of PIN 64464-0165 (LT)for the purpose of creating 4 lots for residential development as follows:
 - i) Part 1 on Reference Plan 59R-17419; and
 - ii) Part 2 on Reference Plan 59R-17419; and
 - iii) Part 3 on Reference Plan 59R-17419; and
 - iv) Part 4 on Reference Plan 59R-17419
2. **That** in accordance with subsection 50(7.3) of the *Planning Act*, this by-law shall expire one year from the date of the registration of this by-law in the Land Registry Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the registered plan described in Section 1 of this by-law.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical,

semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 7-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20



Interoffice Memorandum

January 23, 2023
File No. 350304

To: Mayor and Council
From: Anamika Dilwaria, Manager, Development Approvals,
Subject: **Removal of Part Lot Control**
By-law No. 7-2023
Block 1, Plan 59M-452
Alderson Court, Parklane Place Subdivision

Included in the Council package for January 23, 2023 is By-law No. 7-2023 exempting Block 1, Plan 59M-452 from the Part Lot Control provisions of *The Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*").

Attached, as Appendix 1 is a copy of Registered Plan 59R-17419 indicating the proposed parts to be created for residential development. The current application will allow the conveyance for 1 townhouse block consisting of 4 townhouse dwelling units and the associated lands as shown as Parts 1 to 6 (59R-17419). Part 5 will be transferred to the Town for future road widening. Part 6 will become a new reserve to prevent driveways on Rebstock Road.

The Planning Act also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to sell the lots and register the reference plan. In this case, a one-year time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

In order to permit the conveyance, staff recommends that the By-law No. 7-2023 exempting Block 1, Plan 59M-452 from the provisions of Part Lot Control be passed.

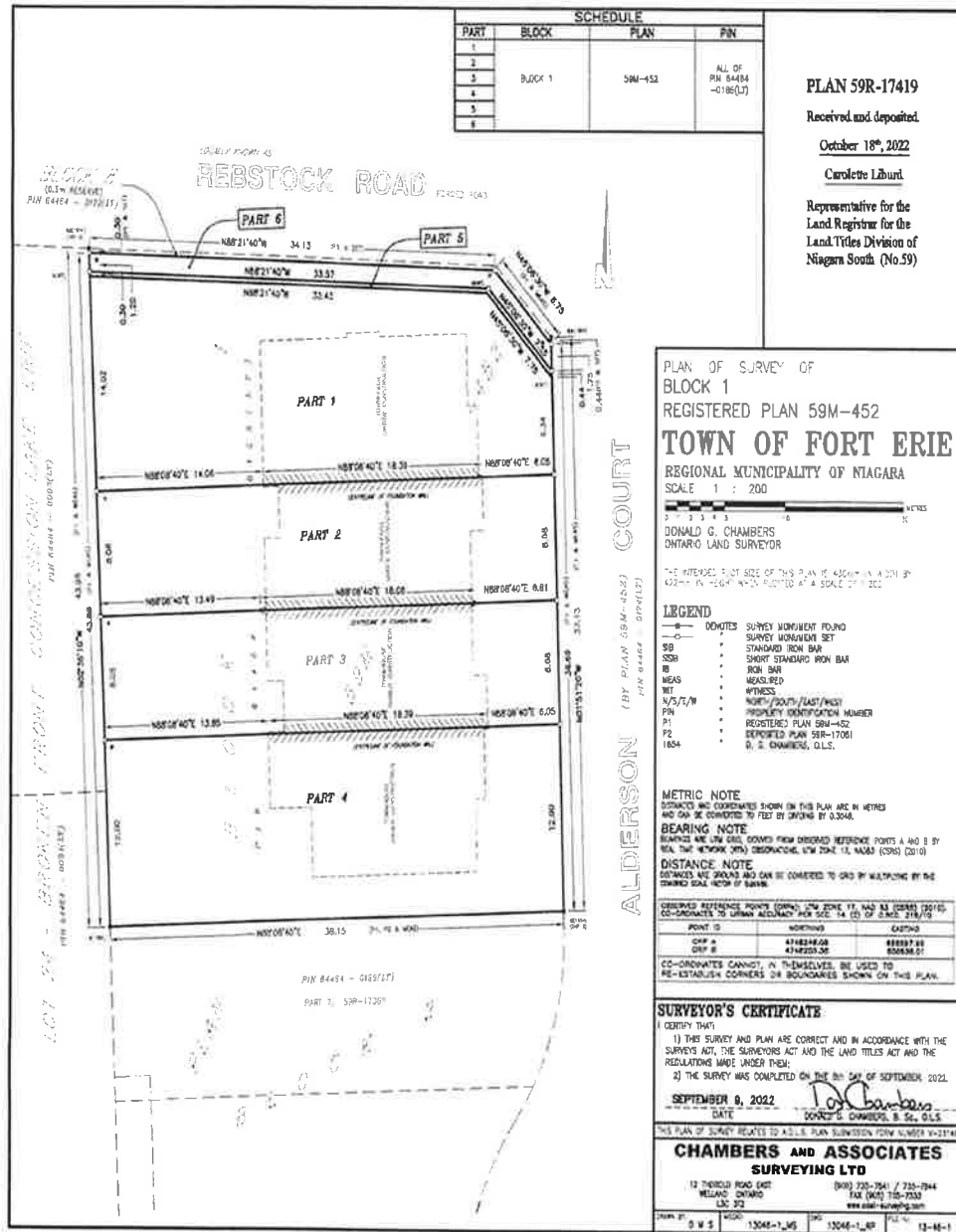
All of which is respectfully submitted,

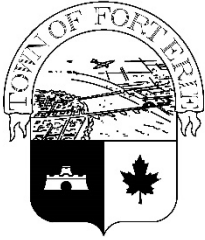
Anamika Dilwaria, M.P.I., MCIP, RPP
Manager, Development Approvals

Attachment: Appendix "1" – Registered Plan 59R-17419

cc: Chris McQueen, Chief Administrative Officer
Alex Herlovitch, Director of Planning and Development Services
Rosanna Firenze, Law Clerk
Carol Schofield, Town Clerk

Appendix 1





The Municipal Corporation of the Town of Fort Erie

By-law No. 8-2023

**Being a By-law to Enact an Amendment to the
Official Plan Adopted by By-law No. 150-06 for the Town of Fort
Erie Planning Area**

**Amendment No. 65
315 and 0-350 Garrison Road
2717041 Ontario Inc. (Vijaykumar Patel) - Owner**

The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:

1. **That** amendment No. 65 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 8-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 65

TO THE

OFFICIAL PLAN

FOR THE

CORPORATION OF THE TOWN OF FORT ERIE

CONTENTS

PART "A" - THE PREAMBLE

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

- Appendix 1 - Notice of Public Information Processes
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation Comments

PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 65 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 65 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to effect a change to the land use designation of the subject lands from Open Space to Medium Density Residential shown in Schedule A to enable the development of thirty-six, two-storey condominium townhouse dwelling units.

SECTION 3

LOCATION OF THIS AMENDMENT

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

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The Gateway Secondary Plan provides for an additional approximately 620 Medium Density units by 2031, by way of development forms that are compact, compatible with existing development, and provide a diversity of suitable housing choices, and opportunities to relieve pressures for urban expansion. To achieve this target, the Secondary Plan has set out a prescribed density range of 25 to 50 units per gross hectare for medium density residential lands. The proposed amendment will facilitate the development of thirty-six block townhouse dwelling units, with an overall density that corresponds with the lower end of the prescribed density range. The development will contribute to the diversification of housing choices in the neighbourhood and will minimize urban land consumption.

