

# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 131-2021**

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**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. 55  
544 Walden Boulevard  
Anthony Infurna Sr. - Owner  
Hallex Engineering Ltd. (Anthony Infurna) - Agent**

350302-128

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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 No. 55 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 25<sup>th</sup> day of October, 2021.**

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**Mayor**

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**Clerk**

I, Carol Schofield the Clerk, of The Corporation of the Town of Fort Erie hereby certify the foregoing to be a true certified copy of By-law No. 131-2021 of the said Town. Given under my hand and the seal of the said Corporation this \_\_\_\_ day of \_\_\_\_\_, 21

**AMENDMENT NO. 55**

**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. 55 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. 55 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 the subject property from Commercial to Urban Residential shown in Schedule A to enable development of two semi-detached dwellings for a total of four dwelling units.

### **SECTION 3**

#### **LOCATION OF THIS AMENDMENT**

The lands, which are the subject of this amendment, are located on the east side of Walden Boulevard north of Garrison Road 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 proposed Official Plan land use designation change from Commercial to Urban Residential will fill in a gap in the streetscape along Walden Boulevard and permit the conversion of underutilized commercial land for residential purposes. Planning staff note that the subject property is not operating as a commercial use. In this instance there is no need to retain the subject area as commercial land as the parcel does not have direct frontage on the Garrison Road commercial corridor and there are an abundance of other existing commercial properties and uses along Garrison Road.

**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 property is located in a developed area of the Walden neighbourhood with a mix of commercial, residential and other uses. The majority of the existing built form along Walden Boulevard are residential single detached dwellings. The proposed development will be compatible with the other low-density residential uses in the area. Adequate municipal services are available to service the proposed 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 property fronts onto a travelled municipal road with existing sanitary sewer and water infrastructure. The subject property is of sufficient size to accommodate development of two semi-detached dwellings with adequate space for servicing, parking and amenity area. Planning staff note that site-specific zoning provisions are required to permit reduced lot frontage for the proposed four dwelling units and reduced lot area for one of the dwelling units. The subject property is not impacted by any natural heritage features.

**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 property fronts onto Walden Boulevard, a travelled municipal road. The road is relatively low traffic and is adequate for the proposed development. Garrison Road is located to the south and will provides ready access to nearby amenities and connection to the rest of the Town. The local road network and sidewalks along Garrison Road provide convenient connection to commercial uses and other services in the area. A variety of eating establishments, retail stores and plazas are accessible via active transportation.

The subject property is within the Urban Boundary and has access to existing sanitary sewer and water infrastructure within the Walden Boulevard road allowance. The property is considered to be fully serviced.

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

The proposed use of the subject property for two semi-detached dwellings is compatible with adjoining areas. There are a number of other low-density residential uses along Walden Boulevard. The Owner/Agent will implement design and fencing measures to mitigate noise impacts to the proposed dwellings from the adjacent institutional and commercial uses as recommended by Niagara Region during the pre-consultation process.

**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:**

This proposal will permit conversion of underutilized commercial land to residential uses that are similar to the other low-density residential uses along Walden Boulevard. Development of two semi-detached dwellings is not anticipated to have any depreciating or deteriorating impacts on the adjoining institutional use to the north or the commercial properties to the south and east.

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

This proposal will improve the financial position of the Town through collection of development charges for the new residential dwelling units. The property is currently being assessed as vacant commercial land. Conversion of the land to four dwelling units will increase the assessment value of the subject property and the municipality will benefit from the long-term collection of increased property taxes as a result.

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

The subject property is not impacted by any natural heritage features identified in the Town's Official Plan or the Regional Official Plan Core Natural Heritage System. The property is also not within or area regulated by the Niagara Peninsula Conservation Authority (NPCA). No

negative impacts to the intent or implementation of regulations of the *Environmental Protection Act* will result from this proposal.

