

The Municipal Corporation of the Town of Fort Erie

By-law No. 8-2023

**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. 65
315 and 0-350 Garrison Road
2717041 Ontario Inc. (Vijaykumar Patel) - Owner**

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. 65 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 23rd day of January, 2023.

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. 8-2023 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 .

AMENDMENT NO. 65

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. 65 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. 65 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 lands from Open Space to Medium Density Residential shown in Schedule A to enable the development of thirty-six, two-storey condominium townhouse dwelling units.

SECTION 3

LOCATION OF THIS AMENDMENT

The lands, which are the subject of this amendment, are located on the north 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 Gateway Secondary Plan provides for an additional approximately 620 Medium Density units by 2031, by way of development forms that are compact, compatible with existing development, and provide a diversity of suitable housing choices, and opportunities to relieve pressures for urban expansion. To achieve this target, the Secondary Plan has set out a prescribed density range of 25 to 50 units per gross hectare for medium density residential lands. The proposed amendment will facilitate the development of thirty-six block townhouse dwelling units, with an overall density that corresponds with the lower end of the prescribed density range. The development will contribute to the diversification of housing choices in the neighbourhood and will minimize urban land consumption.

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

The majority of lands designated Medium Density Residential in the Gateway Secondary Plan are located on the south side of Garrison Road. The subject lands, along with the rear portions of 321 Garrison Road to the west and 255 Garrison Road to the east, represent the only medium density residential lands on the north side of Garrison Road, all of which have yet to be developed. The proposed development will initiate the development of these lands, and provides for private road connections to the rear portions of 321 and 255 Garrison Road. The proposed development will help achieve the Secondary Plan's vision of providing for an additional 620 Medium Density units by 2031.

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 natural heritage features, and do not contain significant wildlife habitats, as demonstrated through the Environmental Impact Study and peer review that were conducted. As such, the site is physically suitable for the propose use.

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 north side of Garrison Road (Niagara Regional Road No. 3). Garrison Road is an Arterial Road and is designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic, as well as traffic en route to and from the Provincial highway system. Pedestrian infrastructure exists in the surrounding area, and pedestrian connections from Walden Boulevard and Garrison Road are provided to the site.

The subject lands are located within the urban boundary and will connect to the existing municipal water and sanitary services 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 land uses surrounding the subject lands include low and medium density residential, commercial, and open space uses, in addition to a woodlot. The proposed development was sensitively designed in a way that responds to the existing low density residential development in the neighbourhood. The 11.50 m (37.73 ft) wide buffer strip between the development and the residential lands to the north, in addition to the 3.81 m lane that already exists, provides adequate separation between the uses. Further, the compact built form allows for a transition in density between the existing low density residential uses and the core mixed use lands along Garrison Road, which have been reserved for greater building heights and densities in the Secondary Plan.

The peer review of the Environmental Impact Study concludes that a significant woodland, wetland, and wildlife habitat are absent from the site and abutting properties, and that the test of no negative impact is neither relevant nor applicable. As such, the proposed development is not anticipated to have an impact on the adjacent open space uses.

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 development will have a depreciating or deteriorating effect on adjoining properties. On the contrary, the proposed development may have an overall positive and catalytic effect by attracting and supporting commercial establishments in the new commercial plaza directly to the south, and the various other commercial establishments that are located along the Garrison Road Corridor.

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

The proposed redesignation of the subject lands will not negatively affect the financial position of the municipality as all works associated with the proposed development are the responsibility of the Owner/Developer. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

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

As the majority of the subject lands were envisioned for medium density residential development through the Gateway Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the Environmental Protection Act.

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

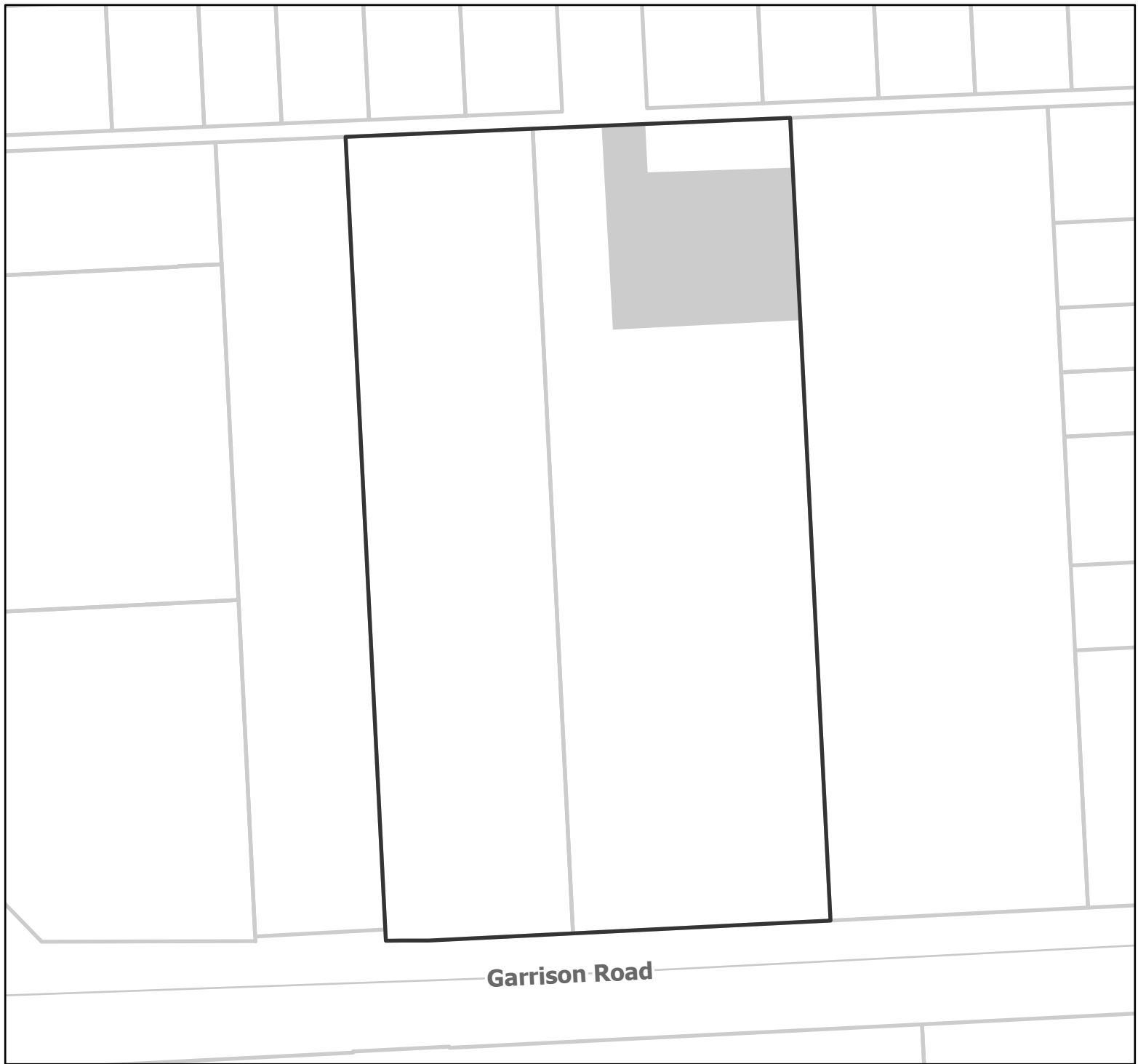
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" (Land Use Plan) constitute Amendment No. 65 to the Official Plan adopted by By-law No. 150-06 for the Fort Erie Planning Area. The Official Plan adopted 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 Open Space to Medium Density Residential.

