



Planning and Development Services

Prepared for	Regular Council	Report No.	PDS-47-2023
Agenda Date	June 26, 2023	File No.	350309-0565 350302-166

Subject

**PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT
1169 PETTIT ROAD
OWNER - CRYSTAL RIDGE HOMES (JEFF DAVIS)
AGENT – SUSAN SMYTH (QUARTEK GROUP INC.)**

Recommendation

THAT Council approves the amendments to the Town's Official Plan and Zoning By-law No. 129-90 as detailed in Report No. PDS-47-2023 for the lands known as 1169 Pettit Road, and further

THAT Council directs Staff to submit the necessary By-laws.

Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

List of Stakeholders

Crystal Ridge Homes - Jeff Davis (Owner)
Susan Smyth – Quartek Group Inc. (Agent)
Residents and Property Owners in the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
<i>Original Signed</i> Samantha Yeung Junior Development Planner	<i>Original Signed</i> Anamika Dilwaria, M.Pl., MCIP, RPP Director, Planning & Development Services	<i>Original Signed</i> Chris McQueen, MBA Chief Administrative Officer

Purpose

The purpose of this report is to provide information and staff recommendations to Council regarding the Combined Official Plan and Zoning By-law Amendment application for 1169 Pettit Road. The Recommendation Report is being presented to Council the same evening as the Public Meeting for the reasons that there is a low level of public interest and the proposal complies with the Town, Regional and Provincial policies.

The planning application for the subject property was submitted by Susan Smyth from Quartek Group Inc. on behalf of the property owner, Jeff Davis (Crystal Ridge Homes). A location map showing the subject lands is attached as **Appendix “1”**.

The Applicant is proposing to construct two semi-detached dwellings on the subject property which will be accessed from Pettit Road. The Applicant is requesting to amend the Official Plan to add a Site Specific Policy Area (SSPA) designation to the subject lands to allow an increase in the maximum density from 16 units per hectare to 22 units per hectare. Concurrently, the Applicant is also requesting to rezone the subject property from Residential 1 (R1) Zone to a site-specific Residential 3 (R3) Zone to facilitate the construction of semi-detached dwellings. A site-specific provision is requested to allow a reduction in the minimum unit frontage. A preliminary site plan illustrating the proposed development is attached as **Appendix “2”**.

Nature of the Site

The subject property is located in the Spears-High Pointe neighbourhood of the Town of Fort Erie. The subject property is located south of Nathaniel Drive and west of Pettit Road. It is approximately 1788 m² (0.178 ha) with 37.24 metres of frontage. The following summarizes the land uses surrounding the subject property:

North: Single detached dwellings, Nathaniel Drive
South: Single detached dwellings, Petro-Canada Gas Station, Garrison Road
East: Single detached dwellings, Pettit Road, Spears Garden Subdivision
West: Single detached dwellings, vacant land with Woodland features, High Pointe Subdivision

Planning Context

2020 Provincial Policy Statement (PPS)

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development within settlement areas and encourage building strong communities through the efficient use

of land, resources and infrastructure that are planned or available. The PPS supports the development of complete communities with an appropriate range and mix of housing types.

The proposal is consistent with the policies outlined in the PPS. The proposed development represents an intensification of an underutilized parcel inside of a Settlement Area and the Urban Boundary. The proposed development is adequately serviced with water and sanitary sewer and will efficiently use municipal infrastructure.

2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject property is within the Greater Golden Horseshoe Growth Plan Area and is designated as Built-up Area. In general, the Growth Plan directs new residential development within the delineated Built-up Area and encourages opportunities for intensification.

The proposed development is consistent with the policies of the Growth Plan. The proposed development is located within a Settlement Area and is identified as Delineated Built Up-Area. The Growth Plan requires 50% of new development in Niagara Region to occur in a Built-up Area. The proposal will assist the Town in achieving this intensification target.

2022 Niagara Official Plan (NOP)

The Niagara Official Plan (NOP) identifies the subject property as being within the Urban Area Designation and the Delineated Built-up Area in accordance with Schedule B. The policies of the NOP encourage development, including a mix of housing types, in Built-up Areas where municipal services exist or are planned. The proposed development will support the achievement of a complete community by making better use of an existing underutilized urban land with access to municipal services. The proposal will also contribute to the diversification of the housing supply in Niagara.

Town of Fort Erie Official Plan & Spears-High Pointe Secondary Plan

The subject lands are located in the Spears-High Pointe Secondary Plan and are designated Low-Density Residential. The land use designation is reserved for single detached, semi-detached, and duplex dwellings and allows a maximum density of 16 units per hectare. The applicant is proposing an amendment to the Official Plan to add a Site Specific Policy Area (SSPA) designation to the subject lands to permit a maximum density of 22 units per hectare. The construction of 3 dwelling units will provide a density 16 units per hectare while the construction of 4 dwelling units will provide a density of 22 units per hectare. As such, an Official Plan Amendment is required to allow 1 additional dwelling unit on the subject property.

The subject lands is not identified within an area with archaeological potential in accordance with Schedule D of the Town's Official Plan, and it is not impacted by

natural heritage features, hazards, or habitats in accordance with Schedule C and C1. Schedule B illustrates that the subject lands is located within a petroleum resource area. Section 7.3 of the Official Plan requires the protection of petroleum resource operations (wells) with a minimum setback of 75 metres. Staff note that there are no active wells within 75 metres of the subject property as identified on the Ministry of Natural Resources and Forestry (MNR) mapping.

