



# The Municipal Corporation of the Town of Fort Erie

## Council-in-Committee Meeting Agenda

**Monday, December 5, 2022 - 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](http://www.youtube.com/townofforterie)

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

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- 1. Call to Order**
- 2. Roll Call**
- 3. Announcements/Addenda**
- 4. Declarations of Pecuniary Interest**
- 5. Notice of Upcoming Public Meetings**

- (a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #1 - Wednesday, December 7, 2022 - Capital Budget & Forecast and User Fee Analysis; #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, December 12, 2022 - Preliminary Capital Budget and User Fees By-law; 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.

- 6. Public Meetings**

- (a) Proposed Zoning By-law Amendment

Re: 63 Idylewylde Street - Owner: Frank Alessio - Agent: Urban Environments (Greg Hynde). The Applicant's request is to rezone the property to permit development of two semi-detached dwellings with a total of four dwelling units. The subject property is zoned Residential 2 (R2) Zone, which only permits single detached dwellings. The zoning is proposed to change from Residential 2 (R2) Zone to a site-specific Residential 3 (R3) Zone that only permits semi-detached dwellings and contains special provisions to permit reduced lot frontage, reduced lot area, reduced interior side yard setbacks between the two proposed semi-detached dwellings and increased lot coverage.

***To participate residents can attend in person in Council Chambers, Town Hall, OR virtually via audio/video, web or telephone. Send an email to Daryl Vander Veen, Intermediate Development Planner (dvanderveen@forterie.ca) or 905-871-1600 ext. 2509 for information on joining the zoom meeting.***

Link: <https://www.forterie.ca/pages/CurrentPublicNotices>

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**PDS-74-2022** Information Report - Proposed Zoning By-law Amendment - 63 Idylewylde Street - Urban Environments - Greg Hynde (Agent) - Frank Alessio (Owner)

Recommendation:

**That:** Council receives for information purposes Report No. PDS-74-2022 regarding a proposed Zoning By-law Amendment for 63 Idylewylde Street.

[PDS-74-2022 63 Idylewylde Street ZBA Information Report](#)

## **7. Consent Agenda Items**

### **7.1 Request to Remove Consent Agenda Items**

### **7.2 Consent Agenda Items for Approval**

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**PDS-76-2022** 0-13394 Houck Crescent - Development Agreement - South Side of Houck Crescent, East of Warwick Avenue, 1736106 Ontario Inc. (Connie Nothdurft)

Recommendation:

**That:** Council authorizes the entry into a Development Agreement with 1736106 Ontario Inc. for the reconstruction of Houck Crescent from Warwick Avenue to 275 m east of Warwick Avenue, and further

**That:** Council directs staff to submit a by-law to execute the Development Agreement and associated documents.

[PDS-76-2022 Houck Crescent Development Agreement](#)

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**PDS-77-2022** Alliston Woods Phase 1 Amending Subdivision Agreement - East of Spears Road, North of Garrison Road - 2835033 Ontario Inc. (Mitch Williams)

Recommendation:

**That:** Council authorizes the entry into an Amending Subdivision Agreement with 2835033 Ontario Inc. for the Alliston Woods Phase 1 Subdivision, and further

**That:** Council directs staff to submit a by-law to execute the Amending Subdivision Agreement and associated documents.

[PDS-77-2022 Alliston Woods Phase 1 Amending Subdivision Agreement](#)

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**CAO-18/LC-17-2022** Land Matters: November 24, 2022 Land Committee Meeting Minutes

Recommendation:

**That:** Council receives the November 24, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-18/LC-17-2022, and further

**That:** Council approves the recommendations contained in Appendix "2".

[CAO-18-LC-17-2022 Land Committee Meeting Minutes of Nov 24, 2022](#)

### **Consent Agenda Recommendation**

Recommendation:

**That:** Council approves the Consent Agenda Items as recommended.

**7.3 Items Removed to be Dealt with Separately**

**8. Planning and Development Services**

**8.1 Presentations and Delegations**

**8.2 Reports**

**8.3 New Business/Enquiries**

**8.4 Business Status Report**

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[PDS-BSR-05  
Dec 2022](#)

**9. Infrastructure Services**

**9.1 Presentations and Delegations**

**9.2 Reports**

**9.3 New Business/Enquiries**

**9.4 Business Status Report**

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[IS-BSR -  
05DEC2022](#)

**10. Corporate and Community Services**

**10.1 Presentations and Delegations**

**10.2 Reports**

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**CAO-14/LC-14-  
2022**

Land Matters: September 7, 2022 Meeting Minutes *(Item 1) 1), being Recommendation No. 1 of Appendix "2" (Part of Stephens Road) Postponed from October 3, 2022 Council-in-Committee Meeting - Previously Moved by Councillor Dubanow as Recommendation No. 6)*

Recommendation:

**That:** Council approves Recommendation No. 1 of Appendix 2" (Part of Stephens Road) to Report No. CAO/LC-14-2022.

[CAO-14-LC-14-2022 Land Committee Meeting Minutes of  
September 7, 2022](#)

**10.3 New Business/Enquiries**

**10.4 Business Status Report**

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[CS-COS-FES-  
BSR-Dec12](#)

- 11. Scheduling of Meetings**
- 12. Adjournment**



## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-74-2022
<b>Agenda Date</b>	December 5, 2022	<b>File No.</b>	350309-0546

<b>Subject</b>	<b>INFORMATION REPORT - PROPOSED ZONING BY-LAW AMENDMENT 63 IDYLEWYLDE STREET URBAN ENVIRONMENTS - GREG HYNDE (AGENT) FRANK ALESSIO (OWNER)</b>
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<b>Recommendation</b>	<b>THAT</b> Council receives for information purposes Report No. PDS-74-2022 regarding a proposed Zoning By-law Amendment for 63 Idylewylde Street.
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<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>	Priority: Managed Growth through Responsibility, Stewardship and Preservation
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<b>List of Stakeholders</b>	Urban Environments - Greg Hynde (Agent) Frank Alessio (Owner) Residents and Property Owners in the Town of Fort Erie
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Prepared by:	Reviewed by:	Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
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 information for the December 5, 2022 Public Meeting for this 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 render 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 only 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 are located in an established neighbourhood that has transit on demand, public services and other amenities. The development is also an opportunity for provision of 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 within the Built-up Area.

### **2022 Regional Official Plan (ROP)**

The Regional Official Plan (ROP) identifies this property as being within the Delineated Built-up Area for the Town. Residential uses are permitted generally in the Built-Up Area subject to municipal services being available. This application is consistent with the ROP as it will permit infill development within the Built-Up Area with access to existing municipal infrastructure.

### **Southend Secondary Plan & 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 two semi-detached dwellings is consistent with the land use policy of the Southend Secondary Plan. Subsection 4.21 (b) of 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.

#### *Official Plan Schedule B - Mineral Aggregate & Petroleum Resources*

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

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

No natural heritage features are identified on or within the vicinity of 63 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 (site specific provisions highlighted in grey):

<b>Zoning Regulation</b>	<b>Standard R2 Zone Requirement</b>	<b>Standard R3 Zone Requirement</b>	<b>Proposed Site-specific R3 Zone</b>
<b>Minimum Lot Frontage</b>	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
<b>Minimum Lot Area</b>	510.00 sq m	305.00 sq m per unit; 610.00 sq m total lot area	253.60 sq m (Parcel 2 and Parcel 3); 268.8 sq m (Parcel 1 and Parcel 4); 522.40 sq m total lot area per semi-detached dwelling
<b>Maximum Lot Coverage of Dwelling</b>	30% for lots with less than 510.00 sq m of lot area	1 storey - 60% 2 storey - 40%	2 storey - 45%
<b>Minimum Front Yard</b>	6.00 m	6.00 m to garage 3.00 m to dwelling	6.00 m to garage 6.00 m to dwelling
<b>Minimum Interior Side Yard (2-storey dwelling)</b>	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
<b>Minimum Rear Yard</b>	8.00 m	6.00 m	10.00 m
<b>Maximum Height</b>	2 storeys 9.00 m	2.5 storeys 9.00 m	2 storeys 9.00 m

Planning staff will provide detailed analysis regarding the request to permit reduced unit frontage, reduced lot area, increased lot coverage and decreased interior side yard setbacks between the two proposed semi-detached dwelling units in the future recommendation report for this application.

### **Studies**

No studies were requested with the Zoning By-law Amendment application.

### **Financial/Staffing Implications**

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

### **Policies Affecting Proposal**

Notice of the December 5, 2022 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the November 10, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on November 10, 2022.

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

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

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

#### **Agency Comments**

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

The Mississaugas of the Credit First Nation noted that the project is within their treaty lands, specifically the Between the Lakes Treaty No. 3 of 1792. DOCA request that any environmental assessment reports and archaeological assessment reports be circulated for review. If in-field assessment is required, DOCA staff request that they be present on-site.

##### *Staff Response*

Planning staff note that no environmental assessment reports or archaeological assessments were required for this project.

#### **Staff Comments**

##### Building Division & Coordinator, Development Approvals

No objections.

## **Public Comments**

A public information open house meeting was held by Town staff and the Agent in the Atrium of Town Hall on September 29, 2022. No members of the public attended the meeting. One email submission was received as of the writing of this report. The email is attached as **Appendix “5”** for review. Staff will address the comments below.

### Benefit of Rezoning Applications

One resident submitted an email asking what 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.

### *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.

### **Alternatives**

N/A

### **Communicating Results**

There are no communication requirements at this time.

