



**The Corporation of the Town of Fort Erie
By-law 21-2025**

**Being a By-law to Enact an Amendment to the Official Plan Adopted by
By-law 150-06 for the Town of Fort Erie Planning Area
Amendment 86**

**Spears Gardens Subdivision
Yiliming International Real Estate Limited (Matt Kernahan) – 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, as amended, hereby enacts as follows:

- 1. **That** Amendment 86 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 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 31st day of March 2025.

Mayor

Clerk

**AMENDMENT 86
TO THE
OFFICIAL PLAN
FOR THE
CORPORATION OF THE TOWN OF FORT ERIE**

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PART “A” – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of the *Planning Act*, 1990, shall be known as Amendment 86 to the Official Plan adopted by By-law 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 86 to the Official Plan adopted by By-law 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 establish a Site Specific Policy Area that adds Street Townhouse Dwellings as a permitted use and supports a maximum residential density of 22 units per hectare in the existing Low Density Residential designation in the Spears-High Pointe Secondary Plan.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this Amendment, are known as the Spears Gardens Subdivision 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 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 addition of Street Townhouse Dwellings as a permitted use will increase housing supply and facilitate a mix of built forms and densities that results in an efficient use of land and compact built form.

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

The subject lands are in an established neighbourhood consisting primarily of low and medium density built forms on municipal services.

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 a large vacant lot within the built-up area and are not constrained by Natural Heritage features. Any proposed tree removal is subject to the requirements of the Town's (Tree) [By-law No. 33-2024](#).

D. The location of the area under consideration with respect to:

1. The adequacy of the existing and proposed streets in relation to the development of such proposed areas;

The subject lands front onto Pettit Road, a designated Arterial Road. The proposed public street network will be constructed to a municipal standard with an urban cross section (sidewalks on a minimum of one side of the public street). The subject lands are proposed to be serviced by two points of ingress and egress (John Bright Avenue and Terry Drive) with a minimum width of 20.0 metres, sufficient to accommodate two-way vehicular traffic.

2. The convenience, accessibility, and safety of the site for vehicular and pedestrian traffic; and

The subject lands are proposed to be serviced by two points of ingress and egress from a designated Arterial Road (Pettit Road). A public street network is proposed with a minimum width of 20.0 metres. The proposed 20.0-metre-wide road width is sufficient to accommodate the safe movement of two-way vehicular traffic. An urban cross section (sidewalks on a minimum of one side of the public street) will be implemented as it relates to the public street network.

3. 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, Conservation and Parks, and the Niagara Region Public Health Department and any other appropriate authority deemed advisable.

Municipal services are available to the subject lands. Any capacity constraints would need to be addressed by the Applicant through future upgrades.

Registered Plan 59M-469 created a stormwater management facility for stormwater retention that has been conveyed to the Town.

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

The applications propose development of single and street townhouse dwellings, a built form commonly found throughout the surrounding neighbourhood and Fort Erie.

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;

The proposed development is not anticipated to have depreciating or deteriorating effects on adjoining properties. The subject lands are surrounded by complementary residential and open space uses and an area proposed for a future stormwater management facility. The proposed public roadway will be constructed to municipal development standards.

G. The potential effect of the proposed use on the financial position of the Town; and

The proposed use is not anticipated to negatively impact the financial position of the Town. Residential taxes will be generated from the proposed development and development charges would be collected.

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

The subject lands are not constrained by Natural Heritage features. Any proposed tree removal is subject to the requirements of the Town's (Tree) [By-law No. 33-2024](#).

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law 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 86 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of the subject lands shown on Schedule “A” attached hereto shall change from “Low Density Residential” to “Low Density Residential - Site Specific Policy Area 54.”
2. The subject lands described as Low Density Residential - Site Specific Policy Area 54 on Schedule “A” attached hereto are hereby redesignated to:

SPEARS GARDENS SUBDIVISION (Site Specific Policy Area 54)

The lands designated on Schedule “A” as “Low Density Residential - Site Specific Policy Area 54” shall generally be governed by the Low Density Residential policies of Section 4.17.6 of the Spears-High Pointe Secondary Plan and Section 4.7 of the Official Plan. However, notwithstanding the permitted uses stated in Section 4.17.6(a) and density stated in Section 4.17.6(d), the following shall apply:

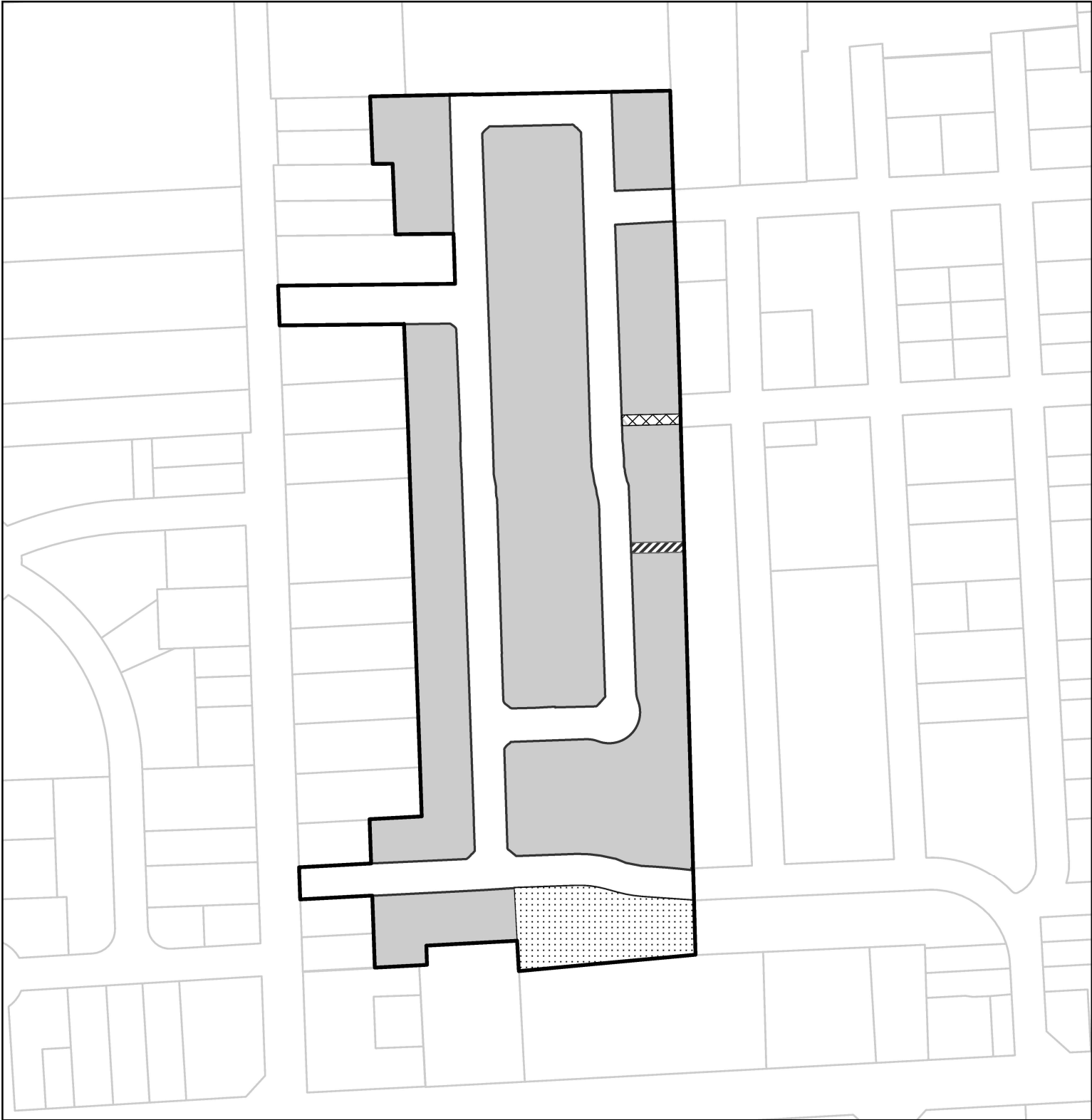
1. In addition to the permitted uses in Section 4.17.6(a), street townhouse dwellings shall also be permitted.
2. The subject lands shall have a maximum gross density of 22 units per hectare.

PART “C” – THE APPENDICES

Appendix 1 – Notice of Public Meeting






Appendix 2 – Public Meeting Minutes

Appendix 3 – Circulation Comments



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BY-LAW 21-2025
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 31st DAY OF MARCH 2025

-  Subject lands - Spears Garden Subdivision, Fort Erie
-  Part 1 - From Low Density to Low Density Residential Special Policy Area 54
-  Part 2 - Open Space
-  Part 3 - From Low Density Residential to Open Space
-  Part 4 - From Open Space to Low Density Residential Special Policy Area 54



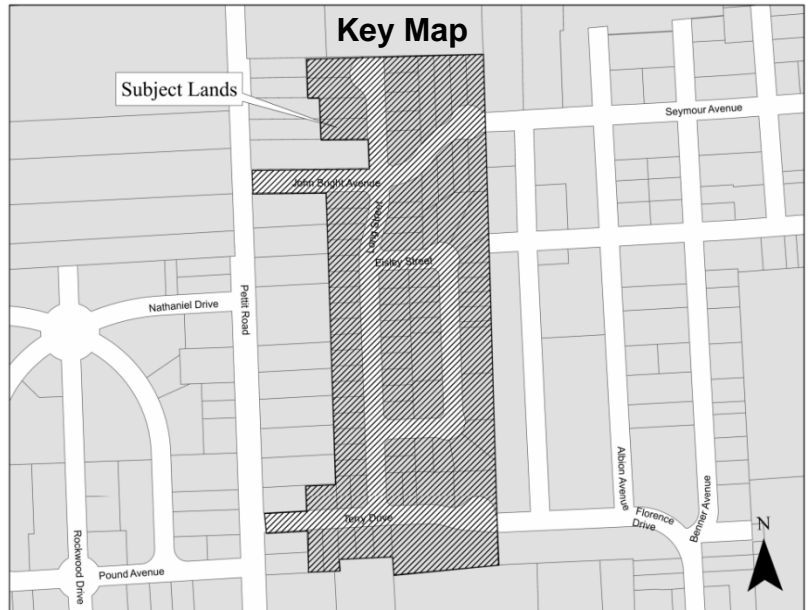
NOTICE OF COMPLETE APPLICATION AND OPEN HOUSE

Municipal Address: Spears-High Pointe Subdivision (multiple addresses, see key map below), Fort Erie
Owner: Yiliming International Real Estate Ltd.
Applicant: Upper Canada Consultants c/o William Heikoop
File Number(s): ZBA-14-2024, OPA-05-2024, PLC-06-2024

The Planning, Building and By-law Services Department received Official Plan and Zoning Amendment Applications, pursuant to Sections 17(34) and 34 of the Planning Act, 1990.

The applications were deemed complete on December 13th, 2024.

The subject lands are designated Low Density and Open Space in the Spears-High Pointe Secondary Plan and zoned Residential 2 (R2-525) Zone, Residential Multiple 1 (RM1-526) Zone and Open Space (OS-527) Zone in accordance with the Town's Comprehensive Zoning By-law 129-90, as amended.



The purpose and effect of the Official Plan Amendment application is to establish a site-specific, Low Density, policy area that permits street townhouses as a permitted use and a maximum residential density of 22 units per hectare.

The purpose and effect of the Zoning By-law Amendment application is to rezone a portion of the subject lands from the site-specific Residential 2 (R2-525) Zone and the site-specific Residential Multiple 1 (RM1-526) Zone to a site specific Residential 2 (R2) Zone, a site-specific Residential Multiple 1 (RM1) Zone and a site-specific Open Space (OS) Zone to permit development of 119 residential lots, 14 blocks for residential purposes (119 single detached dwellings and 84 street townhouse dwellings) and a pedestrian walkway. The site-specific modifications relate to frontage, lot area and density. No change to the site specific Open Space (OS-527) Zone is proposed (stormwater management pond).

The subject lands are also subject to an application for Removal of Part Lot Control (Municipal File Number PLC-06-2024) that proposes to realign and redesign the road network and lot and block fabric within the Spears-High Pointe Subdivision.

PUBLIC PARTICIPATION

The Town of Fort Erie is seeking your comments on the Applications. The Open House meeting is an initial opportunity for public input prior to scheduling a legislated Public Meeting on the matter, preparing a staff recommendation, and Council making a decision.

To participate in the Open House, you may:

- Attend the Open House meeting in-person, as follows:
Date: Tuesday, January 7th, 2025
Time: 5:00 PM – 6:00 PM
Location: Atrium, Town Hall, 1 Municipal Centre Drive, Fort Erie
- Submit written comments / questions to Devon Morton, Supervisor of Development Approvals, by email (dmorton@forterie.ca) or by regular mail (1 Municipal Centre Drive, Fort Erie, ON, L2A 2S6). All written submissions will become part of the public record and will be provided to Council.



NOTICE OF COMPLETE APPLICATION AND OPEN HOUSE

If you wish to be notified of the decision of Council on the proposed Applications, you must make a written request to Devon Morton, Supervisor of Development Approvals.

APPEAL INFORMATION

Only the Minister, the applicant, specified persons, public bodies, and the registered owner of the land to which the by-law would apply, as defined in the *Planning Act*, may appeal the decision of Council to the Ontario Land Tribunal (OLT).

If a person or public body would otherwise have an ability to appeal the decision of Council to the OLT, but the 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 is not entitled to appeal the decision.

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 OLT unless, in the opinion of the OLT, there are reasonable grounds to do so.

MORE INFORMATION

Application materials are available for review on the Town's website (forterie.ca/resource/planningApplications.xsp), or by contacting Devon Morton, Supervisor of Development Approvals, by email. New or revised application materials will be uploaded to the Town's website at the link above as they become available. Please check the Town's website for updates.

CONTACT

Devon Morton, MCIP, RPP
Planning, Building and By-law Services
dmorton@forterie.ca
905-871-1600 x. 2514

Dated at the Town of Fort Erie on December 20, 2024

NOTICE OF PUBLIC MEETING

Municipal Address: Spears-High Pointe Subdivision (multiple addresses, see key map below), Fort Erie
Owner: Yiliming International Real Estate Ltd.
Applicant: Upper Canada Consultants c/o William Heikoop
File Number(s): ZBA-14-2024, OPA-05-2024

The Planning, Building and By-law Services Department received Official Plan and Zoning Amendment Applications, pursuant to Sections 17(34) and 34 of the Planning Act, 1990.

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The subject lands are also subject to an application for Removal of Part Lot Control (Municipal File Number PLC-06-2024) that proposes to realign and redesign the road network and lot and block fabric within the Spears-High Pointe Subdivision.

PUBLIC PARTICIPATION

The Town of Fort Erie is seeking your comments on the Applications. The Public Meeting is an opportunity for public input prior to Council making a decision.

To participate in the Public Meeting, you may:

1. Attend the Public meeting, as follows:

Date: Monday, February 24, 2025

Time: 6:00 PM

Location: Council Chambers, Town Hall, 1 Municipal Centre Drive, Fort Erie

Residents can participate in the Public Meeting in-person in the Town Council Chambers, or virtually by registering with Peter Todd, Town Clerk by email (clerk@forterie.ca).

The Public Meeting is also available to view on live stream at youtube.com/townofforterie, or by clicking on the YouTube icon on the Town's website: forterie.ca

NOTICE OF PUBLIC MEETING

2. Submit written comments/questions to Devon Morton, Supervisor of Development Approvals by email (dmorton@forterie.ca) or regular mail (1 Municipal Centre Drive, Fort Erie, ON L2A 2S6). All written submissions will become part of the public record and will be provided to Council.

If you wish to be notified of the decision of Council on the proposed Applications, you must make a written request to Devon Morton, Supervisor of Development Approvals.

