



## The Corporation of the Town of Fort Erie By-law 39-2024

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**Being a By-law to Enact an Amendment to the Official Plan Adopted by By-law 150-06 for the Town of Fort Erie Planning Area Amendment 80  
409 and 423 Walden Boulevard, Michael Stepien - Owner**

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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 80 to the Official Plan for the Town of Fort Erie consisting of the attached explanatory text and mapping is hereby adopted and approved.
2. **That** this by-law shall come into force and take effect on the day of the final passing thereof.
3. **That** the Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 22<sup>nd</sup> day of April, 2024.**

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Mayor

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Clerk

**AMENDMENT 80  
TO THE  
OFFICIAL PLAN  
FOR THE  
CORPORATION OF THE TOWN OF FORT ERIE**

## **CONTENTS**

### **PART "A" - THE PREAMBLE**

- Section 1 - Title and Components
- Section 2 - Purpose of Amendment
- Section 3 - Location of this Amendment
- Section 4 - Basis of this Amendment
- Section 5 - Implementation and Interpretation

### **PART "B" - THE AMENDMENT**

Introductory Statement

Details of the Amendment

- Schedule "A" - Land Use Plan

### **PART "C" - THE APPENDICES**

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

# PART "A" - THE PREAMBLE

## SECTION 1

### TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment 80 to the Official Plan adopted by By-law 150-06 of the Fort Erie Planning Area.

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

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment 80 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area.

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

## SECTION 2

### PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the land use designation of the subject lands shown on Schedule "A" attached hereto from "Commercial" to "Urban Residential" to permit 14 street townhouse dwellings.

## SECTION 3

### LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are municipally known as 409 and 423 Walden 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 150-06 of the Fort Erie planning area provides that amendments may be made to the Official Plan. Policies in Subsection 13.7(III) have been considered in the preparation of this amendment and the following factors have been reviewed in supporting this amendment to the Official Plan:

**A. The need for the proposed use;**

The proposed Official Plan land use designation change from Commercial to Urban Residential would permit the conversion of underutilized commercial land for residential development to contribute towards additional housing supply. Currently, the subject lands are not used for commercial purposes and there is no need to retain the commercial land as the subject lands do not have direct frontage on Garrison Road, the Town's primary commercial corridor. The redesignation will appropriately align with the residential uses located north and west of the subject lands. Moreover, the proposed and surrounding residential uses in this area will support the economic growth of existing commercial uses along the Garrison Road corridor.

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

The subject lands are located in an established area of the Walden Neighbourhood with a mix of commercial and residential uses. The majority of the existing built form in the area consists of 1-1.5 storey single detached dwellings and 1-2 storey commercial buildings. Two storey townhouse dwellings were recently approved west of the subject lands. The proposal for

medium-density development will be compatible with the adjacent commercial uses and low to medium-density residential uses.

**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 subject lands contain two buildings with generous side and rear yards. The proposed development will repurpose and reutilize the subject lands for gentle residential intensification that suits the existing characteristics of the Walden neighbourhood. The subject lands are sufficiently sized to accommodate the proposed development with adequate parking and amenity area. However, there are sanitary servicing capacity constraints within the surrounding area that impact the development of the lands. Town staff recommends a Holding provision that would restrict development until adequate sanitary servicing is available.

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

The subject lands is located within the urban boundary. There are existing municipal water and sanitary services along Walden Boulevard, but they do not extend along the full frontage of the subject lands. The proposed development can be connected to municipal services along Walden Boulevard but will require municipal water and sanitary services to be extended along the frontage of the easterly lots which may be addressed as a condition of the Draft Plan of Subdivision.

Staff recommend that a Holding provision be applied until sanitary service capacity can be confirmed to the Town's satisfaction.

Walden Boulevard connects to Concession Road that has convenient access to the Queen Elizabeth Way and greater Fort Erie. The subject lands abut a main commercial area with access to various eating establishments, retail stores, grocery stores, and other services accessible through active transportation.

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

The proposed development is situated amidst low-density and medium-density residential properties, and commercial uses. The residential properties consist of 1-1.5 storey single detached dwellings and draft approved 2 storey semi-detached and townhouse dwellings. The commercial plaza to the south consists of 1-2 storey buildings. The development is compatible with the surrounding uses and will introduce a compact built form that effectively utilizes underdeveloped lands in an established neighbourhood with a mix of uses. The proposal will suit the established characteristics in the area by providing residential dwellings with similar height and front yard setbacks as the Draft Plan approved development on 0-10417 Walden Boulevard. The proposal is expected to contribute to the area's housing supply and options while maintaining the neighbourhood's character.

**F. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;**

The vacant lot west of Part 1 permits a single detached dwelling, a low-density dwelling type. The adjacent lands east of Part 14 include a manicured lawn and entrance to the commercial plaza's parking lot to the rear of the subject lands. The Owner submitted a Noise Feasibility Study as part of the application that includes recommended mitigation measures. The proposed townhouses will include the noise mitigation measures in the building design and a fence is proposed along the rear and side lot lines to minimize impacts on future homeowners and adjacent properties.

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

The proposal will not negatively affect the financial position of the municipality, subject to a holding provision being applied that would restrict development until it can be demonstrated that sufficient sanitary capacity is available. This may be addressed as a condition of draft plan approval.

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

The proposed development is not anticipated to impact the intent and implementing regulations of the Environmental Protection Act.

## **SECTION 5**

### **IMPLEMENTATION AND INTERPRETATION**

The relevant policies of the Official Plan adopted by By-law 150-06 of the Fort Erie planning area shall apply to the implementation and interpretation of this Amendment.

## **PART "B" - THE AMENDMENT**

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment 80 to the Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area. The Official Plan adopted by By-law 150-06 for the Fort Erie Planning Area is hereby amended as follows:

1. The land use designation of the subject lands shown on Schedule "A" attached hereto shall change from "Commerical" to "Urban Residential."

## **PART "C" - THE APPENDICES**

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



**BY-LAW 39-2024**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN PASSED THIS 22ND DAY OF APRIL 2024**

-  Subject lands - 409 and 423 Walden Boulevard
-  Change designation from Commercial to Urban Residential

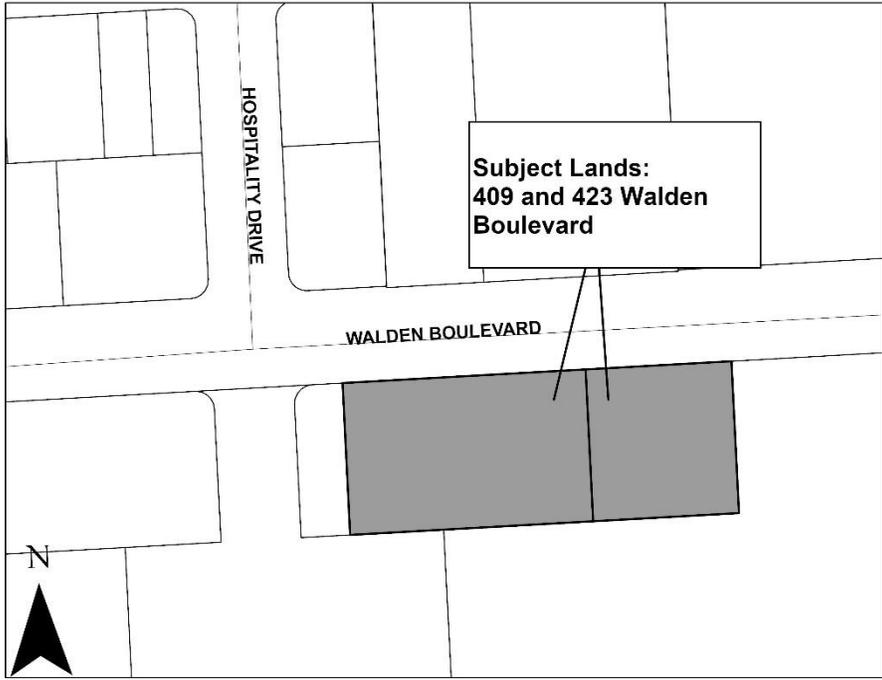




# NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

**Owner – Michael Stepien**  
**Agent – Urban Environments (Greg Hynde)**  
**Location – 409 and 423 Walden Boulevard**  
**Proposed Official Plan and Zoning By-Law Amendment**  
*APPLICATIONS: OPA-12-2023/350302-177 and ZBA-18-2023/350309-0580*

**DATE:** Monday March 4, 2024  
**TIME:** 6:00 PM  
**PLACE:** This will be a hybrid meeting. Members of the public may attend the meeting in person in Council Chambers, Town Hall, 1 Municipal Centre Drive OR virtually via Zoom.

	<p><u><b>LOCATION OF SUBJECT LANDS</b></u></p> 
	<p><b>WHAT WILL THIS AMENDMENT CHANGE:</b></p> <p>An application was received for an Official Plan Amendment and Zoning By-law Amendment to permit the construction of fourteen (14) street townhouse dwellings on the subject lands. A conceptual site plan is attached as Schedule 1.</p> <p>The subject lands are located within the urban area and are currently designated Commercial in the Official Plan, and zoned Highway Commercial (C3) Zone in accordance with the Town’s Comprehensive Zoning By-law 129-90, as amended.</p> <p>The Official Plan and Zoning By-law Amendment application proposes to redesignate the subject lands to Urban Residential and rezone the lands to a site-specific Residential Multiple 1 (RM1) Zone with a Holding provision. The site-specific zoning provision proposes to increase the allowable density and a reduction of the interior side yard setback.</p>
	<p><u><b>HAVE YOUR SAY</b></u></p> <p>Input on the proposed 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>Residents can participate in the Council meeting <u>in person in Council Chambers, OR</u> virtually via Zoom (audio/video via web or by telephone). The link for the Zoom</p>

meeting will be provided on the Town's website an hour before the Council meeting.