### **Conclusion**

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



<b>Attachments</b>
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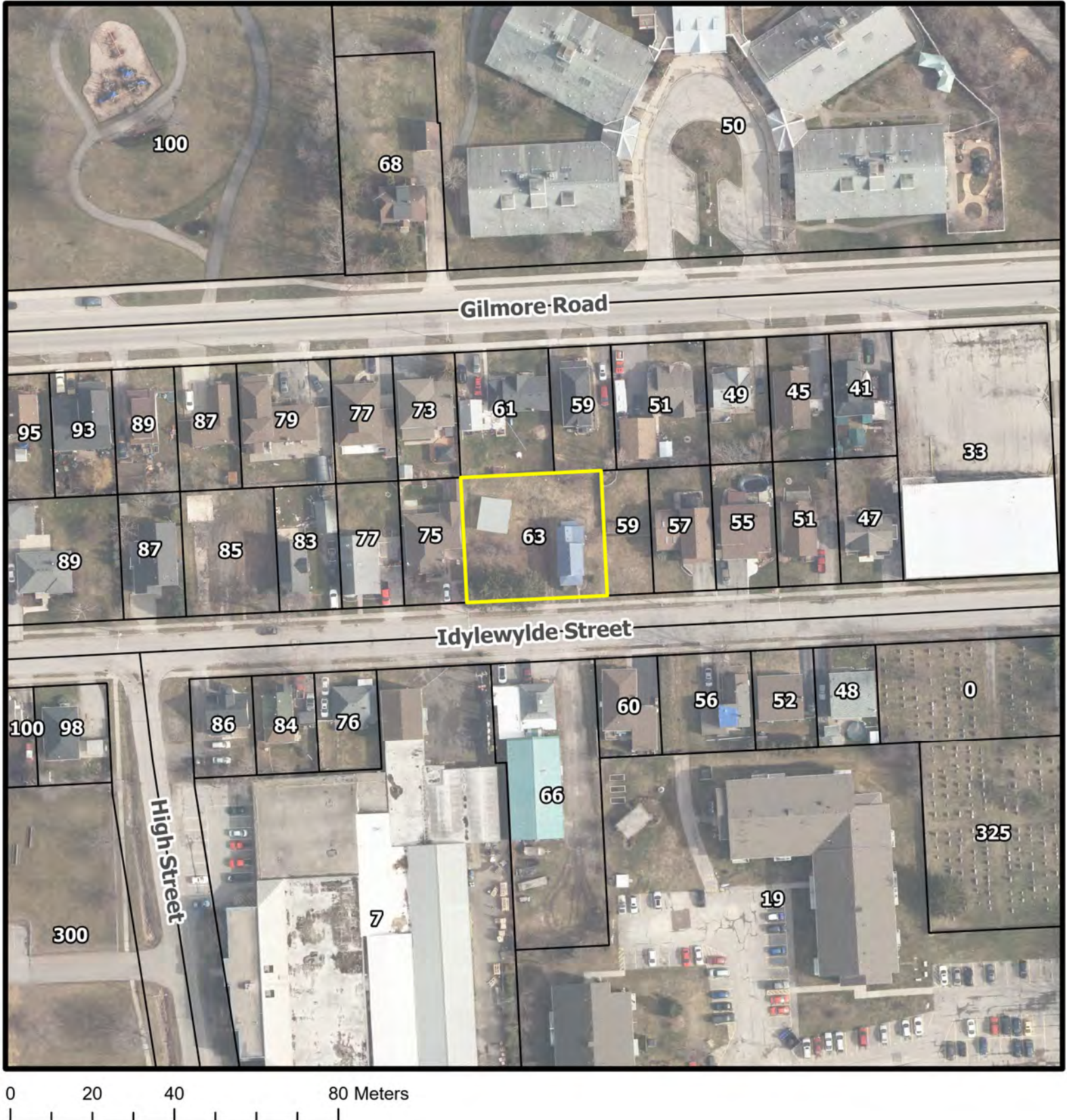
**Appendix “1”** - Location Plan

**Appendix “2”** - Preliminary Site Plan


**Appendix “3”** - Render and Elevation Drawings

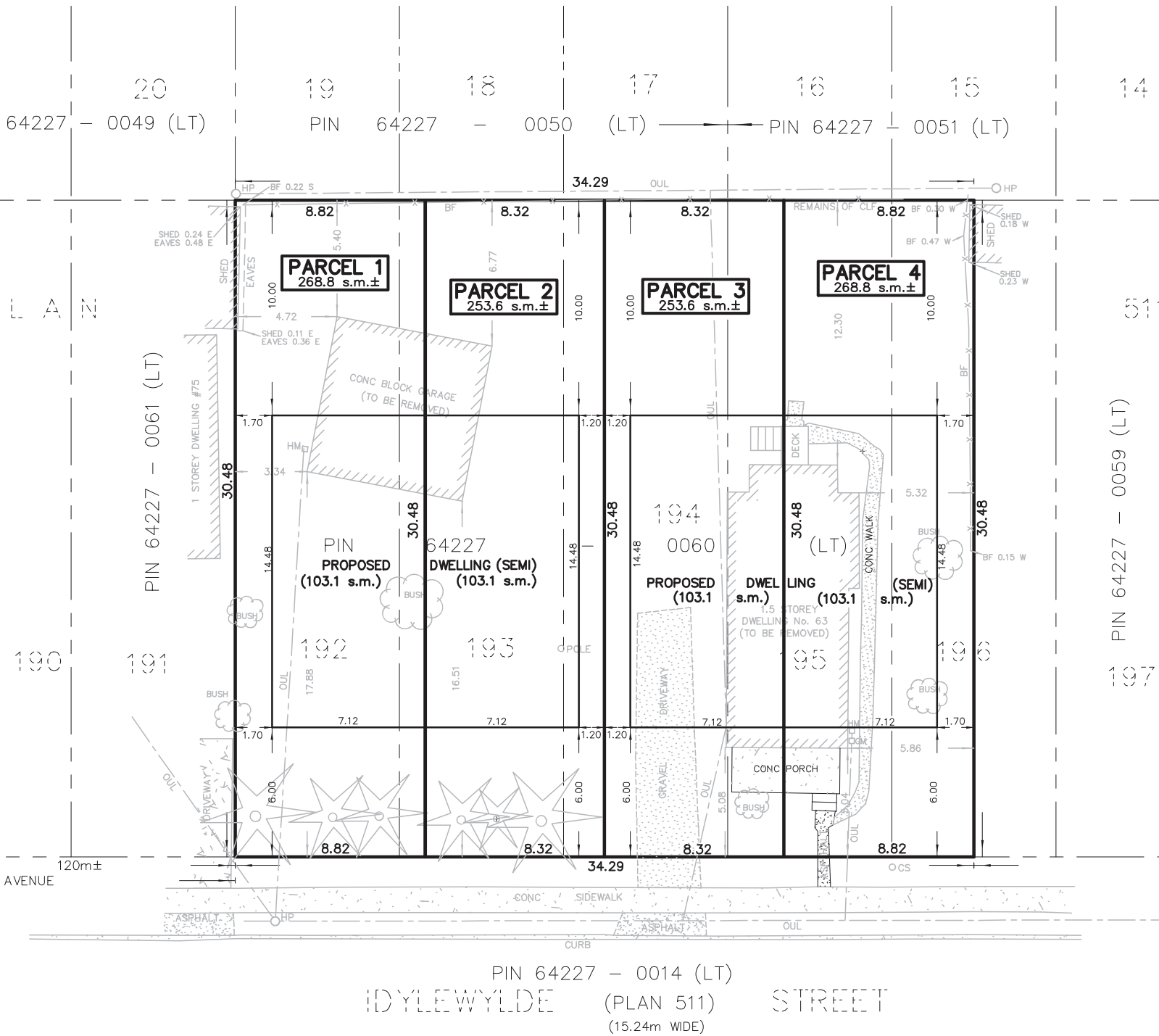
**Appendix “4”** - Agency and Staff Comments

**Appendix “5”** - Public Comments



**LOCATION PLAN**  
**Proposed Zoning By-law Amendment - 63 Idylewylde Street**

 Subject Lands - 63 Idylewylde Street







**g. curnock**  
*and associates*

462 SCOTT STREET  
ST. CATHARINES, ONTARIO  
L2M 3W7

PHONE : (905) 935-8921  
gcurnock.ca  
glen@gcurnock.ca

**IDYLEWYLDE STREET  
FORT ERIE , ONT.**



**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-74-2022 DATED DECEMBER 5, 2022**

RE: Request for comments - proposed Zoning By-law Amendment application, 63 Idylewylde Street, Town of Fort Erie (file no. 350309-0546) Abby LaForme to Daryl Vander Veen 2022-11-08 07:29 PM  
Cc "Mark LaForme"  
From "Abby LaForme" <Abby.LaForme@mncfn.ca>  
To "Daryl Vander Veen" <DVanderVeen@forterie.ca>  
Cc "Mark LaForme" <Mark.LaForme@mncfn.ca>

Good Evening Daryl,

MCFN DOCA would like to thank you for reaching out for Consultation.

MCFN DOCA would like to also provide the following comments for 63 Idylewylde Street Fort Erie;

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Between the Lakes Treaty No. 3 of 1792.

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

Environmental Assessment reports, and must be engaged for all Archaeological Assessments.

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

Thank you

**Abby (LaForme) Lee,**  
**Acting Consultation Coordinator**



**Mississaugas of the Credit First Nation (MCFN)**  
**Department of Consultation & Accommodation (DOCA)**  
**4065 Highway 6, Hagersville, ON N0A 1H0**  
**Ph: (905) 768 – 4260**  
**Email: [Abby.LaForme@mncfn.ca](mailto:Abby.LaForme@mncfn.ca)**

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

**Sent:** Thursday, November 3, 2022 3:46 PM

**Subject:** Request for comments - proposed Zoning By-law Amendment application, 63 Idylewylde Street, Town of Fort Erie (file no. 350309-0546)

Good afternoon,

A complete application for a Zoning By-law Amendment has been received from Greg Hynde of Urban Environments for 63 Idylewylde Street. The Owner is Frank Alessio. The proposed Zoning By-law Amendment intends to rezone the subject property to permit future construction of two new semi-detached dwellings for a total of four dwelling units. The existing single detached dwelling and detached accessory building will be removed. A subsequent Consent application to create new parcels for the semi-detached dwellings will follow if this application is approved.



## Interoffice Memorandum

November 21, 2022  
File No. 350309-0546

To: Daryl Vander Veen, Intermediate Development Planner


From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Zoning By-law Amendment – 63 Idylewylde Street**

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On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Zoning By-law Amendment for **63 Idylewylde Street** and have no comments or objections.

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

Re: Request for comments - proposed Zoning By-law Amendment application, 63 Idylewylde Street, Town of Fort Erie (file no. 350309-0546) 

Keegan Gennings to Daryl Vander Veen

2022-11-18 10:48 AM

From Keegan Gennings/FortErie  
To Daryl Vander Veen/FortErie@TownOfFortErie

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Hi Daryl,

A review of the proposed zoning by-law amendment has been completed and I have no comments.

Regards,

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

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Daryl Vander Veen Good afternoon, A complete application for a Zo... 11/03/2022 03:45:43 PM

From: DVanderVeen@forterie.ca  
To:  
Date: 11/03/2022 03:45 PM  
Subject: Request for comments - proposed Zoning By-law Amendment application, 63 Idylewylde Street, Town of Fort Erie (file no. 350309-0546)

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Good afternoon,

A complete application for a Zoning By-law Amendment has been received from Greg Hynde of Urban Environments for 63 Idylewylde Street. The Owner is Frank Alessio. The proposed Zoning By-law Amendment intends to rezone the subject property to permit future construction of two new semi-detached dwellings for a total of four dwelling units. The existing single detached dwelling and detached accessory building will be removed. A subsequent Consent application to create new parcels for the semi-detached dwellings will follow if this application is approved.

The lands are located within the Urban Area and are currently designated Low Density Residential in the Town's Southend Secondary Plan. The lands are currently zoned Residential 2 (R2) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. The zoning is proposed to change to a site-specific Residential 3 (R3) Zone that permits semi-detached dwellings and also contains special provisions to permit reduced lot frontage, increased lot coverage and a reduced interior side yard setback between the two proposed semi-detached dwellings.