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

The majority of lands designated Medium Density Residential in the Gateway Secondary Plan are located on the south side of Garrison Road. The subject lands, along with the rear portions of 321 Garrison Road to the west and 255 Garrison Road to the east, represent the only medium density residential lands on the north side of Garrison Road, all of which have yet to be developed. The proposed development will initiate the development of these lands, and provides for private road connections to the rear portions of 321 and 255 Garrison Road. The proposed development will help achieve the Secondary Plan's vision of providing for an additional 620 Medium Density units by 2031.

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 natural heritage features, and do not contain significant wildlife habitats, as demonstrated through the Environmental Impact Study and peer review that were conducted. As such, the site is physically suitable for the propose use.

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

(i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,

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

The subject lands are located on the north side of Garrison Road (Niagara Regional Road No. 3). Garrison Road is an Arterial Road and is designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic, as well as traffic en route to and from the Provincial highway system. Pedestrian infrastructure exists in the surrounding area, and pedestrian connections from Walden Boulevard and Garrison Road are provided to the site.

The subject lands are located within the urban boundary and will connect to the existing municipal water and sanitary services within the Garrison Road road allowance. The property is considered to be fully serviced.

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

The land uses surrounding the subject lands include low and medium density residential, commercial, and open space uses, in addition to a woodlot. The proposed development was sensitively designed in a way that responds to the existing low density residential development in the neighbourhood. The 11.50 m (37.73 ft) wide buffer strip between the development and the residential lands to the north, in addition to the 3.81 m lane that already exists, provides adequate separation between the uses. Further, the compact built form allows for a transition in density between the existing low density residential uses and the core mixed use lands along Garrison Road, which have been reserved for greater building heights and densities in the Secondary Plan.

The peer review of the Environmental Impact Study concludes that a significant woodland, wetland, and wildlife habitat are absent from the site and abutting properties, and that the test of no negative impact is neither relevant nor applicable. As such, the proposed development is not anticipated to have an impact on the adjacent open space uses.

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

There is no evidence to suggest that the proposed 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 and supporting commercial establishments in the new commercial plaza directly to the south, and the various other commercial establishments that are located along the Garrison Road Corridor.

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

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.

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

As the majority of the subject lands were envisioned for medium density residential development through the Gateway Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the Environmental Protection Act.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 65 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of Part 1 shown on Schedule "A" attached hereto shall change from Open Space to Medium Density Residential.

PART “C” - THE APPENDICES

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



SCHEDULE "A"



0 50 100 Metres

By-law No. 8-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 23rd DAY OF JANUARY, 2023**

-  Subject Lands - 315 & 0-350 Garrison Road
-  Part 1 - Change from Open Space to Medium Density Residential



our success in aligning with Provincial Policies in a number of areas and alert them to our needs as a municipality in order to provide the necessary services and infrastructure our growing community requires.

We will also be following up on those meetings and pursuing further meetings with the Minister of Health relative to our primary healthcare needs.

4. Declarations of Pecuniary Interest

None.

5. Notice of Upcoming Public Meetings

None.

6. Public Meetings

- (a) Proposed Official Plan & Zoning By-law Amendments & Draft Plan of Common Elements Condominium

Re: 315 & 0-350 Garrison Road - Owner: 2717041 Ontario Inc. (Vijay Kumar Patel) - Agent: Susan Smyth (Quartek Group Inc.). The Applicant's request is to construct 37 townhouse dwellings on the rear portion of the lands which are designated Medium Density Residential, in part, Open Space, in part, and to redesignate a portion from Open Space to Medium Density Residential. The current zoning of Residential Multiple 1 (RM1-446) Zone, in part, and Open Space (OS-450) Zone, in part, is being requested to be changed to rezone a portion which is currently zoned OS-450 Zone to a site-specific RM1 Zone and rezone a portion zoned RM1-446 Zone to a new site-specific RM1 Zone to facilitate an increase in lot coverage, and reductions to the minimum lot frontage, minimum landscaped area, minimum distance between the rear wall of the dwelling on the same lot and minimum number of parking spaces. The Draft Plan of Common Elements Condominium will create the common elements, including driveways and common parking areas and the future townhouse dwellings will be POTLs (Parcels of Tied Lands).

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

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

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

Leigh Whyte and Susan Smyth, Quartek Group Inc. were present to speak on behalf of the Application. Their PowerPoint Presentation can be found on the Town's website, and their presentation viewed at: www.youtube.com/townofforterie

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

No members of the public came forward.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in opposition to the Application or had any questions.

(a) Geoffrey Aldridge, 3765 Rebstock Road, Crystal Beach

Mr. Aldridge provided a PowerPoint Presentation which can be found on the Town's website, and the presentation viewed at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-55-2022

Proposed Combined Official Plan and Zoning By-law
Amendment & Draft Plan of Common Elements Condominium -
315 & 0-350 Garrison Road - Quartek Group Inc. - Susan Smyth
(Applicant/Agent) - 2717041 Ontario Inc. - Vijaykumar Patel
(Owner)

Recommendation No. 1

Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. PDS-55-2022 regarding a proposed Combined Official Plan and

Zoning By-law Amendment, and Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road.

Recommendation No. 2
Moved by: Councillor Noyes

That: An additional recommendation be included that no Short-Term Rentals be permitted in this development. **(Carried)**

Mayor Redekop gave the chair to Councillor Zanko in order to move an amendment.

Recommendation No. 3
Moved by: Mayor Redekop

That: Staff be directed to seek a peer review of the Environmental Impact Study, either through the Town's Environmental Advisory Committee or qualified environmental consultant. **(Carried)**

Recommendation No. 4
Moved by: Mayor Redekop

That: A Traffic Study be conducted with respect to ingress and egress.

Mayor Redekop made a friendly amendment to change the Traffic Study to a Traffic Brief.

Following the friendly amendment, Recommendation No. 4 was voted on as follows:

That: A Traffic Brief be conducted with respect to ingress and egress. **(Carried)**

Following approval of the amendments, Recommendation No. 1 was voted on, as amended, as follows:

That: Council receives for information purposes Report No. PDS-55-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road, and further

That: No Short-Term Rentals be permitted in this development, and further

That: Staff are directed to seek a peer review of the Environmental Impact Study, either through the Town's Environmental Advisory Committee or qualified environmental consultant, and further

That: A Traffic Brief be conducted with respect to ingress and egress. **(Carried)**

Councillor Zanko returned the Chair to Mayor Redekop.

Council recessed at 8:13 p.m. until 8:24 p.m.

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

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci). The Applicant's request is to construct a 6 storey, 190-unit residential building on the rear portion and to re-designate the property to Urban Residential. The current zoning of Highway Commercial (C3) Zone, in part, Residential 2 (R2) Zone, in part, is being requested to be rezoned to a new site-specific Residential Multiple 2 (RM2) Zone for a reduced easterly side yard, reduced number of parking spaces and reduced access drive width.