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

**GETTING MORE INFORMATION**

A copy of the Information Report will be available to the public by 5:00 PM on **February 28, 2024**. The information report will be available in the Council agenda portion of the Town's Website: [www.forterie.ca](http://www.forterie.ca) or by contacting Samantha Yeung, Intermediate Development Planner.

**CONTACT INFORMATION**

**Samantha Yeung, Intermediate Development Planner  
Planning and Development Services Department  
Town Hall, 1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6  
905-871-1600 ext. 2528  
Or by e-mailing your comments to: [syeung@forterie.ca](mailto:syeung@forterie.ca)**

**PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION**

To provide input in writing, or to request written notice of the decision of the Planning applications, please send a letter c/o Samantha Yeung, Intermediate Development Planning, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to [syeung@forterie.ca](mailto:syeung@forterie.ca)

**PLANNING ACT LEGAL NOTICE REQUIREMENTS**

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.

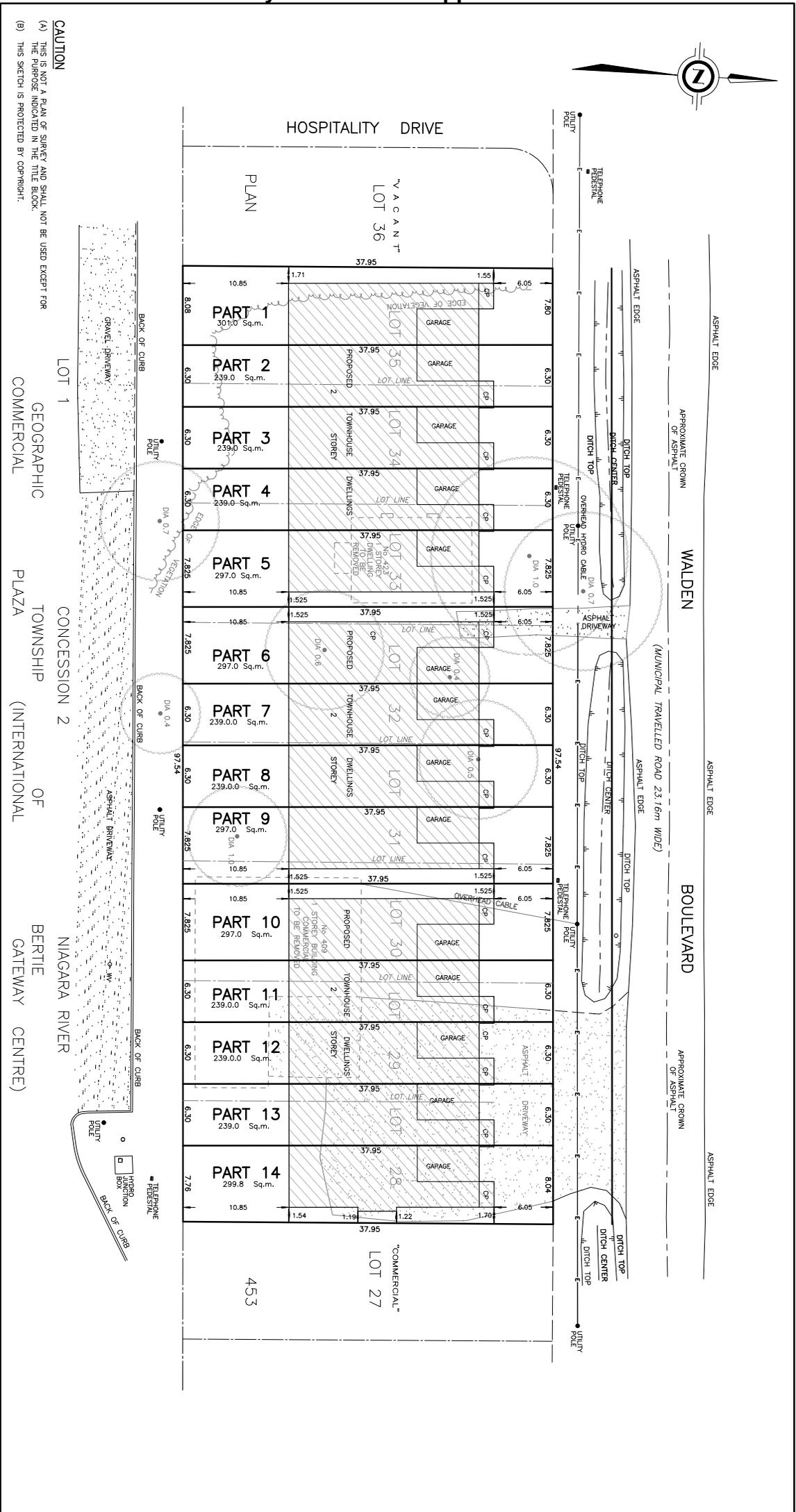
If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.

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.

For more information about this matter, including information about appeal rights, please send a letter c/o Ashlea Carter, Deputy Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to [acarter@forterie.ca](mailto:acarter@forterie.ca)

Notice dated February 12, 2024.





**CAUTION**  
 (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.  
 (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

LOT 1  
 GEOGRAPHIC COMMERCIAL

CONCESSION 2  
 TOWNSHIP OF BERTIE (INTERNATIONAL PLAZA GATEWAY CENTRE)

LOT 27  
 "COMMERCIAL"  
 453

**NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY**  
 SKETCH FOR PLANNING PURPOSES ONLY

**409 & 423 WALDEN BOULEVARD**  
 TOWN OF FORT ERIE  
 REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250

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**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**KEY PLAN (not to scale)**

**TOWN OF FORT ERIE**

**LEGAL DESCRIPTION**  
 BOUNDARY INFORMATION HAS BEEN OBTAINED FROM A FIELD SURVEY DATED APRIL 12, 2023. THIS IS NOT A PLAN OF SURVEY.

SEPTEMBER 18, 2023  
 DATE

ONTARIO LAND SURVEYOR  
 S. KIRK

**J.D. BARNES LIMITED**  
 LAND INFORMATION SPECIALISTS  
 1000 SHEPPARD AVENUE EAST, SUITE 100  
 SCARBOROUGH, ONTARIO M1S 1T5  
 TEL: (416) 291-8800 FAX: (416) 291-8822 WWW.JDBARNES.COM

TS  
 RSK/ GARD  
 09/18/2023  
 23-16-110-01

PDF DATE: 9/19/2023 11:32 AM



**The Municipal Corporation of the Town of Fort Erie  
Council in Committee Minutes**

**Monday, March 4, 2024, 6:00 p.m.  
Council Chambers**

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**1. Call to Order**

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

**2. Land Acknowledgement**

Mayor Redekop provided a land acknowledgment.

**3. Roll Call**

The Clerk gave the roll call.

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

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton, K. Walsh, C. Smith and P. Todd.

**4. Announcements/Addenda**

None.

**5. Declarations of Pecuniary Interest**

5.1 Councillor Dubanow - Proposed Official Plan and Zoning By-law Amendment - 409 and 423 Walden Boulevard

The Councillor's company is a tenant of one of the subject properties.

5.2 Councillor Dubanow - PDS-08-2024

The Councillor's company is a tenant of one of the subject properties.

## By-law 38-2024 - Appendix 2

### 6. Notice of Upcoming Public Meetings and Open Houses

#### 6.1 Open Houses - Parks and Open Space Master Plan

Wednesday, March 6, 2024 - 5:00 p.m. - Stevensville Memorial Hall, 2508 Stevensville Road (Stevensville, Douglstown and Surrounding Area)

Thursday, March 7, 2024 - 6:00 p.m. - Leisureplex Banquet Hall, 3 Municipal Centre Drive (Old Fort Erie, Crystal Beach and Surrounding Area)

### 7. Public Meetings

#### 7.1 Proposed Official Plan and Zoning By-law Amendment - 409 and 423 Walden Boulevard

Owner: Michael Stepian - Agent: Urban Environments (Greg Hynde)

Councillor Dubanow declared a conflict on this item. (The Councillor's company is a tenant of one of the subject properties.)

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

Samantha Yeung, Intermediate Development Planner, provided a PowerPoint presentation.

Greg Hyde, Agent, and Michael Stepian (Owner), 205 Cairns Crescent, spoke to the application and answered questions of Council.

Mayor Redekop enquired if anyone present wished to speak.

No one in the audience wished to speak regarding the application.

The Clerk confirmed that no additional written comments were received.

**Mayor Redekop declared the Public Meeting closed.**

#### 7.2 PDS-08-2024

Proposed Combined Official Plan and Zoning By-law Amendment Information and Recommendation Report for 409 and 423 Walden Boulevard

Councillor Dubanow declared a conflict on this item. (The Councillor's company is a tenant of one of the subject properties.)

Recommendation 1

Moved by: Councillor Lewis

## By-law 38-2024 - Appendix 2

**That:** Council approves the amendment to the Town's Consolidated 2021 Official Plan as detailed in Report PDS-08-2024 for the lands known as 409 and 423 Walden Boulevard, and further

**That:** Council approves the amendment to the Town's Zoning By-law 129-90 as detailed in Report PDS-08-2024 for the lands known as 409 and 423 Walden Boulevard, and further

**That:** Council directs that the Holding Provision not be removed until sufficient sanitary capacity is available, to the satisfaction of the Town, and further

**That:** Council directs Staff to submit the necessary by-laws.

**Carried**

### 8. Consent Agenda

Recommendation 2

Moved by: Councillor Dubanow

**That:** Council approves the consent agenda as recommended.

**Carried**

#### 8.1 CAO-03-2024

Land Committee Meeting Minutes – February 15, 2024

**That:** Council receives the February 15, 2024 Land Committee meeting minutes attached as Appendix “1” to Repot CAO-03-2024; and further

**That:** Council denies the request to purchase part of Delaware Avenue, Plan 450, Bertie known as St. Clair Street, east of 1789 Niagara River Parkway.

