



The Municipal Corporation of the Town of Fort Erie

By-law No. 56-2022

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

**Amendment No. 59
1107 Garrison Road
1107 Garrison Road GP Inc. (Mohammad. Y. Alhadi) - Owner
Sullivan Planning Services (Michael Sullivan) - Agent**

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

1. **That** amendment No. 59 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 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 30th day of May, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 56-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 59
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. 59 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. 5 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 Urban Residential to Commercial shown in Schedule A to enable development of 3.5 storeys mixed-use building that includes 589.4 sq. m of commercial space, a 54 seat restaurant on the main floor and 15 dwelling units on the above floors.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the south side 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 subject lands are designated Urban Residential in the Official Plan. The Urban Residential designation does not allow mixed-use buildings. The applicant is proposing to re-designate the front portion of the property from Urban Residential to Commercial to allow the proposed mixed-use building. The applicant's proposal to construct a 3.5-storey mixed-use building which will include 589.4 sq. m of commercial space, a 54 seat restaurant on the main floor and 15 dwelling units on the above floors meets the intent of the Official Plan as follows:

- i. The redesignation of the front portion of the subject property to Commercial will allow the establishment of commercial use on the main and residential dwellings on the above floors. Currently, the majority of properties located on the south side of Garrison Road west of the subject property are designated commercial. The requested redesignation will allow the continuity of commercial uses along Garrison Road thereby maintaining a vibrant streetscape.
- ii. As the proposed development will be a mixed-use building, the proposal will also provide 15 dwelling units, which will contribute to the housing stock in the Town.

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

The subject 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 lands currently contain a single detached dwelling and an accessory structure. The surrounding land uses are a mix of commercial and residential uses. The proposed mixed residential development will be compatible with the existing surrounding land uses. Additionally, the proposed dwelling units will also help to support the existing commercial uses. Lastly, a mixed-use building will help in creating a complete community.

The subject property is of sufficient size to accommodate the 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 lands are located on the south side of Garrison Road, which is a regional arterial road capable of handling greater volumes of traffic. Pedestrian infrastructure exists in the surrounding area. The applicant is also proposing to provide a pedestrian connection from Garrison Road to the site.

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

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

The surrounding land uses are a mix of commercial and residential uses. The proposed mixed-use building will be compatible with the surrounding land uses. The proposed building will be located close to Garrison Road. The Official Plan policies promote buildings to be generally situated at or close to the front street line.

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

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

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

The proposed re-designation of the subject property will not negatively affect the financial position of the municipality as all the works associated with the proposed development are

the responsibility of the developer. The proposed mixed -use development will provide the municipality with an additional tax base and development charges..

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

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. 59 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 Urban Residential to Commercial

PART "C" - THE APPENDICES

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

SCHEDULE "A"

Garrison Road

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PART 1

By-law No. 56-2022
THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 30th DAY OF MAY, 2022

0 15 30
Meters



Subject Lands - 1107 Garrison Road



Part 1 - Change from Urban Residential to Commercial

Appendix 1



NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Owner: 1107 Garrison Road GP Inc. (Mohammed Y.Alhadi)

Agent: Mike Sullivan (Sullivan Planning Services)

1107 Garrison Road

Combined Official Plan & Zoning By-law Amendment Application

APPLICATION NOS: 350302-0122 and 350309-0518

DATE: December 6, 2021


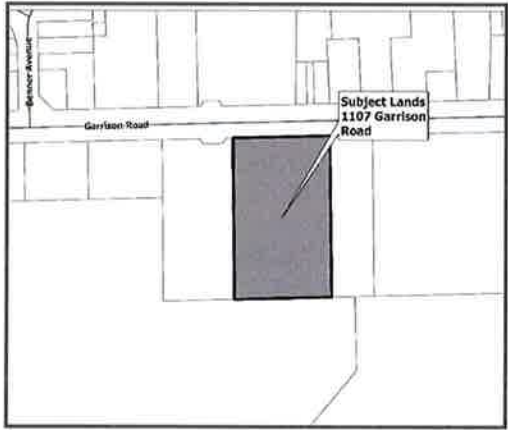

TIME: 6:00 PM

LOCATION: This will be a virtual Council meeting conducted via Zoom.