Section 13.7 III of the Official Plan details criteria for consideration on proposed Official Plan amendments. Staff have addressed the relevant criteria in detail below:

a. The need for the proposed use;

The Spears-High Pointe community is striving to create a comprehensive community by including, but not limited to, a range of residential densities, commercial space, mixed-use areas, and open space to cater to the various demands of residents and tourists. The proposed use will introduce a 'soft' increase in housing density and provide alternative housing forms to the community.

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

The subject property is designated Low-Density Residential in the Spears-High Pointe Secondary Plan . The proposed SSPA will maintain the current low-density residential designation and will allow the residential density to increase from 16 units per hectare to 22 units per hectare.

c. The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;

The subject property is not constrained by any natural heritage features. An existing single detached dwelling and a detached garage located on the property will be demolished to allow the construction of future semi-detached dwellings.

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 Public Health Department and any other appropriate authority deemed advisable.*

The subject lands is located within the urban boundary and will utilize existing municipal water and sanitary services along Pettit Road. The property is considered to be fully serviced.

The subject property has frontage on Pettit Road, which is a collector road and provides convenient access to the QEW highway. Nathaniel Drive was initially constructed as a construction route for the High Pointe Subdivision on the west side and it is now classified as a local road. In accordance to Schedule SHP-4 *Transportation Systems Plan* of the Secondary Plan, Pettit Road is identified as an active recreational corridor which will include an enhanced boulevard trailway and bike lane in future. Further, Subsection 4.17.16.2 (h) of the Official Plan states collector roads shall be planned to provide sidewalks on both sides of the road. The Owner will provide a cash contribution for the construction of sidewalks along the Nathaniel Drive and Pettit Road frontage. The cash contribution will be collected at the future consent application stage. The proposed sidewalks will provide safe travel and convenience for pedestrians in the area.

Further, the Applicant will also be dedicating a 7 m x 7 m daylighting triangle at the corner of Nathaniel Drive and Pettit Road at the future consent application stage, which will assist in improving vehicular and pedestrian safety by providing clear sightlines.

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

Surrounding the subject property is other low-density residentials that consist of primarily single detached dwellings with 1 to 2 storeys in height. The proposal is compatible with the surrounding uses. It will provide a low-density built form that is 2 storeys in height. The neighbourhood also has a wide range of uses including residential, commercial, and mixed-uses. The proposal will contribute to the housing supply and provide an alternative housing form for the area.

proposed use is compatible with the area as it will be a residential use that introduces a new housing form in a growing community.

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 suggesting that the proposed development will have a depreciating or deteriorating effect on adjoining properties.

g. The potential effect of the proposed use on the financial position of the municipality;

The proposal will not negatively affect the financial position of the municipality as all works associated with the future development are the responsibility of the Owner/Developer.

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

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

Open Space and Public Parks

The High Pointe Subdivision is currently under construction on the west side of Nathaniel Drive. As part of the Subdivision, a neighbourhood park was recently built and made available for the public to enjoy.

Other walkable Town parkland is summarized in the following table:

Table 1: Proximity of Town Parkland in Area		
Park Name	Park Type	Approximate Distance
High Pointe Subdivision Park (name is not identified yet)	Community Park	400 m
Ferndale Park	Community Park	1.00 km
Spears High Pointe Park	Neighbourhood Park	1.80 km

Comprehensive Zoning By-law No. 129-90

The subject property is zoned Residential 2 (R2) in accordance with the Town’s Comprehensive Zoning By-law No. 129-90, as amended. The R2 zone permits the use of single detached dwellings and accessory apartment dwellings. The applicant is requesting to rezone the property to construct two semi-detached dwellings with a reduced unit frontage. To facilitate this proposal, a Zoning By-law Amendment is required to permit the use on the subject lands and to designate a site-specific provision to permit a reduced lot frontage for each unit.

The table below offers a comparison of the R3 zoning requirements versus the proposed provisions for the semi-detached dwellings:

Zoning Regulation	Standard R3 Zone Requirement	Proposed Site-specific R3 Zone	Planning Comment
Minimum Unit Frontage	9.5 m 10.50 for a corner lot	8.58 m 11.50 m for the corner lot	The site-specific provision is for a reduced unit frontage of the interior lots. Staff can support this as the proposed unit frontage will be sufficient for an appropriately sized dwelling and provides

			sufficient space for on-site parking.
Minimum Lot Area	305 sq m	424.30 m ² to 515.20 m ²	The proposed lot area exceeds the zoning requirement.
Maximum Lot Coverage	1 storey – 60 % 2 storey – 40%	2 storey - 32%	The proposed lot coverage is less than the maximum lot coverage and provides sufficient space for on-site parking and amenity space.
Minimum Front Yard Setback	6 m to garage 3 m to other parts of dwelling	7 m to dwelling 12.65 m to garage	The front yard setback meets the zoning requirement.
Minimum Interior Side Yard Setback	1.2 m + additional 0.5 m for every storey above the ground floor (1.7 m)	1.7 m	The proposed interior side yard setback will meet the required 1.7 m for a two storey semi-detached dwelling.
Minimum Exterior Side Yard Setback	3 m, except that an attached garage or carport which faces the exterior side lot line shall be setback 6 m.	3.65 m	The proposed attached garage will not face the exterior side lot line. The proposed setback will meet the required minimum setback.
Minimum Rear Yard Setback	6 m	16.80 m	The proposed rear yard setback exceeds the zoning requirement.
Maximum Height	2.5 storey and 9 m	2 storey 7.3 m	The proposed building height will be under the maximum requirement.