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

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

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

Candice Micucci, Antech Design and Engineering Group (Agent), was present to speak on behalf of the Application. Her PowerPoint Presentation can be found on the Town's website, and her presentation viewed at:
www.youtube.com/townofforterie

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

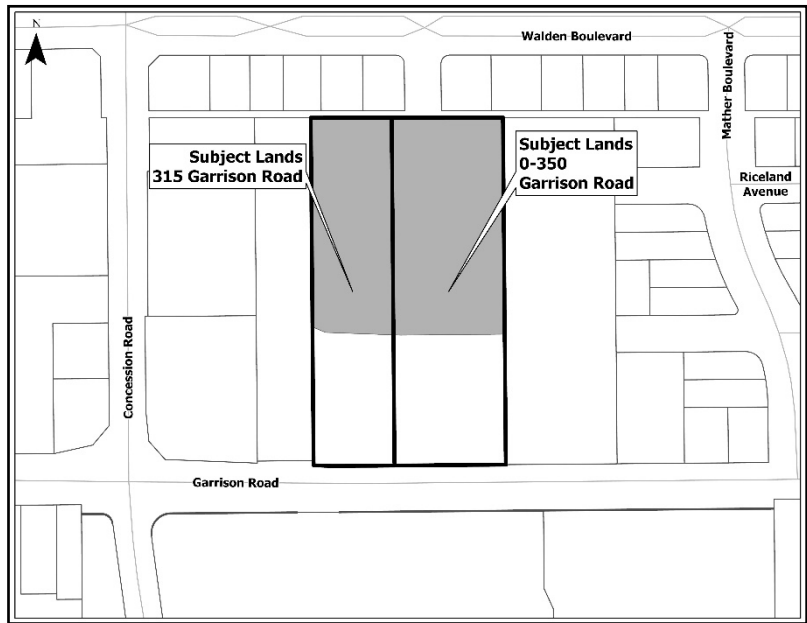


NOTICE OF COMPLETE APPLICATION AND
PUBLIC MEETING

Owner: 2717041 Ontario Inc. (Vijay Kumar Patel)
Agent: Susan Smyth (Quartek Group Inc.)
315 & 0-350 Garrison Road
Combined Official Plan and Zoning By-law Amendment &
Draft Plan of Common Elements Condominium
Application File Nos: 350303-0035 & 350309-0542

DATE: Monday, August 8th, 2022
TIME: 6:00 PM
LOCATION: This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR virtually via Zoom.

LOCATION OF SUBJECT LANDS





PROPOSED CHANGE

A Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Common Elements Condominium are requested for the rear portion of the lands that are municipally known as 315 and 0-350 Garrison Road. The applications are proposed to facilitate the construction of 37 townhouse dwelling units on the subject properties. A Site Plan is attached as Schedule '1' for reference.

The subject properties are located within the urban boundary. The rear of the properties are designated Medium Density Residential, in part, and Open Space, in part, in the Gateway Secondary Plan. The Applicant is proposing to redesignate a portion of the lands that are currently designated Open Space to Medium Density Residential.

The rear of the subject properties is zoned Residential Multiple 1 (RM1-446) Zone, in part, and Open Space (OS-450) Zone, in part, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended by By-law No. 2011-058. The Applicant is proposing to rezone a portion of the lands that are currently zoned OS-450 Zone to a site-specific RM1 Zone. Additionally, the proposal includes rezoning a portion of lands zoned RM1-446 Zone to a new site-specific RM1 Zone. The site-specific regulations are requested to facilitate an increase in lot coverage, and reductions to the minimum lot frontage, minimum landscaped area, minimum distance between the rear wall of the dwelling on the same lot, and minimum number of parking spaces.

The Draft Plan of Common Elements Condominium will create the common elements, including driveways and common parking areas. The future townhouse dwellings will be POTLs (Parcels of Tied Lands).

	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the proposed applications is welcomed and encouraged. You can provide input by speaking at the Public Meeting or by making a written submission to the Town. Please note that unless you do one of the above, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on Wednesday, August 3rd, 2022. The Information Report will be available at www.forterie.ca (Government > Agendas & Minutes) or by contacting Mackenzie Ceci, Junior Development Planner at mceci@forterie.ca.</p> <p><u>CONTACT INFORMATION</u></p> <p>Mackenzie Ceci, Junior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2514 Or by e-mailing your comments to: mceci@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Condominium, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding these applications. After considering any written comments and the comments from the Public Meeting, a Recommendation Report will be prepared for a future Council meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie’s Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a Public Meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <p>If a person or public body does not make oral submissions at a Public Meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p> <p>For more information about this matter, including information about your appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p> <p>Notice dated at the Town of Fort Erie this 18th day of July, 2022.</p>



Planning and Development Services

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

Via Email

May 12, 2022

Region Files: D.11.01.CD-22-0005
D.10.01.OPA-22-0007
D.18.01.ZA-22-00024

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

Dear Ms. Dilwaria:

**Re: Regional and Provincial Comments
Draft Plan of Condominium, Local Official Plan Amendment, and Zoning
By-law Amendment Applications
Owner: 2717041 Ontario Inc. (c/o Vijaykumar Patel)
Agent: Quartek (c/o Susan Smyth)
315 and 0-350 Garrison Road
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the circulated Draft Plan of Condominium, Local Official Plan Amendment, and Zoning By-law Amendment Applications for 315 and 0-350 Garrison Road located in the Town of Fort Erie. The Region received the circulation from the Town of Fort Erie on April 24, 2022. The applicant is proposing to construct 37 townhouse dwellings units, with common elements consisting of driveways and parking areas.

The subject lands are located within the urban boundary and designated "Medium Density" in part and "Open Space", in part, within the Town's Gateway Secondary Plan. The applicant is requesting to redesignate a portion of the lands from "Open Space" to "Medium Residential Density".

The Town's Zoning By-law (No. 129-90), as amended by By-law (No. 2011-058) currently zones the lands as "Zoned Residential Multiple 1 (RM1-446)", in part and "Open Space (OS-450)", in part. The applicant is requesting to rezone a portion of lands from "Open Space" to a "Site-Specific RM1 Zone". Additionally, the portion of lands zoned "RM1-446" will be rezoned to a new "Site-Specific RM1 Zone". The site-specific regulations are requested for a reduction in the minimum lot frontage, minimum

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landscaped area, a minimum distance between the rear wall of the dwelling on the same lot, a minimum number of parking spaces and an increase in the lot coverage.

Based on staff's review of the materials, the proposed applications cannot be supported until an Addendum to the Phase Two Environmental Site Assessment is provided that includes an appropriate evaluation of Ministry Standards for soil and groundwater sampling that is needed for the proposed change in land use (commercial to residential). This Addendum is required prior to the Town's approval of the applications. Comments on this matter are detailed further within the "Site Condition" section of this letter.

A pre-consultation meeting was held for these applications on February 11, 2021 with Town staff, Regional staff, and the 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 subject lands are designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS"), "Delineated 'Built-Up' Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and "Urban (Built-Up) Area" in the *Regional Official Plan* ("ROP").

Provincial and Regional policies direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities. These same policies set out for intensification and infill by means of compact built form that is compatible with the surrounding urban fabric and offers a range of housing options for current and future population needs.

The proposed development is located within the Urban 'Built-Up' Area of the Town of Fort Erie and is considered as intensification that will contribute towards the Town's intensification target (15%) as set out in the ROP. Staff acknowledge that the development will support the diversification of housing supply (townhouses) in Niagara.

Regional staff has reviewed "*Planning Justification Report*" ("PJR") prepared by Quartek (dated December 2021) and find its contents acceptable. The PJR justifies that the proposed development will make efficient use of underutilized urban lands and available municipal servicing, while contributing to the diversification of housing supply (townhouses) that is compatible with the surrounding urban context and respects environmental features. Staff observe, however, that the PJR does not make reference to the completed Environmental Site Assessment work that was conducted for the lands. It is recommended that the PJR is updated to incorporate discussion on the evaluated site condition for the proposed change in land use (commercial to residential).

Site Condition

The applications propose a change in land use from commercial (motel) into a more sensitive (residential) use. At the virtual pre-consultation meeting, Regional staff identified that a Phase One and Phase Two Environmental Site Assessment ("ESA") would be required as part of the submission of the Zoning By-law Amendment Application. In accordance with the *Environmental Protection Act, 1990* and Ontario Regulation ("O. Reg.") 153/04, as amended, a change in land use of this nature requires filing with the Ministry of the Environment, Conservation and Parks' ("MECP") Environmental Site Registry ("ESR") to obtain a Record of Site Condition ("RSC") in order to demonstrate that site's condition meets the appropriate standards to safeguard the health and safety of the future occupants / users of the proposed use.