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

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

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

	<p><u>LOCATION OF SUBJECT LANDS</u></p> 
	<p><u>PROPOSED CHANGE</u></p> <p>A combined Official Plan and Zoning By-law Amendment application has been submitted to allow the construction of a 3.5 mixed-use building and a 4 storey residential building on the subject lands.</p>

Appendix 1

The mixed-use building is proposed to include 589.4 sq. m of commercial space, a 56 seat restaurant and 15 dwelling units. The residential building is proposed to be located in the rear portion of the subject property and would include 86 dwelling units.

The subject property is located within the Urban Area and is currently designated Urban Residential in Town's Official Plan. The applicant is requesting to redesignate the front portion of the property to Commercial to facilitate the construction of the mixed-use building. The Urban Residential designation would be maintained on the rear portion of the property that will contain the residential building.

The lands are currently zoned Neighbourhood Development (ND) Zone. The applicant is requesting to rezone the front portion of the property to a site-specific Highway Commercial (C3) Zone. The site-specific regulations are requested to allow an increase in building height to 3.5 storeys and a reduction in the front yard setback. The rear portion of the property is proposed to be rezoned to a site-specific Residential Multiple 2 (RM2) Zone. The site-specific regulation is requested for a reduction in the minimum lot area.

GETTING MORE INFORMATION

Input on the Combined Official Plan & 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.

A copy of the Information Report will be available to the public by 5:00 PM on **December 1st, 2021**. The information report will be available in the Council agenda portion of the Town's Web Site: www.forterie.ca or by contacting Anamika Dilwaria, Senior Development Planner.

**HAVE
YOUR
SAY**


CONTACT INFORMATION

Anamika Dilwaria, MCIP, RPP, Senior Development Planner
Planning and Development Services Department
Town Hall, 1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6
905-871-1600 ext. 2507
Or by e-mailing your comments to: adilwaria@forterie.ca

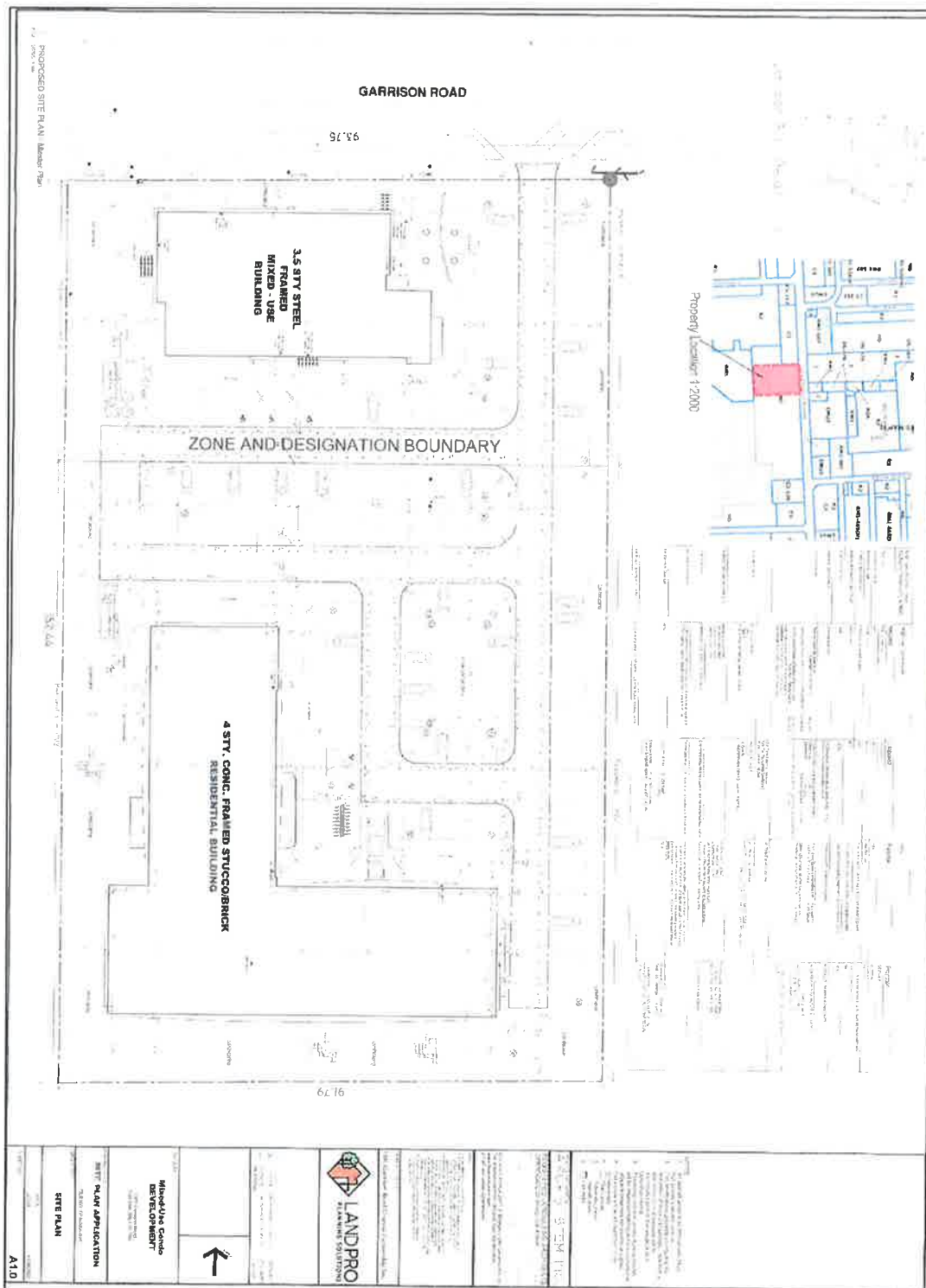
PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION

To provide input in writing, or to request written notice of the decision of the Combined Official Plan and Zoning By-law Amendment, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca

Appendix 1

	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding this application. After considering any written comments and the comments from the public meeting, a Recommendation Report will be prepared for a future Council-in-Committee meeting.</p> <p>If a person or public body would otherwise have an ability to appeal the decision of the Town of Fort Erie's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Fort Erie before the by-law is passed, the person or public body is not entitled to appeal the decision.</p> <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 cschofield@forterie.ca</p>
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Appendix 1



Appendix 2

Council-in-Committee - 06 Dec 2021 Meeting Minutes

(b) Open House

Re: Proposed Zoning By-law Amendment & Draft Plan of Vacant Land Condominium - 3819 Hibbard Street and Easterly Portion of 294 Gorham Road - Owner: Bryan Keegan; Applicant: NPG Planning Solutions Inc. (Mary Lou Tanner) - Thursday, December 9, 2021 - 5:00 p.m.

6. Public Meetings

(a) Proposed Official Plan, Zoning By-law Amendments

Re: 1107 Garrison Road - Owner: 1107 Garrison Road GP Inc. (Mohammed Y. Alhadi) - Agent: Mike Sullivan (Sullivan Planning Services). The Applicant's request is for Official Plan and Zoning By-law Amendments to allow construction of a 3.5 storey mixed-use building and a 4-storey residential building. The applicant is requesting to redesignate the front portion of the property to Commercial, and rezone it to a site-specific Highway Commercial (C3) Zone to allow an increase in building height to 3.5 storeys and a reduction in the front yard setback. The rear portion of the property is proposed to be rezoned to a site-specific Residential Multiple 2(RM2) Zone for a reduction in the minimum lot area.

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

Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

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

Ms. Dilwaria 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.

Mike Sullivan, Sullivan Planning Services, was present to speak on behalf of the Application. Mr. Sullivan provided a PowerPoint presentation and the following commentary:

Appendix 2

Council-in-Committee - 06 Dec 2021 Meeting Minutes

- The Official Plan Amendment is to change "Urban Residential" to "Commercial" (Building A).
- The Zoning By-law Amendment would change the existing to a "Neighbourhood Development", proposed to "Highway Commercial" (Building A), and proposed to a "Residential Multiple" (Building B).
- There would be 101 new rental units which would come in 1, 2, and 3 bedrooms. Building A comprises 15 units and Building B comprises 86 units.
- The commercial retail is in Building A on the main floor in the mezzanine which would be essentially a second floor.
- The landscaping open space is a combination of manicured grass, sidewalks, and native plantings.
- There are 132 parking spaces proposed, 21 are covered, and 39 bike racks.
- As far as public affordability, they are proposed as rental units, and are priced and designed for Fort Erie residents.
- The approximate price points for the apartments are: 1 bedroom unit \$1300, 2 bedrooms \$1500, and 3 bedrooms \$1600.
- Proposed amenities on the property are in-suite laundry, a gym, daycare, multi-purpose rooms, and storage/locker rooms.
- There were Agency comments from the Niagara Region, Canada Post, Enbridge, TOFE Developmental Approvals, TOFE Neighbourhood Planning & Urban Design, TOFE Community Planning, and TOFE Fire.