The following documents are submitted for review:

0. Pre-consultation Agreement - 63 Idylewylde Street
1. Cover Letter & Application for Zoning By-law Amendment
2. Preliminary Site Plan
3. Planning Justification Report & Urban Design Brief
4. Location Map of Subject Property



**APPENDIX "5" TO ADMINISTRATIVE REPORT PDS-74-2022 DATED DECEMBER 5, 2022**

Bylaw Amendment, 63 Idylewylde Thomas Reber to dvanderveen 2022-09-29 11:05 AM  
 From "Thomas Reber" <[redacted]>  
 To dvanderveen@forterie.ca  
 History:

This message has been forwarded.

Dear Mr. Vander Veen:

Thanks for the opportunity to email you about this proposed zoning change. (I saw your email address in an announcement of the proposed change.)

My question is what the town and its residents get in exchange when the town grants a change in zoning like this permitting "reduced lot frontage, reduced interior side yard setbacks between the two proposed semi-detached dwellings and increased lot coverage." I do realize that there are probably some increased taxes collected when higher-density developments are constructed, but I am concerned about how our town looks. One positive thing about the case of this property on Idylewylde is that it is not likely that there will be a series of such higher-density dwellings there creating a wall of relatively small dwellings. But I am concerned about the tendency of the town to grant rezonings or variances to developers. To this layperson, such frequent grants undercut the nature of original zoning. For instance, I do not think that the concessions (including reduced lot size) made in the case of the Peace Bridge Village development resulted in a very attractive subdivision, and now that subdivision appears headed for expansion, including more townhouses.

What is the overall benefit to the town when we cut down lot size?

Thomas C. Reber  
[redacted]



## Planning & Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-76-2022
<b>Agenda Date</b>	December 5, 2022	<b>File No.</b>	350309-0183

### Subject

**0-13394 HOUCK CRESCENT  
DEVELOPMENT AGREEMENT  
SOUTH SIDE OF HOUCK CRESCENT, EAST OF WARWICK AVENUE  
1736106 ONTARIO INC. (CONNIE NOTHDURFT)**

### Recommendations

- THAT** Council authorizes the entry into a Development Agreement with 1736106 Ontario Inc. for the reconstruction of Houck Crescent from Warwick Avenue to 275 m east of Warwick Avenue, and further
- THAT** Council directs staff to submit a by-law to execute the Development Agreement and associated documents.

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

Priority: Managed Growth through Responsibility, Stewardship and Preservation

### List of Stakeholders

1736106 Ontario Inc. (Connie Nothdurft), Developer  
The Corporation of the Town of Fort Erie  
Area Residents

Prepared by:	Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
Jeremy Korevaar, C.E.T. Coordinator, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer

**Purpose of Report**

The purpose of this report is to obtain Council's authorization to enter into a Development Agreement with 1736106 Ontario Inc. for the reconstruction of Houck Crescent for the proposed division of 0-13364 Houck Crescent into six (6) building lots. A location map is attached as **Appendix "1"**.

**Background**

In 2004 an application for Zoning By-law Amendment was received from Phil Fisher and Associates on behalf of Kimberly Ferri, owner of the subject property. The application was requested to permit the development of property for six building lots. A copy of plan 59R-10885, showing the proposed lot fabric is provided as **Appendix "2"**. By-law No. 229-04 was approved by Council on December 13<sup>th</sup>, 2004, zoning the property Rural Residential (RR-328(H)) Zone with site specific provisions requiring the minimum lot frontage to be no less than 44 metres and the minimum lot area to be no less than 6050 square metres. As a result of the approval of the Zoning By-law Amendment, Council stipulated the process for the development of the lands. Council required the applicant to enter into a development agreement to address site works and improvements to Houck Crescent and the passage of a By-law to remove part lot control to effectively create the lots. Therefore a holding provision was imposed requiring the developer to enter into a Development Agreement. Council directed that the Part Lot Control Exemption By-law not be registered until such time as the owner entered into the development agreement with the Town.

Council on April 11, 2005 approved By-law No. 65-05, removing part lot control from the property for three months following registration of the By-law. Council also passed By-law No. 55-05 on April 11<sup>th</sup>, 2005 authorizing the Development Agreement between the Town and current owner at that time. As a result of market conditions at that time, the owner was prevented from posting the necessary securities and entering into the development agreement.

As the property is now under new ownership, By-law No. 55-05 is no longer applicable. A new By-law and development agreement is required. The current owner wishes to move forward with the development agreement and have requested the registration of the Part Lot Control Removal By-law at the earliest opportunity.

**Analysis**

The scope of the work in the development agreement includes the reconstruction of Houck Crescent from Warwick Avenue to approximately 275 m west of Warwick Avenue including new road base, hot mix asphalt road surface and roadway drainage. Please refer to **Appendix "1"** for the total project limits. In support of the request for a development agreement, the Developer's engineering consultant has provided plans for

review by Planning and Development Services Staff. Houck Crescent will be designed and constructed in accordance with the Municipal Design Standards.

There exists a 150mm (6") diameter municipal watermain across the frontage of the property and the proposed building lots will receive water supply from this municipal watermain. Since the subdivision is located outside of the urban area boundary, sanitary sewage will be dealt with through the use of private septic systems.

Through the course of the plans review, the Developer has also provided cost estimates for the proposed work. The cost estimates have been reviewed and accepted by Planning and Development Services Staff and have been used to calculate the required security deposits. Schedule "F" of the Subdivision Agreement is attached as **Appendix "3"**. This Schedule outlines the security and financial obligations of the Developer for the services required to develop the subdivision.

The subdivision land is currently zoned Rural Residential RR-328 (H) with a holding provision. A By-law can be brought to Council for consideration to remove the "H" holding symbol upon approval by Council of a Development Agreement for the lands.

Planning Staff the approval of the Development Agreement subject to the Developer providing the following prior to the execution of the Development Agreement by the Town:

1. Receipt of the final drawings to the satisfaction of the Town;
2. A Letter of Credit received from the Developer in the amount of **\$400,600.00** representing 100% of the estimated costs of Off-Site Primary Services and 120% of the estimated construction costs of Secondary Services and other required deposits;
3. A Liability Insurance in the amount of \$2,000,000.00 from the Developer be taken out, naming the Town of Fort Erie as additional insured;
4. A cash payment made to the Town of Fort Erie in the amount of **\$13,635.20** for engineering, administration and inspection fees, service connection fees and removal of holding provision fees as detailed in **Appendix "3"**; and
5. A Letter from the Developer indemnifying the Town of Fort Erie from risk be submitted.

#### **Financial/Staffing Implications**

All costs including administrative and legal costs associated with the development of the subject lands are the responsibility of the Developer.

#### **Policies Affecting Proposal**

The lands are being developed in accordance with the applicable policies contained in the Planning Act, R.S.O. 1990, the Town's Official Plan, the Comprehensive Zoning By-Law 129-90 and the Town's Subdivision Control Guidelines requirements.

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

There are no comments from other Departments or Community and Corporate Partners

#### **Communicating Results**

No additional communications recommended at this time.

#### **Alternatives**

As an alternative, Council could deny the authorization of the Development Agreement, but this is not recommended by staff as it would prohibit the Developer from moving forward with this Development.

#### **Conclusion**

In order for the subject land to be developed in keeping with previous approvals granted by Council in 2004 and 2005, Council must adopt a By-law authorizing the Mayor and the Clerk to execute the Development Agreement and associated documents.

#### **Attachments**

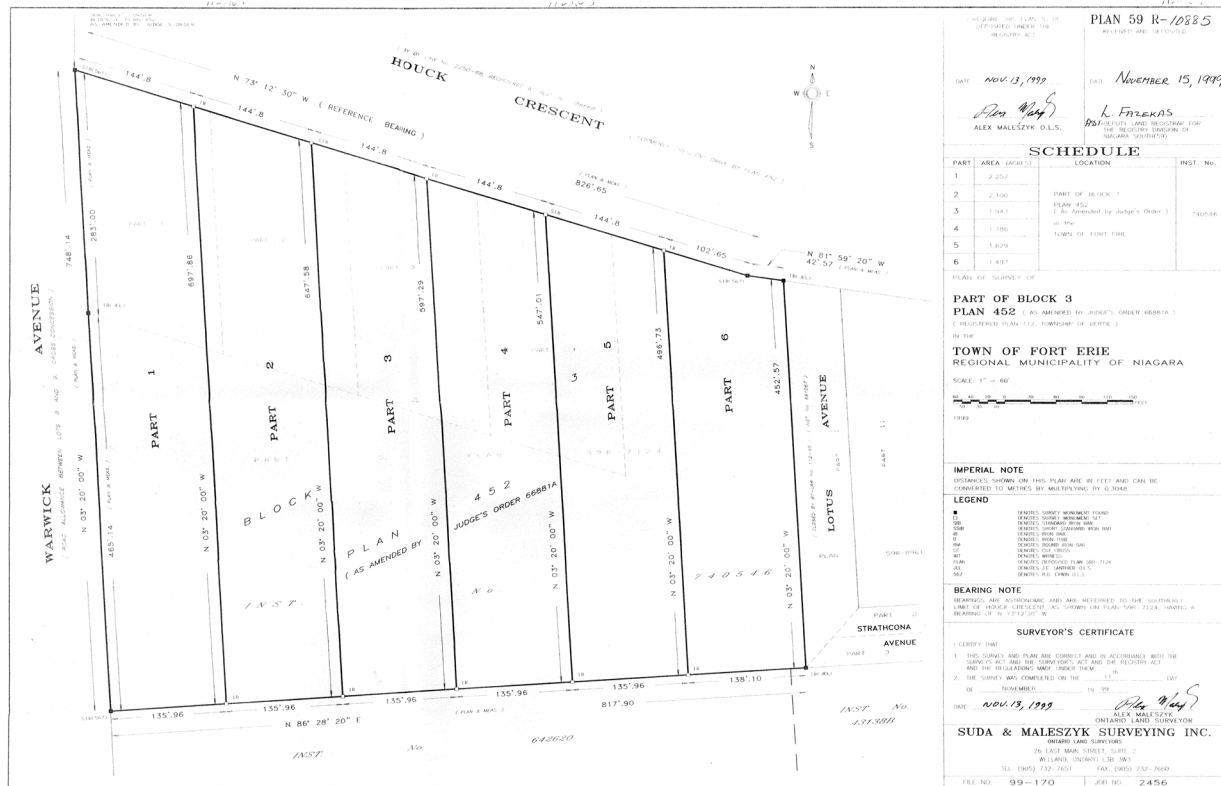
- Appendix "1"** – Location Plan
- Appendix "2"** – Reference Plan 59R-10885
- Appendix "3"** - Schedule "F" – Security and Financial Requirements



N

Page 26 of 64

# APPENDIX "2" TO ADMINISTRATIVE REPORT PDS-76-2022 DATED DECEMBER 5, 2022





**APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-76-2022 DATED DECEMBER 5, 2022**

**SCHEDULE "F"**

**Financial Obligations and Cost of Construction  
(Includes 10% Engineering, 10% Contingency and 13% HST)**

**ON-SITE PRIMARY SERVICES**

Site Preparation, Grading and Granular 'A' Base	\$43,130.00
	<u>\$43,130.00</u>
15% of On-Site Primary Services	\$6,470.00 (1)

