



Planning and Development Services

Prepared for: Regular Council

Report: PDS-04-2024 - 315 and 0-

350 Garrison Road Plan of Subdivision Information and Recommendation Report.docx

Meeting Date: January 29, 2024

File: 350308-0135 / SUB-05-2023

1. Title

**Proposed Draft Plan of Subdivision
Information and Recommendation Report for 315 & 0-350 Garrison Road**

2. Recommendations

That: Council approves the Draft Plan of Subdivision for 315 and 0-350 Garrison Road, dated July 10, 2023 and contained in **Appendix 2**, subject to the conditions contained in **Appendix 4** of Report No. PDS-04-2024, and further

That: Council directs staff to circulate the Conditions of Draft Plan Approval in **Appendix 4** of Report No. PDS-04-2024 to the applicable agencies in accordance with the requirements of the *Planning Act*.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

2717041 Ontario Inc. - Vijaykumar Patel (Owner)
Apex Development Group - Nishita Parekh (Agent)
Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide information and recommendations to Council with respect to the proposed Draft Plan of Subdivision application for the properties known municipally as 315 and 0-350 Garrison Road.

The application was submitted by the Owner, Vijaykumar Patel of 2717041 Ontario Inc. A Location Plan of the subject lands is attached as **Appendix 1**.

The Draft Plan of Subdivision application proposes the development of thirty-six, two-storey townhouse dwelling units that are accessed via a private internal road. A copy of the Draft Plan of Subdivision is attached as **Appendix 2**. The Plan of Subdivision is required to create the blocks for the townhouse dwelling units and a block for a private road and visitor parking area. A

Draft Plan of Common Elements Condominium for the private road and common visitor parking area was approved by Council on December 2022. A Site Plan for the development is attached as **Appendix 3**. Conditions of Approval for the Plan of Subdivision are attached as **Appendix 4**.

6. Analysis

6.1 Background

The subject lands were subject to a combined Official Plan and Zoning By-law Amendment (file Nos. 350303-0035 and 350309-0542) that was approved by the Town in December of 2022. The Official Plan Amendment was required to change a small portion of the subject lands from Open Space to Medium Density Residential to accommodate the proposed development. The Zoning By-law Amendment changed the zoning from Residential Multiple 1 (RM1-446) Zone and Open Space (OS-450) Zone to Residential Multiple 1 (RM1-761(H)) Zone. The RM1-761(H) Zone contained special provisions to permit a reduced lot frontage of 20.22 m and a density ranging from 25-50 units per gross hectare. The Holding (H) Zone provision required purchase of part of a laneway and part of the Sixth Street road allowance owned by the Town to secure access for the development from Walden Boulevard to the north.

The Holding (H) Zone provision was removed from the subject lands in August 2023 by By-law No. 126-2023 following purchase of part of the laneway and part of the former Sixth Street road allowance from the Town.

A Draft Plan of Common Elements Condominium was also processed concurrently and approved by Town Council in December 2022. The Draft Plan of Common Elements Condominium contains the common elements, including the private roadway, common parking areas and landscaping.

An application for Site Plan Approval is under review by Town staff and nearing completion. The Site Plan Agreement for the development is expected to be executed in spring of 2024.

The Owner has applied for a Draft Plan of Subdivision to create blocks for the proposed townhouse dwellings and private roadway to facilitate the Draft Plan of Common Elements Condominium. The typical planning process for this type of development is to first seek approval for a Draft Plan of Subdivision and then have the Draft Plan of Common Elements Condominium follow; however, in this case the Common Elements Condominium was brought forward first. The proposed Draft Plan of Subdivision is now required to implement the development by creating separate blocks for the townhouse dwellings and private roadway. A future Part Lot Control application will follow to create the individual townhouse parcels once the Plan of Subdivision is registered and the townhouse blocks are constructed.

6.2 Nature of the Site

The subject lands are located in the Gateway neighbourhood of the Town of Fort Erie, on the north side of Garrison Road. The southern portion of the parcels received Site Plan approval on June 1, 2021 for a commercial plaza, which has been constructed. The subject lands and proposed Plan of Subdivision are considered Phase 2 of the development. The development site is approximately 12,430.00 m² (1.24 ha) in size.

The following summarizes the land uses surrounding the subject property:

North: Woodlot, a former Town-owned lane and an unimproved portion of Sixth Street road allowance, and single-detached dwellings;

South: A commercial plaza and Garrison Road;

East: Canadian Tire Gas Station and other commercial establishments; and

West: Proposed restaurant with a drive-thru facility.

