Planning Justification Brief

"The Enclave"

0-8468 Prospect Point Road North

Ridgeway, ON

November 2022

Upper Canada Consultants 3-30 Hannover Drive St. Catharines, ON L2W 1A3



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PREFACE

Upper Canada Consultants has been retained by the owner of "The Enclave" in the Ridgeway to prepare a Planning Justification Brief in conjunction with the application for Draft Plan of Vacant Land Condominium.

The purpose and effect of the applications is to create a vacant land condominium development containing 17 townhouse dwellings that will front on a private roadway that connects Hazel Street and Prospect Point Road north. The development will include 9 visitor parking spaces and an open space area where the existing vegetation will be preserved.

A pre-consultation meeting for a similar proposal involving the subject properties was held on July 14, 2022. The pre-consultation agreement is included as **Appendix II**.

The intent of this Brief is to provide an overview of the subject lands and the proposal, and to provide an analysis of how the application complies with the requirements under the *Planning Act*, is consistent with the Provincial Policy Statement and conforms to the Growth Plan, the Region of Niagara Official Plan and the Town of Fort Erie Official Plan.

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject application is for the lands on the west side of Prospect Point Road north, north of Hazel Street. The lands were severed from the parcel of land containing the dwelling with the municipal address 546 Ridge Road North in Ridgeway within the Town of Fort Erie. The property is legally described as Part or Lot 23, Concession 3, Lake Erie, Geographic Township of Bertie, Lot 9, Plan 405 in the Town of Fort Erie, Regional Municipality of Niagara(the subject lands). An aerial map showing the location of the subject lands is provided in **Figure 1**.



Figure 1 - Aerial View of the Subject Lands (cropped from Niagara Navigator)

The subject lands are located in a residential area and interface single-detached dwellings to the south, east and west. The lands containing the former Ridgeway Crystal Beach High School are located to the north. To the west is a property containing a single detached dwelling which is on the Town's Heritage Registry. The former Ridgeway Crystal Beach Highschool, which is designated under the Heritage Act is located northeast of the subject property. The Top of the Ridge Daycare is also located to the east.

The subject property is approximately 0.9 hectares (+/- 2 acres) in area. There are currently no buildings on the property which is treed and was formally used in association with the residential dwelling located at 546 Ridge Road North.

PROPOSAL AND APPLICATION

An application for Draft Plan of Vacant Land Condominium has been submitted for the subject property. The purpose and effect of the application is to divide the property into 17 condominium units within which townhouse dwellings will be constructed in three blocks. The site plan for the development is included in **Appendix II.** The Draft Plan of Vacant Land Condominium is included in **Appendix III**.

The development meets applicable zoning regulations so an application for a Zoning By-law Amendment is not required.

PROVINCIAL PLANS

THE PLANNING ACT (R.S.O. 1990)

The Planning Act (R.S.O. 1990) prescribes the regulations for land use planning in Ontario.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. The application has regard for the protection of ecological systems and natural areas (a) as the Environmental Impact Study completed by Beacon Environmental concludes that the site does not include any significant natural heritage features and that the development will not have any impact on any such feature. The application has regard for item (d) as the Heritage Impact Study completed by Parslow Heritage concludes that the proposed development will conserve adjacent heritage resources with the implementation of recommended mitigation measures. The applications will facilitate intensified residential development within the Built-up Area and therefore have specific regard for items (h) being the orderly development of safe and healthy communities and (p) being the appropriate location for growth and development.

Section 51 - Vacant Land Condominium

Applications for Vacant Land Condominium are governed under Section 51 of the *Planning Act*. Draft Plans of Condominium are considered under Section 51 (24) of the Planning Act. The submitted draft plan application is a vacant land condominium, which will create conveyable units of land on a single parcel of land (i.e. lot) served by a common element.

Section 51 (24) the Planning Act prescribes that "In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to," items a) to m). An overview of how each item is addressed is provide below in italics.

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As previously stated, the application has regard for the orderly development of safe and healthy communities, appropriate location for growth and development, conservation of ecological systems and natural areas and conservation of significant architectural, cultural, historical and archaeological features.