## **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**

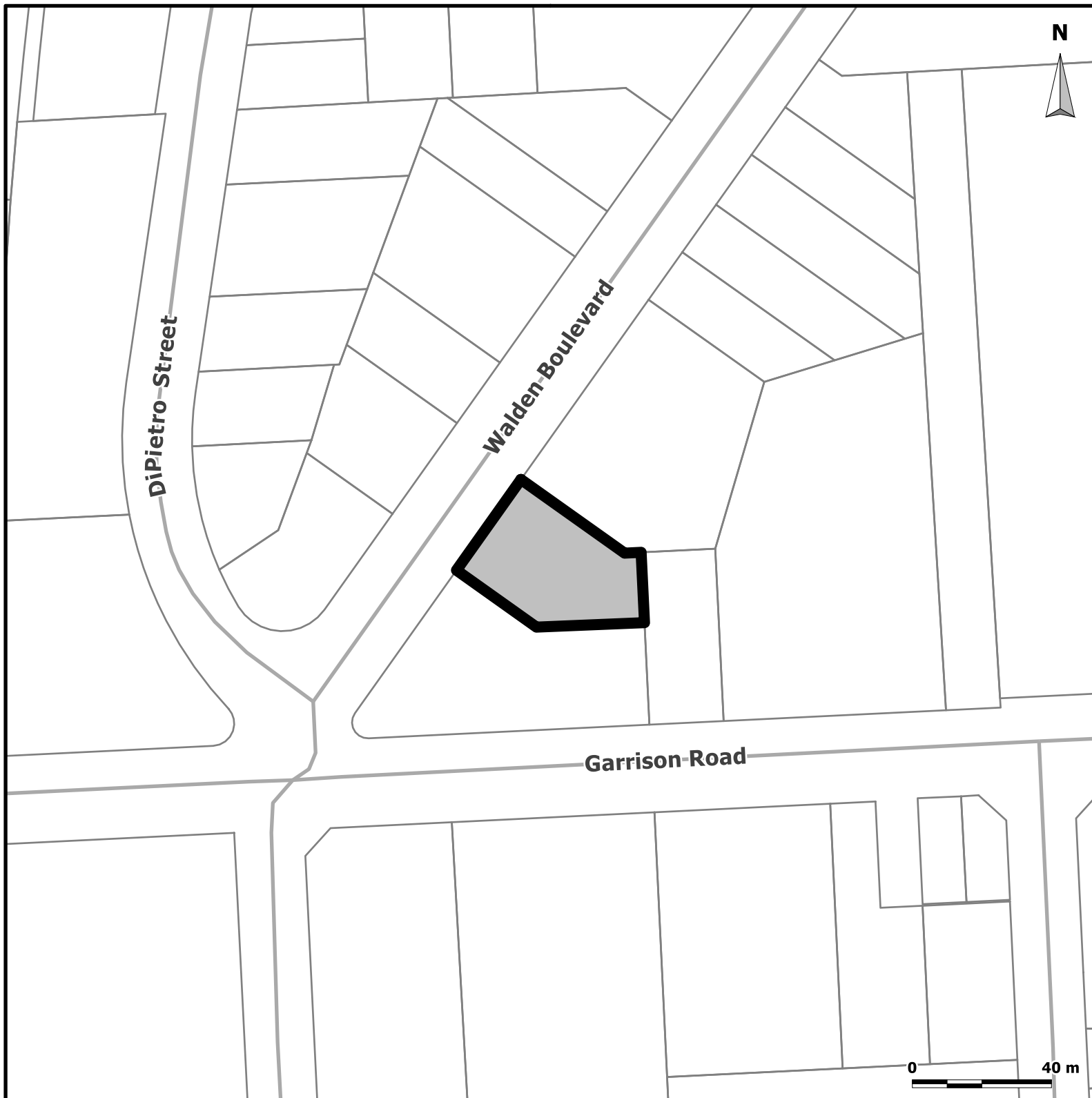
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 55 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted 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 Commercial to Urban Residential.

## **PART “C” - THE APPENDICES**

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

# SCHEDULE 'A'



**By-law No. 131-2021**

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN  
PASSED THIS 25th DAY OF OCTOBER, 2021**



