

PLANNING JUSTIFICATION AND IMPACT ANALYSIS REPORT

PROPOSED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT

FOR A

DRAFT PLAN OF CONDOMINIUM (PARCEL OF TIED LAND) FOR TOWNHOUSE DEVELOPMENT

315 Garrison Road

February 2022
Quartek Reference Project #19160



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A. INTRODUCTION

Quartek Group Inc. (Quartek) was retained by 2717041 Ontario Inc. (Vijaykumar Patel – Developer/Owner) to prepare this Planning Justification and Impact Analysis Report for the planning applications “Applications” for an Official Plan and Zoning By-law Amendment in addition to the Draft Plan of Condominium (Parcel of Tied Land) for the proposed townhouse dwelling units.

There were several pre-consultation meetings that took place with the Town and representatives from the Region on the proposed townhouse development since there were different options and layouts of the development that were explored over several years, including the acquisition of additional lands to the west to increase the developable area that unfortunately was unsuccessful. Refer to the pre-consultation agreements found in Appendix A.

At these meetings, the Town strongly encouraged that the Gateway Secondary Plan Land Use demonstration be incorporated into the proposed development including the protection of the open space linkage and buffer and an east-west future road connection.

According to the Town and Regional requirements, not only was this Planning Justification and Impact Analysis Report required, the following technical studies and drawings were completed to support the proposed townhouse development and have been included with the applications:

- Site Plan Layout
- Draft Plan of Condominium
- Draft Official Plan Amendment and Schedule
- Draft Zoning By-law Amendment and Schedule
- Functional Servicing Brief
- Stormwater Management Report
- Environmental Impact Study and Tree Preservation Plan

The purpose of this report is to describe the site and its surrounding lands uses, outline the development proposal for residential intensification, summarize the relevant planning policies and regulations, outline the proposed draft official plan amendment and zoning by-law, and provide the justification and rationale for approval.



B. SITE CONTEXT

The subject lands are located on the north side of Garrison Road east of Concession Road, municipally referred as 315 Garrison Road and legally described as Part of Block 4 & 5 north side of Garrison Road, Registered Plan 505 and Chestnut Street, Part of Lane Registered Plan 519, Town of Fort Erie.

The entire development was prepared in two phases with the first phase being dedicated to the commercial plaza (Peace Plaza) that accounted for $\pm 7,043.526$ square metres (0.70 hectares/1.74 acres) of land which received Site Plan Approval on June 1, 2021 and is currently under construction.

The second phase is dedicated to the townhouse development and accounts for $\pm 12,462.474$ square metres (1.25 hectares/3.08 acres) of land. These Applications pertain to the portion of the lands dedicated to the townhouse development that are located directly north of the commercial use (Peace Plaza).

Figure 1: Subject Lands

(Source: Niagara Navigator)

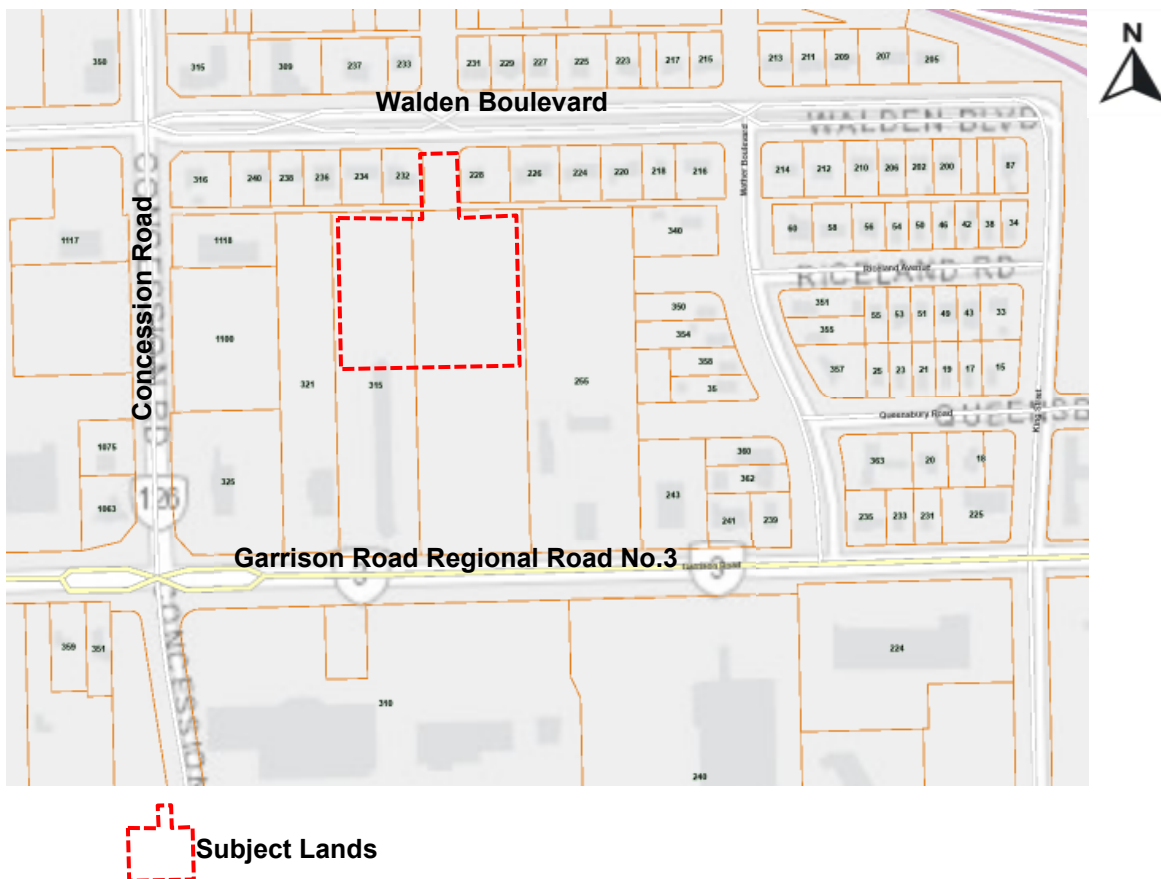




Figure 2: Subject Lands Aerial View

(Source: Google Maps)



Subject Lands

Figure 3: Street View of Subject Lands



Looking North Behind the Commercial Peace Plaza



Figure 4: Street View Looking Easterly



Northern Edge of Commercial Peace Plaza and South Limit to Townhouse Development

B.1 Surrounding Land Uses

The following describes the surrounding land uses to the proposed townhouse development.

North: The land uses directly to the north can be described as low density residential consisting mainly of single detached dwelling units with one to two storeys in building height.

East: The land uses directly east can be described as vacant wooded area and more southerly to Garrison Road the uses are commercial with a gas station, car wash, car rental and vehicle repair retail store.

South: The land uses directly south is commercial with the new Peace Plaza consisting of retail and restaurants. Additional commercial uses including the Garrison Village Plaza is located on the south side of Garrison Road.

West: The land uses directly west can be described as vacant wooded area and more southerly to Garrison Road the uses are commercial including retail and restaurant (McDonalds).



Figure 5: Surrounding Land Uses
(Source: Google Earth)





C. PROPOSED DEVELOPMENT

The proposed development will consist of a Common Elements Condominium (“CEC”) and there is an entity called a Parcel of Tied Land or POTL. A POTL is a freehold parcel of land or a standard condominium unit which is tied to a share in a CEC. The POTL is “tied” to the share in the CEC which means that the owner of the POTL cannot sell the POTL without also selling its share in the CEC. The two interests cannot be severed. With a POTL, each townhome owner will own a piece of land and the building on it and has a part ownership in the common elements of the CEC. The common elements include parking, access road, sidewalks, open space area, garbage location pads, and each owner will have full use of these elements.

The condominium townhouse development will consist of thirty-seven (37) units. These townhouses will be two storeys in building height and excluding the garages and basements, the interior units will have an average gross floor area of ± 188 square metre (2,024 square feet) and the exterior units will have an average gross floor area of ± 205 square metres (2,215 square feet). Each unit will have rear yard patios.

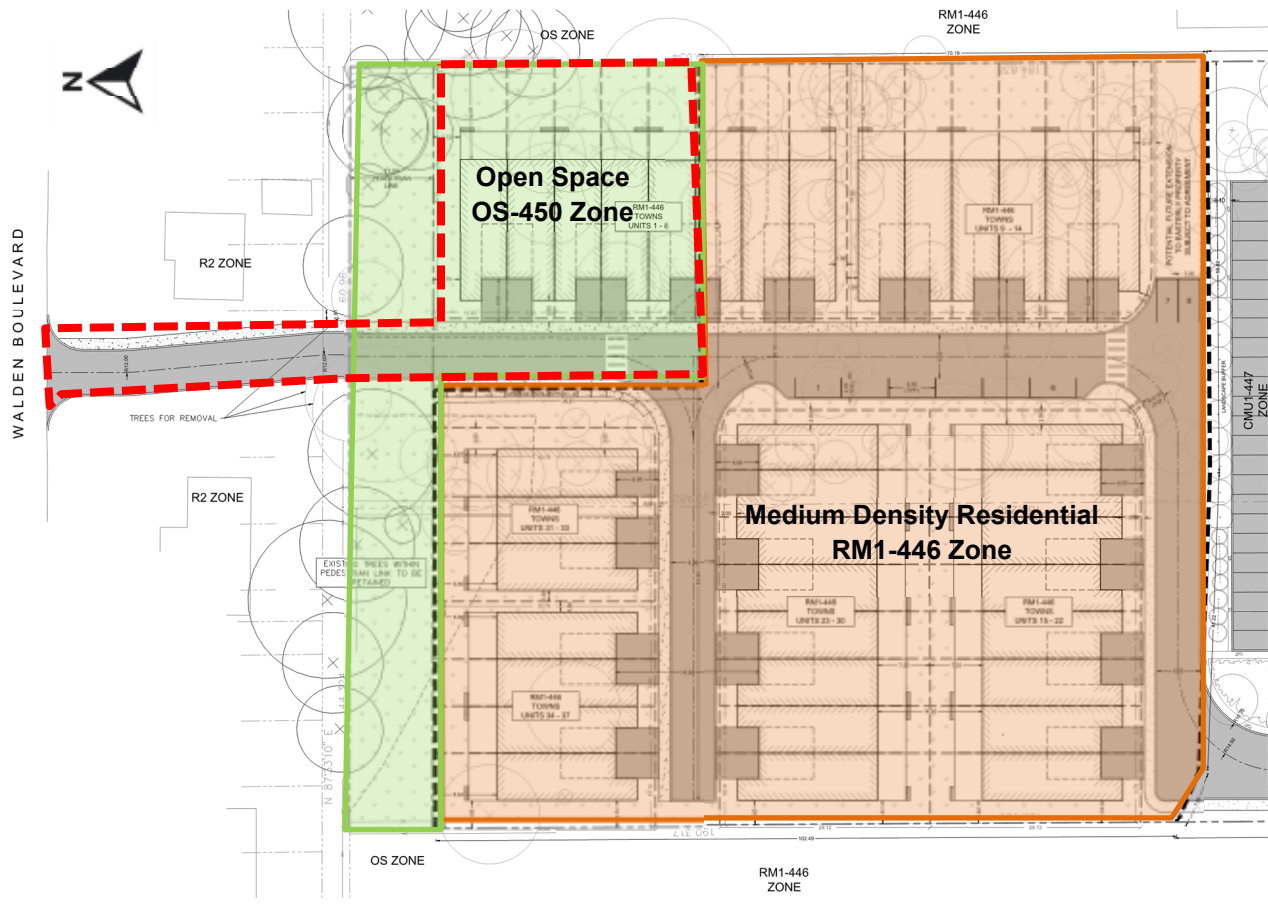
According to the Town’s Official Plan (Gateway Secondary Plan – Schedule 2 Gateway Land Use Plan) and Zoning By-law, there is $\pm 2,857$ square metres (0.28 hectares/0.71 acres) of land designated and zoned as ‘Open Space’ (as shaded in green in Figure 6). The balance of the land is designated as ‘Medium Density Residential’ and zoned ‘Residential Multiple-RM1, site specific RM1-466 (as shaded in orange in Figure 6). The designation and zoning provisions permits the townhouse dwelling units with a minimum density of 25 units/hectare and maximum of 50 units/hectare.

To appropriately facilitate the proposed townhouse layout, $\pm 1,646$ square metres (0.16 hectares/0.41 acres) of the Open Space area is requested to be amended to the ‘Medium Density Residential’ use and zoned site specific for Residential Multiple – RM1 to permit the townhouse block of five units and private roadway (shown in the red dashed line area in Figure 6). This will leave a balance of $\pm 1,211$ square metres (0.12 hectares/0.29 acres) remaining as Open Space and maintaining a 11.5 metre (37.73 feet) wide buffer strip. This buffer strip promotes the open space linkage as identified in the Gateway Secondary Plan from the rear yards of the properties fronting on Walden Boulevard to the proposed townhouses.

According to the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI), the field investigations found portions of Mineral Cultural Meadow and Mineral Cultural Thicket communities that will be required to be removed to accommodate the proposed townhomes and associated roadways.



Figure 6: Site Plan



The EIS concluded that these vegetation communities are of low ecological value due to the presence of non-native, invasive species including European Buckthorn and Multiflora Rose. The presence of non-native and invasive species may be a direct result of the historical cultural influence within the subject lands. Based on historical imagery, the Mineral Cultural Meadow and Mineral Cultural Thicket communities were previously cleared for agricultural purposes and at some point, within the last 60 years, were left fallow. No federally or provincially significant vegetation species were observed within these communities.