The subject property is located within an established neighbourhood. The proposed development will contribute to increasing the housing supply and provide a new housing form within the existing neighbourhood. The proposal meets majority of the R3 zoning regulations for semi-detached dwellings, as indicated in the above chart.

The exception to the R3 zoning regulations is the minimum unit frontage requirement. The intent of this regulation is to ensure there is sufficient space to accommodate a dwelling, provide on-site parking, and sufficient amenity space. The proposal is requesting a reduction for the unit frontage requirement for the interior lots from 9.50 m to 8.5 m. Staff can support a reduction in the lot frontage as in staff’s opinion the subject parcel is sufficiently sized to allow the construction of a semi-detached dwelling, provide on-site parking area, and adequate interior side yard setback for maintenance and access to the rear yard. Planning staff is of the opinion that this will have minimal impact on surrounding properties.

If this Zoning By-law Amendment is approved by Council, the creation of the proposed semi-detached dwelling will be subject to a future consent application. Given the information, Staff can support the proposal as the subject property is a residential parcel located in the urban area, will utilize existing municipal services, and will conform with development policies as set out in the Provincial, Regional, and Local legislations.

Studies

No studies were required for the Combined Official Plan and Zoning By-law Amendment application.

Financial/Staffing and Accessibility (AODA) Implications

All costs associated with processing the application and the development of the property is the responsibility of the owner and no Staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the amendment proposed.

Policies Affecting Proposal

A Public Information Open House for this application was held on May 18, 2023. Property owners within 120 metres of the subject property were notified of the Open House via mail notice.

Notice of the June 26, 2023 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the June 1, 2023 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject lands were mailed a "Notice of Complete Application and Public Meeting" on June 1, 2023.

Land use policies for the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

Comments from Relevant Departments/Community and Corporate Partners

A request for comments regarding this Zoning By-law amendment was circulated to relevant Departments/Community and Corporate Partners on March 15, 2023. Comments received are summarized below. Full agency and staff comments are attached as **Appendix "3"**.

A Public Information Open House was held on May 18, 2023. 6 members of the public attended the meeting for information and no written comments were received by the Planning Department.

Agency Comments

Enbridge Gas Inc. and Ministry of Transportation (MTO)

There were no comments concerning the proposed planning application.

Mississaugas of the Credit First Nation Department of Consultation and Accommodation (MCFN DOCA)

The subject lands is identified on the treaty lands of the MCFN, the Mississauges Treaty at Niagara, 1781. The MCFN DOCA requests to be in receipt of all Environmental Assessment reports and engaged in all archaeological assessments.

Staff notes that the subject property is not impacted by natural heritage features and not within an area with archaeological resources. As such, Environmental Impact Study and Archaeological Assessment was not required for the development proposal.

The Niagara Region

Regional Planning and Development Services staff has reviewed the proposal and does not object to the proposed Official Plan and Zoning By-law Amendment.

Staff Comments

Building Division

There were no comments concerning the proposed planning application. The owner is reminded that a demolition permit is required for the removal of the existing dwelling.

It appears there are street trees located in the Town road allowance. Please identify the location of the trees in the future survey sketch for consent for staff review and feedback.

Development Engineering Division

The Owner has submitted a Functional Servicing Report, prepared and certified by Quartek Group Inc. dated February 2023. Town staff has reviewed the submission and can confirm that the existing sanitary sewage system has the capacity for the addition of 2 semi-detached dwellings. Thus, Town staff have no objections to the approval of the proposed planning application.

The Owner is also informed of the following potential conditions of the future severance application:

- Dedication of 7 m x 7 m daylighting triangle, at the corner of Pettit Road and Nathaniel Drive;
- Payment of cash-in-lieu for future sidewalks along the Nathaniel Drive and Pettit Road frontages shall be required, the cost of which shall be as per the Town's

current average tender document pricing at the time of payment (\$200.00/m² – 2023);

- A Master Lot Grading and Drainage Plan prepared by a qualified Engineer or Ontario Land Surveyor

Public Comments

Drainage

Nearby residents mentioned at the open house that the property has poor drainage flow to the existing roadside ditches.

Staff Response

Planning Staff acknowledges the residents' concerns and that the applicant has submitted a preliminary site servicing plan. Through the future consent application, the Owner must provide a Master Lot Grading and Drainage Plan prepared by a qualified Engineer or Ontario Land Surveyor for the subject lands. Town staff will further assess the proposed grading plans to ensure drainage is properly allocated and will not adversely affect abutting properties, prior to the finalization of the consent.

Proposed Density on the Property

Members of the public were concerned about the increase in density on the subject lands. In their opinion, the construction of 4 units on the subject lands is not suitable for the property and the neighbourhood.

Staff Response

Planning staff acknowledges the conversion of 1 single detached dwelling to 2 semi-detached dwellings may have an impact on the neighbourhood. The low-density residential designation in the Town's Official Plan allows a maximum density of 16 units per hectare, which equates to 3 residential dwellings on the subject lands. The Applicant is requesting to allow 4 dwelling units that will increase the density to 22 units per hectare. In staff's opinion, the increase in density is minor and will have minimal impact on the surrounding land-uses. The proposed semi-detached dwellings will be similar to the surrounding single-detached dwellings from a height and appearance perspective. Further, the subject property fronts onto Pettit Road which is a collector road, and is designed to accommodate the large traffic volume. Lastly, the subject lands are serviced by municipal services.