(b) whether the proposed subdivision is premature or in the public interest;

The subject lands have access to existing municipal roads and services and the proposed condominium is therefore not premature. The subject lands were designated and zoned for the proposed uses as part of a secondary planning exercise completed by the Town. The application is in the public interest as it will facilitate intensified residential development in an area that has been planned for it by the Town which

improves housing choice and helps to optimize the efficient use of publicly-funded infrastructure and services.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The applications conform with the Ridgeway-Thunder-Bay Secondary Plan and other policies contained in the Town of Fort Erie Official Plan. The application respects adjacent approved plans of subdivision and was developed in consideration of potential development plans on adjacent lands.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The subject lands are located within the Urban Area, have access to roads, infrastructure and services and are free of any hazards or environmental constraints. The lands are therefore suitable for the proposed vacant land condominium.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Affordable housing is not contemplated through these applications.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The subject lands have frontage on Prospect Point Road North and Hazel Street.

(f) the dimensions and shapes of the proposed lots;

The dimensions and shapes of the proposed condominium units are shown on the Draft Plan of Vacant Land condominium included as **Appendix III**.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions or proposed restriction on the land to be subdivided. The lands will be subject to the existing applicable zoning restrictions and regulations.

(h) conservation of natural resources and flood control;

The proposed land division has no impact on the conservation of natural resources. The development is not in a regulated floodplain area and are not prone to flooding.

(i) the adequacy of utilities and municipal services;

The proposal was reviewed by the municipality who did not identify any servicing capacity concerns.

(j) the adequacy of school sites;

Local school boards are circulated on *Planning Act* applications to comment on the adequacy of schools.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No land within the development is proposed for dedication to the Town for public purposes.

(I) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The applications will provide for the intensified use of underutilized urban lands and provides for increased efficiency in the use of existing services and infrastructure.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act

The subject lands are proposed to be developed as townhouses which are subject to site plan control in Fort Erie. The Site Plan Application will proceed following Draft Plan approval.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) (2020) provides policy direction on the matters of Provincial interest delineated under Section 2 of the *Planning Act* (R.S.O. 1990), and sets the policy framework for regulating the development and use of land.

The policies under Part V, Section 1 of the PPS are related to growth and development. Section 1.1.1 states that healthy, liveable and safe communities are sustained through compact and efficient development patterns that increase the efficient use of available land and infrastructure. Section 1.1.3 directs that intensification in the delineated Settlement Area is a desirable way to accommodate residential growth.

The application will enable the type of residential growth that is encouraged in the PPS. The subject lands are within the delineated Settlement Area and the proposed condominium facilitates the provision of additional residential dwellings which would increase the efficient use of the land and existing infrastructure through intensification.

The policies under Part V Section 2 o the PPS relate to the wise use and management of resources, including Natural Heritage and Cultural Heritage and Archaeology. The EIS completed by Beacon concluded that the site does not contain any significant natural features and that the development will not have any impact on any natural heritage features of Provincial significance. The Cultural Heritage Impact Assessment completed by Parslow concludes that with the implementation of the recommended mitigation measures, the development will be consistent with Section 2 of the Provincial Policy Statement. The conditions of Draft Plan approval and Site Plan process provide a mechanism to ensure the recommended mitigation measures are implemented.

The applications are therefore consistent with the Provincial Policy Statement.

2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan) informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies under the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

Growth management policies related to residential growth and development are found under Section 2.2 of the Growth Plan. Section 2.2.1.2 directs that a majority of growth is to occur in Settlement Areas, and particularly within the Built-up Area by way of intensification. Section 2.2.2.1 of the Growth Plan specifically requires that a minimum of 50% of all residential development occurring annually in the Region of Niagara is to occur by way of intensification in the Built-up Area. Growth through intensification is desirable as it promotes the efficient use of urban lands and existing infrastructure thereby reducing the rapid depletion of land to accommodate growth, and the capital cost borne by the municipality in servicing new residential lands.

Section 4.2.2 of the **Growth Plan** contains policies for the Natural Heritage System. The subject property contains a significant woodland as identified in the Growth Plan Provincial Natural Heritage System. With the approval of the Region of Niagara's Official Plan, the Natural Heritage Policies of the Growth Plan are now applicable to lands within the Urban Area. Policy 4.2.2.5 of the **Growth Plan** indicates that upper and single-tier municipalities may refine the Provincial Natural Heritage System through the initial implementation of their Official Plans.