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If a person or public body would otherwise have an ability to appeal the decision of Council to the OLT, but the 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 is not entitled to appeal the decision.

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 OLT unless, in the opinion of the OLT, there are reasonable grounds to do so.

MORE INFORMATION

The Staff Report accompanying the Public Meeting will be available for review by 5:00 PM on **Thursday, February 20, 2025** by accessing the Council agenda through the Town's Website: forterie.ca/en/town-hall/council-meetings.aspx

Application materials are available for review on the Town's website (forterie.ca/resource/planningApplications.xsp), or by contacting Devon Morton, Supervisor of Development Approvals by email (Refer to 1278 Terry Drive, Fort Erie). New or revised application materials will be uploaded to the Town's website at the link above as they become available. Please check the Town's website for updates.

CONTACT

Devon Morton, MCIP, RPP
Planning, Building and By-law Services
dmorton@forterie.ca
905-871-1600 x. 2514

Dated at the Town of Fort Erie on February 3, 2025



**The Municipal Corporation of the Town of Fort Erie
Regular Council Meeting Minutes**

**Monday, February 24, 2025, 6:00 p.m.
Council Chambers**

1. Call to Order

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

2. Land Acknowledgement

Mayor Redekop provided a land acknowledgment.

3. Invocation

The Clerk read the Invocation.

4. Roll Call

The Clerk gave the roll call.

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

Also Present: Regional Councillor Insinna

Absent: Councillor Noyes

Staff: A. Carter, R. Firenze, A. Dilwaria, J. Frost, J. Janzen, C. Patton and P. Riley.

5. Announcements/Addenda

There was one addendum that updated Report PBBS-16-2025 and By-law 14-2025.

Mayor Redekop made the following announcements:

Certificate of Appreciation from Canadian National

The Town of Fort Erie received a "Rail Safety Ambassador" certificate from Canadian National Railway in recognition of proclaiming Rail Safety Week in 2024 and of the Town's support for this initiative.

Upcoming Open Houses

Two open houses will be held in March:

- Tree Bylaw Update: March 19th, 5:00 PM - 7:00 PM
- Climate Change Action Plan Draft Report: March 27th, 5:00 PM - 7:00 PM

Support for Douglas Memorial Hospital Funding

The City of Niagara Falls supported the Town's resolution, passed in October, calling for continued funding for the hospital. On February 20th, Regional Council unanimously approved this resolution. This approval is seen as recognition of the importance of maintaining urgent care, diagnostic services, palliative care beds, and chronic care beds in Fort Erie. Mayor Redekop thanked his regional colleagues and stated that the Town continues to press both the provincial government and Niagara Health to support the continued services at the hospital beyond the expected opening of the new hospital in 2028 or 2029.

Everyday Influencer Conference

Mayor Redekop and Councillor Christensen attended the Everyday Influencer Conference at Greater Fort Erie Secondary School, which was organized by students, including McKenzie Arts, the Chair of the Mayor's Youth Advisory Committee and other members of the Committee. The conference had participation from 200 students across several high schools in Niagara. The event included breakout sessions that were deemed inspirational, showcasing the future potential of the youth in the community. The conference was a great success, and other schools want to replicate it.

Clarification on Facebook Post Regarding Endorsement

Mayor Redekop addressed a Facebook post that falsely suggested he had endorsed a candidate for the upcoming provincial election. He clarified that no such endorsement had been made. The Mayor responded to the post to correct the misinformation and reassure the community that no endorsement has occurred or will occur prior to the election.

Reminder to Vote in Provincial Election

Mayor Redekop reminded the community about the upcoming provincial election on February 27th. Mayor Redekop encouraged all eligible voters to participate in the election, emphasizing the importance of voting as a fundamental right and responsibility in a democratic society. It is through voting that citizens shape the future of their communities.

6. Declarations of Pecuniary Interest

6.1 Councillor Flagg declared a pecuniary interest regarding the following items:

- Public Meeting - Zoning By-law Amendment and Draft Plan of Subdivision - 0-10747 Kraft Road - Crescent Acres Subdivision
- PBBS-14-2025
- Public Meeting - Official Plan and Zoning By-law Amendments- Spears High-Pointe Subdivision
- PBBS-15-2025

The Councillor's residence and place of business are within the catchment area of notification.

7. Notice of Upcoming Public Meetings and Open Houses

7.1 Public Meeting - Zoning By-law Amendment - 3741 Nigh Road

Owner: Brent King - Applicant: Biglieri Group (c/o Rachelle Larocque) - Monday, March 17, 2025 - 6:00 p.m. - Council Chambers, Town Hall

8. Regional Councillor Report

Regional Councillor Insinna gave the following report:

Niagara Regional Housing (NRH) Crescent Road Facility

The Niagara Regional Housing building on Crescent Road is expected to be ready for occupancy by March of this year. The move-in process, initially planned for several months ago, was delayed due to construction deficiencies.

Consolidated Housing Master Plan

The Niagara Regional Housing Board was presented with the Consolidated Housing Master Plan last week. Currently, NRH owns 3,051 units, with a target of 6,037 units by 2050. This goal will focus on existing land and intensifying current properties. The plan prioritizes new unit developments followed by intensification of existing buildings. The plan proposes selling specific properties and using the proceeds to fund affordable housing development. Potential funding sources include:

- 6% from end-of-mortgage payments (\$120 million)
- 1% from land sales (\$17.5 million)
- A proposed 0.2% increase in the general levy
- Government grants (funding levels undetermined) There are no development charges (DCs) available, so funding will need to come from regional, provincial, or federal sources. The plan also explores partnerships with non-profit agencies and private developers.

The excess land surrounding the new Gilmore Lodge and the old site has not been included in the plan as Niagara Regional Housing does not own it. The plan is considered fluid and subject to adjustments as time progresses. If funding is secured, six projects in the plan would impact Fort Erie, with potential development in the next 3-5 years. The Housing Master Plan will be shared and explained at the Town of Fort Erie Affordable Housing Committee.

9. Presentations and Delegations

9.1 Mary McLelland Papp and Keith Ratcliffe, Co-Chairs, Fort Erie Museum and Cultural Heritage Committee

Re: Presentation of Heritage Plaques

M. McLelland Papp introduced the Museum and Cultural Heritage Advisory Committee, their role and the property designations. K. Ratcliffe introduced each property and its owner and presented the Heritage Plaques with Mayor Redekop;

- 164 Point Abino Road South: Edwin, Tony and Susan McGowan
- 3555 Yacht Harbour Road: Heather Hicks - Absent
- 304 Ridge Road North: Karen and John Arbour

Mayor Redekop thanked the Museum and Cultural Heritage Committee for their hard work and dedication. He also acknowledged the significant effort of the volunteer members and thanked them for the time and energy they invested in the initiatives. Mayor Redekop also thanked property owners for their cooperation in designating their properties for heritage preservation, recognizing the importance of this effort in preserving the community's history and guiding its future. The Mayor also acknowledged the hard work of the committee and staff in ensuring clear communication with property owners and emphasized continued collaboration moving forward.

9.2 Max Fedchyshak, Senior Planner and Jeremy Tran, Manager of Urban Design & Development Planning, NPG Planning Solutions

Re: 0-15850 Rebstock Road - Subdivision and Condominium Applications (Report PBBS-16-2025)

Max Fedchyshak, Senior Planner and Jeremy Tran, Manager of Urban Design & Development Planning, NPG Planning Solutions, provided a presentation summarizing the Application and responded to questions from members of Council.

J. Tran requested that Item 12.1 PBBS-16-2025 be moved up in the agenda to be considered after the presentation.

Council generally agreed to consider Item 12.1 PBBS-16-2025 following the presentation. However, the minutes reflect the agenda as printed.

10. Public Meetings

10.1 Public Meeting - Zoning By-law Amendment and Draft Plan of Subdivision - 0-10747 Kraft Road - Crescent Acres Subdivision

Owner: Crescent Acres Inc. - Applicant: Upper Canada Consultants, Joe Tomaino

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

Robin Shugan, Intermediate Development Planner, provided a presentation outlining the proposal and responded to questions from members of Council.

Mayor Redekop inquired as to whether the agent or the applicant wished to speak to the applications.

The applicant's agent, Joe Tomaino of Upper Canada Consultants spoke to the application and answered questions of Council.

Mayor Redekop enquired if anyone present wished to speak to the application.

Mark Charlong, 958 Crescent Road, provided oral comments on behalf of himself and his neighbour at 964 Crescent Road.

The Clerk confirmed that no additional written comments were received.

Mayor Redekop declared the Public Meeting closed.

10.2 PBBS-14-2025

Proposed Zoning By-law Amendment and Redline Revision to a Draft Plan of Subdivision Information and Recommendation Report for 0-10747 Kraft Road (Crescent Acres Subdivision)

Resolution 1

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: Council approves the amendments to the Town's Zoning By-law 129-90 and Redline Revision to the Draft Plan of Subdivision as detailed in Report PBBS-14-2025 for the lands known as 0-10747 Kraft Road (Crescent Acres Subdivision).

That: Council approves the Crescent Acres Draft Plan of Subdivision Redline Revision dated April 4, 2024, showing 86 lots for single detached dwellings, 4 blocks for 8 semi-detached dwellings, 24 blocks for 144 town house dwellings, 1 block for a watercourse, 1 block for a stormwater pond and 1 block for a future road connection as attached as Appendix '4' of Report No. PBBS-14-2025, 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. PBBS-14-2025

That: Council directs staff to submit the necessary by-law

Carried

10.3 Public Meeting - Official Plan and Zoning By-law Amendments- Spears High-Pointe Subdivision

Owner: Yiliming International Real Estate Ltd. - Applicant: Upper Canada Consultants c/o William Heikoop

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

Devon Morton, Supervisor of Development Approvals, provided a presentation outlining the proposal and responded to questions from members of Council.

Mayor Redekop inquired whether the agent or the applicant wished to speak to the applications.

The applicant's agent, William Heikoop of Upper Canada Consultants, spoke to the application and answered questions of Council. Matt Kernahan thanked Planning Staff and answered questions of Council.

Mayor Redekop inquired if anyone present wished to speak to the application.

Italia Reeves, 1178 Pettit Road, provided oral comments.

The Clerk confirmed that no additional written comments were received.

Mayor Redekop declared the Public Meeting closed.

10.4 PBBS-15-2025

Proposed Official Plan and Zoning By-law Amendments Recommendation Report for lands located at 1278 Terry Drive (Spears-Garden Subdivision), Fort Erie

Resolution 2

Moved by: Councillor Dubanow

Seconded by: Councillor Lewis

That: Council approves the amendment to the Town's Consolidated 2021 Official Plan as detailed in Report PBBS-15-2025 for the lands known as 1278 Terry Drive (Spears-Garden Subdivision), Fort Erie, and further

That: Council approves the amendment to the Town's Zoning By-law 129-90 as detailed in Report PBBS-15-2025 for the lands known as 1278 Terry Drive (Spears-Garden Subdivision), Fort Erie, and further

That: Council directs that a Holding Provision under Section 36(1) of the Planning Act, R.S.O. 1990 be applied to the subject lands and not be removed until such time as:

1. The Owner / Applicant shall satisfy Regional waste collection requirements, to the satisfaction of the Niagara Region.
2. The Owner / Applicant shall provide written confirmation from a Qualified Professional, as defined under Oil, Gas and Salt Resources Act, that the proposed development is located greater than 75m from a private gas well. If the proposed development is within 75m of a private gas well, the Owner / Applicant shall provide confirmation from the Ministry of Natural Resources and Forestry that the private gas well has been decommissioned, in accordance with Provincial standards, prior to any demolition, construction, grading or other soil disturbances occurring on the subject property, to the satisfaction of Niagara Region and the Town's Director of Planning, Building and By-law Services.
3. The Owner / Applicant shall demonstrate drainage and stormwater management of this development and adjacent lands is accommodated as set out in the Spears High-Pointe Neighbourhood Master Servicing Study (By-law 39-2023) and Spears High-Pointe Secondary Plan ([By-law 131-2012](#)), to the satisfaction of the Town's Director of Infrastructure Services.
4. The Owner / Applicant submits and receives final approval of a revised Functional Servicing Report prepared and certified by a licensed Professional Civil Engineer with respect to the development's sanitary sewer proposal and proposed peak flows, and are able to demonstrate sufficient capacity within the sanitary system, to the satisfaction of the Town's Director of Infrastructure Services.

That: Council directs staff to submit the necessary Official Plan and Zoning By-law Amendment By-laws.

Carried

11. Consent Agenda

Resolution 3

Moved by: Councillor Flagg

Seconded by: Councillor McDermott

That: Council approves the consent agenda as recommended.

Carried

11.1 Minutes

11.1.1 Regular Council Meeting - January 27, 2025

11.1.2 Council-in-Budget Committee Meeting - January 29, 2025

11.1.3 Special Council Meeting - February 3, 2025

11.1.4 Council-in-Committee Meeting - February 10, 2025

11.1.5 Special Council Meeting - February 11, 2025

11.2 Correspondence

11.2.1 Proclamation - Autism Ontario - April 2, 2025 as World Autism Day

That: Council proclaims April 2, 2025 as "World Autism Day", and approves their flag be flown at Town Hall.

Carried

11.2.2 Receive and Support - Great Lakes and St. Lawrence Cities Initiative - Strong Response to Trade War

That: This correspondence be further circulated to Niagara MP's and MPP's and the Association of Municipalities of Ontario.

Carried

11.2.3 Proclamation - The Canadian Amyloidosis Support Network - March 2025 as Amyloidosis Awareness Month

That: Council proclaims March as "Amyloidosis Awareness Month".

Carried

11.3 Board/Committee Minutes

11.3.1 Receive - Mayor's Youth Advisory Committee - January 27, 2025

11.3.2 Receive - Crystal Beach Business Improvement Area Board of Management - January 8, 2025

11.3.3 Receive - Accessibility Advisory Committee - January 28, 2025

11.3.4 Receive - Senior Citizens Advisory Committee - January 8, 2025

11.3.5 Receive - Community Health Care Services Committee - February 6, 2025

11.3.6 Receive - Museum and Cultural Heritage Advisory Committee - February 12, 2025

11.3.7 Receive - Community Gaming Development Corporation - November 27, 2024

11.4 Reports

12. Reports

12.1 PBBS-16-2025

Proposed Draft Plan of Subdivision and Draft Plan of Common Elements
Condominium Information and Recommendation Report for 0-15850
Rebstock Road

Resolution 4

Moved by: Councillor Lewis

Seconded by: Councillor Dubanow

That: Council approves the Draft Plan of Subdivision dated October 7, 2024, for the lands known as 0-15850 Rebstock Road, showing 9 blocks intended for 16 block townhouses, 74 back-to-back townhouse dwellings and a Common Elements Condominium as illustrated in Appendix 2 of Report PBBS-16-2025, 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 8 of Staff Report PBBS-16-2025, and further

That: Council approves the Draft Plan of Common Elements Condominium dated October 7, 2024, for the lands known as 0-15850 Rebstock Road, showing 1 block for common elements as illustrated in Appendix 3 of Report PBBS-16-2025, 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 9 of Staff Report PBBS-16-2025, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix 5 and Appendix 6 of Staff Report PBBS-16-2025 to the applicable agencies in accordance with the requirements of the *Planning Act*.

Amendment:

Moved by: Councillor Lewis

Seconded by: Councillor Christensen

That: Report PBBS-16-2025 be deferred to the next Regular Council meeting on March 31, 2025.

Carried

13. New Business/Enquiries

None.

13.1 Councillor McDermott - Downtown Sidewalk Snow Clearing

Councillor McDermott stated that the minimum standard for snow clearing is 8 cm of snow; however, he is concerned about the severe ice we have been managing. He further noted that Infrastructure Services advised that they would need direction from Council to change the minimum standard.