**OFF-SITE PRIMARY SERVICES**

Watermain and Appurtenances	\$12,310.00
Roadside Drainage Works	\$38,710.00
Site Preparation & Grading	\$98,520.00
Base Course Asphalt and Concrete Curb and Gutter	\$45,780.00
	<u>\$195,320.00</u>
100% of Off-Site Primary Services	\$195,320.00 (2)

**OFF-SITE SECONDARY SERVICES**

Surface Course Asphalt	\$44,690.00
Grading and Sodding/ Planting of Boulevards	\$102,560.00
Driveways	\$14,770.00
	<u>\$162,020.00</u>
120% of Off-Site Secondary Services	\$194,420.00 (3)

**TOTAL CONSTRUCTION OF SERVICES** **\$400,470.00**

**ROAD DAMAGE DEPOSIT** **\$4,390.00 (4)**

**ENGINEERING, ADMINISTRATION and INSPECTION FEES** **\$10,250.00 (5)**  
[Calculated at 3.0% of construction estimate]

**SERVICE CONNECTION PERMIT FEES**

Water Service Connection Permit	\$1,722.60
Water Service Tapping Fee	\$1,116.60
	<u>\$2,839.20</u>
Subtotal:	\$2,839.20 (6)

**REMOVAL OF HOLDING PROVISIONS** **\$546.00 (7)**

**SUMMARY:**

**A. LETTER OF CREDIT REQUIRED**

Total of (1) + (2) + (3) + (4) **\$400,600.00**

**B. CASH PAYMENT REQUIRED**

Total of (5) + (6) + (7) **\$13,635.20**





## Planning & Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-77-2022
<b>Agenda Date</b>	December 5, 2022	<b>File No.</b>	350308-0058

<b>Subject</b>
<b>ALLISTON WOODS PHASE 1 AMENDING SUBDIVISION AGREEMENT EAST OF SPEARS ROAD, NORTH OF GARRISON ROAD 2835033 ONTARIO INC. (MITCH WILLIAMS)</b>

<b>Recommendations</b>
<b><u>THAT</u></b> Council authorizes the entry into an Amending Subdivision Agreement with 2835033 Ontario Inc. for the Alliston Woods Phase 1 subdivision, and further
<b><u>THAT</u></b> Council directs staff to submit a by-law to execute the Amending Subdivision Agreement and associated documents.

<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>
Priority: Managed Growth through Responsibility, Stewardship and Preservation

<b>List of Stakeholders</b>
2835033 Ontario Inc. (Mitch Williams), Developer The Corporation of the Town of Fort Erie Area Residents

Prepared by:	Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
Jeremy Korevaar, C.E.T. Coordinator, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning and Development Services	Chris McQueen, MBA Chief Administrative Officer

### **Purpose of Report**

The purpose of this report is to obtain Council's authorization to enter into an Amending Subdivision Agreement with 2835033 Ontario Inc. for the development of the Alliston Woods Phase 1 Subdivision. A location map is attached as **Appendix "1"**.

### **Analysis**

The subject lands known as the Alliston Woods Subdivision are located in the Spears/ High Pointe Neighbourhood, generally located east of Spears Road, north of Regional Road No. 3 (Garrison Road).

Draft plan approval was originally granted by the Town on January 29, 2001 and was recently extended to May 5, 2023 with the approval of Report No. [PDS-05-2022](#). The Draft Approved Subdivision contains a total of 170 lots for single detached dwellings, 6 blocks for townhouse dwellings, 1 block for a vacant land condominium, 3 blocks for parkland, 1 block for environmental conservation, 1 block for stormwater management and 2 blocks for 0.30 metre reserves. The draft plan is attached as **Appendix "2"**.

Subsequent to the registration of the Subdivision Agreement, the Developer's solicitor identified that portions of the former road allowances that were sold to the developer were not identified in Schedule 'A' - Description of Lands in the Subdivision Agreement. Since these lands are part of the development and now owned by the Developer they need to be identified in the Subdivision Agreement. The additional lands do not result in additional building units nor do they expand the scope of the development proposal.

### **Financial/Staffing Implications**

All costs including administrative and legal costs associated with the development of this Plan of Subdivision are the responsibility of the Developer.

### **Policies Affecting Proposal**

The lands are being developed in accordance with the applicable policies contained in the Planning Act, R.S.O. 1990, the Town's Official Plan, the Comprehensive Zoning By-Law 129-90 and the Town's Subdivision Control Guidelines requirements.

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

There are no comments from other Departments or Community and Corporate Partners

### **Communicating Results**

No additional communications recommended at this time.

### **Alternatives**

As an alternative, Council could deny the authorization to amend the Subdivision Agreement, but this is not recommended by staff as it would prohibit the Developer from registering the final subdivision plan.

### **Conclusion**

All of the lands subject to the development of the Alliston Woods Phase 1 subdivision are required to be included in the Description of Lands in the Subdivision Agreement, therefore Council must adopt a By-law authorizing the Mayor and the Clerk to execute the Amending Subdivision Agreement and associated documents.

### **Attachments**

**Appendix “1”** – Location Plan

**Appendix “2”** – Draft Plan of Subdivision





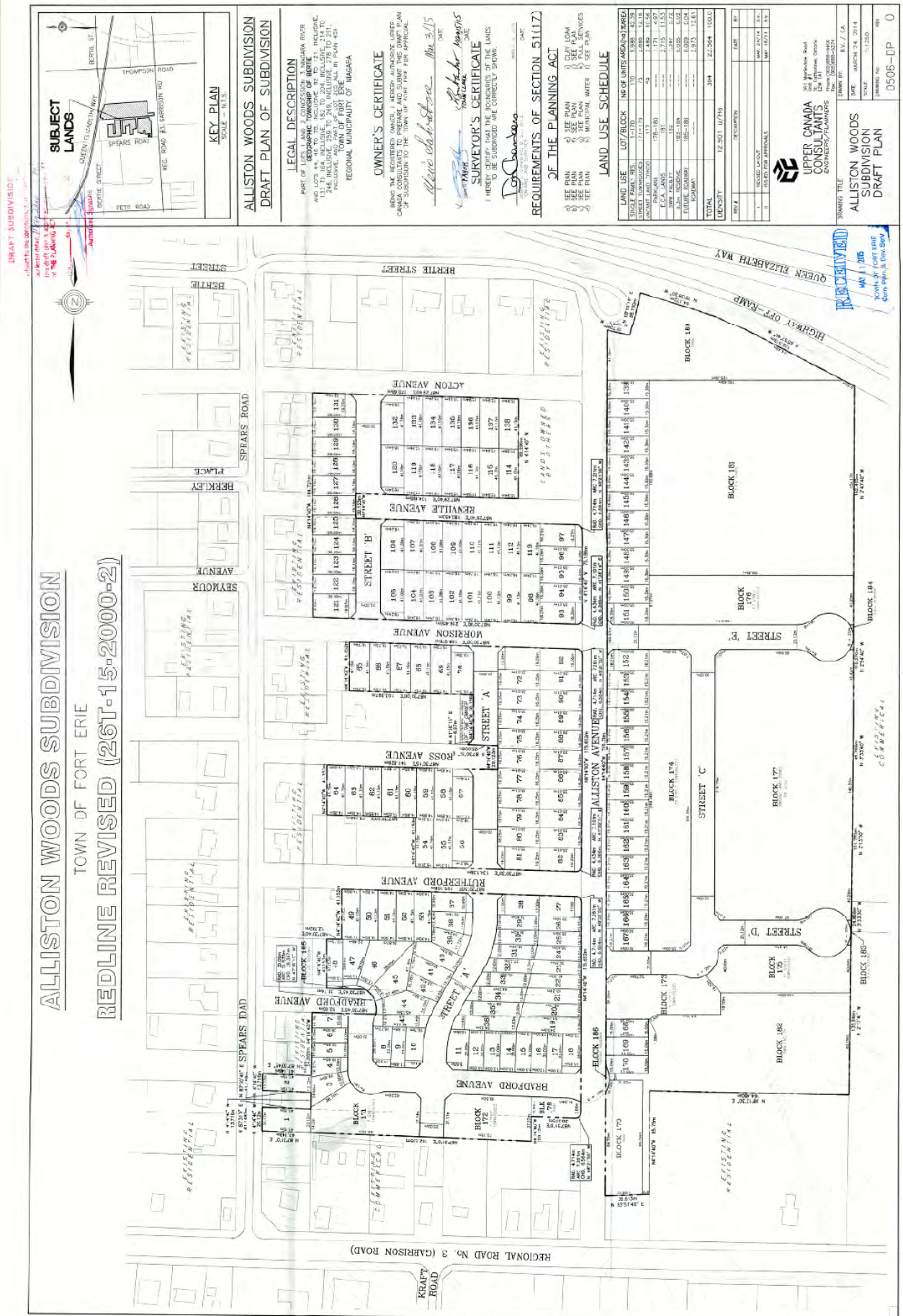
## LOCATION PLAN Alliston Woods Subdivision

Subject Lands - Alliston Woods Subdivision

BERTIE CON 3 PT LOTS 1 AND 2 PLAN 119 LOT 44, LOTS 46-81, LOTS 89-121, LOTS 137-164, LOTS 182-204, LOTS 214 TO 249, LOTS 256 TO 269, LOTS 278 TO 291 PT LOT 205 PT RENVILLE AVENUE PT ROSS AVENUE PT BRADFORD AVENUE PT WELLINGTON AVENUE NP459 RP 59R10454 PARTS 5 AND 6 IN THE TOWN OF FORT ERIE

Alliston Woods Phase A Amending Subdivision Agreement - East of Spears R...







## Office of the C.A.O.

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	CAO-18/LC-17-2022
<b>Agenda Date</b>	December 5, 2022	<b>File No.</b>	120902

### Subject

#### LAND MATTERS:

#### NOVEMBER 24, 2022 LAND COMMITTEE MEETING MINUTES

### Recommendations

**THAT** Council receives the November 24, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-18/LC-17-2022.

**THAT** Council approves the recommendations contained in Appendix "2".

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

Land Committee Minutes are provided to Council together with recommendations associated with property and land matter requests.

### List of Stakeholders

- Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:

Approved by:

*Original Signed*

*Original Signed*

Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Chris McQueen, MBA  
Chief Administrative Officer

**Purpose of Report**

The purpose of this report is to ensure that members of Council are provided with current land information and staff's deliberations associated with the land matters discussed at the November 24, 2022, Land Committee meeting.

Land Committee minutes are intended to be presented to Council for approval on a regular basis. While not all reports will provide recommendations for Council's deliberations, they will provide background information on land matters discussed.

**Analysis**

Attached as Appendix "1" to the Report is a copy of the November 24, 2022, Land Committee meeting minutes.

The Committee passed one recommendation related to the request by Church on the each for the use of Bay Beach lands during the 2023 summer.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

**Financial/Staffing and Accessibility (AODA) Implications**

Detailed in the November 24, 2022, Land Committee meeting minutes.