Subject Lands - 544 Walden Boulevard



Part 1 - Change from Commercial to Urban Residential



**NOTICE OF COMPLETE APPLICATION AND  
PUBLIC MEETING**

**Owner – Anthony Infurna Sr.  
Agent – Hallex Engineering Ltd. (Anthony Infurna)  
544 Walden Boulevard**


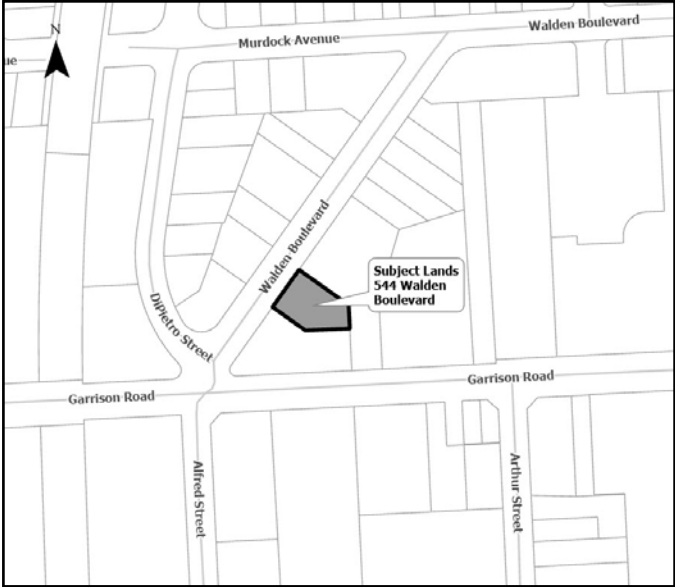

**PROPOSED ZONING BY-LAW AMENDMENT**  
*APPLICATION 350309-0528*



**DATE:** September 13, 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 Daryl Vander Veen, Junior Planner ([dvanderveen@forterie.ca](mailto:dvanderveen@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 Daryl Vander Veen, Junior Planner ([dvanderveen@forterie.ca](mailto:dvanderveen@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](http://www.youtube.com/townofforterie). You can also watch the meeting by clicking on the YouTube icon on the home page of the Town’s website ([www.forterie.ca](http://www.forterie.ca)).

	<p><b><u>LOCATION OF SUBJECT LANDS</u></b></p> 
	<p><b>WHAT WILL THIS AMENDMENT CHANGE:</b></p> <p>To permit development of two semi-detached dwellings for a total of four units fronting onto Walden Boulevard.</p> <p>An Official Plan Amendment is required to permit the semi-detached dwellings. The land use designation in the Town’s Official Plan is proposed to change from Commercial to Urban Residential to permit the proposed use.</p> <p>A Zoning By-law Amendment is also required to permit semi-detached dwellings and includes some site-specific zoning provisions to implement the proposed dwelling designs. The zoning is proposed to change from Highway Commercial (C3) Zone to a site-specific Residential 3 (R3) Zone with provisions to permit reduced lot frontage for all four units and reduced lot area for one of the units.</p>

	<p><b><u>GETTING MORE INFORMATION</u></b></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>A copy of the Information Report will be available to the public by 5:00 PM on <b>September 8, 2021</b>. The information report will be available in the Council agenda portion of the Town's Web Site: <a href="http://www.forterie.ca">www.forterie.ca</a> or by contacting Daryl Vander Veen, Junior Planner.</p> <p><b><u>CONTACT INFORMATION</u></b></p> <p>Daryl Vander Veen, Junior Planner  Planning and Development Services Department  Town Hall, 1 Municipal Centre Drive  Fort Erie, Ontario L2A 2S6  905-871-1600 ext. 2509  Or by e-mailing your comments to: <a href="mailto:dvanderveen@forterie.ca">dvanderveen@forterie.ca</a></p> <p><b><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></b></p> <p>To provide input in writing, or to request written notice of the decision of the 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 <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>
	<p><b><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></b></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> <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> <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 <a href="mailto:cschofield@forterie.ca">cschofield@forterie.ca</a></p>



The Municipal Corporation of the  
Town of Fort Erie

**Council-in-Committee Meeting Minutes**

**Monday, September 13, 2021**

**Council Chambers via Video Teleconference**

Due to the COVID-19 Pandemic and the Closure of Town Hall

All electronic meetings can be viewed at:

Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [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)) or Cogeco TV

**1. Call to Order**

Mayor Redekop called the meeting to order at 6:10 p.m.

Mayor Redekop acknowledged the land on which we gather is the  
traditional territory of the Haudenosaunee, Mississaugas of the Credit,  
and Anishinaabe people, many of whom continue to reside in this area.

**2. Roll Call**

Present (In Council Chambers): His Worship Mayor Redekop

Present (Via Zoom Teleconference): Councillors Butler, Dubanow,  
Lubberts, McDermott, and Noyes

Absent: Councillor Zanko

Staff (Via Zoom Teleconference): A. Dilwaria, K. Dolch, J. Janzen,  
T. Kuchyt, E. Melanson, C. Schofield, J. Stirton, D. Vander Veen,  
K. Walsh, and P. Wasserman

This meeting was held in compliance with the electronic participation  
provisions of Council Rules of Procedure By-law No. 36-2016, as  
amended.