Regional staff has reviewed the "*Phase One Environmental Site Assessment*" and "*Phase Two Environmental Site Assessment*" ("ESA") prepared by Fisher Environmental Ltd. (dated July 29, 2021 and September 14, 2021 respectively). The Phase One ESA identified potential contamination associated with the site and off-site neighbouring properties. Specifically, the neighbouring Canadian Tire property (255 Garrison Road) hosts an active retail refueling facility and has diesel to ground spill records, as well as the nearby 240 Garrison Road has historical and current waste generator activities. As such, the Phase One ESA recommended that a Phase Two ESA be conducted to validate the presence or absence of contaminants on site.

The Phase Two ESA consisted of a subsurface soil and groundwater investigation for the easterly and southerly portions areas of the property, as identified for further investigation through the Phase One ESA. The methodology of the Phase Two ESA included boreholes, soil sampling and groundwater monitoring, and an analysis of the site's stratigraphy. The Qualified Professional ("QP") identified and completed the analysis in accordance with the MECP's Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*, while the site was compared to *Table 2 (Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition – Industrial/Commercial/Community Property (I/C/C) Property Use for soil samples and All Types of Property Use for groundwater samples, medium and fine textured soil)*.

Staff observe that Section 7.2 (page 11) of the Phase Two ESA states, "*The subject property has been used for commercial purposes, and it is our understanding that the property will maintain its current commercial land use.*"

Regional staff note that the proposed development will result in a change in land use from commercial (motel) to sensitive (residential) use, and that the commercial use for the subject lands is not maintained. As such, an Addendum to the Phase Two ESA is required to provide an evaluation of the soil and groundwater samples in accordance with the appropriate Ministry Table Standards for utilizing the lands for residential use.

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Further, in accordance with the *Environmental Protection Act* and O. Reg. 153/04, a RSC shall be obtained for the proposed change in land use and be provided to the Town and Region. Regional staff also requires that a Letter of Reliance from a QP is submitted for the Phase One and Phase Two ESAs which indicates that despite any limitations or qualifications included in the assessments, that the Region is authorized to rely on all information and opinions provided in these reports. Appropriate conditions with respect to site condition requirements are included within the attached Appendix.

Land Use Compatibility

At the virtual pre-consultation meeting, Regional staff identified that there is the potential for the proposed development to be impacted by nearby stationary (commercial) and transportation-related (Garrison Road) noise sources. At the time, staff recommended that the need for a Noise Study could be waived provided that the proposal be redesigned to maintain an adequate buffer between the proposed development and commercial plaza.

Based on a review of the submitted materials, staff confirm that the concept has been revised to provide for re-positioned units, an enhanced buffer distance, and solid board fencing between the lot limit of the subject lands and commercial plaza. Further, in correspondence with the Agent (dated March 21, 2022), it was affirmed that the development would also include triple pane windows for enhanced noise and energy efficiency. As such, staff is satisfied that the requirement for the Noise Study can be waived provided that the above mitigation measures are implemented and appropriate noise warning clauses are included within future agreements. Appropriate conditions are included within the attached Appendix.

Archaeological Resources

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 virtual pre-consultation meeting, staff determined that based on a review of the Province's Criteria for Evaluating Archaeological Potential that the subject lands do not exhibit a high potential for the discovery of archaeological resources. As such, staff did not offer any archaeological requirements; however, requested that in lieu of an assessment, that a standard warning clause pertaining to the potential discovery of deeply buried archaeological resources and human remains during construction be included within the Draft Plan Agreement. An appropriate clause is provided within the attached Appendix to this effect.

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Core Natural Heritage System

The properties are 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 the proposed development to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Staff has reviewed the "*Environmental Impact Study*" prepared by Natural Resource Solutions Inc. ("NRSI") (dated February 2022), which confirms the presence of candidate significant wildlife habitat ("SWH") associated with bat Maternity Colony and Reptile Hibernacula, as well as the presence of a non-significant wetland. As it relates to the non-significant wetland, the EIS indicates that if fully evaluated, the wetland would not meet criteria for provincial significance. Further, the EIS concludes that the wetland is not regulated by the Niagara Peninsula Conservation Authority ("NPCA") under O. Reg. 155/06. As such, the only Regionally designated CNHS feature confirmed present on the subject property consists of candidate SWH. Staff find the EIS acceptable and offer no objection to this assessment.

The proposed development requires removal of a portion of the Fresh – Moist Oak – Maple Hickory Deciduous Forest ("FOD9") community, which is identified as candidate SWH for Bat Maternity Colonies. However, the EIS indicates that trees with suitable roosting habitat will be retained on the property, as well as a contiguous treed area to the east and west of the subject lands, which also likely provide suitable bat roosting habitat. Further, the EIS recommends numerous mitigation measures that if implemented will avoid direct impacts to both bats and any reptiles present on the subject lands. Staff is satisfied that the test of no negative impact has been sufficiently achieved and offer no objection to the analysis and recommendations of the EIS.

In summary, Environmental Planning staff does not object to the proposed applications provided that the conditions of condominium approval as provided in the attached Appendix are met. Please direct any questions or comments to **Adam Boudens**, Senior Environmental Planner/Ecologist at (905) 980-6000 Ext. 3770 (adam.boudens@niagararegion.ca), or **Cara Lampman**, Manager, Environmental Planning at (905) 980-6000 Ext. 3430 (cara.lampman@niagararegion.ca).

General Site Servicing

The applicant is advised that for the extension of municipal sewers, a MECP Environmental Compliance Approval ("ECA") will need to be obtained. This can be completed through the Region's Transfer of Review Program or through the future Consolidated Linear ECA approval process. Appropriate conditions to this effect, as well as with respect to general servicing allocation provisions, is provided within the attached Appendix.

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Stormwater Management

Regional staff has reviewed the “*Stormwater Management Report Phase 2- Residential Development*” (dated February 2022) in conjunction with the previous Report of “*Phase 1 - Commercial Development*”, both prepared by Quartek, as the outlet for the Phase 2 stormwater discharge will be to the approved Phase 1 storm system prior to Garrison Road. Staff offers the following feedback:

- a) The allowable release rate of the subject development is inconsistent between the two reports. For instance, the 5-year flow is the current 14 L/s versus the previous 10 L/s. The development should not affect the downstream storm drainage.
- b) Please confirm that the separation from the underground storage facility to water table meets the MECP Design Manual criterion.
- c) The storage facility must have ports for inspection and sediment removal. A section of inspection and maintenance requirements should be prepared for the future owner of the storm storage facility. Pre-treatment and/or a sump in catch basins is recommended in order to reduce coarse sediment into the storage and lessen the frequency of sediment removal from the facility.
- d) Regarding the water quality treatment structure: an oil/grit separator in Phase 1 land has been sized, including the subject land, to meet an Enhance level of protection. As such, staff has no issue with this Plan.

Appropriate conditions with respect to the Region’s stormwater management requirements is included in the attached Appendix.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organics green bins or containers – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection).

In order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region’s Corporate Waste Collection Policy and complete the Application for Commencement of Collection. The required forms and policy can be found at the following link: www.niagararegion.ca/waste.

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Based on the current plans submitted it appears waste collection pads will be required for 15 dwelling units that are along the first street on the west side of the development. Collection pads have been shown along the entrance from Walden Boulevard. It is recommended that pads are located where the residents will not need to travel a distance greater than 100m round trip to the pad, and that all pads are labelled with the unit numbers. The plans provided did not show the turn movement radii on the proposed road. Therefore, future plans must show the radii or truck turning templates for movements turning into the development from both directions on Walden Boulevard, as well as moving through the site. Further, since the waste collection trucks will have to use the previously approved commercial site, an Indemnity Agreement for both sites is required from the Owners of the roads. Regional conditions with respect to waste collection are provided in the attached Appendix.

