



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-15-2026

Meeting Date: April 13, 2026

1. Title

Proposed Official Plan and Zoning By-law Amendment
Information Report for 848 Garrison Road, Fort Erie

2. Recommendations

That: Council receives for information purposes, Report PBBS-15-2026 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the lands located at 848 Garrison Road, Fort Erie.

3. Relation to Council's Corporate Strategic Plan

Priority: Sustainable and managed growth

4. List of Stakeholders

2723005 Ontario Inc. (Konstantinos Kentros) – Owner
NPG Planning Solutions Ltd. c/o Aaron Butler – Agent
Typical external agencies (e.g. Niagara Region, Niagara Peninsula Conservation Authority, Public Utilities, etc.)
Residents and Property Owners in the Town of Fort Erie

5. Purpose of Report

The purpose of this report is to provide Council with information regarding an application for combined Official Plan and Zoning By-law Amendments for land located at 848 Garrison Road, Fort Erie. The application was submitted by the Agent, NPG Planning Solutions Ltd. (c/o Aaron Butler), on behalf of the Owner, 2723005 Ontario Inc. (c/o Konstantinos Kentros). A location map showing the area subject to the application is attached as **Appendix 1**.

The proposed combined Official Plan Amendment and Zoning By-law Amendment intends to permit the following development:

- Two-storey restaurant and commercial building;
- Two-storey building with commercial uses floor (clinic/pharmacy) on the ground and 8 residential dwellings on the second floor;
- Two (2) five-storey apartment buildings at the rear of the subject lands with 56 dwelling units each (total of 112 dwelling units);

- Retain the General Cruikshank House, a designated heritage building, for adaptive reuse for commercial purposes such as retail uses.
- A total of 294 parking spaces, with 11 accessible parking spaces (7 Type As and 4 Type Bs).

A conceptual site plan is attached as **Appendix 2**.

The Official Plan Amendment proposes to redesignate the subject land from Low Density Residential and Environmental Conservation to a Core Mixed Use Site Specific Policy Area (SSPA). The SSPA proposes policies to permit a maximum density of 60 units per hectare, a maximum building height of five storeys and to permit development on the same parcel as a designated heritage building (the General Cruikshank House).

The Zoning By-law Amendment proposes to rezone the subject land from Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone, in part, to a site specific Core Mixed Use 3 (CMU3) Zone. The site-specific CMU3 Zone is proposing to permit Apartment Buildings and Banquet Halls as a permitted use in addition to the standard uses permitted in the CMU3 Zone. Several site-specific provisions are requested as follows:

- reduced interior side yard setback for an apartment building;
- reduced rear yard setback for an apartment building;
- increased maximum height of 5 storeys and 20 metres for an apartment building;
- reduced number of parking spaces per dwelling unit for an apartment building; and
- additional provision requiring residential open space or private open-air balcony space for an apartment building.

The apartment building will be subjected to the regulations of the RM2 Zone under Section 15.3 of the Zoning By-law. The Environmental Conservation (EC) Overlay Zone is proposed to be removed.

If this application is approved, a future Site Plan application will follow.

6. Analysis

6.1 Site Context

The subject land is located on the north side of Garrison Road, east of Kraft Road North in the Spears-High Pointe neighbourhood. The subject land is approximately 2.00 hectares in area and contains a single detached dwelling that is a designated heritage building (the General Cruikshank House). The remainder of the subject land is vacant and consists of manicured lawn or vegetated area. There are two watercourses on the subject land that are under the regulation of the Niagara Peninsula Conservation Authority (NPCA).

The subject land is in proximity to a range of commercial uses located along Garrison Road and is supported by Garrison Road Public School, Saint Philomena Catholic School and Greater Fort Erie Secondary School.

Spears Park, a neighbourhood park, is located approximately 850 metres to the west of the proposed development. The subject land is surrounded by the following uses:

- North: A stormwater management pond and the draft-approved Alliston Woods Phase 2 Plan of Subdivision;
- East: A single detached dwelling and commercial uses;
- South: Garrison Road, single detached dwelling and vacant residential land; and
- West: A sanitary sewer pump station operated by Niagara Region (Alliston Pump Station), the untravelled Alliston Avenue road allowance and single detached dwellings.

6.2 Planning Policy Framework

6.2.1 Planning Act, R.S.O. 1990, c.P.13

The Planning Act identifies matters of Provincial interest that Council must consider in carrying out their legislative responsibilities. These matters include, but are not limited to, the protection of ecological systems, including natural areas, features and functions, the conservation of features of significant architectural, cultural, historical, and archaeological interest, the adequate provision and efficient use of sewage and water services, the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing, the appropriate location of growth and development and the promotion of development that is designed to support public transit and to be oriented to pedestrians.

Decisions of Council must also be consistent with provincial policy statements that are in effect on the date of the decision and shall conform with provincial plans that are in effect on that date or shall not conflict with them.

6.2.2 Provincial Planning Statement, 2024

The subject lands are located within a Settlement Area under the PPS. The Provincial Planning Statement, 2024 (PPS, 2024) directs growth and development to settlement areas with a focus on strategic growth areas (2.3.1.1). Additionally, the PPS, 2024 encourages intensification and redevelopment to support the achievement of complete communities by planning for a range and mix of housing options (2.3.1.3).