The Transition and Implementation Policies contained in Section 3.1.30.4 of the Region of Niagara's Official Plan indicate that the approved natural heritage policies and mapping in Secondary Plans approved subsequent to July 1, 2012 (such as the Ridgeway-Thunder-Bay Secondary Plan which was approved on November 29, 2013) apply to development applications such as this proposed Draft Plan of Condominium, notwithstanding the other Natural Heritage Policies in the Region of Niagara Official Plan. In this instance, the Natural Heritage Mapping shown on Schedule RTB-3 of the Ridgeway-Thunder-Bay Secondary Plan does not identify a Significant Woodlot, Environmental Protection or Environmental Conservation designation on the subject property. Therefore, in accordance with the Region's transitional policies, the Natural Heritage Policies of the Growth Plan, Regional Official Plan and the Town of Fort Erie Official Plan, including the Ridgeway-Thunder-Bay Secondary Plan are not applicable to the subject development application.

The proposed applications conform to the Growth Plan's direction in accommodating growth through intensification within the Built-up Area. The proposed development also contributes to the achievement of the Region of Niagara's intensification target and supports the Province's long-term land use and growth objectives.

REGION OF NIAGARA OFFICIAL PLAN (2022)

The Region's new Official Plan was approved by the Minister of Municipal Affairs and Housing on November 4, 2022 and outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. Schedule B of the Regional Plan indicates that the subject lands are in the Built up Area. The Regional Official Plan identifies a target of 50% intensification for the Town of Fort Erie. Policies contained in Section 2.2.1 encourage a compact built form, minimization of land consumption, efficient use of existing services, orderly development and a mix of housing forms. The proposed development conforms to the policies contained in Section 2.2.1 of the Region of Niagara Official Plan.

The Enclave Condominium development adds to the range and mix of housing density and form which is in conformity with the policies contained in Section 2.3.1.

The Enclave lands are located in the Ridgeway-Thunder-Bay Secondary Plan Area. The Ridgeway-Thunder-Bay Secondary Plan was approved in 2013. Policy 3.1.30.4.1 states the following:

"Where a secondary plan has been approved after July 1, 2012, those portions that are not subject to a draft approved plan of subdivision or plan of condominium shall be approved in accordance with the approved mapping and policies of the secondary plan."

Since the subject property is not currently a draft approved plan of condominium and the Ridgeway-Thunder-Bay Secondary Plan was approved after July 1, 2012, the Region's Official Plan requires that the Enclave Draft Plan of Condominium be approved in accordance with the approved mapping and policies of the Ridgeway-Thunder-Bay Secondary Plan. The policies for significant woodlots and the Provincial Natural Heritage System contained in the Region's Official Plan are therefore not applicable to this application. Notwithstanding, an Environmental Impact Study was completed to assess the site and it was concluded that the development would not have any negative impact on Natural Heritage features.

TOWN OF FORT ERIE OFFICIAL PLAN (2018 CONSOLIDATION)

The Town of Fort Erie Official Plan is the Town's long-range planning document which outlines Fort Erie's land use vision. The subject property is located within the Ridgeway-Thunder-Bay Secondary Plan area and is designated as Residential – Medium Density. Schedule RTB-3 does not identify any Natural Heritage Features on the subject lands.

SECTION 4 – LAND USE PLANS AND POLICIES

General Residential Policies under Section 4.7.1 of the Official Plan support orderly and efficient land use patterns. The Official Plan encourages development through intensification as a way of maintaining a suitable supply of residential land and to increase the efficient use of existing infrastructure. The application proposes intensification in the urban area which would increase the efficient use of land and existing infrastructure. The proposal therefore conforms with the Town's growth management objectives as outlined in Section 4.7.1.

Ridgeway Thunder-Bay Secondary Plan

The Ridgeway Thunder-Bay Secondary Plan is found in Section 4.18 of the Town of Fort Erie Official Plan. The following is a demonstration of how the proposal conforms to the applicable policies under the Secondary Plan:

4.18.4 - Objectives

a) Encourage new development and re-development that respects the unique history of the neighbourhood and is compatible with the existing built environment. Compatibility does not mean the same as.

The proposed development respects the character of the neighbourhood and is compatible with the existing built environment. Orientation of the dwellings towards the internal street, maximizing setbacks from existing single detached dwellings and the use of a vegetation protection zone along the south property boundary all contribute to the achievement of this goal.

b) Encourage development that supports long term sustainability and provides livable, renewable environments for its residents and businesses.

The application will provide for an increased development yield which helps to optimize the efficient use of infrastructure and services. Intensified residential development also provides additional economic opportunities for local businesses.

d) New housing development and re-development will be integrated with existing built up areas, open spaces and natural heritage features. Previously approved subdivision plans will be acknowledged within the neighbourhood planning context and developers of these plans shall be encouraged to work with the municipality in achieving the objectives of this Plan. The application seeks to develop and integrate a private road development within an existing residential neighbourhood. The property is not affected by any regulated, protected or significant natural heritage features.

m) Encourage development forms which are compact, to utilize urban land and services efficiently.