**Carried**

#### 8.2 EDTS-02-2024

Consumption of Alcohol at Community Events in 2024

Recommendation 3

Moved by: Councillor Flagg

**That:** Council waives Section 1.1 of Schedule A to By-law 72-99 (Municipal Alcohol Policy) to permit the consumption of alcohol at special events in 2024 by any board or committee insured by the Corporation of the Town of Fort Erie.

Carried

**Amendment:**

Moved by: Councillor Flagg

**That:** the Mayor's Youth Advisory Committee be excluded from this approval.

Carried

**9. Planning and Development Services**

*Chaired by: Councillor Christensen*

9.1 Presentations and Delegations

None.

9.2 Reports

None.

9.3 New Business/Enquiries

None.

9.4 Business Status Report

No changes.

**10. Infrastructure Services**

*Chaired by: Councillor Lewis*

10.1 Presentations and Delegations

None.

10.2 Reports

None.

10.3 New Business/Enquiries

10.3.1 Councillor Noyes - Litter Signage

Councillor Noyes raised a concern regarding the absence of "do not litter" signs in Town and the need for initiatives to maintain cleanliness. It was suggested to consider implementing such signage as part of a broader beautification effort. A notice of motion to address this issue was proposed for the next council meeting.

10.4 Business Status Report

No changes.

**11. Corporate and Community Services**

*Chaired by: Councillor Flagg*

11.1 Presentations and Delegations

None.

11.1.1 Jennifer Pennell-Ajie, Executive Assistant to Director and Division Coordinator

Re: Total Solar Ecilpse - April 8, 2024 (FES-01-2024)

Jennifer Pennell-Ajie, Executive Assistant to Director and Division Coordinator, provided a PowerPoint presentation.

11.2 Reports

11.2.1 FES-01-2024

Total Solar Eclipse – April 8th, 2024

Recommendation 4

Moved by: Councillor Lewis

**That:** Council receives Report FES-01-2024 for information purposes.

**Carried**

11.3 New Business/Enquiries

None.

11.4 Business Status Report

No changes.

**12. Closed Session**

There were no items to discuss in closed session.

**13. Back to Open Session**

**14. Scheduling of Meetings**

Members of Council announced upcoming Boards and Committees meetings from March 5, 2024 to March 12, 2024.

**15. Adjournment**

Recommendation 5

Moved by: Councillor Dubanow

**That:** Council adjourns Council-in-Committee at 7:04 p.m.

**Carried**

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Mayor

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Clerk

## By-law 38-2024 - Appendix 3

Re: 409 and 423 Walden Boulevard - Circulation File 

Keegan Gennings to Samantha Yeung

12/12/2023 06:16 PM

From Keegan Gennings/FortErie  
To Samantha Yeung/FortErie@TownOfFortErie

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Hi Sam

I have reviewed the OPA and ZBA applications for 409-423 Walden Blvd and have the following comments:

Development charge credits for existing buildings that are to be demolished will be available.

A record of site condition is required to file with the Ministry due to previous commercial use, this will need to be completed prior to a building permit being issued.

The proposed development is located in the Ministry of Transportation regulated area and their approval will be required prior to the issuance of any building permits.

The developer is to ensure the water services and laterals are sized to accommodate any future additional dwelling units that would be allowed to be constructed in the townhouse units.

Regards,

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



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# Interoffice Memorandum

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November 30, 2023  
Our File: 350309-0580

**To:** Samantha Yeung – Intermediate Development Planner  
**Cc:** Noah Thompson, E.I.T., Development Engineering Technician  
**From:** Brad Johnston, C.E.T., Supervisor - Development Engineering  
**Subject:** OPA / ZBA – Proposed 14-Unit Street Town Development  
Development Engineering Comments  
**Address:** 409 & 423 Walden Boulevard

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## Roads

Walden Boulevard is designated a Local road, in accordance with the Town’s current Official Plan. Its current width is sufficient, and no widenings along the subject land frontage will be required with these applications. Considering this section of Walden Boulevard is in a semi-urban cross-section state, it must be also considered that the proposed 14 driveway aprons will require accommodations of road side ditch culverts, road trench cuts for proposed water and sanitary service connections. The Owner shall be required to mill and repave the sections of Walden Boulevard accommodating the servicing trenches, to avoid multiple trench cuts and restoration areas to the existing asphalt road. This shall be at the Owner’s costs through development construction process, if approved.

It shall be noted that Walden Avenue is proposed for full road reconstruction, budgeted for construction in 2026. The extent of the works includes the extension of watermain, curb & gutter, storm sewer installation, and typical sidewalks and boulevard areas. The Owner shall be advised that although budgeted for construction in 2026, it shall be up to the Council at the time to confirm the approval of these works within this calendar year’s budget, and could be subject to change and advancement / deferral to an earlier / later budget year.

## Sidewalks & Curbs

Curbs and sidewalks do not exist along the subject land frontages, given that Walden Boulevard is currently in a semi-urban cross-section state. Considering that a sidewalk link currently exists at the north-east corner of Garrison Road and Walden Boulevard, as well as a section of sidewalk along the mid-block portion of Concession Road north of Garrison Road, it is the intent for the Town to complete the pedestrian link along the remaining rights-of-ways along the east and south sides of Walden Boulevard, and the remaining west side of Concession Road, in the future. Similar to the request for sidewalks of an application to the west of these subject lands, the Owner shall be advised that a cash-in-lieu payment for a future 1.50m wide concrete sidewalk be



## By-law 38-2024 - Appendix 3

Our File: 350509 – 0580

409 & 423 Walden Boulevard

November 30, 2023

The sanitary component of the submitted Functional Servicing Report proposes an extension of approximately 30.0m of 250mm municipal sewer main, and notes the proposed peak flows expected of 3.74L/s. The consulting engineers must consider the section designed at the Town's minimum upstream slope of 1.0%, rather than the proposal of 0.30%. Also, the report does not comment on nor assess the ultimate downstream system's 'actual' flow capacities, given the entire contributing sewerage area.

The Town's Engineering Consultant has previously identified existing surcharging conditions in the downstream sections of the Garrison Road sanitary sewer, as well as the downstream section of 250mm sewer on Walden Boulevard to Garrison Road. It has been determined that any additional upstream growth in this catchment area would be sufficient to cause sewer surcharging that exceeds the Town's minimum level of service with respect to basement protection requirements. It is therefore required that this site be applied with a **Hold** provision, until such time as recommendations noted in a peer review of the Owner's Functional Servicing Report, if any, have been implemented. It is requested that the Owner consider this prior to advancing their development application further forward. Downstream improvements identified as a result of the proposed development's needs, shall be completed at the sole cost of the Owner, prior to the advancement of lands being developed, and the **Hold** provision lifted. The Owner is advised that the Functional Servicing Report shall be further peer reviewed by the Town's Engineering Consultant, with a fee payment of **\$2,250.00** required.

### Storm Services

None (Road side Ditches)

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The Owner shall have an adequate storm water management system and master grading and drainage plan designed by a qualified Professional Engineer to the Town's satisfaction and current standards, to control post-development peak storm flows to pre-development rates, up to and including the 5-year storm event. Flows exceeding the post-development 5-year event shall be authorized to be discharged overland to the Walden Boulevard right-of-way. The Owner has submitted with this application, a Stormwater Management component of the Functional Servicing Report prepared and certified by Hallex Engineering Ltd.

The stormwater management scheme proposes overland flow routes and drainage swales to convey drainage from the lots, ultimately to the road side ditches of Walden Boulevard. The Town's current standards restrict no more than four lots being accommodated by rear yard swales to a proposed rear yard catch basin. In this case, given no storm sewers exist along Walden Boulevard, rear yard and side yard swales would be required to satisfy the Town's concerns regarding ultimate future drainage conveyance over the entirety of the future lots. Also, given that the existing versus proposed grades have not been provided with this application submission, it cannot be confirmed whether adequate grading can achieve side yard swales accommodating front to back drainage conveyance between individual units. It shall be considered that

## By-law 38-2024 - Appendix 3

Our File: 350509 – 0580

409 & 423 Walden Boulevard

November 30, 2023

all flows from hard surfaces (roofs) and sump pump discharges be directed to outlet from the front yards only, and the lot grading be split via a high point at the rear of the unit foundation walls. The proposed swales would then only likely accommodate flows conveyed from storm events, and not direct discharge points from downspouts and sump pumps. Further design review and considerations are required through the detailed design process, if approved. It would otherwise be required for the rear yard swales to be accommodated with a 3.0m wide private easement dedicated to each individual lot / unit owner in perpetuity, given each lot would be dependent on the entire swale outlet, for maintenance and access purposes.

Weeping tile discharges via sump pumps shall discharge at grade towards the front yards and through the front foundation walls only, not the side yards or from the foundation sidewalls. The building designs shall ensure this is identified adequately, and also ensure that rainwater leaders (downspouts) are directed/discharged to the front/rear yards of the units only, not the side yards. The location and direction of the roof water discharge pipes and sump pumps shall be identified on the master grading and drainage plan. The stormwater management scheme shall be further revised and submitted for review and approval by the Town through a future planning application, to ensure that the drainage scheme of the proposed development will control and convey drainage to a suitable and secured outlet(s), in accordance with the above concerns and considerations, and not adversely affect abutting properties.

### Site Servicing, Grading, & Landscaping

While minimum side and rear yard setbacks are governed by Zoning, in many cases side and rear yards must contain both drainage swales and landscaping. The integrity of swales must be maintained and continue to convey stormwater run-off to a suitable and secured outlet. If planted too close or within swales, roots and other types of landscaping can cause the swale grades to change, and clog subdrains often installed beneath. Shade from mature tree canopies can hinder evaporation creating areas where ponding and prolonged wetness can occur. Landscaping shall not be permitted within any drainage swale, and large trees must not be planted within the limits of swale conveyance. In some cases, rear yard and side yard widths may have to be wider than the typical minimums as dictated by Zoning, which may result in fewer units on development sites. In the initial planning and design process, the Owner shall ensure their Planner, Civil Engineer, and Landscape Architects are all involved and are aware of these restrictions. The Owner's Consulting Engineers shall prepare site servicing and grading plans for review and comment in further detail at the time a formal planning application has been submitted with the Town.