Increase in Traffic Flow Along Pettit Road

Residents on Pettit Road expressed concerns that the increase of 3 additional residential units on the property will have a negative impact on pedestrian safety due to

the increase of vehicles along Pettit Road. They have requested a traffic study to be conducted.

Staff Response

Pettit Road is classified as a collector road in the Town's Official Plan. A collector road is designed to carry large volumes of traffic and function as a link between arterial roads or highways and local roads. Town staff notes the 4 new dwelling units will have minimal impact on the existing traffic flow on Pettit Road. As well, the Owner is required to provide a cash contribution for the construction of sidewalks along Nathaniel Drive and Pettit Road frontages as part of the future consent application.

Property Tax Increase

Residents in the area were concerned about the potential impact of the proposed development on their property value.

Staff Response

Planning staff acknowledges the concern of the public, however, staff note that the potential increase in property tax is not within the Planning scope for commenting. The Municipal Property Assessment Corporation (MPAC) is responsible for property assessment and taxation within Ontario. Property owners are encouraged to contact MPAC for concerns regarding the impact of developments on the market value and/or their respective property.

Alternatives

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment 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.

Communicating Results

There are no communication requirements at this time.

Conclusion

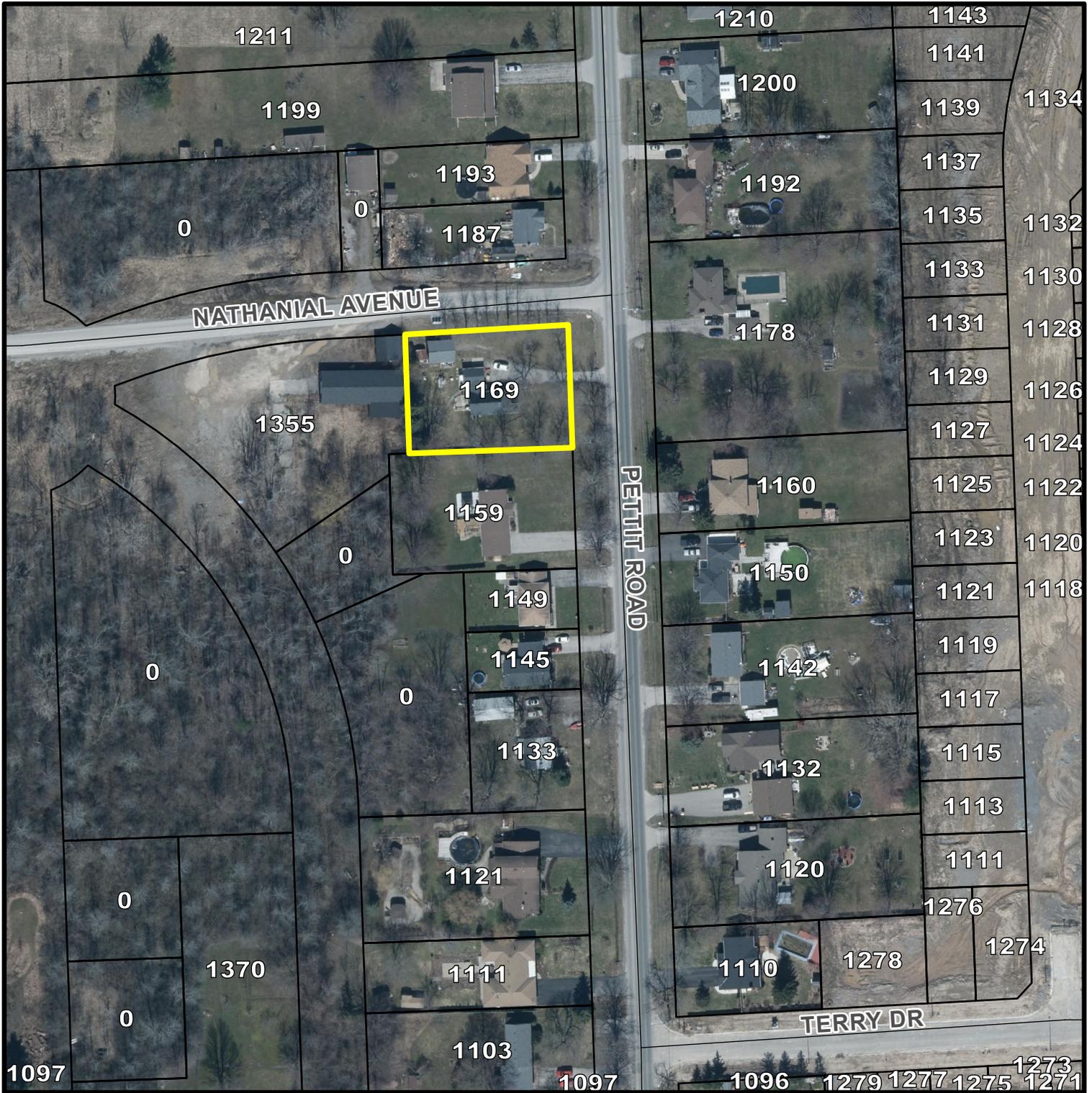
Planning Staff are of the opinion that the proposed Combined Official Plan and Zoning By-law Amendment application would make better use of an underutilized parcel within the urban boundary and will contribute to the diversification of the housing supply of the established neighbourhood. The proposal will provide an appropriately sized dwelling, on-site parking, sufficient amenity space, and maximize the utilization of municipal infrastructure. It is consistent with Provincial, Regional, and Town's local policies and aligns with the vision of the Spears-High Pointe Secondary Plan.