Conclusion

In conclusion, Regional Planning and Development Services staff is unable to support the proposed applications until the time that an Addendum to the Phase Two ESA is provided which contains an evaluation of soil and groundwater samples in accordance with the appropriate Ministry Table Standards for utilizing the lands for residential use.

For information purposes, the Region's conditions of Draft Plan of Condominium Approval is provided within the attached Appendix. Staff note that due to the site-specific nature of the proposed Local Official Plan Amendment, this amendment can be 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).

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of Council's decision on these applications and a copy of the Local Official Plan and Zoning By-law Amendments as adopted.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc: Ms. Cheryl Selig, Manager (A), Development Planning, Niagara Region
Ms. Susan Dunsmore, Manager, Development Engineering, Niagara Region
Ms. Maggie Ding, Stormwater Management Engineer, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region
Ms. Cara Lampman, Manager, Environmental Planning, Niagara Region

Appendix: Conditions of Draft Plan of Condominium Approval

Appendix
Conditions of Draft Plan of Condominium Approval
315 and 0-350 Garrison Road

1. That an Addendum to the Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the *Environmental Protection Act* and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
2. That the Condominium Agreement contain provisions whereby the Owner agrees to implement the recommendations of the required Addendum to the Phase Two Environmental Site Assessment (if any) in accordance with the above condition.
3. That a Record of Site Condition (RSC) is filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance to the *Environmental Protection Act* and associated regulations, as amended. Copies of the completed Environmental Site Assessments, site remediation reports (if applicable), and the MECP's written acknowledgement of the filing of the RSC, together with a Letter of Reliance / certification from a Qualified Professional that the subject lands meet the applicable standard(s) of the intended residential land uses shall be submitted to Niagara Region.
4. That the Condominium Agreement between the Owner and the Town contain a provision whereby the Owner agrees to implement the following site and building design noise mitigation measures / devices:
 - Implementation of a 3m landscape buffer and solid board fencing along the entire property limit (south) between the residential area and commercial plaza.
 - That the positioning of private amenity spaces be away from the adjacent commercial use to ensure limited noise exposure.
 - Dwellings are constructed with triple pane windows for enhanced noise and energy efficiency.
5. That the Owner agrees to include the following warning clauses in the Condominium Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units:
 - *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Garrison Road may occasionally interfere with 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."

- *"Purchasers/tenants are advised that the dwelling unit may be exposed to noise, reduced air quality, odour, and/or dust from nearby commercial activities and/or vehicle traffic that may interfere with some activities of the dwelling unit occupants."*

6. That the Owner agrees to include the following warning clause in the Condominium Agreement with respect to the potential discovery of archaeological resources:

- *"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."

7. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI) (dated February 2022), included but not limited to:

- That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Construction activities should be restricted to daylight hours when possible and artificial lighting used for construction purposes should be turned off or directed away from adjacent natural features following the completion of daily construction activities.
- Where possible, initial grading activities should be scheduled to occur between May 15 and October 15.
- Designated areas for construction lay-down, vehicle access and parking, equipment storage, materials stockpiling, and any on-site construction

offices should be located entirely outside the retained natural features, and preferably located as far away as possible so as to limit potential to indirectly impact the adjacent natural features.

- That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - A Spill Response Plan should be developed prior to commencement of construction and include a detailed response system to deal with events such as the release of petroleum, oils, and lubricants or other hazardous liquids and chemicals. A spill kit must be kept on site at all times and on-site workers must be trained in the use of this kit and be fully aware of the Spill Response Plan.
8. 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.
 9. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10m from the dripline of any trees to be retained.
 10. That permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
 11. That a Landscape/Restoration Plan be provided to the satisfaction of the Niagara Region that addresses the recommended compensation identified in the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022). The Landscape/Restoration Plan should identify an appropriate location on the subject lands or on an alternative property, ideally within the same subwatershed. The Landscape Plan should also consider the appropriateness of an edge management component adjacent to the retained treed features. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate.
 12. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to

protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all Offers of Purchase and Sale or Lease or Occupancy for properties within the condominium development.

13. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum, the Plan should assess the effectiveness of the sediment and erosion control fencing and monitor the success of the restorative plantings and any invasive species removals. The Report should also include photographs and advise actions necessary to address any deficiencies.
14. That the Owner agrees to implement the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022).
15. That the Condominium Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Landscape/Restoration Plan, Ecological Monitoring Plan and Information Package.
16. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium 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.
17. 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 or Occupancy, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the Owner and the Town.
18. That prior to final approval for registration of this plan of condominium, 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 under the Transfer of Review Program or future Consolidated Linear ECA.
19. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the condominium, and the following plans are 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.
- 20. That the Condominium Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) that are required in accordance with the condition above.
- 21. That the Owner/Developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
- 22. That the Owner/Developer will provide detailed plans showing the radii or truck turning templates at future submissions.
- 23. That the Owner/Developer for the proposed condominium and the commercial site to the south will be required to complete the indemnity agreements to allow trucks to move through both sites for collection.
- 24. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the Developer for 15 of the dwelling units.
- 25. The Owner is advised that some of the proposed development's internal roads do not meet the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection residents will be required to bring their containers to the their designated waste collection pads for collection. The following clause should be included in the Site Plan Agreement / Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease or Occupancy for the 15 dwelling units:
 - *"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."*

CD-22-0005
OPA-22-0007
ZA-22-0024
May 12, 2022

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.

Condominium Agreement

Prior to final approval for registration, a copy of the executed Condominium 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.

May 11, 2022

ANAMIKA DILWARIA
TOWN OF FORT ERIE
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ONTARIO, L2A 2S6

Re: 315 and 0-350 Garrison Rd

Dear Anamika,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

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

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

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

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Officer, Delivery Planning
(226) 268-5914

Andrew.Carrigan@Canadapost.ca



Draft Plan of Condominium, ZBLA, OPA, 315 & 0-350 Garrison Rd., Fort Erie

circulations to: ADilwaria

05/18/2022 01:40 PM

From: <circulations@wsp.com>

To: <ADilwaria@forterie.ca>

Please respond to <circulations@wsp.com>

2022-05-18

Anamika Dilwaria

Fort Erie

, ,

Attention: Anamika Dilwaria

Re: Draft Plan of Condominium, ZBLA, OPA, 315 & 0-350 Garrison Rd., Fort Erie; Your File No.

Our File No. 93413

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“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.

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.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the

detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca



Barrie -350 Garrison Road - D30-006-2022
LANDUSEPLANNING to: ADilwaria@forterie.ca

05/09/2022 09:55 AM

From: "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>
To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>

Hello,

We are in receipt of your Draft Plan of Condominium Application, D30-006-2022 dated April 24, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

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April 26, 2022

Anamika Dilwaria, M.Pl., MCIP, RPP
Acting Manager, Development Approvals
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Anamika,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment
2717041 Ontario Inc.
315 & 0 - 350 Garrison Road
Town of Fort Erie

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,



Casey O'Neil
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.