Council-in-Committee - 13 Sep 2021 Meeting Minutes

(c) Proposed Official Plan and Zoning By-law Amendment

Re: 544 Walden Boulevard - Owner: Anthony Infurna Sr. - Agent: Hallex Engineering Ltd. (Anthony Infurna). The Applicant's request is to permit the development of two semi-detached dwellings for a total of four units fronting onto Walden Boulevard. An Official Plan Amendment is required to permit the semi-detached dwellings by changing the land use designation from Commercial to Urban Residential. A zoning by-law amendment is also required to change the Highway Commercial (C3) Zone to a site-specific Residential 3 (R3) Zone with provisions to permit reduced lot frontage for all four units and reduced lot area for one of the units, to permit the dwelling designs.

Mr. Vander Veen, Junior Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting 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.

Mr. Anthony Infurna, Agent, was present to speak on behalf of the Application. He advised that staff had covered everything and he had nothing further to add.

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

(a) Anthony Annunziata, 516 Garrison Road, stated that he supports the proposed change in zoning from C3 Commercial to Residential.

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 declared the Public Meeting closed.**

**7. Consent Agenda Items**

**7.1 Request to Remove Consent Agenda Items**

**7.2 Consent Agenda Items for Approval**

**PDS-84-2021** Beachwalk Subdivision - Amending Subdivision Agreement and Pre-Servicing Approval - West Side of Schooley Road, South Side of Michener Road - Marz Homes (Crystal Beach) Inc. (Dan Gabriele)

**That:** Council authorizes the entry into an Amending Subdivision Agreement with Marz Homes (Crystal Beach) Inc. for the Beachwalk Subdivision (formerly JetMar Plan of Subdivision), and further

**That:** Council permits the Developer to pre-service the subdivision prior to registration of the Subdivision Agreement subject to receipt of the drawings, security deposit, cash payment, approvals, insurance certificate, and letter of indemnification to the satisfaction of the Town, and further

**That:** Council directs staff to prepare a by-law for Removal of Part Lot Control pursuant to Section 50 of the Planning Act, R.S.O 1990, and further

**That:** Council directs staff to prepare a by-law to execute the Subdivision Agreement and associated documents. **(Carried)**

**PDS-85-2021** River Trail Phase 2 Stage 2 - Amending Subdivision Agreement - East Side of Black Creek Road, South of Baker Road - Royal Niagara Falls Estates Development Corp. (Linda Jabbaz)

**That:** Council authorizes the entry into an Amending Subdivision Agreement with Royal Niagara Falls Estates Development Corp. for the River Trail Phase 2 Stage 2 Subdivision, and further



## APPENDIX "3"



**Re: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)** 📎

**Ed Melanson** to: Daryl Vander Veen

2021-08-16 02:24 PM

From: Ed Melanson/FortErie  
To: Daryl Vander Veen/FortErie@TownOfFortErie

Good afternoon Daryl,

I have reviewed the attached documents and have no objections to the Official Plan and Zoning bylaw amendment application.

Thanks for reaching out.



**Ed Melanson**  
**Fire Chief / CEMC**

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

Daryl Vander Veen Good afternoon, A complete application for a Z...

2021-08-13 03:03:26 PM

From: Daryl Vander Veen/FortErie  
To:  
Date: 2021-08-13 03:03 PM  
Subject: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)

Good afternoon,

A complete application for a Zoning By-law Amendment has been received from Anthony Infurna of Hallex Engineering Ltd. for 544 Walden Boulevard.

This Zoning By-law Amendment application seeks to permit development of two semi-detached dwellings for a total of four units fronting onto Walden Boulevard. The subject property is designated Commercial in the Town's Official Plan. The subject property is zoned Highway Commercial (C3) Zone in accordance with the Town's Zoning By-law No. 129-1990.

The Applicant is proposing to change the land use designation from Commercial to Residential in the Official Plan and to amend the zoning from Highway Commercial (C3) Zone to a site-specific Residential 3 (R3) Zone with provisions to permit reduced lot frontage for all four units and reduced lot area for one of the units.