The PPS, 2024 further states that with respect to land use compatibility, sensitive land uses are to be planned and developed to avoid, minimize and mitigate any potential adverse effects from noise (3.5.1).

Regarding Natural Heritage, the PPS, 2024 requires natural features and areas to be protected for the long term (4.1.1). The PPS, 2024 also states that development and site alteration shall not be permitted adjacent to natural heritage features and areas unless it has been demonstrated there will be no negative impact to the features and their ecological functions (4.1.8).

Cultural Heritage policies of the PPS, 2024 state that development and site alteration on lands of archaeological potential is prohibited unless the significant archaeological resources have been conserved (4.6.2). Furthermore, site alteration on adjacent lands to protected heritage property is also prohibited, unless the heritage attributes of the protected heritage property will be conserved (4.6.3).

Air Quality Assessment

Completion of an Air Study was originally requested by Niagara Region during pre-consultation for this application as the subject lands is adjacent to the Region's Alliston Sewage Pump Station (900 Garrison Road, directly west of the subject lands). There are several policies in the PPS, 2024 that seek to mitigate land use compatibility impacts to sensitive land uses. The Applicant has submitted an Air Quality Assessment prepared by RWDI Air Inc. and dated June 2025 in support of this proposal.

The only notable source of potential odour in the area is the Alliston Sewage Pump Station. The sewage pump station is considered a Class II facility under Provincial D-6 guidelines, with a potential influence area of 70.00 m. The study notes that local wind data shows that winds blowing from this facility towards the proposed development are fairly infrequent, accounting for less than 16% of the time annually, with the dominant wind direction blowing from the southwest. There is a potential for the facility to cause adverse odour impacts on the proposed development if the equipment located onsite is not properly maintained and operated and, in addition, odour control technology is not currently installed. Odour impacts from the Sewage Pump Station were modelled and are anticipated to be limited and within odour standards accepted by the MECP. No significant odour impacts are anticipated to the subject lands provided the Sewage Pump Station is adequately maintained. The Air Quality Assessment concluded that the proposed development is considered to be compatible with adjacent land uses from an odour perspective and no mitigation measures are recommended at the current time.

Noise Impact Study

Completion of a Noise Impact Study was originally requested by Niagara Region during pre-consultation for this application as the subject lands is adjacent to Garrison Road, near the QEW and there is a large commercial plaza to the east (Walmart, No Frills, Scotia Bank and the LCBO). A Noise Impact Study prepared by RWDI Air Inc. and dated April 2025 was submitted as part of this application. The study assessed potential noise impacts from Garrison Road to the south, Thompson Road to the east and the QEW to the north. Further, the Study assessed stationary noise sources in the area. These include the Alliston Sewage Pump Station to the west, a carwash to the west, and large commercial uses to the east (Walmart and No Frills), including idling trucks.

The study concluded that both nearby transportation noise sources and stationary noise sources resulted in noise impacts that exceeded MECP limits on the proposed residential uses. The study also noted that no vibrations impacts are anticipated to the subject lands. Several mitigation measures are recommended to address noise sources, as follows:

1. Installation of central air-conditioning so that all suites' windows can remain closed.
2. The inclusion of noise warning clauses related to:
 - a. Transportation sound levels at the building façade and in the outdoor amenity areas.
 - b. Proximity to commercial/industrial land-use.

3. Minimum sound isolation performance standards as follows:
 - a. Suite bedroom window glazing with sound isolation performance up to STC-29.
 - b. Suite exterior balcony door with sound isolation performance up to STC-28.
4. Construction of perimeter noise barriers along the outdoor amenity areas if feasible, with the applicable warning clause. It is noted that the study recommends a 1.60 m high noise barrier along the rear yard amenity area of the northwest apartment building.

Development Planning Response:

Recommendations from the Noise Impact Study will be included as conditions of approval of a future Site Plan Application if this proposal is approved.

6.2.3 Niagara Official Plan

The Niagara Official Plan, 2022 (NOP) identifies the subject lands as being within the Delineated Built-Up Area. The NOP states that within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas. The NOP directs development in urban areas to promote the efficient use of infrastructure, compact built form, opportunities for intensification including infill development, and development of a mix of residential built forms in appropriate locations to ensure compatibility with established residential neighbourhoods. Furthermore, the NOP establishes a minimum target in Fort Erie that requires 50% of all residential units occurring annually to be constructed within built-up areas.

The subject lands are not directly impacted by features that are part of the Natural Environment System as identified by Schedule C2 of the NOP.

The subject lands are also not within an area of archaeological potential as identified in Schedule K of the NOP.

6.2.4 Town of Fort Erie Official Plan

Spears-High Pointe Secondary Plan

The Spears High Point Secondary Plan designates the subject land as Low Density Residential and Environmental Conservation, in part. The Low Density Residential designation supports low-rise residential uses such as single detached dwellings, semi-detached dwellings and duplex dwellings. Commercial uses and apartment dwellings are not permitted under the Low Density Residential designation. The Environmental Conservation designation requires an Environmental Impact Study (EIS) and environmental review prior to development of the subject lands.

The Owner is proposing to redesignate the subject land to a Core Mixed Use Site Specific Policy Area to permit the proposed development.