J. Frost advised that winter maintenance staff have been on almost continuous deployment since noon Friday, February 14th. J. Frost further informed that in recent years, the Town has taken on the responsibility of sidewalk clearing and hired a contractor for approximately \$250,000 to \$300,000 per year to plow, salt and sand sidewalks. Infrastructure Services has spent considerable time, resources and budget this year on winter maintenance. J. Forst noted that in order to go above this minimum standard, staff would need direction and guidance from Council to take that action and spend additional funds.

Councillor McDermott noted that his request is specific to the business improvement areas.

Mayor Redekop advised that Councillor McDermott must bring forward a Notice of Motion and then have Council vote on a Motion.

Councillor Lewis requested that Councillor McDermott's Motion consider the three business improvement areas.

Councillor Dubanow suggested that staff consider GPS tracking of snowplows, as more information is helpful to Council and residents. Mayor Redekop advised that he and C. McQueen have discussed this, and he supports it.

14. Closed Session

Resolution 5

Moved by: Councillor McDermott

Seconded by: Councillor Flagg

That: Council goes into Closed Session at 7:59 p.m. to consider the following:

Item 14.1 Closed Session Minutes - January 27, 2025; and

Item 14.2 Closed Session Minutes - February 10, 2025; and

Item 14.3 Memorandum - Litigation Update pursuant to Section 239 (2) (e) of the *Municipal Act, 2001*, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and

Item 14.4 Memorandum - 3770 Hazel Street 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.

Carried

15. Back to Open Session

Moved by: Councillor Lewis
Seconded by: Councillor McDermott

That: Council does now rise and reconvene from closed session at 8:17 p.m. with report:

Item 14.1 **That:** Council approves Closed Session Minutes - January 27, 2025; and

Item 14.2 **That:** Council approves Closed Session Minutes - February 10, 2025; and

Item 14.3 **That:** Council receives Memorandum - Litigation Update for information purposes, and

Item 14.4 **That:** Council receives Memorandum - 3770 Hazel Street for information purposes.

Carried

16. Motions

16.1 Mayor Redekop

Re: Waverly/Erie Beach Walkway

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

Resolution 6

Moved by: Mayor Redekop
Seconded by: Councillor Flagg

Whereas a significant section of the walkway at Waverly Beach/Erie Beach along Lake Erie was demolished by a storm on Halloween night 2019; and

Whereas the Town of Fort Erie has received funding from the provincial government under a Municipal Disaster Relief Program to reconstruct the walkway; and

Whereas there have been numerous delays in proceeding with the reconstruction project, including the Covid pandemic; and

Whereas it is time to proceed with the reconstruction of the walkway without further delay:

Now, therefore, be it resolved,

That: Staff be directed to proceed with the design work for reconstruction of the walkway at Waverly Beach/Erie Beach as close to the original profile as possible as the preferred location; and further

That: All necessary steps be considered, including additional structural reinforcement if necessary, to ensure the sustainability and resilience of the reconstructed walkway; and further

That: The project shall be ready for tendering as soon as possible, and no later than September 15, 2025, so the walkway reconstruction can commence before the end of 2025.

Carried

Councillor McDermott returned the chair to Mayor Redekop.

17. Notice of Motion

17.1 Councillor McDermott - Snow Plowing Sidewalks

Councillor McDermott gave notice of motion regarding snow clearing on sidewalks.

Returnable March 31, 2025

17.2 Councillor Lewis - Parking within the Business Improvement Areas

Councillor Lewis gave notice of motion regarding free business patron parking within the three business improvement areas including municipal lots and street parking.

Returnable March 31, 2025

17.3 Councillor Dubanow - Update on Sewer Servicing in Ward 2

Councillor Dubanow gave notice of motion to request an update on sewer servicing in Ward 2 along the Garrison Road corridor and a construction timeline.

J. Frost advised that there are two main catchment areas along Garrison Road. The Alliston Sanitary Pump Station services the west area, while the east area feeds into the Catherine Street catchment. A collaboration is being made between the Region and a private developer through a co-pay agreement to gather pump flow monitoring data to identify the cause of extraneous flow. This will help determine whether the issue is a pump limitation or something else. Multiple requests have been made in recent weeks to the region for data and reports, with efforts continuing to obtain the analysis this week.

J. Frost also advised that a Wastewater Rehabilitation project is underway in the Catherine Street area, with a draft RFP currently in progress. The project will address extraneous flows by relining sewers to tighten the system. A manhole relining program is also planned, with work dependent

on having 3-5 days of temperatures above 6°C. The liners will be available at the works yard soon if they are not in stock.

Mayor Redekop requested a memorandum to summarize for the Council-in-Committee meeting on March 17th.

Returnable March 31, 2025

18. Consideration of By-laws

Resolution 7

Moved by: Councillor Flagg

Seconded by: Councillor McDermott

That: The by-law package containing:

12-2025 To Amend By-law 70-2023 to Revise the Museum and Cultural Heritage Advisory Committee's Terms of Reference

13-2025 To Name the existing Park located on 3781 Ryan Avenue to Stadium Park

14-2025 To Amend Zoning By-law 129-90, as amended - 986 Ridge Road North

15-2025 To Adopt an Affordable Housing Community Improvement Plan

16-2025 To Authorize the Entry into a Development Agreement with Baden Lawrence Earl – 129 Maple Leaf Avenue North

17-2025 To Adopt the General Capital Budget and the General Levy Operating Budget for the Year 2025

are given first and second reading.

Carried

Resolution 8

Moved by: Councillor McDermott

Seconded by: Councillor Flagg

That: By-laws 12-2025 to 17-2025 inclusive are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

Resolution 9

Moved by: Councillor Christensen

Seconded by: Councillor McDermott

That: By-law 18-2025 To Confirm the Actions of Council at its Council-in-Budget Committee Meeting held on January 29, 2025 and its Council-in-Committee

Meeting held on February 10, 2025, and its Council Meeting held on February 24, 2025, is given first and second reading.

Carried

Resolution 10

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

That: By-law 18-2025 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

Carried

19. Scheduling of Meetings

Members of Council announced upcoming Boards and Committees meetings from March 5th to March 12th, 2025.

20. Adjournment

Resolution 11

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

That: Council adjourns at 8:30 pm to reconvene into a Regular Meeting of Council on March 31, 2025.

Carried

Mayor

Clerk

Memo

To: Devon Morton, Supervisor of Development Approvals

From: Taylor Boyle, Project Manager, Development Engineering

Date: February 20th, 2025

File No.: ZBA-14-2024

RE: **Official Plan Amendment, Zoning By-Law Amendment, Removal of Part Lot Control – 1st Submission – Spears Gardens (Formerly Lulongping Gardens)**

Town of Fort Erie Development Engineering Staff have reviewed the above noted application to address the technical concerns related to the Official Plan Amendment, Zoning By-law Amendment and Removal of Part Lot Control Application submission for Spears Gardens.

The proposed amendments are to facilitate a redesign of the Registered Plan of Subdivision, to establish a change to the road and lot/block pattern to accommodate 119 single detached lots and 14 blocks for 84 street townhouse units. The existing stormwater management facility and block for pedestrian connection to the east will continue to remain in their current locations. The internal street network will be redesigned as a looping grid pattern, with Terry Drive and Bright Avenue remaining in their current location, to provide for a more efficient lot/block pattern.

Town Staff have reviewed the following documentation for the purpose of this application:

- Functional Servicing Report, prepared by Upper Canada Consultants, dated November 2024;
- Revised Draft Plan of Subdivision, prepared by Upper Canada Consultants, dated June 19, 2024;

The following comments and conditions shall be addressed to the satisfaction of the Director of Infrastructure Services. Note that further comments are to be forthcoming on subsequent submissions.

General Comments:

Following a detailed review of the supporting documentation submitted as part of the Official Plan Amendment, Zoning By-Law Amendment and Removal of Part Lot Control Applications, Development

Engineering Staff recommend that a holding provision be placed upon the Zoning By-Law Amendment Application until such a time that the following comments/conditions are addressed to the satisfaction of the Director of Infrastructure Services.

Stormwater Management:

1. The subject lands are located within the Spears-High Pointe Secondary Plan Area within the Town's Official Plan. Within this Secondary Plan area there is an existing Master Servicing Study, Spears-High Pointe Neighbourhood Master Servicing Study, which outlines the recommended stormwater management strategy for the Secondary Plan area.

Pursuant to By-Law 39-2003, which adopted the 2002 Spears – High Pointe Neighbourhood Master Servicing Study, prepared by Earth Tech Canada Ltd., dated December 2002, Staff require that the Stormwater Management strategy for the proposed development be reviewed and revised to conform with the Spears – High Pointe Master Servicing Study and By-Law 39-2003.

2. In general, Town staff are committed to better environmental stewardship. In accordance with the Niagara Region's Stormwater Management Guidelines, Town Staff require that water quality control be to an Enhanced level (80% TSS removal).
3. Is there an opportunity to implement a treatment train BEFORE the oil-grit separator to reduce the burden of facility maintenance in the future?

Condition:

1. **A detailed Stormwater Management Report shall be prepared, certified, and implemented for this development by a Professional Civil Engineer in accordance with the Town's Standards, as amended, and in accordance with By-Law 39-2003 and the Spears – High Pointe Neighbourhood Master Servicing Study, to the satisfaction of the Project Manager, Development Engineering;**

Functional Servicing Report:

4. The Functional Servicing Report shall be peer-reviewed by the Town's Sanitary Sewer Consultant, GEI Consultants. The analysis by the Town's Consultant shall comment on and provide recommendations for the existing downstream system, if any. The submission of this Functional Servicing component and recommendations thereof to the downstream system, if any, as a result of the peer-review, shall be required as a condition of the Zoning Bylaw Amendment, and a HOLD Provision applied to the lands, until such time as the recommendations for improvements, if any, are implemented accordingly at 100% responsibility of the Owner.

5. The Owner shall also make themselves familiar with the requirements of the Town's current Sanitary Sewer Consolidated Linear Infrastructure license, and ensure these requirements are met, prior to the Town authorizing connections to the existing sewer system.

Condition:

2. **The Owner submits to the Town for review and approval a revised Functional Servicing Report prepared and certified by a licensed Professional Civil Engineer with respect to the development's sanitary sewer proposal and proposed peak flows, to the satisfaction of the Director, Infrastructure Services**

Proposed Road Network

6. As the proposed development is located within the Spears – High Pointe Secondary Plan area, Staff require that the Owner/Developer demonstrate how the proposed road network is proposed to integrate with Secondary Plan's recommended overall road network.

Condition:

3. **The Owner / Applicant shall demonstrate the proposed road network is compatible with the Spears High-Pointe Secondary Plan to the satisfaction of the Town's Director of Infrastructure Services.**

Development Engineering have no further comments or conditions to impose regarding the submitted Applications, subject to the above conditions.

Regards,



Taylor Boyle, C. Tech., rcsi
Project Manager, Development Engineering
Planning, Building and By-Law Services

Interoffice Memorandum

February 19, 2025
File No. 350308-0104

To: Devon M. Morton, Supervisor of Development Approvals
From: R.D. Judd, Municipal Engineer - Infrastructure Renewal
Subject: **ZONING BY-LAW AND OFFICIAL PLAN AMENDMENTS APPLICATIONS,
SPEARS GARDEN/ LULONGPING SUBDIVISION**

Engineering Services Division has completed a high level review of the above noted Zoning By-law and Official Plan Amendments. It is our understanding that Development Engineering staff are responsible to complete a detailed review and provide comments too.

Official Plan Amendment

The purpose and effect of the Official Plan Amendment application is to establish a site specific, Low Density, policy area that permits street townhouses as a permitted use and a maximum residential density of 22 units per hectare.

- We have no comments regarding the proposed Official Plan Amendment.

Zoning By-law Amendment

The purpose and effect of the Zoning By-law Amendment application is to rezone a portion of the subject lands from the site-specific Residential 2 (R2-525) Zone and the site-specific Residential Multiple 1 (RM1-526) Zone to a site specific Residential 2 (R2) Zone, a site-specific Residential Multiple 1 (RM1) Zone and a site-specific Open Space (OS) Zone to permit development of 119 residential lots, 14 blocks for residential purposes (119 single detached dwellings and 84 street townhouse dwellings) and a pedestrian walkway. The site-specific modifications relate to frontage, lot area and density. No change to the site specific Open Space (OS-527) Zone is proposed (stormwater management pond).

The subject lands are also subject to an application for Removal of Part Lot Control (Municipal File Number PLC-06-2024) that proposes to realign and redesign the road network and lot and block fabric within the Spears-High Pointe Subdivision.

- We note that this proposed concept will add an additional 100 residential units to the existing plan.
- Sewer collection system capacity analysis for a proposed development on the west side of Pettit Road found that there were system capacity limitations. The FSR in support of Spears Gardens provides no analysis of downstream system capacity and a peer review is required. Some flow monitoring was done November and December by a developer partnership. We are uncertain if Spears Garden was part of this partnership and results of the flow monitoring have not been received by the Engineering Dept yet.
- Proposed road network is not compatible with Spears- High Pointe Neighbourhood Secondary Plan (By-law 131-12) Figure SHP-4. Road connections to lands to north should be provided as per SHP-4.
- Adding 100 units to the development will increase the development's impervious area and storm run off. More details are required to confirm that the existing storm water management pond can accommodate the additional storm run off flows.

- The Spears - High Pointe Neighbourhood Master Servicing Study (By-law 39-2003) indicated that adjacent lands to the east were to be included in the storm water management (SWM) facility. It is not preferred to have several small ponds for multiple developments. Where possible, a single SWM facility should service multiple developments to provide better land use and more efficient on-going maintenance of the facility.

**REQUESTED CONDITIONS OF ZONING BY-LAW AMENDMENT:
SPEARS GARDEN/ LULONGPING SUBDIVISION**

- A. We recommend the inclusion of a Holding Provision (H) in the amending Zoning By-law to ensure that the sanitary sewer system capacity is confirmed to be available, to the satisfaction of the Director of Infrastructure Services, for the proposed 119 single detached dwellings and 84 street townhouse dwellings.
- B. We recommend the inclusion of a Holding Provision (H) in the amending Zoning By-law to ensure that storm water management can be accommodated in the Spears Gardens existing pond block.
- C. We recommend the inclusion of a Holding Provision (H) in the amending Zoning By-law to ensure that drainage and storm water management of adjacent lands is accommodated within Spears Gardens as set out in the Spears -High Pointe Neighbourhood Master Servicing Study (By-law 39-2003) and Spears- High Pointe Neighbourhood Secondary Plan (By-law 131-12), to the satisfaction of the Director of Infrastructure Services.
- D. We recommend the inclusion of a Holding Provision (H) in the amending Zoning By-law to ensure the Spears Gardens road network is compatible with the Spears -High Pointe Neighbourhood Plan (by-law 131-12), to the satisfaction of the Director of Infrastructure Services.

I trust this is sufficient for your purposes, please contact me if you have any questions.