The following documents are submitted for your review:



RE: [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)  
Municipal Planning to: Daryl Vander Veen 2021-08-16 07:27 AM  
From: "Municipal Planning" <MunicipalPlanning@enbridge.com>  
To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>

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](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**  
Municipal Planning Analyst  
**Long Range Distribution Planning**

**ENBRIDGE**  
TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)  
500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect.**

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**From:** Daryl Vander Veen <DVanderVeen@forterie.ca>  
**Sent:** Friday, August 13, 2021 3:03 PM  
**Subject:** [External] Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)

**EXTERNAL: PLEASE PROCEED WITH CAUTION.**

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good afternoon,

A complete application for a Zoning By-law Amendment has been received from Anthony Infurna of Hallex Engineering Ltd. for 544 Walden Boulevard.

This Zoning By-law Amendment application seeks to permit development of two semi-detached dwellings for a total of four units fronting onto Walden Boulevard. The subject property is designated Commercial in the Town's Official Plan. The subject property is zoned Highway Commercial (C3) Zone in accordance with the Town's Zoning By-law No. 129-1990.



## Interoffice Memorandum

August 19, 2021  
File No. 350309-0528

To: Daryl Vander Veen, Junior Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **Application for Combined Official Plan and Zoning By-law Amendment –  
544 Walden Boulevard**

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On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Official Plan and Zoning By-law Amendment for **544 Walden Boulevard** and have no comments or objections.

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

cc: Tim Marotta, Manager, Engineering Division; Aaron Butler, Manager, Development Approvals;

## APPENDIX "3"



**proposed Combined Official Plan and Zoning By -law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)**

**Keegan Gennings** to: Daryl Vander Veen

2021-08-24 12:43 PM

From: Keegan Gennings/FortErie  
To: Daryl Vander Veen/FortErie@TownOfFortErie

Hi Daryl,

A review of the proposed official plan amendment and zoning by-law amendment for 544 Walden has been completed and I have no comments.

Regards,

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



RE: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)

Fawn Sault to: Daryl Vander Veen 2021-08-17 11:22 AM

From: "Fawn Sault" <Fawn.Sault@mncfn.ca>

To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>

History:

This message has been replied to.

Good Morning Daryl,

Can you tell me if there were any archaeological or environmental assessments required?

Miigwech,

Fawn Sault  
Consultation Coordinator  
Mississaugas of the Credit First Nation  
4065 Hwy. 6, Hagersville, N0A 1H0  
Website: <http://mncfn.ca/>  
Ph: 905-768-4260  
Cell: 289-527-6580

**From:** Daryl Vander Veen <DVanderVeen@forterie.ca>

**Sent:** Friday, August 13, 2021 3:03 PM

**Subject:** Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)

Good afternoon,

A complete application for a Zoning By-law Amendment has been received from Anthony Infurna of Hallex Engineering Ltd. for 544 Walden Boulevard.

This Zoning By-law Amendment application seeks to permit development of two semi-detached dwellings for a total of four units fronting onto Walden Boulevard. The subject property is designated Commercial in the Town's Official Plan. The subject property is zoned Highway Commercial (C3) Zone in accordance with the Town's Zoning By-law No. 129-1990.

The Applicant is proposing to change the land use designation from Commercial to Residential in the Official Plan and to amend the zoning from Highway Commercial (C3) Zone to a site-specific Residential 3 (R3) Zone with provisions to permit reduced lot frontage for all four units and reduced lot area for one of the units.

The following documents are submitted for your review:

0. Complete Application Letter
1. Application for Zoning By-law Amendment
2. Pre-consultation Agreement
3. Survey Sketch
4. Site & Servicing Plans

## **Planning and Development Services**

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**

August 31, 2021

File: D.10.01.OPA-21-0037

Mr. Daryl Vander Veen  
Junior Planner  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON, L2A 2S6

Dear Mr. Vander Veen:

**Re: Regional and Provincial Review Comments  
Proposed Combined Amendments to the Town of Fort Erie's Official Plan  
and Zoning By-law (No. 129-1990)  
Town File: 350309-0528  
Owner: Anthony Infurna Sr.  
Agent: Hallex Engineering Ltd. (C/O Anthony James Infurna)  
544 Walden Boulevard  
Town of Fort Erie**

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Regional Planning and Development Services staff has reviewed the proposed combined Official Plan and Zoning By-law Amendment with respect to 544 Walden Boulevard located in the Town of Fort Erie. This application seeks to permit development of 2 semi-detached dwellings for a total of 4 units fronting onto Walden Boulevard. The subject property is designated "Commercial" in the Town's Official Plan. The subject property is zoned "Highway Commercial (C3) Zone" in accordance with the Town's Zoning By-law (No. 129-1990).