As encouraged in this objective, the applications will provide for the more compact and efficient use of the subject lands and utilize existing municipal infrastructure and services.

4.18.5 - Residential General

a) Section 4.7 of the Town's Official Plan contains policies for residential development within the Town and must be read in conjunction with the policies of this Secondary Plan and subsequent sections herein.

Conformity to applicable policies under Section 4.7 has been demonstrated.

b) Schedule "RTB-2" designates areas of residential land use within the Secondary Plan Area and the policies of the respective residential sections shall apply accordingly.

Schedule RTB-2 identifies the subject lands as being designated as Medium Density Residential.

d) The Secondary Plan anticipates an additional 975 dwelling units with the projected increase in new residential population of approximately 2400 persons in the neighbourhood over the long term. Current population at the end of 2012 is estimated to be 4500 persons.

The proposed development supports the accommodation of anticipated growth in the Ridgeway-Thunder-Bay Secondary Plan area.

4.18.7 – Medium Density Residential

a) The lands designated on the Schedule "RTB-2" as "Medium Density Residential" shall be reserved for multiple-unit structures (townhomes and apartment dwellings), their accessory uses and shall generally be governed by the Residential policies of Section 4.7 unless otherwise defined under this section

The development is for 17 townhouse dwellings as contemplated by this policy. The Town previously amended the zoning for this property as part of a secondary plan conformity exercise and the proposed development meets the applicable zoning provisions.

b) An overall minimum target of 20% Medium Density residential unit yield shall be anticipated within the Neighbourhood. In effort to achieve this target, medium density dwellings should comprise a minimum of 40% of all new development. A Medium Density range of 25 to 75 units per hectare will assist in this effort while also making efficient use

of existing and proposed infrastructure and providing opportunities to diversify medium density housing stock and form.

The application will assist the Town in achieving the target of 20% Medium Density residential unit yield. The proposed density is slightly below the target of 25 units/hectare at 19 unit/hectare. This lower density development concept was pursued in order to maintain the vegetation protection zone in the south portion of the site.

c) Schedule "RTB-2" provides for approximately 410 new Medium Density units, bringing the total for projected Medium Density units to approximately 610 over the long term.

The Enclave development will assist in the construction of the Medium Density residential units contemplated by the Secondary Plan.

d) Medium Density development is identified on Schedule RTB-2. Additional areas will also be considered by zoning by-law amendment for areas meeting one or more criteria as outlined...

This policy is not applicable to the subject application since it is on land designated for Medium Density Residential Development in the Secondary Plan.

e) The Town shall encourage and may request medium density be included in proposals where, in the opinion of the Town, medium density is appropriate and meets with the identified locations defined in paragraph d) herein.

This policy is not applicable to the subject application since the application is for approval of a Medium Density Residential Development.

f) Developers with existing draft approved plans of subdivision within the Plan Area will be encouraged to consider modifying their plans to incorporate medium density that is in keeping with the locational criteria described in paragraph d) herein.

This policy is not applicable to the subject application since the development is not an existing draft approved plan of subdivision.

g) It is anticipated that the majority of the Medium Density unit yield will be in the form of ground-based dwellings such as street or block townhouse development. Low-rise apartment dwellings will generally be restricted to 4 storeys in height. Medium Density apartment building height beyond 4 storeys will only be allowed by Zoning By-law Amendment with required supporting studies such as a visual impact assessment or shadow study, where in the opinion of the Town such impacts may be realized, demonstration of compatibility and consideration of built heritage for areas adjacent to the downtown Core Mixed Use area.

This proposed development includes ground-based block townhouses as contemplated by this policy.

h) Areas of Medium Density designation may be impacted by the Environmental Conservation overlay defined and described under policy 4.18.12.3 of this Plan. Development, redevelopment or expansion to existing use may require further environmental study prior to any approval being considered or granted in accordance with Section 8 of the Official Plan.

The subject lands are not impacted by the Environmental Conservation overlay. Notwithstanding, an Environmental Impact Study and Tree Preservation Plan were prepared to address the Regional of Niagara Policies that were in place at the time of preconsultation. The Environmental Impact Study Concludes that the proposed development will not have an impact on any significant Natural Heritage Features. The Tree preservation plan makes recommendations for the retention of trees on adjacent properties and within the tree protection area in the south part of the site.

i) All Medium Density designated lands within the Plan Area shall be subject to Site Plan Control.