PART “C” - THE APPENDICES

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



SCHEDULE "A"



0 50 100 Metres

By-law No. 8-2023

**THIS SKETCH FORMS PART OF SCHEDULE "A" TO THE OFFICIAL PLAN
PASSED THIS 23rd DAY OF JANUARY, 2023**

-  Subject Lands - 315 & 0-350 Garrison Road
-  Part 1 - Change from Open Space to Medium Density Residential



our success in aligning with Provincial Policies in a number of areas and alert them to our needs as a municipality in order to provide the necessary services and infrastructure our growing community requires.

We will also be following up on those meetings and pursuing further meetings with the Minister of Health relative to our primary healthcare needs.

4. Declarations of Pecuniary Interest

None.

5. Notice of Upcoming Public Meetings

None.

6. Public Meetings

- (a) Proposed Official Plan & Zoning By-law Amendments & Draft Plan of Common Elements Condominium

Re: 315 & 0-350 Garrison Road - Owner: 2717041 Ontario Inc. (Vijay Kumar Patel) - Agent: Susan Smyth (Quartek Group Inc.). The Applicant's request is to construct 37 townhouse dwellings on the rear portion of the lands which are designated Medium Density Residential, in part, Open Space, in part, and to redesignate a portion from Open Space to Medium Density Residential. The current zoning of Residential Multiple 1 (RM1-446) Zone, in part, and Open Space (OS-450) Zone, in part, is being requested to be changed to rezone a portion which is currently zoned OS-450 Zone to a site-specific RM1 Zone and rezone a portion zoned RM1-446 Zone to a new site-specific RM1 Zone to facilitate an increase in lot coverage, and reductions to the minimum lot frontage, minimum landscaped area, minimum distance between the rear wall of the dwelling on the same lot and minimum number of parking spaces. The Draft Plan of Common Elements Condominium will create the common elements, including driveways and common parking areas and the future townhouse dwellings will be POTLs (Parcels of Tied Lands).

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

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

Mc. Ceci confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Leigh Whyte and Susan Smyth, Quartek Group Inc. were present to speak on behalf of the Application. Their PowerPoint Presentation can be found on the Town's website, and their presentation viewed at: www.youtube.com/townofforterie

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

No members of the public came forward.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in opposition to the Application or had any questions.

(a) Geoffrey Aldridge, 3765 Rebstock Road, Crystal Beach

Mr. Aldridge provided a PowerPoint Presentation which can be found on the Town's website, and the presentation viewed at: www.youtube.com/townofforterie

Mayor Redekop enquired whether the Clerk received any written submissions subsequent to the posting of the Report. The Clerk advised that she did not.

Mayor Redekop declared the Public Meeting closed.

PDS-55-2022

Proposed Combined Official Plan and Zoning By-law
Amendment & Draft Plan of Common Elements Condominium -
315 & 0-350 Garrison Road - Quartek Group Inc. - Susan Smyth
(Applicant/Agent) - 2717041 Ontario Inc. - Vijaykumar Patel
(Owner)

Recommendation No. 1

Moved by: Councillor Dubanow

That: Council receives for information purposes Report No. PDS-55-2022 regarding a proposed Combined Official Plan and

Zoning By-law Amendment, and Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road.

Recommendation No. 2
Moved by: Councillor Noyes

That: An additional recommendation be included that no Short-Term Rentals be permitted in this development. **(Carried)**

Mayor Redekop gave the chair to Councillor Zanko in order to move an amendment.

Recommendation No. 3
Moved by: Mayor Redekop

That: Staff be directed to seek a peer review of the Environmental Impact Study, either through the Town's Environmental Advisory Committee or qualified environmental consultant. **(Carried)**

Recommendation No. 4
Moved by: Mayor Redekop

That: A Traffic Study be conducted with respect to ingress and egress.

Mayor Redekop made a friendly amendment to change the Traffic Study to a Traffic Brief.

Following the friendly amendment, Recommendation No. 4 was voted on as follows:

That: A Traffic Brief be conducted with respect to ingress and egress. **(Carried)**

Following approval of the amendments, Recommendation No. 1 was voted on, as amended, as follows:

That: Council receives for information purposes Report No. PDS-55-2022 regarding a proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road, and further

That: No Short-Term Rentals be permitted in this development, and further

That: Staff are directed to seek a peer review of the Environmental Impact Study, either through the Town's Environmental Advisory Committee or qualified environmental consultant, and further

That: A Traffic Brief be conducted with respect to ingress and egress. **(Carried)**

Councillor Zanko returned the Chair to Mayor Redekop.

Council recessed at 8:13 p.m. until 8:24 p.m.

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

Re: 644 Garrison Road - Owner: 2350048 Ontario Ltd. (c/o Ben Kooh) - Agent: Antech Design and Engineering Group (Candice Micucci). The Applicant's request is to construct a 6 storey, 190-unit residential building on the rear portion and to re-designate the property to Urban Residential. The current zoning of Highway Commercial (C3) Zone, in part, Residential 2 (R2) Zone, in part, is being requested to be rezoned to a new site-specific Residential Multiple 2 (RM2) Zone for a reduced easterly side yard, reduced number of parking spaces and reduced access drive width.

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

Mr. Vander Veen, Junior Development 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.