Attachments

Appendix "1" - Location Plan

Appendix "2" - Preliminary Site Plan

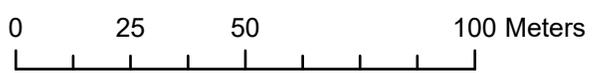
Appendix "3" - Agency and Staff Comments

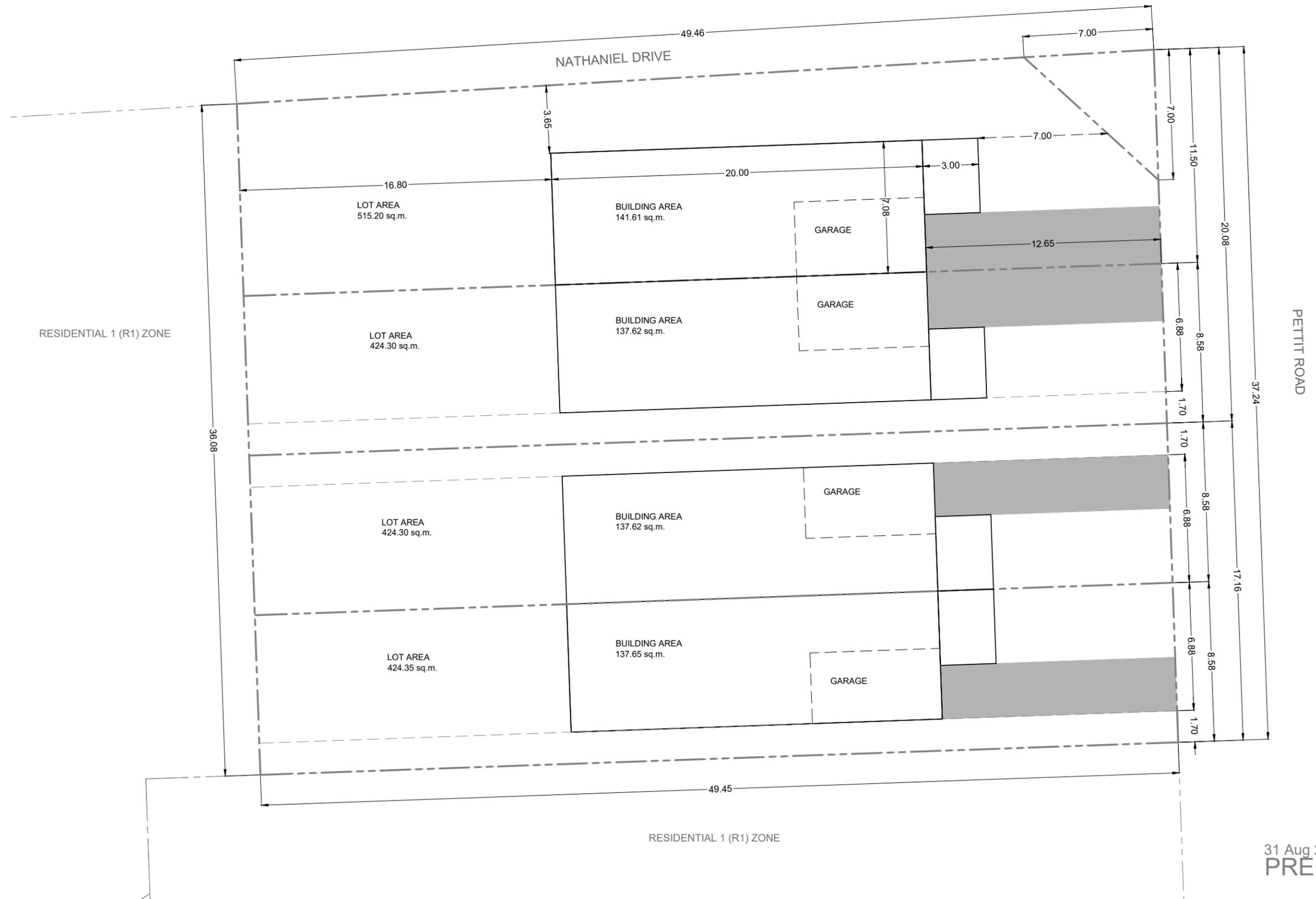


LOCATION MAP

**Proposed Combined Official Plan and Zoning By-law Amendment
for 1169 Pettit Road**

 Subject Lands - 1169 Pettit Road







Interoffice Memorandum

April 17, 2023

Our File: 350309-0565

ZBA-03-2023

To: Samantha Yeung – Junior Development Planner
Cc: Anamika Dilwaria, Manager of Development Approvals
Noah Thompson, Development Engineering Technician

From: Brad Johnston, C.E.T., Supervisor, Development Engineering

Subject: OPA / ZBA – Proposed Semi-Detached Dwellings (2)
Development Engineering Comments

Address: 1169 Pettit Road

Roads

Pettit Road is designated a Collector road with a desired right-of-way width of 23.0m, in accordance with the Town's current Official Plan. Its current width along this section is sufficient at 25.0m±, therefore the Town will not be pursuing any subsequent widenings along Pettit Road regarding this property.