An Application for Site Plan Approval will be made subsequent to receiving approval for the Draft Plan of Vacant Land Condominium.

SECTION 13 – IMPLEMENTATION

13.5 Subdivision Control

Policy 13.5 provides the following criteria that Council must have regard for when considering applications for Plans of Subdivision. Conformity to these criteria is outlined below:

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

The proposed condominium conforms with the policies of the Official Plan for the reasons outlined in this report.

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

The adequacy of water, sewage and stormwater infrastructure is demonstrated in the Functional Servicing Report included with the applications. Solid waste collection will be provided by the Region and is subject to the Region's collection limits. The private road has been designed as a through street for ease of waste collection and movement by fire and waste vehicles, as well as to provide two options to access municipal fire hydrants.

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

The proposed development provides a development and land use pattern which optimizes the use of land and existing infrastructure, and minimizes the public cost of financing growth. The new private infrastructure required to service the development will be installed at the developer's cost, and development charges will be levied for any other costs borne by the municipality to service the proposed Subdivision.

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

The subject lands are a location that is prescribed for residential development under Provincial, Regional and local land use planning documents, including the Ridgeway-Thunder-Bay Secondary Plan. The provision of much needed residential units at this location is in the public interest and represents good land use planning.

TOWN OF FORT ERIE ZONING BY-LAW

The subject lands are Zoned Residential Multiple 1 (RM1-508) in accordance with the Town's Comprehensive Zoning By-law 129-90. Block townhouse dwellings are a permitted use in accordance with the regulations for the RM1-508 Zone. The proposed development is consistent with all applicable zoning regulations for the RM1-508 Zone as well as the general regulations contained in Section 6 of the Zoning By-law. A Zoning Matrix is included on the Site Plan included in **Appendix II**.

PLANNING POSITION

The purpose and effect of the applications is to create a vacant land condominium development containing 17 townhouse dwellings that will front on a private roadway that connects Hazel Street and Prospect Point Road North. The development will include 9 visitor parking spaces and an open space area where the existing vegetation will be preserved. The development will be subject to a future application for Site Plan Approval.

The proposal aligns with the Province's overall growth management strategy as it facilitates context appropriate intensification in the Built-up Area which efficiently utilizes existing land and infrastructure.

The development conforms to the Growth plan as the Growth Plan permits the refinement of the mapping of the Natural Heritage System of the Growth Plan at the time of initial implementation of the Region's Official Plan. The Region's Transition and Implementation policies defer to the Natural Heritage Mapping and Policies contained in local Secondary Plans. The Town's Secondary Plan does not identify any Natural Heritage features on the subject property. The subject property is therefore not subject to the Natural Heritage Policies of the Secondary Plan.

The proposal conforms to the Town's Official Plan and the Ridgeway Thunder-Bay Secondary Plan that it would implement residential infill development that maintains the existing character of the neighbourhood. The proposed townhouses are a permitted use within the Medium Density Residential Designation applicable to the subject site and the additional residential units are contemplated by the secondary plan.

An Environmental Impact Study and Tree Preservation Plan were completed by Beacon Environmental in support of the development due to the policy requirements in place at the time Preconsultation was completed. The Environmental Impact Study concludes that the development will not have any impact on Natural Heritage Features. The Tree Preservation plan makes recommendations for tree preservation on adjacent properties and within the tree protection area located on the development site.

A Cultural Heritage Impact Assessment was competed by Parslow Heritage Consultants. The Cultural Heritage Impact Assessment concludes that the proposed development will not have any impact on Cultural Heritage features on adjacent lands with the implementation of recommended mitigation measures. Recommended mitigation measures can be implemented through conditions of draft plan approval or through the site plan process which is required prior to development.

The application satisfies the requirements of the Planning Act, is consistent with the Provincial Policy Statement, conforms to the Growth Plan, the Niagara Region Official Plan, the Town of Fort Erie Official Plan, including the Ridgeway- Thunder-Bay Secondary Plan, represents good planning and should be supported.

Prepared By,

Matt Kernahan, MCIP, RPP

Planning Manager

Upper Canada Consultants



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:	•			
☐Town Planning Town	Regional Planning	☐Niagara Parks Commission		
☐Infrastructure	Regional Public Works	□NPCA		
Other				
Application type: Official Plan Amendment Site Plan Consent Application Draft Plan of Subdivision Draft Plan of Condominium Pre-Consultation Submission Date: Pre-Consultation Meeting Date: Site Location/Address: Site Legal Description:				
Approximate Land Area (metric):				
Phone No:	Email:			
Local Municipal Contact: Name of Contact:				
		-		

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.