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

No members of the public came forward.

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

No members of the public came forward.

Mayor Redekop enquired if any members of the public wished to ask questions.

No members of the public came forward.

Appendix 2

Council-in-Committee - 06 Dec 2021 Meeting Minutes

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

Mayor Redekop declared the Public Meeting closed.

(b) Proposed Zoning By-law Amendment

Re: 323 Central Avenue - Owner: Gianluca Cardone - Agent: NPG Planning Solutions Inc. (Cory Armfelt/Jeremy Tran). The Applicant's request is to rezone from Residential 2 (R2) Zone to a site-specific Residential 2A (R2A) Zone to permit the existing lot frontage of 9.14 m. for development of a single detached dwelling on an existing undersized lot.

Mr. Vander Veen, Junior Planner, Development approvals, 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.

Jeremy Tran, NPG Planning Solutions Inc., was present to speak on behalf of the Application. Mr. Tran provided a PowerPoint presentation and the following commentary:

- The proposed development is 1 detached dwelling unit, 2 storey 9.5 m in height, 1 single attached garage, and the dwelling would be approximately 1600 square ft.
- The proposal is a site specific Residential R2A zone.
- The proposed development complies with all of the regulations and the R2A zone including lot area, lot coverage, front yard, minimum rear yard set-backs, minimum interior side yard, maximum building height, and minimum parking requirements.
- The site-specific amendment that is being requested, is for the lot frontage which is existing is 9.14 m.
- The lot is part of a plan of subdivision, the existing lot frontage 9.14 m is comparable to the adjacent properties to the North which is 325 and 327 Central Avenue. There is an existing detached building on each of these properties which

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Via Email Only

August 27, 2021

Region Files: D.10.01.OPA-21-0017
 D.18.01 ZA-21-0031

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

Dear Ms. Dilwaria;

**Re: Regional and Provincial Comments
 Official Plan and Zoning By-law Amendments
 Applicant: 2639723 Ontario Inc.
 Owner: 1107 Garrison Road GP Inc.
 Applicant: Sullivan Planning Services Inc.
 1107 Garrison Road
 Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the information circulated for the subject applications. The applicant is proposing to construct two buildings on the subject property. The first building is proposed as a 3.5-storey mixed-use building, with 589.4 m² of commercial space, a 96 seat restaurant and 15 dwelling units. The commercial units will be located on the main level and the second floor and the dwelling units will be located on the above floors. The second building is proposed as a 4-storey residential building with 86 dwelling units.

The subject lands are currently designated "Urban Residential" in the Town's Official Plan, which the applicant is proposing to redesignate to "Commercial" along the front of the property to facilitate the mixed-use building. The rear portion of the land is to remain Urban Residential. The lands are currently zoned "Neighbourhood Development (ND)", which the applicant is requesting to be rezoned to a site-specific "Highway Commercial (C3)" over the front portion of the property in order to permit an increase in building height to 3.5-storeys and a reduced front yard setback. The rear portion of the property will be rezoned to a "Residential Multiple 2 (RM2)".

A formal pre-consultation meeting was held for these applications on February 27, 2020. The application was received on August 9, 2021. The following comments are

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provided from a Regional and Provincial perspective to support the Town in considering these applications.

Provincial and Regional Policies

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

The ROP promotes higher density development in the urban area and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. A full range of residential, commercial and industrial uses are permitted generally within the urban area, subject to the availability of adequate municipal services and infrastructure, and other policies relative to urban design, compatibility and environmental conservation. The proposed applications will facilitate a higher-density form of development on the subject property, and therefore can be considered to be generally in conformity with Regional growth management policies for lands within the urban area.

The "*Planning Justification Report*" prepared by LandPro Planning Solutions Inc. (dated July 2021) states that the mixed-use building and residential building will have 101 residential units comprised of a mix of one-bedroom and two-bedroom units. The applicant may wish to consider the addition of studio and/or three-bedroom units to provide a wider range of unit types to meet the needs of different household types. The Region supports intensification within the built-up area that makes more efficient use of designated urban land and existing infrastructure.

Archaeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on

APPENDIX "3"

lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

A "*Stage 1 & 2 Archeological Assessment*" prepared by Earthworks Archaeological Services Inc., (dated November 3, 2020) was submitted with the application. The Stage 2 Assessment did not result in the identification of any archaeological resources, and the Licensed Archaeologist recommended that no further archaeological assessment for the subject property was warranted.

As of the date of this letter, a letter from the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. This requirement will be addressed through the incorporation of appropriate conditions of approval through the future site plan and/or condominium applications.

Noise Feasibility Study

A "*Noise Feasibility Study*" prepared by HGC Engineering (dated January 7, 2021) was submitted with the application. The study assessed the noise sources from road traffic on Garrison Road and the proposed development including potential rooftop mechanical units. The sound level predictions indicate that the future road traffic sound levels will exceed Ministry of Environment, Conservation and Parks ("MECP") NPC-300 guidelines at the proposed buildings. Central air conditioning is required for the 3-storey mixed-use building adjacent to Garrison Road. In addition, upgraded glazing constructions are required for the north façade of the 3-storey mixed-use building with exposure to Garrison Road. For the proposed 4-storey residential building, forced-air ventilation systems with ducts sized to accommodate the future installation for central air conditioning by the occupant or an alternative means of ventilation to open windows are required. Warning clauses are also recommended for both buildings to inform future residents of the proximity to existing and proposed commercial uses, existing institutional uses and the traffic noise excesses at the proposed buildings.

The analysis notes that detailed floor plans, building elevations, and rooftop mechanical units were not known at the time of the analysis and recommends that a detailed noise study should be completed to refine acoustic recommendations for the proposed mixed-use building. In addition, an acoustical consultant should review the mechanical drawings and details of demising constructions, when available, to help ensure that the noise impact of the development on itself, are maintained within acceptable levels at the proposed buildings.

Regional staff notes that a Detailed Noise Study will be required as part of the future site plan application to ensure noise levels meet Ministry guidelines and appropriate mitigation measures are included in the development. Staff observes that no outdoor living areas included in the study as it was assumed that the proposed buildings might have balconies that would be less than 4 m in depth. Should Town staff require

APPENDIX "3"

common amenity areas in the proposed development, these areas should be identified and assessed through the Detailed Noise Study.

Environmental Site Assessment

The PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use. As noted at the preconsultation meeting, there was a commercial business located on the property historically.

A "*Phase One Environmental Site Assessment*" ("ESA") prepared by Azure Group (dated November 20, 2020) was completed in accordance with Ontario Regulation 153/04, as amended and submitted in support of the applications. The Phase One ESA concluded that based a review of available historical information and current information (environmental database, interviews of available site knowledgeable people and their site reconnaissance), the findings revealed a low potential for adverse environmental impact to the subject property. There were no potentially contaminating activities that resulted in an area of potential environmental concern at the subject property.

As such, the Phase One ESA did not recommend the completion of a Phase Two ESA and the qualified professional concluded that based on the Phase One ESA, a Record of Site Condition is not required to be filed. Regional staff note that the Phase One ESA was filed with the MECP registry as Record of Site Condition Number 227597 (dated February 5, 2021).

Core Natural Heritage System

There are currently no mapped natural heritage features on or adjacent to the subject property. However, based on aerial imagery available to the Region, it appeared that there was a wooded area located adjacent to the property along the eastern property line.

As per Regional Official Plan Policy 7.B.1.8, the completion of a Constraints Analysis is typically required to determine if these features meet the criteria for identification as Core Natural Heritage System features (Significant Woodland, Wetland, Fish Habitat, Significant Wildlife Habitat, Habitat of Endangered or Threatened species, etc.). However, Regional Environmental Planning staff were agreeable to waiving the requirement to complete a Constraints Analysis in lieu of the completion of a Tree Saving Plan ("TSP"). A TSP was not submitted in support of the proposed zoning by-law amendment; however, it can be submitted at the time of future *Planning Act* (site plan) application.

As such, Regional staff offer no objection to the proposed official plan and zoning by-law amendments and will review and comment on the TSP at future site plan approval.

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Urban Design

Regional staff has reviewed the submitted architectural drawings prepared by Archisystem Inc., (dated May 16, 2021). Staff requires that at the time of future *Planning Act* (site plan) application that a Landscape / Streetscape Plan is submitted that includes the following streetscape information:

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

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

With respect to the existing gravel driveway that is proposed to be removed, Regional staff request that it is replaced with a sodded boulevard. Additionally, staff requires that any related drawings that are submitted as part of the future site plan application must depict the entire Regional Road right-of-way, including the municipal boulevard, as well as show a continuous municipal sidewalk (without curb lines) through the new proposed vehicular entrance.