Interoffice Memorandum

May 3, 2022

File No. 350302-0161, 350303-0035 and 350309-0542

To: Anamika Dilwaria, Acting Manager, Development Approvals

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **DRAFT PLAN OF CONDOMINIUM & COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
315 AND 0-350 GARRISON ROAD, FORT ERIE**

On behalf of the Infrastructure Services Department, Engineering Division, a review of the above noted applications for Draft Plans of Condominium and Combined Official Plan and Zoning By-law amendment and supporting documentation has been completed. The following comments and recommended conditions are provided:

Application for Combined Official Plan and Zoning By-law Amendment

1. The application for Combined Official Plan and Zoning By-law Amendment proposes to re-designate the portion of the site current designated as "Open Space" to "Medium-Density Residential" and re-zone the portion of the site currently zoned Open Space to a site-specific Residential Multiple 1 (RM1) zone and to re-zone the portion of lands zoned RM1-446 will be rezoned to a new site-specific RM1 Zone. The site-specific regulations are requested for a reduction in the minimum lot frontage, minimum landscaped area, a minimum distance between the rear wall of the dwelling on the same lot, a minimum number of parking spaces and an increase in the lot coverage.
2. We offer no comments or objections to the proposed application for zoning by-law amendment.

Application for Draft Plan of Condominium

General Comments

1. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.
2. The Owner must obtain approved Service Connection Permits from the Town of Fort Erie for connections to existing municipal sewers or watermains.
3. The owner will be required to submit additional Planning Act applications (Site Plan Approval) to the Town for development of the subject lands.

Watermain Comments

1. For the purposes of water servicing and metering, this condominium will receive water supply via an existing private watermain installed as part of the site servicing for the commercial plaza at 315 Garrison Road. The water supply system after the water meter is

considered private plumbing. Therefore, in accordance with By-law No. 66-2016 no additional Town water meter will be provided to the residential condominium and a separate water account will not be provided to the Condominium Corporation nor will water accounts be provided to the individual dwelling units.

2. We cannot support the proposed separate watermain connection to Walden Boulevard for the purposes of one fire hydrant. If a hydrant is required to provide adequate protection to the site and if the since 150mm water service is not adequate to provide the necessary pressure to the system, the applicant should consider making an additional watermain connection to Walden Boulevard. If a second connection is proposed, a second water meter will also be required to be installed in an underground chamber along with backflow prevention.
3. We recommend that the dead-end 100mm section of private watermain be looped at the end or that it is connected back to the main private watermain along the west property line for water quality and continuity purposes.

Sanitary Sewer Comments

1. Similar to comments provided with respect to water servicing above, all sanitary sewage from this site will conveyed to the municipal sanitary sewer system via a private sewer on the commercial plaza block at 315 Garrison Road.

Storm Drainage Comments

1. 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.
2. A Site 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.
3. Existing overland drainage patterns must be maintained.

REQUESTED CONDITIONS OF DRAFT PLAN APPROVAL:

1. That the applicant/developer enter into a Site Plan Agreement pursuant to Section 41 of the Ontario Planning Act and deposit sufficient security to ensure the completion of all common element services pursuant to Section 158 of the Condominium Act, 1998.
2. That the applicant/developer submit an undertaking that the Condominium Corporation will enter into an assumption agreement with the municipality, once the

APPENDIX "3"

condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the site plan agreement and that the Condominium Corporation will not object to the registration of the agreement.

3. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into an assumption agreement with the Municipality which requires the Condominium Corporation to:
 - a) Assume the maintenance and responsibilities outlined under the site plan control agreement to be approved by the Town of Fort Erie
 - b) Provide to the Town security deposits as necessary to ensure completion of all outstanding works.
4. That all roads and driveways, water distribution, sewage collection, and storm drainage works within the subject lands shall be private.
5. 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 condominium 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.
6. That the site plan 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 5 above.
7. That no tree removal, grading or soil disturbance shall take place on the lands until the Site Plan Approval has been granted by the Director, Planning and Development Services; all of the servicing approvals have been given; and the owner has given to the Town all of the security deposits required by the site plan agreement or as determined by the Town of Fort Erie.

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

cc: Tim Marotta, Manager, Engineering Division



Interoffice Memorandum

May 16, 2022

File No: 350302-161, 350309-542 & 350303-0035

To: Anamika Dilwaria, M.Pl., MCIP, RPP, Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Draft Plan of Condominium, OPA & ZBA- 315 and 0-350 Garrison Road**

1. Official Plan & Secondary Plan

The site is located in the Gateway Secondary Plan area and is designated as Medium Density Residential and Open Space. The site is currently zoned Residential Multiple 1 (RM1-446) and Open Space (OS-450).

Image 1 – Showing the site in relation to the Gateway Secondary Plan designations.



2. Urban Design

Future connections to the east and west of the site have been provided allowing for access to potential development in these areas.

Please note that parking bays no. 7 and 8 may need to be removed as this will be a future connection to the east. Therefore, when the connection is built, the bays will be lost.

The east-west pedestrian corridor and abutting green space will still be maintained

Image 2 – Showing the connections from the proposed development to the east and west to allow for future access to developments



3. Conclusion

Neighbourhood Planning & Urban Design in principle do not oppose the Official Plan & Zoning By-law Amendment – 315 and 350 Garrison Road

Further comment and submission requirements will be provided at Site Plan stage.

Kind regards,

Pieter Wasserman, B.A.S, M. Arch, MCPUD
Neighbourhood Planner & Urban Designer

PCW/pcw
Attach. none

APPENDIX "3"



Re: Invitation: Request for Comments- Draft Plan of Condominium, OPA & ZBA- 315 abd 0-350 Garrison Road (May 16 12:00 PM EDT) 📎

Ed Melanson to: Anamika Dilwaria

04/27/2022 08:41 AM

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

Good Morning Anamika,

I have reviewed the request for comments, OPA, ZBA, condo application. I have no objections but would request fire line parking signs with no parking on the streets other than the designated parking spots.



Ed Melanson
Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255



The Municipal Corporation of the Town of Fort Erie

By-law No. 9-2023

Being a By-law to Amend Zoning By-law No. 129-90, as amended 315 and 0-350 Garrison Road 2717041 Ontario Inc. (Vijaykumar Patel) - Owner

Whereas an application was received from Vijaykumar Patel of 2717041 Ontario Inc. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 315 and 0-350 Garrison Road; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on August 8th, 2022; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-79-2022 considered and approved at the Regular Council meeting held on December 12th, 2022;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 315 and 0-350 Garrison Road and shown as Parts 1 and 2 on the attached Appendix "1" from "Residential Multiple 1 (RM1-446) Zone" to "Residential Multiple 1 Holding (RM1-761(H)) Zone" (Part 1), and from "Open Space (OS-450) Zone" to "Residential Multiple 1 Holding (RM1-761(H)) Zone" (Part 2).
2. **That** By-law No. 129-90, as amended, is further amended by adding to "Section 14 – Residential Multiple 1 (RM1) Zone" Subsection – "Exceptions to the Residential Multiple 1 (RM1) Zone" the following exceptions:

"RM1-761 (H) (9-2023) 315 & 0-350 Garrison Road (Parts 1 and 2)

These lands are zoned "Residential Multiple 1 Holding (RM1-761(H)) Zone", and all of the provisions of By-law No. 129-90, as amended, that relate to lands zoned "Residential Multiple 1 (RM1) Zone" by this by-law shall apply to those lands zoned "Residential Multiple 1 Holding (RM1-761(H)) Zone" subject to the following special provisions:

(a) Notwithstanding the requirements of Subsection 14.3, the following shall apply:

- I. Minimum Lot Frontage – 20.22 m
 - II. The overall residential density shall be a minimum of 25 units per gross hectare and a maximum of 50 units per gross hectare
3. **That** pursuant to Section 36(1) of the *Planning Act* the “H” Holding Symbol shall be removed upon the Owner completing the transaction to purchase part of the adjacent Town-owned lane, Plan 519; Fort Erie, being Part 1, Reference Plan 59R-17514, and being part of PIN 64220-0120 (LT), and the entirety of the Sixth Street road allowance, Plan 519; Fort Erie, being all of PIN 64220-0126 (LT).
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