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



Property: 0-8468 Prospect Point Road North

Development Planning:

Zoning Comments: Mohammad Kamruzzaman (<u>mkamruzzaman@forterie.ca</u> or 905 871 1600 ext. 2521)

- The subject property is located within the urban boundary. Currently, the subject lands are designated Low-Density Residential within the Ridgeway-Thunder Bay Secondary Plan. The Applicant is requesting a Site Plan Control. The Applicant proposes developing a 4-storey apartment building with 48 residential units and 74 parking spaces.
- The subject lands are Zoned Residential Multiple 1 (RM1-508) Zone in accordance with the Zoning By-law No. 129-90 as amended by By-law No. 2011-058.
- According to RM1-508, for apartment dwellings, section 15.3 regulations will apply, and the maximum height of an apartment building on the land is 4 storeys.

SECTION 15: RM2 ZONE – RESIDENTIAL MULTIPLE

Section 15.3: Proposed 18-unit condominium.

Regulation	Requirement	Proposed	Compliance
Minimum Lot Frontage	30m	50.78 m	YES
Minimum Lot Area	115 sq. m. per unit	185 sq m	YES
Maximum Lot Coverage	40 percent	12.95 %	YES
Minimum Front Yard	7.5m	7.5 m	YES
Minimum Side Yard	One-half of the building height or 4m, whichever is greater	6.8 m	YES
Minimum Exterior Side Yard	One-half of the building height or 6m, whichever is the greater	N/A	N/A
Minimum Rear Yard	One-half of the building height or 7.5m, whichever is the greater	100.93 m	YES
Maximum Building Height	4 storeys	4 storeys	YES
Landscaped Area	For every lot on which the buildings or structures are situated, there shall be provided and maintained on the lot at least 25 percent of the lot area as a landscaped area unused for access or maneuvering space or parking space or any other purpose other than landscaped area and playground	54.6 %	YES



Parking Area Location	All yards provided that no part of any parking area, other than a driveway, is located closer than 3.0 m to any street line and any lot line.	3.33 m	YES
Planting Strips	In accordance with Section 6.21, 3.0 m	3.0 m	YES
Access Drive width (Section 6.20(D)(i)))	7.5 m	7.5 m	YES
Aisle width	6.0 m	6.0 m	YES
Parking Stall width	2.7x 6 m (Schedule D), where a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1 m in width and located on the same lot therewith, the minimum width of such parking space shall be 2.4 m (Section 6.230. J. ii)	2.7 m x 6.0 m	YES
Parking spaces (1.5 per residential unit)	48*1.5 = 72	74 Spaces	YES
Accessible parking	2 (Type A) and 1 (Type B)	2 (Type A) and 1 (Type B)	YES

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

 Provide a site plan showing all proposed buildings, parking areas, driveways, walkways, landscape areas, etc. Plan shall include a zoning matrix. Please refer to the Site Plan Control Guidelines for more information regarding the details to be shown on the plans.

https://www.forterie.ca/resource/files/BFF560075CA3C60F85258257004E42EB/%24File/Site%20Plan%20Control%20Guidelines%202018.pdf

- Provide a Functional Servicing Report Justify service sizes
- Provide a Stormwater Management Brief
- Provide a Servicing and Drainage Plan
- Council mandated review timelines 80 days

Community & Neighbourhood Planning:

Community Planning: Chris Miller (cmiller@forterie.ca or 905-871-1600 ext 2503)

No comments



<u>Community & Neighbourhood Planning:</u> Pieter Wasserman (<u>pwasserman@forterie.ca</u> or 905-871-1600 ext. 2503)

 The site is located in the Ridgeway-Thunder Bay Secondary Plan area. It is designated as Medium Density Residential as per Schedule RTB-2. Therefore, section 4.18.7 Medium Density Residential is a-applicable. The site is currently zoned as site specific Residential Multiple 1 (RM1-508).