Nathaniel Drive is designated a Local road with a desired right-of-way width of 20.0m, in accordance with the Town's current Official Plan. Its current width along this section is already sufficient at 20.0m, therefore the Town will not be pursuing any subsequent widenings along Nathaniel Drive regarding this property.

The Town's Official Plan requires that day-lighting triangles be dedicated, where required, at the intersections of streets fronting development-related subject properties. In this case, Pettit Road and Nathaniel Drive, classified as Collector – Local roads respectively, shall be subject to the Owner dedicating a 7.0m x 7.0m daylighting triangle to the Town, free and clear of any encumbrances, to be known as Public Highway Pettit Road. The Owner shall be required to submit a draft reference plan noting the dedicated part(s), for review and approval, prior to its registration in the Land Registry Office. This land dedication shall be a condition required applicable to the future severance application regarding the semi-detached lots.

Sidewalks & Curbs

Curbs and sidewalks do not exist along the subject land frontages, given that both Pettit Road and Nathaniel Drive are currently in a semi-urban cross-section state.

As Pettit Road is noted as a Collector road in the Town's Official Plan, it is required to be accommodated with sidewalks on both sides in the future, with respect to the Town's

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

Our File: 350509 – 0565

1169 Pettit Road
ZBA-03-2023

April 17, 2023

Active Transportation Component of the Official Plan. With respect to the Nathaniel Drive frontage, it shall be noted that sidewalks are proposed on the south side of Sharon Drive, the westerly extension of Nathaniel Drive to the west, as part of the High Pointe Plan of Subdivision. The Owner shall therefore be advised that a cash-in-lieu payment for future sidewalks along the Nathaniel Drive and Pettit Road frontages shall be required, the cost of which shall be as per the Town's current average tender document pricing at the time of payment (\$200.00/m² – 2023). This shall be a condition applicable to the future severance application regarding the semi-detached lots.

Geotechnical/Hydro-geotechnical Report

A soils investigation report is recommended to be prepared and certified by a qualified professional Geotechnical Engineering Consultant, that comments on typical soil characteristics to accommodate proposed developments subject to foundation construction. The report would be expected to provide recommendations and any other foreseeable issues given the existing and historical characteristics of the soils in the area (clay, shallow bedrock, etc.) and would additionally comment on the foundations, compaction requirements, drainage schemes, etc., and affects, if any, to the proposed services for the lot. A chemical component should also always be considered.

Linear Engineering Services

	Pettit Road	Nathaniel Drive
Water Services	150mm C.I. 400mm PVC (Regional)	None

It is noted that from Town water service records, the property to the west (1355 Nathaniel Drive) has a water service tapped from 1169 Pettit Road's existing service. Further investigation is required to determine its existing legality (on title), or if an access and maintenance easement is required, which shall be noted as a condition applicable to the future severance application regarding the semi-detached lots.

Sanitary Services	200mm AC	200mm AC
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The sites shall be serviced from the existing sanitary sewer on Pettit Road, however noting that the proposed sewer laterals will cross under the Region's above noted trunk water main. Adequate crossing details shall be identified on detailed design drawings through the future consent application review process, the crossings to the satisfaction and discretion of the Regional Municipality of Niagara.

The Owner has submitted a Functional Servicing Report, prepared and certified by Quartek Group Inc. FEB-2023. Although the report comments on the minimal input of proposed flows against the overall design capacity of the receiving sewer, it does not comment and assess the downstream system's 'actual' flow capacities, given the entire

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

Our File: 350509 – 0565

*1169 Pettit Road
ZBA-03-2023*

April 17, 2023

contributing sewerage area. The Owner is advised that further revisions with respect to this, shall be required for further review and approval as a condition of the future severance application for the semi-detached lots.

	Pettit Road	Nathaniel Drive
Storm Services	None (Road side Ditches)	None (Road side Ditches)

Increased drainage challenges occur in these types of in-fill developments where existing lots within established neighbourhoods sometimes do not have suitable drainage outlets in place. The Owner must retain at their cost, a qualified Engineer or Ontario Land Surveyor to prepare a Master Lot Grading and Drainage plan for the proposed development lots. The plan shall be submitted for review, and approved by Town staff, prior to the finalization of the future consent. Town staff will review the plan to ensure that the drainage scheme of the existing, and proposed future lots convey drainage to a suitable outlet(s), while at the same time not adversely affect abutting properties.

Weeping tile discharges via sump pump shall be required to discharge at grade towards the front yards only, and through the front foundation walls, not the side yards or from the foundation sidewalls. The house designs shall ensure this is identified adequately, and also ensure that rainwater leaders (downspouts) are directed/discharged to the front/rear of the lots as well. The location and direction of the roof water discharge pipes and sump pumps must be identified on the grading and drainage plan.

The Town shall not accommodate any piped rear yard catch basins or drainage pipe (weeping tile) that proposes to discharge flows directly to existing road-side ditches. These rear yard flows shall only be accommodated via overland conveyance only, if attainable, at an absolute minimum slope of 1.0%.

Although a preliminary scheme of the Owner's site-specific engineering design has been provided, it can be considered premature at this time, given the consent has not yet been applied for. The detailed review, and approval cannot be further completed without the Consent application filed.