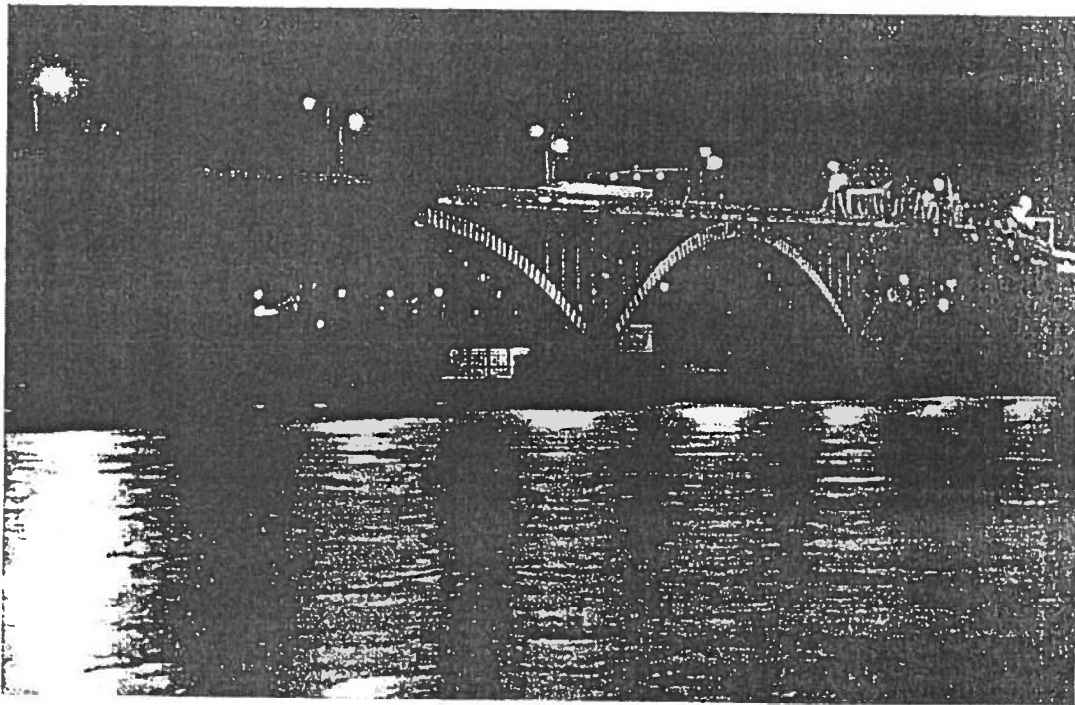
Robert D. Judd, P.Eng.
Municipal Engineer – Infrastructure Renewal

RDJ:

ecc. J. Frost , Acting Director of Infrastructure Services
M. Iamarino, Manager of Development Approvals
T. Boyle, Project Manager, Development Engineering, Planning and Development Services



Spears and High Pointe Neighbourhoods Master Servicing Plan



Prepared for:
The Corporation of The Town
of Fort Erie
Municipal Centre
1 Municipal Drive
Fort Erie, L2A 2S6

Prepared by:
Earth Tech Canada Inc.
Corbloc Building
80 King Street, 2nd Floor
St. Catharines, Ontario, L2R 7G1

Final Report – December, 2002

TABLE 4-7

**COST ESTIMATES FOR REQUIRED WORKS FOR ALTERNATIVE 3 -- COMMERCIAL FLOWS TO
GILMORE ROAD PUMPING STATION**

ITEM	LENGTH (M)	DESCRIPTION OF WORK	COST
High Pointe Neighbourhood – Trunk Sewers	1,750	200 mm D Sewer	\$262,050
Spears Neighbourhood – Trunk Sewers	3,582	200 mm D Sewer	\$537,300
Spears Neighbourhood – Trunk Sewers	1,616	250 mm D Sewer	\$323,200
Replacement Sewers	500	200 mm D Sewer	\$100,000
	2,363	300 mm D Sewer	\$649,825
	210	300 mm D Sewer (under QEW)	\$168,000
Manholes		101	\$920,000
Reconnection of Private Drains		136 @ 10 m	\$204,000
Sub Total			\$3,164,375
Engineering & Contingencies (20%)			\$632,875
Total for Alternative 3			\$3,800,000
Cost per Dwelling			\$2,533

4.6. Storm Sewer Systems

The “end-of-pipe” alternative was selected to provide the required stormwater management works for the new development. This alternative incorporates wet/dry ponds based on local topography and availability of outlet.

Figure 4-4 shows the drainage areas tributary to the stormwater management areas, proposed locations of stormwater management facilities, overland flow routes and existing/proposed storm sewers.

The SWMHYMO stormwater computer package was used to analyze existing and proposed storm sewer areas. This program is widely applied in stormwater management projects. A model of the proposed development area was constructed and used to estimate drainage area run-off hydrographs for sizing the extended detention wet ponds. For study purposes only the 2 and 100 year return storm period were modelled. The following criteria and assumptions were used in the stormwater management analysis.

- For purposes of this study, it was assumed that Extended Detention Wet Ponds (EDWP) will be used to provide stormwater quality (as required by the MOE), erosion and quantity control for all new development areas. The EDWP consists of a permanent pool of water to facilitate settling of solids and an extended detention zone with a 24-hour release time to provide water quality and erosion control benefits. The EDWP design also includes a quantity control zone

that will provide detention storage by restricting flows to predevelopment levels. The EDWP will incorporate a bypass for dewatering and maintenance.

During the design phase of each development area, detailed studies should be completed to determine the most applicable stormwater management practice, methodology and design, considering the following:

- The EDWP outlet pipe to the storm outlet or existing storm system will be sized for the equivalent to the 2-year return storm, predevelopment peak run-off.
- All works identified, including stormwater management facilities and works outside the road allowance, are Schedule 'B' Environmental Assessment projects unless they are carried out as part of a Plan of Subdivision.
- Imperviousness factors were calculated for various areas based on proposed land uses, as defined in the Neighbourhood Plans.
- A summary of hydrologic analysis and required EDWP facilities for the neighbourhood areas, including volume and land requirements is provided in Appendix "B".

The following assumptions were used in the stormwater calculations:

- Percent imperviousness was increased by 25% for the 100-year storm to account for antecedent conditions.
- The **Town of Fort Erie Intensity Duration Frequency curves** for the 100 year return storm were used, the following values: A = 628, B = 6.652 and C = 0.790. The 4-hour Chicago storm distribution was used to derive the storm hyetograph.
- Storm sewer designs were based on the Fort Erie 2-year storm – design requirement.
- Pipe slopes were assumed to be 0.20% to connect into the existing system on Garrison Road. However, inverts for the existing system were not confirmed.

The storm sewer design sheets are included in Appendix "B" and the drainage areas are shown on Figure 4-4. Sewers were designed for the two-year design storm using a 0.20% slope. Actual sewer sizes will vary slightly from the proposed as slopes vary from the standard.

The flowchart schematic of the SWMHYMO models are attached in Appendix "B".

4.6.1. System Description – High Pointe Neighbourhood

The subdivision was divided into two areas as the land currently drains to two drainage courses. The western half of High Pointe drains to Frenchman drain and the eastern side drains to the Kraft drain. Due to this natural division the site requires two EDWP. The results of the two SWMHYMO runs are in Table 4-8 and the input, output and detail calculations are attached in Appendix "B".

TABLE 4-8

SWMHYMO RESULTS FOR HIGH POINTE NEIGHBOURHOOD

	KRAFT DRAIN – DRAINAGE AREA	FRENCHMAN DRAIN – DRAINAGE AREA
Predevelopment Area	11.43 ha	12.56 ha
Predevelopment 2 year peak flow	0.438 m ³ /sec	0.442 m ³ /sec
Predevelopment 100 year peak flow	1.603 m ³ /sec	1.619 m ³ /sec
Quantity Volume Storage required	691 m ³	3,177 m ³
Quality Volume Storage required	2,509 m ³	2,652 m ³
Total Volume Storage required	3,200 m ³	5,839 m ³
Total Area Required	5,249 m ²	5,056 m ²
Required Depth	1.10 m	2 m

Table 4-8 presents a summary of works required to provide storm sewers and stormwater management facilities for the High Pointe Development in Fort Erie. Required works include storm sewers, storm outfalls and extended detention wet ponds. Estimated construction, engineering and contingency costs are also provided. Cost estimates for the sewers are based on the following:

- Storm sewers within the development areas assumed no surface restoration and native backfill
- Storm sewers within new roads assumed granular backfill.
- Storm sewers with in existing roads assumed granular backfill and trench restoration.
- Depth of storm sewer 3.0 metres.
- Good soil conditions – no rock excavation
- Road restoration consisted of: 400 mm Granular 'A' road base, 50 mm HL8 and 40 mm HL3 asphalt for trench restoration.

Cost estimates and preliminary pond size requirements for extended detention wet ponds are based on the following:

- 10:1 pond side slopes
- 3 metre wide buffer around perimeter of pond
- 5:1 pond length to width ratio
- 0.5 metre minimum depth of permanent pool
- Extended detention wet pond cost estimates include excavation, inlet and outlet structures, environmental vegetation, topsoil, hydro seeding and land acquisition.
- EDWP cost estimates are based on unit costs provided in the MOE Stormwater Practices Manual and re-evaluated for 2002 prices. No allowances for rock excavation, or operation and maintenance costs are provided.

- 20% Contingencies and Engineering fees are included.
- All costs are in 2002 dollars, GST included and are attached in Appendix "B".

ITEM	LENGTH (M)	DESCRIPTION OF WORK	COST
High Pointe Neighbourhood – Trunk Sewers	215	675 mm D Sewer	\$ 64,500
	660	750 mm D Sewer	\$247,500
	592	825 mm D Sewer	\$236,800
	383	1050 mm D Sewer	\$229,800
	328	1200 mm D Sewer	\$180,400
	137	1350 mm D Sewer	\$ 82,200
Manholes		25	\$ 75,000
Catch basins		50	\$170,000
Frenchman Pond			\$105,000
Kraft Pond			\$100,000
Ditch Upgrades	680	--	\$20,050
Sub Total			\$1,575,600
Engineering & Contingencies (20%)			\$315,120
Total			\$1,890,720
Cost per Dwelling			\$7,443

4.6.2. System Description – Spears Neighbourhood

The subdivision drains naturally from the north to the south and outlets to the Kraft drain. Due to the area and land grades of the site two EDWP were sized and sited for the residential areas. The commercial area not currently serviced by a storm water facility (northern portion) was run as a separate area since the final SWM facility may vary from a wet pond. The drainage areas and locations of the proposed ponds are shown on Figure 4-4. The results of the SWMHYMO runs are in Table 4-10 and the input, output and detail calculations are attached in Appendix "B".

	KRAFT # 2	KRAFT # 3	COMMERCIAL
Predevelopment Area	43.43 ha	54.60 ha	16 ha
Predevelopment 2 year peak flow	6.855 m ³ /sec	1.028 m ³ /sec	0.433 m ³ /sec
Predevelopment 100 year peak flow	3.852 m ³ /sec	4.615 m ³ /sec	1.609 m ³ /sec
Quantity Volume Storage required	8,042 m ³	5,538 m ³	3,392 m ³
Quality Volume Storage required	9,844 m ³	12,376 m ³	6,450 m ³
Total Volume Storage required	17,886 m ³	17,914 m ³	9,842 m ³
Total Area Required	14,151 m ²	17,092 m ²	10,125 m ²
Required Depth	1.55 m	1.28 m	1.39 m

Table 4-11 presents a summary of works required to provide storm sewers and stormwater management facilities for the Spears Neighbourhood in Fort Erie. Required works include storm sewers, storm outfalls and extended detention wet ponds. Estimated construction, engineering and contingency costs are also

provided. Cost estimates for the sewers are based on the assumptions noted under Section 4.5.1 and are attached in Appendix "B":

ITEM	LENGTH (M)	DESCRIPTION OF WORK	COST
Spears Neighbourhood - Trunk Sewers	200	900 mm D Sewer	\$110,000
	4,260	1050 mm D Sewer	\$2,516,000
	1,783	1200 mm D Sewer	\$1,090,250
	1,796	1350 mm D Sewer	\$1,077,600
	395	1500 mm D Sewer	\$266,625
	430	1800 mm D Sewer	\$322,500
Manholes		94	\$282,000
Catch basins		188	\$639,200
Kraft # 2			\$259,000
Kraft # 3			\$259,000
Commercial			\$189,000
Ditch Upgrades	1,300		\$273,000
Sub Total			\$7,284,375
Engineering & Contingencies (20%)			\$1,456,875
Total			\$8,741,250
Cost per Dwelling			\$7,000

The preliminary analysis of the stormwater management requirements was completed for planning purposes based on available information. During the design process for each development area, a detailed Stormwater Management Practices Study should be undertaken. This study will screen available stormwater management alternatives for the site and ensure that the proposed stormwater management facilities comply with the watershed goals and objectives of the municipality, MNR, MOE, NPCA and other agencies. Detailed site design and analysis is required to confirm the type, sizing and configuration of stormwater management facilities to meet the site requirements of these agencies.

4.6.3. Alternative Stormwater Considerations

During progress meetings, the Town requested that Earth Tech investigate diverting storm flow to the adjacent golf course ponds for irrigation purposes.

The only storm flows that can realistically be diverted would be the Frenchman Pond in High Pointe as the remainder of the developments are in a different watershed.

An agreement would have to be entered into between the Town and the course operator with specific details on:

- Pond operation such as how much water can be retained
- Maintaining flows to Frenchman drain
- Responsibility in the event of pond failure
- In case the course was sold for future development, conditions must be maintained
- Pond Maintenance such as debris and sedimentation clean out
- Minimum water levels for quality control
- Maximum outlet flows

4.7. Water Distribution System

System Description

New development in the neighbourhoods will be provided with water from the Rosehill Water Treatment Plant via a 300 mm D watermain located on Garrison Road.

The Town's water distribution system model, updated in 1977, was utilized to determine development impacts on the water system. We note that the model has not been calibrated since 1997. The current model pump controls were based on an average day operation. In order to complete our analysis two pump controls were adjusted to allow for the required flow from the WTP. The two controls, which were modified, are as follows:

- Pump # 4 was left running from 19:00 hrs to 24:00 hours instead of having the pump shut off at 22:00 hrs
- Pump #3 was shut off from 22:00 hrs to 24:00 hours

The neighbourhood densities were added in accordance with the neighbourhood plans to determine the system demands – calculations are attached in Appendix "C". This was used to recommend system upgrades and expansion requirements.

Model Results

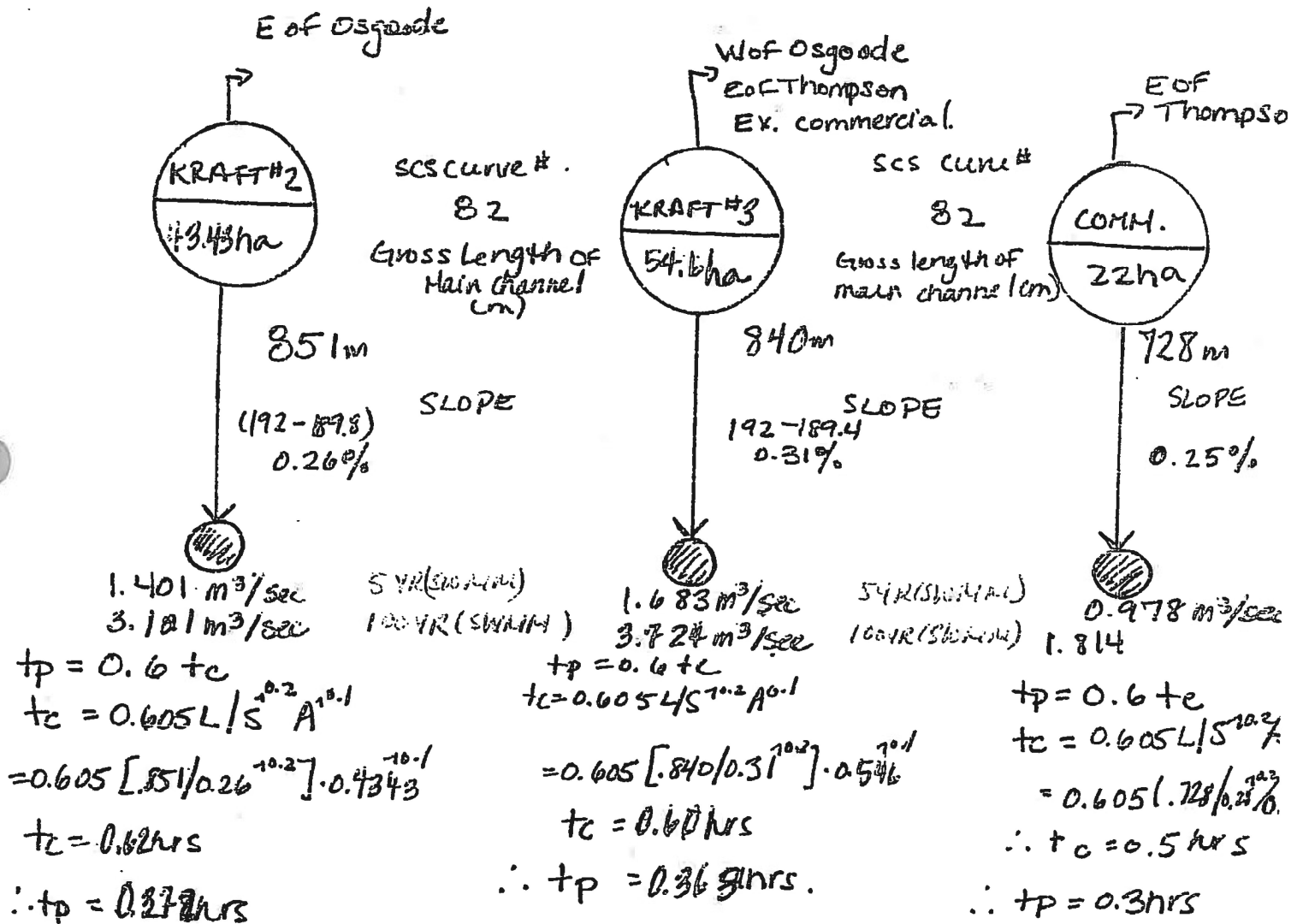
Modeling results from a water system analysis conducted are summarized below and are attached in Appendix "C". Modeling results show pressure and flow differences between existing and proposed new development demands. The model was also run with a series of simulated fire flows at nodes where new development is to be located. Fire flow test results are provided in Appendix "C".