**Policies Affecting Proposal**

By-law No. 168-91, as amended, established and appointed members to the Land Committee. The By-law sets out the role of the Land Committee and defines mandates and responsibilities of its members. The sale of land is governed by By-law No. 60-2017. Encroachments are governed by the Town's Encroachment Policy governed by By-law No. 89-07, as amended.

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

The Land Committee is represented by the Mayor, the Chief Administrative Officer, the Director of Corporate Services, the Director of Planning and Development Services, the Director of Infrastructure Services, the Town Solicitor and the Manager, Economic Development and Tourism Services. The Executive Director of the Fort Erie Native Friendship Centre also attends the Land Committee meetings.

Other staff members are invited to participate in the Land Committee meetings depending upon their specific duties, responsibilities and specific area of expertise.

**Communicating Results**

Not applicable.

**Alternatives**

No alternatives are provided.

**Attachments**

Appendix “1” - November 24, 2022, Land Committee Meeting Minutes

Appendix “2” - Recommendations for Council’s Approval



# MINUTES

## Land Committee Meeting

### Meeting Date, Time, and Location

Thursday, November 24, 2022 at 9:00 a.m. in Conference Room #1

### Members

**Mayor Wayne Redekop** (to 9:24 a.m.)  
**C. McQueen**, Chief Administrative Officer, Chair  
**J. Janzen**, Director, Corporate Services  
**A. Herlovitch**, Director, Planning and Development Services (regrets)  
**C. Grummett**, Manager, Economic Development and Tourism Services  
**K. Walsh**, Director, Infrastructure Services  
**J. Dockstader**, Executive Director, Fort Erie Native Friendship Centre (regrets)  
**J. Stirton**, Town Solicitor (regrets)

### Support Staff

**S. Hansen**, Manager, Community Planning (regrets)  
**C. Schofield**, Manager, Legislative Services and Clerk (regrets)  
**R. Firenze**, Law Clerk  
**B. Bradnam**, Manager, Strategic Initiatives  
**M. Ceci**, Intermediate Development Planner

### 1) **New Business**

#### 1) Request from Church on the Beach for the use of Bay Beach Lands

The Manager, Economic Development and Tourism Services, provided an overview of the request by Church on the Beach for use of Bay Beach at the Ashwood entrance during the 2023 summer.

The Manager also provided an overview of the services held at the beach since 2011 with the exception of the construction year (2020) and COVID-19 pandemic (2021). The Manager confirmed that in speaking with the Manager, Facilities and Parks, there have been no issues and he felt that the fee was sufficient. Land Committee members agreed that no services should be permitted on holiday weekends (August 6). Land Committee passed the following recommendation:

#### **Recommendation No. 1:**

**THAT: Land Committee approves the request by Church on the Beach, subject to the following conditions:**

- **Use of Bay Beach at the Ashwood entrance on July 9, 16, 23, 30 and August 13, 20 and 27, 2023.**
- **Time of service: 8:45 a.m. – 10:00 a.m. with set-up beginning at 7:30 a.m.**
- **Applicable Fee: \$5,000.**

1) **New Business, continued**

1) Request from Church on the Beach for the use of Bay Beach Lands, continued

**Recommendation No. 1, continued:**

- **Provide liability insurance in the amount of \$2 million naming the Corporation of the Town of Fort Erie as an additional insured.**
- **That all attendees are asked to leave the beach immediately following the conclusion of the service. If patrons choose to stay at the beach, they are to be advised to pay the admission fee at the main entrance.**
- **All items associated with the event will be removed from the beach by 10:30 a.m.**
- **The total capacity will not exceed 750 patrons per service. It will be the responsibility of Church on the Beach for regulating and monitoring capacity.**
- **The event will be confined to the area of the beach to the left of the Ashwood Avenue entrance.**
- **All litter will be placed in garbage receptacles.**
- **A list of speakers will be provided to the Town as soon as possible.**

**(CARRIED)**

2) Fort Erie Tennis Club Lease Agreement and Capital Requests

A memorandum prepared by the Manager, Community Planning, provided an overview of the request by the Fort Erie Tennis Club for replacement of an existing tennis court (court 7) with a new pickleball court. A 2023 Capital Budget request for \$150,000 has been put forward for replacement of Court 7. The memorandum explained that the 25-year lease with the Club expired in 2013 and is now managed year to year. The Club is a membership-driven organization, is considered private and not open to the general public. Discussion took place with respect to other lease agreements for facilities throughout Town. Discussion on revisiting the lease will be deferred at this time and the Manager will be asked to obtain additional details on usage, membership numbers, fees, non-resident usage, etc. Further discussion will take place during the Budget process on the conversion of Court 7 to a pickle ball court. It was noted that Court 7 is separate from the other tennis courts and could possibly be converted to a pickle court for use by the general public as is offered in other areas of town. Add to outstanding matters.

1) **New Business, continued**

3) Private Waterfront Encroachment Removal

The Director, Infrastructure Services, provided a memorandum prepared by the Manager, Parks and Facilities, related to a request by a consultant working for the owners of 3343 and 3349 North Shore Drive. Many years ago, both properties had constructed private shore walls on what is public lands. The owners have retained a contractor and consultant to undertake the removal of the encroaching wall from public land and construct a new shore wall at the southern limit of their private property. The property owners have received the required approval from the Niagara Peninsula Conservation Authority (NPCA) to complete this work, contingent upon approval from the Town to conduct the work on Town lands. The work includes removal of the encroaching wall, construction of a new shore wall and relocation of non-native fill to the uplands on the new private wall. The public waterfront lands will be free of encroachments and reinstated to a native appearance matching the neighbouring public waterfront lands, which are primarily rock shelf with some natural sediment. The Town will require the contractor to complete a Municipal Property Occupancy Permit which grants temporary access for construction and supply the Town with insurance to cover any risk. The permit application includes an application fee and damage deposit and will outline the conditions of access and ensure the municipal lands used for access are reinstated. The Director advised that the consultant has also asked that the wall they are removing be reused in the new shore wall. The Land Committee has no objections and noted that the public lands should be cleared to the Town's satisfaction.

4) Friendship Trail reconstruction

The Director, Infrastructure Services, provided an update to the Land Committee on the trail reconstruction.

2) **Outstanding Land Matters for Discussion**

1) Request to purchase old Ridgeway Public Works Yard

The Director, Infrastructure Services, advised that the holes have been cut and occasional sampling is being undertaken. Remain on outstanding.

2) Property off of Queen Street/Douglas Street

No updates were provided. Remain on outstanding.

3) Disposition of Fire Stations 4 and 6

The Law Clerk confirmed that Station No. 6 has been sold. There are no updates on Fire Station No. 4. Remain on outstanding.

2) **Outstanding Land Matters for Discussion, continued**

4) Waterfront Encroachment – Burleigh Road/Healing Garden (Waverly Park)

No updates were provided. Remain on outstanding.

5) Request to purchase Town-owned Lands – 390 Derby Road (Smith)

No updates were provided. Remain on outstanding.

6) Bert Miller Nature Club request

The Law Clerk provided an update on the acquisition of the property. Remain on outstanding.

7) Request to improve walkability and signage of Munster and Ulster Lanes

The Director, Infrastructure Services, advised that property owners were given an extension to remove their encroachments by the end of April 2023. A capital budget project will be requested in 2023 to start with a granular pathway. Remain on outstanding until encroachments have been removed.

8) Request to purchase 0-16255 Lincoln Road West

No update was provided. Remain on outstanding.

9) Realignment of Albany Road

The Intermediate Development Planner advised that she is still waiting to hear back from Enbridge Gas on what size of easement they require. Remain on outstanding.

10) Request to purchase limited marketability land – Part of the Road Allowance between Lots 22 and 23, Concession 3, Lake Erie Bertie, being part of PIN 64194-0900 LT

The Intermediate Development Planner advised that the appraisal is underway and will be completed by the end of the year and circulated to abutting land owners. Remain on outstanding.

11) Willow Road

The Director, Infrastructure Services, advised that encroachments have been removed and he has provided instructions to the farmer with respect to the installation of a culvert. Remove from outstanding.

12) 4152 Erie Road – Right to Reconveyance

No update was provided. Remain on outstanding.

2)

**Outstanding Land Matters for Discussion, continued**

- 13) Request to Purchase Town land: Florence Drive, Plan 462 Bertie, Lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373 (LT)

The Intermediate Development Planner advised that the parties are still in negotiation regarding the pedestrian corridor. Remain on outstanding.

- 14) Request to Purchase Town land: Hebert Parkway Plan 548, Village of Crystal Beach

The Intermediate Development Planner provided an overview of recent discussions with the applicant. The Land Committee agreed to continue to pursue the sale and obtain the appraisal and if the applicant requests that the matter be withdrawn no further action will take place. Remain on outstanding.

- 15) Request to Purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie being all of PIN 64448-0146 (LT)

This matter was postponed until the December 5, 2022 Council-in-Committee meeting. Remain on outstanding.

- 16) Request to Purchase Town land: Sixth Street Plan 519; Fort Erie, being all of PIN 64220-0126 (LT) and Lanes Plan 519; Fort Erie, being part of PIN 64220-0120 (LT)

The Intermediate Development Planner advised that the report recommendation for the adjacent development will come before Council on December 12, 2022. The CAO discussed the disposition of similar requests when a development application is already in process. Remove from outstanding.

- 17) Request to Extend the Lease for Space in the Leisureplex (Heritage Arts Legacy of Fort Erie)

No update was provided. Remain on outstanding.

- 18) Request to Lease Parking Spaces in Municipal lots for commercial businesses with residential above – multiple requests

The CAO advised that staff are meeting with the Crystal Beach BIA to discuss parking. Remain on outstanding.

3)

**Other Matters**

No other matters were discussed.

4)

**Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, January 19, 2023 at 9:00 a.m. in Conference Room #1.

The November 24, 2022 Land Committee meeting adjourned at 10:07 a.m.