Candice Micucci, Antech Design and Engineering Group (Agent), was present to speak on behalf of the Application. Her PowerPoint Presentation can be found on the Town's website, and her presentation viewed at:
www.youtube.com/townofforterie

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

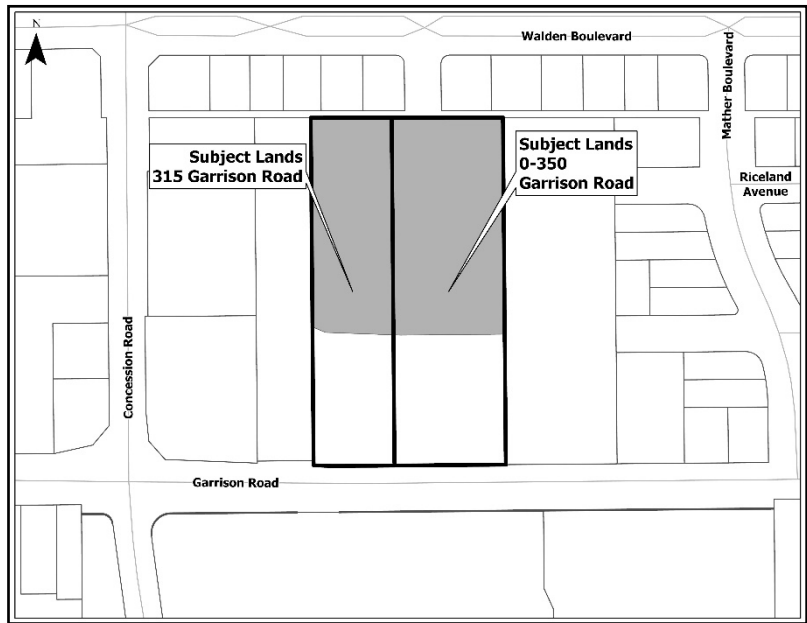


**NOTICE OF COMPLETE APPLICATION AND
PUBLIC MEETING**

Owner: 2717041 Ontario Inc. (Vijay Kumar Patel)
Agent: Susan Smyth (Quartek Group Inc.)
315 & 0-350 Garrison Road
**Combined Official Plan and Zoning By-law Amendment &
Draft Plan of Common Elements Condominium**
Application File Nos: 350303-0035 & 350309-0542

DATE: Monday, August 8th, 2022
TIME: 6:00 PM
LOCATION: 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.

LOCATION OF SUBJECT LANDS





PROPOSED CHANGE

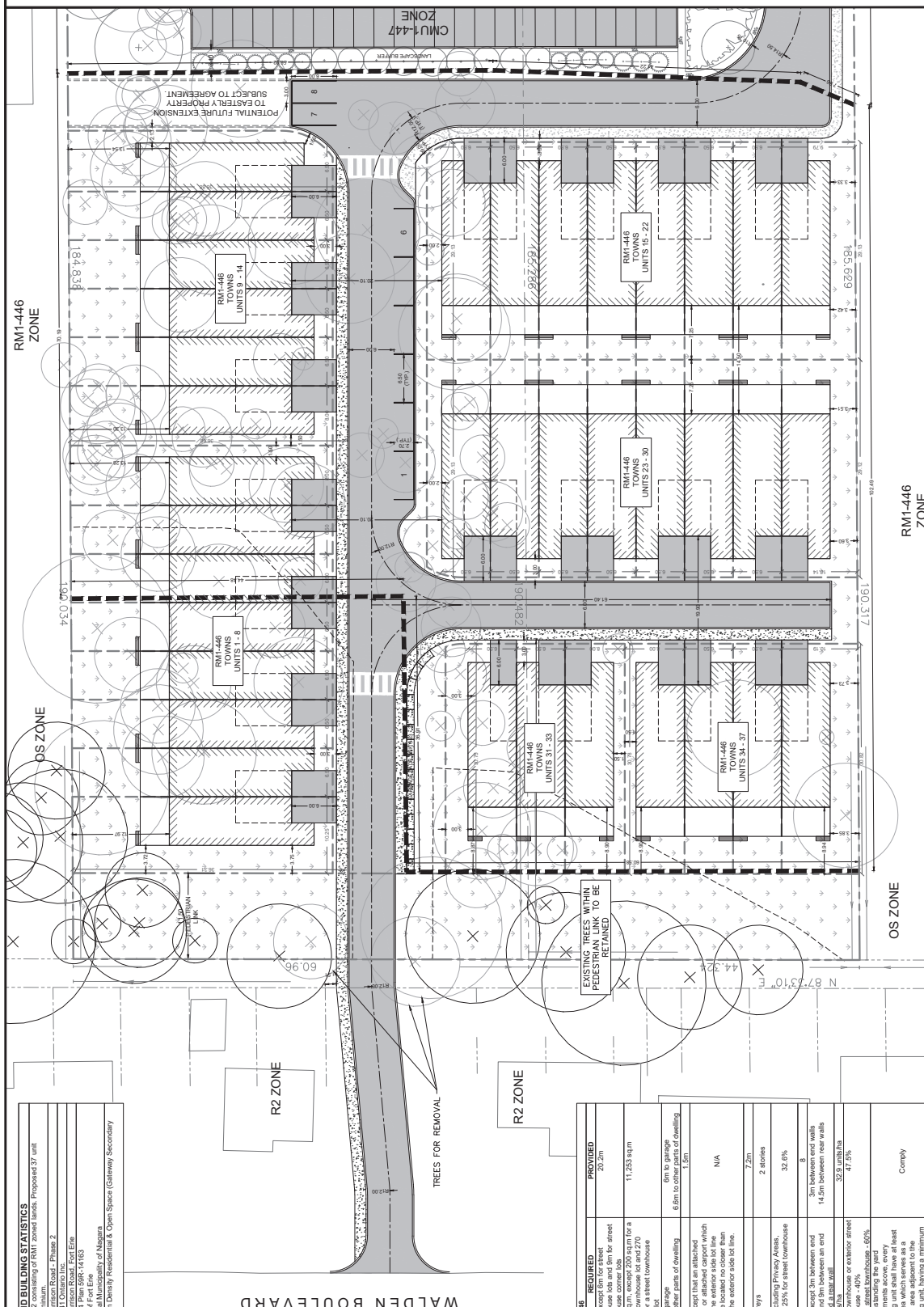
A Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Common Elements Condominium are requested for the rear portion of the lands that are municipally known as 315 and 0-350 Garrison Road. The applications are proposed to facilitate the construction of 37 townhouse dwelling units on the subject properties. A Site Plan is attached as Schedule ‘1’ for reference.

The subject properties are located within the urban boundary. The rear of the properties are designated Medium Density Residential, in part, and Open Space, in part, in the Gateway Secondary Plan. The Applicant is proposing to redesignate a portion of the lands that are currently designated Open Space to Medium Density Residential.

The rear of the subject properties is zoned Residential Multiple 1 (RM1-446) Zone, in part, and Open Space (OS-450) Zone, in part, in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended by By-law No. 2011-058. The Applicant is proposing to rezone a portion of the lands that are currently zoned OS-450 Zone to a site-specific RM1 Zone. Additionally, the proposal includes rezoning a portion of lands zoned RM1-446 Zone to a new site-specific RM1 Zone. The site-specific regulations are requested to facilitate an increase in lot coverage, and reductions to the minimum lot frontage, minimum landscaped area, minimum distance between the rear wall of the dwelling on the same lot, and minimum number of parking spaces.