June 17, 2002
DMA

54049
1 2

SWM FOR SPEARS

PRE-DEVELOPMENT



100 YR FLOW ~ See Input & Output files

STORM SEWER DESIGN

Spears Development
Town of Fort Erie

PROJECT:
MUNICIPALITY:
DISTRICT OR SUBDIV. NAME:

PROJECT: MUNICIPALITY: DISTRICT OR SUBDIV. NAME:													DESIGN		Return Period:		2 Year		n = 0.013	
Location	M.H. From	M.H. To	Runoff		Total Section	Total Lateral	Total Trunk	Intensity I	Q	Length of Pipe	Size of Pipe	Pipe Slope	Critical Pipe Slope	Slope Used to Calculate Capacity	Actual Capacity	Actual Velocity	Time (Entry 10 Min.)			
			Area(A) hectares	R													Sect. Min.	Accum. Min.		
Street Name																				
Area 1 - to Kraft #2			8.70	0.50	4.35		4.35	102	1232	727.5	1050	0.20%	0.89%	0.20%	1274.7	1.43	8.51	18.51		
Area 2 - to Kraft #2			10.00	0.50	5.00		5.00	102	1416	849.0	1200	0.20%	0.85%	0.20%	1818.2	1.56	9.08	19.08		
Ex. Area to Benner			7.73	0.50	3.87		3.87	102	1094	978.6	1050	0.20%	0.88%	0.20%	1274.7	1.43	11.44	21.44		
Area 3 - to Kraft #2			17.00	0.50	8.50		8.50	102	2407	1229.0	1350	0.20%	0.81%	0.20%	2492.1	1.69	12.15	22.15		
Area # 2, Benner & #3							17.37	54	2823	375.0	1500	0.20%	0.76%	0.20%	3298.0	1.81	3.46	25.61		
Inlet to Kraft #2 Pond							21.72	48	2925	20.0	1500	0.25%	0.79%	0.25%	3687.3	2.02	0.16	25.77		
Area 4 - to Kraft #3			8.00	0.50	4.00		4.00	102	1133	1318.0	1050	0.20%	0.89%	0.20%	1274.7	1.43	15.41	25.41		
Ex. Area to Spears			13.80	0.50	6.80		6.80	102	1926	1096.0	1350	0.20%	0.81%	0.20%	2492.1	1.69	10.84	20.84		
Area 5 - to Kraft #3			14.00	0.50	7.00		7.00	102	1882	687.0	1350	0.20%	0.81%	0.20%	2492.1	1.69	6.79	16.79		
Area 6 - to Kraft #3			18.00	0.50	9.50		9.50	102	2690	567.2	1500	0.20%	0.79%	0.20%	3298.0	1.81	5.23	15.23		
Area #4 & Spears							10.80	49	1464	410.0	1200	0.20%	0.85%	0.20%	1818.2	1.56	4.39	29.80		
Kraft #3 Inlet							27.30	43	3263	20.0	1800	0.20%	0.74%	0.20%	5364.4	2.04	0.16	10.16		
Kraft Outlet #1									1041	209.0	1050	0.20%	0.89%	0.20%	1274.7	1.43	2.44	12.44		
Kraft Outlet #2									1250	173	1050	0.20%	0.89%	0.20%	1274.7	1.43	2.02	12.02		
Commercial Area Inlet			22	0.85	18.7		18.7	102	1041	500.0	1050	0.20%	0.89%	0.20%	1274.7	1.43	5.85	15.85		
Commercial Area Outlet									737	200	900	0.20%	0.93%	0.20%	843.6	1.29	2.59	12.59		

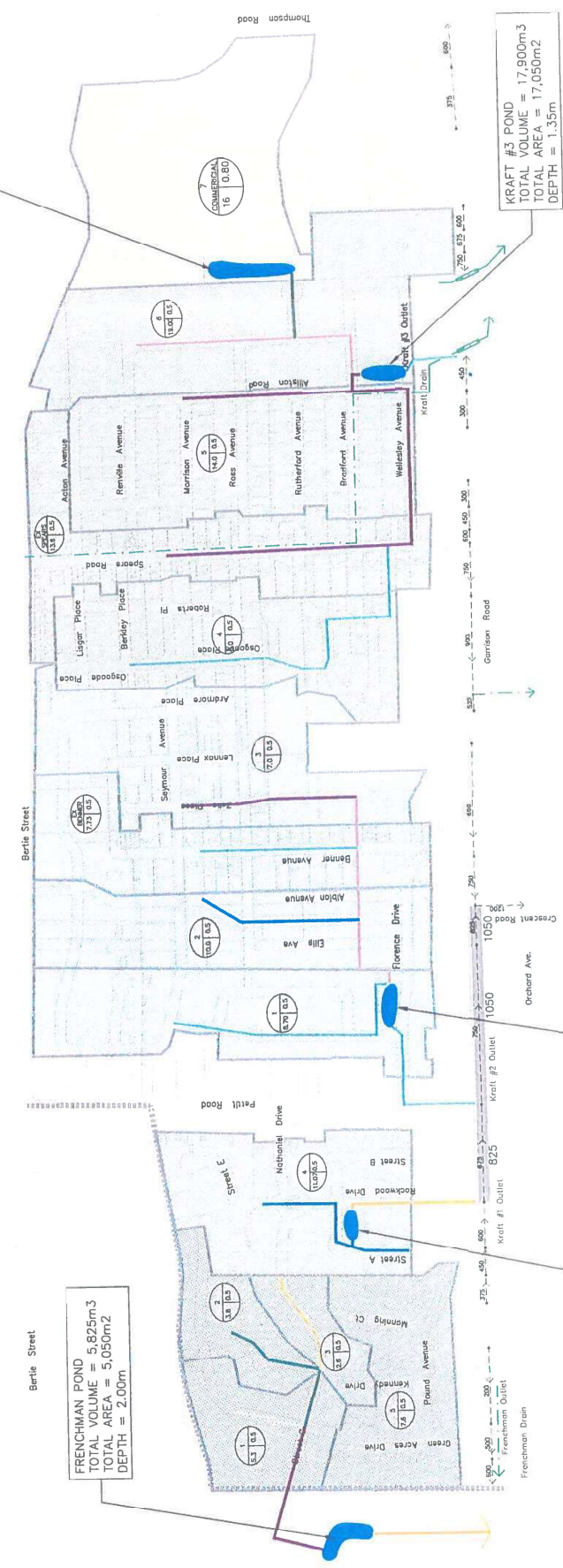
Calculated By: D.M. Angeloni
Checked By: SMD

Calculated on: May 28, 2002
Revised on: 01-Oct-02



A **tyco** INTERNATIONAL LTD. COMPANY

COMMERCIAL POND
TOTAL VOLUME = 9,850m³
TOTAL AREA = 10,125m²
DEPTH = 1.40m



FRENCHMAN POND
TOTAL VOLUME = 5,825m³
TOTAL AREA = 5,050m²
DEPTH = 2.00m

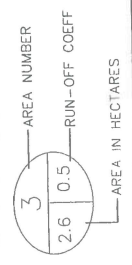
KRAFT #1 POND
TOTAL VOLUME = 2,500m³
TOTAL AREA = 5,250m²
DEPTH = 1.10m

KRAFT #2 POND
TOTAL VOLUME = 17,900m³
TOTAL AREA = 14,150m²
DEPTH = 1.75m

KRAFT #3 POND
TOTAL VOLUME = 17,900m³
TOTAL AREA = 17,050m²
DEPTH = 1.35m

LEGEND

- PROPOSED 675 mm D STORM SEWER
- PROPOSED 750 mm D STORM SEWER
- PROPOSED 825 mm D STORM SEWER
- PROPOSED 900 mm D STORM SEWER
- PROPOSED 1050 mm D STORM SEWER
- PROPOSED 1200 mm D STORM SEWER
- PROPOSED 1350 mm D STORM SEWER
- PROPOSED 1500 mm D STORM SEWER
- EXISTING STORM SEWER AND SIZE
- EXISTING STORM UPGRADE WITH RECOMMENDED SIZE
- EXISTING DRAIN



TOWN OF FORT ERIE

**HIGH POINTE / SPEARS NEIGHBOURHOOD
STORM DRAINAGE PLAN AND
LOCATION OF SWM FACILITIES**

FIGURE 4-4

SCALE 0 100 200 300m

DATE: JULY 2002 Drawing No. 54049report.dwg



Earth Tech (Canada) Inc. St. Catharines, Ontario 905-668-4272

PDS ZONING REVIEW SHEET:				
FILE NO: 350309-0448		MUNICIPAL ADDRESS: Spears garden Subdivision		
PREVIOUS ZONING AMENDMENTS?				
ZONING: Open Space (OS-527) Section 33				
INFILL? YES / NO (NO)	PERMITTED	Proposed	Compliance	NOTES:
USE:	Storm Water Management Facility	Pedestrian Access	NO	Zoning relief is requested to add the Pedestrian Access as a use
MIN. LOT FRONTAGE	15 m	6.0 m	NO	Zoning relief is requested
MIN. LOT AREA	8000 sq. m.	195 sq m	NO	Zoning relief is requested
MAX. LOT COVERAGE	10 percent	0%	NO	Zoning relief is requested
MIN. FRONT YARD SETBACK	7.5 m	7.5 m	Not Applicable	No zoning relief is requested
MIN. SYSB	7.5 m	7.5 m	Not Applicable	No zoning relief is requested
MIN. EXTERIOR SYSB	7.5 m	7.5 m	Not Applicable	No zoning relief is requested
MIN. REAR YARD SETBACK	7.5 m	7.5 m	Not Applicable	No zoning relief is requested
MAX. BLDG HEIGHT	i) 3 storeys ii) 12 m	i) 3 storeys ii) 12 m	Not Applicable	No zoning relief is requested

PDS ZONING REVIEW SHEET:				
FILE NO: 350309-0448		MUNICIPAL ADDRESS: Spears garden Subdivision		
PREVIOUS ZONING AMENDMENTS?				
ZONING: Residential Multiple 1 (RM1-526)	Section 14			
INFILL? YES / NO	PERMITTED	Proposed	Compliance	NOTES:
DWELLING:	Street townhouses	Street townhouses	Unable to determine compliance	No zoning relief is requested
MIN. LOT FRONTAGE	6m for street townhouse lots and 9m for street townhouse corner lots	6m for street townhouse lots and 9m for street townhouse corner lots	Unable to determine compliance	No zoning relief is requested
MIN. LOT AREA	300.00 sq m per dwelling unit, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot	172 sq m	NO	Zoning relief is requested
MAX. LOT COVERAGE	55%	55%	Unable to determine compliance	No zoning relief is requested
MIN. FRONT YARD SETBACK	6m to front face of the garage 4.5 m to front face of the dwelling	6m to front face of the garage 4.5 m to front face of the dwelling	Unable to determine compliance	No zoning relief is requested
MIN. INT. SYSB	1.2 m	1.2 m	Unable to determine compliance	No zoning relief is requested
MIN. EXT SYSB	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	3m, except that an attached garage or attached carport which faces the exterior side lot line shall be located no closer than 6m to the exterior side lot line.	Unable to determine compliance	No zoning relief is requested
MIN. REAR YARD SETBACK	6m	6m	Unable to determine compliance	No zoning relief is requested
MAX. BLDG HEIGHT	i) 3 storeys ii) 12 m	i) 3 storeys ii) 12 m	Unable to determine compliance	No zoning relief is requested
MINIMUM LANDSCAPED AREA	50% including Privacy Areas, except 25% for street townhouse lots	50% including Privacy Areas, except 25% for street townhouse lots	Unable to determine compliance	No zoning relief is requested
MAXIMUM NUMBER OF UNITS IN A ROW	8	8	Unable to determine compliance	No zoning relief is requested
MINIMUM DISTANCE BETWEEN BUILDINGS ON THE SAME LOT	9m between two rear walls 3m between two end walls 9m between an end wall and a rear wall 6m between two front walls 6m between a front wall and an end wall	9m between two rear walls 3m between two end walls 9m between an end wall and a rear wall 6m between two front walls 6m between a front wall and an end wall	Unable to determine compliance	No zoning relief is requested
MAXIMUM DENSITY	35 units/ha	52.17 units/ ha	NO	Zoning relief is requested
PRIVACY AREA	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area which serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	Unable to determine compliance	No zoning relief is requested
DISTANCE FROM BUILDING TO INTERNAL DRIVEWAYS, AND PARKING AREAS	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area	Any front or rear face of any townhouse shall be no closer than 3m to an internal driveway or parking area, and any side of any townhouse shall be no closer than 1.5m to an internal driveway or parking area	Unable to determine compliance	No zoning relief is requested
PLANTING STRIPS	In accordance with Section 6.21 and 4.5 m where it abuts a street, except for points of ingress/egress	In accordance with Section 6.21 and 4.5 m where it abuts a street, except for points of ingress/egress	Unable to determine compliance	No zoning relief is requested
MIN. # PARKING SPACES	Per section 6.20, 1 space per dwelling unit	Per section 6.20, 1 space per dwelling unit	Unable to determine compliance	No zoning relief is requested

PDS ZONING REVIEW SHEET:				
FILE NO: 350309-0448		MUNICIPAL ADDRESS: Spears Garden Subdivision		
PREVIOUS ZONING AMENDMENTS?				
ZONING: Residential 2 (R2-525)				
INFILL? NO	PERMITTED	PROPOSED	IN COMPLIANCE?	NOTES:
DWELLING:	Sigle Detached	Sigle Detached	Unable to determine compliance	No zoning relief is requested
MIN. FRONTAGE	15.0 m and 17.0 m for corner lot	10.0 m and 13.0 m for corner lot	NO	Zoning relief is requested
MIN. LOT AREA	460 sq m	300 sq m	NO	Zoning relief is requested
MAX. LOT COVERAGE	50%	50%	Unable to determine compliance	No zoning relief is requested
MIN. FRONT YARD SETBACK	6.0 m to the garage and 4.5 m to the front face of the dwelling units	6.0 m to the garage and 4.5 m to the front face of the dwelling units	Unable to determine compliance	No zoning relief is requested
MIN. INT. SYSB	1.2 m	1.2 m	Unable to determine compliance	No zoning relief is requested
MIN. EXT SYSB	3m, except that an attached garage or attached carport which faces an exterior side lot line shall be located no closer than 6m to the exterior side lot line.	3.0 m	Unable to determine compliance	No zoning relief is requested
MIN. REAR YARD SETBACK	7.5 m	3.0 m	Unable to determine compliance	No zoning relief is requested
MAX. BLDG HEIGHT	2 storey/ 10.5 m	2 storey/ 10.5 m	Unable to determine compliance	No zoning relief is requested
MIN. # PARKING SPOTS	1 space for for each dwelling units			

Re: Request for Comments - Spears Garden Subdivision

From Aaron Hair <ahair@forterie.ca>

Date Fri 2025-01-31 12:04 PM

To Devon Morton <DMorton@forterie.ca>

Good day Devon,

As part of the Official Plan project the Town is reviewing all of the existing secondary plans and their density requirements, as such we would like to recommend that the OPA to increase density and the inclusion of townhomes be limited to the subject site only.