The developable land area excluding the ±1,211 square metres (0.12 hectares/0.29 acres) remaining as Open Space and excluding the roadway, sidewalks and visitor parking areas, leaves a balance of ±853 square metres (0.853 hectares) for the townhouse development. As a result, the density threshold will be 43 units per hectare ($37 \text{ units} \div 0.853 \text{ hectares} = 43.37 \text{ units per hectare}$).

The Gateway Secondary Plan also identified a neighbourhood vehicular linkage from the subdivision along Walden Boulevard through the subject lands and connecting to Garrison



Road to the south. In order to successfully facilitate this linkage, the Developer/Owner filed an application with the Land Committee to purchase the Sixth Street road allowance from the original road allowance and lane on the 1926 plan of subdivision. The road allowance and lane are not designated or zoned in the Town's Official Plan or Zoning By-law although interpreted from Town staff to be reserved for single detached, semi-detached and duplex dwellings, and their accessory uses. The road allowance and lane play a critical role in facilitating the development and Town staff recommended that the sale follows the process under Part 6 of the Sale of Land Policy, which would permit the disposal of the land directly to the Developer/Owner, rather than marketing the parcel through a Real Estate Broker. This section of land will require to be amended to permit the private road connection into the townhouse development.

C.1 Requested Amendments

An Official Plan Amendment is required to change the designation of the 'Open Space' to 'Medium Density Residential' to permit the one (1) block of five (5) townhouse units located on the east side of the private road and the roadway and sidewalk (as shown in the red dashed line area in Figure 6).

According to Section 6.20 of the Zoning By-law, block townhouses require 1.5 spaces per unit which would require 56 spaces (37 units x 1.5 = 56). The development is providing 37 spaces per unit plus the 8 visitor spaces providing 45 spaces, therefore being deficient by 11 spaces and requesting a parking ratio of 1.2 spaces per unit.

A Zoning By-law Amendment is required to enable the following site specific provisions to facilitate this development, including:

- Minimum lot frontage – 20.2 metres (Walden Boulevard); 8.5m for exterior units for block townhouse corner lots
- Minimum exterior side yard – 2 metres
- Minimum landscaped area – 35%
- Minimum distance between buildings on the same lot – 14 metres distance between buildings on the same lot
- Maximum lot coverage – 48% for block townhouse (cumulative)
- Minimum open space/buffer strip to private rear yards on Walden Boulevard – 11.5 metres
- Parking – 1.2 spaces per unit
- OS-450 – Change $\pm 1,646$ square metres (0.16 hectares/0.41 acres) to RM1-xx zone



D. PLANNING POLICY ANALYSIS

D.1 Planning Act, R.S.O. 1990, c.P.13 (April 2021 Consolidation)

The Planning Act sets out the basis for land use planning in Ontario. The purpose of the Planning Act is to promote sustainable economic development in a healthy natural environment within the means provided and led by Provincial policy and to encourage cooperation and coordination among various interests, (Subsection 1.1).

The Planning Act addresses matters of Provincial interest and requires municipal Council to have regard to matters such as the protection of ecological systems and agricultural resources; conservation of significant architectural, cultural, historical, archaeological, or scientific interest; supply, efficient use and conservation of energy and water; adequate provision and efficient use of transportation, sewage, water services, and waste management systems; orderly development of safe and healthy communities; accessibility for persons with disabilities to all facilities, services; provision of a full range of housing, including affordable housing; protection of the financial well-being; and protection of public health and safety. (Section 2).

The proposed development will help to protect the agricultural land base over the long term because of its ability to provide additional housing units with suitable density within the delineated built-up urban area that can be serviced by municipal water, sanitary and storm sewers. The proposed development was thoroughly examined to address the public realm and provide for an appropriately positioned infill residential development that can be complementary to the neighbourhood. The subject lands are not located in proximity to known archaeological resources and following the recommendations from the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI), the proposed redesignation of the Open Space to accommodate the townhouse block does not result in a negative adverse impact to the wooded area as the trees and vegetation planned to be removed offer minimal ecological functionality or significance to wildlife habitat and linkage connections to other natural heritage features.

Subsection 3 requires that a decision of Municipal Council, in respect of the exercise of any authority that affects a planning matter, shall be consistent with the Provincial Policy Statement (PPS).

Section 22 of the Act permits a person or public body to request a Council to amend its Official Plan. This request is subject to providing the required technical information and materials that describes the requested amendment which includes public consultation.



Section 34 of the Act permits a person or public body to request an amendment to a By-law subject to providing the prescribed information and material to the Council including public consultation is provided.

Section 51 (24) of the Act provides the criteria in considering the division of land (draft plan of subdivision/condominium) that shall have regard to the health, safety, convenience, accessibility for persons with disability and welfare of the present and future inhabitants of the municipality.

The Developer/Owner has submitted the applications, required planning review fees, and supplementary documentation for amendments to the Official Plan and Zoning By-law to seek approvals from the Town for the proposed new townhouse development that is consider good land use planning.

D.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides the policy foundation for regulating land uses in Ontario. The PPS supports intensification, redevelopment and the efficient use of land and existing planning infrastructure within urban areas. The policies attempt to focus growth within settlement areas and remove development from significant or sensitive areas which may pose a risk to public health and safety.

The policies applicable to the proposal have been considered to determine the appropriateness of the development. Specifically, Section 1.1.1 state that healthy, livable and safe communities are sustained by promoting cost effective development and redevelopment through infill and intensification within settlement areas that minimize land consumption and public servicing costs.

Section 1.1.3 Settlement Areas

Section 1.1.3 states that settlement areas shall be the focus of growth and development. Sub-sections 1.1.3.2, 1.1.3.3 and 1.1.3.4 states that land uses within settlement areas shall be based on densities and mix of land uses which efficiently use land and resources, appropriate for and efficiently use the infrastructure, promote opportunities for transit supportive development, accommodate a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas.

Sub-section 1.1.3.5 and 1.1.3.6 provides direction for the implementation of minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The framework for new development shall be taking place in designated growth



areas adjacent to existing built-up areas and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 1.4 Housing

Policy 1.4.1 and 1.4.3 directs new housing development to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area. Furthermore, to accommodate residential growth through residential intensification and redevelopment and implement targets for the provision of affordable low to moderate income households.

Section 1.6 Infrastructure and Public Service Facilities

Policy 1.6.6.1 and 1.6.6.2 states that planning for sewage and water services shall direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal services.

Policy 1.6.6.7 states that planning for stormwater management shall minimize changes in water balance and erosion, no increased risks to human health and safety and property damage, and promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

The PPS is very high level and supports efficient use of infrastructure, building of complete communities, residential and economic development and protecting valuable heritage, cultural and natural assets.

The requested amendments to the Official Plan and Zoning By-law to facilitate the proposed residential intensification development is consistent with the PPS by:

- Providing a new infill development located within the existing urban settlement area.
- Providing a different housing style that will compliment the existing building stock in the neighbourhood at a scale appropriate for the area.
- Providing a housing type that can be affordable providing options for different tenure to the different lifestyles for the changing demographic.
- Providing the connection to municipal services (e.g., water, sanitary and storm sewers).
- Providing a development that is not expected to cause public health and safety concerns by providing sidewalks internally and connections to external pedestrian linkages in the neighbourhood and along the Garrison Road commercial district.
- Providing a development that is not expected to result in land use conflicts.



D.3 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (GPGGH, 2020) guides development within the Greater Golden Horseshoe (GGH) Area including Niagara Region.

The GPGGH Plan directs growth and building complete communities, whether urban or rural that are well-designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs. The GPGGH Plan directs development to targeted local settlement areas, while maintaining growth sensitive boundaries and preserving environmental lands. The policies of the GPGGH Plan take precedence over the PPS to the extent of any conflict. The policies of the Plan that have been considered for the appropriateness of this development include the following.

Policy 2.2.1 Managing Growth

2. Forecasted growth to the horizon of the GPGGH Plan will be allocated based on the following:
 - a) The vast majority of growth will be directed to settlement areas that:
 - i. Have a delineated built boundary
 - ii. Have existing or planned municipal water and wastewater systems
 - iii. Can support the achievement of complete communities
3. Upper and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of the GPGGH Plan, which will:
 - c) Provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form
4. Applying the policies of the GPGGH Plan will support the achievement of complete communities that:
 - a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities
 - b) Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes
 - c) Provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes



- e) Provide for a more compact built form and a vibrant public realm, including public open spaces

Policy 2.2.2 Delineated Built-up Areas

- 3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
 - a) Identify strategic growth areas to support achievement of the intensification target and recognize them as key focus for development
 - b) Identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas
 - c) Encourage intensification generally throughout the delineated built-up area
 - d) Ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities

Policy 2.2.6 Housing

- 2. Municipalities will support the achievement of complete communities by:
 - a) Planning to accommodate forecasted growth to the horizon of this Plan
 - b) Planning to achieve the minimum intensification and density targets in this Plan
 - c) Considering the range and mix of housing options and densities of the existing housing stock
 - d) Planning to diversify their overall housing stock across the municipality

Complete communities are defined in the GPGGH Plan as mixed use neighbourhoods or other areas within a municipality that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities may take different shapes and forms appropriate for their contexts.

Policy 3.2.6 Water and Wastewater Systems

- 1. Municipalities should generate sufficient revenue to recover the full cost of providing and maintaining municipal water and wastewater systems.

The proposed development will provide thirty-seven (37) new dwelling units to the neighbourhood. The proposed intensification will maximize the underutilized site located in the settlement area with connection opportunities to access municipal public services. The compact built form and orientation of the townhouses on the private road leaves sufficient



space for private amenity space per unit and visitor parking for the development. Since the development will be a condominium, the maintenance of the roads, sidewalks and yards will be privately maintained and manicured. The townhouses are conveniently located with direct access to Garrison Road and the commercial uses along that corridor both by vehicle and pedestrian access with easy access to services for daily needs.

The proposed development supports the diversification of housing stock with a contribution to assisting the Town to meet the density targets and achievement of developing a complete community, especially providing the housing options and therefore is consistent with the policies of the GPGGH Plan.

D.4 Niagara Regional Official Plan (2014 Office Consolidation)

The Region is undertaking a new Official Plan (OP) including expansions to the urban settlement boundaries, enhanced policies, and new mapping of the natural environmental system, updated mapping and more concise text revisions to the policies. The new OP is not in effect and therefore the 2014 consolidated version has been used for this assessment of the proposed development.

The Niagara Regional Official Plan (ROP) is the long-range, community planning document that is used to guide the physical, economic and social development of the Regional Municipality of Niagara. Generally, the Plan contains objectives, policies and mapping that implement the Regions approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure. The Plan implements the Niagara Region Growth Management Strategy (Niagara 2031) and its content aligns with the Provincial Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement and the Greenbelt Plan.

The current ROP designates the subject land as 'Urban Area Boundary – Built-Up Area'. Figure 7 illustrates the general location and the designation of the site.

Chapter 4: Managing Growth

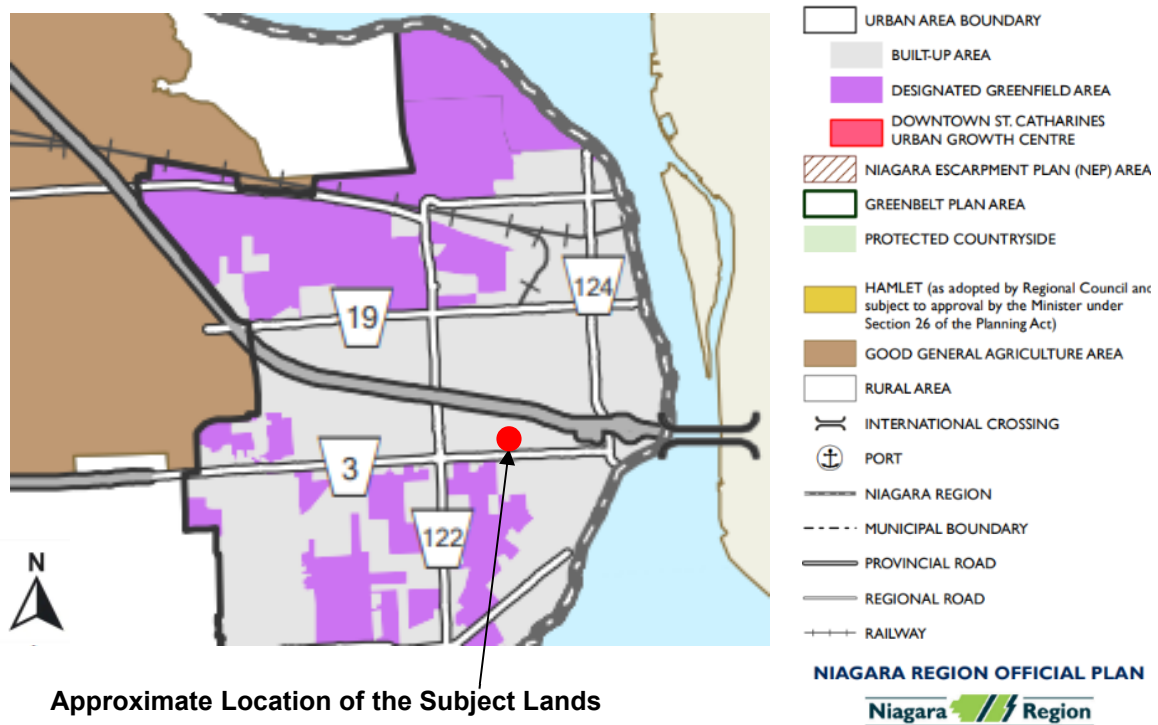
This chapter provides the policy direction for managing growth in the urban areas particularly development to achieve higher densities than currently exist within an intensification area.