6.3 Planning Context

6.3.1 Provincial Policy Statement, 2020

The subject lands are located within a Settlement Area under the Provincial Policy Statement, 2020 (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages a diverse mix of land uses that provide an appropriate supply and range of housing options, and opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate.

The proposal complies with the policies outlined in the PPS as it will facilitate the development of underutilized residential lands in the urban boundary, promote the efficient use of existing municipal infrastructure and will assist with diversifying housing choices in the Gateway neighbourhood.

6.3.2 Growth Plan for the Greater Golden Horseshoe, 2020

The subject lands are located within the Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan). The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, and provide a range of housing types.

The proposal complies with the policies outlined in the Growth Plan as it will assist with diversifying housing choices and the mix of land uses in the Gateway neighbourhood.

6.3.3 Regional Official Plan, 2022

The new Regional Official Plan, 2022 (ROP) identifies the subject lands as being located within the Built-up Area of the Town. Built-up Areas are planned to accommodate a compact built form,

mix of land uses, and public service facilities in order to support the creation of complete communities. Further, built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities.

The proposal complies with the policies outlined in the ROP. The proposal represents a compact built form, and an efficient use of urban land, and existing services and infrastructure. Further, the proposal diversifies housing choices in the neighbourhood, aligns with Regional growth management policies, and assists the Town with achieving its intensification target.

6.3.4 Town of Fort Erie Official Plan, 2011 and Gateway Secondary Plan, 2011

The subject lands are designated Medium Density Residential, in part, and Open Space, in part, in the Town's Official Plan/Gateway Secondary Plan following an Official Plan Amendment in 2022 to facilitate the proposed development.

The Town's planning policy provides that Medium Density Residential lands shall be reserved for multi-unit buildings, including townhomes, and their accessory uses at a density ranging between 25 and 50 units per gross hectare. The proposed development has a density of 27.50 units per gross hectare and therefore complies with the density target. Lands designated Open Space shall be reserved for a variety of active and passive recreational and open space uses.

The Gateway Secondary Plan envisions a conceptual neighbourhood vehicle linkage and trail through the former Sixth Street road allowance and a portion of the abutting lane, and the development site. This will be implemented via the road connection through the development to Walden Boulevard over the former Sixth Street road allowance and part of a laneway that was purchased from the Town.

6.3.4.1 Subdivision Control

Section 13.5 II. of the Official Plan provides some direction for Council when considering approval of a Plan of Subdivision. These are:

a. The Plan of Subdivision conforms with the policies of this Plan;

The Medium Density Residential land use designation permits development of block townhouse dwellings. The proposed Draft Plan of Subdivision has a density of 27.5 units per hectare. The density complies with the Medium Density Residential density range target of 25-50 units per gross hectare.

b. Adequate servicing such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, roads, pedestrian facilities and fire and police protection can be provided;

The development is located within the Urban Boundary and dwellings within will have access to emergency services and garbage collection services. The development will integrate with existing municipal water, sanitary sewer and storm sewer infrastructure in the Gateway neighbourhood. There are potential sanitary sewer capacity issues in the area. The Town is

currently undergoing a study to determine if servicing constraints impact this development. If so, conditions will be utilized in the final Site Plan Agreement to address servicing. Requirements for driveways and parking, fire routes, snow removal, garbage disposal, street and traffic signs, grading and landscaping, and curbs, sidewalks and entranceways will be addressed through Site Plan Control.

c. The Town is able to provide necessary services without imposing undue increases in taxation on all residents; and

The subject lands area within the Urban Boundary and all parcels are required to be serviced via municipal water and sanitary sewer systems. Any service extensions will be at the cost of the developer.

d. The Plan of Subdivision is not deemed to be premature, and it is considered necessary in the public interest.

The subject lands are within the Urban Boundary and is consistent with Provincial, Regional and Town planning policy which promote intensification and development within the existing urban area. The proposed plan of subdivision is in the public interest as it will provide additional dwelling units, and contribute to a wider range of dwelling types.

6.3.6 Comprehensive Zoning By-law No. 129-1990

The subject lands are currently zoned Residential Multiple 1 (RM1-761) Zone and Open Space (OS-450) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 9-2023 and By-law No. 126-2023. The RM1-761 Zone permits block townhouse dwelling units and establishes an overall residential density ranging from 25-50 units per hectare. The site-specific zoning also contains a provision that permits a minimum lot frontage of 20.22 m.

The proposed Draft Plan of Subdivision complies with the existing zoning regulations and no changes are required as a result of this application.