### Erosion & Sediment Control

The Owner shall have their Consulting Engineer submit a proposed erosion – sediment control plan. This may contain any or all the following measures and must be approved by the Town:

- Sediment traps or temporary retention ponds;

## By-law 38-2024 - Appendix 3

Our File: 350509 – 0580

409 & 423 Walden Boulevard

November 30, 2023

- Seeding of topsoil stock piles;
- Isolated stripping of development lands, upon approval;
- Vegetation screens;
- Silt and erosion control fencing;
- Entrance access / egress mud mats, and outlet erosion controls (rip rap, filter cloths, etc.);
- Construction staging areas

### Pre-Construction Condition Surveys

The Owner shall consider obtaining Pre-Construction Condition surveys of all existing abutting properties and structures. The purpose of a pre-construction condition survey is to obtain independent documentary evidence of the conditions of adjacent buildings, structures, features etc., prior to construction activities commencing on the subject site. While it is not expected that construction will cause damage to neighboring buildings, structures, features etc., a survey is undertaken as a precautionary measure and will assist building owners, contractors, and developers in the event of a claim for damages.

### Utilities

The Owner must verify with the separate Utility companies (Canadian Niagara Power, Enbridge Gas, Bell Canada, and Cogeco Cable, etc.) to verify the locations of their plant infrastructure if any, and coordinate relocations of such for planning purposes with respect to proposed works on and along the Owner's property, as well as all off-site works utility needs required. It is expected that these existing / proposed Utility plant will be identified on the Owner's civil plans for both the site and / or the off-site works.

Development Engineering Staff have no further comments or objections to the OPA/ZBA application, subject to the following:

- **a Hold provision be applied to the lands, with respect to the servicing constraints currently identified in the existing downstream system, to be removed upon successful remediation of the identified downstream constraints to the satisfaction of the Town of Fort Erie**

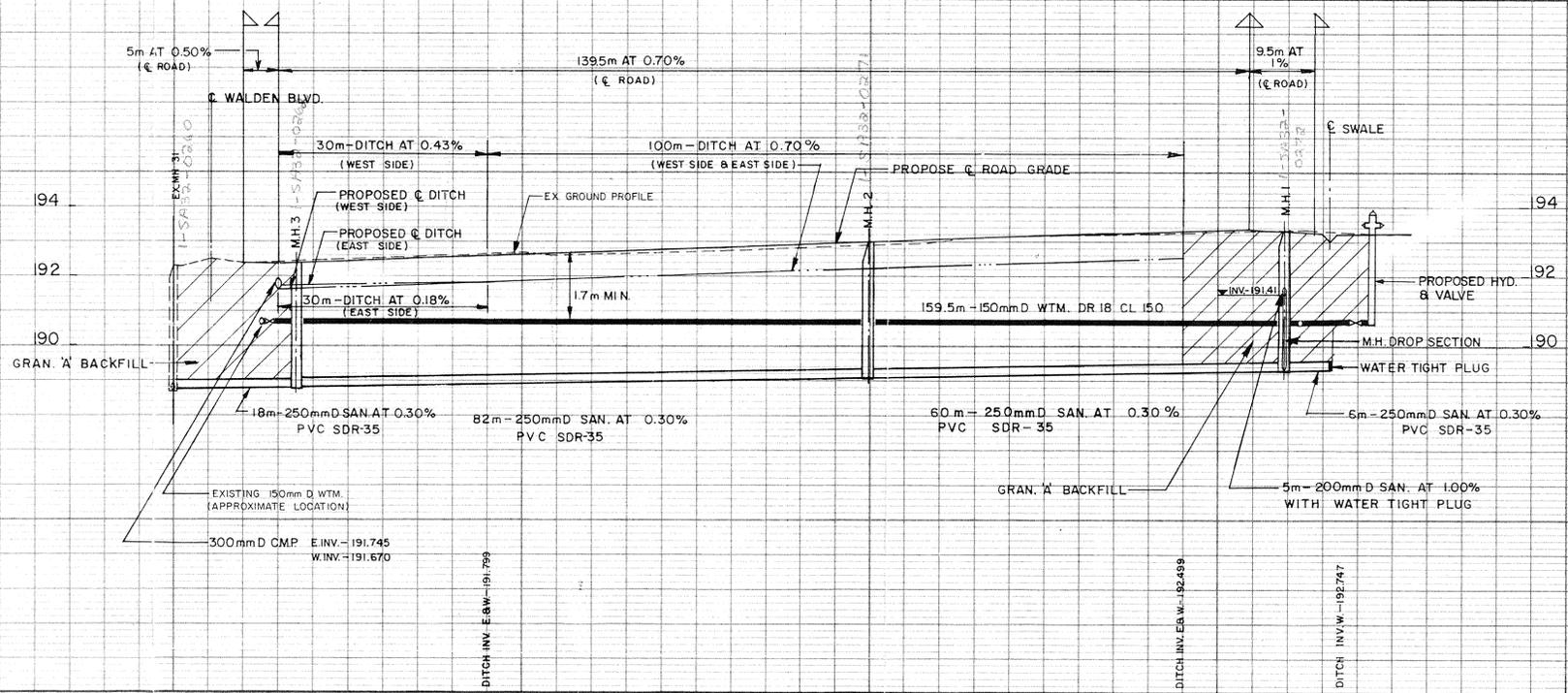
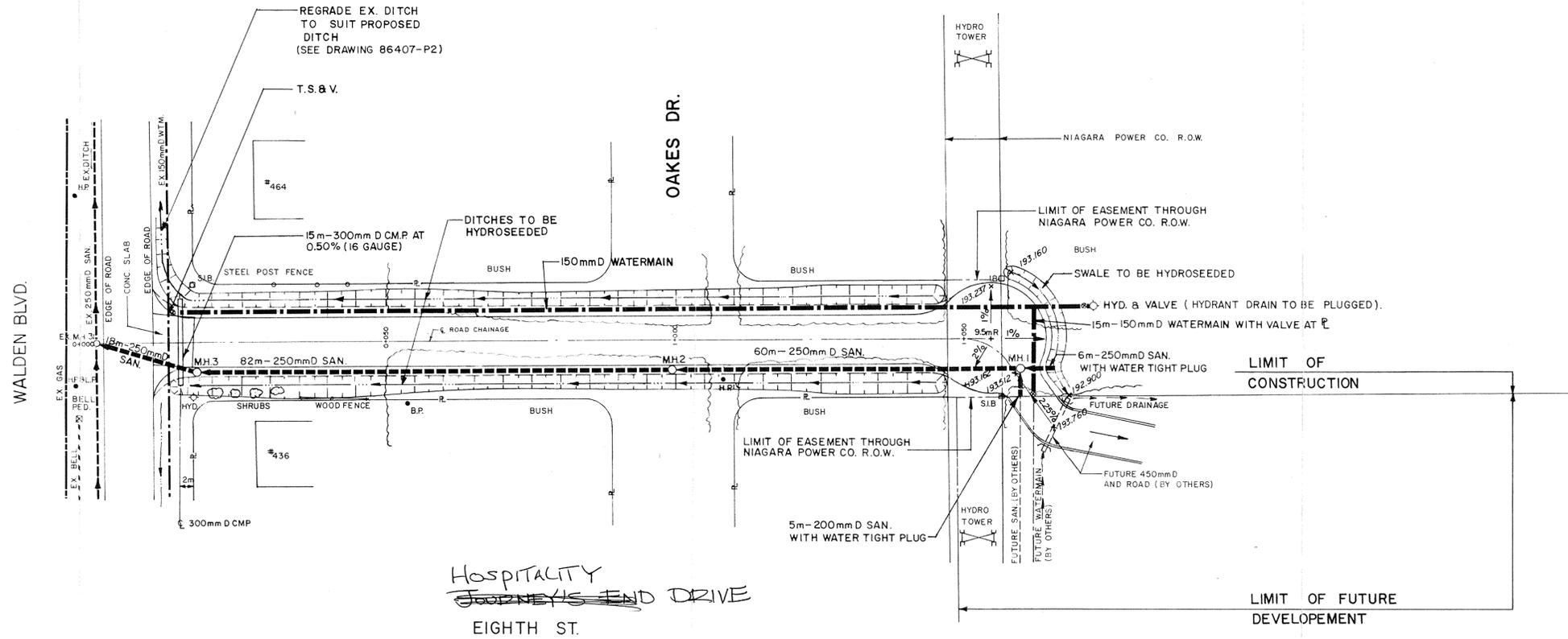
Regards,



Brad Johnston, C.E.T.  
Supervisor – Development Engineering

Attach: Town Drawing Package

- c. File No. 350309-0580  
Mark Iamarino, PDS (email only)  
Jordan Frost, IS (email only)



0+000	192.380	192.355	192.332	193.237
+0.0	188.795	188.825	189.251 N.B.S.	189.501 E.
0+050	189.071			
0+100				
0+150				
+154.5				
+164				
0+180				

02  
11

Sanitary Sewer Proposed

Invert

Chainage

Proposed Road Grade

Invert

Chainage

NOTE: PIPE CONNECTION TO M.H. REQUIRES COR-N-SEAL OR WATER TIGHT CONNECTION VED BY TOWN. EXCAVATION OCCURS UNDER THE TRAVELLED PORTION OF THE ROAD THEN GRAN. 'A' LL MAT'L WILL BE REQ'D. FINISHED PAVEMENT ELEVATION 4'S TO BE BENCHD IN ACCORDANCE WITH OPSD-1004.01