The objectives of the Section 4.A Growth Management Policies of this Plan that are applicable to the proposed development are:

- Objective 4.A.1.1: Direct the majority of growth and development to Niagara's existing Urban Areas.



Figure 7: Niagara Regional Official Plan Designation



- Objective 4.A.1.2: Direct a significant portion of Niagara's future growth to the Built-up Area through intensification.
- Objective 4.A.1.6: Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas.
- Objective 4.A.1.7: Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.
- Objective 4.A.1.10: Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.
- Objective 4.A.1.12: Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.



Policy 4.C.2.1: Each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting intensification and achieving the intensification targets set out in Sub-section 4.C.4 of this Plan. Local official plans shall: b) Generally encourage intensification throughout the Built-up Area.

Policy 4.C.4.1: The following residential intensification targets are to be met by Niagara's local municipalities and are considered to be minimum standards. The Town of Fort Erie minimum target is 15%.

Chapter 8: Infrastructure

This chapter refers to infrastructure and provides policies for the coordination of infrastructure planning and land use planning. One of the main objectives, 8.A.2 is to optimize the use of existing infrastructure.

Policy 8.B.9: Municipal sewage services and water services are the required form of servicing for development in urban areas.

Chapter 11: Housing and Community Services

This chapter provides the policies for encouraging the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

- a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools
- b) De-emphasizes garages, especially in the front yard
- c) Emphasises the entrance and points of access to neighbourhoods
- d) Is accessible to all persons
- e) Incorporates the principles of sustainability in building design
- f) Provides functional design solutions for such services as waste collection and recycling
- g) Provides an attractive, interconnected and active transportation friendly streetscape
- h) Contributes to a sense of safety within the public realm
- i) Balances the need for private and public space
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood
- k) Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play



The proposed development is intended to provide additional housing targeted as an alternative to the surrounding detached dwelling units and offering an affordable alternative housing option in the community. The additional units will also help to contribute to the viability of the commercial services and facilities in the area.

The proposed development will contribute towards achieving the development density target of the Region and constitutes intensification within the limits of the urban area providing housing for the different lifestyles. The proposal is a built form that is complimentary to the neighbourhood. For these reasons, the proposed development is considered to conform to the policies of the Regional Official Plan.

D.5 Niagara Region Urban Design Guidelines and Smart Growth Principles

The Region's smart growth principles that were applied in the development of this proposal were to:

- Promote compact built form and contribute to the sense of community.
- Offer a range of housing opportunities and choices understanding that not everyone wants or needs the same housing type.
- Preserve natural features and appreciate the connection to nature and the land.
- Direct development into existing communities and take advantage of existing community and infrastructure assets.

Consistent with the Smart Growth Principles, the proposed development will provide a use that is complementary to the existing uses and in accordance with the Town's Gateway Secondary Plan the townhouse was envisioned as an acceptable use for the area.

The proposed building scale, height, size and built form will maximize the usable area of the site with an adequate amount of parking and landscape amenity space for the residents. The additional units can offer an opportunity to promote sustainability with the localized connection from the private development into municipal services with the open space linkages to other destination points in the neighbourhood.

As noted in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI), there are natural environmental features located on the site (woodland and wildlife habitat) although not deemed as Significant Woodland or Wildlife Habitat, the proposal through sensitive design has avoided direct negative adverse impacts to mature trees and vegetation.



D.6 Town of Fort Erie Official Plan

The Town of Fort Erie Official Plan (2018 Office Consolidation) provides the policy framework that builds on the Provincial and Regional legislation and provides policies to supports strong, livable, and healthy communities, protect the environment and public health safety, and facilitate economic growth.

The Plan provides the decision makers the tools necessary to maintain the unique character of the Town and encourage a reasonable balance between housing and employment opportunities, conservation and integration of natural areas and heritage resources, to accommodate population growth and future development in an orderly and efficient land use pattern.

The Plan provides the goals and objectives of how the Town should grow in the future, including the policies for residential development. Policies 2.3.5 and 2.38 states that the Town should encourage the accommodation of growth and future housing needs by providing for a full range of housing choices in terms of type, tenure, and price available to accommodate persons with diverse social and economic characteristics and needs. Furthermore, that future development is sustainable and facilitates an efficient use of municipal services with undue financial hardship on the Town being a private condominium development and preserved open space and natural heritage features for the long term.

According to Schedule A-Land Use Plan, the subject lands are in the Gateway Secondary Plan Area, and Schedule-Gateway 2 designates the subject lands as 'Open Space', reserved for a variety of active and passive recreational, open space and natural buffer area uses and 'Medium Density Residential', reserved for multiple-unit structures (triplexes, fourplexes, townhomes and small apartment buildings), with a density range of 25-50 units/hectare.

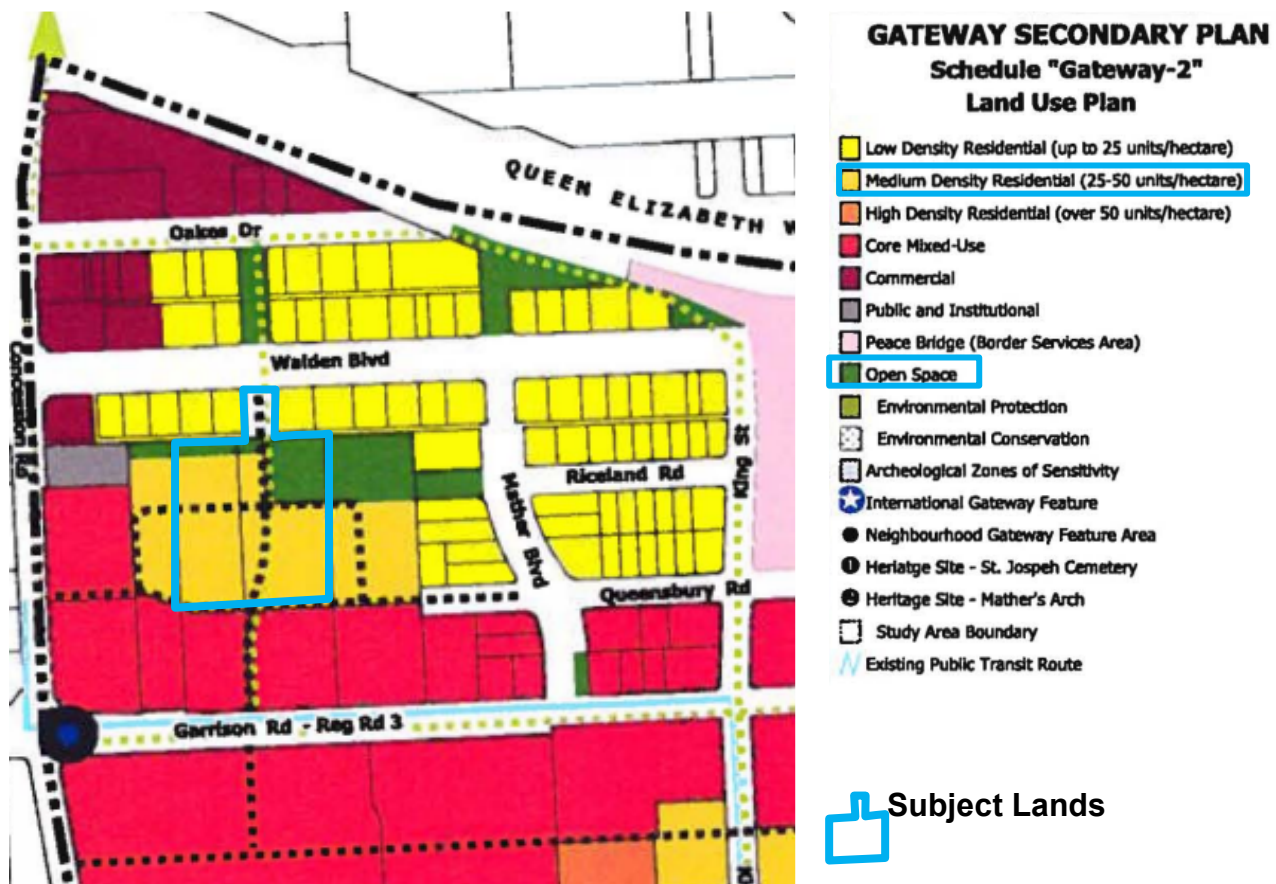
Section 4.16 provides the policy framework of the Gateway Secondary Plan and is one of the Town's focuses to allocate a variety of residential densities, commercial, mixed use, open space, and other areas to meet the diverse needs of its many citizens that include homeowners, businesspersons, shoppers, visitors, and tourists. This area is intended to become the Town's primary gateway from the United States and a prime location for intensification and infilling, with higher densities directed towards appropriate locations.

Section 4.16.6. provides the residential area general policies for intensification and infilling in an effort to promote a compact urban form, reduce urban sprawl and encourage population growth, that can assist in revitalizing the Garrison Road Corridor.



Section 4.16.8 provides the Medium Density Residential policies reserved for multiple-unit structures (e.g., triplexes, fourplexes, townhomes and small apartment buildings) and provides a direction to accommodate approximately for an additional 620 Medium Density units by 2031.

Figure 8: Town of Fort Erie – Gateway Secondary Plan Designation



As shown in Figure 8 above, majority of the subject lands are designated as 'Medium Density Residential' (orange) permitting the townhouse dwelling units and 'Open Space' (green) representing a pedestrian linkage and buffer from west of the subject lands traversing easterly to connect with Mather Boulevard.

The block for Open Space at the time of preparing the Secondary Plan was envisioned to be dedicated for a future community park/open space amenity area, although it was determined at the pre-consultation meeting with Town Staff that this is not feasible since the Developer/Owner attempted to pursue the acquisition of the lands to the east and west with the adjacent owners of those lands and unfortunately were not successful. Therefore, through various discussions and alternative approaches to maintain a possible future



linkage, Town Staff indicated they would have no concerns with the request to amend the designation for that specific area from Open Space to Medium Density Residential subject to the minimum width of 11.5 metre (37.73 feet) is maintained as a possible future pedestrian linkage and a buffer to the residents where their rear yards abut the proposed development.

The Gateway Secondary Plan also envisioned a vehicular connection from Walden Boulevard to connect with Garrison Road to the south through the subject lands and possible future west and east connections. Again, the Developer/Owner explored the potential future west and east connection road and the neighbouring properties were not interested to pursue the vision. Despite not having the available land for this vehicular connection, the proposed condominium development has provided the provision for a future easterly connection to Mather Boulevard. The Town offered support of the redesign to maintain a possible westerly and easterly connection as represented in the site plan provided in Appendix B.

Section 4.16.22 provides policies for the municipal services and utilities and the proposed development will be under a condominium corporation whereby the Town will not assume the long term maintenance of these facilities. The private road is intended to serve the immediate neighbourhood for access to Walden Boulevard to the north and Garrison Road to the south. The site services have been designed to meet the Region's and Town's design standards and will be connected to the municipal infrastructure at Walden Boulevard for water, and Garrison Road for the sanitary and storm sewers. Additional details of the site services are found under a separate cover titled Functional Servicing Brief prepared by Quartek Group. The road has been designed to meet the Region and Town's standards for fire and emergency.

Section 5.6 Urban Design, provides the policies for providing a visual contribution to the establishment of the character of a distinct neighbourhood and were used for the proposed development, specifically:

- A distinct character for each neighbourhood will be established through the road pattern, building height and massing, placement of open space.
- Residential development will be planned to preserve privacy, comfort, and amenity spaces while providing easy and safe pedestrian and cycling movement to commercial and community facilities.
- Generous planting of native species will be provided appropriate to the circumstances and location, and existing vegetation will be preserved to compliment the built form and to create an established appearance.
- Consideration will be given to matters relating to exterior design in terms of character, scale, appearance, sustainability and design through site plan control for areas in accordance with urban design guidelines.



Section 12 Servicing and Utilities, provides policies to ensure that all development applications are evaluated to determine whether the water, wastewater and storm water services are or will be capable of supporting the proposed development at acceptable levels of service. As noted previously, a Functional Servicing Brief and Stormwater Management Report was prepared by Quartek under separate covers to confirm the capacity requirements for additional units and describes the required servicing connections for water and sanitary and the treatment of stormwater management for the development.

The proposed development is requesting an amendment to the Official Plan to change approximately $\pm 1,646$ square metres (0.16 hectares/0.41 acres) of the land area designated as 'Open Space' to 'Medium Density Residential' to allow for one (1) block containing five (5) townhouse dwelling units and the roadway to Walden Boulevard to efficiently maximize the underutilized land located in the settlement area. According to the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI), the area to be removed is not anticipated to create a negative adverse impact to the balance of the land and the Tree Preservation Plan will provide for mitigation to offset the indirect impacts to the wooded area with a replacement ratio with native vegetation to compliment the natural surroundings. Refer to the EIS under a separate cover for more details.

