

The Municipal Corporation of the Town of Fort Erie

By-law No. 5-2022

**Being a By-law to Enact an Amendment to the
Official Plan Adopted by By-law No. 150-06 for the Town of Fort
Erie Planning Area**

**Amendment No. 57
321 Garrison Road
1784550 Ontario Inc. (Peter Wangler) - Owner
Rakib Hassan - Applicant
Rob Russell Planning Consultants (Rob Russell) - Agent**

**The Municipal Council of The Corporation of the Town of Fort Erie in accordance with the
provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c. P.13 enacts as follows:**

1. **That** amendment No. 57 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is adopted and approved.
2. **That** this by-law shall come into force and effect on the day of the final passing thereof.
3. **That** the Clerk of the Town of Fort Erie is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of January, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 5-2022 of the said Town. Given under my hand and the seal of the said Corporation this day of , 20 .

AMENDMENT NO. 57

TO THE

OFFICIAL PLAN

FOR

THE CORPORATION OF THE TOWN OF FORT ERIE

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PART "A" - THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 57 to the Official Plan adopted by By-law No. 150-06 of the Fort Erie Planning Area.

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 57 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area.

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

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to effect a change to the land use designation of a portion of the subject property from Medium Density Residential to Core Mixed-Use shown in Schedule A to enable the redevelopment of the front portion of the subject property for a restaurant with a drive-thru facility.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the north side of Garrison Road between Concession Road and Mather Boulevard as shown on Schedule "A" attached hereto.

SECTION 4

BASIS OF THIS AMENDMENT

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

a) The need for the proposed use:

The subject lands are designated Medium Density, in the Gateway Secondary Plan on Schedule A of the Town's Official Plan. The Medium Density Residential designation allows the land to be developed for multi-unit structures such as triplexes, fourplexes, townhomes and small apartment buildings. The applicant is requesting to redesignate approximately 930 sq.metres of the land designated Medium Density to Core-Mixed Use.

The applicant's proposal to redesignate the lands from Medium Density Residential to Core-Mixed Use meets the intent of the Official Plan as follows:

- i) The portion of the property requested to be redesignated to core-mixed use, is already paved and was used as a parking area for the previous commercial use. The proposed amendment will recognize an existing situation.
- ii) The proposal will allow the applicant to provide sufficient parking spaces on-site for the proposed drive-thru restaurant and storage for a minimum of ten vehicles in the drive-thru lane. This will prevent the stacking of cars on Garrison Road and will help in creating safe traffic conditions for both vehicular and pedestrian traffic.
- iii) The conversion of 930 sq. m of land designated Medium Density to Commercial, will have a minimal impact on the supply of residential lands in Town.

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

The subject lands currently include a vacant commercial building. The surrounding land uses contain a mix of commercial uses. The proposal will help in the redevelopment of the commercial use.

c) The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan:

The subject lands are not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses. The northerly portion of the subject property is

wooded and is identified as an Environmental Conservation Area on Schedule C of the Regional Official Plan. The woodlot is not identified in the Town's Official Plan as a Significant Natural Area. To satisfy Regional policy, the applicant is proposing to add an Environmental Conservation (EC) Overlay Zone on the northern portion of the property until a detailed Environmental Impact Study (EIS) is carried out at the time of a future residential development application.

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

- (i) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,**
- (ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and**
- (iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Health Services Department and any other appropriate authority deemed advisable;**

The subject lands are located on Garrison Road, which is an arterial road, under the Regional jurisdiction, capable of handling the volume of traffic generated by the proposed development. As the proposal will provide adequate parking spaces on-site and in the stacking drive-thru lane, it will help in ensuring both vehicular and pedestrian safety. The Gateway Secondary Plan envisions a future road that will connect the subject property and the abutting easterly properties to the Mather Blvd. The provision for the road connection will be provided through future planning applications for the development on the rear portion of the subject property and the abutting easterly properties. Lastly, the proposed development will be serviced by the municipal infrastructure.

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

The surrounding land-uses are largely commercial. The proposed commercial development will be compatible with the surrounding land uses. A portion of abutting easterly property is designated Medium Density Residential and will be developed for residential use in future. To ensure there are no adverse privacy impact on the abutting residential, the applicant is proposing to install a close board fence along the common lot line between the two properties.

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

There is no evidence to suggest that the proposed commercial development will have a depreciating or deteriorating effect upon adjoining properties. On the contrary, the proposed development may act as a catalyst to bring new development to the area, having an overall positive effect on adjoining properties.

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

The proposal will not negatively affect the financial position of the municipality as all the works associated with the proposed development are the responsibility of the developer. The proposed commercial development will provide the municipality with an additional tax base and development charges.