1.	SAN. SEWER AND CUL-DE-SAC REVISED	OCT. 3/86	D.L./S.S.	
No.	Zone	Revision	Date	Initial

TOWN OF FORT ERIE

EIGHTH STREET

PROPOSED WATERMAIN, SANITARY SEWER & ROAD CONSTRUCTION

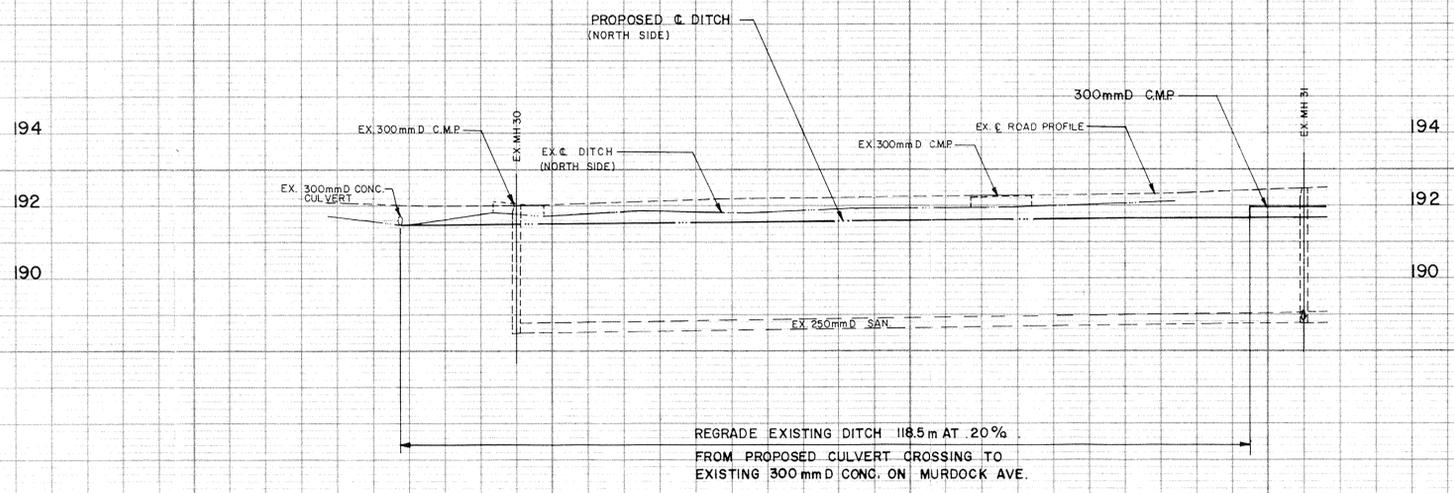
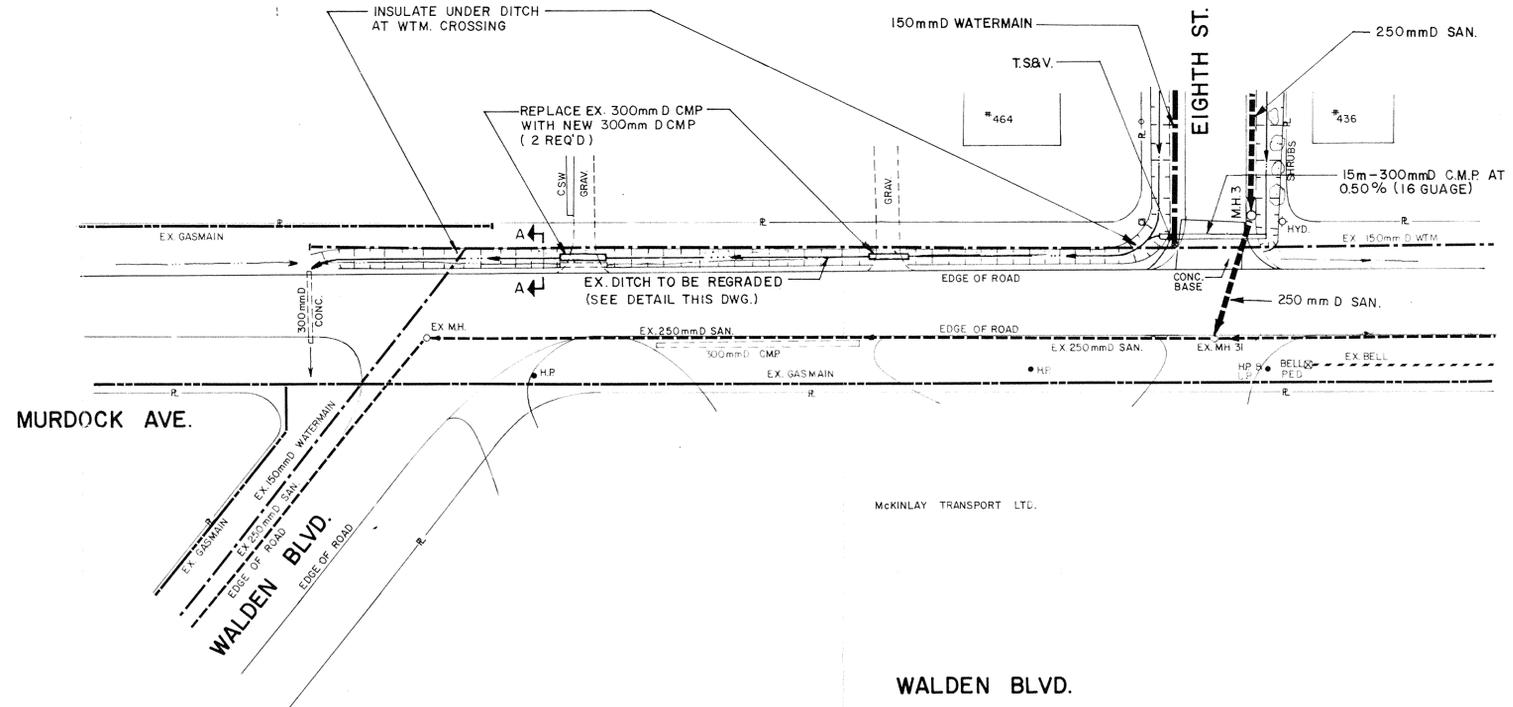
EIGHTH STREET

**Proctor & Redfern Limited**

Consulting Engineers  
Toronto St. Catharines

Scale: Hor: 1:500, Vert: 1:100  
Date: AUGUST, 1986

Drawn By: T.F. S.S.  
Field Book  
Drawing No. A1-86407-P1  
Rev. 1



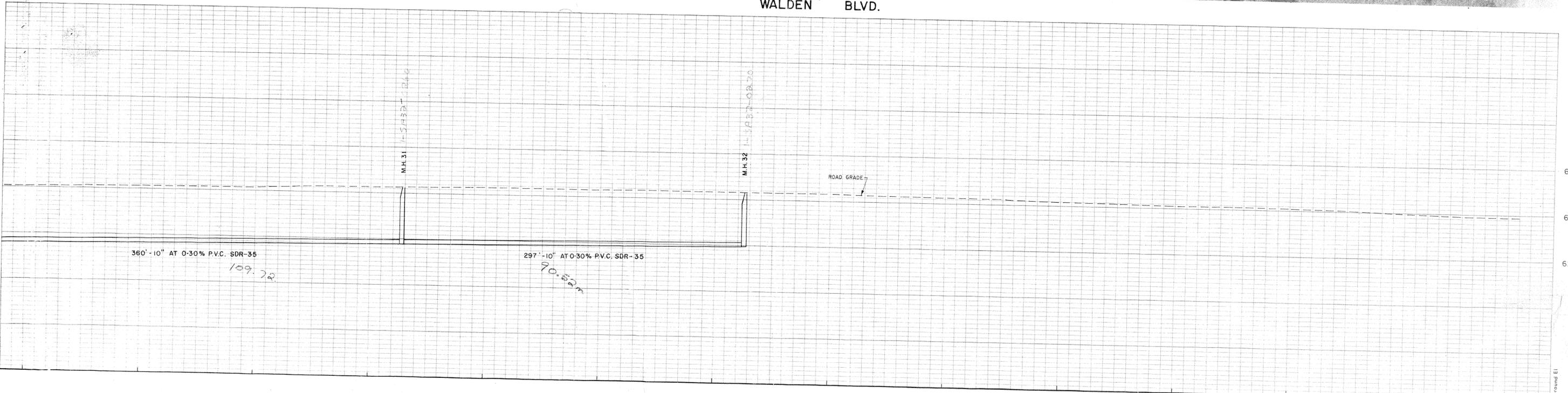
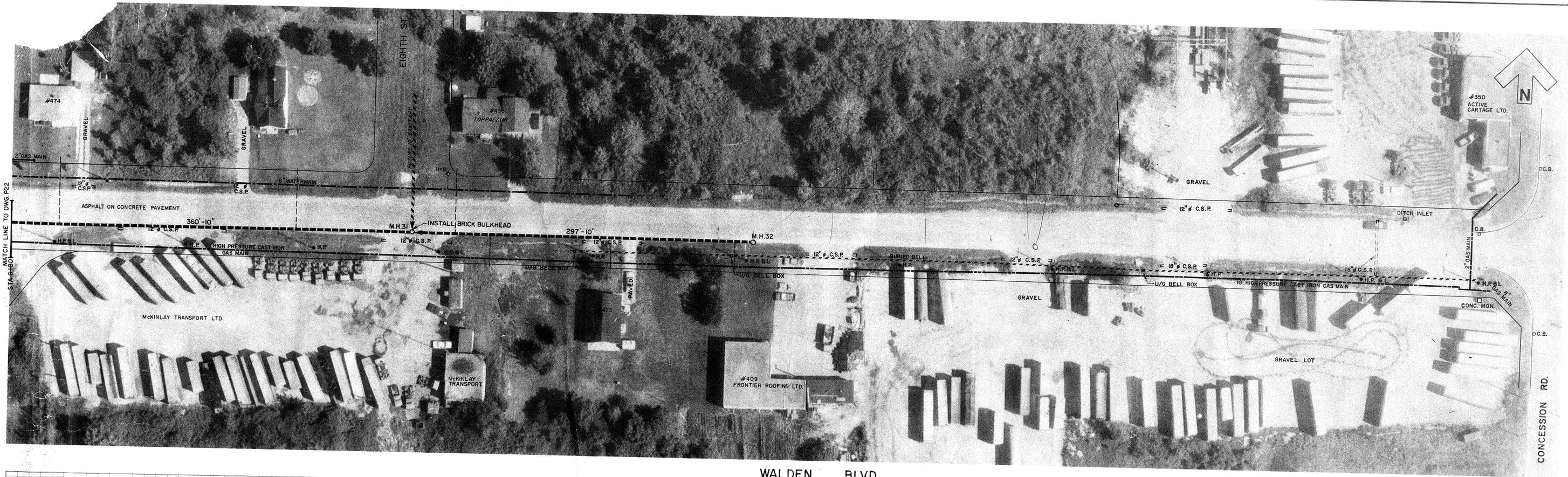
Notes: SEE DWG. 86407-P1



No.	Zone	Revision	Date	Initial
1.		SAN. SEWER AND CUL-DE-SAC REVISED	OCT 3/86	D.L./S.S.