The proposed development is consistent with the policies of the Town's Official Plan and specifically the Gateway Secondary Plan by providing an opportunity to accommodate an alternative housing type in the neighbourhood at a higher density then currently exists. Additionally, this development can assist the Town in meeting the objective of residential intensification in the urban settlement area, particularly along the Garrison Road corridor.

The proposed development has been designed to preserve the privacy, comfort, and amenity spaces of those abutting the property to the north along Walden Boulevard with the 11.5 metre (37.73 feet) buffer as well as the natural environmental features that are present in this buffer. Every effort was made to design the road alignment from Walden Boulevard to avoid long term negative impacts to mature trees (Maple and Oak) that were identified by the Niagara Region and Town Staff to preserve.

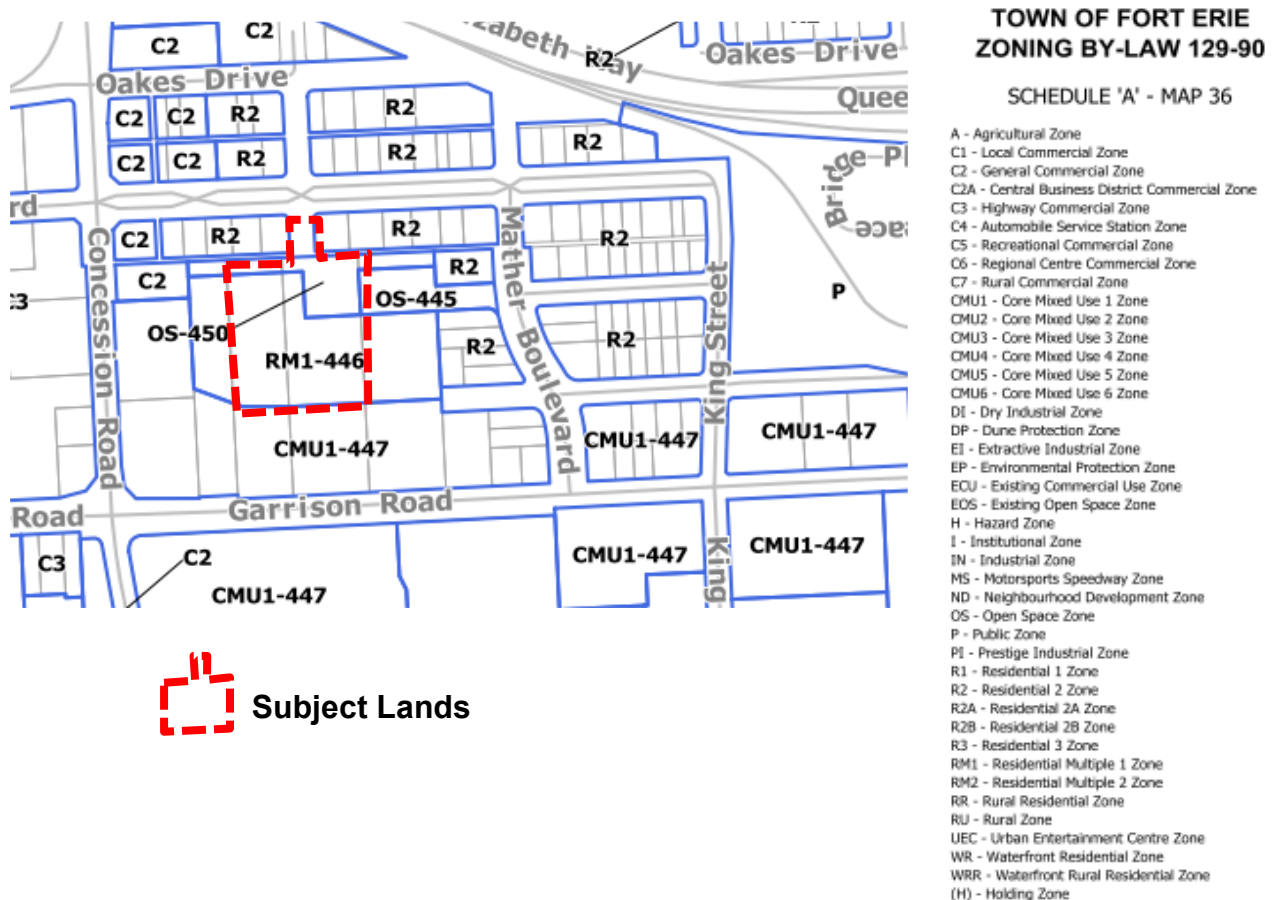
Regarding access to local services and connections to the neighbourhoods, the proposed development can offer easy vehicular access and pedestrian connection to local transit and sidewalks along Garrison Road with the internal private road right of way that provides two way travel and a sidewalk on one side.



D.7 Town of Fort Erie Zoning By-law

According to Schedule A – Map 36, of the Town’s Zoning By-law 129-90, the subject lands are zoned as site specific Residential Multiple RM1-446 and Open Space OS-450. Figure 9 shows the location of the lands.

Figure 9: Zoning By-law Schedule A – Map 36



The RM1-446 (58-11) zone states that in addition to the RM1 zone, the overall residential density for this district shall be a minimum of 25 units per gross hectare and a maximum of 50 units/gross hectare. Apartment houses to a maximum height of three (3) stories shall also be permitted in this zone and shall be developed in accordance with the provisions of Section 15 of this By-law, provided that the density is in accordance the minimum of 25 units per gross hectare and a maximum of 50 units/gross hectare.

The OP-450 (58-11) zone states that this zone shall be used for no other purpose than a natural buffer area incorporating the existing woodlot, as well as the conservation of plant and wildlife. No trees may be removed from this area other than for the purpose of maintaining the health and integrity of the overall woodlot.



Section 14.3 refers to the RM1 zone and permits the block townhouse dwelling units.

Section 5.99 (b) defines dwelling, block townhouse as a dwelling containing three or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common wall, the said dwelling being located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, 1998, as amended, or any successor legislation.

The following table provides the zoning provisions for the RM1 zone and the requested amendments to facilitate the proposed development.

**Table 1 – Section 14.3 – Residential Multiple (RM1)
Regulations for Block Townhouses**

Zone Regulations	Required	Proposed
Minimum Lot Frontage	50m, except 6m for street townhouse lots and 9m for street townhouse corner lots	20.2 metres (Walden Boulevard) road allowance 8.5m for exterior units for block townhouse corner lots
Minimum Lot Area	4000 sq.m, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot	Comply
Minimum Front Yard	6m to garage 4m to other parts of dwelling	Comply
Minimum Side Yard	1.5m	Comply
Minimum Exterior Side Yard	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	2 metres
Minimum Rear Yard	6m	Comply
Maximum Building Height	i) 3 storeys ii) 12m	Comply
Minimum Landscaped Area	50% including Privacy Areas, except 25% for street townhouse lots	35%
Maximum Number of Units in a row	8	Comply



Zone Regulations	Required	Proposed
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall	14 metres distance between buildings on the same lot
Maximum Density (RM1-446)	Minimum 25 units/hectare Maximum 50 units/hectare	Comply
Maximum Lot Coverage	Block townhouse or exterior street townhouse-40% Interior street townhouse-60%	48% for block townhouse (cumulative)
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	Comply
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress	11.5 metres buffer strip along the abutting properties on Walden Boulevard
<i>Development is a private road development therefore Section 14.8 regulations apply</i>		
Distance from Dwellings to Private Streets and Parking Areas	Any front or rear face of any dwelling shall be no closer than 3m to any private street or parking area	Comply
	Any garage shall be no closer than 6.0m to any street or parking area	Comply
	Any side of any dwelling shall be no closer than 1.5m to an internal driveway or parking area	Comply
Section 6.0 Parking Block Townhouse Dwelling	1.5 per unit	1.2 space per unit



Section 33 – Open Space (OS) Regulations

Zone Regulations	Required	Proposed
OS-450	Shall be used for no other purpose than a natural buffer area incorporating the existing woodlot, as well as the conservation of plant and wildlife. No trees may be removed from this area other than for the purpose of maintaining the health and integrity of the overall woodlot.	Change $\pm 1,646$ square metres (0.16 hectares/0.41 acres) to RM1-xx



F. PLANNING IMPACT ANALYSIS

Having regard to the potential impacts from the proposed development, the planning exercise of determining the appropriate scale and location of the townhouses considered the following:

- Achieving a harmonious design at a higher density that is compatible and can be easily integrated with the surrounding area and not adversely impact on other residential uses.
- Maintaining an appropriate open space area, including landscaping and buffering to maximize privacy and minimize the impact on adjacent neighbouring properties.
- Preserving the trees and vegetation that offer the most benefits to the ecological functionality of the features for the long term and removing the invasive species uncommon to the area that hinder the natural state of the woodland area.
- Ensuring there is parking for each unit as well as additional spaces for visitors.
- Ensuring the waste collection design requirements are satisfied for roadside pick up. There is the exception for some townhouse units where there will be dedicated waste collection pads for the placement of weekly collection since there was insufficient space to provide for an efficient turn around movement for the trucks.
- Providing driveway access and internal roadways designed for fire and emergency safety and pedestrian sidewalks to promote a walkable community.
- Ensuring the design of the townhouses meet the urban design objectives and building materials including window treatments, placement of garages, and private amenity spaces.
- Ensuring the private services can adequately connect to available municipal infrastructure and avoid undue hardship on the Town.

F.1 Policy Conformance

In conformity with the Provincial Policy Statement, the lands are located within the urban area boundary limits of the Town, which majority of the lands have the designation for a higher density for residential development. The proposed development represents an excellent opportunity for residential infill and intensification consistent with the policies of the PPS.

The Growth Plan promotes building complete communities that are “well designed...accommodate people of all stages of life and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs.” To ensure that the development was consistent with the Growth Plan policies, consideration of the Town’s housing supply was examined for the appropriateness of this housing type in the neighbourhood as well as to meet the minimum density target. The proposal aligns with the medium density residential development threshold and can contribute to offering a different



housing type that meets the criteria for creating a complete community. The proposed development is an appropriate scale that is complementary to the established neighbourhood that can connect to existing infrastructure therefore the proposed development is consistent with the policies of the Growth Plan.

In conformity with the Regional Official Plan policies, the proposed residential development will contribute towards achieving the offering alternative housing type at a higher density than currently exists. The infill development is designed in a compact built form sensitive to the private amenity spaces of neighbouring properties with the preservation of the wooded area and compensation of additional trees and vegetation on native species to enhance the natural heritage functions. The proposed development is consistent with the Region's Official Plan policies for an alternative and affordable housing type to serve different lifestyles, urban design, and appropriate residential intensification development within the urban built boundary of the Town.

The proposed development conforms to the Town's Official Plan and Secondary Plan policies by providing a residential use at a higher density, integrating a road pattern with the availability of land to implement the Secondary Plan for a future east connection to Mather Boulevard, providing a north and south connection to Walden Boulevard and Garrison Road to access other neighbourhoods and commercial uses, maintaining an adequate open space area to provide privacy to abutting properties.

F.2 Compatibility with Adjacent Land Use

The need for a balanced approach in the assessment of intensification is required, understanding that there is potential for competing objectives that need to be evaluated accordingly. In this regard, the height, massing and scale of the proposed development is not exactly consistent with the single detached dwelling units on Walden Boulevard, although consistent with the direction of the Town to integrate a higher density and alternative housing choices to the residence in the Town. The development will be regulated by the requested site specific zoning provisions and site plan control to mitigate any negative impacts on surrounding area.

The proposed development will be successfully integrated into the neighbourhood through appropriate setbacks, building shape and orientation, façade detailing and building materials. By providing additional residential population to the immediate Garrison Road corridor, the existing retail and commercial establishments and services will contribute to the long term viability of such uses, while at the same time contributing to the achievement of alternative housing objectives of the Town.



F.3 Traffic and Access

The site will be accessed off Walden Boulevard from the north and Garrison Road from the south from the private road through an easement between the two condominium corporations. The anticipated traffic generated by this development will be localized to this neighbourhood and it is not expected to have regular travelling public to access through this site. To control the traffic, there will be traffic signs indicating that this development is private property and no through traffic is permitted.

F.4 Noise Impacts

At the onset of designing the location and orientation of the townhouses, there was the potential for noise to be an issue or concern for the residents with respect to stationary noise emanating from the commercial loading area and/or associated mechanical system from the commercial plaza to the south. More specifically, to ensure that the residential dwellings indoor and outdoor living areas meet Ministry guidelines for stationary noise. To avoid undertaking a Noise Study, the townhouses were redesigned so that side yards are facing Garrison Road and fencing and landscaping to buffer between the commercial and residential uses. Additionally, precautionary mitigation will be provided including warning clauses for noise be added to the condominium sale agreements.

F.5 Municipal Site Servicing

Further details of the site servicing are provided under separate covers titled “Functional Servicing Brief” and “Stormwater Management Report” prepared by Quartek Group.

Sanitary

There is a 200mm sanitary stub capped at the boundary between Phase 1 (Peace Plaza Commercial Development) and Phase 2 development during Phase 1 construction. Sanitary flows for Phase 2 will be collected from each unit and conveyed through a series of sanitary manholes and pipes connected to the stub installed in Phase 1. The sanitary flow will eventually be conveyed to the 300mm sanitary main on Garrison Road. It is expected that there will be no impediments to sanitary sewer servicing for the development using the existing municipal sewage works.