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

None.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

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

PART "B" - THE AMENDMENT

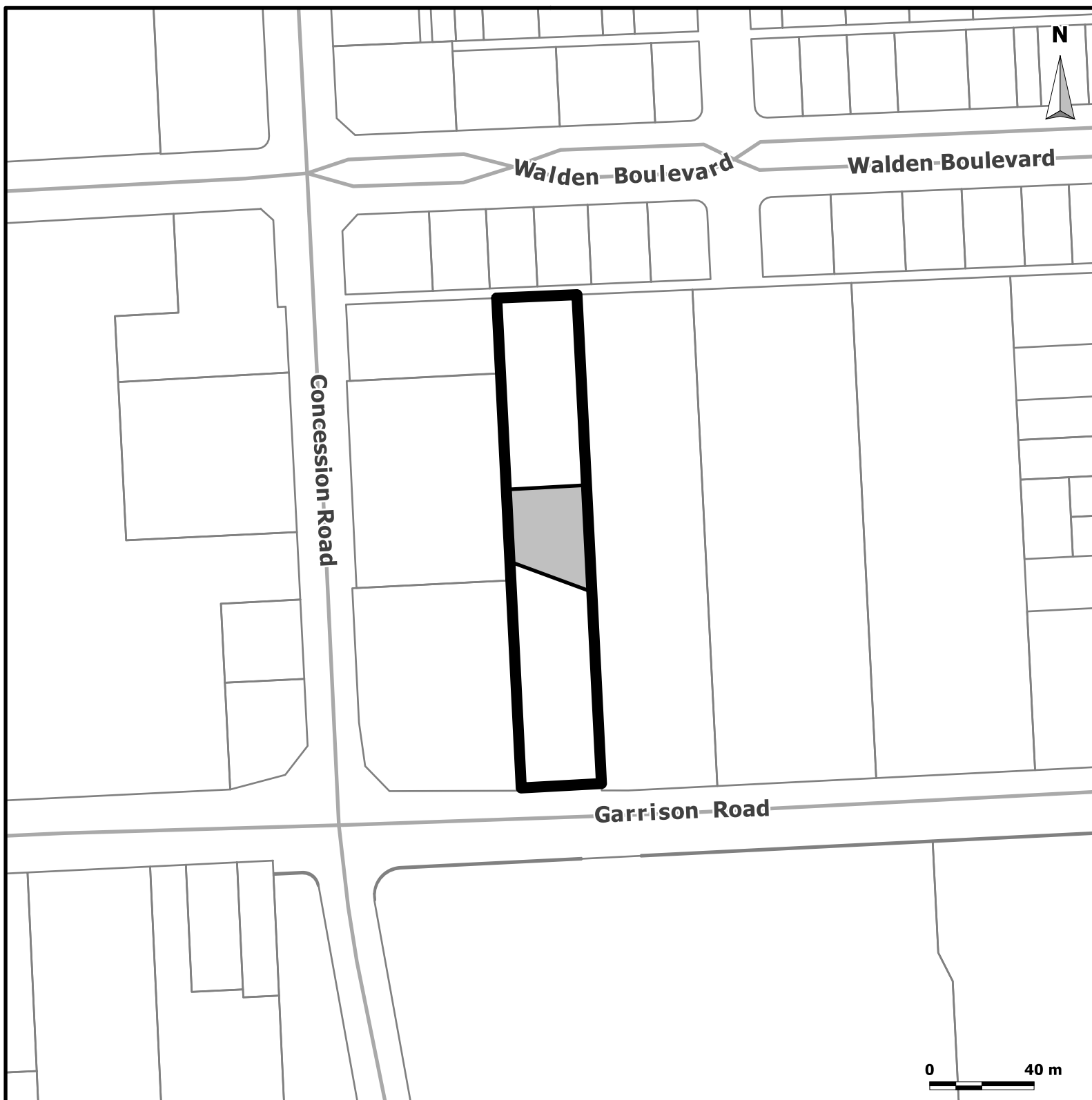
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 57 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of Part 1 shown on Schedule "A" attached hereto shall change from Medium Density Residential to Core Mixed-Use.

PART “C” - THE APPENDICES

- Appendix 1 - Notice of Public Meeting
- Appendix 2 - Public Meeting Minutes
- Appendix 3 - Circulation comments

SCHEDULE "A"



By-law No. 5-2022

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 24th DAY OF JANUARY, 2022**



Subject Lands - 321 Garrison Road



Change from Medium Density Residential to Core Mixed-Use

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING




Owner: – 1784550 Ontario Inc. (Peter Wangler)
Applicant: 2186870 Ontario Inc.(Rakib Hassan)
Agent: Rob Russell (Rob Russell Planning Consultants)
321 Garrison Road
Official Plan and Zoning By-law Amendment Application
APPLICATION Nos: 350309-0529 and 350302-159

DATE: November 15, 2021
TIME: 6:00 PM
LOCATION: This will be a virtual Council meeting conducted via Zoom.



Residents can participate in Zoom based Council meetings two different ways:

1. Send your comments via e-mail to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) who will provide them to Council.
2. Participate in the Zoom meeting (audio/video via web or by telephone) by sending an email to Anamika Dilwaria, Senior Development Planner (adilwaria@forterie.ca) to receive information on joining the Zoom meeting.

The Town of Fort Erie Council meeting live webcast will be streamed at www.youtube.com/townofforterie or click on the YouTube icon on the home page of the Town's website (www.forterie.ca).

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p>A combined Official Plan and Zoning By-law amendment is requested to facilitate the redevelopment of the front portion of the property for a future restaurant with a drive-thru facility (Site Plan attached as Schedule 1) on the lands known as 321 Garrison Road. A vacant commercial building is currently located on the subject property.</p> <p>The subject property is within the urban boundary and is currently designated Core- Mixed-Use, in part and Medium High Density, in part, and Open Space, in part in the Gateway Secondary Plan. The subject lands are zoned Core Mixed-Use (CMU1-447) Zone, in part and</p>

Appendix "1"