The Applicant is proposing to change the land use designation from "Commercial" to "Residential" in the Town's Official Plan and to amend the zoning from "Highway Commercial (C3) Zone" to a site-specific "Residential 3 (R3) Zone" with provisions to permit reduced lot frontage for all 4 units and reduced lot area for one of the units.

Regional staff notes that a virtual pre-consultation meeting for this proposal was held on April 8, 2021 with the Town, Region, and applicant in attendance. The following comments are provided from a Provincial and Regional perspective to assist the Town in considering this application.

## **Regional and Provincial Policies**

The subject lands are located within a "Settlement Area" under the *Provincial Policy Statement, 2020* ("PPS"), within the "Delineated Built-Up Area" under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and "Urban (Built-Up) Area" under the Regional Official Plan ("ROP"). The PPS, Growth Plan, and ROP 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.

Provincial and Regional policies promote the intensification and redevelopment of underutilized lands through compact built form that diversifies the economic base and supports use of transit and active transportation. The proposed development is considered infill development, and will result in residential intensification within the built-up area that makes more efficient use of designated urban land and existing infrastructure. Growth management policies state that until the Region has completed its municipal comprehensive review, and it is approved and in effect, the annual minimum intensification target of 15% contained in the ROP will apply to the portion of the built-up area within the Town of Fort Erie.

At the time of the pre-consultation meeting, Regional staff noted that the site is currently designated and zoned for commercial uses; however, it previously occupied solely residential uses. As such, Regional staff do not require a Record of Site Condition to be obtained for the proposed development.

Staff had also noted concern with respect to the subject lands proximity to Garrison Road (Regional Road 3) and the potential for adverse impacts that future residents may experience due to increasing vehicular volumes. It was recommended that a Noise Brief be undertaken to assess nearby transportation-related noise sources. Through subsequent correspondence between the applicant and Region, it was agreed that a Noise Brief could be waived provided that the proposed development included the construction of a solid wood fencing along the rear property line, as well as the use of brick exterior along the rear of the constructed dwellings. Regional staff have reviewed the submitted "*Planning Justification Report*" ("PJR") prepared by NPG Planning Solutions Inc. (dated June 29, 2021) which confirms that these requirements will be included in the proposed development. As such, Regional staff finds the PJR acceptable and also recommend that warning clauses respecting potential noise nuisances from nearby transportation-related noise sources are included within the future Site Plan Agreement and subsequent Purchase and Sale Agreements.

## **Conclusion**

Regional Planning and Development Services staff do not object to the proposed combined official plan and zoning by-law amendment applications, in principle, as it is consistent the PPS with and conforms to the intent of Provincial and Regional policies.

## APPENDIX "3"

D.10.01.OPA-21-0037

August 31, 2021

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Regional staff will review the future *Planning Act* applications (consent and site plan) for the site to ensure consistency with Provincial and Regional policy as outlined above.

Given the site-specific nature of the amendment, Regional staff notes that in accordance with the Memorandum of Understanding and exemption policies in the ROP, the proposed amendment is exempt from Regional Council approval.

Should you have any questions related to the above comments, please feel free to contact me at [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca) or Lindsay Earl, Senior Development Planner, at [lindsay.earl@niagararegion.ca](mailto:lindsay.earl@niagararegion.ca).

Please send notice of the Council's decision on this application.

Respectfully,



Alexander Morrison, MCIP, RPP  
Development Planner, Niagara Region

cc: Lindsay Earl, Senior Development Planner, Niagara Region  
Pat Busnello, Manager, Development Services, Niagara Region  
Aaron Butler, Manager, Development Approvals, Town of Fort Erie





RE: Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)

Jessica Abrahamse to: Daryl Vander Veen 2021-08-16 02:12 PM

From: "Jessica Abrahamse" <jabrahamse@npca.ca>

To: "Daryl Vander Veen" <DVanderVeen@forterie.ca>

History:

This message has been replied to.