Minutes recorded and prepared by:

Minutes approved by:

*Original Signed*

*Original Signed*

Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Chris McQueen, MBA  
Chief Administrative Officer



**Appendix “2” to Administrative Report No. CAO-18/LC-17-2022**

<b>Date of Meeting</b>	<b>Land Matter</b>	<b>Rec. No.</b>	<b>Tasks identified/ Recommendation of Land Committee</b>	<b>Status/Council Action Required</b>
<b>Nov. 24/22</b>	<b>Request from Church on the Beach for the use of Bay Beach lands</b>	<b>1</b>	<b>THAT:</b> Land Committee approves the request by Church on the Beach, subject to the following conditions: <ul style="list-style-type: none"><li>• Use of Bay Beach at the Ashwood entrance on July 9, 16, 23, 30 and August 13, 20 and 27, 2023.</li><li>• Time of service: 8:45 a.m. – 10:00 a.m. with set-up beginning at 7:30 a.m.</li><li>• Applicable Fee: \$5,000</li><li>• Provide liability insurance in the amount of \$2 million naming the Corporation of the Town of Fort Erie as an additional insured.</li><li>• That all attendees are asked to leave the beach immediately following the conclusion of the service. If patrons choose to stay at the beach, they are to be advised to pay the admission fee at the main entrance.</li><li>• All items associated with the event will be removed from the beach by 10:30 a.m.</li><li>• The total capacity will not exceed 750 patrons per service. It will be the responsibility of Church on the Beach for regulating and monitoring capacity.</li><li>• The event will be confined to the area of the beach to the left of the Ashwood Avenue entrance.</li><li>• All litter will be placed in garbage receptacles.</li><li>• A list of speakers will be provided to the Town as soon as possible.</li></ul>	<b>Requires Council’s approval</b>



The Municipal Corporation of the Town of Fort Erie  
**Business Status Report**  
 Planning and Development Services  
 December 5, 2022

Forecasted Reports	Status	Source
By-law 0-17482 and 0-17484 Black Creek Road - Recommendation Report	Dec 12	Application
0-350 and 315 Garrison Road – Draft Plan of Vacant Land Condominium, Combined Official Plan and Zoning By-law Amendment & Disposal of Sixth Street Road Allowance - Recommendation Report	Dec 12	Application
424 Ridge Road – Information & Recommendation Report - Draft Plan of Standard Condominium	Dec 12	Application
Bill 23 and the Ontario Heritage Act	Dec 12	Legislative
By-law 0-13365 Pettit Road ZBA-	Dec 12	Application
Memo & Deeming By-law – 4110 Rebstock Road (tentative)	Dec 12	Application
Memo & Deeming By-law – 3815 Mathewson Ave	Dec 12	Application
Memo & PLC By-law – Blocks 49&50, 59M483-Mitchell Crescent	Dec 12	Application
By-law – Houck Crescent Development Agreement	Dec 12	Application
By-law – Alliston Woods Phase 1 Amending Subdivision Agreement	Dec 12	Application
By-law – Condominium Assumption Agreement – 315 Garrison Road	Dec 12	Application
214 Windmill Point Road South – Official Plan and Zoning By-law Amendment - Public Meeting & Information Report	Jan 16	Application
92 Adelaide Street ZBA – Public Meeting & Information Report	Jan 16	Application

Peace Bridge Village -Phase 4- Recommendation Report	Jan 16	Application
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Prepared By:

Respectfully Submitted By:

**ORIGINAL SIGNED**

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

**ORIGINAL SIGNED**

Chris McQueen, MBA  
Chief Administrative Officer

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Forecasted Reports	Source	Status

\*\*\* THERE ARE NO FORECASTED REPORTS AT THIS TIME \*\*\*

Prepared By:

Respectfully Submitted By:

*Original signed:*

*Original signed:*

Kelly Walsh, P.Eng  
Director, Infrastructure Services

Chris McQueen, MBA  
Chief Administrative Officer



## Office of the C.A.O.

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	CAO-14/LC-14-2022
<b>Agenda Date</b>	October 3, 2022	<b>File No.</b>	120902

### Subject

#### LAND MATTERS:

#### SEPTEMBER 7, 2022 LAND COMMITTEE MEETING MINUTES

### Recommendations

**THAT** Council receives the September 7, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-14/LC-14-2022.

**THAT** Council approves the recommendations contained in Appendix "2".

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

Land Committee Minutes are provided to Council together with recommendations associated with property and land matter requests.

### List of Stakeholders

- Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:

Approved by:

*Original Signed*

*Original Signed*

Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Chris McQueen, MBA  
Chief Administrative Officer

**Purpose of Report**

The purpose of this report is to ensure that members of Council are provided with current land information and staff's deliberations associated with the land matters discussed at the September 7, 2022, Land Committee meeting.

Land Committee minutes are intended to be presented to Council for approval on a regular basis. While not all reports will provide recommendations for Council's deliberations, they will provide background information on land matters discussed.

**Analysis**

Attached as Appendix "1" to the Report is a copy of the September 7, 2022, Land Committee meeting minutes.

The Committee passed two recommendations related to:

- 1) the request to purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie, being all of PIN64448-0146 (LT); and
- 2) Encroachment of stairs and part of a dock on Black Creek Road.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

**Financial/Staffing and Accessibility (AODA) Implications**

Detailed in the September 7, 2022, Land Committee meeting minutes.

**Policies Affecting Proposal**

By-law No. 168-91, as amended, established and appointed members to the Land Committee. The By-law sets out the role of the Land Committee and defines mandates and responsibilities of its members. The sale of land is governed by By-law No. 60-2017. Encroachments are governed by the Town's Encroachment Policy governed by By-law No. 89-07, as amended.

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

The Land Committee is represented by the Mayor, the Chief Administrative Officer, the Director of Corporate Services, the Director of Planning and Development Services, the Director of Infrastructure Services, the Town Solicitor and the Manager, Economic



Development and Tourism Services. The Executive Director of the Fort Erie Native Friendship Centre also attends the Land Committee meetings.

Other staff members are invited to participate in the Land Committee meetings depending upon their specific duties, responsibilities and specific area of expertise.

#### **Communicating Results**

Not applicable.

#### **Alternatives**

No alternatives are provided.

#### **Attachments**

Appendix "1" - September 7, 2022, Land Committee Meeting Minutes

Appendix "2" - Recommendations for Council's Approval



# MINUTES

## Land Committee Meeting

### Meeting Date, Time, and Location

Wednesday, September 7, 2022 at 11:00 a.m. in Conference Room #1

### Members

**Mayor Wayne Redekop**  
**C. McQueen**, Chief Administrative Officer, Chair  
**J. Janzen**, Director, Corporate Services  
**A. Herlovitch**, Director, Planning and Development Services  
**C. Grummett**, Manager, Economic Development and Tourism Services  
**K. Walsh**, Director, Infrastructure Services  
**J. Dockstader**, Executive Director, Fort Erie Native Friendship Centre (regrets)  
**J. Stirton**, Town Solicitor

### Support Staff

**S. Hansen**, Manager, Community Planning  
**C. Schofield**, Manager, Legislative Services and Clerk  
**R. Firenze**, Law Clerk  
**B. Bradnam**, Manager, Strategic Initiatives  
**R. Judd**, Municipal Engineer – Infrastructure Renewal (to 11:40 a.m.)

### 1) **New Business**

- 1) Request to purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie, being all of PIN64448-0146 (LT)

Report No. LC-13-2022 prepared by the Intermediate Development Planner was reviewed. The report requests the purchase of limited marketability land as shown on Appending "1.1" to the Minutes. Further details were provided by Infrastructure Services related to a drainage course that is found within the unopened road allowance. Land Committee members advised that they were not in favour of selling any portion of the unopened road allowance due to the potential for future urban boundary expansion in that area and the drainage course, which may require a sufficient width on either side to keep the drainage course clear. The following recommendation was passed by the Land Committee:

### Recommendation No. 1:

**THAT: Land Committee denies the request to purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie, being all of PIN64448-0146 (LT) due to the potential for future urban boundary expansion in the area and the drainage course that is located within the unopened road allowance.**

**(CARRIED)**

1) **New Business, continued**

2) **3787 Black Creek Road – Wood Stairs and Dock Within Road Allowance**

A memorandum prepared by the Municipal Engineer – Infrastructure Renewal was reviewed by the Land Committee and is attached to the Minutes as Appendix “1.2”. The memorandum provides details related to the replacement of culvert S112 C on Black Creek Road. Part of a dock and access stairs were found located within the Black Creek Road allowance (PIN #6424000001). Discussion has taken place with the owner of 3797 Black Creek Road related to the encroachment and the work on the culvert that will be taking place. The property owner has advised that he has a deed and/or easement for the dock but no documents have been submitted to the Town for review. The Law Clerk explained the difficulty with lands still in the Registry System and noted that she was unable to locate any encroachment agreement with the Town. It was agreed that an encroachment agreement could be entered into if the stairs are upgraded to meet present Building Code Standards (hand rail, etc.). The upgraded stairs would be at the property owner’s expense and would also require the property owner naming the Town as additional insured. The Town Solicitor noted that the Town’s Encroachment Agreement also contains an indemnity clause. The property owner will be asked to provide the documentation for the dock and if unable to provide same that the portion of the dock that is encroaching also be included in the Encroachment Agreement.

Discussion took place related to other stairs/docks that may be encroaching on the road allowance and Infrastructure Services staff will undertake a review. The Municipal Engineer-Infrastructure Renewal will follow up with the property owner. The work to replace the culvert will continue to move forward.

**Recommendation No. 2:**

**THAT: Land Committee recommends the entry into an Encroachment Agreement with the owner of 3797 Black Creek Road for stairs that are upgraded to meet present Building Code Standards, and which may also include a portion of the dock; and further**

**THAT: the owner of 3797 Black Creek Road be required to name the Town as additional insured for the upgraded stairs and dock.**

**(CARRIED)**

2) **Outstanding Land Matters for Discussion**

1) **Request to purchase old Ridgeway Public Works Yard**

The Director, Infrastructure Services, advised that the monitoring wells have been installed and it will be several months before any information is received. Remain on outstanding.

2) **Outstanding Land Matters for Discussion, continued**

2) Property off of Queen Street/Douglas Street

The Director, Planning and Development Services, advised that a quote was received for the Reference Plan, which could be split between three of the adjacent property owners. It was noted that the Town's survey technician/technologist placed stakes to show the property line. Remain on outstanding.

3) Disposition of Fire Stations 4 and 6

*The Manager, Economic Development and Tourism Services, declared a conflict related to the disposition of Station 4 and left the room during the discussions.*

The Law Clerk advised at the previous meeting that a draft Reference Plan was received and that a further meeting would be arranged to discuss the disposition of the station. The meeting has not yet taken place and will be arranged to include staff from Facilities, Building, Infrastructure, Planning and the Museum. The Mayor suggested that a public open house also take place to look at possible scenarios (i.e. demolition, sale or repurpose). The Director, Planning and Development Services will coordinate the meeting with the CAO's office.

*The Manager, Economic Development and Tourism Services returned to the meeting.*

The Law Clerk confirmed that the By-law was passed to execute the Agreement of Purchase and Sale for Station No. 6. The Town Solicitor advised that a Right to Reconveyance will be needed and the closing date will be November 17, 2022. The CAO advised that the proponent has reached out to him in order to conduct a visual walk around of the property that will take place next week. The Mayor questioned if some of the exterior of the Station will be kept for historical purposes and the Manager, Community Planning, advised that the Heritage Committee did a review of the property and did not feel there was any historical significance.

4) Waterfront Encroachment – Burleigh Road/Healing Garden (Waverly Park)

The Manager, Community Planning advised that Town staff are waiting for details related to the Elders assessing plant material and will follow-up. The Manager advised that she met on site at Waverly Park with the Executive Director of the Fort Erie Native Friendship Centre and Elder Dave Labbe and they were going to bring other Elders out to the site and are planning on working with a consultant to design the Healing Garden that conducted work at Queenston Heights. Remain on outstanding.

5) Request to purchase Town-owned Lands – 390 Derby Road (Smith)

The Director, Planning and Development Services, advised that this matter remains status quo until the release of the Crystal Beach Secondary Plan. Remain on outstanding.