The Spears-High Pointe Secondary Plan limits the maximum height of development in Core Mixed Use areas to three storeys in height and a density of 25 to 50 units per hectare. The density intended for Low Density Residential areas is up to 16 units per hectare. The Secondary

Plan also contains a policy that further residential development is not contemplated on the subject lands due to the presence of the General Cruikshank House. The policies proposed as part of the SSPA are as follows:

1. The subject lands will be subject to the policies of the Core Mixed Use designation.
2. The subject lands can be developed for a maximum density of 60 units per hectare and a maximum height of 5 storeys.
3. Residential development is permitted on the same property as the General Cruikshank House.

Section 11.3 – Built Heritage Resources

Cultural Heritage policies in the Town's Official Plan state that where any development or land disturbance requires the approval of the Town of Fort Erie, the Town shall ensure the built heritage resources are not adversely affected by the proposed development (11.3)(II).

Accordingly, the Applicant has submitted a Heritage Impact Analysis (HIA), prepared by NPG Planning Solutions Ltd and dated February 2025, in support of the Application. The HIA notes that the General Cruikshank House was designated by the Town in 2019. Aside from the historical connotation with General Ernest Cruikshank, key features of the dwelling that are significant from a heritage perspective include the steeply pitched gable, round-headed openings, fretwork at the top of porch posts, double front door, centred doorway, live-bay façade and the veranda across the front. This aligns with the physical heritage attributes that were identified in the Town's Designation By-law [62-2019](#).

The HIA concludes that the proposed development will not result in significant direct or indirect impacts to the General Cruikshank House and therefore the dwelling can be conserved and integrated into the proposed development. The HIA provides several recommendations to mitigate any negative impacts. No alterations are proposed to the heritage attributes.

The Town initiated a Peer Review of the HIA that was completed by Leah D. Wallace, Heritage Planning Consultant and dated May 2025. The Peer Review concluded that the Applicant's HIA was well-researched and prepared and is essentially complete. The Peer Review did not oppose the proposed development. The Peer Review did recommend several additions and revisions to the HIA as follows:

1. Addition of curriculum vitae for Patrick Winchur and Brian Narhi, two employees of NPG Planning Solutions Ltd. that assisted with the preparation of the HIA.
2. Addition of a brief discussion of the context of the subject lands in relation to the surrounding landscape and adjacent and nearby cultural heritage resources and consideration of possible impact of the proposed development on these cultural heritage resources.
3. The addition of a scoped Regulation 9/06 analysis to confirm that the heritage attributes are correctly and clearly identified. Amendments to the Ontario Heritage Act (OHA) in 2021 and 2023, amendments to Ontario Regulation 9/06 and several small technical mistakes in the existing designation by-law suggest that the HIA would have benefited from a scoped Regulation 9/06 review and consideration of whether there were additional heritage attributes which should be incorporated into a revised Statement of Significance.

4. Some preliminary urban design recommendations regarding landscaping to screen the parking area and the patio; a potential materials palette and architectural expression that may reduce the impact of the proposed building on the cultural heritage resources on the property.
5. Provision of a recommendation to appropriately “mothball” the Cruikshank House until a decision is made regarding its adaptive reuse and a Conservation Plan is provided.

The Peer Review clarifies that ‘mothball’ refers to temporary measures taken to preserve a building when it is unoccupied but no immediate reuse plan is in place. This involves stabilizing the building to prevent further deterioration, securing it against damage from weather, pests, or vandals, and regularly monitoring and repairing it as needed. In this instance, the windows and doors of the General Cruikshank House should be appropriately covered and ventilation should be provided. Planning staff note that the doors and windows have recently been covered up and secured.

Community Planning staff and the Town’s Museum and Cultural Heritage Advisory Committee (MCHAC) did not have any objections to the HIA or the Peer Review.

Section 13.7 – Amendments to the Land Use Plan, Schedule A

Policy 13.7(III) provides the following criteria for Council to consider when a land use designation is proposed as part of an Official Plan Amendment and/or a Zoning By-law Amendment is proposed to change the zoning of a particular area:

- a. *The need for the proposed use;*
- b. *The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;*
- 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;*
- 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.*
- e. *The compatibility of the proposed use with uses in adjoining areas;*

- f. *The effects of such proposed use on the surrounding area in respect of the minimizing of any possible deprecating or deteriorating effect upon adjoining properties;*
- g. *The potential effect of the proposed use on the financial position of the municipality; and*
- h. *The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.*

Planning staff will provide analysis with respect to these criteria in the future Recommendation Report to Council.

Community Benefit (Formerly known as Bonusing)

The Town's Official Plan contains policies that permits 'bonus zoning', or increased building heights and/or densities in exchange for certain facilities, services or other matters. It is noted that the two apartment dwellings are five storeys in height and each contain more than ten dwelling units. Community Planning staff have commented that the proposed apartment buildings would be subject to Community Benefits Charges in accordance with the [Community Benefits Charge By-law 131-2023](#). In accordance with the by-law, the Town will require payment of 4% of the appraised value of the land in addition to the standard cash-in-lieu of parkland dedication and development charges if this development is approved.

Schedule B – Mineral Aggregate and Petroleum Resources

The subject lands are within a Petroleum Resource Area as identified on Schedule B of the Town's Official Plan. Planning staff have reviewed Provincial GIS mapping of known petroleum wells in Fort Erie and none are located within 75 metres of the subject lands.