TOWN OF FORT ERIE  
 WALDEN BLVD.  
 DITCH RECONSTRUCTION - NORTH SIDE  
 EIGHTH STREET

**Proctor & Redfern Limited**  
 Consulting Engineers  
 Toronto St. Catharines  
 Scale: Hor. 1:500, Vert. 1:100, Date: AUGUST, 1986  
 Drawn By: T.F. S.S., Field Book, Drawing No. A1-86407-P2, Rev. 1



180	10+00	11+00	12+00	13+00	14+00	15+00	16+00	17+00
Change Invert El.								

**NOTE:**  
 THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWERS AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES, AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.

**BENCH MARKS**  
 EL. 631-92-NORTH BOLT 1/4 HYD. N.E. CORNER CONCESSION RD. & WALDEN BLVD.  
 EL. 633-60-NORTH BOLT 1/4 HYDRANT AT N-E CORNER OF WALDEN BLVD. & EIGHTH ST.

No.	Revision	Date	Initial
1	FINALIZED TO AS BUILT	MAY 1978	W.S.

Approved  


Town of Fort Erie  
 Garrison Road Area  
 Sanitary Sewer Extensions  
 WALDEN BLVD.

**Proctor & Redfern Limited**  
 Consulting Engineers  
 Toronto St. Catharines

Scale: Hor. 1" = 40'  
 Ver. 1" = 10'  
 Date: MAY, 1977

Drawn By: W.J.S. 10785  
 Field Book: 10785  
 Drawing No: B-77137-P23  
 Rev. 1



# Interoffice Memorandum

December 05, 2023  
 File Nos. 350309-0580, ZBA-18-2023  
 35030902-177, OPA-10-2023  
 Sent Via: EMAIL

To: Samantha Yeung, Intermediate Development Planner  
 From: Mohammad Kamruzzaman, Zoning Technician  
 Subject: Zoning Review - Combined Official Plan and Zoning By-law Amendment  
 Location: 409 & 423 Walden Boulevard

The subject lands are currently designated Commercial in the Town’s Official Plan. The Commercial designation is intended for uses classified in the following categories: general commercial, shopping centre, highway commercial, or recreational commercial. The lands are correspondingly zoned Highway Commercial (C3) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law 129- 90, as amended. The C3 Zone permits a number of commercial-related uses and dwelling units that form a mixed-use building.

The Applicant proposes to redesignate the subject lands to Urban Residential and rezone to Residential Multiple 1 (RM1) Zone to permit 14 townhouse dwelling units. The Applicant proposes a Holding (H) Zone provision as well to allow the extension of services across the development frontage in stages.

## SECTION 14: RM1 ZONE – Residential Multiple (RM1) Zone

### Section 14.3 and 14.8 Zoning Regulations

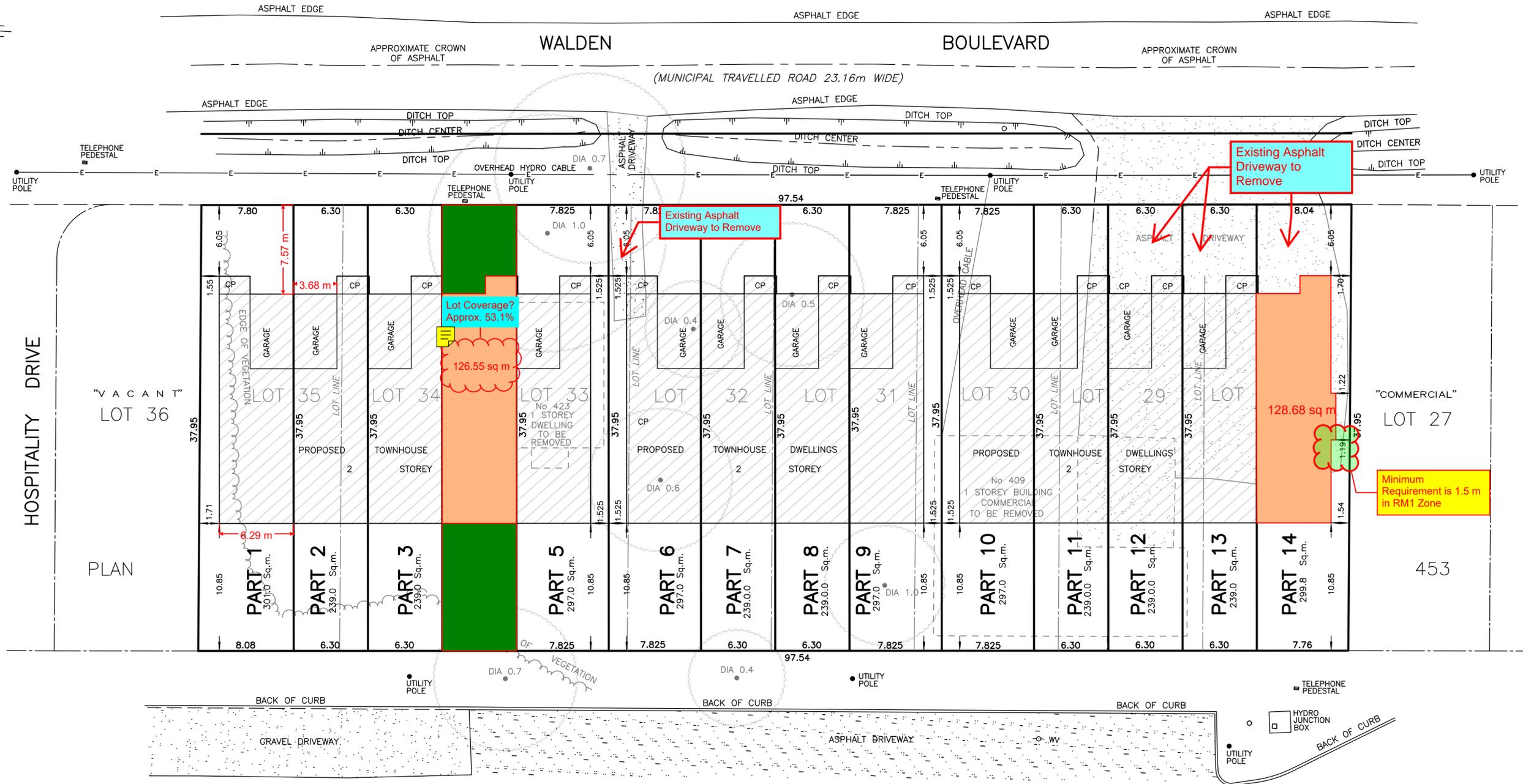
Regulation	Requirement	Proposed	Compliance
Permitted Use	Street townhouse dwellings	14 Street townhouse dwelling units	YES
Minimum Lot Frontage	6m for street townhouse lots and 9m for street townhouse corner lots	Min. 6.3 m	YES
Minimum Lot Area	200 sq.m for a street townhouse lot and 270 sq.m for a street townhouse corner lot	Min. 239 sq m	YES
Maximum Lot Coverage	Interior street townhouse – 60%	Approx. Min. 53.1%	YES. Please provide the lot coverage

### By-law 38-2024 - Appendix 3

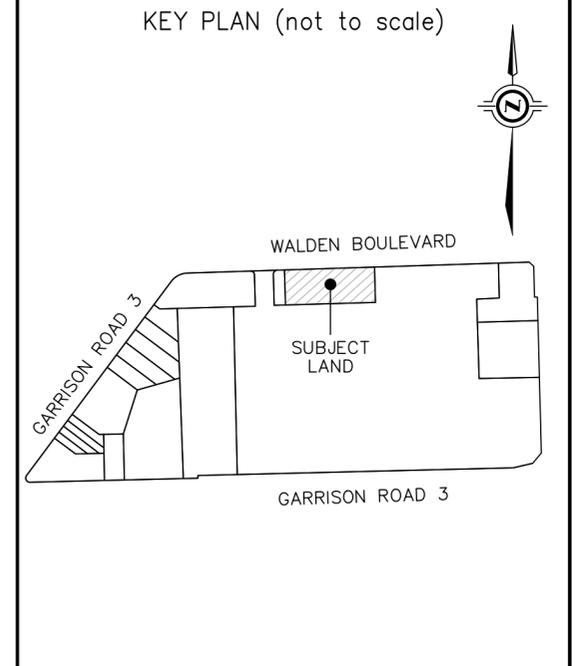
Minimum Front Yard	6 m to the garage; 4 m to other parts of the dwelling	7.5 m to the garage; 6 m to other parts of the dwelling	YES
Min Interior Side Yard	1.5 m	Min 1.19 m to the easterly property line	NO. Zoning relief is required
Min Rear Yard	6.0 m	10.85 m	YES
Maximum Building Height	i) 3 storeys ii) 12m	2 Storey/ 9.7 m (According to the PJR)	YES
Min Landscaped Area	25% for street townhouse lots	Approx. 25% (According to the PJR)	YES
Max Number of Units in a Row	8	5	YES
Min Distance Between Buildings on the Same Lot	15m between two rear walls 3m between two end walls 9m between an end wall and a rear wall 6m between two front walls 6m between a front wall and an end wall	N/A 3.5 m N/A N/A N/A	N/A YES N/A N/A N/A
Maximum Density	35 units/ha	37.9 unit/ha (total lot area 3672.6 sq m)	NO. Zoning relief is required.
Privacy Area	Notwithstanding the yard requirements above, every dwelling unit shall have at least one area that serves as a privacy area adjacent to the dwelling unit, having a minimum depth of 4.5m	10.85 m	YES
Distance from building to internal driveways, and parking areas (Section 14.8)	Any front or rear face of any dwelling shall be no closer than 3m to any private street or parking area.	N/A	N/A