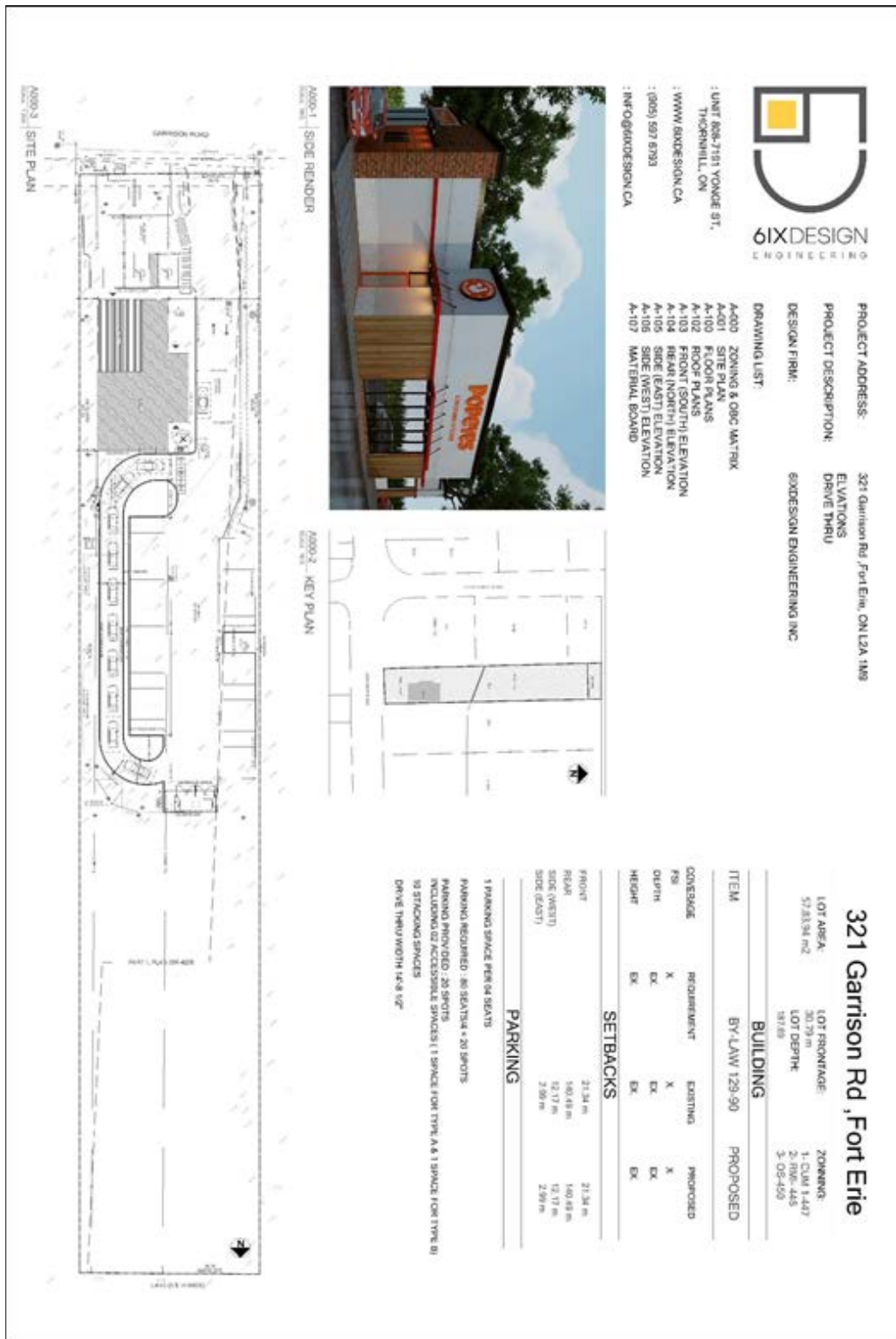
	<p>Residential Multiple 1 (RM1-446) Zone, in part and Open Space (OS-450) Zone, in part, in accordance with Zoning By-law No. 129-90.</p> <p>The applicant is requesting to redesignate approximately 930 sq.m (0.22 acres) of lands currently designated Medium-High Density and zoned RM1-446 to Core Mixed-Use designation and CMU1-477 zone respectively, to provide parking spaces and a drive-thru lane for the proposed restaurant. No changes are proposed to the portion of the property that is currently designated and zoned Open Space.</p> <p>As the northerly portion of the property includes a woodlot. The applicant is also proposing to add the Environmental Conservation (EC) Overlay Zone to the existing RM1-446 and OS zone to ensure the protection of the woodlot until a detailed Environmental Study study is completed as part of the future development application.</p>
	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the combined Official Plan and Zoning By-law Amendment is welcome and encouraged. You can provide input by speaking at the public meeting or by making a written submission to the Town. Please note that unless you do one of the above now, you may not be able to appeal the decision later.</p> <p>A copy of the Information Report will be available to the public by 5:00 PM on November 10th, 2021. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Anamika Dilwaria, Senior Development Planner.</p> <p><u>CONTACT INFORMATION</u></p> <p>Anamika Dilwaria, MCIP, RPP, Senior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2507 Or by e-mailing your comments to: adilwaria@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p>

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	<p>If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Fort Erie before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.</p>
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	<p>For more information about this matter, including information about appeal rights, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
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SCHEDULE 1



Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application, or wishes to address Council or has questions.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