Schedule C – Natural Heritage Features

Schedule C of the Official Plan identifies the subject lands as being part of a Significant Natural Area and Woodlot Over 2 Hectares. The Applicant has submitted an Environmental Impact Study (EIS), prepared by Myler Ecological Consulting and dated August 2025, in support of the application. The Environmental Impact Study concludes that there is no Species at Risk (SAR) or Significant Wildlife Habitat (SWH) on the subject land. Further, the study concludes that the vegetation on site is not woodland or wetland, and is not consistent with designation as a Locally Significant Natural Area (LSNA).

The Town's Senior Environmental Planner has reviewed the EIS and has objections to the study as it currently exists. Town Environmental Planning staff note that the EIS does not identify any mitigation measures or enhancements for the site. Further, additional information and updates to the study are required to reflect protection of the watercourses on site, potential bat habitat and mitigation measures for two locally rare plant species that were identified on the subject lands. It is noted that the current plan proposes to realign the eastern watercourse of the subject lands along the eastern property line. Environmental Planning staff are willing to consider the relocation of the eastern watercourse once the MECP has commented and more information is provided by the Applicant. It is noted that a greater buffer for the eastern watercourse will be required. It is also recommended that both watercourses be placed in a protective zone category such as Environmental Protection (EP) Zone. Full comments from Environmental Planning staff

are attached as part of **Appendix 3** of this Report.

Tree injury and destruction is regulated by the Town's (Tree) [By-law No. 33-2024](#), as amended. It is noted that since application submission vegetation removal has occurred on site. This is a by-law enforcement matter that is being addressed separately from this *Planning Act* application.

Schedule D – Cultural Heritage Archaeological Zones of Potential

Schedule D of the Official Plan identifies the subject lands as partially within an area of archaeological potential. Accordingly, the Applicant has submitted Stage 1 and 2 Archaeological Assessments, prepared by Detritus Consulting Ltd and dated December 2022, in support of the application. The Stage 2 Archaeological Assessment concludes that no archaeological resources were found. And no further archaeological study is recommended for the subject lands. The Applicant has also provided a Ministry Acknowledgement Letter for the Stage 1 and 2 Archaeological Assessment.

6.2.5 Official Plan, Town of Fort Erie, 2025

The Town's new Official Plan, 2025, has been adopted by Council. The 2025 Official Plan is currently under review by the Province of Ontario and is not yet in force and effect but represents Council's intent. Planning staff have provided an analysis of the proposed Zoning By-law regarding the 2025 Official Plan for Council's consideration as outlined below.

Schedule A – Strategic Growth Area

The subject lands are located within a Settlement Area and the Garrison West Strategic Growth Area as identified on Schedules A and A.4 of the 2025 Official Plan. Settlement Areas are intended to accommodate most of the Town's growth over the 2025 Official Plan planning horizon (2051). Strategic Growth Areas are intended to contain a mix of land uses including commercial uses and are to be the focus of redevelopment and intensification.

The land use designation of the subject lands is Community Area in the 2025 Official Plan. The Community Area designation provides a range of housing options and essential everyday amenities to meet the diverse needs of the Town's residents. Residential, public service facilities and neighbourhood-scale commercial uses are intended uses in areas that are designated Community Area.

The permitted Built Form for this site under the 2025 Official Plan is High-Rise development with a height range of 6-10 Storeys due to its location along a Regional Road (Garrison Road).

6.2.6 Comprehensive Zoning By-law 129-90, as amended

The subject lands are zoned Neighbourhood Development (ND) Zone and Environmental Conservation (EC) Overlay Zone, in part, in accordance with the Town's Comprehensive Zoning By-law 129-1990, as amended. The Application proposes to rezone the subject lands to a site-specific Core Mixed Use 3 (CMU3) Zone.

A Zoning By-law Amendment is required prior to development as the Neighbourhood Development (ND) Zone only permits existing single detached dwellings. New uses in the ND Zone shall be established through a Zoning By-law Amendment.

The EC Overlay Zone is also proposed to be removed from the subject lands.

The Applicant is requesting several site-specific provisions as part of the CMU3 Zone. The Zoning By-law Amendment proposed to add Apartment Buildings and Banquet Halls as permitted uses in addition to the standard uses permitted under the CMU3 Zone. Special provisions are requested for reduction to the interior side yard setback, rear yard setback, and number of parking spaces, an increase in the building height and number of storeys, and requiring residential open space or private open-air balcony space for an Apartment Building.