Urban Design

- The development of a four-storey apartment block is allowed by the current zoning. However, the development must be designed in a sensitive manner to neighbouring properties and steps/sets-back in the appropriate areas to improve overlooking and privacy concerns. The site is next to two heritage properties and should be respectful in design and landscaping design.
- The street facing façade should include a street entrance to improve the street interface and streetscape.
- Please provide balconies for all units.
- Please consider planting the roof top space for use as additional passive recreation space.
- A Heritage Impact Assessment (HIA) will be required as per CONSENT FILE NO. B01/21 F.E. -546 RIDGE ROAD NORTH:

Reasons:

- Any future development of Part 3 would be subject to an Environmental Impact Study as the
 lands contain a Significant Woodlot within the Region's Core Natural Heritage System.
 Development would also be subject to a Heritage Impact Assessment to evaluate any possible
 impacts to the heritage attributes of the former Ridgeway-Crystal Beach High School lands to the
 north, which are designated under the Ontario Heritage Act.
- The HIA WILL BE SUBMITTED TO THE Municipal Heritage Standing Committee (MHSC) for review.

Submission Requirements:

- 1. A detailed Site Plan showing sidewalk, porches, access points, curbs, footprints, and conceptual landscaping for the entire site.
- 2. A Landscape Plan is required pursuant to the requirements of the Site Plan Control Guidelines.
- 3. A Tree Preservation Plan is required, pursuant to the requirements of the Site Plan Control Guidelines
- 4. An Urban Design statement of the development explaining the design decisions that aid in mitigating negative effects on the existing surroundings.
- 5. A Heritage Impact Assessment as the site is adjacent to and has incorporated part of a property on the Designated Heritage Property.
- 6. Any renders or imagery that may provide a vision for the development, pursuant to the requirements of the Site Plan Control Guidelines
- 7. All plans (including roof plan), elevations, and sections, as well as a 3D image of the building envelope and massing, need to be provided pursuant to the requirements of the Site Plan Control Guidelines.
- 8. Payment of 5% of the appraised value of the residential development to "The Town of Fort Erie" in lieu of dedication of land for park purposes at the subdivision stage. This is as per By-Law No.



69-08 Parkland Dedication or Payment of Cash-In-Lieu as a Condition of Development or Redevelopment, Part 4 – Parkland Dedication, 4.1, b.

Economic Development & Tourism Services: Deanna Allen(<u>dallen@forterie.ca</u> or 905-871-1600 ext. 2252)

No comments

Committee of Adjustment: Breanna Antonio (bantonio@forterie.ca or 905-871-1600 ext. 2508)

No comments

Building Department: Keegan Gennings (<u>kgennings@forterie.ca</u> or 905-871-1600 ext. 2515)

- A curb ramp is required on both barrier-free aisles by the barrier-free parking stalls. Tactile
 warning plates are required on all sidewalks where they lead into the area of traffic –
 recommend curb ramps
- A Hydrant will need to be provided in closer proximity to the property.
- On-site servicing works will be subject to separate building permit
- Extend the sidewalk on the east side to the exit door from the stairwell
- Lot grading/ water concerns in the area to be considered during the design
- Will there be any fencing?
- A water meter pit and private hydrant may be required if water service is brought onto the site from Hazel.

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

• The fire department has no issues with the water supply.

Niagara Peninsula Conservation Authority (NPCA): Sarah Mastroianni (smastroianni@npca.ca)

No comments

Canadian Niagara Power Inc. (CNPI): Shehraz Mustafa (shehraz.mustafa@cnpower.com)

 CNP has no concerns with this proposal; please ensure to have the customer reach out to CNP for details and provide electrical plans.

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

No comments

Niagara Region: Alexander Morrison (alexander.morrison@niagararegion.ca)

Provincial and Regional Land Use Designations

- Provincial Policy Statement (PPS): Settlement Area.
- Growth Plan: Delineated 'Built-Up' Area.
- Regional Official Plan (ROP): Urban (Built-Up) Area.

Planning Comments

• Regional staff do not object to the proposed concept, in principle, as the proposed use is permitted within Provincial and Regional urban area policies, subject to the comments below.



- The proposed development will contribute to the diversification of Niagara's housing supply (apartments) and will make better use of underutilized urban lands with available municipal servicing. It will also support the Town in achieving its intensification target (15%) as set out in the ROP.
- Staff observes that the site may be constrained by natural heritage features. Please see "Environmental" comments below.