The additional 100 units should be required to contribute towards parkland dedication.

Best regards,

Aaron Hair, MCIP, RPP
Project Manager – Policy

Town of Fort Erie
Planning & Development Services
1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2507
forterie.ca | ahair@forterie.ca



Re: Spears Garden Subdivision

From Jessica Abrahamse <JAbrahamse@forterie.ca>

Date Fri 2025-01-31 2:39 PM

To Devon Morton <DMorton@forterie.ca>; Taylor Boyle <TBoyle@forterie.ca>; Jordan Frost <JFrost@forterie.ca>

Cc Robert Judd <RJudd@forterie.ca>; Zachary George <ZGeorge@forterie.ca>; Yashesh Gandhi <YGandhi@forterie.ca>

Good Afternoon Devon,

Senior Environmental Planning staff have reviewed the proposed Official Plan Amendment, Zoning By-Law Amendment and removal of Part Lot Control submitted by Upper Canada Consultants and offer the following comments:

- The owner is applying for these amendments to facilitate a redesign of the registered plan of subdivision to establish a change to the road and lot/block pattern to accommodate 119 single detached lots and 14 blocks for 84 street townhouse units.
- The existing stormwater management facility and block for pedestrian connection to the east will continue to remain in their current locations. The internal street network will be redesigned as a looping grid pattern, with Terry Drive and Bright Avenue remaining in their current location, to provide for a more efficient lot/block pattern.
- The Official Plan Amendment application seeks to permit townhouse units in the Spears High-Point Secondary Plan Low Density Residential designation and an increase in density of up to 22 units/ha.
- The Zoning By-law Amendment proposes to amend the site specific exceptions for the single detached lots to permit small lot frontage and area and amend the site specific exceptions for the street townhouse units to permit a smaller lot area and increased density and to recognize the lot frontage and area for the pedestrian walkway block.
- The application for the removal of Part Lot control will provide for the establishment of the new lot/block and road pattern.

As the site-specific modifications relate to frontage, lot area and density and the site has been cleared previously, there are no objections to what is being proposed from an Environmental perspective. Please note that if any further trees are required to be removed they will be subject to the Town's Tree By-Law 33-2024, however this is unlikely as most of the site has been cleared.

Regards,

Jessica Abrahamse M.E.S.

Senior Environmental Planner

Town of Fort Erie

Planning and Development Services

Re: Request for Comments - Spears Garden Subdivision

From Kathryn Strachan <KStrachan@forterie.ca>

Date Wed 2025-01-29 11:25 AM

To Devon Morton <DMorton@forterie.ca>

Cc Elizabeth Latif <ELatif@forterie.ca>

Hi Devon,
Just one small comment:

1. Rendering should be updated to show the connection from Terry Drive to Florence Drive



Kathryn Strachan

Landscape Architect Intern (MLA, BFA)

Town of Fort Erie

Planning and Development Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2529

forterie.ca | kstrachan@forterie.ca



Public Works Growth Management & Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

January 17, 2025

Region File: PLOPA202401931

PLZBA202401932

Devon Morton
Supervisor of Development Approvals
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Dear Mr. Morton:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment and Zoning By-law Amendment
Town Files: ZBA-14-2024, OPA-05-2024
Applicant: Upper Canada Consultants C/O William Heikoop
Owner: Yiliming International Real Estate Ltd.
Spears Garden/ Lulongping Subdivision – 1278 Terry Drive
Town of Fort Erie**

Staff of the Public Works Growth Management and Planning Division have reviewed the above-mentioned Official Plan Amendment (“OPA”) and Zoning-By-law Amendment (“ZBA”) for the lands encompassed by the Spears Garden Subdivision (Plan 59M-469), which consist of lots on Terry Drive, Bright Avenue, Long Street and Eisley Street, in the Town of Fort Erie, as delineated on the ‘Revised Plan of Subdivision’ circulated with this submission (dated November 12, 2024). The applications propose to facilitate the redesign of the existing Lulongping Gardens Subdivision (formerly Spears Garden) through a part-lot control exemption request for the addition of 100 residential units, for a total of 203 units.

The subject lands are designated Low Density and Open Space in the Spears-High Pointe Secondary Plan. The OPA application proposes to maintain the low density residential designation and permit street townhouses and a maximum residential density of 22 units per hectare. The ZBA application proposes to rezone a portion of the subject lands from the site-specific Residential 2 (R2-525) Zone and the site-specific

Residential Multiple 1 (RM1-526) Zone to a site specific Residential 2 (R2) Zone, a site-specific Residential Multiple 1 (RM1) Zone and a site-specific Open Space (OS) Zone to permit development of 119 single detached residential lots (formerly 76 were proposed), and 14 blocks for 84 street townhouse units (formerly 6 blocks for 27 townhomes were proposed), and a pedestrian walkway. The site-specific modifications relate to frontage, lot area and density. No change to the Site-Specific Open Space (OS-527) Zone is proposed.

Phase 1 of the existing subdivision has been serviced with primary services although the lots remain vacant with no units built. Phase 2 of the subdivision has had its topsoil stripped and stockpiled although it remains vacant and undeveloped.

The OPA and ZBA applications were submitted concurrently with a Part-Lot Control Application to address changes in road configurations and lot fabric of the subdivision. It is staff's understanding based on additional information provided by Town staff that, in addition to the part-lot control exemption application, the applicant has requested that the lands currently part of the road fabric be transferred to their ownership to facilitate the modifications to the plan of subdivision (Plan 59M-469, registered on May 2, 2019). In addition, Town staff noted that the registered subdivision agreement would need to be amended to reflect the new lot and road fabric and that the Town is reviewing the process further prior to initiating the part-lot control or any other Planning Act approval process required to modify the subdivision.

A pre-consultation meeting for the proposal was held July 11, 2024, with the applicant, City and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town with its consideration of the applications.

Provincial and Regional Policies

The subject land is within a "Settlement Area" under the *Provincial Planning Statement, 2024* (PPS), and designated as "Designated Greenfield Area" under the *Niagara Official Plan, 2022* (NOP).

Settlement areas are the focus of growth and development as directed by the PPS and the NOP. PPS section 2.2.1 requires planning authorities to provide for a range and mix of housing options and densities to meet projected needs of current and future residents by permitting and facilitating all housing options to meet social, health, economic and wellbeing requirements for current and future residents. Additionally, the PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation. Further, the PPS encourages planning authorities to establish density targets for designated growth areas (lands within settlement areas designated for growth).

Similarly, per the NOP, Designated Greenfield Areas are areas within settlement areas that have been designated for development and are to be planned in a manner that

ensures development is sequential, orderly and continuous with existing built-up areas, uses proactive planning tools such as District Plans and Secondary Plans as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service. Furthermore, NOP 2.2.2.23 outlines that Designated Greenfield Areas are to achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region. Policy 2.2.2.24 requires Municipalities to achieve, and encourages them to exceed, the minimum density across the municipality.

Staff has reviewed the Planning Justification Report prepared by Upper Canada Consultants (dated November 2024) and are in general agreement with its findings. This development supports the NOP's growth management policies for the Urban Area via development of vacant land adjacent to developed areas, as well as providing a mix of housing options to the community. The concept plan proposes a unit mix of smaller single detached and townhouse units, when in contrast with the registered subdivision plan, which the PJR addresses as an opportunity for addressing housing attainability and increasing the housing supply and housing diversity from traditional larger residential development. This is in alignment with NOP policy 2.3.1.1, which encourages development of a range and mix of densities, and unit sizes and housing types, including affordable and attainable housing throughout the urban area in order to meet housing needs at all stages of life.

As the Greenfield Density Calculation in the PJR does not use census data, staff calculated the density to align with the standard Regional approach when determining greenfield density. In accordance with our calculation the proposal would yield a density of approximately 50 people and jobs per hectare over 9.329 hectares of land (119 single detached units [2.4 persons per unit], 84 townhouse units [2.0 persons per unit] - Fort Erie 2021 Census data). Staff note this calculation assumes a 5% home employment rate per the PJR. As such, the development meets the minimum density target of 50 people and jobs per hectare for Designated Greenfield Areas. The Town is to monitor developments to ensure that the overall Greenfield density target will be achieved on a municipal-wide basis.

Based on this analysis, staff note the proposed development is consistent with and conforms to Provincial and Regional growth management policies for designated growth areas and Designated Greenfield Areas, respectively, subject to the discussion below. Regional staff further acknowledge that local compatibility considerations and interface with neighbouring land uses are local planning matters to be addressed by Town Planning staff and Council.

Land Use Compatibility

The PPS and NOP state major facilities (including transportation corridors) and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. The subdivision is within 70 metres of Garrison Road (Regional

Road 3), which has a 14,800 Annual Average Daily Traffic (AADT) count and is north of various commercial plazas (which include automotive shops among others) with rooftop mechanical equipment. As such a Noise Impact Study was required as part of the applications.

Staff has reviewed the Environmental Noise Feasibility Study (ENFS) prepared by Valcoustics Canada Limited (dated October 29, 2024), which assessed the transportation and stationary noise sources with potential to impact the development in accordance with the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guidelines NPC-300, "*Environmental Noise Guideline, Stationary and Transportation Sources - Approval and Planning*". Road traffic volumes for Garrison Road and Pettit Road were forecasted to 2044 using a 2% growth rate. The analysis concluded traffic related noise would not exceed the daytime/nighttime noise guidelines limits nor the outdoor living area (OLA) daytime limit; as such, mitigation was not required. The report highlighted that exterior wall and window construction meeting the minimum non-acoustical requirements of the Ontario Building Code (OBC) would be sufficient to achieve the indoor sound level criteria of the MECP, with no special ventilation requirements.

The ENFS found Garrison Automotive Services automotive repair shop to be a stationary source with the potential for significant impact. The closest noise sensitive receptors at the subject site with exposure to the stationary noise sources would be the residential dwellings on Lots 1 to 8. The study found that in both the non-emergency sources scenario and the emergency generator testing scenario, the dBA guideline limits (50 and 55 respectively) were not exceeded, as such mitigation measures were not required. Nonetheless, warning clauses for Lots 1 to 8 and 111 to 119 were deemed appropriate to inform prospective owners / occupants of the proximity to various commercial businesses whose sound levels may at times be audible. This requirement can be addressed through the future Subdivision Agreement amendment.

Staff rely upon the information provided by the Acoustical Engineer in the Environmental Noise Feasibility Study and offer no further requirements with respect to noise impacts.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, section 4.6.2 of the PPS and Chapter 6 of the NOP 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 or assessed and requirements from the aforementioned policies have been met.

The subject lands are mapped within an Area of Archaeological Potential on Schedule K of the NOP. Staff recognize these applications are to facilitate a revision to a previously approved subdivision for which an archaeological assessment was not requested due to the lands not meeting Provincial criteria (i.e. prior to the Regional Archaeological

Management Plan and mapping). As outlined by the applicant, through the completion of the subdivision's Phase 1, a portion of the lands have been serviced and disturbed, and the remainder of the lands have had the topsoil stripped through Phase 2. Furthermore, staff visited the location in July 2024 and note the site shows visible soil alterations through this aforementioned work. As such, an archaeological assessment was not deemed necessary as part of the application.

However, in recognizing that there is always the possibility of discovering deeply buried archaeological materials through construction works, staff offer the below archaeological resource advisory clause for inclusion within the future amended Subdivision Agreement.

If deeply buried or previously undiscovered archaeological remains/resources are found during development activities on the subject lands, all activities must stop immediately. If the discovery is human remains, contact the Niagara Regional Police Service and coroner to secure the site. If the discovery is not human remains, the area must be secured to prevent site disturbance. The project proponent must then follow the steps outlined in the Niagara Region Archaeological Management Plan: Appendix C.
<https://pre.niagararegion.ca/culture-and-environment/pdf/archaeological-management-plan.pdf>

Additionally, The Town of Fort Erie also has jurisdiction on matters related to archaeological resources through its Archaeological Management Plan. Town staff should be satisfied that archaeological resource concerns on the property have been addressed.

Natural Heritage

The subject property is impacted by the Region's Natural Environment System (NES), consisting of Significant Woodlands. NOP policy 3.1.9.8.1 typically requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 metres of a Significant Woodland. However, as the Spears Garden Subdivision was previously approved and registered, in order to satisfy NOP Policy 3.1.30.3.7, staff required a technical brief addressing how the modifications to the Plan have been designed to reduce impacts to the natural environment.

Staff have reviewed the Environmental Impact Assessment Brief (prepared by Ecological & Environmental Solutions, dated October 28, 2023). The Brief confirms that the revised subdivision will not result in a reduction to previously approved woodland setbacks and indicates that there is no change in land use being proposed but rather an increase in density of residential dwellings backing on the woodland (8 additional lots). Further, the Brief states that revisions to the road network (e.g., removal of the cul-de-sac) and orientation of some lots reduces potential impacts to the woodland (e.g., removal of streetlighting requirements adjacent to the woodland boundary, positive changes to drainage patterns, among others). Staff do not object to the findings of the

circulated brief. As such, provided the mitigation measures recommended in the brief are implemented, staff are satisfied that the applications are in compliance with applicable Provincial and Regional natural heritage policies from an environmental perspective.

As it relates to the OPA and ZBA applications, staff offer no objections from a natural heritage perspective. Staff will recommend conditions of approval and/or appropriate clauses when future Planning Act applications/Subdivision Agreement amendment are circulated to ensure implementation of the mitigation measures recommended in the brief.

Waste Collection

Niagara Region provides curbside waste collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional collection provided that the owner brings the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

Low Density Residential

- No limit blue/grey containers;
- No Limit green containers; and,
- 2 Garbage Containers per unit (Bi weekly)
- Curbside Collection Only

Staff reviewed the submitted revised plan of subdivision (1241-SUB4), prepared by Upper Canada Consultants (dated November 12th, 2024) and note that the curb radii is not indicated for the new road network. Staff request that the Regional Waste Collection Vehicle Turning Template be overlaid onto the site plan showing the truck entering and exiting in both directions to ensure that a waste collection vehicle is able to maneuver on site or that the radii be added to the drawing to ensure they are acceptable. In addition, staff request that any future Planning Act applications required to implement the proposed revised road and lot fabric be circulated to the Region for review. Additionally, staff note although the revised plan of subdivision illustrates changes to the area, a temporary easement will still be required at the end of Terry Drive over lots 115-119 for waste collection purposes. As such, staff recommend a Holding Provision on the amending by-law regarding the revised engineering plans and easement agreement.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>.