Table 1 outlines proposed site-specific Core Mixed Use 3 (CMU3) Zone to implement the proposal:

Table 1: Proposed Provisions for the Site-Specific Core Mixed Use 3 (CMU3) Zone			
Zoning Provision	Requirement	Proposed	Complies
26C.1 Permitted Uses in the CMU3 Zone	Per 26C.2 Permitted Uses	Add Apartment Dwellings and Banquet Hall as permitted uses.	No
26C.3 Minimum Lot Frontage	0.0 m (no minimum)	163.14 m	Yes
26C.3 Minimum Lot Area	0.0 sq m (no minimum)	2.00 ha	Yes
26C.3 Minimum Front Yard	0.0 m (no minimum)	7.50 m	Yes
26C.3 Minimum Interior Side Yard	0.0 m (no minimum), except a interior side yard abutting a Residential Zone shall be 2.50 m	2.50 m or greater provided	Yes
26C.3 Minimum Rear Yard	4.5 m	8.5 m	Yes
26C.3 Maximum Building Height	3 storeys and 12 m	5 storeys and 20 m (apartments)	No
26C.3 Maximum Lot Coverage	No specified maximum lot coverage	22%	Yes
6.20(A)(i) – Minimum Parking Requirement (Apartments)	1.5 parking spaces per dwelling unit (apartments) 112 apartment dwellings x 1.5 = 168 parking spaces required	1.28 parking spaces per dwelling unit (apartments) 144 parking spaces provided	No
6.20(A)(i) –	1 parking space per	8 parking spaces	Yes

Minimum Parking Requirement (Second Floor Dwelling Units in Mixed-use Building)	dwelling unit (mixed-use building) 8 dwelling units X 1 parking space = 8 parking spaces required	provided	
6.20(A)(i) – Minimum Parking Requirement (Offices and Clinic)	1 parking space per 28 sq m (offices and clinic) 724 sq m / 28 sq m = 17 parking spaces required	17 parking spaces provided	Yes
6.20(A)(i) – Minimum Parking Requirement (Restaurant)	1 parking space per 4 persons seating capacity 280 persons seating capacity proposed / 4 = 70 parking spaces required	70 parking spaces provided	Yes
6.20(A)(i) – Minimum Parking Requirement (Other Commercial on Second Floor above Restaurant)	1 parking space per 30 sq m (second floor commercial) 1,225 sq m / 30 sqm = 41 parking spaces required	41 parking spaces provided	Yes
6.20(A)(i) – Minimum Parking Requirement (Retail Use in General Cruikshank House)	1 parking space per 30 sq m (General Cruikshank House) 106 sq m / 30 sq m = 4 parking spaces required	4 parking spaces provided	Yes
6.20(D) Ingress and Egress Driveways	A minimum width of 7.50 m and a maximum width of 12.00 m for Commercial Zones for two-way traffic.	7.50 m	Yes
6.20(I) Parking Area Location on Lot	3.00 m setback required for all parking areas from a property line or a Residential Zone	3.00 m or greater provided	Yes
6.20(M) Accessible Parking Spaces	2 accessible parking spaces + 2% of the	11 accessible parking spaces provided (7	

	total number of parking spaces. Accessible parking to be divided equally between Type As and Type Bs. (294 parking spaces X 0.02) + 2 = 8 accessible parking spaces required (4 Type As and 4 Type Bs)	Type As and 4 Types Bs)	
6.21(a) and (b) Planting Strip Widths	3.00 m planting strip width required along all Residential Zones	3.00 m or greater provided	Yes
42 Schedule D - Parking Space Dimensions	2.70 m X 6.00 m 2.40 m x 6.00 m if adjacent to planting strip 3.00 m x 6.00 m if next to an obstruction	2.70 m X 6.00 m 2.40 m x 6.00 m if adjacent to planting strip 3.00 m x 6.00 m if next to an obstruction	Yes
42 Schedule D - Parking Aisle Dimensions	6.00 m width minimum	6.00 m – 7.50 m	Yes

The Applicant's Zoning By-law Amendment is proposing to subject the proposed apartment dwellings to the RM2 Zone regulations under Section 15.3 of the Zoning By-law. Planning staff have provided the following additional zoning table to assess zoning compliance of the proposed apartment buildings compared to these regulations:

Table 2: Proposed Site-Specific RM2 Zone Provisions for the Apartment Dwellings			
Zoning Provision	RM2 Zone Requirement	Proposed	Complies
15.3 Minimum Lot Frontage	30.0 m	163.14 m	Yes
15.3 Minimum Lot Area	115 sq m per dwelling unit 115 sq m X 112 = 12,880 sq m (1.2 ha) minimum lot area	181 sq m per dwelling unit 2.00 ha	Yes
15.3 Maximum Lot Coverage	40%	13.3% (apartment dwellings) 22% overall	Yes
15.3 Minimum Front	7.50 m	Greater than 7.50 m	Yes

Yard			
15.3 Minimum Interior Side Yard	One-half of the building height or 4.0 m, whichever is greater 10.0 m required as the building height is 20.0 m	8.50 m	No
15.3 Minimum Rear Yard	One-half of the building height or 4.0 m, whichever is greater 10.0 m required as the building height is 20.0 m	8.5 m	No
15.3 Maximum Building Height	9 storeys and 26 m	5 storeys and 20 m	Yes
15.3 Landscaped Area	25%	32%	Yes
Residential Open Space	Not applicable.	A minimum of 18.5 sq. m. of open area shall be provided on-site for the exclusive use of each dwelling unit. Where the open area is provided by way of private open-air balcony space directly adjoining a residential unit, a minimum of 10.5 sq m per unit shall be provided.	No

Circulation of Town Staff and external agencies has identified a potential need to implement a Holding (H) Zone on the subject lands for several items. If this application is approved, a Holding (H) Zone provision may be required for the following reasons:

1. Confirmation that the Region-owned Alliston Sanitary Sewer Pump Station and Town sanitary sewers have adequate capacity for the proposed sanitary sewer flows from the development to the satisfaction of the Town's Director, Infrastructure Services.
2. Revisions or an addendum to the Environmental Impact Study to the satisfaction of the Town's Manager, Policy and Community Planning.
3. Review and correspondence from MECP regarding potential Species at Risk and wildlife habitat.