Water

There is a 300mm water main owned by the Town and will provide water supply to the site. A new 150mm service connection at the new entrance to Garrison Road was installed to service the new development. During the construction of Phase 1 for the commercial plaza,



a 150mm water stub was installed at the boundary to the residential site and this connection will be used for Phase 2 water service for the townhouses.

Fire Hydrant

There is an existing fire hydrant at the new north entrance to Walden Boulevard. However, this hydrant cannot provide coverage for the whole Phase 2 development. In order to provide enough fire flow without impacting domestic consumption, the new fire hydrant is proposed to connect to the 150mm water main on south of the Walden Boulevard right-of-way.

Stormwater Management

The existing site topography features a general slope down from north to south. The elevation of the site varies from 192.1 to 188.2. During Phase 1 construction of the commercial plaza, due to the utility conflicts, the stormwater outlet has been changed to the Region's 600mm sewer on Garrison Road instead of originally proposed 750mm sewer on Garrison Road owned by the Town.

Niagara Region required the post-development flows to be controlled to pre-development flow levels for all storms (2-year up to and including 100-year storm) prior to discharge onto Garrison Road. Minor system stormwater flows will be collected by new storm sewers in the roadway and drained to the underground storage chambers installed in Phase 1. Flows in excess of the minor system will be temporarily stored in the underground storage chambers prior to being discharged.

F.5 Garbage Collection

The proposed development will utilize private waste collection contracts for the townhouse dwelling units. The waste collection design requirements are satisfied for roadside pick up with the exception for the townhouse units (15 units) located in the northwestern section of the development where there will be dedicated waste collection pads for the placement of weekly collection since there was insufficient space to provide for an efficient turn around movement for the garbage trucks.

F.6 Natural Heritage and Environmental Considerations

As noted previously, an Environmental Impact Study (EIS) was completed by Natural Resource Solution Inc. (NRSI) and additional details of the study are provided under a separate cover.

The potential impacts arising from the proposed development are determined by comparing the details of the proposed undertaking with the characteristics of the existing natural



features and their functions. Where the development limits overlap with the natural features or indirectly affect their functions, impacts may arise. The following is a description of the types of impacts that were assessed in the EIS:

- Direct impacts to the natural features within the subject lands associated with disruption or displacement caused by the actual proposed 'footprint' of the development, including impacts caused by site grading and the installation of site servicing features.
- Indirect impacts associated with changes in site conditions such as drainage, water balance and water quantity/quality, and effects of construction on adjacent natural features.
- Induced impacts associated with post-construction use of the development such as disturbance or degradation of adjacent natural features and species habitats and created by increased human habitation/use of the area and vicinity.

Vegetation Removal and Site Grading Impacts

Portions of the Mineral Cultural Meadow and Mineral Cultural Thicket communities are proposed for removal to accommodate the proposed townhomes and private road allowance. The Thicket community is of low ecological value due to the presence of non-native, invasive species including European Buckthorn and Multiflora Rose. There were no federally or provincially significant vegetation species observed within these communities.

NRSI observed a Cattail Mineral Shallow Marsh (wetland) during an initial site visit. The wetland is 600 square metres (0.06ha) in size and abuts the western subject property boundary. The proposed development will require the removal of 3 square metres (0.0003ha) of the wetland within the subject property. The wetland does not meet the province's criteria for Provincially Significant Wetland (PSW) designation, does not provide direct or indirect fish habitat, does not contain Significant Wildlife Habitat (SWH) or provide habitat for Species at Risk (SAR), and does not contain significant or rare vegetation species or communities. No federally, provincially or regionally significant species were observed within the wetland. The wetland is not part of a wildlife corridor or linkage between larger wetlands or natural areas as it is located in a fragmented natural area that is completely surrounded by residential and commercial land uses. The wetland offers little ecological value. Therefore, the removal of a small portion of this wetland, and construction of the proposed development along its perimeter, is not likely to significantly reduce the limited ecological value or function of this community. To offset any potential impacts, a Sediment and Erosion Control Plan and Spill Response Plan should be created and followed throughout construction to prevent the degradation of water quality in the wetland.

The proposal will require the removal of Oak-Maple-Hickory Deciduous Forest although portion of this community will be retained along the northern boundary, which will provide a



linkage corridor between the remaining natural areas located to the east and west of the subject lands. There were no federally, provincially or regionally significant vegetation or wildlife species were observed within this community. Therefore, the removal of a portion of this community, and construction of the proposed development, will reduce the size of this community but is not likely to significantly reduce the ecological value or function. Details regarding recommended compensation for the removal of the trees is provided in the appended Tree Saving Plan of the EIS report.

Impacts to Wildlife and their Habitats

Candidate Bat Maternity Colonies Significant Wildlife Habitat

The proposed development will require the removal of a portion of the deciduous forest community, which is candidate for bat maternity colonies. Although candidate bat roost trees are proposed for removal, trees with suitable roosting habitat will be retained within the subject property. Contiguous treed areas will be retained to the east and west of the subject property, which likely provide suitable bat roosting habitat and may support bat populations that are potentially currently roosting within the subject property.

It is recommended that tree removals occur outside of the bat active period (April 1 – September 30) to avoid direct impacts to bats. Construction activities should be restricted to daylight hours when possible and any artificial lighting used for construction purposes should be turned off or directed away from adjacent natural features following the completion of daily construction activities. To promote the continued use of the forest community by bats post construction, the use of artificial lights should be avoided in locations that would cause light wash effects on the new woodland edge.

Candidate Reptile Hibernaculum Significant Wildlife Habitat

The entire subject property has been identified as candidate reptile hibernaculum habitat. For a number of species, the necessary characteristics of hibernacula are not well known and it is therefore not possible to predict with any accuracy where snakes will be overwinter. Potential impacts to the overwintering snakes are best mitigated through avoidance of earthworks during the hibernation period. Where possible, initial grading activities should be scheduled to occur between May 15 and October 15.

Other Wildlife

Vegetation clearing has the potential to directly impact bird breeding activity through damage and destruction of nests, eggs and young, or avoidance of the area by breeding adults.



Vegetation clearing should therefore occur outside the bird nesting season of late March to late August so as to limit disturbances to nesting activities of birds and to avoid destruction of active nests. The destruction of migratory birds and their nests is prohibited under the federal Migratory Birds Convention Act.

Indirect and Induced Impacts

Construction of the proposed development has the potential to cause indirect and induced impacts to adjacent natural features and functions if not mitigated appropriately. The following recommended mitigation measures from the EIS should be implemented where possible.

- To limit ecological impacts during construction, clearly defined construction limits should be established to avoid unnecessary vegetation removal. Tree protection fencing should be installed and conform to municipal guidelines in terms of fencing type, signage requirements.
- Where tree protection fencing is not required along construction area limits, other forms of boundary demarcation should be used which may include silt fencing for erosion and sediment control purposes or brightly-coloured snow fencing.
- Designated areas for construction lay-down, vehicle access and parking, equipment storage, materials stockpiling, and any on-site construction offices should be located entirely outside the retained natural features, and preferably located as far away as possible so as to limit potential to indirectly impact the adjacent natural features.
- Potential indirect impacts to natural features and wildlife may also arise from noise, vibrations, human presence, dust and artificial lighting associated with construction activities. These construction-related disturbances may cause wildlife to temporarily avoid the immediate area. General wildlife impacts can be mitigated by restricting the daily timing of construction activities to between 7:00 and 19:00 hrs. This timing restriction should also apply to the use of generators or pumps insofar as possible.
- Eliminate the use of decorative lighting.
- Use covered bulbs that light facing downward. Ensure that the cone of light does not extend beyond the development footprint (e.g., paved surfaces) to adjacent private properties or natural areas.
- Use “warm” or filtered LEDs to minimize blue emission.
- Use motion sensors and timers to minimize unnecessary lighting and use IDA approved fixtures.
- Installation of silt fencing along the construction limits in all locations where run-off will discharge to adjacent lands or on-site natural features.
- Erosion and Sediment Control measures must be regularly inspected and repaired or replaced in a timely manner. Accumulated sediment must be removed immediately.



- Placement of topsoil and seeding of all graded areas not subject to active construction within 30 days. A native seed mix, appropriate to the site conditions, should be applied in areas adjacent to existing natural features.
- Topsoil piles be located away from adjacent natural features and that silt fencing be installed around piles to prevent off-site migration of water-borne sediments.
- Machinery should arrive on site in clean condition and be checked and maintained free of fluid leaks.
- A Spill Response Plan should be developed prior to commencement of construction. This plan should provide a detailed response system to deal with events such as the release of petroleum, oils and lubricants or other hazardous liquids and chemicals. A spill kit must also be kept on site at all times and on-site workers must be trained in the use of this kit and be fully aware of the Spill Response Plan.
- A Sediment and Erosion Control Plan should be created and followed throughout construction to prevent the degradation of water quality in the Cattail Mineral Shallow Marsh community.
- A permanent chain-link fencing with no gates be established along the rear and/or sides of lots located adjacent to retained natural features. Installation of permanent fencing with no gates is anticipated to represent an effective deterrence to human encroachment from these lots and the dumping of refuse or garden waste from the rear or sides of these lots into the adjacent natural areas.
- The Tree Saving Plan is aimed at restoring tree cover and contributing toward compensation tree planting requirements. Species used for compensation plantings should be native to Niagara Region and not include any species that are listed as introduced, or locally, provincially or federally significant.
- Pre-, during, and post-construction monitoring is required as a means to ensure that adjacent natural features are not impacted throughout all stages of property development. More details are contained in the EIS.



G. SUMMARY AND CONCLUSIONS

The proposed development represents an appropriate land use for the following reasons:

1. It conforms to the policies for intensification and the efficient use of land and existing infrastructure within the urban area, as well as policies for encouraging infill residential development that provides an alternative housing option as contained in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan, and the Town's Official Plan.
2. The proposed development will assist the Town to reach their density intensification target and offering higher density housing for the Gateway Secondary Plan Area.
3. The proposed development will provide a balance between the preservation of natural heritage and woodland area and providing a compact built form that can compliment the surrounding area.
4. The proposed development can efficiently connect into the existing infrastructure (water, sanitary and storm sewers) thereby contributing to environmental sustainability.
5. The proposed development will implement the principles of urban design and represents good land use planning.

Prepared By:

Susan Smyth
Senior Planner



H. REFERENCES

1. Planning Act, R.S.O. 1990, c. P.13, Ministry of Municipal Affairs and Ministry of Housing
2. Provincial Policy Statement, Ministry of Municipal Affairs and Ministry of Housing
3. Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Ministry of Municipal Affairs and Ministry of Housing
4. 2014 Consolidated Niagara Regional Official Plan
5. 2005 Model Urban Design Guidelines, Niagara Region
6. Town of Fort Erie Official Plan and Gateway Secondary Plan
7. Town of Fort Erie Zoning By-law No. 129-90



APPENDIX A – PRE-CONSULTATION AGREEMENT

Once completed by Town Planning Staff, this form must be submitted with your formal application.

Important: This form will be completed with Planning Services staff at a pre-consultation meeting and will form part a complete application. All reports, documents and drawings **must** be submitted in paper and **digital** (i.e. PDF) form.

Meeting Attendance:

- | | | |
|---|--|---|
| <input type="checkbox"/> Town Planning Town | <input type="checkbox"/> Regional Planning | <input type="checkbox"/> Niagara Parks Commission |
| <input type="checkbox"/> Infrastructure | <input type="checkbox"/> Regional Public Works | <input type="checkbox"/> NPCA |

Other _____

Application type:

- | | |
|--|--|
| <input type="checkbox"/> Official Plan Amendment | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Zoning By-law Amendment | <input type="checkbox"/> Consent Application |
| <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Draft Plan of Condominium | |

Pre-Consultation Submission Date: _____

Pre-Consultation Meeting Date: _____

Site Location/Address: _____

Site Legal Description: _____

Approximate Land Area (metric): _____

Owner Contact Information:

Name of Owner: _____

Phone No: _____ Email: _____

Principal Contact: _____

Phone No: _____ Email: _____

Local Municipal Contact:

Name of Contact: _____

Phone No: _____ Email: _____

Brief description of proposed development:

Submission Requirements: Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Digital	Paper	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planning Justification Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conceptual Site Plan, Subdivision Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Regional Policy Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Draft Local Official Plan Amendment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Land Use/Market Needs*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Urban Design/Landscape Plans			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Archaeological Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cultural Heritage Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Impact Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Planning Study/ Sub-Watershed Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tree Inventory Preservation Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floodplain and Hazard Lands Boundary Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Geotechnical			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Site Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Air Quality/Noise & Vibration Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Agricultural Impact Assessment			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Farm Operation and Ownership			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimum Distance Separation I & II			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mineral Aggregate Resources			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Municipal Servicing Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Phasing Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sensitive Land Use Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Slope Stability Report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater Management Plan			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transportation Impact Study/Parking Impact Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Hydrogeological Study and Private Servicing Plans*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Soil report			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial Impact Assessment*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shadow Analysis			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoreline Study/Dynamic Beach			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Risk Management Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gas Well Study/Gas Migration Study			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wind Study*			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other*			

Property: 0-350 Garrison Road

Development Planning: Anamika Dilwaria (adilwaria@forterie.ca or 905-871-1600 ext. 2507)

The subject lands are designated Open Space and Medium-High Density Residential in the Town's Gateway Secondary Plan. The lands are zoned Open Space (OS-450), in part and Residential Multiple (RM1-446), in part in accordance with Zoning by-law 129-90 as amended by By-law No.2011-058.