The Draft Plan of Common Elements Condominium will create the common elements, including driveways and common parking areas. The future townhouse dwellings will be POTLs (Parcels of Tied Lands).

	<p><u>GETTING MORE INFORMATION</u></p> <p>Input on the proposed applications is welcomed 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, 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 Wednesday, August 3rd, 2022. The Information Report will be available at www.forterie.ca (Government > Agendas & Minutes) or by contacting Mackenzie Ceci, Junior Development Planner at mceci@forterie.ca.</p> <p><u>CONTACT INFORMATION</u></p> <p>Mackenzie Ceci, Junior Development Planner Planning and Development Services Department Town Hall, 1 Municipal Centre Drive Fort Erie, Ontario L2A 2S6 905-871-1600 ext. 2514 Or by e-mailing your comments to: mceci@forterie.ca</p> <p><u>PROVIDING YOUR COMMENTS OR REQUESTING NOTICE OF DECISION</u></p> <p>To provide input in writing, or to request written notice of the decision of the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Condominium, please send a letter c/o Carol Schofield, Manager, Legislative Services/Clerk, 1 Municipal Centre Drive, Fort Erie, Ontario, L2A 2S6 or an email to cschofield@forterie.ca</p>
	<p><u>PLANNING ACT LEGAL NOTICE REQUIREMENTS</u></p> <p>The Town of Fort Erie has not yet made a decision regarding these applications. After considering any written comments and the comments from the Public Meeting, a Recommendation Report will be prepared for a future Council 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 your 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> <p>Notice dated at the Town of Fort Erie this 18th day of July, 2022.</p>



RW-448 Site Specific Provisions	
<p>1. The minimum lot area for this district shall be a minimum of 25 acres.</p> <p>2. The minimum gross leasable area and a maximum of 50 units shall also be required.</p> <p>3. Apartment houses to a maximum of three (3) stories shall be permitted in this zone and shall be developed in accordance with the standards set forth in the zoning ordinance, provided that the density is in accordance with subsection a) above.</p>	<p>32.0 units/ha</p> <p>Comply</p>
<p>Parking and Loading</p>	<p>REQUIRED</p> <p>11.5 parking spaces per dwelling unit (155 parking spaces for 37 units)</p>
<p>Parking Spaces</p>	<p>PROVIDED</p> <p>145 parking spaces (142 parking spaces per dwelling unit)</p>

Planning strips	Distance from Dwelling to Private Streets and Parking Area	Notes	Comply
1	1.5m to any street or any dwelling shall be no closer than 3m to any private street or parking area	1.5m from front or rear face of dwelling 3m from garage	
2	Any side of any dwelling shall be no closer than 1.5m to any street or parking area	1.5m from side of dwelling	



Planning and Development Services

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

Via Email

May 12, 2022

Region Files: D.11.01.CD-22-0005
D.10.01.OPA-22-0007
D.18.01.ZA-22-00024

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

Dear Ms. Dilwaria:

**Re: Regional and Provincial Comments
Draft Plan of Condominium, Local Official Plan Amendment, and Zoning
By-law Amendment Applications
Owner: 2717041 Ontario Inc. (c/o Vijaykumar Patel)
Agent: Quartek (c/o Susan Smyth)
315 and 0-350 Garrison Road
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the circulated Draft Plan of Condominium, Local Official Plan Amendment, and Zoning By-law Amendment Applications for 315 and 0-350 Garrison Road located in the Town of Fort Erie. The Region received the circulation from the Town of Fort Erie on April 24, 2022. The applicant is proposing to construct 37 townhouse dwellings units, with common elements consisting of driveways and parking areas.

The subject lands are located within the urban boundary and designated "Medium Density" in part and "Open Space", in part, within the Town's Gateway Secondary Plan. The applicant is requesting to redesignate a portion of the lands from "Open Space" to "Medium Residential Density".

The Town's Zoning By-law (No. 129-90), as amended by By-law (No. 2011-058) currently zones the lands as "Zoned Residential Multiple 1 (RM1-446)", in part and "Open Space (OS-450)", in part. The applicant is requesting to rezone a portion of lands from "Open Space" to a "Site-Specific RM1 Zone". Additionally, the portion of lands zoned "RM1-446" will be rezoned to a new "Site-Specific RM1 Zone". The site-specific regulations are requested for a reduction in the minimum lot frontage, minimum

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landscaped area, a minimum distance between the rear wall of the dwelling on the same lot, a minimum number of parking spaces and an increase in the lot coverage.

Based on staff's review of the materials, the proposed applications cannot be supported until an Addendum to the Phase Two Environmental Site Assessment is provided that includes an appropriate evaluation of Ministry Standards for soil and groundwater sampling that is needed for the proposed change in land use (commercial to residential). This Addendum is required prior to the Town's approval of the applications. Comments on this matter are detailed further within the "Site Condition" section of this letter.

A pre-consultation meeting was held for these applications on February 11, 2021 with Town staff, Regional staff, and the Agent in attendance. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering these applications.

Provincial and Regional Policies

The subject lands are designated "Settlement Area" within the *Provincial Policy Statement, 2020* ("PPS"), "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" in the *Regional Official Plan* ("ROP").

Provincial and Regional policies direct growth to settlement areas and encourage the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities. These same policies set out for intensification and infill by means of compact built form that is compatible with the surrounding urban fabric and offers a range of housing options for current and future population needs.

The proposed development is located within the Urban 'Built-Up' Area of the Town of Fort Erie and is considered as intensification that will contribute towards the Town's intensification target (15%) as set out in the ROP. Staff acknowledge that the development will support the diversification of housing supply (townhouses) in Niagara.

Regional staff has reviewed "*Planning Justification Report*" ("PJR") prepared by Quartek (dated December 2021) and find its contents acceptable. The PJR justifies that the proposed development will make efficient use of underutilized urban lands and available municipal servicing, while contributing to the diversification of housing supply (townhouses) that is compatible with the surrounding urban context and respects environmental features. Staff observe, however, that the PJR does not make reference to the completed Environmental Site Assessment work that was conducted for the lands. It is recommended that the PJR is updated to incorporate discussion on the evaluated site condition for the proposed change in land use (commercial to residential).

Site Condition

The applications propose a change in land use from commercial (motel) into a more sensitive (residential) use. At the virtual pre-consultation meeting, Regional staff identified that a Phase One and Phase Two Environmental Site Assessment ("ESA") would be required as part of the submission of the Zoning By-law Amendment Application. In accordance with the *Environmental Protection Act, 1990* and Ontario Regulation ("O. Reg.") 153/04, as amended, a change in land use of this nature requires filing with the Ministry of the Environment, Conservation and Parks' ("MECP") Environmental Site Registry ("ESR") to obtain a Record of Site Condition ("RSC") in order to demonstrate that site's condition meets the appropriate standards to safeguard the health and safety of the future occupants / users of the proposed use.