(b) Proposed Official Plan & Zoning By-law Amendment

Re: 321 Garrison Road - Owner: 1784550 Ontario Inc. (c/o Peter Wangler) - Applicant: 2186870 Ontario Inc. (c/o Rakib Hassan) - Agent: Rob Russell Planning Consultants (c/o Rob Russell). The Applicant's request is to facilitate the redevelopment of the front portion of the property for a future restaurant with a drive-thru. The subject property is currently designated Core-Mixed-Use, in part, and Medium High Density, in part, and Open Space, in part. The subject lands are zoned Core Mixed-Use (CMU1-447) Zone, in part and Residential Multiple 1 (RM1-446) Zone, in part, and Open Space (OS-450) Zone, in part. The applicant is requesting to re-designate approximately 930 sq. m (0.22 acres) of lands currently designated Medium-High Density and zoned RM1-446 to a Core Mixed-Use designation and CMU1-477 zone respectively, to provide parking spaces and a drive-thru lane. As the northerly portion of the property includes a woodlot, the applicant is also requesting to add the Environmental Conservation (EC) Overlay Zone to the existing RM1-446 and OS zone to ensure the protection of the woodlot until a detailed Environmental Study is completed as part of the future development application.
(Presentation by Anamika Dilwaria, Senior Development Planner)

Ms. Dilwaria, Senior Development Planner, Development approvals, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

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Council-in-Committee - 15 Nov 2021 Meeting Minutes

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

Mayor Redekop requested that staff bring the Applicant or agent in to participate in the meeting.

Rob Russell, Rob Russell Planning Consultants, Agent, was present to speak on behalf of the Application. Mr. Russell, Agent made the following comments:

- There were questions about the fact that we are re-zoning and re-designating residential lands to commercial. It should be noted that this was already a commercial parking area, we are not expanding it, and it was once approved as one. At one point these lands were designated commercial and then they were re-designated for residential most likely through the Gateway Secondary Plan.
- It is not so much that we are trying to take away residential, we are making efficient use of a building and parking that is already there and we are not proposing any construction on the building.
- There will be a little removal of asphalt on the site.
- There will be an increase amount of services and the property will be improved.
- We are proposing to use the existing access that is already there. The entrance and exit will be off of Garrison Road and there will be no access to Walden at this time.
- As part of this zoning process there will be an Environmental Conservation overlay on the project so the land will be protected and are not proposing to change what the Town designated under the Gateway Secondary Plan.
- The depth of the Environmental Conservation overlay would be 65 meters.

Mayor Redekop enquired whether there were any members of the public in the waiting room who wish to speak in favour of the Application.

Vijaykumar Patel, 315 Garrison Road

Mr. Patel advised that he is in support of this application and I wanted to say thanks to my neighbour for agreeing to build a separation wall for his development.

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

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to speak in favour, in opposition or had any questions regarding the Application.

No members of the public came forward.

Mayor Redekop enquired whether the Clerk received any comments subsequent to the posting of the Report, to be read into the Minutes. The Clerk advised that she had received an email addressed to Ms. Dilwaria from Nancy Haufek on behalf of her mother, Milica Djonovich. She read the following correspondence into the Minutes:

(a) Milica Djonovich

"Good morning, my mom Milica Djonovich had spoken to Aaron Butler about her concerns about the new restaurant going in. She was asked to send an email with her concerns to you. My apologies for not getting this to you sooner but we are hoping that this can get addressed at the Nov 15th meeting.

Her main concern and question is what is being done to make sure the additional traffic that will be generated by another restaurant with drive thru is being addressed. Currently the traffic in this area is quite heavy as it is two main intersections in Fort Erie. We watch the traffic coming out of McDonalds and the entrance road to Sobeys and are surprised that there hasn't been a fatality yet. The volume on Garrison Road is increasing as well. I am not sure but I had seen that it was a Popeyes going in there, it is also a favourite of many and it will generate more traffic in and out.

She lives at the corner of Garrison and Concession so she sees the traffic and is just concerned and wants to make sure there is a plan in place to deal with additional traffic.

She can be reached at [REDACTED] or you can reply to this email.

If any clarification is necessary please let me know.

Could you please let me know that you received this.

Thanks in advance

Nancy Haufek

Mayor Redekop declared the Public Meeting closed.

8.4 Business Status Report

No changes.

9. Planning and Development Services

Chaired by Councillor Dubanow

9.1 Presentations and Delegations

None.

9.2 Reports

PDS-98-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 321 Garrison Road - Rob Russell
Planning Consultants - Rob Russell (Agent) -
1784550 Ontario Inc. - Peter Wangler (Owner) -
2186870 Ontario Inc. - Rakib Hassan (Applicant)

Recommendation: No. 12
Moved by: Mayor Redekop

That: Council receives for information purposes Report No. PDS-98-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road.

Recommendation No. 13
Moved by: Councillor Noyes

That: Report No. PDS-98-2021 be postponed to the December 6, 2021 Council-in-Committee meeting in order to receive the Response to Enquiry of October 18, 2021 concerning the property the Owner owns on Stevensville Road. **(Carried)**

PDS-99-2021 Information Report - Proposed Zoning By-law Amendment - 57 Idylewylde Street & 0 Idylewylde Street - PLW Planning & Environmental Consulting - Leigh Whyte (Agent) - David Smith & Charlene Smith (Owners)

Recommendation No. 14
Moved by: Councillor McDermott

Councillor Dubanow gave the Chair to Councillor Zanko in order to speak to the matter.

Appendix "2"

Council-in-Committee - 06 Dec 2021 Meeting Minutes

That: Council directs that this Report be forwarded to the Region of Niagara for distribution to members of Regional Council and appropriate staff. **(Carried)**

8. Planning and Development Services

Chaired by Councillor Dubanow

8.1 Presentations and Delegations

None.