In regards to the site's interface with Garrison Road, Regional staff requests that landscape treatment is provided to screen the view of any surface parking and/or loading areas from the public realm.

Transportation

Regional Road Allowance

Regional staff note that the subject property has frontage along Garrison Road (Regional Road 3) and that the existing designated road allowance along this segment of road meets the requirements as set out in the ROP. As such, Regional staff do not require any road widening requirements at this time.

Regional Permit Requirements

Regional Transportation staff will review and comment on the proposed entrance onto Garrison Road at the time of future *Planning Act* (site plan) application. Staff notes that all existing curb cuts that are not required for the proposed entrance shall be reinstated with a barrier curb, sidewalk, and boulevard in accordance to Regional Standards.

APPENDIX "3"

Staff advise the applicant that a Regional Construction, Encroachment, and Entrance Permit must be obtained from the Region's Transportation Services Division, Public Works Department prior to any construction / work within the Regional Road allowance. Staff also notes that the placement of any sign, notice or advertising device within 20 m of the centerline of Garrison Road will require a Regional Sign permit.

Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>.

Servicing

Regional Development Engineering staff are reviewing the submitted "*Functional Servicing and Stormwater Management Report*" ("FSR") prepared by MTE Consultants (dated January 7, 2021) with Regional Water and Wastewater Engineering staff with respect to the request to connect a 300mm D to the Regional 300mm D AC main. Staff offer the following comments to support with future technical submissions.

The calculations for water and sewer designs shall be completed with either the MECP's, Town's, or Region's design flows. Staff raise concern that the proposed 300mm D service cannot be accommodated by the existing 300mm D watermain on Garrison Road. As such, Regional staff requests the applicant confirm that the site requires a 300mm D service, as it seems large in comparison to other buildings of this scale. If a 300mm D service is needed, Regional staff requires the applicant to submit an analysis to the Region for review and approval that demonstrates that the existing Regional 300mm D AC main can accommodate this proposed service connection.

Staff acknowledge that a new service connection to the existing Regional 300mm D AC watermain is required for the proposed development. In accordance to the standard connection process, the applicant is required to:

- provide a letter from the Town that requests for the connection;
- provide a plan and profile of the proposed connection (with details stamped by a Qualified Professional / Engineer); and
- provide payment to the Region for the Connection Permit Fee.

The applicant is advised that the proposed design flows used for the sanitary calculations shall adhere to the Town's design standards / comments. Regional staff offer the following detailed comments for consideration:

- For Table 4.1, staff observe that the listed population densities relate to floor loads, whereas population densities should match MECP or Town standards. Staff recommends that Table 4.1 is updated to reflect this information.
- For Table 4.2:
 - Staff observe that no infiltration allowance is listed and recommends that the table is updated to include this information.

APPENDIX "3"

- Staff observe that a unitary flow rate of 0.286L/ha/s is used and notes that this is for an inflow and infiltration (I&I) flow rate, not a commercial flow rate. As such, staff recommends that the table is be updated to show the commercial flow rate. Any unitary flow rates shown in the table should be referenced from the Region's Master Servicing Plan.
- Staff requests that the equivalent population of the commercial area is listed on the table.
- Staff requests clarification with regards to source of "0.89 ha". Further, the result of 4.69L/s does not match the results presented within the table.
- Staff requests that the document specifies where the velocity equation is referenced, as this equation is only accurate when pipes are full.
- Staff requests clarification on what the ADWF and PDWF flows at 1% sewer slope translates to in terms of flow velocity. Clarification is also needed as to whether this will meet minimum cleansing velocities.
- Staff recommends that the existing flow within the 450mm sewer is confirmed, as well as that there is sufficient capacity to accommodate the extra 4.24L/s that is expected from the proposed development.

Regional staff will need to review all servicing drawings in order for Transportation staff to provide comments on the road re-instatement. Staff notes that any additional crossings of the Region's watermain will require the submission of detailed drawings that illustrate the crossings.