Regional staff has reviewed the "*Phase One Environmental Site Assessment*" and "*Phase Two Environmental Site Assessment*" ("ESA") prepared by Fisher Environmental Ltd. (dated July 29, 2021 and September 14, 2021 respectively). The Phase One ESA identified potential contamination associated with the site and off-site neighbouring properties. Specifically, the neighbouring Canadian Tire property (255 Garrison Road) hosts an active retail refueling facility and has diesel to ground spill records, as well as the nearby 240 Garrison Road has historical and current waste generator activities. As such, the Phase One ESA recommended that a Phase Two ESA be conducted to validate the presence or absence of contaminants on site.

The Phase Two ESA consisted of a subsurface soil and groundwater investigation for the easterly and southerly portions areas of the property, as identified for further investigation through the Phase One ESA. The methodology of the Phase Two ESA included boreholes, soil sampling and groundwater monitoring, and an analysis of the site's stratigraphy. The Qualified Professional ("QP") identified and completed the analysis in accordance with the MECP's Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the *Environmental Protection Act*, while the site was compared to *Table 2 (Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition – Industrial/Commercial/Community Property (I/C/C) Property Use for soil samples and All Types of Property Use for groundwater samples, medium and fine textured soil)*.

Staff observe that Section 7.2 (page 11) of the Phase Two ESA states, "*The subject property has been used for commercial purposes, and it is our understanding that the property will maintain its current commercial land use.*"

Regional staff note that the proposed development will result in a change in land use from commercial (motel) to sensitive (residential) use, and that the commercial use for the subject lands is not maintained. As such, an Addendum to the Phase Two ESA is required to provide an evaluation of the soil and groundwater samples in accordance with the appropriate Ministry Table Standards for utilizing the lands for residential use.

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Further, in accordance with the *Environmental Protection Act* and O. Reg. 153/04, a RSC shall be obtained for the proposed change in land use and be provided to the Town and Region. Regional staff also requires that a Letter of Reliance from a QP is submitted for the Phase One and Phase Two ESAs which indicates that despite any limitations or qualifications included in the assessments, that the Region is authorized to rely on all information and opinions provided in these reports. Appropriate conditions with respect to site condition requirements are included within the attached Appendix.

Land Use Compatibility

At the virtual pre-consultation meeting, Regional staff identified that there is the potential for the proposed development to be impacted by nearby stationary (commercial) and transportation-related (Garrison Road) noise sources. At the time, staff recommended that the need for a Noise Study could be waived provided that the proposal be redesigned to maintain an adequate buffer between the proposed development and commercial plaza.

Based on a review of the submitted materials, staff confirm that the concept has been revised to provide for re-positioned units, an enhanced buffer distance, and solid board fencing between the lot limit of the subject lands and commercial plaza. Further, in correspondence with the Agent (dated March 21, 2022), it was affirmed that the development would also include triple pane windows for enhanced noise and energy efficiency. As such, staff is satisfied that the requirement for the Noise Study can be waived provided that the above mitigation measures are implemented and appropriate noise warning clauses are included within future agreements. Appropriate conditions are included within the attached Appendix.

Archaeological Resources

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

At the virtual pre-consultation meeting, staff determined that based on a review of the Province's Criteria for Evaluating Archaeological Potential that the subject lands do not exhibit a high potential for the discovery of archaeological resources. As such, staff did not offer any archaeological requirements; however, requested that in lieu of an assessment, that a standard warning clause pertaining to the potential discovery of deeply buried archaeological resources and human remains during construction be included within the Draft Plan Agreement. An appropriate clause is provided within the attached Appendix to this effect.

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Core Natural Heritage System

The properties are impacted by the Region's Core Natural Heritage System ("CNHS"), consisting of Significant Woodland. As such, consistent with ROP Policy 7.B.1.11, an Environmental Impact Study ("EIS") was required in support of the proposed development to demonstrate that there will be no significant negative impact on the feature or its ecological function.

Staff has reviewed the "*Environmental Impact Study*" prepared by Natural Resource Solutions Inc. ("NRSI") (dated February 2022), which confirms the presence of candidate significant wildlife habitat ("SWH") associated with bat Maternity Colony and Reptile Hibernacula, as well as the presence of a non-significant wetland. As it relates to the non-significant wetland, the EIS indicates that if fully evaluated, the wetland would not meet criteria for provincial significance. Further, the EIS concludes that the wetland is not regulated by the Niagara Peninsula Conservation Authority ("NPCA") under O. Reg. 155/06. As such, the only Regionally designated CNHS feature confirmed present on the subject property consists of candidate SWH. Staff find the EIS acceptable and offer no objection to this assessment.

The proposed development requires removal of a portion of the Fresh – Moist Oak – Maple Hickory Deciduous Forest ("FOD9") community, which is identified as candidate SWH for Bat Maternity Colonies. However, the EIS indicates that trees with suitable roosting habitat will be retained on the property, as well as a contiguous treed area to the east and west of the subject lands, which also likely provide suitable bat roosting habitat. Further, the EIS recommends numerous mitigation measures that if implemented will avoid direct impacts to both bats and any reptiles present on the subject lands. Staff is satisfied that the test of no negative impact has been sufficiently achieved and offer no objection to the analysis and recommendations of the EIS.

In summary, Environmental Planning staff does not object to the proposed applications provided that the conditions of condominium approval as provided in the attached Appendix are met. Please direct any questions or comments to **Adam Boudens**, Senior Environmental Planner/Ecologist at (905) 980-6000 Ext. 3770 (adam.boudens@niagararegion.ca), or **Cara Lampman**, Manager, Environmental Planning at (905) 980-6000 Ext. 3430 (cara.lampman@niagararegion.ca).

General Site Servicing

The applicant is advised that for the extension of municipal sewers, a MECP Environmental Compliance Approval ("ECA") will need to be obtained. This can be completed through the Region's Transfer of Review Program or through the future Consolidated Linear ECA approval process. Appropriate conditions to this effect, as well as with respect to general servicing allocation provisions, is provided within the attached Appendix.