6.3.7 Draft Plan of Subdivision

The proposed Draft Plan of Subdivision will accommodate a total of thirty-six, two-storey townhouse dwelling units arranged in six blocks (Blocks 1 through 6), as shown in **Appendix 4**. The Draft Plan of Common Elements Condominium (CEC) will be contained within Block 7 and includes the common elements such as a private road, visitor parking spaces, and landscaping.

The primary entrance/access into the proposed development is from Walden Boulevard via the former Sixth Street road allowance and part of the abutting lane that was purchased from the Town. A second auxiliary entrance is available from Garrison Road that is shared with the proposed commercial plaza to the south. The Walden Boulevard entrance will consist of an improved private road, sidewalk, and landscaping and will be provided and maintained at the expense of the Owner/Developer.

The Common Elements Condominium was also subject to Site Plan Control and all the development matters (i.e. site servicing/grading, landscaping, lighting, fencing, and waste disposal) have been addressed through the Site Plan Agreement. The Condominium

Corporation will be required to assume the responsibilities of the Site Plan Agreement through a Condominium Agreement. The Site Plan Agreement process is nearing completion and is expected to be finalized in spring of 2024.

The Draft Plan of Subdivision will be subject to the conditions of approval contained in **Appendix 4**.

Open space for the proposed development will be provided via private amenity areas in the rear of each dwelling unit. Planning staff note that the subject lands are near Town-owned open space and parks, notably:

Table 1: Proximity of Town Parkland in Area		
Park Name	Park Type	Approximate Walking Distance
Mather Boulevard Parkette	Specialized Park	340 m
Energy Field	Neighbourhood Park	600 m
Mather's Arch and Niagara Parks Commission Waterfront Lands	Other	900 m

6.3.8 Studies

No new studies were required for this application. Several studies were requested for the previous Draft Plan of Common Elements Condominium and are summarized in [Report No. PDS-79-2022](#).

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with processing the applications and servicing the proposed development are the responsibility of the Owner/Developer.

No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the proposed amendments and approvals.

8. Policies Affecting Proposal

Following amendments to the Ontario *Planning Act*, R.S.O. 1990, c. P.13 that were implemented by the approval of Bill 23, the *More Homes Built Faster Act*, 2022 by the Province of Ontario, the requirement for a statutory Public Meeting was removed for Draft Plan of Subdivision applications. Planning staff note that a previous Public Meeting was held as part of the combined Official Plan and Zoning By-law Amendment and Draft Plan of Common Elements Condominium application on August 8, 2022.

All property owners within 120 metres of the subject property were mailed a “Notice of Complete Application” on January 9, 2024 in accordance with the requirements of the *Planning Act*.

Land use policies that apply to the subject lands are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.

9. Comments from Departments, Community and Corporate Partners

9.1 Staff and Agency Comments

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on October 17, 2023. No objections to the Plan of Subdivision were received. Detailed comments are outlines below. Comments received are attached as **Appendix 5**.

Bell Canada, Canada Post, Ontario Ministry of Transportation (MTO)

No objections. Several conditions of approval were requested and are included in the Conditions of Draft Plan Approval that are attached as **Appendix 4**.

Enbridge, Hydro One

No objections.

9.2 Public Comments

All property owners within 120 metres of the subject property were notified of the application for a Plan of Subdivision via mailed notice. No comments have been received as of the writing of this report.

10. Alternatives

Council may elect to deny the proposed Draft Plan of Subdivision application. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies and represents good land use planning. Further, approval of this Plan of Subdivision application is required to implement the previously approved Draft Plan of Common Elements Condominium for the subject lands and to create the blocks for the proposed townhouse dwellings.

11. Communicating Results

The applications are subject to a 20-day appeal period. If no appeals are received during the appeal period, Council’s decision is final. Notice of Council’s decision will be circulated as per the requirements of the *Planning Act*.

12. Conclusion

Planning Staff recommend approval of the proposed Draft Plan of Subdivision application for 315 & 0-350 Garrison Road and the associated Conditions of Draft Plan Approval. The application will facilitate the development of thirty-six block townhouse dwelling units, which will

diversify the housing stock in the Gateway neighbourhood, and provide for a compact form of development that will better utilize the Town's existing urban land and infrastructure. The Plan of Subdivision is also required to implement the draft approved Plan of Common Elements Condominium for the subject lands. The proposal aligns with the intent and objectives of the Gateway Secondary Plan and Provincial and Regional policies, and represents good planning.

13. Report Approval

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Chief Administrative Officer

14. Attachments

Appendix 1 – Location Plan

Appendix 2 – Draft Plan of Subdivision

Appendix 3 – Site Plan

Appendix 4 – Conditions of Draft Plan Approval

Appendix 5 – Staff and Agency Comments