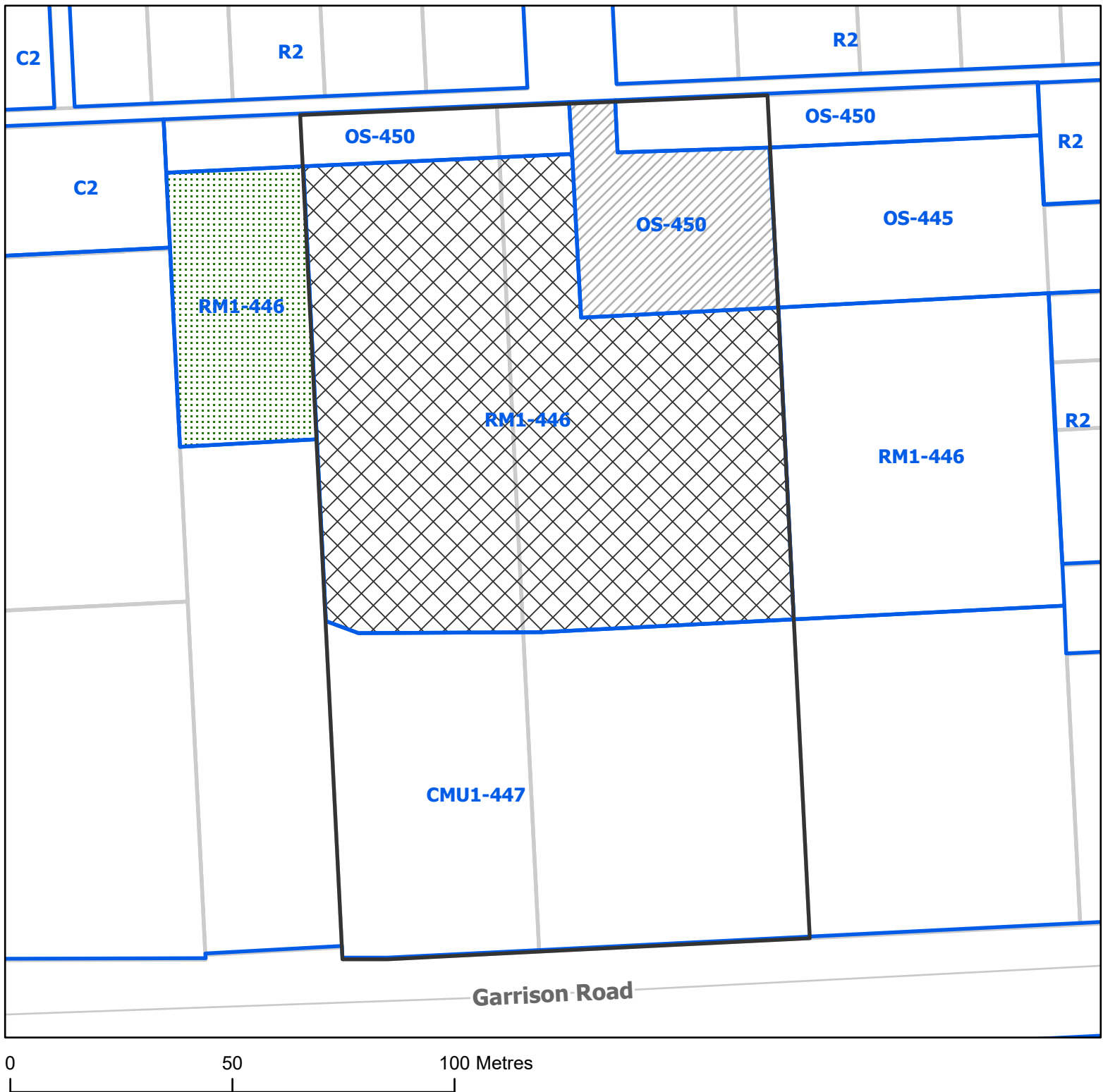
Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor






Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 9-2023 of the said Town. Given under my hand and the seal of the said Corporation, this
day of _____, 20____

APPENDIX "1"



By-law No. 9-2023
THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 23rd DAY OF JANUARY, 2023

-  Subject Lands - 315 & 0-350 Garrison Road
-  Part 1 - Change from Residential Multiple 1 (RM1-446) Zone to Residential Multiple 1 Holding (RM1-761(H)) Zone
-  Part 2 - Change from Open Space (OS-450) Zone to Residential Multiple 1 Holding (RM1-761(H)) Zone
-  Zoning Boundary
-  Environmental Conservation (EC) Overlay Zone

REGULAR MEETING OF COUNCIL 29 Jan 2023

Planning and Development Services. Map Created January 11, 2023

Page 346 of 352



The Municipal Corporation of the Town of Fort Erie

By-law No. 10-2023

Being a By-law to Accept and Declare Lands as Public Highway on the South-West Corner of Mathewson Avenue and Dovercourt Road - 3815 Mathewson Avenue Seguro Import Export Ltd. (R. El Fakih)

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B75/22 F.E., the owner is required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a daylighting triangle on the south-west corner of Mathewson Avenue and Dovercourt Road, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Mathewson Avenue;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the acceptance of land from the Seguro Import Export Ltd., legally described as Part of Lot 286, Plan 417, Bertie; Fort Erie, designated as Part 3 on Reference Plan 59R-17528, being part of PIN 64186-0055 (LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Mathewson Avenue, for public use.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 10-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20____,



The Municipal Corporation of the Town of Fort Erie

By-law No.11-2023

Being a By-law to Appoint Kennedy Lidstone as a Municipal Law Enforcement Officer and Repeal By-law No. 120-2021

Whereas subsection 15(1) of the *Police Services Act*, R.S.O. 1990, c.P.15, provides that a municipal council may appoint persons to enforce the by-laws of the municipality; and

Whereas subsection 15(2) of the said *Act* further provides that municipal law enforcement officers are peace officers for the purpose of enforcing municipal by-laws; and

Whereas subsection 1(1) of the *Provincial Offences Act*, R.S.O. 1990, c.P33, provides that "provincial offences officer" means a municipal law enforcement officer while in the discharge of his or her duties; and

Whereas subsection 1(1) of the *Building Code Act*, 1992, S.O. 1992, c.23 provides that an "officer" means a "property standards officer" who has been assigned the responsibility of administering and enforcing by-laws under section 15.1 of the *Act*; and

Whereas James Casselman was appointed a Municipal Law Enforcement Officer by By-law No. 120-2021 and has since left employment with the Town of Fort Erie; and

Whereas it is deemed desirable to appoint Kennedy Lidstone as a Municipal Law Enforcement Officer for the Town of Fort Erie;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

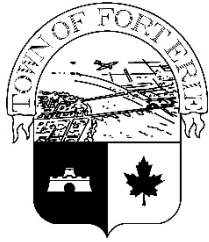
1. **That** Kennedy Lidstone is appointed as a Municipal Law Enforcement Officer for The Corporation of the Town of Fort Erie and is also appointed as a Provincial Offences Officer while in the discharge of her duties, effective upon the passage of this by-law.
2. **That** By-law No. 120-2021 is repealed.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, _____ Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 11-2023 of the said Town. Given under my hand and the seal of the said Corporation, this _____ day of _____, 20



The Municipal Corporation of the Town of Fort Erie

By-law No. 12-2023

**Being a By-law to Amend Zoning By-law No. 129-90,
as amended**

**Peace Bridge Village Phase 4 Subdivision
(0-10268 Louisa Street)**

Ashton Homes (Western) Ltd. (Aldo Vercillo) - Owner

Whereas an application was received from William Heikoop of Upper Canada Consultants on behalf of Ashton Homes (Western) Ltd. (Owner) to amend the Town's Comprehensive Zoning By-law No. 129-90, as amended, for the lands known municipally as 0-10268 Louisa Street; and