Utilities

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

Development Engineering Staff have no further comment or objections to the approval of this Zoning By-law Amendment application.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

Our File: 350509 – 0565

*1169 Pettit Road
ZBA-03-2023*

April 17, 2023

I trust this information is satisfactory and if there are any further questions or comments, please feel free to contact me.

Regards,

A handwritten signature in black ink, appearing to be 'Brad Johnston', written in a cursive style.

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

c. File No. 350309-0565 (ZBA-03-2023)



March 16, 2023

Samantha Yeung
Junior Development Planner
The Corporation of the Town of Fort Erie
RE: 1169 Pettit Road, Fort Erie

Dear Samantha,

MCFN DOCA would like to submit the following comments regarding the 1169 Pettit Road, Fort Erie Development:

We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Mississaugas Treaty at Niagara, 1781.

In light of this, the MCFN Department of Consultation and Accommodation (DOCA) must be in receipt of all Environmental Assessment reports and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at cost of the proponent.

Thank you

Abby (LaForme) Lee
Acting Consultation Coordinator, MCFN DOCA- Abby.LaForme@mncfn.ca

Cc: Mark LaForme, Director, MCFN DOCA – Mark.LaForme@mncfn.ca



APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

1169 Pettit Road - ZBA and OPA

Keegan Gennings to Samantha Yeung

04/04/2023 01:56 PM

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

Hi Samantha,

A review of the proposed Zoning By-law Amendment and Official Plan Amendment has been completed and I have no comments.

The applicant is reminded that a demolition permit is required for the removal of the existing dwelling and a development charges credit for the house being removed is available. This credit is applicable provided redevelopment of the site occurs within 5 years of the demolition permit.

It appears that some Town trees in the road allowance may be impacted by the current driveway locations. The street trees will need to be clearly noted on future plans so staff can provide comments concerning the trees.

Regards,

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

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

RE: [External] Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road Municipal Planning to 'Samantha Yeung' 03/28/2023 03:33 PM
 From "Municipal Planning" <MunicipalPlanning@enbridge.com>
 To "'Samantha Yeung'" <SYeung@forterie.ca>

Thank you for your circulation.

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

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

Regards,

Willie Cornelio CET
 Sr Analyst Municipal Planning
 Engineering

ENBRIDGE
 TEL: 416-495-6411
 500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Samantha Yeung <SYeung@forterie.ca>

Sent: Wednesday, March 15, 2023 3:27 PM

To: circulations@wsp.com; karen.singer@bell.ca; Andrew.Carrigan@Canadapost.ca;
 Sheraz.Mustafa@cnpower.com; kris.watson@cnpower.com; craig.krueger@cogeco.com;
 Randy.Leppert@cogeco.com; Municipal Planning <MunicipalPlanning@enbridge.com>;
 Paul.Shllaku@hydroone.com; LandUsePlanning@HydroOne.com; Abby.LaForme@mncfn.ca;
 fawn.sault@mncfn.ca; adam.laforme@mncfn.ca; mr18enquiry@mpac.ca; paul.nunes@ontario.ca;
 radamsky@niagaraparks.com; esavoia@niagaraparks.com; tlennard@npca.ca; mdoan@npca.ca;
 alexander.morrison@niagararegion.ca; clerk@niagararegion.ca; devtplanningapplications@niagararegion.ca;
 Chris.Pirkas@niagararegion.ca; John.armstrong@rci.rogers.com; Ash.Neville@rci.rogers.com;
 aaazouz@csdcs.edu.on.ca; circulations@mmm.ca; executivedirector@fenfc.org;
 kaudet@forteriecanada.com; planification@csdcs.edu.on.ca; Planning@ncdsb.com; sue.mabee@dsbn.org

Subject: [External] Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road

CAUTION! EXTERNAL SENDER

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DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good afternoon,

The Town of Fort Erie has received a Zoning By-law and Official Plan Amendment application for the lands municipally known as 1169 Pettit Road. The subject property is designated Low Density Residential in the Spears-High Pointe Secondary Plan. The subject property is correspondingly zoned Residential 1 (R1) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

The Applicant is proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of two semi-detached dwellings. A semi-detached dwelling is not a permitted use under the R1 Zone that currently applies to the property. As the proposed lot frontage for each interior unit (8.58m) is less than what is required (9.50 m), the Applicant is requesting site specific relief. The proposed building height is two storeys.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Tuesday, April 4th, 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

Attachments pertaining to this application can be accessed [here](#).

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

Best regards,
Samantha

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services
1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528

Email: syeung@forterie.ca

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

RE: Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road
 Nunes, Paul (MTO) to Samantha Yeung 03/15/2023 03:42 PM
 From "Nunes, Paul (MTO)" <Paul.Nunes@ontario.ca>
 To "Samantha Yeung" <SYeung@forterie.ca>

Hi Samantha,

Re: Zoning By-law and Official Plan Amendment Applications – Request for Comments
 1169 Pettit Road, Fort Erie, ON.

The subject property described above does not appear to be located within the MTO Permit Control Area for the QEW or Hwy 3, therefore, we have no comments or concerns.