2) **Outstanding Land Matters for Discussion, continued**

6) Bert Miller Nature Club request

The Law Clerk provided an update on the acquisition of the property. Remain on outstanding.

7) Request to improve walkability and signage of Munster and Ulster Lanes

The Director, Infrastructure Services, advised that property owners were given an extension to remove their encroachments by the end of April 2023. Remain on outstanding until encroachments have been removed.

8) Request to purchase 0-16255 Lincoln Road West

No update was provided. Remain on outstanding.

9) Request to lease spaces in municipal parking lots – 62 Courtwright and 97 Jarvis St.

As there are no formal development applications that would require use of the parking spaces at this time, remove from outstanding.

10) Realignment of Albany Road

The Director, Planning and Development Services, advised that utilities were contacted and both Bell and Enbridge Gas will require easements. A Reference Plan will be ordered to realign the road. Remain on outstanding.

11) Request to purchase limited marketability land – Part of the Road Allowance between Lots 22 and 23, Concession 3, Lake Erie Bertie, being part of PIN 64194-0900 LT

The Director, Planning and Development Services, advised that staff will be undertaking an appraisal. Remain on outstanding.

12) Willow Road

The Director, Infrastructure Services, advised that the property owner to the north has asked the Region to install a culvert across the road allowance and the Region has reached out for approval by the Town. The Director has provided his consent. The property owner also wants to cut down trees and the Town Arbourist will be conducting a site visit. The Director advised that the owner was told he would have to provide liability coverage through the Municipal Occupancy Policy for any work done on the Town's road allowance. Remain on outstanding matters.

13) 4152 Erie Road – Right to Reconveyance

The Director, Planning and Development Services, and Town Solicitor provided an update to the Land Committee. Remain on outstanding.

2)

**Outstanding Land Matters for Discussion, continued**

- 14) Request to Purchase Town land: Florence Drive, Plan 462 Bertie, Lying east of Benner Avenue, Fort Erie, being all of PIN 64236-0373 (LT)

The Director, Planning and Development Services, advised that staff have had communication with the property owner and the pedestrian walkway is a little narrower than what the Town would typically require. Discussions continue. Remain on outstanding.

- 15) Request to Purchase Town land: 0-6374 Richmond Avenue

The Law Clerk advised that the sale has taken place. Remove from outstanding.

- 16) Request to Purchase Town land: Hebert Parkway Plan 548, Village of Crystal Beach

No update was provided. Remain on outstanding.

3)

**Other Matters**

The Mayor advised that he was contacted by a resident advising that they did not want a sidewalk in front of their home. It was noted that the Town wants this to be a walkable community. The Mayor advised that several years ago a previous Council put a policy in place that a sidewalk needs to be at least on one side of a street but questioned if that was really adequate or if the policy should be revisited to determine if sidewalks should be placed on both sides of the street. The Mayor noted that Active Transportation, accessibility for persons with disabilities and safety for children would all be factors. The Director, Infrastructure Services advised that he is of the opinion that road allowances should be widened and the wider sidewalks put in place. As this is not a Land Committee item, Planning and Infrastructure staff will discuss further. The Director noted that subdivision designs are being reviewed and the other municipalities will also be looked at to determine best practices.

The CAO advised that the Niagara Peninsula Conservation Authority (NPCA) has provide their Land Securement Strategy, a report that was approved in June, and they are reaching out to municipalities to determine if there are any environmentally sensitive lands/ Provincially Significant Wetlands that the NPCA could acquire for stewardship purposes. Comments are supposed to be returned by October 8, 2022. Land Committee members agreed that a comprehensive review of the Strategy could not take place by the date requested. Council will be asked to request an extension to January 2023 for feedback. The CAO will prepare a memorandum for Council's consideration.



4) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, October 20, 2022 at 9:00 a.m. in Conference Room #1.

The September 7, 2022 Land Committee meeting adjourned at 12:36 p.m.

Minutes recorded and prepared by:

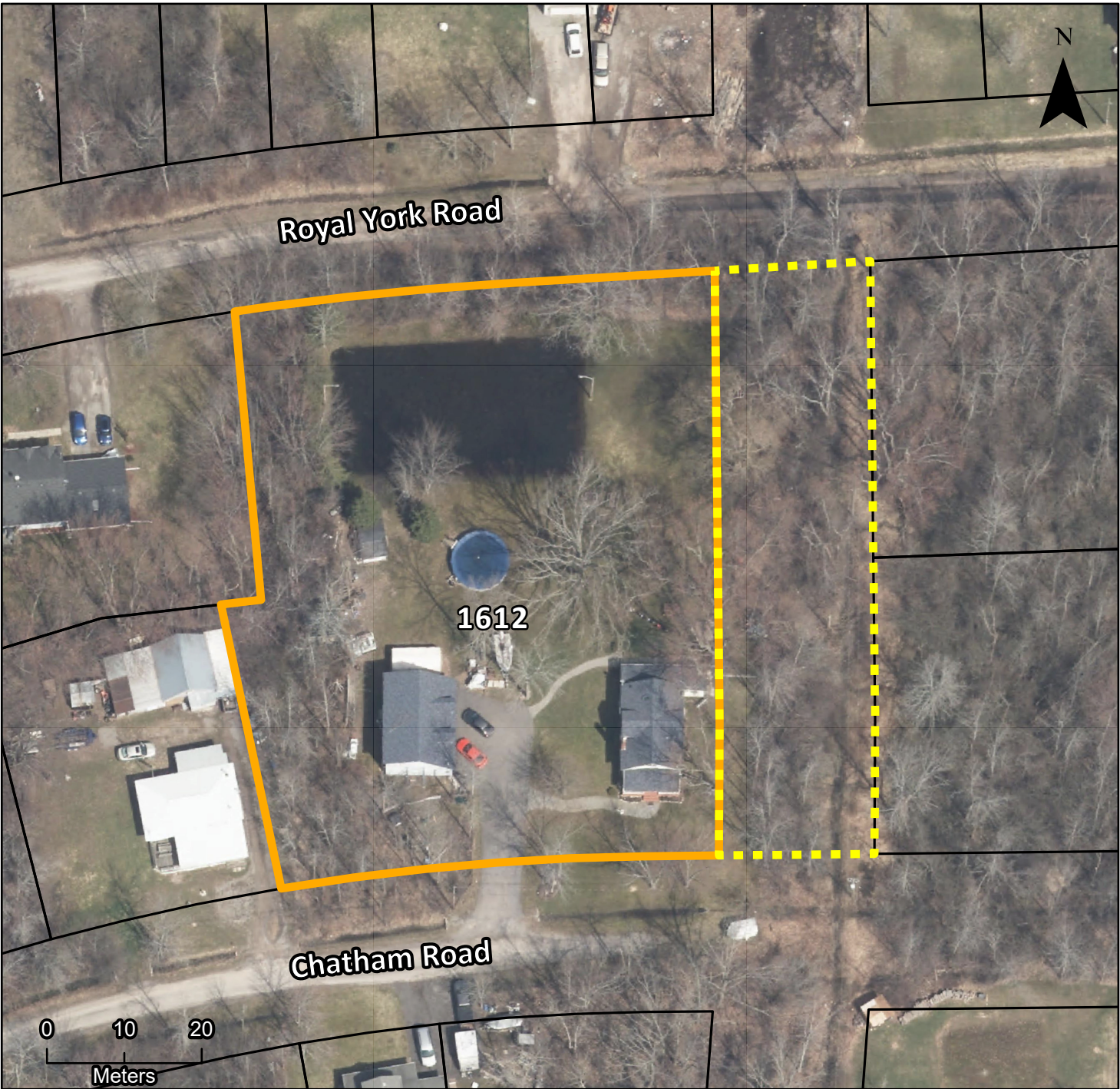
Minutes approved by:

*Original Signed*

*Original Signed*



Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Chris McQueen, MBA  
Chief Administrative Officer



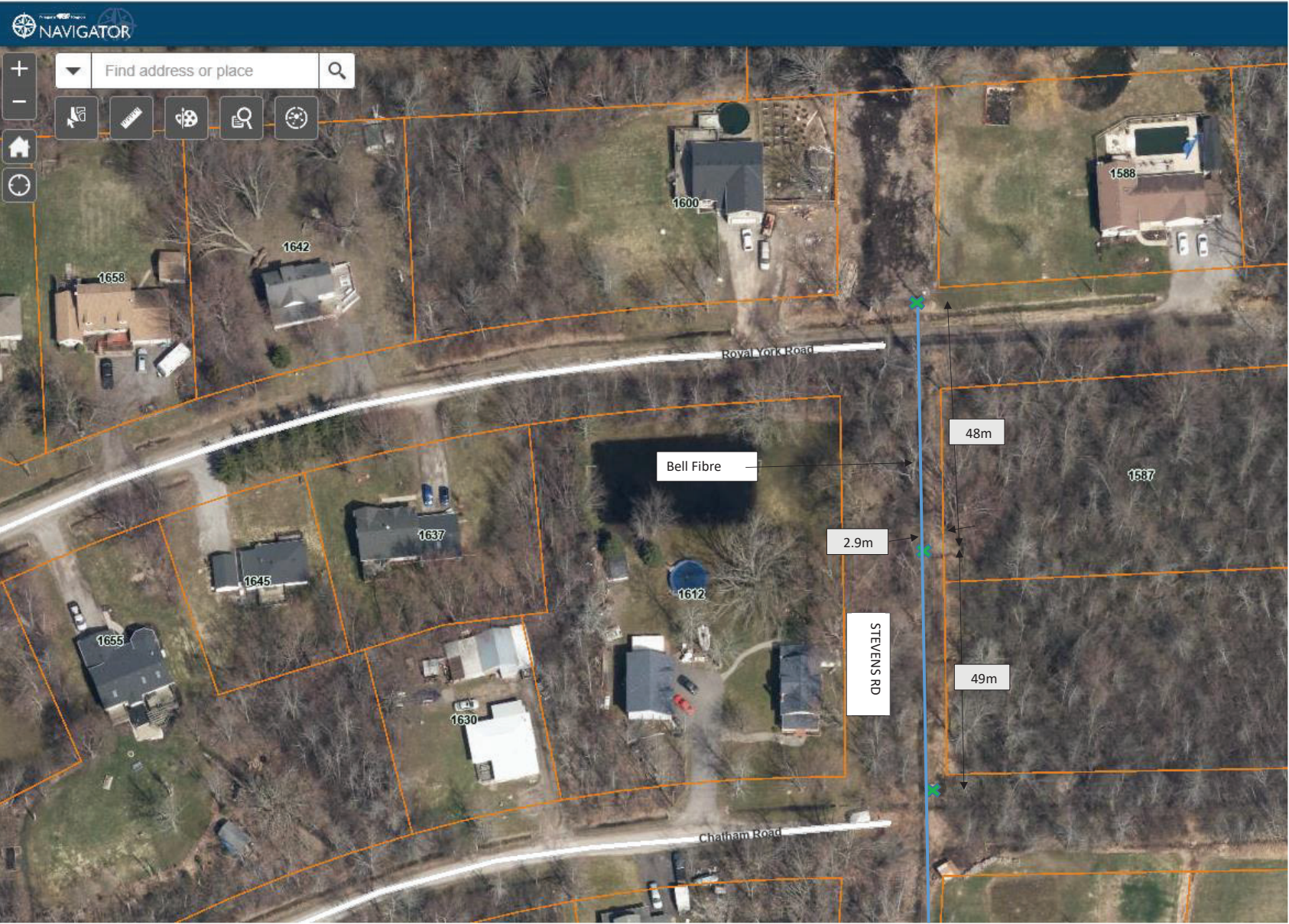
REQUEST TO PURCHASE MUNICIPAL PROPERTY

Part Stephens Road Allowance

-  Town Land Under Consideration for Disposal  
Area: 1,529.95 sq m (0.38 ac)
-  Applicant's Abutting Land  
Area: 4,539.73 sq m (1.12 ac)

 Parcel Fabric (Teranet)  
2018 Aerial Imagery







## Interoffice Memorandum

September 2, 2022

To: Land Committee  
From: Robert D. Judd, P.Eng, Municipal Engineer – Infrastructure Renewal  
Subject: **#3797 Black Creek Road Wood Stairs and Dock Within Road Allowance**

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The 2022 capital project BRGB22- Bridge and Culvert Repair and Replacement includes the replacement of culvert S112C on Black Creek Road. The culvert crosses under Black Creek Road, between the driveways of #3797 and #3813 Black Creek Road.