Whereas a Public Meeting pursuant to Section 34(12) of the *Planning Act*, R.S.O. 1990, c. P.13 was held on September 12, 2022; and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90, as amended, pursuant to the recommendations of Report No. PDS-03-2023 considered and approved at the Council-in-Committee meeting held on January 16, 2023;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** Schedule "A" of By-law No. 129-90, as amended, is further amended by changing the zoning of the lands known municipally as 0-10268 Louisa Street and shown on the attached Appendix "1" from "Neighbourhood Development (ND) Zone" and "Environmental Conservation (EC) Overlay Zone" to "Residential 2A (R2A-759) Zone" (Part 1) and "Residential Multiple 1 (RM1-760) Zone" (Part 2).
- 2. That** By-law No.129-90, as amended, is further amended by adding to "Section 12 – Residential 2A (R2A) Zone" Subsection – "Exceptions to the Residential 2A (R2A) Zone" the following exception:

**"R2A-759 (12-2023) 0-10268 Louisa Street, Peace Bridge Village Phase 4
Subdivision (Part 1)**

These lands are zoned "Residential 2A (R2A-759) Zone", and all of the provisions that relate to lands zoned "Residential 2A (R2A) Zone" by this by-law shall apply to those lands zoned "Residential 2A (R2A-759) Zone" subject to the following special provision:

- a) That notwithstanding the requirements of Subsection 12.3, the minimum lot area for single detached dwellings shall not be less than 325.00 sq m."

3. **That** By-law No.129-90, as amended, is further amended by adding to “Section 14 – Residential Multiple 1 (RM1) Zone” Subsection – “Exceptions to the Residential Multiple 1 (RM1) Zone” the following exception:

“RM1-760 (12-2023) 0-10268 Louisa Street, Peace Bridge Village Phase 4 Subdivision (Part 2)

These lands are zoned “Residential Multiple 1 (RM1-760) Zone”, and all of the provisions that relate to lands zoned “Residential Multiple 1 (RM1) Zone” by this by-law shall apply to those lands zoned “Residential Multiple 1 (RM1-760) Zone” subject to the following special provisions:

- a) Notwithstanding the requirements of Subsection 12.3, the following provisions shall apply:
- i. Minimum lot area - 170.00 sq. m for a street townhouse lot
265.00 sq. m for a street townhouse corner lot
 - ii. Maximum lot coverage for an exterior street townhouse - 50%
 - iii. Maximum density - 50.63 units/ha
 - iv. Planting strip width - 3.00 m where it abuts a street, except for points of ingress/egress”
4. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

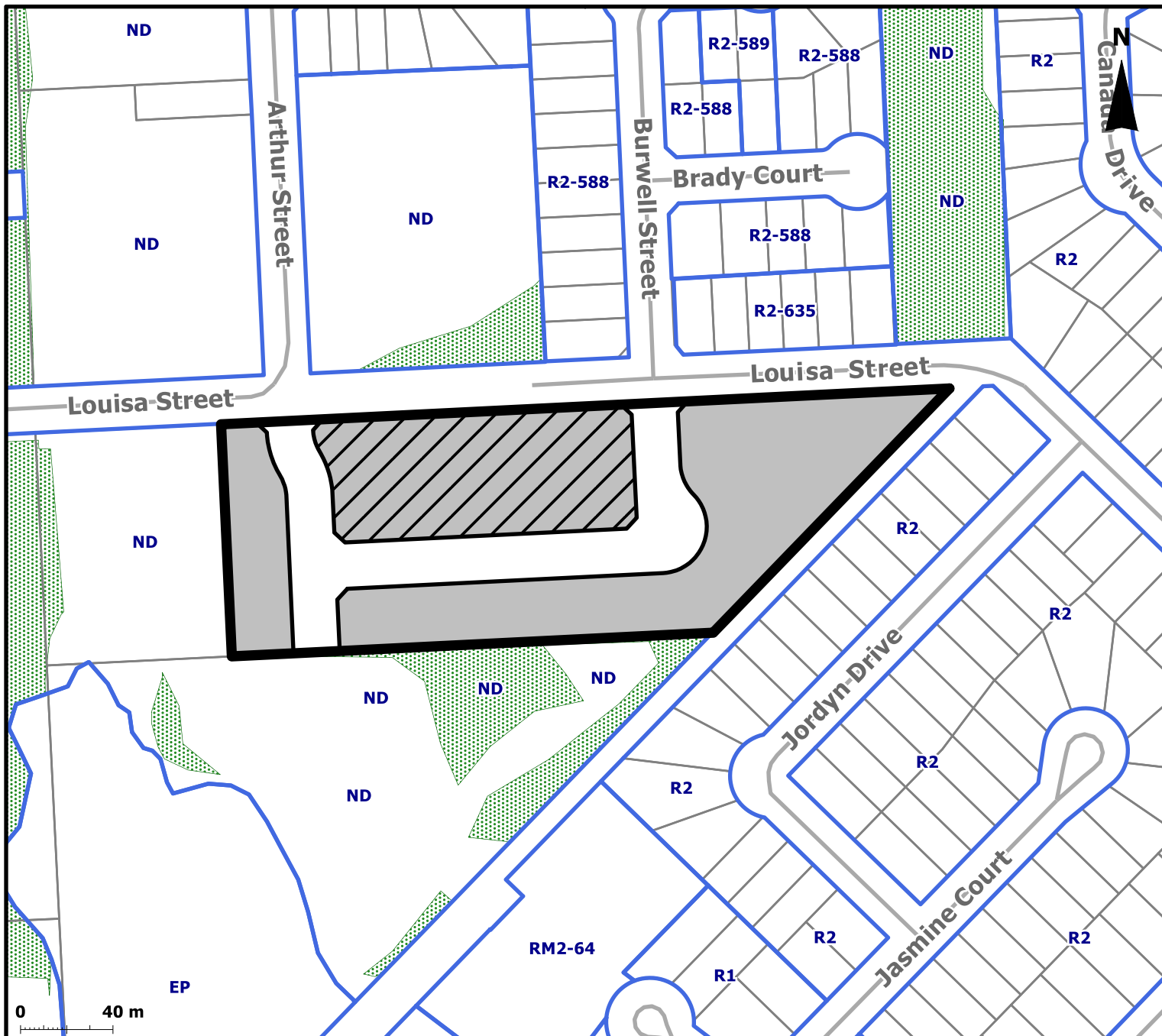
Read a first, second and third time and finally passed this 23rd day of January, 2023.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 12-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of _____, 20____


APPENDIX "1"




By-law No. 12-2023

THIS SKETCH FORMS PART OF SCHEDULE "A" TO BY-LAW NO. 129-90
PASSED THIS 23rd DAY OF JANUARY, 2023

 Subject Property - Peace Bridge Village Phase 4 Subdivision (0-10268 Louisa Street)

 Part 1 - Change from Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone to Residential 2A (R2A-759) Zone

 Part 2 - Change from Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone to Residential Multiple 1 (RM1-760) Zone



The Municipal Corporation of the Town of Fort Erie

By-law No. 13-2023

Being a By-law to Confirm the Actions of Council at its Council-in-Committee Meeting Held on January 16, 2023, Council-in-Budget Committee Meeting No. 2 Held on January 18, 2023 and its Council Meeting Held on January 23, 2023

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the actions of Council at its Council-in-Committee Meeting held on January 16, 2023, Council-in-Budget Committee Meeting No. 2 held on January 18, 2023, and its Council Meeting held on January 23, 2023 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of any authority.
2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required.
4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.
5. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 23th day of January, 2023.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certify the foregoing to be a true copy of By-law No. 13-2023 of the said Town. Given under my hand and the seal of the said Corporation, this
day of _____, 20