Archaeological Resources

- Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site
 exhibits the potential for the discovery of archaeological resources, as it's within 300m of a
 natural watercourse features; however, is not within 300m of any registered archaeological sites.
 The subject property is located outside of the Town's identified "Archaeological Potential"
 mapping as set out in Schedule D of the Town's Official Plan.
- Given the above, staff does not offer any archaeological requirements for the proposed development and defers to the Town's Archaeological Master Plan. Town staff should be satisfied that any archaeological requirements for the development is met.
- A standard archaeological resource warning clause is required in the Site Plan Agreement to protect for any archaeological resources that may be discovered during construction activities.

Environmental Comments

- The subject parcel is impacted by the Region's Core Natural Heritage System (CNHS) consisting
 of Significant Woodlands. Consistent with ROP Policy 7.B.1.11, an Environmental Impact Study
 (EIS) is typically required in support of development/ site alteration proposed within 50 metres of
 Significant Woodlands. The EIS must demonstrate that there will be no negative impact on the
 feature or its ecological functions.
- The proposed development is within the above-noted setback. As such, a Terms of Reference for a scoped EIS should be developed consistent with ROP Policy 7.B.2.
- Staff conducted a site visit in 2020, and approved a Terms of Reference in July 2020. Staff is satisfied that the approved Terms of Reference is sufficient for the purpose of completing the EIS.
 - The transition policies of the future Niagara Official Plan will allow the current ROP policies to remain applicable, unless there has been a major change to the development concept.

Transportation / Roads

Prospect Point Road North (Local).

Servicina

- Water: 150 D CI (Local) Prospect Point Road North.
- Sanitary: 200 D AC (Local) Prospect Point Road North.
- Storm: 300 D CON (Local) Prospect Point Road North.
- Regional staff has reviewed the 2016 Master Servicing Plan (MSP) and offer the following comments:
 - The property is within the Nigh Road Sewage Pumping Station (SPS) sewershed. This sewershed has been allocated growth out to the year 2041 in consultation and collaboration with the Town. The MSP was completed at a high level and did not allocate capacities to individual properties.
 - Currently the MSP has identified a future upgrade to the Nigh Road SPS to upgrade the
 capacity from 29 L/sec to 45 L/sec; however, it was noted that flow monitoring and I/I
 study was to be completed to see if the upgrade was required before the project was
 scheduled for design and construction.



- Regional staff request that the expected sewage flows of the development be provided so that they can be added to the current sewer model to determine any affects that the additional flow would have on the sewershed.
- The MSP is online at: http://www.niagararegion.ca/2041/master-servicingplan/default.aspx
- An update to the MSP is currently underway. Project information is online at: https://niagararegion.ca/projects/www-master-servicing-plan/default.aspx

Stormwater Management

- The Region requires that stormwater runoff from the development be captured and treated to an Enhanced protection (i.e. 80% long-term suspended solids removal) prior to discharge from the site, as the storm outlet is to a creek of Type I fish habitat.
- Confirmation is needed from Town staff that the additional flows can be accommodated in their sewers or whether any infrastructure upgrades may be required.
- The Region highly encourages implementation of Low Impact Development stormwater management practices to mitigate development impact to the downstream receiving watercourse.
- A Stormwater Management Brief (and the associated review fee) is required to be submitted to this office that indicates in detail how the above noted criteria will be achieved and including a section of inspection and maintenance requirements of SWM measures for the future owner.
- Prior to construction, the Region requires that detailed grading, servicing and construction erosion/sediment control plans be submitted to this office for review and approval.

Waste Collection (Multi-Residential).

- Curbside collection only.
- Recycling blue / grey no limit (weekly collection).
- Organic green bins no limit (weekly collection).
- Garbage / waste 2 containers per unit to maximum of 24 (bi-weekly collection).
- The plan shows Moloks on-site. This type of collection is not offered by the Region. Therefore, on-site waste collection will need to be provided via a private contractor.

Required Regional Studies and Materials

- Environmental Impact Study (with the approved scoped Terms of Reference).
- Stormwater Management Brief with detailed grading, servicing and construction erosion/sediment control plans through Site Plan process.

Regional Review Fees

The Region's 2022 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms fees.aspx.

- Minor Environmental Impact Study Review (\$1,165).
 - A Terms of Reference Review amount of \$415 will be deducted from the EIS Review amount once the EIS is complete.
- Minor Site Plan Review (\$550).
- Stormwater Management Review less than 5 ha (\$650).

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
Site Plan	\$7,835-\$597=\$7,238	\$550	
Other	Legal Deposit \$565	SWM \$650	
Other	Engineering Review Fee \$2,053	EIS \$1165	
Total	\$9,856	\$2,365	

- 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 preconsultation 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.
- k) Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the Applicant.