8.2 Reports

PDS-98-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 321 Garrison Road - Rob Russell Planning Consultants - Rob Russell (Agent) - 1784550 Ontario Inc. - Peter Wangler (Owner) - 2186870 Ontario Inc. - Rakib Hassan (Applicant) ***(Postponed from November 15, 2021, Council-in-Committee Meeting - Previously Moved by Mayor Redekop as Recommendation No. 12)***

That: Council receives for information purposes Report No. PDS-98-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road. **(Carried)**

PDS-102-2021 Proposed Combined Official Plan & Zoning By-law Amendment - 1107 Garrison Road - Sullivan Planning Services - Michael Sullivan (Agent)- 1107 Garrison Road GP Inc. - Mohammed Y. Alhadi (Owner)

Recommendation No. 4
Moved by: Councillor McDermott

That: Council receives for information purposes Report No. PDS-102-2021 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for 1107 Garrison Road. **(Carried)**

APPENDIX "3"

Via Email Only

October 6, 2021

Region Files: D.10.01.OPA-21-0037
D.18.01 ZA-21-0080

Ms. Anamika Dilwaria
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON, L2A 2S6

Dear Ms. Dilwaria;

**Re: Regional and Provincial Comments
Concurrent Official Plan and Zoning By-law Amendments
Owner: 1784550 Ontario Inc. (Attn: Peter Wangler)
Agent: Rob Russell Planning Consultants Inc.
321 Garrison Road
Town of Fort Erie**

Regional Planning and Development Services staff have reviewed the information circulated for the concurrent amendment applications to the Town of Fort Erie's Official Plan and Zoning By-law. The applicant is proposing the redevelopment of the front (southern) portion of the property (up to the paved portion) for a future restaurant with a drive-thru facility.

The subject property has split designation within Town's Gateway Secondary Plan consisting of "Core- Mixed-Use", "Medium High Density", and "Open Space". The subject lands also has split zoning consisting of "Core Mixed-Use (CMU1-447) Zone", "Residential Multiple 1(RM1-445) Zone", and "Open Space (OS) Zone" in accordance to Zoning By-law No. 129-90.

The proposed applications will re-designate a portion of lands designated as "Medium Density" to "Core Mixed-Use", and re-zone a portion of the lands zoned as "RM1-477" to "CMU1-477" to allow for an expansion of the commercial use to accommodate the required parking spaces and the drive-thru facility. There are no changes proposed to the Open Space (OS) Zone.

Additionally, the applicant is also proposing to add an "EC Overlay Zone" to the existing RM1-445 and OS Zone to ensure the protection of the existing woodlot (north of the

APPENDIX "3"

paved portion) until the time that a detailed Environmental Impact Study ("EIS") is completed as part of the future *Planning Act* application.

A virtual pre-consultation meeting was held for these applications on March 11, 2021 with the Region, Town, and agent in attendance. The following comments are provided from a Regional and Provincial perspective to support the Town in considering these applications.

Provincial and Regional Policies

The subject lands are located within a "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS") and within the "Delineated Built-Up Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"). The PPS and Growth Plan directs growth to settlement areas and promote densities and a mix of land uses that optimize use of land and resources and efficiently use infrastructure and public service facilities while minimizing negative impacts to air quality and climate change and promoting energy efficiency. The PPS promotes the intensification and redevelopment of underutilized lands through compact built form that diversifies the economic base and supports use of transit and active transportation.

Provincial policies direct growth to settlement areas and the delineated built-up area that provide for an appropriate range and mix of housing types and the efficient use of existing servicing, infrastructure, and public service facilities. Within delineated built-up areas, the policies encourage intensification and infill in a compact form with a mix of uses and densities at an appropriate type and scale and transition to adjacent areas.

The ROP promotes development in the urban area and generally permits a full range of residential, commercial, and industrial uses subject to the availability of adequate municipal services and infrastructure, as well as other policies relative to urban design, compatibility, and environmental conservation.

Regional staff have reviewed the "*Planning Justification Report*" ("PJR") prepared by Robert Russell Planning Consultants Inc. (dated June 2021). Staff are satisfied that the proposed amendments adjust the portion of existing commercial and residential land uses and zoning on the subject lands and will not establish new uses that are incompatible with nearby existing and planned uses. Additionally, the proposed amendments will help to facilitate the re-use of an underutilized and vacant parcel with available municipal servicing.

As such, Regional staff do not object, in principle, to the proposed amendments as they are consistent to the PPS and conform to Provincial and Regional growth management policies.

Core Natural Heritage System

Regional Environmental Planning staff have reviewed the “*Edge Management Plan Report*” prepared by Kuntz Forestry Consulting Inc. (dated August 24, 2021), the “*Addendum to Planning Rational and Justification*” prepared by Robert Russell Planning Consultants Inc., (dated August 23, 2021), and “*Updated Grading, Site Servicing and Storm Water Management Plan*” prepared by N&N Engineers Ltd. (dated June 2021).

Staff note that all submitted documents confirm that a 5 m setback from the edge of existing disturbance will be restored and zoned along with the remaining lands to the north with an “Environmental Overlay”, which is consistent with previous Regional comments.

As such, provided the Environmental Overlay is adequately shown on the zoning schedule, Regional Environmental Planning staff offer no objection, in principle, to the proposed applications.

Staff advise the applicant that the implementation of the Edge Management Plan Report and Landscape Plan will be requested through the future *Planning Act* (Site Plan) application process.

Archaeological Resources

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

At the virtual pre-consultation meeting, Regional staff noted that based on a review of the Province’s Criteria for Evaluating Archaeological Potential, the site exhibits a low potential for the discovery of archaeological resources. Specifically, the property is not within 300 m of any registered archaeological sites or natural watercourse features, nor is it located within the “archaeological potential area” of Schedule D or Schedule D1 of the Town’s Official Plan.

As such, Regional staff do not require the completion of an archaeological assessment for these applications; however, instead request that a standard archaeological resource warning clause is included the time of the future *Planning Act* (Site Plan) application.