Stormwater Management

Regional staff has reviewed the submitted FSR that indicates that the proposed 1.4 ha development will discharge into a ditch located along the easterly edge of the property. Staff are satisfied that the stormwater management target contained within the FSR meets post-to-pre flow control for all storms, and that a Normal standard quality treatment is achieved prior to discharge into the ditch.

Staff notes that the calculation method of pre- and post- development peak flow within the FSR is inconsistent (i.e., Rationale Method v. Modelling Program), whereas the comparison of flow should be a constant basis. At this time, Regional staff have not be provided with Engineering Plans. Staff will provide more fulsome comments upon review of the detailed designs provided through future *Planning Act* (site plan) application.

Regional staff strongly encourages the applicant to consider the implementation of Low Impact Development measures within the proposed development concept to support water quality treatment and/or retain water on-site.

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Protection of Survey Evidence

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

Waste Collection

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

- Recycling blue and/or grey bins / containers – no limit (weekly collection).
- Organic green bins / containers – no limit (weekly collection).
- Garbage / waste – maximum of 8 containers (bi-weekly collection).
- Collection will be at the curbside only.

Based on submitted proposal, Regional staff notes that it is unlikely that the proposed development will meet the above noted waste collection limits. Should the proposed development be unable to comply with the Region's waste collection requirements, the owner will bear the responsibility to hire a private waste collection contractor. Regional staff will continue to provide comment with regards to waste collection for the site through future *Planning Act* (site plan) application.

Conclusion

In conclusion, the proposed concurrent official plan and zoning by-law amendments are consistent with the PPS and conform to Provincial and Regional Plans. Regional staff requests that the materials / information that were specified within this letter as they relate to archaeological, noise, core natural heritage, urban design, servicing and stormwater, and waste collection requirements be addressed through the future *Planning Act* (site plan) application for the proposed development.

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

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

Respectfully,



Alexander Morrison, MCIP, RPP
Development Planner

cc: Mr. Pat Busnello, Manager of Development Planning, Niagara Region
Ms. Lindsay Earl, Senior Development Planner, Niagara Region
Ms. Julia van der Laan de Vries, Urban Designer, Niagara Region
Ms. Susan Dunsmore, P.Eng., Manager of Development Engineering, Niagara Region
Mr. Matteo Ramundo, Development Approvals Technician, Niagara Region
Mr. Aaron Butler, Manager, Development Approvals, Fort Erie

Attachment:

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

APPENDIX "3"



**RE: [External] Request for Comments-Proposed OPA and ZBA- 1107
Garrison Road**

Municipal Planning to: Anamika Dilwaria

08/10/2021 07:14 AM

From: "Municipal Planning" <MunicipalPlanning@enbridge.com>
To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

	Anamika Dilwaria	Anamika Dilwaria	Request for Comments-Proposed OPA and Z
	Mail Router	Mail Router	<i>Hi Everyone, An application has been</i>
	Mail Router	Mail Router	<i>Hi Everyone, An application has been</i>
	Mail Router	Mail Router	<i>Hi Everyone, An application has been</i>
	Mail Router	Mail Router	<i>Hi Everyone, An application has been</i>

Thank you for your circulation.

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

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

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com

Safety. Integrity. Respect.

From: Anamika Dilwaria <ADilwaria@forterie.ca>

Sent: Monday, August 9, 2021 7:48 PM

To: Andrew.Carrigan@Canadapost.ca; circulations@mmm.ca; cara.lampman@niagararegion.ca; kathy.levinski@ncdsb.com; kris.watson@cnpower.com; LandUsePlanning@HydroOne.com; Municipal

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August 30, 2021

Anamika Dilwaria, M.Pl., MCIP, RPP
Senior Development Planner, Planning and Development Services
The Corporation of the Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario L2A 2S6

Re: 1107 Garrison Road

Dear Anamika,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

APPENDIX "3"



Interoffice Memorandum

August 30, 2021

File No. 350302-0122 and 350309-0509

To: Anamika Dilwaria, Senior Development Planner

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **Application for Combined Official Plan and Zoning By-law Amendment –
1107 Garrison Road**

On behalf of the Infrastructure Services Department, Engineering Division, I have reviewed the proposed Combined Official Plan and Zoning By-law Amendment and the supporting documentation for **1107 Garrison Road** and have the following comment:

1. We recommend that the Noise Feasibility Study be submitted in support of the application for Site Plan Approval so that the implementation recommendations contained in Section 7.1 are included in the Site Plan Agreement.
2. The Functional Service Report prepared by MTE Consultants and dated January 7, 2021 mentions in Table 2.5 that the anticipated surface ponding depth could reach a maximum of 300mm. While the Town of Fort Erie has no policy for a maximum depth of ponding, we would prefer that surface ponding in parking areas be limited to no more than 100 mm. We recommend that the storm sewer pipes be oversized to provide additional underground storage.
3. We question whether a 300mm diameter watermain to service the site is really necessary. This seems excessive considering there are residential neighbourhoods served by smaller watermains.