Planning staff will provide analysis and staff recommendations on the proposed zoning as part of a future recommendation report to Council.

6.2.7 Studies

The following items were submitted in support of the Application:

- [Air Quality Assessment](#)
Prepared by RWDI Air Inc. and dated June, 2025.
- [Archaeological Assessment Stage 1 and 2](#)
Prepared by Detritus Consulting Ltd. and dated December 12, 2022.
- [Conceptual Landscape Plan](#)
Prepared by James McWilliam Landscape Architect and dated November 2025.
- [Conceptual Elevations](#)
- [Environmental Impact Study](#)
Prepared by Myler Ecological Consulting and dated August 2025.
- [Functional Servicing Report](#)
Prepared by Hallex Engineering Ltd. and dated February 2025.
- [Heritage Impact Assessment](#)
Prepared by NPG Planning Solutions. and dated February 2025.
- [Noise Study](#)
Prepared by RWDI Air Inc. and dated April 2025.
- [Planning Justification Report](#)
Prepared by NPG Planning Solutions Ltd and dated August 2025.
- [Site Plan](#)
Prepared by Jason Pizzicarola Design – Architects Inc. and dated December 2025.
- [Sun Shadow Study](#)
Prepared by Jason Pizzicarola Design – Architects Inc. and dated March 2025.
- [Topographic Survey](#)
Prepared by J.D. Barnes Ltd. and dated Jackson Arboriculture Inc. and dated July 2024.
- [Traffic Study](#)
Prepared by Paradigm Transportation Solutions Ltd and dated July 2025.
- [Tree Inventory and Preservation Plan Report](#)
Prepared by Jackson Arboriculture Inc. and dated March 2025.
- [Tree Preservation Plan](#)
Prepared by Jackson Arboriculture Inc. and dated March 2025.

7. Financial, Staffing and Accessibility (AODA) Implications

All costs associated with development of the subject lands will be borne by the Owner.

Development charges shall be paid in full on the earlier of, the day a permit is issued under the Building Code Act, 1992 authorizing occupation of the building, or the day the building is first occupied.

A payment in lieu of parkland dedication is required in accordance with the Town’s Parkland Dedication By-law [69-2008](#). This requirement will be addressed at the Site Plan Control or Building Permit stage.

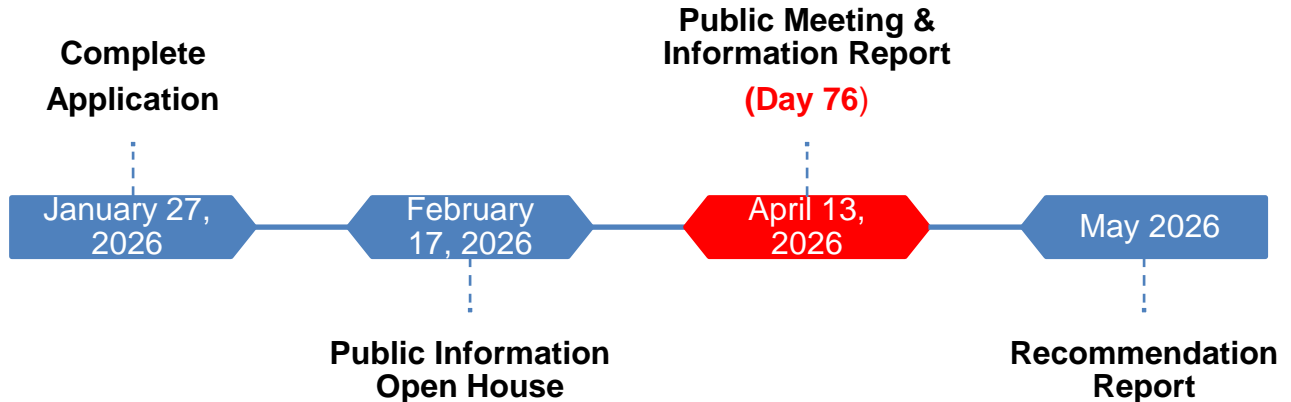
A Community Benefit Charge is required in accordance with the Town’s Community Benefits Charge By-law [131-2023](#). This requirement will be addressed at the Site Plan Control or Building Permit stage.

8. Policies Affecting Proposal

The applications were submitted on August 25, 2025, and deemed complete on January 27, 2026.

In accordance with the *Planning Act*, the proposed combined Official Plan and Zoning By-law Amendment application is subject to a 120-day processing and review timeline. A Council decision was therefore required by May 27, 2026. The Owner may appeal the application to the Ontario Land Tribunal for non-decision if this timeline is exceeded.

The applications are currently on day 76, as illustrated below.



Statutory requirements of the *Planning Act* were satisfied by circulating a Notice of Public Meeting by regular mail on March 24, 2026, to all landowners within 120 metres of the subject lands, by updating the sign placed on the subject lands and by circulating internal and external review partners and agencies electronically.