Urban Design

Regional Urban Design staff have reviewed the submitted “*Landscape Plan*” prepared by Diana Notenboom Planning Landscape and Design (dated August 25, 2021). Staff

APPENDIX "3"

requires that at the time of future *Planning Act* (Site Plan) application that a Landscape / Streetscape Plan is submitted that includes the following streetscape information:

- Deciduous street trees in a sodded boulevard.
- Trees should be 50mm caliper and spaced according to their size (see attached Master Tree Planting List for species). And,
- An overlay of survey information and site servicing information in order to ensure that proposed street trees will not conflict with services, utilities and drainage structures within the boulevard.

The applicant is advised that if street trees cannot be accommodated due to existing or proposed utilities, services and drainage features, then an enhanced landscape treatment will be requested on private lands. This includes deciduous trees plus planting beds consisting of shrubs and perennials.

Staff also request that the portion of the proposed planting bed that is located within the Regional Road allowance be replaced with a sodded boulevard.

With respect to the site's interface with Garrison Road (Regional Road 3), Regional staff request that all ground and directional signs are located entirely on private lands. Currently, the provided Landscape Plan shows signs that overhang into the municipal boulevard.

Regional Road Allowance

The subject property has frontage along Garrison Road (Regional Road 3). Regional staff note that the designated Regional Road allowance in this section does not meet the required width as set out in the ROP. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- An irregular widening across the frontage of the subject property consisting of 2.18 m along the west side, and 2.03 m along the east side. This widening is required to achieve 15.25 m from the original centerline of Regional Road 3.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Questions can be directed to the Region's Law Clerk, **Norma Price**, by phone at (905) 980-6000 Ext. 3339 or email at: norma.price@niagararegion.ca.

APPENDIX "3"

Inquires specific to the transfer of property to the Region can be directed to the Region's Manager of Surveys and Property Information, **Normans Taurins**, by phone at (905) 980-6000 Ext. 3325 or email at: normans.taurins@niagararegion.ca.

Regional staff are satisfied with the widening being shown on the plans that are submitted at the time of future *Planning Act* (Site Plan) application.

Regional Permit Requirements

Regional staff have reviewed the drawings / plans submitted with the applications and observe that it appears that the existing site entrance will be retained and used. Staff request that any drawings submitted as part of the future *Planning Act* (Site Plan) application clearly identify any existing and proposed entrances to the site.

Staff advise the applicant that a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Region's Transportation Services Division, Public Works Department prior to any construction / work taking place within the Regional Road allowance.

Staff further advise that the placement of any sign, notice or advertising device within 20 m of the centerline of Garrison Road (Regional Road 3) requires a Regional Sign Permit.

Regional permits can be applied for online at:
<http://niagararegion.ca/living/roads/permits/default.aspx>.

Servicing

The proposed development and subject lands are within the Catherine Street Sewage Pumping Station ("SPS") sewershed.

The Region's *Master Servicing Plan, 2017* ("MSP") allocated growth for the Catherine Street SPS out to the year 2041 in consultation and collaboration with the Town of Fort Erie. The MSP was completed at a high level and did not allocate capacities to individual properties. The MSP did note that the combination of this sewershed and the other nearby SPS sewersheds that contribute to the Catherine Street SPS will develop constraints during wet weather events due to the high Infiltration and Inflow into the sanitary sewer system. Regional staff and Town staff are working together to reduce the wet weather / Inflow & Infiltration impacts within the sewershed.

Regional staff note that an Environmental Assessment ("EA") for Catherine Street SPS is currently underway. Information and timing for the EA is available online at:
<https://www.niagararegion.ca/projects/catherine-street/default.aspx>.

The Region's MSP is available online at: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

Stormwater Management

Regional staff have reviewed the submitted “*Stormwater Management Brief*” prepared by N&N Engineers Limited (dated June 30, 2021). Staff note that the submitted site plan and servicing / grading plans show that the existing site hard / impermeable surface of the site is not enlarged and the existing catch basins, storm sewer and orifice control remain unchanged. As such, Regional staff have no objection, in principle, to the submitted Stormwater Management Brief.

The applicant is advised that the Region will require the following comments to be addressed at the time of the future *Planning Act* (Site Plan) application:

- That the previous approved site servicing / grading plans and reports with respect to the Stormwater Management Brief be circulated to this office.
- That water quality treatment measures be installed where practically feasible, given that the site will experience more frequent vehicular travel / usage.
- That the new site plan shows the location and details of the existing orifice control.
- That confirmation be provided that the proposed development will remain or improve the existing stormwater storages of the site (if there are any at-grade, underground, and rooftop), and that the same flow control target as previously approved is met.

Protection of Survey Evidence

Regional staff advise the applicant that survey evidence adjacent to Regional Road allowances shall not be damaged or removed during the development of the property. Any agreements entered into for this proposed development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Waste Collection

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

- Recycling blue and/or grey bins / containers – no limit (weekly collection).
- Organic green bins / containers – no limit (weekly collection).
- Garbage / waste – maximum of 8 containers (bi-weekly collection).

APPENDIX "3"

- Collection will be at the curbside only.

Regional staff observe that the provided concept proposes earth bins on-site. The applicant is advised that this site is not eligible to receive Regional enhanced collection, and as such, should earth bins be the intended means for waste collection, then it will be the responsibility of the owner to coordinate waste collection for the site through a private contractor and not the Niagara Region.

Regional staff will provide more detailed waste collection comments and conditions for the site at the time of future *Planning Act* (Site Plan) application.