### By-law 38-2024 - Appendix 3

	Any garage shall be no closer than 6.0m to any street or parking area.	7.5 m	YES
	Any side of any dwelling shall be no closer than 1.5m to an internal driveway or parking area.	N/A	N/A
Planting Strips	In accordance with Section 6.21 and 4.5m where it abuts a street, except for points of ingress/egress	6 m	YES
Parking Requirements for Block Townhouse Dwellings (Section 6.20 (A))	1 space per dwelling unit (14x1 = 14 spaces)	Min. 14 Spaces	YES
Minimum Landscaped Open Space Area in a Residential Zone (Section 6.21 (g))	The minimum landscaped open space area in the front yard of any dwelling in any residential zone shall be 30%.	>30%	YES



NOTE: THIS SKETCH IS NOT A PLAN OF SURVEY  
 SKETCH FOR PLANNING PURPOSES ONLY  
**409 & 423 WALDEN BOULEVARD**  
 TOWN OF FORT ERIE  
 REGIONAL MUNICIPALITY OF NIAGARA  
 SCALE 1 : 250  
  
 J.D. BARNES LIMITED  
 © COPYRIGHT 2023  
**METRIC NOTE**  
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



TOWN OF FORT ERIE  
**LEGAL DESCRIPTION**  
 LOTS 28 TO 35 BOTH INCLUSIVE, PLAN 453 TOWNSHIP OF BERTIE  
 BOUNDARY INFORMATION HAS BEEN DERIVED FROM A FIELD SURVEY DATED APRIL 12, 2023. THIS IS NOT A PLAN OF SURVEY.

SEPTEMBER 18, 2023  
 DATE

ROY S. KIRK  
 ONTARIO LAND SURVEYOR

**CAUTION**  
 (A) THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.  
 (B) THIS SKETCH IS PROTECTED BY COPYRIGHT.

LOT 1  
 GEOGRAPHIC COMMERCIAL PLAZA  
 CONCESSION 2 TOWNSHIP OF BERTIE  
 NIAGARA RIVER GATEWAY CENTRE

- Please provide a zoning matrix.  
 - Please show the proposed driveway in the site plan

**J.D. BARNES LIMITED**  
 SURVEYING MAPPING GIS  
 LAND INFORMATION SPECIALISTS  
 4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4  
 T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

TS	DRAWN
RSK	CHECKED
09/18/2023	DATED
23-16-110-01	Ref. No.

PLOT DATE: 9/19/2023 11:32 AM

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free:1-800-263-7215

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**Via Email Only**

December 12, 2023

Region File: D.10.01.OPA-23-0061  
D.18.01.ZA-23-0119

Samantha Yeung  
Intermediate Development Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, Ontario L2A 2S6

Dear Ms. Yeung:

**Re: Regional and Provincial Comments  
Proposed Official Plan Amendment and Zoning By-law Amendment  
Applications  
Town Files: 350309-0580 & 35030902-177  
Owner: Michael Stepien; Integra Inc.  
Applicant: Urban Environments  
409 and 423 Walden Boulevard  
Town of Fort Erie**

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Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above-mentioned Official Plan Amendment and Zoning-By-law Amendment applications for the lands municipally known as 409 and 423 Walden Boulevard in the Town of Fort Erie. The applicant is proposing to develop the site with three blocks of townhomes for a total of 14 two-storey dwellings units. Materials provided with the applications indicate that the proposed development is intended to be implemented through future Consent and/or Draft Plan of Subdivision applications.

The Official Plan Amendment proposes to change the existing land use designation from Commercial to Urban Residential. The Zoning By-law Amendment proposes to change the zoning from Highway Commercial (C3) Zone to Residential Multiple 1 (RM1) Zone to permit the proposed townhome dwellings. Additionally, the applicant proposes a Holding (H) Zone provision to allow the extension of services across the development frontage in stages.

## By-law 38-2024 - Appendix 3

D.10.01.OPA-23-0061 & D.18.01.ZA-23-0119

December 12, 2023

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A pre-consultation meeting for the proposed development was held September 27, 2022, where the applicant, the Town, and Regional staff were in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town in their consideration of these applications.

### Provincial and Regional Policies

The subject land is within the “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”), “Delineated Built Up Area” under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated “Built Up Area” under the *Niagara Official Plan, 2022* (“NOP”).

Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Built-Up Areas where appropriate servicing and infrastructure exists. A full range of residential uses are generally permitted within the Built-Up Area designation, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility, environmental conservation and archaeological resources. Staff note the proposed development will contribute to the Town of Fort Erie’s intensification target of 50% as set out within Table 2-2 of the NOP. Additionally, NOP Policy 2.2.1.1 encourages opportunities for the integration of gentle density and a mixed range of housing options that considers the character of established residential neighbourhoods in a way which supports forecasted growth.

Regional staff is in general agreement with the provided “Planning Justification Report – 406 & 423 Walden Boulevard, Town of Fort Erie” (“PJR”), prepared by Urban Environments (undated), which outlines the proposal represents efficient use of land and infrastructure within the urban boundary, facilitates urban-area growth by way of intensification of underutilized lands, contributes to the provision of a diverse range of housing options with a built form compatible with the character of the area, and supports active transportation goals. Regional staff note that the NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters, and therefore Regional staff defer consideration of these aspects of the proposed development to Town Planning staff. As such staff is generally satisfied that the applications are consistent with the PPS and conform to Provincial and Regional policies, subject to the Town’s satisfaction from a local planning perspective and the below comments.

### Site condition

Staff has reviewed the Phase One and Phase Two Environmental Site Assessment (“ESA”) reports, prepared by Niagara Soils Solutions Limited (dated January 19 and April 19, 2022 respectively). The Phase One ESA outlined nine potentially contaminating activities that resulted in seven areas of potential environmental concern due to historic activities on site (previous autobody repair garage use, lumber yard/supply use and fill material of unknown origin) and off-site (westerly adjacent

## By-law 38-2024 - Appendix 3

D.10.01.OPA-23-0061 & D.18.01.ZA-23-0119

December 12, 2023

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property, McKinlay Transportation Limited's transportation trucks and underground storage tanks, printing/copy shop within 250 metres, and a historic gasoline station southeast of the lands). The Phase Two ESA was prepared in accordance with Ontario Regulation 153/04 as amended. Three groundwater monitoring wells were installed and 13 borehole surveys were conducted. The assessment found all soil and groundwater samples met the Ministry of the Environment, Conservation and Parks (MECP) 2011 Table 3 Full Depth Generic Site Condition Standards for use in a non-potable Ground Water Condition for Residential/Parkland/Institutional property use, fine-textured soils. The report recommended no further ESA work.

As such, in accordance with Ontario Regulation 153/04, a Record of Site condition ("RSC") shall be filed on the MECP Environmental Site Registry for the proposed change in land use, from commercial to residential, with a copy provided to the Town and Region. Staff note the RSC can be addressed as a condition to the future Consent and/or Draft Plan Application.

Regional staff requires that a Letter of Reliance from a Qualified Person be submitted for the Phase One and Phase Two ESAs indicating that despite any limitations or qualifications included in the assessments, the Region is authorized to rely on all information and opinions provided in the reports.

### Land Use Compatibility

The PPS and NOP state major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. The subject property abuts commercial uses (Sobeys commercial Plaza) and is within 130 metres of the Queen Elizabeth Highway. As such, a Noise Impact Study was requested as part of the applications.

Staff has reviewed the "*Noise Feasibility Study*" ("NFS") for the subject lands, prepared by HGC Engineering (dated August 22, 2023). Staff note the study outlines 209 Walden Boulevard as the subject property; however, through the report's provided maps, staff can confirm the study area encompasses the lands municipally known as 409 and 423 Walden Boulevard. The predicted sound levels for road traffic noise were compared to the guidelines of the MECP NPC-300, "*Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning*" (dated October 21, 2013). The sound level predictions indicate that the future road traffic sound levels will exceed MECP guidelines at the proposed buildings; as such the NFS recommends the following mitigation measures be incorporated into the proposed development:

- Installation of forced air ventilation systems with ductwork sized for the future installation of central air conditioning by the occupant.
- Type A, B and C noise warning clauses to be included in the property and tenancy agreements and offers of purchase and sale for proposed buildings with anticipated traffic sound level excesses and to inform of the proximity to existing commercial uses.