9. Comments from Departments, Community and Corporate Partners

A request for comments was circulated to Town Departments and agency stakeholders on September 25, 2025, for comment and review on the submitted applications. Town comments are summarized below and are attached in full as **Appendix 3**.

9.1 Town Comments

Building Division

No objections.

Community Planning

The subject lands are designated as Community Area on Schedule E of the adopted Official Plan 2051, which has been submitted to MMAH for review and approval.

The subject lands are located within the Garrison West Strategic Growth Area as per Schedule A.4. As per Table C-4 and policy C.5.5, the permitted Built Form for this site is High-Rise development with a height range of 6-10 Storeys.

Section D.2.2 of the adopted Official Plan speaks to the Community Area designation, and Policy D.2.2.3 outlines the permitted uses. The proposed apartment buildings would be permitted (if between 6-10 storeys) but the proposed Clinic and Restaurant/Banquet Hall would require an Official Plan Amendment under the 2025 Official Plan to add these as additional permitted uses.

It is noted that the proposed development, which includes two five-storey apartment buildings, will be subject to the Town of Fort Erie's Community Benefit Charges (CBCs) as per By-law 132-2023.

Payment in Lieu of Parkland Dedication will be required as a condition of the future Site Plan Control application.

Several preliminary comments on the conceptual site plan are included. These can be viewed in full in **Appendix 3**.

Development Planning Response:

Parkland Dedication and Community Benefit Charges will be addressed at the Site Plan Control or Building Permit stage.

Environmental Advisory Committee (EAC)

EAC attended the site with Town staff and the Applicant also in attendance on April 1, 2026. Discussion occurred regarding tree removal and the two watercourses on site. Further discussion took place at a follow-up meeting at Town Hall immediately after the site visit.

EAC offered the following preliminary comments:

- The Applicant should consider eastern redbud, tulip tree, sugar maple and other native trees for tree plantings on site.
- It was noted that migratory birds need foraging berries and seeds. Plantings of this nature should be included in the Landscape Plan.
- Larger buffers are recommended for the watercourses.

- It is recommended to include wetland plants in the riparian buffer.
- Integration of side pools into the realigned eastern watercourse may help control and slow down water flow.

Development Engineering

Roads

Garrison Road (RR 3) is designated as a Regional Road and is under the jurisdiction of Niagara Region.

Servicing

Watermains – There is a 300 mm diameter Town watermain along north side of Garrison Road and a 400 m diameter Regional watermain along the south side of Garrison Road.

Sanitary Sewer – There is a 250 mm diameter Town sanitary sewer located along the north side of Garrison Road.

Storm Sewer – There is a 450 mm diameter Regional storm sewer located along the west side of the subject lands on the north side of Garrison Road. Another 750 mm diameter storm sewer is located on the east side of the subject lands on the north side of Garrison Road.

Development Engineering staff are requesting that a Holding (H) Zone provision be implemented on the subject lands for a Peer Review of the Applicant's Functional Servicing Report. The peer review shall include an assessment of the adequacy of the existing downstream system and provide recommendations, if required. In the event that capacity constraints are identified, a Hold Provision shall remain in place until such time as any recommended improvements to rectify downstream capacity constraints, if identified, are implemented to the satisfaction of the Town, at the Owner's sole cost.

The Applicant is encouraged to explore Low Impact Development elements as part of the stormwater management design. A comprehensive and detailed Stormwater Management Report will be required as part of the future Site Plan application. The final design shall demonstrate that sufficient capacity exists within the downstream municipal system and that major overland flow routes are adequately defined for storm events up to and including the 100-year event.

Transportation Impact Study

Development Engineering staff have reviewed the Transportation Impact Study that was submitted in support of this application. The study concludes that traffic from the proposed development can be accommodated within the existing road network without significant operational impacts. All intersections within the study area, including the site's two proposed full-movement driveways to Garrison Road, are forecasted to operate at acceptable levels of service under both opening-year and five-year conditions with no critical storage exceedances.

The Transportation Impact Study also makes several recommendations with respect to driveway access throat lengths and potential removal of a median within Garrison Road:

1. The throat length of the westernmost driveway is slightly deficient from TAC standards. It is recommended that a side lane off of the main access driveway on Driveway 1 to a loading area and refuse collection area be removed to meet TAC requirements.
2. The throat length of the easternmost driveway is slightly deficient from TAC standards. It is recommended that one parking space (the southernmost one) be removed to meet TAC standards.
3. That a median containing plantings located approximately 29 m west of easternmost driveway should be removed to facilitate east left-hand turns heading eastbound.

Development Planning Response:

Recommendations # 1 and #2 are relatively minor and can be accommodated through review of a future Site Plan Control application.

It is noted that the Region has indicated that they are not in support of recommendation #3 to remove the planted median on Garrison Road approximately 29 m west of easternmost driveway. This planted median was a shared initiative between the Town and Niagara Region to enhance the road. The Region has requested that the TIS be updated to remove this recommendation. Planning staff note that a revised TIS can be required through a future Site Plan Control application.

Development Engineering staff generally concur with the findings of the TIS at this stage and accept the conclusions in principle for the Zoning By-law Amendment. At the subsequent Site Plan Application stage, additional design-level detail will be required.