The applicant's proposal to develop the lands for townhouse development will require an Official Plan and Zoning By-law amendment application to re-designate and rezone the lands designated and zoned Open Space to a residential designation and zone.

Please refer to comments provided by the Region regarding the Woodlot existing on the subject lands. Further, the Open space designation and zoning was included in the secondary plan after extensive public consultation and was included to provide a buffer between the existing residential development on Walden Blvd and future development on the subject property. As such staff would encourage the developer to maintain the open space designation and zoning on the property.

Lastly, please refer to the comments provide by the Town's Community Planner regarding the future road connections.

Servicing: Jeremy Korevaar (jkorevaar@forterie.ca or 905-871-1600 ext. 2505)

- No comments
- The Applicant may need to have a new pre-consultation meeting to refresh the comments previous given for a Plan of Subdivision for 315 Garrison Road dated August 16, 2019

Neighbourhood Planning: Pieter Wasserman (pwasserman@forterie.ca or 905-871-1600 ext. 2503)

1. GATEWAY SECONDARY PLAN (GSP)

- The proposed development has made use of the public road allowance stub at the north, which was also illustrated in the Secondary Plan
- The proposals density is also in line with the min/max residential density range for Medium Residential and uses the permitted dwelling type defined in the zoning
- It must however be noted that according to Section 4.16.4 Objectives in the GSP, the one of the main objectives of the Gateway Secondary Plan is to:
 - f) Conserve existing open space areas and natural areas, including significant features such as Niagara River and Lake Erie waterfront (Page 10, GSP)
- The portion zoned as OS should therefore be reconsidered for development or alternatively it should be demonstrated that there is no longer the need to retain this portion of OS as a resource for future purposes

2. URBAN DESIGN:

The following comments should be considered:

1. The land zoned as Open Space was done intentionally to facilitate the connection of the laneway through the superblock and should therefore be retained as a pedestrian connection. This connection may be required in the future to facilitate movement of the

PRE-CONSULTATION AGREEMENT – COMMENTS

ever-increasing population as a result of residential development in the area

2. The larger Secondary Plan vision for the immediate area includes a conceptual road that connects the interior of the super-block. Therefore, it is important to anticipate how future development of the immediate area will occur and how the surrounding sites will be accessed. Road and circulation layout are therefore important as it will affect future development of the neighboring sites
3. While the Secondary Plan shows “conceptual” roads on the schedule, policy provides that the roads may be modified, but showing how they will function is still a requirement. Showing how the roads (private and public) facilitate future development beyond the applicant’s boundary lines will help assess whether the future development might be under serviced for access. Therefore, it is recommended that future road connections must be considered
4. While roads in the Secondary Plan are allowed to change, the shift in the north south road was intended to allow alignment to the existing driveway to the south of Garrison. While it is not expected the lands to the east of the site will redevelop in the short term, they are still designated for residential and mixed use that would be north and south of the stub. The road stub to the east is worth retaining for any future connection and serve to separate the medium density residential from the commercial mixed use in an appropriate manner. Therefore, A planned road connection on this site will allow for such a future connection to occur and connect to Queensbury Road
5. The northernmost row of townhouse units will have the rear of the lot fronting onto a laneway. Without any passive surveillance the laneway may potentially become dangerous for users. Therefore, the townhouses backing onto the laneway need to provide windows and secondary entrances at the back to activate the space or demonstrate how activation may be achieved. This also applies to the northeastern units siding onto the OS and lane
6. Any plan for a public road in this development may take the form of an L-shape with the short leg toward the east. The development may initially decide to end the road in a turning circle. Later phases may develop the circle into an L to extend to the east to connect to the road stub in the longer term. Therefore, it would be important to maintain this portion of the property as undeveloped so that it may act as a servitude for a future road connection. It could be anticipated that the residential use area would be generally free from through traffic until such time that sites east or west are developed

Economic Development & Tourism Services: Daniel Turner (dturner@forterie.ca or 905-871-1600 ext. 2252)

- No comments

Community Planning: Signe Hansen (shansen@forterie.ca or 905-871-1600 ext. 2506) & Lindsay Richardson (lrichardson@forterie.ca or 905-871-1600 ext. 2504)

PRE-CONSULTATION AGREEMENT – COMMENTS

- Council through their 2018-2022 Strategic Plan have identified attracting affordable housing and mixed housing options as a priority. Staff will be initiating an Official Plan Amendment this year that will look to include policies that support this priority as well as potential incentives for developments that include an affordable housing component. We anticipate the Official Plan amendments and incentive programs will be adopted in 2021
- The Town encourages affordable housing to be integrated as part of the overall development rather than a stand-alone structure
- No comments relative to the proposed OPA and ZBA

Relative to the a future site plan submission, I offer the following in advance:

- Payment of 2% of the value of the new lot be made to "The Town of Fort Erie" in lieu of dedication of land for park purposes, for commercial area
- Payment of 5% of the value of the new lot be made to "The Town of Fort Erie" in lieu of dedication of land for park purposes, for residential area
- Requirement for Tree Preservation Plan for proposed residential and commercial area, pursuant to the site plan control guidelines. Separate Tree Preservation Plan requirements will be identified for the lands zoned as Open Space
- Requirement for Landscape/Streetscape plans, pursuant to Site Plan Control Guidelines and to address issues such as buffering of adjacent uses, pedestrian circulation, landscaping of front and/or back yards, street trees, local outdoor amenity space, interface with natural area identified in secondary plan, etc.

Committee of Adjustment: Cara Raich (craich@forterie.ca or 905-871-1600 ext. 2508)

- 315 Garrison Road - subject to previous Consent B1051/1973 and Minor Variance A04/1985
- No further comments

Building Department: Keegan Gennings (kennings@forterie.ca or 905-871-1600 ext. 2515)

- Due to previous commercial use on the property a Record of Site Condition will be required
- Is proposed development condo or freehold?
- If condo and single water service per property
- Will the commercial portion of the property be separated from the residential and an easement put in place for access and servicing or same parcel?

Fire Department: Robert Kirk (rkirk@forterie.ca or 905-871-1600 ext. 2606)

- No comments

PRE-CONSULTATION AGREEMENT – COMMENTS

Niagara Peninsula Conservation Authority (NPCA): Jessica Abrahamse
(jabrahamse@npca.ca)

- The NPCA requires a review of the EIS for both Phase 1 & 2 of the development if wetland compensation is to be entertained to support the proposed plan. If not all NPCA non-provincial wetland policies shall apply to the pocket of wetland discovered during the EIS

Canadian Niagara Power Inc. (CNPI): Jeff Hoover (jeff.hoover@cnpower.com)

- Please contact Jeff Hoover at jeff.hoover@cnpower.com to discuss servicing

Niagara Parks Commission (NPC): Ellen Savoia (esavoia@niagaraparks.com)

- No comments

Niagara Region: Lola Emberson (lola.emberson@niagararegion.ca)

PPS: Settlement Area

GP: Delineated Built Up Area

ROP Designated: Urban Area (Built Up) Area

Policies support intensification and redevelopment of underutilized parcels

Archaeological

In accordance with Ministry criteria and the Town AMP, the property does not show high potential for archaeology. Region would request that warning clauses be required in the future site plan/subdivision agreement with regards to the potential findings of archaeological resources and remains during construction.

Site Condition

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. Given the property was previously used for commercial uses (there was previously a motel) the change in use to residential will require a mandatory filing of a Record of Site Condition (RSC) in accordance with O. Reg. 153/04 under the Environmental Protection Act.

For this application, a Phase 1 and 2 required with application – The RSC, submitted prior to the change in use as per O. Reg 153/04. Alternatively, the Town the requirement can be satisfied as part of a subsequent site plan process or as discussed through the building permit process.

Noise

Given the timing for build out for the site is not guaranteed, There is potential for noise to be an issue for the residential uses as well as the commercial uses. Regional staff note that the side of the townhouses as proposed are facing Garrison, it is likely that fencing and warning clauses may be the suggested recommendation. However, there are also concerns with respect to stationary noise emanating from the commercial loading area and/or associated mechanical (worst case scenario for permitted uses, a Noise Study will be required to ensure that the residential dwellings indoor and outdoor living areas meet NPC-300 guidelines. Any recommended mitigation shall be included in development agreements. Should the proposal be redesigned so that side yards are facing Garrison Road, a noise study requirement would be re-evaluated as fencing and warning clauses may be sufficient.

Environmental

The properties are impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. An EIS was reviewed for the subject properties, relating to Phase 1 of

PRE-CONSULTATION AGREEMENT – COMMENTS

the development. The EIS and Regional comments require that the EIS be updated for Phase 2. The EIS will be required to clearly identify potential impacts associated with the proposed residential development and recommend appropriate mitigation measures.

Transportation

Garrison Road (RR3) is a Regional Road. There are no issues with the proposed driveway location, consideration of easement for 321 Garrison for improved connections.

Road widening

For the two properties, the OP width is 30.5 m. Existing is 25.6 m so a widening of 5.20 m is required. It appears a reference plan was deposited (Plan 59R-14163 Part 1 and 2) that reflects this widening width. So, the Region would be looking for the lands to be transferred free and clear of any encumbrances. It is unclear how the additional lands at 321 Garrison are being created, a 2.03m-2.18m widening may be required across the frontage 321 Garrison.

Daylight Triangle

If the road/driveway is to be a municipal road, a 6m x 6m daylight triangle would be required at Garrison Road and the internal roadway. If private, please ensure that the sight lines are maintained along Garrison Road and the internal roadway.

Regional Entrances

In order to relocate the entrance, Regional Entrance Permits are required. A Regional Construction Encroachment Permit is required for any work within the Regional ROW. Check with MTO regarding land use permit may be required.

Servicing, as noted at previous pre-consultation

Water: 300 – AC (Local, Garrison Road)

400 – AC (Regional, Garrison Road) – NO CONNECTION PERMITTED

Any crossing of Regional watermain needs to have a cross section for review and approval. Need confirmation of where the servicing is from.

Sanitary: 300 PVC (local), Need confirmation of where the servicing is coming from.

The property is located within the Catherine Street SPS sewershed. Town and Regional staff have been discussing the Catherine Street sewershed and the various developments that are either in a development process or have been reviewed by staff and at this time the Region will require an updated FSR provide the following calculations to ensure that if post flow monitoring conditions are implemented that the sewers are meeting the expected flows, to ensure that the new development is meeting the infiltration allowances.

The FSR will need to include the following calculations.

In order to satisfy this condition we will require that you submit a subsequent Sanitary Sewer Servicing Design Brief. This brief will be required to contain the following calculations:

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

PRE-CONSULTATION AGREEMENT – COMMENTS

weather flow from the proposed development with a maximum infiltration allowance of 0.286 L/ha/s

- If the development is to be phased the calculations should be completed for each phase and the timing of the phases should be detailed in the brief

Storm: 760 – Concrete (Local, Garrison Road)

630 – Concrete (Regional, Garrison Road) – **NO CONNECTION PERMITTED**

Stormwater Management

1. No SWM comments for OPA/ZBA.
2. Region will require a SWM report (and associated with a \$635 fee) at the future planning act application (Draft Plan of Condominium/Site Plan). Region will require storm runoff be captured and treated to Enhanced standard (due to the proximity to Lake) prior to discharge from the site. The applicant shall confirm storm sewer capacity for accommodation the development flows.

Waste Collection (Multi Residential)

- Blue/grey – no limit
- Green – no limit
- Waste – 2 containers per unit bi-weekly
- **Curbside collection only, residential must meet Regional Waste Collection Policy, which includes trucks not reversing more than 15 m.**

Commercial noted at previous precon – 8 containers max bi-weekly, plans show moloks which cannot be collected by Region.

2021 Fees:

- OPA \$5,235.00
- ZBA \$1,315.00
- SWM @ SP \$635.00
- SP or CD \$535.00

Application Fees:

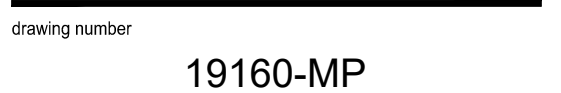
Note: please contact the Town for submission details and current fee's when ready to proceed

Application	Town of Fort Erie	Niagara Region	NPCA	Other
	OPA & ZBA- \$8868 -	<ul style="list-style-type: none"> • OPA \$5,235.00 • ZBA \$1,315.00 • SWM @ SP \$635.00 • SP or CD \$535.00 		
Pre-Consultation Fee Deduction	\$1313.00			
Other				

PRE-CONSULTATION AGREEMENT – COMMENTS

Total	\$8868- \$1313=\$7555			
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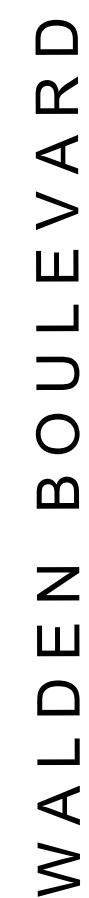
- a) Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- b) Additional fees may be required at a later date based on the fee schedule by-law.
- c) Separate cheques shall be made payable to each appropriate agency and submitted to the Town with the complete application.
- d) The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original pre-consultation meeting.
- e) The purpose of this agreement is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on the part of the Town staff or the Corporation of the Town of Fort Erie to either support or refuse the application.
- f) An application submitted without the information identified in this Pre-consultation Agreement will not be considered a complete application. If a site walk is required, the application will not be considered complete until it has taken place.
- g) All reports, documents and drawings must be submitted in paper and digital (i.e. PDF) form.
- h) The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
- i) It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
- j) If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the municipality may require a peer review. The Terms of Reference for a peer review is determined by the Municipality or Region and paid for by the applicant.