## By-law 38-2024 - Appendix 3

D.10.01.OPA-23-0061 & D.18.01.ZA-23-0119

December 12, 2023

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The NFS used traffic information counts from 2017 for Regional Roads (Concession Road and Garrison Road) projected to the year 2043 using a 2.5%/year growth rate; however, staff notes more recent counts from 2021 are available. Additionally, MTO traffic data for the QEW as shown in Appendix B uses counts until 2016, staff notes the latest values for 2019 have been provided on the Ministry's website (<https://www.library.mto.gov.on.ca/SydneyPLUS/TechPubs/Portal/tp/tvSplash.aspx>). As such staff requires an addendum to the NFS to confirm the recommend mitigation measures remain applicable for the future consents or Draft Plan applications.

The commercial uses associated with the abutting plaza include Sobey's, Dollarama, Meridian Credit Union, Planet Fitness, Cannabis Store, BarBurrito and Pizza Hut. Stationary noise sources were analyzed through an acoustic modeling software to predict the sound levels associated with the commercial buildings at the proposed townhome dwellings. The results indicated the sound emissions from the commercial plaza are likely to exceed the criteria at the south facades of the proposed dwellings; as such the NFS recommends the following mitigation measures be incorporated into the proposed development:

- 2.5-metre-high acoustic barrier along the rear yards (southern boundary of the subject lands) to protect the rear yards and ground floor windows.
- The architectural design for the homes to not incorporate windows to sensitive spaces on the second floor for the south facades.

Staff notes that the warning clauses and the above-mentioned mitigation measures for transportation and stationary noise are to be implemented through the future Draft Plan or consent applications for the subject lands (i.e. through clauses in a subdivision/development agreement).

### Archaeological Potential

The PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

The requirement for an Archaeological Assessment was not identified at the pre-consultation meeting in September 2022. Additionally, staff note the subject lands are not mapped as an Area of Archaeological Potential under Schedule K of the NOP. As such Archaeological Assessment work is not required as part of these applications. However, staff recommend that standard archaeological warning clauses be included within the future subdivision agreements for information purposes should any resources be uncovered through construction works.

*“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must*

## By-law 38-2024 - Appendix 3

D.10.01.OPA-23-0061 & D.18.01.ZA-23-0119

December 12, 2023

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*cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry Citizenship and Multiculturalism (MCM) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MCM should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

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

### **General Servicing**

Regional and Town Staff have reviewed the current flows received by the Catherine Street Sewage Pumping Station (SPS). The peak wet weather flows at the Catherine Street SPS are significant and impact the available capacity for further development and growth. The Region is currently undertaking the Class Environment Assessment (EA) for the upgrade of the capacity of the Catherine Street SPS. Based on the timeline for design and approvals, the Regional Capital Forecast has identified the construction project for the upgrade of the Catherine Street SPS in 2024, which is subject to Regional Council budget approval.

The Town of Fort Erie has been working to remove wet weather flows from the sewershed to free up capacity at the SPS. Staff has reviewed the Functional Servicing Report (“FSR”) prepared by Hallex Engineering (dated August 28, 2023) and note the calculated flows from the proposed development were based on the building code flows. This calculation overestimates the anticipated flow; staff suggests that the FSR be updated using either the Region’s design data noted below or the Town’s design standards.

#### Regional Design Standards:

- 255 L/p/d
- 2.21 persons/unit (Regional DC)
- Peak Factor based on Harmon formula with values between 2 and 4 with consideration to the catchment area performance.
- An extraneous flow rate of 0.286 L/ha/s

## By-law 38-2024 - Appendix 3

D.10.01.OPA-23-0061 & D.18.01.ZA-23-0119

December 12, 2023

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### Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling curbside on the designated pick up day, and that the below curbside limits are met.

- Blue/grey – no limit (weekly collection)
- Green – no limit (weekly collection)
- Waste – 2 bag/can limit per unit (bi-weekly collection)
- Curbside collection only

As of Jan. 1, 2024, Circular Materials Ontario will take over the delivery of residential Blue / Grey Box recycling collection services currently administered by Niagara Region. The most up to date information can be found on the Region's website using the following link: <https://niagararegion.ca/projects/blue-box-transition/default.aspx>

### Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the proposed Official Plan Amendment and Zoning By-law Amendment Applications as submitted subject to the above noted requirements (i.e. Record of Site Condition, QP Letter of Reliance, noise mitigation, FSR update) being addressed through the future Draft Plan and/or Consent applications.

Additionally, the Official Plan Amendment is exempted from Regional Council approval in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP.

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

Please send a copy of Town's decision on these applications.

Kind regards,



Valentina Escobar

Development Planner

## **By-law 38-2024 - Appendix 3**

*D.10.01.OPA-23-0061 & D.18.01.ZA-23-0119*

*December 12, 2023*

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

## By-law 38-2024 - Appendix 3



RE: Request for Comments: Official Plan and Zoning By-law Amendment for 409 and 423 Walden Boulevard CARRIGAN, Andrew to Samantha Yeung 11/28/2023 02:12 PM  
From "CARRIGAN, Andrew" <andrew.carrigan@canadapost.postescanada.ca>  
To "Samantha Yeung" <SYeung@forterie.ca>

Good Afternoon,

CPC has no comments regarding this Official Plan and Zoning By-law Amendment.

Thank you

**Andrew Carrigan** | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave,  
London, ON N5Y 1A3 | 226-268-5914

 Please consider the environment before printing this email.

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## By-law 38-2024 - Appendix 3



Re: Request for Comments: Official Plan and Zoning By-law Amendment for 409 and 423 Walden Boulevard  
Shane Ricica to Samantha Yeung 11/27/2023 09:26 AM

Cc "Craig Krueger"

From "Shane Ricica" <shane.ricica@cogeco.com>

To "Samantha Yeung" <SYeung@forterie.ca>

Cc "Craig Krueger" <craig.krueger@cogeco.com>

Morning Samantha, I hope you are well.

I was there last Friday and I need not see any issue with Cogeco infrastructure.

All the best, Shane.

Thanks,

### SHANE RICICA

Coordinator Network Delivery - Niagara

Technical Operations, Ontario

[shane.ricica@cogeco.com](mailto:shane.ricica@cogeco.com)

Cell- 905-246-8629

7170 McLeod Rd  
Niagara Falls, Ontario L2G3H2

Canada

[cogeco.ca](http://cogeco.ca)

Desk- 289-296-6236

## By-law 38-2024 - Appendix 3



RE: [External] Request for Comments: Official Plan and Zoning By-law Amendment for 409 and 423 Walden BoulevardMunicipal Planning to Samantha Yeung 11/30/2023 02:40 PM

Thank you for your circulation.

Enbridge Gas 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](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Willie Cornelio** CET (he/him)  
Sr Analyst, Municipal Planning  
**Engineering**

**ENBRIDGE**  
TEL: 416-495-6411  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect. Inclusion.**

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## By-law 38-2024 - Appendix 3



Request for Comments: Official Plan and Zoning By-law Amendment for 409 and 423 Walden Boulevard Constantine, Neave (MTO) to Samantha Yeung, Deluca, Peter (MTO)  
01/29/2024 07:59 AM  
From "Constantine, Neave (MTO)" <Neave.Constantine@ontario.ca>  
To "Samantha Yeung" <SYeung@forterie.ca>, "Deluca, Peter (MTO)" <Peter.Deluca@ontario.ca>

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

Hi Samantha,

Re: Official Plan and Zoning By-law Amendment Applications – Request for comments  
409 and 423 Walden Boulevard  
Town of Fort Erie ON (**QEW**)

Further to the Ministry's initially submitted comments, see the drainage specific comments below:

1. MTO requires post to pre development control for 5 to 100 year storm events. A table should be provided in report to confirm that 5, 10, 25, 50 and 100 year storm events are controlled to pre development level.
2. MTO requires Site, Servicing, Grading and Erosion and Sediment Control plan for review. All documents shall be signed and stamped by P.Eng.
3. Indicate ultimate outlet and major flow from Walden Ave ditch on a map/sketch.

Upon receipt of these materials, MTO will review and provide comments directly back to the City. Please be advised that the MTO may request additional materials.

Please do not hesitate to contact me if you have any questions and include [@Deluca, Peter \(MTO\)](#), interim Planner, in all communications moving forward.

Thanks,

### **Neave Constantine | Senior Project Manager (West)**

Highway Corridor Management Section | Central Operations | Ministry of Transportation  
159 Sir William Hearst Avenue, 7<sup>th</sup> Floor | Toronto, ON M3M 0B7  
Telephone: 437 688-2943 | Email: [Neave.Constantine@ontario.ca](mailto:Neave.Constantine@ontario.ca)



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**From:** Constantine, Neave (MTO)

**Sent:** November 23, 2023 11:31 AM

**To:** Samantha Yeung <SYeung@forterie.ca>

**Subject:** RE: Request for Comments: Official Plan and Zoning By-law Amendment for 409 and 423 Walden Boulevard

Hi Samantha,

## By-law 38-2024 - Appendix 3

Re: Official Plan and Zoning By-law Amendment Applications – Request for comments  
409 and 423 Walden Boulevard  
Town of Fort Erie ON (**QEW**)

Although, in principle the Ministry has no objection to the above described applications, the property owner(s) should be made aware that lots are located within the MTO Permit Control Area for the QEW/Concession Road intersection and as a result, an MTO Building and Land Use Permit may be required prior to the commencement of any on-site construction/works. These comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the Site Plan application for review, where we will provide more detailed comments. All development must comply with the MTO Building and Land Use Policy found at the following link:

[Highway corridor management | ontario.ca](https://www.ontario.ca/highway-corridor-management)

Please do not hesitate to contact me if you have any questions.

Thanks,

**Neave Constantine | Corridor Management Planner (Hamilton/ Niagara)**

Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7<sup>th</sup> Floor | Toronto, ON M3M 0B7

Telephone: 437 688-2943 | Email: [Neave.Constantine@ontario.ca](mailto:Neave.Constantine@ontario.ca)



*Upcoming absence: December 19<sup>th</sup>, 2023 – January 12<sup>th</sup>, 2024.*

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