Conclusion

In conclusion, Public Works Growth Management and Planning Division staff do not object to the proposed Official Plan and Zoning By-law Amendment Applications, in principle, provided that land use compatibility and natural heritage comments are addressed through any future Planning Act applications and/or amended Subdivision Agreement. Further, Regional staff recommend the revised engineering plans and easement agreement with relation to waste collection be addressed prior to the applications being brought forward to Town Council or alternatively as a holding (H) provision in the amending by-law. On this basis, Regional staff is satisfied that the proposal is consistent with the PPS and conforms to Provincial and Regional policies.

Additionally, granted the above items are satisfied, the proposed OPA would be exempted from Regional Council approval in accordance with NOP Policy 7.4.1.6 and 7.4.1.7.

Should you have any questions, please contact the undersigned at Valentina.Escobar@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Please send a copy of the staff report and notice of the City's decision on these applications.

Kind regards,



Valentina Escobar

Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Adam Boudens, Senior Environmental Planner, Niagara Region
Susan Dunsmore, P. Eng., Acting Director, Infrastructure Planning and
Development, Niagara Region

NPCA Response: Notice of Complete Application and Open House - Spears Garden Subdivision

From Taran Lennard <tlennard@npca.ca>
Date Fri 2025-01-17 8:25 AM
To Devon Morton <DMorton@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Hi Devon,

The NPCA does not offer objection to this application.

In 2017 at the time of Draft Approval, the NPCA offered comments respecting stormwater management. The MOU on this item has progressed to the Region of Niagara since that time. As such, we would defer to their Agency for any SWM comments.

Thank you.



Taran Lennard
Watershed Planner II

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway | Unit 9 | Thorold, ON L2V 4Y6

905.788.3135 ext. 277

www.npca.ca

tlennard@npca.ca

For more information on Permits & Planning, 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 41/24 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

From: Devon Morton <DMorton@forterie.ca>
Sent: December 20, 2024 5:21 PM
To: Ann-Marie.Norio@niagararegion.ca; clerk@niagararegion.ca; valentina.escobar@niagararegion.ca; devtplanningapplications@niagararegion.ca; David Deluce <ddeluce@npca.ca>; Sarah Mastroianni

<smastroianni@npca.ca>; Paige Pearson <ppearson@npca.ca>; radamsky@niagaraparks.com; SBarnhart@niagaraparks.com; sheraz.mustafa@cnpower.com; kris.watson@cnpower.com; MunicipalPlanning@enbridge.com; Circulations@wsp.com; karen.singer@bell.ca; mike.embleton@cogeco.com; newdevelopment@rci.rogers.com; Ash.Neville@rci.rogers.com; John.Armstrong@rci.rogers.com; LandUsePlanning@HydroOne.com; ExecutiveVP.LawAndDevelopment@opg.com; abby.laforme@mncfn.ca; Adam.LaForme@mncfn.ca; Mark LaForme <Mark.LaForme@mncfn.ca>; ExecutiveDirector@fenfc.org; pontdj@hotmail.com; sue.mabee@dsbn.org; Bert.Poort@dsbn.org; Michelle.McPhee@dsbn.org; planning@dsbn.org; alexandria.pasquiniSmith@ncdsb.com; Clark.Euale@ncdsb.com; Jennifer.Lanese@ncdsb.com; planning@ncdsb.com; AAazouz@cscmonavenir.ca; planification@csdccc.edu.on.ca; mr18enquiry@mpac.ca; brian.gordon@mpac.ca; Andrew.Carrigan@canadapost.ca; Usama.Ali@ontario.ca; Rami.Elmawed@ontario.ca; Peter.Deluca@ontario.ca; Vereen.Rattigan@ontario.ca; Jatinbhai.Patel@ontario.ca; Usman.Akhtar@ontario.ca; Lyndsay.Dunville@ontario.ca

Subject: Fw: Notice of Complete Application and Open House - Spears Garden Subdivision

Dear Reviewer,

The Planning, Building and By-law Services Department received Official Plan and Zoning Amendment Applications, pursuant to Sections 17(34) and 34 of the Planning Act, 1990. The applications were deemed complete on December 13th, 2024 and propose to establish a site-specific, Low Density, policy area that permits street townhouses as a permitted use and a maximum residential density of 22 units per hectare and to rezone a portion of the subject lands from the site-specific Residential 2 (R2-525) Zone and the site-specific Residential Multiple 1 (RM1-526) Zone to a site specific Residential 2 (R2) Zone, a site-specific Residential Multiple 1 (RM1) Zone and a site-specific Open Space (OS) Zone to permit development of 119 residential lots, 14 blocks for residential purposes (119 single detached dwellings and 84 street townhouse dwellings) and a pedestrian walkway. The site-specific modifications relate to frontage, lot area and density. No change to the site specific Open Space (OS-527) Zone is proposed (stormwater management pond).

Submission materials may be accessed digitally here:

<https://www2.forterie.ca/resource/planningApplications.xsp> (refer to 1278 Terry Drive) or by contacting me directly.

We request your review and **comments by January 17, 2024**, so they may be included in the Information Report to Council.

Should you have any questions or concerns, please contact me directly. Apologies in advance if you received a duplicate circulation, there were a number of bounce backs.

Thank you,

Devon M. Morton

Supervisor of Development Approvals

Town of Fort Erie

Planning, Building and By-law Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2514



The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.



January 31, 2025

Project Name: Spears Garden Subdivision
DOCA Project Number: 2025-0006
Proponent: **unknown**
Project Location: Town of Fort Erie

Dear Devon Morton,

This letter is to confirm receipt of the project-related correspondence sent by the Town of Fort Erie, on January 31, 2025, regarding the Spears Garden Subdivision.

The Mississaugas of the Credit First Nation (MCFN) are the Treaty Holders of the land on which the project will take place – specifically, the Mississaugas Treaty at Niagara #381. The MCFN holds Indigenous and Treaty Rights specific to the project location and its environs, which may be adversely impacted by it. The Department of Consultation and Accommodation (DOCA) is designated by the MCFN to handle consultation matters on its behalf.

The DOCA consultation team has filed the project-related correspondence identified above. **We have no questions or comments for you at this time.** This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.

If you have any questions for the DOCA consultation team, please feel free to contact us.

Thank you,

Megan DeVries

Megan DeVries
Manager of Consultations
Department of Consultation and Accommodation
Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225



Phone: 905-768-4260

Email: megan.devries@mncfn.ca

CC

Abby LaForme, Consultation Coordinator, abby.laforme@mncfn.ca



Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225



Fort Erie - Part of Lots 1 and 2, Concession 4, Niagara River Bertie - PLC-06-2024

From AMIN Pranav <Pranav.Amin1@HydroOne.com>

Date Mon 2025-01-06 3:55 PM

To Devon Morton <DMorton@forterie.ca>

You don't often get email from pranav.amin1@hydroone.com. [Learn why this is important](#)

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

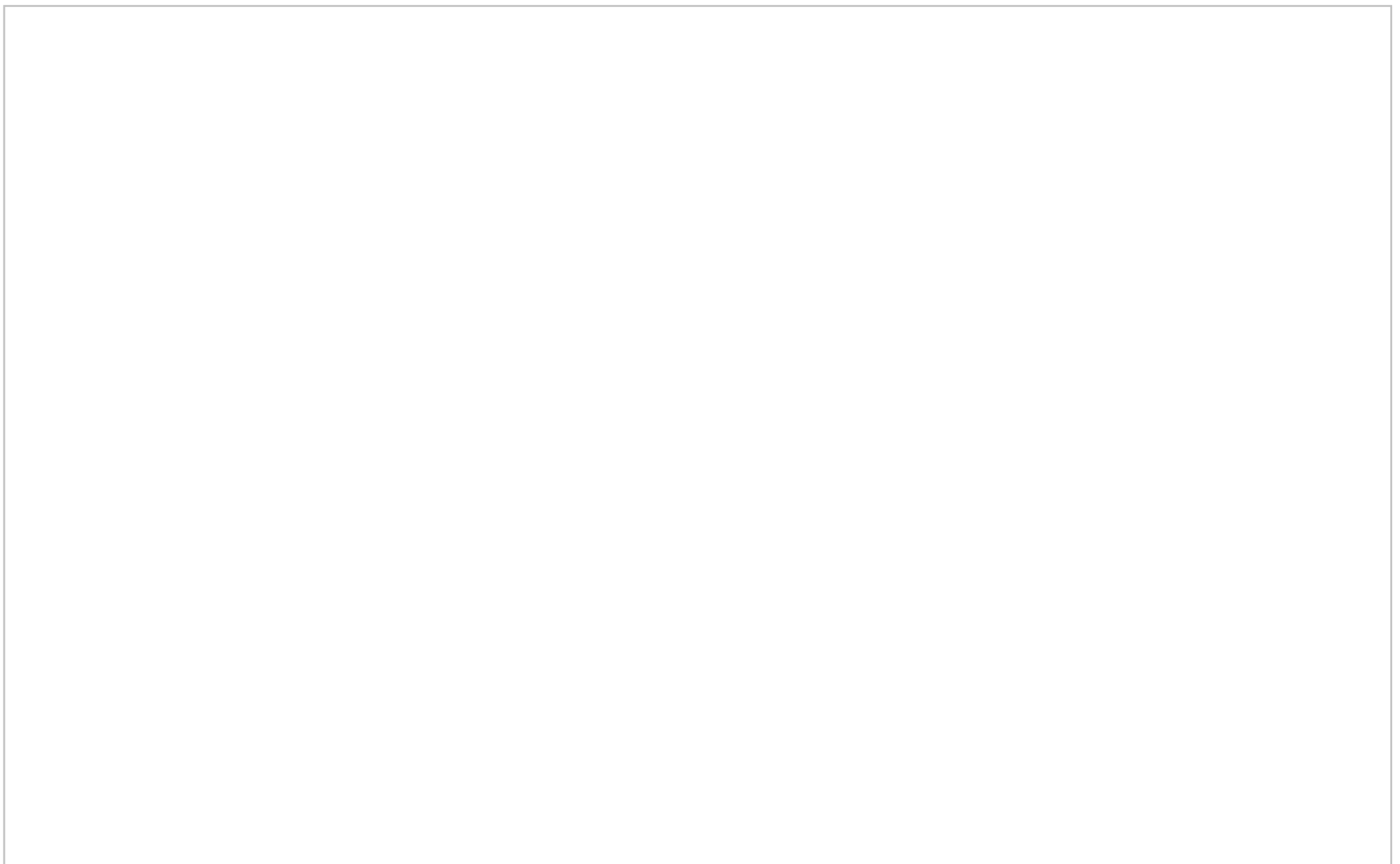
Hello,

We are in receipt of your Application for Consent, PLC-06-2024 dated 2024-12-20. 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' the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: [Stormcentre \(hydroone.com\)](#).

Please select "Search" and locate the address in question by entering the address or by zooming in and out of the map.



If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

If you have any questions please feel free to contact myself.

Thank you,

Dennis De Rango

Specialized Services Team Lead,
Real Estate Department
Hydro One Networks Inc.
Tel: (905)946-6237

Email: Dennis.DeRango@HydroOne.com

RE: Notice of Complete Application and Open House - Spears Garden Subdivision

From Municipal Planning <MunicipalPlanning@enbridge.com>

Date Sat 2024-12-21 1:26 PM

To Devon Morton <DMorton@forterie.ca>

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details:

<https://www.enbridgegas.com/safety/digging-safety-for-contractors>

It is the responsibility of the applicant to verify the existing gas servicing does not encroach on more than one property when subdividing or severing an existing land parcel. Any service relocation required due to a severance would be at the cost of the property owner. For any encroachments, please contact ONTLands@enbridge.com.

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

Regards,

Willie Cornelio CET (he/him)

Sr Analyst, Municipal Planning

Engineering

ENBRIDGE

TEL: 416-495-6411

500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Devon Morton <DMorton@forterie.ca>

Sent: Friday, December 20, 2024 5:21 PM

To: Ann-Marie.Norio@niagararegion.ca; clerk@niagararegion.ca; valentina.escobar@niagararegion.ca; devtplanningapplications@niagararegion.ca; ddeluce@npca.ca; smastroianni@npca.ca; ppearson@npca.ca; radamsky@niagaraparks.com; SBarnhart@niagaraparks.com; sheraz.mustafa@cnpower.com; kris.watson@cnpower.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Circulations@wsp.com; karen.singer@bell.ca; mike.embleton@cogeco.com; newdevelopment@rci.rogers.com; Ash.Neville@rci.rogers.com; John.Armstrong@rci.rogers.com; LandUsePlanning@HydroOne.com; ExecutiveVP.LawAndDevelopment@opg.com; abby.laforme@mncfn.ca; Adam.LaForme@mncfn.ca; Mark LaForme

<Mark.LaForme@mncfn.ca>; ExecutiveDirector@fenfc.org; pontdj@hotmail.com; sue.mabee@dsbn.org; Bert.Poort@dsbn.org; Michelle.McPhee@dsbn.org; planning@dsbn.org; alexsandria.pasquiniSmith@ncdsb.com; Clark.Euale@ncdsb.com; Jennifer.Lanese@ncdsb.com; planning@ncdsb.com; AAazouz@cscmonavenir.ca; planification@csdccc.edu.on.ca; mr18enquiry@mpac.ca; brian.gordon@mpac.ca; Andrew.Carrigan@canadapost.ca; Usama.Ali@ontario.ca; Rami.Elmawed@ontario.ca; Peter.Deluca@ontario.ca; Vereen.Rattigan@ontario.ca; Jatinbhai.Patel@ontario.ca; Usman.Akhtar@ontario.ca; Lyndsay.Dunville@ontario.ca
Subject: [External] Fw: Notice of Complete Application and Open House - Spears Garden Subdivision

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Dear Reviewer,

The Planning, Building and By-law Services Department received Official Plan and Zoning Amendment Applications, pursuant to Sections 17(34) and 34 of the Planning Act, 1990. The applications were deemed complete on December 13th, 2024 and propose to establish a site-specific, Low Density, policy area that permits street townhouses as a permitted use and a maximum residential density of 22 units per hectare and to rezone a portion of the subject lands from the site-specific Residential 2 (R2-525) Zone and the site-specific Residential Multiple 1 (RM1-526) Zone to a site specific Residential 2 (R2) Zone, a site-specific Residential Multiple 1 (RM1) Zone and a site-specific Open Space (OS) Zone to permit development of 119 residential lots, 14 blocks for residential purposes (119 single detached dwellings and 84 street townhouse dwellings) and a pedestrian walkway. The site-specific modifications relate to frontage, lot area and density. No change to the site specific Open Space (OS-527) Zone is proposed (stormwater management pond).

Submission materials may be accessed digitally here:

<https://www2.forterie.ca/resource/planningApplications.xsp> (refer to 1278 Terry Drive) or by contacting me directly.

We request your review and **comments by January 17, 2024**, so they may be included in the Information Report to Council.

Should you have any questions or concerns, please contact me directly. Apologies in advance if you received a duplicate circulation, there were a number of bounce backs.

Thank you,

Devon M. Morton

Supervisor of Development Approvals

Town of Fort Erie

Planning, Building and By-law Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6
p: 905-871-1600 ext. 2514

[forterie.ca](https://www.forterie.ca) | dmorton@forterie.ca



Fwd: Fw: Notice of Complete Application and Open House - Spears Garden Subdivision

From Mike Embleton <mike.embleton@cogeco.com>

Date Thu 2025-01-02 8:25 AM

To Devon Morton <DMorton@forterie.ca>

 1 attachment (312 KB)

Notice of Complete Application and Open House Spears Garden.pdf;

External Email Warning: Do not click on any attachment or links/URL in this email unless the sender is reliable.

Good morning Devon,

Cogeco has no comment on this application.