Conclusion

In conclusion, Regional Planning and Development Services staff do not object, in principle, to the proposed concurrent amendments to the Town of Fort Erie's Official Plan and Zoning By-law. It is Regional staff's opinion that the amendments are consistent with the PPS and conform to Provincial and Regional growth management policies. Regional staff requests that the materials / information that were specified in this letter as they relate to the CNHS, archaeological resources, urban design, transportation, servicing, stormwater management, and waste collection requirements be addressed through the future *Planning Act* (Site Plan) application.

Regional staff notes that in accordance with the Memorandum of Understanding, the proposed Local Official Plan Amendment is exempt from Regional Council approval. Please send a copy of the notice of Town Council's decision on the applications and a copy of the amendments as adopted.

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca.

Respectfully,



Alexander Morrison, MCIP, RPP
Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region
Ms. Julia van der Laan de Vries, Urban Designer, Niagara Region
Ms. Susan Dunsmore, Manager of Development Engineering, Niagara Region
Mr. Matteo Ramundo, Development Approvals Technician, Niagara Region

Attachment:

Niagara Region Master Tree Planting List 072020 (provided separately).

APPENDIX "3"



RE: [External] Request for Comments- Combined Official Plan and Zoning By-law Amendment Application

Municipal Planning to: Anamika Dilwaria

09/17/2021 03:00 PM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Combined Official P
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

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

Regards,

Alice Coleman

Municipal Planning Analyst

Long Range Distribution Planning

—

ENBRIDGE

TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com

500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: Anamika Dilwaria <ADilwaria@forterie.ca>

Sent: Friday, September 17, 2021 10:36 AM

To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal Planning <MunicipalPlanning@enbridge.com>; planification@csdccc.edu.on.ca;

APPENDIX "3"



RE: Request for Comments- Combined Official Plan and Zoning By-law Amendment Application

Ellen Savoia to: Anamika Dilwaria

10/07/2021 01:14 PM

From: "Ellen Savoia" <esavoia@niagaraparks.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments- Combined Official P
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>
	Mail Router	Mail Router	<i>Hi Everyone, A combined Official Plan</i>

Hi Anamika

The Niagara Parks Commission has no concerns or comments with regard to this application .

Ellen Savoia, MCIP, RPP (she/her)

Senior Manager, Planning & Environmental Sustainability

P 905-295-4396 x3258 **M** 289-241-8375 **F**
905-356-7262

7805 Niagara River Parkway, P.O. Box 150
Niagara Falls, Ontario, Canada L2E 6T2
esavoia@niagaraparks.com
niagaraparks.com

From: Anamika Dilwaria <ADilwaria@forterie.ca>

Sent: Friday, September 17, 2021 10:36 AM

To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; MunicipalPlanning@enbridge.com; planification@csdcs.edu.on.ca; Randy.Leppert@cogeco.com; sue.mabee@dsbn.org; karen.singer@bell.ca; circulations@wsp.com; erik.acs@niagararegion.ca; executivedirector@fenfc.org; craig.krueger@cogeco.com; Ellen Savoia <esavoia@niagaraparks.com>; mr18enquiry@mpac.ca; aazouz@csdcs.edu.on.ca; cgrummett@forteriecanada.com; kaudet@forteriecanada.com; scott.whitwell@ncdsb.com; alexander.morrison@niagararegion.ca; aaazouz@csdcs.edu.on.ca; fawn.sault@mncfn.ca; pontdj@hotmail.com; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca; Ash.Neville@rci.rogers.com; jabrahamse@npca.ca; Sarah_Mastroianni <smastroianni@npca.ca, John.armstrong@rci.rogers.com

Subject: Request for Comments- Combined Official Plan and Zoning By-law Amendment Application

APPENDIX "3"



Re: Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road (Oct 7 12:00 PM EDT) 📎

Keegan Gennings to: Anamika Dilwaria

09/27/2021 11:18 AM

From: Keegan Gennings/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

📎	Anamika Dilwaria	Request for Comments- Combined OPA & ZBA-321 Garrison Road
✅	Signe Hansen	<i>Accepted: Request for Comments- Combined OPA & ZBA-321 Garrison Road</i>
✅	Mackenzie Ceci	<i>Accepted: Request for Comments- Combined OPA & ZBA-321 Garrison Road</i>
✅	Aaron Butler	<i>Accepted: Request for Comments- Combined OPA & ZBA-321 Garrison Road</i>
📎	Ed Melanson	<i>Good Morning Anamika, I have reviewed all of the documents attached</i>

Hi Anamika,

I have reviewed the OPA and ZBA for 321 Garrison Road and have no comments

Regards,

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

Anamika Dilwaria The site plan and other supporting documents c...

09/17/2021 10:31:33 AM



Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road

Thu 10/07/2021 12:00 PM - 12:15

PM

Attendance is **required** for Keegan Gennings

Chair: **ADilwaria@forterie.ca**

No Location Information

ADilwaria has invited you to a meeting. You have not yet responded.

Required: EMelanson@forterie.ca, JKorevaar@forterie.ca, KGennings@forterie.ca,
PWasserman@forterie.ca, SHansen@forterie.ca
Optional: AButler@forterie.ca, MCeci@forterie.ca



Interoffice Memorandum

Original: September 23, 2021

Updated: September 24, 2021

File No. 350302-0159 and 350309-0529

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –
321 Garrison Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **321 Garrison Road** and have no objection to the proposed amendments.

The applicant is advised that the Stormwater Management Brief and Grading, Site Servicing and Storm Water Management Plan prepared by N & N Engineers Ltd. were not required by the Town to support this application. Therefore, a detailed review will be completed as part of the future application for site plan approval.