Thanks,

Paul Nunes | Senior Project Manager (West)

Highway Corridor Management Section | Central Operations | Ontario Ministry of Transportation
 159 Sir William Hearst Avenue, 7th Floor, Toronto, ON. M3M 0B7
 Telephone: 416-270-3108 | Email: paul.nunes@ontario.ca



From: Samantha Yeung <SYeung@forterie.ca>

Sent: March 15, 2023 3:27 PM

To: circulations@wsp.com; karen.singer@bell.ca; Andrew.Carrigan@Canadapost.ca;
 Sheraz.Mustafa@cnpower.com; kris.watson@cnpower.com; craig.krueger@cogeco.com;
 Randy.Leppert@cogeco.com;

Subject: Request for Comments - Zoning By-law and Official Plan Amendment for 1169 Pettit Road

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.
 Good afternoon,

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The Applicant is proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of two semi-detached dwellings. A semi-detached dwelling is not a permitted use under the R1 Zone that currently applies to the property. As the proposed lot frontage for each interior unit (8.58m) is less than what is required (9.50 m), the Applicant is requesting site specific relief. The proposed building height is two storeys.

In order for us to properly assess this application and prepare a report for Town Council, Planning and Development Services is requesting the submission of comments in the form of a memorandum or letter as they pertain to the scope and jurisdiction of your department. Please submit your comments by **Tuesday, April 4th, 2023**. If we do not receive your comments or a request for an extension by this date, Planning and Development Services will assume that you have no objection to the application as submitted.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

Attachments pertaining to this application can be accessed [here](#).

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

Best regards,
Samantha

Samantha Yeung, BA, MSc PI

Junior Development Planner

The Corporation of the Town of Fort Erie | Planning and Development Services

1 Municipal Centre Drive, Fort Erie, Ontario L2A 2S6

Phone: 905-871-1600 ext. 2528

Email: syeung@forterie.ca

Planning and Development Services

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

Via Email

April 13, 2023

Region Files: D.18.01.ZA-23-0032
D.10-01.OPA-23-0018

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

Dear Ms. Yeung:

**Re: Regional and Provincial Comments
Zoning By-law Amendment & Local Official Plan Amendment Applications
Applicant: Jeff Davis, Crystal Ridge Homes
1169 Pettit Road
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the Zoning By-law Amendment Application and Official Plan Amendment Application for 1169 Pettit Road. The Region received its circulation from the town of Fort Erie on March 15, 2023.

The lands are currently designated Low Density Residential in the Spears-High Pointe Secondary Plan and are correspondingly zoned Residential 1 (R1) in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-90, as amended. The Applicant is proposing to amend the Town's Official Plan to increase the density of the property from the currently permitted density of 16 units per hectare to an increase of 22 units per hectare. The Applicant is also proposing to rezone the property to Residential 3 (R3) Zone to facilitate the construction of two semi-detached dwellings (4 units).

A Pre-consultation meeting for this application occurred on November 25, 2021. The following comments are provided to assist the Town of Fort Erie with their review of the proposed Zoning By-law Amendment and Official Plan Amendment Applications.

Provincial and Regional Policies

The *Provincial Policy Statement, 2020* ("PPS") designates the subject land within the "Settlement Area". The *Niagara Official Plan* ("NOP") and the *Growth Plan for the*

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

D.18.01.ZA-23-0032

D.10.01.OPA-23-0018

April 13, 2023

Greater Golden Horseshoe ("Growth Plan") designates the property as "Delineated Built-up Area".

The NOP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. The proposed Zoning By-law Amendment is located within the urban boundary and abides by the Provincial and Regional policy for urban areas and will aid the Town of Fort Erie in reaching their intensification target of 50 %.Region

Regional staff has reviewed the "*Planning Justification Report*" completed by Quartek Group (Dated February 2023) and are satisfied with its analysis as it adequately addresses applicable policies. Staff acknowledge that the proposal addresses the Provincial and Regional policies for the Delineated Built-up Area by contributing to the Town's intensification target and making better use of existing underutilized municipally serviced urban lands. The proposal will also contribute to the diversification of housing supply (semi-detached dwellings) in Niagara.

Servicing

There is a 400 millimetre diameter PVC Regional watermain on Pettit Road. Regional staff has reviewed the submitted materials and acknowledge that the intention for sanitary servicing of the proposed dwellings is by new individual services connected to the Town's sanitary sewer main on Pettit Road. This connection will cross the Regional watermain. Therefore, detailed plan and profile drawings of the proposed crossings shall be submitted to the Region for review and approval by Water / Wastewater Engineering staff prior to construction.

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:

- Garbage: 2 bags/cans per unit collected every-other-week.
- Recycling: weekly blue/grey boxes or carts (unlimited).
- Organics: weekly green bins or carts (unlimited).
- Curbside collection only.

APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-47-2023 DATED JUNE 26, 2023

D.18.01.ZA-23-0032

D.10.01.OPA-23-0018

April 13, 2023

Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposed Zoning By-law Amendment and Local Official Plan Amendment applications, as the proposed development is consistent with the PPS and conforms to Provincial and Regional growth management policies. Town staff should be satisfied that any local requirements for the application are met and that the proposed development is compatible with the Spears-High Pointe Secondary Plan.

Given the site-specific nature of the Local Official Plan Amendment Application, the Amendment is exempt from Regional Council approval in accordance with NOP Policy 7.4.1.6, the Memorandum of Understanding, and Regional By-law No. 2019-73.

If you have any questions related to the above comments, please contact the undersigned at Alex.Boekestyn@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca.

Best regards,



Alex Boekestyn
Development Planner, Niagara Region

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Susan Dunsmore, P.Eng., Manger, Development Engineering, Niagara Region