There is a dock with access stairs, located just south of the culvert, that are within the work area for the culvert replacement and will be removed at the start of construction. The dock and stairs are owned by Mr. Dean Harriman of #3797 Black Creek Road. A sketch of the culvert replacement work that shows the stairs and dock and the east edge of the Black Creek Road road allowance and pictures of the same are attached to this memorandum.

The Town's property fabric mapping and Terranet mapping show a municipal road allowance for this section of Black Creek Road. The road allowance has PIN#6424000001. The stairs and part of the dock are within the Black Creek Road municipal road allowance.

During the culvert project public consultation, the dock owner requested that the stairs and dock remain after construction is done. A copy of Mr. Harriman's August 24, 2022 email is attached to this memorandum. The narrow dock and stairs have typically been left in place year round, and the larger docks are floating docks that are removed seasonally. Mr. Harriman has indicated he has a deed for the dock but no documents have been submitted to the Town for our review.

Infrastructure Services staff are bringing this matter before the Land Committee to initiate discussion on how the Town will respond to the dock owner's request that the dock and stairs be reinstated after the culvert work is done. There is sufficient space south of culvert works to accommodate the dock and stairs should reinstatement of these be allowed. The reinstatement would be done in manner that does not compromise drainage or interfere with existing or proposed drainage works.

The Town's process and policy to deal with encroachments on municipal road allowances is set out in By-Law No. 89-07 - Being a By-Law to Adopt a Policy for Encroachments on Municipal Road Allowances. As per the Policy, requests to permit an encroachment are referred to the Land Committee for consideration and ultimately, for recommendation(s) to Council as to whether the encroachment(s) should be permitted to continue and whether an Encroachment Agreement is required. A copy of the Policy is attached to this memorandum.

In summary, the Policy gives guidelines that shall be applied when for considering an encroachment:

**5.1 Determine whether that part of the Municipal Road Allowance so encroached upon is required for municipal purposes.**

**5.2 Determine whether the encroachment:**

- i) has been constructed inadvertently;
- ii) has existed for a long period of time;
- iii) is maintained in good repair, used or abandoned;



- iv) poses a safety hazard to the public and gives rise to potential liability claims from resultant injuries;*
- v) destabilizes public lands with resultant damage to adjacent private lands;*
- vi) damages the natural environment and undermines the Town's stewardship role in protecting natural features;*
- vii) is a natural feature which should be preserved or protected - ie. mature trees and sensitive flora or fauna;*
- viii) conflicts with the Town's Official Plan Policies or other applicable by-laws;*
- ix) interferes with any existing, planned, proposed or possible future municipal improvements;*
- x) compromises drainage or interferes with existing or proposed drainage works;*
- xi) is minor in nature;*
- xii) takes into consideration the surrounding neighbourhood*

**5.5** *The guidelines set out above are not exhaustive. The intent of this policy is to consider each encroachment on a case-by-case basis, while having regard to the guidelines set out herein and the unique features of particular encroachments*

Section 8 of the Policy has clauses to deal specifically with Waterfront Road Allowances leading to the shores of Lake Erie or the Niagara River, but the policy definition of a “Waterfront Road Allowance” appears to be silent on road allowances leading to Black Creek and also silent on road allowances along or parallel to a waterbody.

The Fort Erie Active Transportation Master Plan identifies some hand/carry water craft access points in Douglastown, but not at this culvert location.

It would be helpful in determining next steps if the Land Committee could provide preliminary comments/discussion on the following:

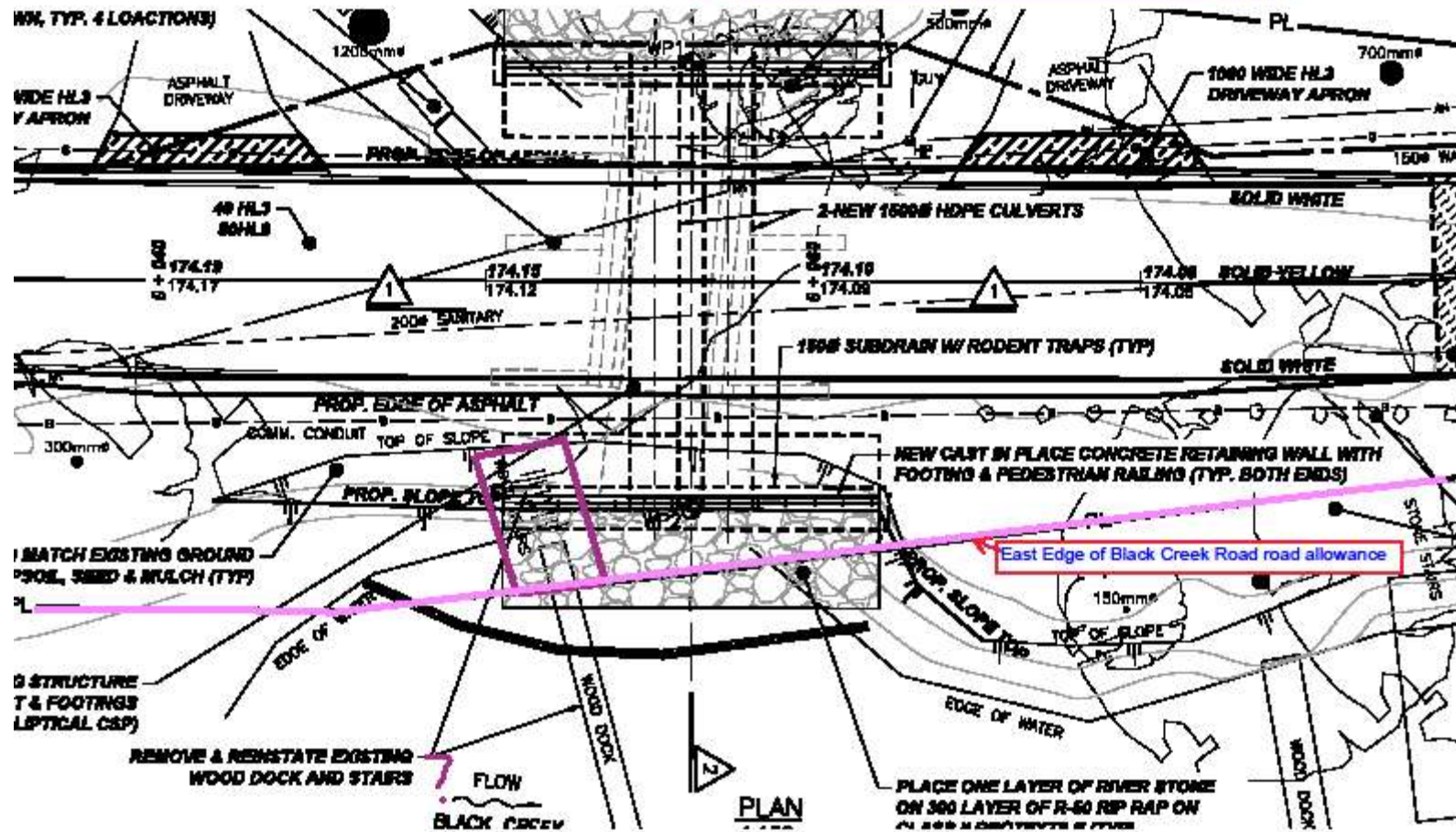
- a) Confirmation that the stairs and dock are an “encroachment”
- b) Can the stairs and dock remain (be reinstated) after the culvert work is completed.
- c) Terms and conditions for the stairs and dock to remain. (Encroachment Agreement? other?)
- d) Identify other information the Land Committee may need (title searches, legal opinion(s), etc) before making a recommendation to Council.

All of which is respectfully submitted,



Robert D. Judd, P.Eng  
Municipal Engineer – Infrastructure Renewal

August 2022 Culvert Replacement Drawing Excerpt







Stairs and Dock within the east side of Black Creek Road road allowance.





**Appendix "2" to Administrative Report No. CAO-14/LC-14-2022**

<b>Date of Meeting</b>	<b>Land Matter</b>	<b>Rec. No.</b>	<b>Tasks identified/ Recommendation of Land Committee</b>	<b>Status/Council Action Required</b>
<b>Sept. 7/22</b>	<b>Request to Purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie, being all of PIN64448-0146 (LT)</b>	<b>1</b>	<b>THAT: Land Committee denies the request to purchase Limited Marketability Land: Part Stephens Road, Plan 447, Bertie, between Royal York Road and Chatham Road; Fort Erie, being all of PIN64448-0146 (LT) due to the potential for future urban boundary expansion in the area and the drainage course that is located within the unopened road allowance.</b>	<b>Requires Council's approval</b>
<b>Sept. 7/22</b>	<b>3787 Black Creek Road – Wood Stairs and Dock within Road Allowance</b>	<b>2</b>	<b>THAT: Land Committee recommends the entry into an Encroachment Agreement with the owner of 3797 Black Creek Road for stairs that are upgraded to meet present Building Code Standards, and which may also include a portion of the dock; and further</b>  <b>THAT: the owner of 3797 Black Creek Road be required to name the Town as additional insured for the upgraded stairs and dock.</b>	<b>Requires Council's approval</b>



The Municipal Corporation of the Town of Fort Erie  
**Business Status Report**  
Corporate Services; Community Services; Fire and Emergency Services  
December 12, 2022

Forecasted Reports	Source	Status
Community Gaming Development Corporation - June and September	Minutes	December 12

Prepared by:

*“original signed”*

Chris McQueen, MBA  
Chief Administrative Officer

Prepared by:

*“original signed”*

Mark Schmitt,  
Fire Chief

Prepared by:

*“original signed”*

Jonathan Janzen, Director, Corporate  
Services/Treasurer