Therefore, given the foregoing comments I have no objection to the proposed amendment.

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

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Re: Invitation: Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road (Aug 30 12:00 PM EDT) 

Ed Melanson to: Anamika Dilwaria

08/09/2021 08:04 PM

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

History: This message has been replied to.

	Anamika Dilwaria	Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road
	Signe Hansen	<i>Accepted: Request for Comments- Proposed OPA and ZBA- 1107 Gar</i>
	Ed Melanson	<i>Good evening Anamika, I have reviewed the attached documents and</i>
	Anamika Dilwaria	<i>Ed, Thanks for your prompt response.</i>
	Aaron Butler	<i>Accepted: Request for Comments- Proposed OPA and ZBA- 1107 Gar</i>

Good evening Anamika,

I have reviewed the attached documents and have no objections at this time for the OPA and ZBA application. I would be certainly interested in seeing a more detailed site plan in the future.

Thank you for reaching out.



Ed Melanson
Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255

Anamika Dilwaria <https://filr.forterie.ca:8443/filr/public-link/file-dow...>

2021-08-09 07:41:25 PM



Invitation: Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road

2021-08-30 Mon 12:00 PM - 12:30 PM

Attendance is **required** for Ed Melanson

Chair: **Anamika Dilwaria/FortErie**

No Location Information

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

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Interoffice Memorandum

Date 30 August 2021
File No. 350302-10122 & 350309-0509

To: Anamika Dilwaria, M.Pl, MCIP, RPP, Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Request for Comments- Proposed OPA and ZBA- 1107 Garrison Road**

1. OFFICIAL PLAN

The site is identified as being 'Urban Residential' as per Schedule A of the Official Plan and therefore is subject to 4.7.4. URBAN RESIDENTIAL, page 21. The site is zoned as Neighbourhood Development ND.

2. URBAN DESIGN

The use and location for this development are appropriate as Garrison Road is an activity corridor with similar mixed use and commercial sites along it.

The mixed-use building footprint fronts onto the street and could provide an appropriate street interface that supports safety through Crime Prevention Through Environmental Design (CPTED) principles. It may also contribute to the overall streetscape. Low Impact Design (LID) principles should also be incorporated into the design.

It is good to see the ingress route being able to extend toward the south of the site. This may potentially allow for other southerly sites to be developed and accessed.

Please note that the Active Transportation Master Plan has an "In-Boulevard Multi-Use Path" planned for the Medium-Term long Garrison Road. Please see APPENDIX "1" TO ADMINISTRATIVE REPORT PDS-12-2020 DATED MARCH 9, 2020.

A site plan, perspectives and renders have been provided for evaluation of the development from an urban realm perspective. However, the following additional information would aid in this process (These may be provided prior to Site Development Plan stage):

1. Sections and elevations of all the buildings
2. A landscape plan indicating trees, planting and landscaping

3. CONCLUSION

At this stage of the process Neighbourhood Planning & Urban Design in principle do not oppose the OPA and ZBA of 1107 Garrison Road.

Kind regards,

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Memo Subject Title
Date

Page 2

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

PCW/
Attach. none

APPENDIX "3"



Interoffice Memorandum

August 30, 2021
File No: 350309-0509

To: Anamika Dilwaria, Senior Development Planner
From: Signe Hansen, Manager, Community Planning
Subject: **1107 GARRISON ROAD - OPA/ZBA APPLICATION**

I have no comments relative to the application for Official Plan and Zoning By-law Amendments for 1107 Garrison Road.

I will have comments relative to a future site plan application, including but not limited to the following:

- Tree Preservation Plan is required, pursuant to the Town of Fort Erie Site Plan Control Guidelines
- A Landscape Plan is required, pursuant to the Town of Fort Erie Site Plan Control Guidelines
- Cash-in-Lieu of Parkland will be required at 5% of appraised residential development and 2% of appraised commercial development.

Regards

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