Thank you,
Mike

Mike Embleton

Network Delivery Coordinator
7170 McLeod Rd, Niagara Falls ON, L2H 3H2
C 905-246-8621



Join the conversation

#cogecommunity



----- Forwarded message -----

From: **Devon Morton** <DMorton@forterie.ca>

Date: Fri, Dec 20, 2024 at 5:20 PM

Subject: Fw: Notice of Complete Application and Open House - Spears Garden Subdivision

To: Ann-Marie.Norio@niagararegion.ca <Ann-Marie.Norio@niagararegion.ca>, clerk@niagararegion.ca <clerk@niagararegion.ca>, valentina.escobar@niagararegion.ca <valentina.escobar@niagararegion.ca>, devtplanningapplications@niagararegion.ca <devtplanningapplications@niagararegion.ca>, ddeluce@npca.ca <ddeluce@npca.ca>, smastroianni@npca.ca <smastroianni@npca.ca>, ppearson@npca.ca <ppearson@npca.ca>,

radamsky@niagaraparks.com <radamsky@niagaraparks.com>, SBarnhart@niagaraparks.com <SBarnhart@niagaraparks.com>, sheraz.mustafa@cnpower.com <sheraz.mustafa@cnpower.com>, kris.watson@cnpower.com <kris.watson@cnpower.com>, MunicipalPlanning@enbridge.com <MunicipalPlanning@enbridge.com>, Circulations@wsp.com <circulations@wsp.com>, karen.singer@bell.ca <karen.singer@bell.ca>, mike.embleton@cogeco.com <mike.embleton@cogeco.com>, newdevelopment@rci.rogers.com <newdevelopment@rci.rogers.com>, Ash.Neville@rci.rogers.com <Ash.Neville@rci.rogers.com>, John.Armstrong@rci.rogers.com <John.Armstrong@rci.rogers.com>, LandUsePlanning@HydroOne.com <LandUsePlanning@hydroone.com>, ExecutiveVP.LawAndDevelopment@opg.com <ExecutiveVP.LawAndDevelopment@opg.com>, abby.laforme@mncfn.ca <abby.laforme@mncfn.ca>, Adam.LaForme@mncfn.ca <Adam.LaForme@mncfn.ca>, Mark LaForme <Mark.LaForme@mncfn.ca>, ExecutiveDirector@fenfc.org <executivedirector@fenfc.org>, pontdj@hotmail.com <pontdj@hotmail.com>, sue.mabee@dsbn.org <sue.mabee@dsbn.org>, Bert.Poort@dsbn.org <Bert.Poort@dsbn.org>, Michelle.McPhee@dsbn.org <Michelle.McPhee@dsbn.org>, planning@dsbn.org <planning@dsbn.org>, alexsandria.pasquiniSmith@ncdsb.com <alexsandria.pasquiniSmith@ncdsb.com>, Clark.Euale@ncdsb.com <Clark.Euale@ncdsb.com>, Jennifer.Lanese@ncdsb.com <Jennifer.Lanese@ncdsb.com>, planning@ncdsb.com <planning@ncdsb.com>, AAazouz@cscmonavenir.ca <AAazouz@cscmonavenir.ca>, planification@csdccc.edu.on.ca <planification@csdccc.edu.on.ca>, mr18enquiry@mpac.ca <mr18enquiry@mpac.ca>, brian.gordon@mpac.ca <brian.gordon@mpac.ca>, Andrew.Carrigan@canadapost.ca <Andrew.Carrigan@canadapost.ca>, Usama.Ali@ontario.ca <Usama.Ali@ontario.ca>, Rami.Elmawed@ontario.ca <Rami.Elmawed@ontario.ca>, Peter.Deluca@ontario.ca <Peter.Deluca@ontario.ca>, Vereen.Rattigan@ontario.ca <Vereen.Rattigan@ontario.ca>, Jatinbhai.Patel@ontario.ca <Jatinbhai.Patel@ontario.ca>, Usman.Akhtar@ontario.ca <Usman.Akhtar@ontario.ca>, Lyndsay.Dunville@ontario.ca <Lyndsay.Dunville@ontario.ca>

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We request your review and **comments by January 17, 2024**, so they may be included in the Information Report to Council.

Should you have any questions or concerns, please contact me directly. Apologies in advance if you received a duplicate circulation, there were a number of bounce backs.

Thank you,

Devon M. Morton

Supervisor of Development Approvals

Town of Fort Erie

Planning, Building and By-law Services

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6

p: 905-871-1600 ext. 2514

forterie.ca | dmorton@forterie.ca





DISTRICT SCHOOL BOARD OF NIAGARA

191 CARLTON ST. ▪ ST. CATHARINES, ON ▪ L2R 7P4 ▪ 905-641-1550 ▪ DSBN.ORG

January 13, 2025

Devon M. Morton
Supervisor of Development Approvals
Planning, Building and By-law Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Mr. Morton,

**Re: Applications for Official Plan and Zoning By-law Amendment and Removal of Part Lot Control
Spears Garden Subdivision Plan 59M-469**

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for Official Plan and Zoning By-law amendment and Removal of Part Lot Control for the Spears Garden Subdivision. We understand that the purpose of the applications is to facilitate a redesign of the registered Spears Garden plan of subdivision to establish a change to the road and lot/block pattern to accommodate 119 single detached lots and 14 blocks for 84 street townhouse units. The proposed Official Plan and Zoning By-law amendment applications will establish and redesignate the lands accordingly to facilitate the development.

DSBN Planning staff has completed its review and has no objections to the applications. Board staff request that, as a condition of approval, sidewalks be constructed within the development to facilitate student travel to the school/bus stop locations. At this time, students from this area would attend Garrison Road PS (Gr. JK-8) and Greater Fort Erie Secondary School (Gr. 9-12).

If you have any questions, please feel free to contact Michelle McPhee, Planning Services at 905-641-2929 Ext 54228.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Veld', is written over a light blue horizontal line.

Associate Director of Education, Corporate Services

Provided on behalf of the Niagara Catholic District School Board

January 14, 2025

Electronic Copy

Attention:

Devon Morton
Town of Fort Erie
Municipal Centre Drive,
Fort Erie, ON, L2A 2S6
dmorton@forterie.ca

Re:

COMMENT LETTER

Application for Official Plan and Zoning Amendment
Location: 1278 Terry Drive, Fort Erie (Spears-High Pointe Subdivision)
File No.: ZBA-14-2024, OPA-05-2024, PLC-06-2024

Dear Devon Morton,

On behalf of the Niagara Catholic District School Board, we confirm receipt of the Official Plan and Zoning Amendment application [ZBA-14-2024, OPA-05-2024] dated December 20, 2024. A total of [203] units are proposed for this development. With respect to this application, the following comments are submitted:

Location:

This development falls within the attendance boundaries of:

- St Philomena Catholic Elementary School (JK-8)
- Lakeshore Catholic High School (9-12)

Comments:

Although the impact of this development will be minimal, the local elementary school is operating above its built capacity and may not accommodate all students from new development. Interim accommodation measures such as portables may be required to accommodate students from this proposed development.

At this time, sufficient space exists within the local secondary school to accommodate additional students from the development as proposed.

We will continue to monitor development growth in the municipality on behalf of the NCDSB as it relates to the cumulative impact on local schools. The NCDSB also requests notification of any modifications, community consultations, appeals, or notices of decision related to this application.

Please note that further to the comments provided, the NCDSB reserves the right to revise their position as needed without further notice. Should you require additional information regarding these comments, please contact planning@ncdsb.com.

Sincerely,

Jordan Cook,
Consultant
Watson & Associates Economists Ltd.

vw@watsonecon.ca

Office: 905-272-3600

Fax: 905-272-3602

cc: Clark Euale, clark.euale@ncdsb.com

Niagara Catholic District School Board



The Municipal Corporation of the Town of Fort Erie

BY-LAW NO. 39-2003

BEING A BY-LAW TO ADOPT THE 2002 SPEARS – HIGH POINTE NEIGHBOURHOOD MASTER SERVICING STUDY

WHEREAS Section 11 of the *Municipal Act, 2001* provides for spheres of jurisdiction, and

WHEREAS public utilities is a sphere of jurisdiction permitting municipalities to pass by-laws respecting matters related to the collection of sanitary sewage, collection of storm water and other drainage from land and water distribution, and

WHEREAS Report No. PCS-16-2003 was approved at the Council-in-Committee Meeting of February 17, 2003 as follows:

THAT: Report No. PCS-16-2003 regarding the Spears – High Pointe Servicing Plan be received for information purposes, and further

THAT: Council adopt by by-law the 2002 Spears – High Pointe Neighbourhood Master Servicing Study, prepared by Earth Teach Canada Ltd., dated December, 2002, as amended, and further

THAT: The findings and recommendations contained in the 2002 Spears – High Pointe Neighbourhood Master Servicing Study be utilized and form the basis of the Area Specific Development Charges Study for the Spears – High Pointe Neighbourhood, and further

THAT: The findings of the Spears – High Point Neighbourhood Development Charges Study be integrated into the 2004 Capital Project Planning Process and the 5-year Capital Expenditure forecast.

WHEREAS it is deemed expedient to adopt the 2002 Spears – High Pointe Neighbourhood Master Servicing Study prepared by Earth Tech Canada Ltd. dated December 2002, as amended and annexed hereto as Schedule "A" to this by-law;

NOW THEREFORE the Municipal Council of The Corporation of the Town of Fort Erie hereby enacts as follows:

1. **THAT** the 2002 Spears – High Pointe Neighbourhood Master Servicing Study prepared by Earth Tech Canada Ltd. dated December 2002, as amended, in the form of Schedule "A" annexed hereto to this by-law be and it is hereby authorized, approved and adopted.
2. **THAT** the findings and recommendations contained in the aforesaid Study shall be utilized to form the basis of the area-specific Development Charges Study for the Spears – High Pointe Neighbourhood.

By-law No. 39-2003

Page Two

3. **THAT** any capital expenditures associated with the aforesaid Study shall be determined by Council through its annual budget deliberations.
4. **THAT** in concert with the 2004 Capital Budget planning process, staff shall revisit the existing infrastructure master plans in order to incorporate the servicing needs and infrastructure rehabilitation of neighbourhood plans.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF FEBRUARY, 2003.



MAYOR

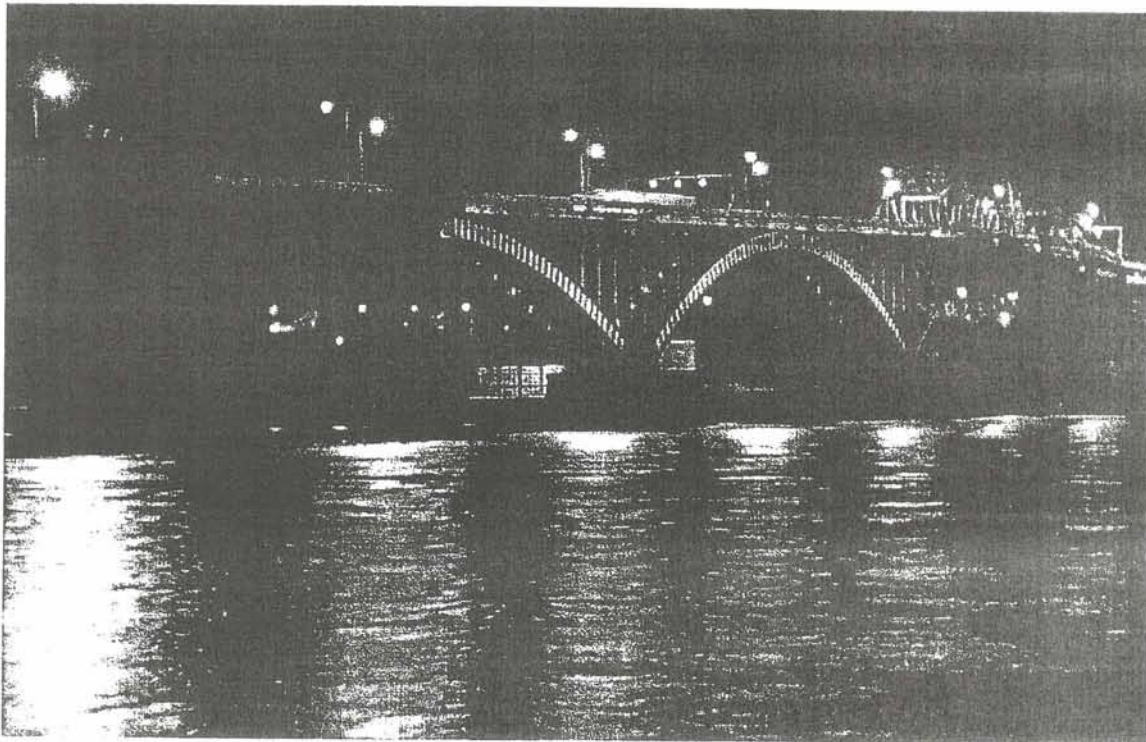


CLERK

I, the Clerk, Carolyn J. Kett, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 39-2003 of the said Town. Given under my hand and the seal of the said Corporation this day of _____, 2003.



Spears and High Pointe Neighbourhoods Master Servicing Plan



Prepared for:
The Corporation of The Town
of Fort Erie
Municipal Centre
1 Municipal Drive
Fort Erie, L2A 2S6

Prepared by:
Earth Tech Canada Inc.
Corbloc Building
80 King Street, 2nd Floor
St. Catharines, Ontario, L2R 7G1

Final Report – December, 2002

December 10, 2002

Project EO 54049

Mr. Michael Benner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
L2A 2S6

Subject: Spears and High Pointe Neighbourhoods Master Servicing Plan

Dear Mr. Benner:

Telephone

Earth Tech is pleased to submit five (5) copies of the Spears and High Pointe Neighbourhoods Master Servicing Plan to the Town of Fort Erie. The report contains the previously submitted Executive Summary, and evaluations of infrastructure and servicing systems for the neighbourhoods: water, stormwater, sanitary and roads/transportation. The related recommendations include cost estimates and timing where appropriate.

905.688.4272

800.263.9803

Facsimile

905.688.581

We would like to thank the Town of Fort Erie for the opportunity to work on this most interesting project. If you have any questions, or require further clarification please feel free to contact Earth Tech at your convenience.

Very truly yours,

Earth Tech Canada Inc.



Mark, A. Swan, P. Eng.
Project Manager

KMW/cb

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- Construct storm water ponds at the beginning of Neighbourhood development, as most sediment loading occurs during the construction phase of a development.
- Construct the pond for the Frenchman Creek drainage area in High Pointe on golf course lands west of the Neighbourhood. An agreement with the golf course owner/operator will be required that sets operational constraints on the pond.
- The cost of the new storm system including all pond construction is \$10,560,000.

Road System

- Upgrade Pettit Road to at least a 16.2 m urban collector cross-section (allows for shared bike/auto lane each way) with a 36 m wide road allowance.
- Upgrade Florence Drive, Benner Avenue south of Florence Drive, Spears Road and Bertie Street to 9.5 m urban collector cross-sections with a 36 m wide road allowance.
- Proposed layout for internal road systems will allow for the free flow of traffic within the two neighbourhoods while minimizing impacts on local boundary roads.
- The neighbourhood plans should include a network for pedestrian and bicycling routes that will provide linkages to adjacent areas and pedestrian and cycling networks. The network developed for the area should be coordinated with the Region of Niagara's Bikeway Master Plan to foster an increase in local bicycle commuting and recreational cycling.
- Traffic calming features should be considered on the local and collector residential streets where a reduction in vehicular speed is required, to discourage through traffic movements that have diverted from the arterial road network, to improve the neighbourhood environment and to minimize conflicts between street users and should be implemented on an area wide basis. The type and location of the features differs from community to community and requires support from the municipalities for implementation. Types of treatments include curb extensions, reduced curb radii, raised crosswalks, raised median islands, roundabouts, etc.