Hi Daryl,

The NPCA doesn't require circulation for this application.

With Best Regards,

**Jessica Abrahamse M.E.S.  
Watershed Planner**

250 Thorold Road West, 3<sup>rd</sup> Floor

Welland, On

L3C 3W2

(905) 788-3135 Ext. 235

[jabrahamse@npca.ca](mailto:jabrahamse@npca.ca)

[www.npca.ca](http://www.npca.ca)

[NPCA Mapping Tool](#)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

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**From:** Daryl Vander Veen <DVanderVeen@forterie.ca>

**Sent:** August-13-21 3:03 PM

**Subject:** Request for comments - proposed Combined Official Plan and Zoning By-law Amendment (544 Walden Boulevard, Town of Fort Erie, file no. 350309-0528)

Good afternoon,

A complete application for a Zoning By-law Amendment has been received from Anthony Infurna of Hallex Engineering Ltd. for 544 Walden Boulevard.

This Zoning By-law Amendment application seeks to permit development of two semi-detached dwellings for a total of four units fronting onto Walden Boulevard. The subject property is designated Commercial in the Town's Official Plan. The subject property is zoned Highway Commercial (C3) Zone in accordance with the Town's Zoning By-law No. 129-1990.

The Applicant is proposing to change the land use designation from Commercial to Residential in the Official



# Interoffice Memorandum

Date 02 September 2021  
File No. 350309-052

To: Daryl Vander Veen, BES, Junior Planner  
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer  
Subject: **Request for Comments – Proposed OPA & ZBA - 544 Walden Boulevard**

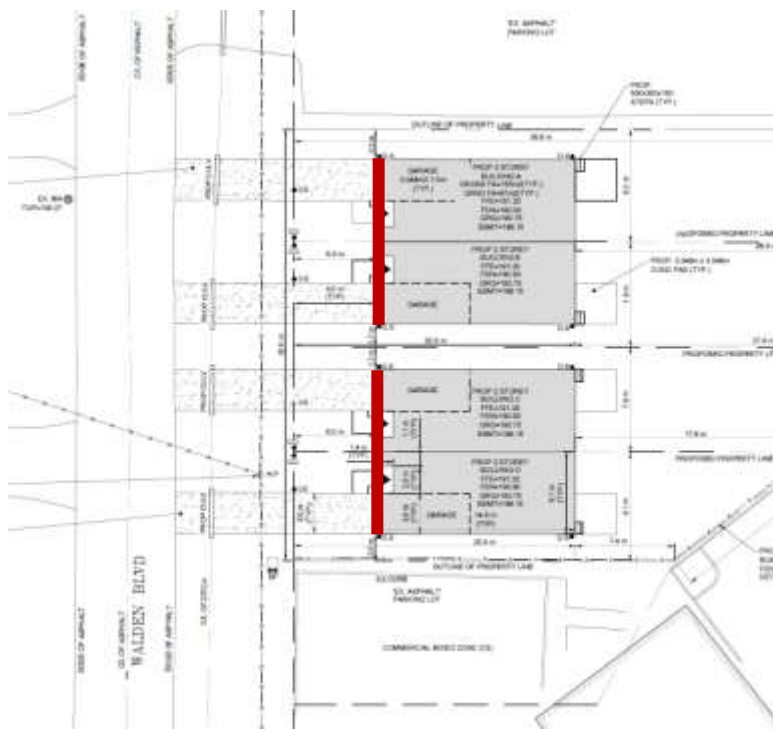
## 1. OFFICIAL PLAN

The site is designated as 'Commercial' as per Schedule A of the Official Plan and therefore is subject to 4.9.4. HIGHWAY COMMERCIAL, page 37. The site is zoned Highway Commercial (C3) Zone.

## 2. URBAN DESIGN

Please ensure that windows and doors are facing the street to improve passive surveillance of the street as per Crime Prevention Through Environmental Design (CPTED) principles and provide main access to the units fronting onto the street. Please see the image below indicating edges of the building that should present an active façade.

**Image 1 – Showing active façade areas**



### **3. CONCLUSION**

At this stage of the process Neighbourhood Planning & Urban Design in principle do not oppose the proposed OPA and ZBA of 544 Walden Boulevard.

Kind regards,

Pieter Wasserman, M. Arch, MCPUD  
Neighbourhood Planner & Urban Designer

PCW/  
Attach. none