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

APPENDIX "3"



Re: Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road (Oct 7 12:00 PM EDT) 📎

Ed Melanson to: Anamika Dilwaria

09/20/2021 08:46 AM

From: Ed Melanson/FortErie
To: Anamika Dilwaria/FortErie@TownOfFortErie

History: This message has been replied to.

📎	Anamika Dilwaria	Request for Comments- Combined OPA & ZBA-321 Garrison Road
✓	Signe Hansen	<i>Accepted: Request for Comments- Combined OPA & ZBA-321 Garrison Road</i>
✓	Mackenzie Ceci	<i>Accepted: Request for Comments- Combined OPA & ZBA-321 Garrison Road</i>
✓	Aaron Butler	<i>Accepted: Request for Comments- Combined OPA & ZBA-321 Garrison Road</i>
📎	Ed Melanson	<i>Good Morning Anamika, I have reviewed all of the documents attached</i>

Good Morning Anamika,

I have reviewed all of the documents attached for 321 Garrison Rd. I have no objections, questions or concerns.



Ed Melanson
Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

Anamika Dilwaria The site plan and other supporting documents c... 2021-09-17 10:31:33 AM



Invitation: Request for Comments- Combined OPA & ZBA-321 Garrison Road

2021-10-07 Thu 12:00 PM - 12:15 PM

Attendance is **required** for Ed Melanson

Chair: **Anamika Dilwaria/FortErie**

No Location Information

Anamika Dilwaria has invited you to a meeting. You have not yet responded.



Interoffice Memorandum

October 7, 2021

File Nos: 350309-0529 & 350302-159

To: Anamika Dilwaria, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **321 Garrison Road – OPA/ZBA Application**

I have no comments relative to the application for an Official Plan Amendment and Zoning By-law Amendment for 321 Garrison Road.

I will have comments relative to a future site plan application.

Regards

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

APPENDIX "3"



321 Garrison Road ZBR Application
Vijaykumar Patel to: Anamika Dilwaria

10/28/2021 12:10 PM

From: "Vijaykumar Patel" <
To: > "Anamika Dilwaria" <ADilwaria@forterie.ca>

History: This message has been replied to and forwarded.

	Vijaykumar Patel	Vijaykumar Patel	321 Garrison Road ZBR Application
	Anamika Dilwaria	Anamika Dilwaria	<i>Hi Mr. Patel, Just wanted to clarify that</i>
	Vijaykumar Patel	Vijaykumar Patel	<i>Hi Anamika, Yes, I would thi</i>
	Anamika Dilwaria	Anamika Dilwaria	<i>Mr. Patel, I have attached a cop</i>

Hello Anamika,

As a Neighbor to the 321 Garrison road, we have no objection to this ReZoning, but for the portion of the amended 930 [sq.mt](#) , it is Townhomes on our side of the property.

Thus, a proper height Wall should be established for privacy and noise protection purposes between the two properties in my opinion.

Also, can you please send me the invite for the virtual council meeting.

Regards,

--

Vijaykumar Patel, CEO

Corporate Office:

3-102 Skymark Avenue
Mississauga, ON L4W 5B2

Peace Plaza and Towns

315, Garrison Road, Fort Erie L2A 1M9

APPENDIX "3"



To: Kira Dolch/FortErie@TownOfFortErie, Jonathan Janzen/FortErie@TownOfFortErie, Tom Kuchyt/FortErie@TownOfFortErie, Carol Schofield/FortErie@TownOfFortErie, Kelly Walsh/FortErie@TownOfFortErie, Mayor and Council
Cc: Aaron Butler/FortErie@TownOfFortErie
Bcc:
Subject: Fw:PDS-98-2021 Proposed Official Plan and Zoning By-law Amendment Application 321 Garrison Road
From: Anamika Dilwaria/FortErie - Friday 11/12/2021 01:44 PM

Good Afternoon Everyone,

Mentioned below is an email from Ms Haufek on behalf of her mother Ms. Djonovich, outlining her concerns regarding the increase in traffic on Garrison due to the proposed redevelopment at 321 Garrison Road.

Thanks,

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
TEL: 1-905-871-1600 ext.2507
E-mail-adilwaria@forterie.ca

----- Forwarded by Anamika Dilwaria/FortErie on 11/12/2021 01:29 PM -----

From: "Nancy Haufek"
To: adilwaria@forterie.ca
Date: 11/12/2021 10:47 AM
Subject: 321 Garrison Road

Good morning, my mom Milica Djonovich had spoken to Aaron Butler (hope that's the right spelling) about her concerns about the new restaurant going in. She was asked to send an email with her concerns to you. My apologies for not getting this to you sooner but we are hoping that this can get addressed at the Nov 15th meeting.

Her main concern and question is what is being done to make sure the additional traffic that will be generated by another restaurant with drive thru is being addressed. Currently the traffic in this area is quite heavy as it is two main intersections in Fort Erie. We watch the traffic coming out of McDonalds and the entrance road to Sobeys and are surprised that there hasn't been a fatality yet. The volume on Garrison Road is increasing as well. I am not sure but I had seen that it was a Popeyes going in there, it is also a favourite of many and it will generate more traffic in and out.

She lives at the corner of Garrison and Concession so she sees the traffic and is just concerned and wants to make sure there is a plan in place to deal with additional traffic.

She can be reached at XXX XXX XXXX or you can reply to this email.

If any clarification is necessary please let me know.

Could you please let me know that you received this.

APPENDIX "3"

Thanks in advance
Nancy Haufek