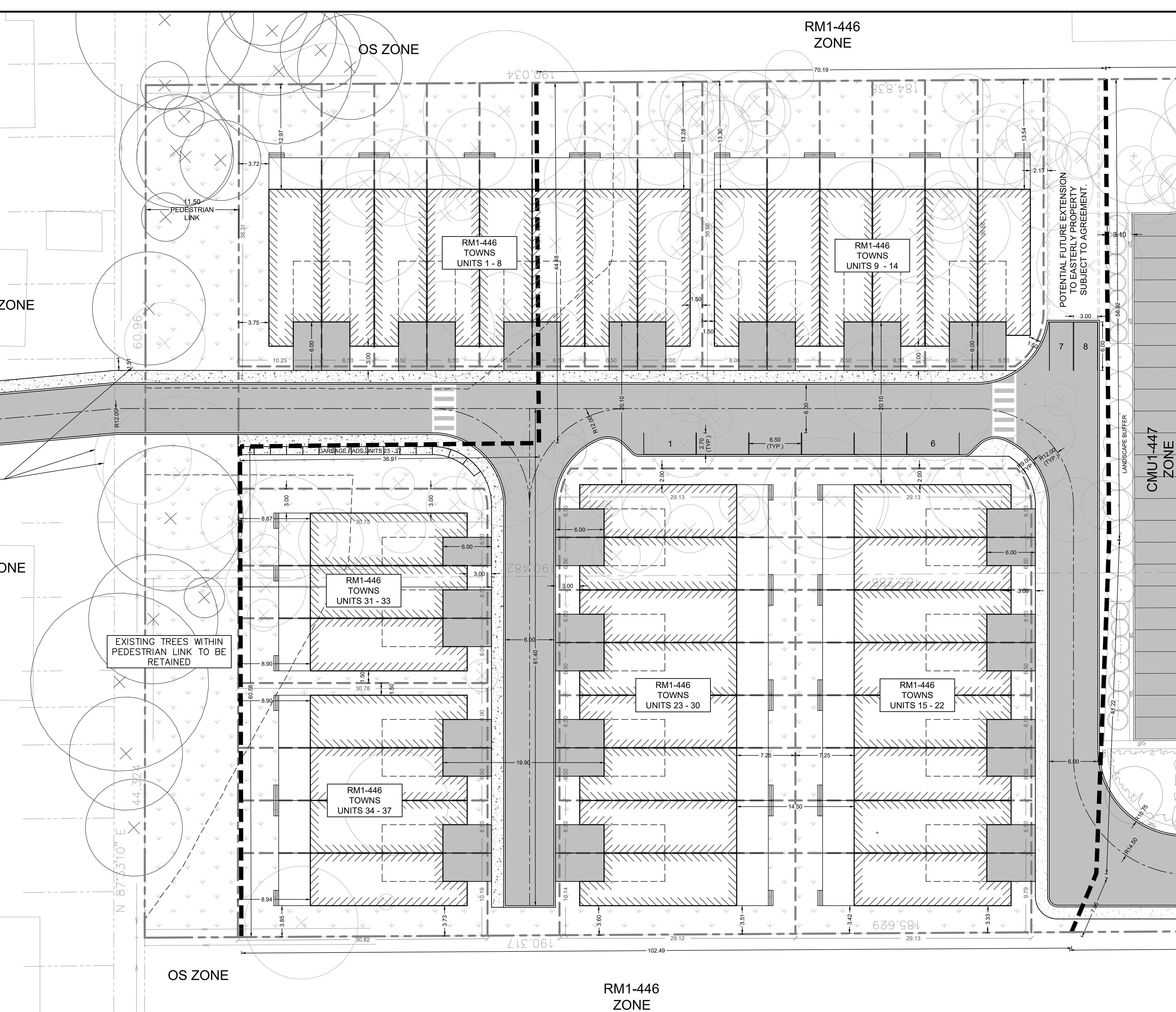
APPENDIX B – SITE PLAN

SITE PLAN AND BUILDING STATISTICS	
Development Proposal	Phase 2 consisting of RM1 zoned lands. Proposed 37 unit condominium.
Project Name	315 Garrison Road - Phase 2
Owner	2717041 Ontario Inc.
Municipal Address	315 Garrison Road, Fort Erie
Legal Description	Part 1-4 Plan 59R-14163 Town of Fort Erie Regional Municipality of Niagara
Official Plan Designation	Medium Density Residential & Open Space (Gateway Secondary Plan)



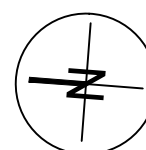
Zoning and Zoning By-law	RM1-446	
	REQUIRED	PROVIDED
Min. Lot Frontage	50m, except 6m for street townhouse lots and 9m for street townhouse corner lots	20.2m
Min. Lot Area	4000 sq.m, except 200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot	11,253 sq.m
Min. Front Yard	6m to garage 4m to other parts of dwelling	6m to garage 6.6m to other parts of dwelling
Min. Side Yard	1.5m	1.5m
Min. Exterior Side Yard	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.	N/A
Min. Rear Yard	6m	7.2m
Max. Building Height	i) 3 storeys ii) 12m	2 stories
Min. Landscaped Area	50% including Privacy Areas, except 25% for street townhouse lots	32.6%
Maximum Number of Units in a row	8 units	8
Minimum Distance Between Buildings on the Same Lot	15m, except 3m between end walls and 9m between an end wall and a rear wall	3m between end walls 14.5m between rear walls
Maximum Density	35 units/ha	32.9 units/ha
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse - 60%	47.5%
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.	Comply
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress	Comply
Distance from Dwellings to Private Streets and Parking Areas	Any front or rear face or any dwelling shall be no closer than 3m to any private street or parking area Any garage shall be no closer than 6.0m to any street or parking area Any side of any dwelling shall be no closer than 1.5m to an internal driveway or parking area	3m from front or rear face of dwelling 6m from garage 1.5m from side of dwelling

RM1-446 Site Specific Provisions		
a) The overall residential density for this district shall be a minimum of 25 units per gross hectare and a maximum of 50 units/gross hectare.		32.9 units/ha
b) Apartment houses to a maximum of three (3) stories shall also be permitted in this zone and shall be developed in accordance with the provisions of Section 15 of this By-law, provided that the density is in accordance with subsection a) above.		Comply
Parking and Loading		
	REQUIRED	PROVIDED
Parking Spaces	1.5 parking spaces per dwelling unit (55 parking spaces for 37 units)	45 parking spaces (1.2 parking spaces per dwelling unit)



POTENTIAL FUTURE EXTENSION
TO EASTERLY PROPERTY
SUBJECT TO AGREEMENT.

CMU1-447
ZONE



A	OPA-ZBA & DRAFT PLAN	02 FEB 2022	NS
issue	issued for	date	init.
seal			

Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.

Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.

All drawings and related documents remain the property of Quartek Group Inc., all drawings are protected under copyright and under contract.



◆ Architects ◆ Planners
◆ Engineers ◆ Project Managers

T 905 984 8676
89 - 91 St. Paul Street, Suite 100,
St. Catharines, ON, L2R 3M3
www.quartekgroup.com

project title

315 GARRISON ROAD
PHASE 2

TOWN OF FORT ERIE

SITE PLAN

drawn by

designed by

NS

SS/NS

scale

date
24 NOV 2021

job number

issue

drawing nu

19160-SP-2

02 Feb 2022
PRELIMINARY



APPENDIX C

DRAFT OFFICIAL PLAN AMENDMENT

AMENDMENT NO. XX

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

CONTENTS

PART "A" - THE PREAMBLE

Section 1 - Title and Components

Section 2 - Purpose of Amendment

Section 3 - Location of this Amendment

Section 4 - Basis of this Amendment

Section 5 - Implementation and Interpretation

PART "B" - THE AMENDMENT

Introductory Statement

Details of the Amendment

Schedule "A" - Land Use Plan

PART "C" - THE APPENDICES

Appendix 1 - Notice of Public Information Processes

Appendix 2 - Public Meeting Minutes

Appendix 3 - Circulation Comments

PART "A" - THE PREAMBLE

SECTION 1 TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. xx to the Official Plan adopted by By-law No. xxx-xx of the Fort Erie Planning Area.

Part "A", the Preamble does not constitute part of this amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. xx to the Official Plan adopted by By-law No. xxx-xx for the Fort Erie Planning Area.

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

SECTION 2 PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to effect a change to the land use designation of the subject lands as shown in the Town's Official Plan Schedule "A" – Land Use Plan, specifically Gateway Secondary Plan Schedule Gateway-2 – Land Use Plan.

Furthermore, the amendment is to change/alter the policies under Section 4.16 Gateway Secondary Plan, specifically Section 14.16.13 (a) shall be reserved for a variety of active and passive recreational open space and natural buffer area uses.

The amendment is for the change of ±1,646 square metres (0.16 hectares/0.41 acres) of the land area designated as 'Open Space' to Medium Density Residential' to allow for one (1) block containing five (5) townhouse dwelling units and private road and sidewalk.

SECTION 3 LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are legally described Part of Block 4 & 5 north side of Garrison Road, Registered Plan 505 and Chestnut Street, Part of Lane Registered Plan 519, Town of Fort Erie.

The entire development was prepared in two phases with the first phase being dedicated to the commercial plaza (Peace Plaza) that accounted for $\pm 7,043.526$ square metres (0.70 hectares/1.74 acres) of land which received Site Plan Approval on June 1, 2021 and is currently under construction.

The second phase is dedicated to the townhouse development and accounts for $\pm 12,462.474$ square metres (1.25 hectares/3.08 acres) excluding the $\pm 1,210.766$ square metres (0.12 hectares/0.29 acres) remaining as Open Space leaves a balance of $\pm 11,252.708$ square metres (1.13 hectares/2.78 acres) for the townhouses. Refer to Schedule "A" attached hereto.

SECTION 4 BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The proposed development is requesting an amendment to the Official Plan to change approximately $\pm 1,646$ square metres (0.16 hectares/0.41 acres) of the land area designated as 'Open Space' to 'Medium Density Residential' to allow for one (1) block containing five (5) townhouse dwelling units and the roadway to Walden Boulevard to efficiently maximize the underutilized land located in the settlement area.

The requested amendment would permit the residential intensification with a new alternative housing option at a higher density that aligns with the Gateway Secondary Plan policies under Section 4.16.8.

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

The proposed development is intended to provide additional housing targeted as an alternative to the single detached dwelling units and offering an affordable housing option in the community. The additional units will help to contribute to the viability of the commercial services and facilities in the area.

The proposed building scale, height, size and built form will maximize the usable area of the site with an adequate amount of parking and landscape amenity space for the residents. The additional units can offer an opportunity to promote sustainability with the localized connection from the private development into municipal services with the open space linkages to other destination points in the neighbourhood.

As noted in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI), there are natural environmental features located on the site (woodland and wildlife habitat) although not deemed as Significant Woodland or Wildlife Habitat, the proposal through sensitive design has avoided direct negative adverse impacts to mature trees and vegetation.

The Open Space designation at the time of preparing the Gateway Secondary Plan was envisioned to be dedicated for a future community park/open space amenity area, although it was determined that it is not feasible due to the successful acquisition of land assembly from west to east to materialize the community park. Therefore, through various discussions and alternative approaches to maintain a possible future linkage, a minimum width of 11.5 metre (37.73 feet) is maintained as a possible future pedestrian linkage and a buffer to the residents where their rear yards abut the proposed development.

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:

According to the Environmental Impact Study (EIS- February 2022) Report prepared by Natural Resources Solutions Inc. (NRSI), the subject lands contain Mineral Cultural Meadow and Mineral Cultural Thicket communities. These vegetation communities are of low ecological value due to the presence of non-native, invasive species including European Buckthorn and Multiflora Rose. There were no federally or provincially significant vegetation species observed within these communities.

A Cattail Mineral Shallow Marsh (wetland) was observed during an initial site visit. The wetland is 600 square metres (0.06ha) in size and abuts the western subject property boundary. The proposed development will require the removal of 3 square metres (0.0003ha) of the wetland within the subject property. The wetland does not meet the province's criteria for Provincially Significant Wetland (PSW) designation, does not provide direct or indirect fish habitat, does not contain Significant Wildlife Habitat (SWH) or provide habitat for Species at Risk (SAR), and does not contain significant or rare vegetation species or communities. No federally, provincially or regionally significant species were observed within the wetland. The wetland is not part of a wildlife corridor or linkage between larger wetlands or natural areas as it is located in a fragmented natural area that is completely surrounded by residential and commercial land uses. The wetland offers little ecological value. Therefore, the removal of a small portion of this wetland, and construction of the proposed development along its perimeter, is not likely to significantly reduce the limited ecological value or function of this community.

The subject lands contain Oak-Maple-Hickory Deciduous Forest and portion of this community will be retained along the northern boundary, which will provide a linkage corridor between the remaining natural areas located to the east and west of the subject lands. There were no federally, provincially or regionally significant vegetation or wildlife species were observed within this community. Therefore, the removal of a portion of this community, and construction of the proposed development, will reduce the size of this community but is not likely to significantly reduce the ecological value or function.