Stormwater Management

Regional staff has reviewed the “*Stormwater Management Report Phase 2- Residential Development*” (dated February 2022) in conjunction with the previous Report of “*Phase 1 - Commercial Development*”, both prepared by Quartek, as the outlet for the Phase 2 stormwater discharge will be to the approved Phase 1 storm system prior to Garrison Road. Staff offers the following feedback:

- a) The allowable release rate of the subject development is inconsistent between the two reports. For instance, the 5-year flow is the current 14 L/s versus the previous 10 L/s. The development should not affect the downstream storm drainage.
- b) Please confirm that the separation from the underground storage facility to water table meets the MECP Design Manual criterion.
- c) The storage facility must have ports for inspection and sediment removal. A section of inspection and maintenance requirements should be prepared for the future owner of the storm storage facility. Pre-treatment and/or a sump in catch basins is recommended in order to reduce coarse sediment into the storage and lessen the frequency of sediment removal from the facility.
- d) Regarding the water quality treatment structure: an oil/grit separator in Phase 1 land has been sized, including the subject land, to meet an Enhance level of protection. As such, staff has no issue with this Plan.

Appropriate conditions with respect to the Region’s stormwater management requirements is included in the attached Appendix.

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 met:

- Recycling blue / grey bins or containers – no limit (weekly collection).
- Organics green bins or containers – no limit (weekly collection).
- Garbage / waste bags or cans – 2 maximum per property (bi-weekly collection).

In order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region’s Corporate Waste Collection Policy and complete the Application for Commencement of Collection. The required forms and policy can be found at the following link: www.niagararegion.ca/waste.

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Based on the current plans submitted it appears waste collection pads will be required for 15 dwelling units that are along the first street on the west side of the development. Collection pads have been shown along the entrance from Walden Boulevard. It is recommended that pads are located where the residents will not need to travel a distance greater than 100m round trip to the pad, and that all pads are labelled with the unit numbers. The plans provided did not show the turn movement radii on the proposed road. Therefore, future plans must show the radii or truck turning templates for movements turning into the development from both directions on Walden Boulevard, as well as moving through the site. Further, since the waste collection trucks will have to use the previously approved commercial site, an Indemnity Agreement for both sites is required from the Owners of the roads. Regional conditions with respect to waste collection are provided in the attached Appendix.

Conclusion

In conclusion, Regional Planning and Development Services staff is unable to support the proposed applications until the time that an Addendum to the Phase Two ESA is provided which contains an evaluation of soil and groundwater samples in accordance with the appropriate Ministry Table Standards for utilizing the lands for residential use.

For information purposes, the Region's conditions of Draft Plan of Condominium Approval is provided within the attached Appendix. Staff note that due to the site-specific nature of the proposed Local Official Plan Amendment, this amendment can be exempt from Regional Council approval in accordance with ROP Policies 14.E.7 and 14. E.8, the Memorandum of Understanding, and Regional By-law (No. 2019-73).

Should you have any questions related to the above comments, please feel free to contact me at alexander.morrison@niagararegion.ca. Please send a copy of Council's decision on these applications and a copy of the Local Official Plan and Zoning By-law Amendments as adopted.

Respectfully,



Alexander Morrison, MCIP, RPP
Senior Development Planner

cc: Ms. Cheryl Selig, Manager (A), Development Planning, Niagara Region
Ms. Susan Dunsmore, Manager, Development Engineering, Niagara Region
Ms. Maggie Ding, Stormwater Management Engineer, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner / Ecologist, Niagara Region
Ms. Cara Lampman, Manager, Environmental Planning, Niagara Region

Appendix: Conditions of Draft Plan of Condominium Approval

Appendix
Conditions of Draft Plan of Condominium Approval
315 and 0-350 Garrison Road

1. That an Addendum to the Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the *Environmental Protection Act* and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.
2. That the Condominium Agreement contain provisions whereby the Owner agrees to implement the recommendations of the required Addendum to the Phase Two Environmental Site Assessment (if any) in accordance with the above condition.
3. That a Record of Site Condition (RSC) is filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance to the *Environmental Protection Act* and associated regulations, as amended. Copies of the completed Environmental Site Assessments, site remediation reports (if applicable), and the MECP's written acknowledgement of the filing of the RSC, together with a Letter of Reliance / certification from a Qualified Professional that the subject lands meet the applicable standard(s) of the intended residential land uses shall be submitted to Niagara Region.
4. That the Condominium Agreement between the Owner and the Town contain a provision whereby the Owner agrees to implement the following site and building design noise mitigation measures / devices:
 - Implementation of a 3m landscape buffer and solid board fencing along the entire property limit (south) between the residential area and commercial plaza.
 - That the positioning of private amenity spaces be away from the adjacent commercial use to ensure limited noise exposure.
 - Dwellings are constructed with triple pane windows for enhanced noise and energy efficiency.
5. That the Owner agrees to include the following warning clauses in the Condominium Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units:
 - *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Garrison Road may occasionally interfere with some activities of*

the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."

- *"Purchasers/tenants are advised that the dwelling unit may be exposed to noise, reduced air quality, odour, and/or dust from nearby commercial activities and/or vehicle traffic that may interfere with some activities of the dwelling unit occupants."*

6. That the Owner agrees to include the following warning clause in the Condominium Agreement with respect to the potential discovery of archaeological resources:

- *"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (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 Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI 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."

7. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI) (dated February 2022), included but not limited to:

- That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Construction activities should be restricted to daylight hours when possible and artificial lighting used for construction purposes should be turned off or directed away from adjacent natural features following the completion of daily construction activities.
- Where possible, initial grading activities should be scheduled to occur between May 15 and October 15.
- Designated areas for construction lay-down, vehicle access and parking, equipment storage, materials stockpiling, and any on-site construction

offices should be located entirely outside the retained natural features, and preferably located as far away as possible so as to limit potential to indirectly impact the adjacent natural features.

- That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
 - A Spill Response Plan should be developed prior to commencement of construction and include a detailed response system to deal with events such as the release of petroleum, oils, and lubricants or other hazardous liquids and chemicals. A spill kit must be kept on site at all times and on-site workers must be trained in the use of this kit and be fully aware of the Spill Response Plan.
8. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
 9. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10m from the dripline of any trees to be retained.
 10. That permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
 11. That a Landscape/Restoration Plan be provided to the satisfaction of the Niagara Region that addresses the recommended compensation identified in the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022). The Landscape/Restoration Plan should identify an appropriate location on the subject lands or on an alternative property, ideally within the same subwatershed. The Landscape Plan should also consider the appropriateness of an edge management component adjacent to the retained treed features. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate.
 12. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to

protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all Offers of Purchase and Sale or Lease or Occupancy for properties within the condominium development.

13. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum, the Plan should assess the effectiveness of the sediment and erosion control fencing and monitor the success of the restorative plantings and any invasive species removals. The Report should also include photographs and advise actions necessary to address any deficiencies.
14. That the Owner agrees to implement the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022).
15. That the Condominium Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Landscape/Restoration Plan, Ecological Monitoring Plan and Information Package.
16. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
17. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease or Occupancy, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the Owner and the Town.
18. That prior to final approval for registration of this plan of condominium, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program or future Consolidated Linear ECA.
19. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the condominium, and the following plans are designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their

successors to Niagara Region Planning and Development Services for review and approval:

- a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed erosion and sedimentation control plans.
- 20. That the Condominium Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) that are required in accordance with the condition above.
- 21. That the Owner/Developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
- 22. That the Owner/Developer will provide detailed plans showing the radii or truck turning templates at future submissions.
- 23. That the Owner/Developer for the proposed condominium and the commercial site to the south will be required to complete the indemnity agreements to allow trucks to move through both sites for collection.
- 24. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the Developer for 15 of the dwelling units.
- 25. The Owner is advised that some of the proposed development's internal roads do not meet the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection residents will be required to bring their containers to the their designated waste collection pads for collection. The following clause should be included in the Site Plan Agreement / Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease or Occupancy for the 15 dwelling units:
 - *"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."*

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Clearance of Conditions

Prior to granting final approval, the Town of Fort Erie must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Condominium Agreement

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.

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May 11, 2022

ANAMIKA DILWARIA
TOWN OF FORT ERIE
1 MUNICIPAL CENTRE DRIVE
FORT ERIE, ONTARIO, L2A 2S6

Re: 315 and 0-350 Garrison Rd

Dear Anamika,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

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

The owner shall complete to the satisfaction of the Director of Engineering of the town of Fort Erie and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

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- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) 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

Officer, Delivery Planning
(226) 268-5914

Andrew.Carrigan@Canadapost.ca

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Draft Plan of Condominium, ZBLA, OPA, 315 & 0-350 Garrison Rd., Fort Erie

circulations to: ADilwaria

05/18/2022 01:40 PM

From: <circulations@wsp.com>

To: <ADilwaria@forterie.ca>

Please respond to <circulations@wsp.com>

2022-05-18

Anamika Dilwaria

Fort Erie

, ,

Attention: Anamika Dilwaria

Re: Draft Plan of Condominium, ZBLA, OPA, 315 & 0-350 Garrison Rd., Fort Erie; Your File No.

Our File No. 93413

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the

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detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca

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Barrie -350 Garrison Road - D30-006-2022
LANDUSEPLANNING to: ADilwaria@forterie.ca

05/09/2022 09:55 AM

From: "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>
To: "ADilwaria@forterie.ca" <ADilwaria@forterie.ca>

Hello,

We are in receipt of your Draft Plan of Condominium Application, D30-006-2022 dated April 24, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

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April 26, 2022

Anamika Dilwaria, M.Pl., MCIP, RPP
Acting Manager, Development Approvals
Planning & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Anamika,

Re: Draft Plan of Condominium, Official Plan Amendment, Zoning By-law Amendment
2717041 Ontario Inc.
315 & 0 - 350 Garrison Road
Town of Fort Erie

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,



Casey O'Neil
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.



Interoffice Memorandum

May 3, 2022

File No. 350302-0161, 350303-0035 and 350309-0542

To: Anamika Dilwaria, Acting Manager, Development Approvals

From: Jeremy Korevaar, Coordinator, Development Approvals

Subject: **DRAFT PLAN OF CONDOMINIUM & COMBINED OFFICIAL PLAN AND
ZONING BY-LAW AMENDMENT
315 AND 0-350 GARRISON ROAD, FORT ERIE**

On behalf of the Infrastructure Services Department, Engineering Division, a review of the above noted applications for Draft Plans of Condominium and Combined Official Plan and Zoning By-law amendment and supporting documentation has been completed. The following comments and recommended conditions are provided:

Application for Combined Official Plan and Zoning By-law Amendment

1. The application for Combined Official Plan and Zoning By-law Amendment proposes to re-designate the portion of the site current designated as "Open Space" to "Medium-Density Residential" and re-zone the portion of the site currently zoned Open Space to a site-specific Residential Multiple 1 (RM1) zone and to re-zone the portion of lands zoned RM1-446 will be rezoned to a new site-specific RM1 Zone. The site-specific regulations are requested for a reduction in the minimum lot frontage, minimum landscaped area, a minimum distance between the rear wall of the dwelling on the same lot, a minimum number of parking spaces and an increase in the lot coverage.
2. We offer no comments or objections to the proposed application for zoning by-law amendment.

Application for Draft Plan of Condominium

General Comments

1. The Owner shall retain a qualified Engineer to prepare site engineering, cost estimates and administer servicing work associated with developing the subject lands.
2. The Owner must obtain approved Service Connection Permits from the Town of Fort Erie for connections to existing municipal sewers or watermains.
3. The owner will be required to submit additional Planning Act applications (Site Plan Approval) to the Town for development of the subject lands.

Watermain Comments

1. For the purposes of water servicing and metering, this condominium will receive water supply via an existing private watermain installed as part of the site servicing for the commercial plaza at 315 Garrison Road. The water supply system after the water meter is

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considered private plumbing. Therefore, in accordance with By-law No. 66-2016 no additional Town water meter will be provided to the residential condominium and a separate water account will not be provided to the Condominium Corporation nor will water accounts be provided to the individual dwelling units.

2. We cannot support the proposed separate watermain connection to Walden Boulevard for the purposes of one fire hydrant. If a hydrant is required to provide adequate protection to the site and if the since 150mm water service is not adequate to provide the necessary pressure to the system, the applicant should consider making an additional watermain connection to Walden Boulevard. If a second connection is proposed, a second water meter will also be required to be installed in an underground chamber along with backflow prevention.
3. We recommend that the dead-end 100mm section of private watermain be looped at the end or that it is connected back to the main private watermain along the west property line for water quality and continuity purposes.

Sanitary Sewer Comments

1. Similar to comments provided with respect to water servicing above, all sanitary sewage from this site will conveyed to the municipal sanitary sewer system via a private sewer on the commercial plaza block at 315 Garrison Road.

Storm Drainage Comments

1. Storm Water Management (SWM) and the site storm drainage system is to be addressed in accordance with the Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards and Ministry of Environment Best Management Principles. The minor system is to be capable of accommodating the 5-year storm. The major system shall provide unencumbered flow for the major event (100-year storm) to the storm water management facility.
2. A Site Grade Control Plan showing existing and proposed grades, overland flow routes and building envelope and basement floor elevations is to be submitted by the Owner for review and approval by the Town.
3. Existing overland drainage patterns must be maintained.

REQUESTED CONDITIONS OF DRAFT PLAN APPROVAL:

1. That the applicant/developer enter into a Site Plan Agreement pursuant to Section 41 of the Ontario Planning Act and deposit sufficient security to ensure the completion of all common element services pursuant to Section 158 of the Condominium Act, 1998.
2. That the applicant/developer submit an undertaking that the Condominium Corporation will enter into an assumption agreement with the municipality, once the

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condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the site plan agreement and that the Condominium Corporation will not object to the registration of the agreement.

3. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into an assumption agreement with the Municipality which requires the Condominium Corporation to:
 - a) Assume the maintenance and responsibilities outlined under the site plan control agreement to be approved by the Town of Fort Erie
 - b) Provide to the Town security deposits as necessary to ensure completion of all outstanding works.
4. That all roads and driveways, water distribution, sewage collection, and storm drainage works within the subject lands shall be private.
5. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
 - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b) Detailed sediment and erosion control plans.
6. That the site plan agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 5 above.
7. That no tree removal, grading or soil disturbance shall take place on the lands until the Site Plan Approval has been granted by the Director, Planning and Development Services; all of the servicing approvals have been given; and the owner has given to the Town all of the security deposits required by the site plan agreement or as determined by the Town of Fort Erie.

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

cc: Tim Marotta, Manager, Engineering Division



Interoffice Memorandum

May 16, 2022

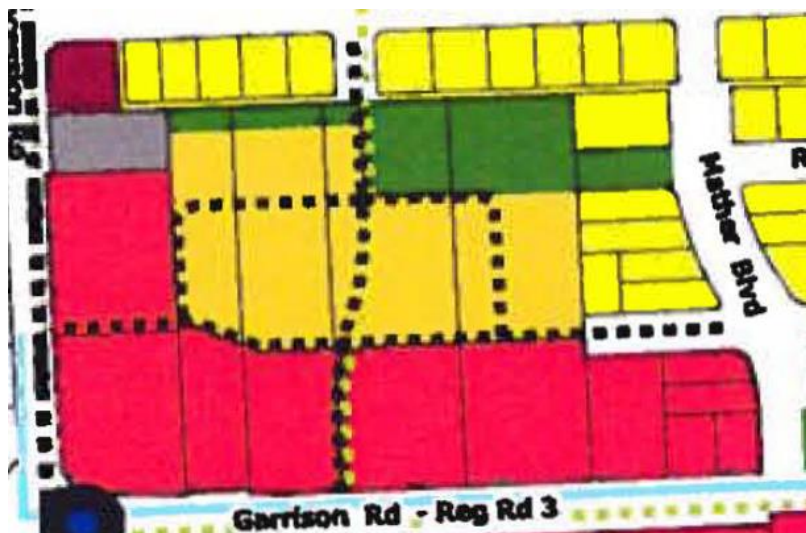
File No: 350302-161, 350309-542 & 350303-0035

To: Anamika Dilwaria, M.Pl., MCIP, RPP, Senior Development Planner
From: Pieter Wasserman, Neighbourhood Planner & Urban Designer
Subject: **Draft Plan of Condominium, OPA & ZBA- 315 and 0-350 Garrison Road**

1. Official Plan & Secondary Plan

The site is located in the Gateway Secondary Plan area and is designated as Medium Density Residential and Open Space. The site is currently zoned Residential Multiple 1 (RM1-446) and Open Space (OS-450).

Image 1 – Showing the site in relation to the Gateway Secondary Plan designations.



2. Urban Design

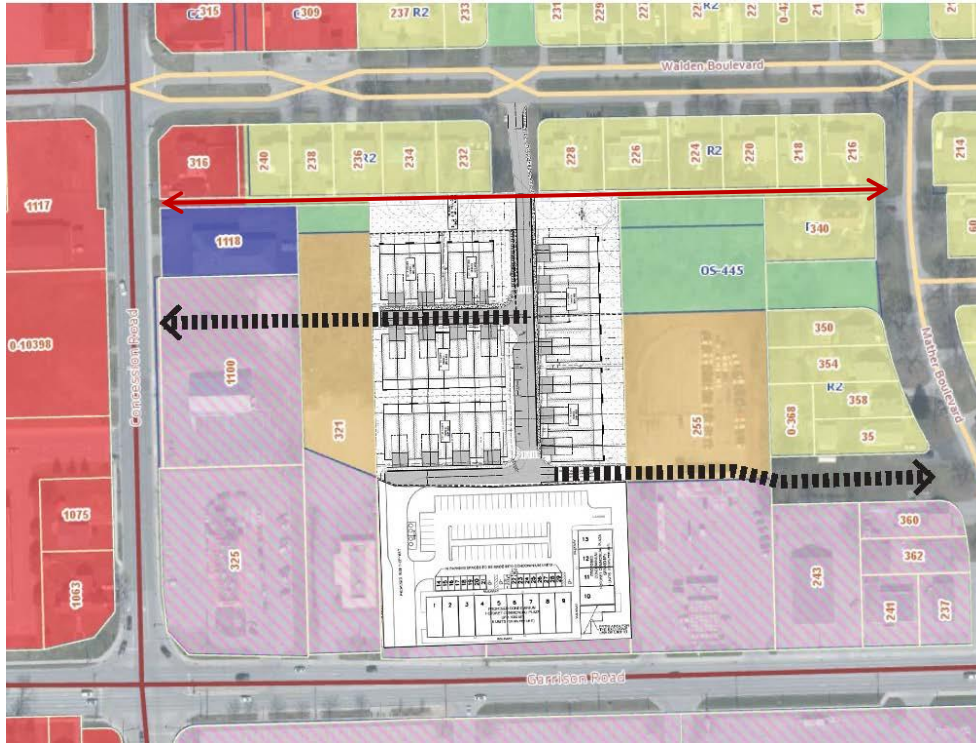
Future connections to the east and west of the site have been provided allowing for access to potential development in these areas.

Please note that parking bays no. 7 and 8 may need to be removed as this will be a future connection to the east. Therefore, when the connection is built, the bays will be lost.

The east-west pedestrian corridor and abutting green space will still be maintained

APPENDIX "3"

Image 2 – Showing the connections from the proposed development to the east and west to allow for future access to developments



3. Conclusion

Neighbourhood Planning & Urban Design in principle do not oppose the Official Plan & Zoning By-law Amendment – 315 and 350 Garrison Road

Further comment and submission requirements will be provided at Site Plan stage.

Kind regards,

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

PCW/pcw
Attach. none

APPENDIX "3"



Re: Invitation: Request for Comments- Draft Plan of Condominium, OPA & ZBA- 315 abd 0-350 Garrison Road (May 16 12:00 PM EDT) 📎

Ed Melanson to: Anamika Dilwaria

04/27/2022 08:41 AM

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

Good Morning Anamika,

I have reviewed the request for comments, OPA, ZBA, condo application. I have no objections but would request fire line parking signs with no parking on the streets other than the designated parking spots.



Ed Melanson
Fire Chief / CEMC

Office: (905) 871-1600 ext. 2600

Cell: (905) 329-7255