The subject lands contain habitat for bat maternity colonies and candidate reptile hibernaculum habitat. To minimize direct impacts, tree removals occur outside of the bat active period (April 1 – September 30) and construction activities should be restricted to daylight hours when possible and any artificial lighting used for construction purposes should be turned off or directed away from adjacent natural features following the completion of daily construction activities. While the necessary characteristics of hibernacula are not well known, potential impacts to the overwintering snakes are best mitigated through avoidance of earthworks during the hibernation period between May 15 and October 15.

Vegetation clearing has the potential to directly impact bird breeding activity through damage and destruction of nests, eggs and young, or avoidance of the area by breeding adults. Vegetation clearing should therefore occur outside the bird nesting season of late March to late August to limit disturbances to nesting activities of birds and to avoid destruction of active nests.

Consistent with the natural heritage policies of the Plan, the proposed development and the removal of the trees and vegetation is not anticipated to create a negative adverse impact to the balance of the natural area and the implementation of the Tree Preservation Plan will provide for mitigation to offset the indirect impacts to the wooded area with a replacement ratio with native vegetation to compliment the natural surroundings.

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

(i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas:

The proposed townhouse dwelling lots will have frontages on a private condominium roadway with access to a publicly maintained road to the north connecting with Walden Boulevard and with access to the Regional road network, Garrison Road (Regional Road No. 3).

(ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and:

The Gateway Secondary Plan envisioned a vehicular connection from Walden Boulevard to connect with Garrison Road to the south through the subject lands and possible future west and east connections. The Developer/Owner explored the potential future west and east connection road and the neighbouring properties were not interested to pursue the vision. Despite not having the available land for this vehicular connection, the proposed condominium development has provided the provision for a future easterly connection to Mather Boulevard.

Regarding access to local services and connections to the neighbourhoods, the proposed development can offer easy vehicular access and pedestrian connection to local transit and sidewalks along Garrison Road with the internal private road right of way that provides two way travel and a sidewalk on one side.

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

The 300mm water main is owned by the Town and will provide water supply to the site. A new 150mm service connection at the new entrance to Garrison Road was installed to service the new development. During construction of Phase 1 development, a 150mm

water stub was installed at the boundary to the residential site. This connection will be used for Phase 2 service.

There is an existing fire hydrant at the new north entrance to Walden Boulevard. However, this hydrant cannot provide coverage for the whole Phase 2 development site. Therefore, a new fire hydrant is proposed for the residential development and connect to the 150mm water main on south of the Walden Boulevard right-of-way.

There is a 200mm sanitary stub capped at the boundary between Phase 1 and Phase 2 development during Phase 1 construction. Sanitary flows for Phase 2 will be collected from each unit and conveyed through a series of sanitary manholes and pipes connected to the stub installed in Phase 1. The sanitary flow will eventually be conveyed to the 300mm sanitary main on Garrison Road. It is not expected that there will be no impediments to sanitary sewer servicing for the development using currently existing municipal sewage works.

The existing site topography features a general slope down from north to south. During Phase 1 construction, due to the utility conflicts, the stormwater outlet has been changed to the Region's 600mm sewer on Garrison Road instead of originally proposed 750mm sewer on Garrison Road owned by the Town. Minor system stormwater flows will be collected by new storm sewers in the roadway and drained to the underground storage chambers installed in Phase 1 construction. Flows in excess of the minor system will be temporarily stored in the underground storage chambers prior to being discharged.

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

The proposed development achieves a harmonious design at a higher density however maintaining the open space buffer and preservation of the trees and vegetation that offer the most benefits to the ecological functionality of the features for the long term, will maximize the privacy and minimize the impact on adjacent neighbouring properties.

The proposed development is providing parking for each unit as well as additional spaces for visitors to avoid unnecessary parking violations into adjacent neighbourhoods. The internal roadways are designed for fire and emergency safety and pedestrian sidewalks to promote a walkable community.

The proposed design of the townhouses and building materials including window treatments, placement of garages, and private amenity spaces meets the objectives outlined in the Town's urban design guidelines.

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

There is no evidence to suggest that the change in the policy of the Open Space to remove ±1,646 square metres (0.16 hectares/0.41 acres) into the Medium Density Residential to permit the townhouse dwelling lots will depreciate the values of neighbouring properties.

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

The proposed new townhouse dwelling lots will provide financial benefit through development charges and increase property taxes. Furthermore, this development will function under a condominium corporation and the long term maintenance of the underground infrastructure and roadway and sidewalks will be the responsibility of the condominium corporation and not the Town.

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

There are no potential effects on the regulations of the Environmental Protection Act.

SECTION 5 IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No.150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A-1" (Land Use Plan) constitute Amendment No. **xx** to the Official Plan adopted by By-law No. **xxx-xx** for the Fort Erie Planning Area.

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

1. The subject lands described as 315 Garrison Road on the attached Schedule "A" is hereby amended to change/alter the policies under Section 14.6.13:

The lands designated as "Open Space" on Schedule "Gateway-2" shall be reserved for a variety of active and passive recreational, open space and natural buffer area uses.

Change:

Open space $\pm 1,646$ square metres (0.16 hectares/0.41 acres) into the Medium Density Residential to permit the townhouse dwelling lots and private roadway.

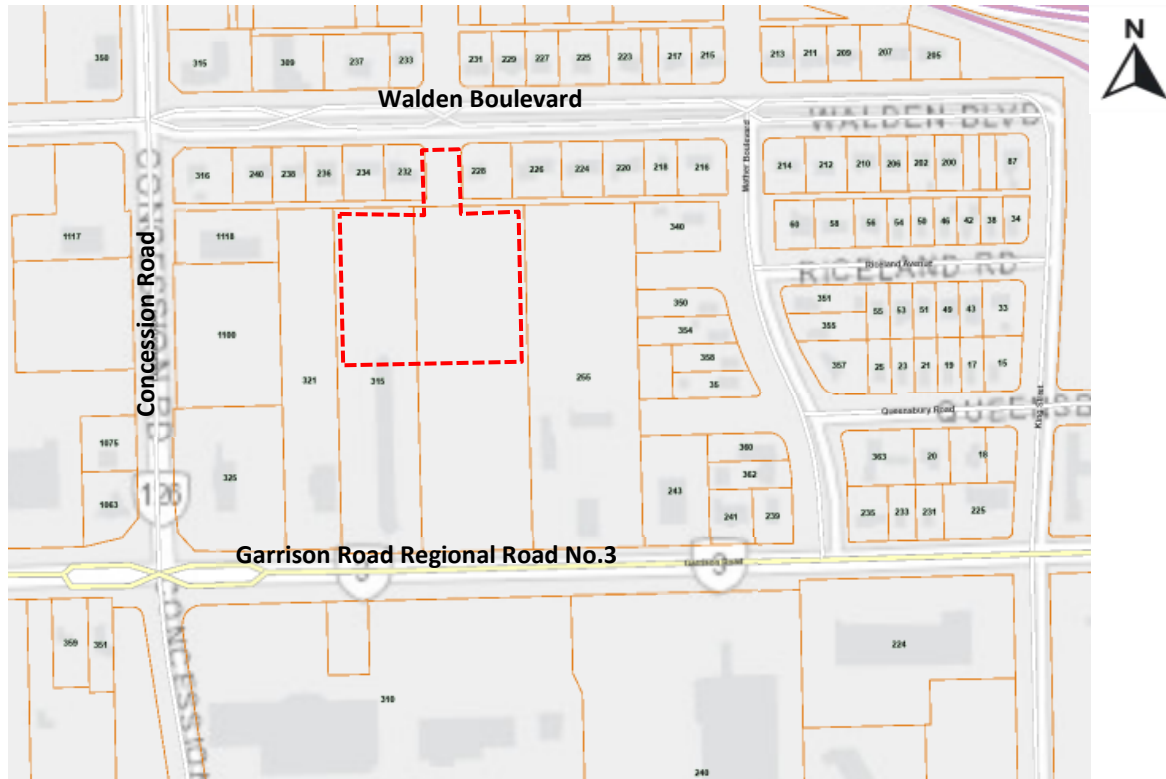
2. Amend Schedule A – Fort Erie Land Use

Change the map showing Open Space to Medium-High Density Residential

3. Amend Gateway Secondary Plan – Schedule Gateway 2 Land Use Plan

Change the map showing Open Space to Medium Density Residential

SCHEDULE "A"
SUBJECT LANDS



Schedule A-1 – Town Official Plan Land Use Plan



By-law No. xx-202

THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN PASSED THIS
____ DAY OF _____, 2022.



Subject Lands



Change from Open Space to Medium Density Residential



PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. **xx** to the Official Plan of the Corporation of the Town of Fort Erie but are included only as information supporting the amendment.

APPENDIX I – Minutes of Public Meeting

APPENDIX II – Staff Report and Meeting Minutes

APPENDIX III – Circulation Comments



APPENDIX D

DRAFT ZONING BY-LAW AMENDAMENT



**The Municipal Corporation of the
Town of Fort Erie
By-law No. xxx-2022**

**Being a By-law to Amend Zoning By-law No. 129-90
Part of Block 4 & 5 north side of Garrison Road, Registered Plan 505 and
Chestnut Street, Part of lane Registered Plan 519, Town of Fort Erie
315 Garrison Road
2717041 Ontario Inc. (Vijaykumar Patel) – Owner/Proponent
Quartek Group Inc. (Susan Smyth) – Applicant/Agent**

Whereas an application was received from Mr. Vijaykumar Patel (Owner/Proponent) to amend the Town's Comprehensive Zoning By-law No. 129-90 as amended, for the lands described as Part of Block 4 & 5 north side of Garrison Road, Registered Plan 505 and Chestnut Street, Part of lane Registered Plan 519, Town of Fort Erie, Regional Municipality of Niagara, and

Whereas a Public Meeting pursuant to Section 34(12) of the Planning Act, R.S.O. 1990, c.P.13 was held on _____, and

Whereas it is deemed desirable to amend the Comprehensive Zoning By-law No. 129-90 as amended, pursuant to the recommendations of Report No. _____ considered at the Council-in-Committee meeting of _____ and subsequently authorized and approved by Council, and Whereas on _____,

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. That Schedule "A" Map 36 of By-law No. 129-90 as amended, is further amended by changing the zoning of the lands as described above and shown on the attached Appendix "1" from "Open Space (OS-450) to site specific Residential Multiple (RM1-xx)" zone.
2. That By-law No.129-90 as amended, is further amended by adding to "Section 14 Exceptions to the Residential Multiple 1 (RM1) Zone with the following:

Zone Regulations	Proposed
Minimum Lot Frontage	20.2m (Walden Boulevard) road allowance 8.5m for exterior units for block townhouse corner lots
Minimum Exterior Side Yard	2m
Minimum Landscaped Area	35%
Minimum Distance Between Buildings on the Same Lot	14m distance between buildings on the same lot
Maximum Lot Coverage	48% for block townhouse (cumulative)
Planting Strips	OS-xx

Zone Regulations	Proposed
	11.5m buffer strip along the abutting properties on Walden Boulevard
Minimum Parking	1.2 space per unit
OS-450	Change $\pm 1,646$ square metres (0.16 hectares/0.41 acres) to RM1-xx zone

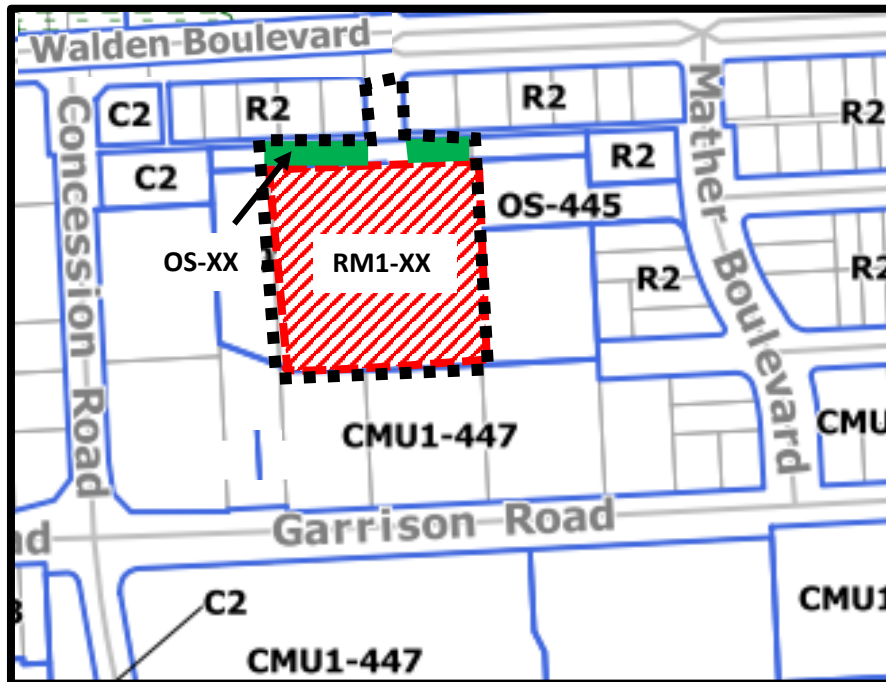
3. That the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this ____ day of _____, 2022.

_____ MAYOR

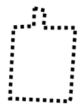
_____ CLERK

APPENDIX "1"
TO ZONING BY-LAW NO. XX



By-law No. xxx-xx

THIS SKETCH FORMS PART OF SCHEDULE "A" MAP 36 TO BY-LAW 129-90 PASSED THIS
____ DAY OF _____, 2022.



Subject Lands



Change from RM1-446 to RM1-xx



Change from OS-450 to OS-xx