Environmental Planning

There is concern that there has been very little discussion of mitigation measures or recommendations in the Constraints Analysis and it is stated that these items will be addressed later in the impact assessment, however the EIS does not identify mitigation measures or enhancement for the site. A list of important items that should be included in the EIS are listed in the fulsome comments from Environmental Planning attached as **Appendix 3**.

More information is requested regarding potential Species at Risk (SAR) bat species on the site. It is required that the MECP be contacted for further analysis and to confirm the findings of the EIS with respect to bat species and bat habitat on the subject lands.

Further information is required regarding protection and mitigation measures for watercourses on the subject lands, including protective buffers and zoning. These features are typically zoned Environmental Protection Zone and include enhancement and restoration measures.

Environmental Planning staff also note that the Tree Inventory and Preservation Plan (TIPP) submitted with the application is no longer valid as the tree removal has occurred on site and is not reflective of the TIPP submitted with the application. Staff will be requesting a new TIPP prepared by a registered ISA arborist. Detailed comments are available for review in **Appendix 3**.

The FSR makes reference to using two of the existing box culverts, on site, however it is noted

that the culvert on the west side of the development is not functional and needs maintenance and a possible replacement. If this culvert is to be replaced, Environmental Planning staff request that animal crossing structures be added to this new culvert.

Environmental Planning staff recommend treating stormwater to an enhanced standard as both watercourses are considered to be type 3 fish habitat.

Fire Department

No objections.

9.2 External Agency Comments

Canadian Niagara Power, Cogeco and Enbridge

No objections.

Mississaugas of the Credit First Nation (MCFN)

MCFN staff have identified some issues related to the eastern watercourse on the subject lands and impacts to potential fish habitat. Further, several minor additions to the HIA are requested describing Indigenous land use and treaty history related to the property.

Niagara Peninsula Conservation Authority (NPCA)

NPCA were initially not in support of the application as the conceptual site plan did not illustrate the NPCA-regulated features on site. The Applicant later revised the site plan to include the watercourses and buffer.

The NPCA submitted an updated set of comments following the revised submission. They acknowledge that progress has occurred with respect to incorporating the watercourses on site on the preliminary site plan.

The NPCA recognizes the need to realign the watercourses. They are not opposed in principle, however the realigned watercourses need to be adequately sized to convey 1-in-100-year stormwater runoff events. They have requested that the Applicant provide an updated stormwater management calculation or report to support this proposal.

Further, the NPCA has requested that the Applicant confirm that the culverts at the driveways and Garrison Road are adequately-sized to accommodate the peak 1-in-100-year stormwater flows. If new or replacement culverts are required, the specifics will be addressed at detailed design stage and work permits.

The NPCA has requested that watercourses should be within their own block (or other protective area) and zoned an appropriate zoning category that will protect these features (such as a Environmental Protection or Environmental Conservation Zone). The application should be revised to reflect this update.

The NPCA is supportive of a reduced buffer for the watercourse channels provided the block is sized correctly to convey 1-in-100-year stormwater flows.

Niagara Region

Noise and Air Quality Impacts

The subject development is located next to the Region's Alliston Sewage Pumping Station (SPS). It is noted that the Town is responsible for ensuring that potential noise and air quality impacts are properly assessed and appropriately mitigated in accordance with applicable Provincial and Niagara Official Plan policies and guidelines.

The future Site Plan Agreement should at minimum include a warning clause advising prospective purchasers of potential noise and odour impacts from the operation of the SPS and stating that the Owner agrees to include the required warning clause in all future Agreements of Purchase and Sale or Lease.

Servicing

Niagara Region staff have reviewed the Functional Servicing Report provided by the Applicant. Several technical revisions are recommended, and the FSR should also assess the capacity of the Alliston Sewage Pump Station. Currently, the Applicant's FSR only speaks to anticipated sanitary outflow from the proposed development.

A detailed Stormwater Management Plan will be required at the future Site Plan application stage. Several technical items are referenced that will need to be included in this plan.

Transportation

It is noted that Garrison Road is a Regional Road (RR 3). Region staff have reviewed the Transportation Impact Study (TIS) provided in support of this application. The Region offered no objections to the conclusions of the study, but did note that the TIS recommends removing the raised curb median on Garrison Road west of the easterly driveway. Regional staff do not support removing this median, and note it was installed as an outcome of a Town/Region streetscaping project. The Region requests that the TIS be revised to remove this recommendation.

Waste Collection

The proposed development may be eligible to receive Regional collection provided that the owners/tenants bring the waste to the curbside on their designated pick-up day, and that the waste collection limits are not exceeded. It is noted that the development is proposing to utilize in-ground waste containers and a garbage room. The applicant is advised that this method of waste storage is not eligible for Regional collection, and waste collection for the subject property will be the responsibility of the owner through a private waste collection and not the Niagara Region.

9.3 Public Comments

A Public Information Open House Meeting was held in the Atrium of Town Hall on February 17, 2026, at 5:00 PM. All property owners within 120 metres of the subject land were notified of the Open House via notice by regular mail sent on February 3, 2026. Town Planning Staff, the Owner, and the Agent and 6 members of the public were in attendance. Generally, the

comments from the public were positive and no major issues were identified.

At the time of writing of this report one written comment from the public have been received indicating support of the proposal. The comment is attached as **Appendix 5**.

10. Alternatives

Not applicable. The *Planning Act* requires Council to host a Public Meeting.

11. Communicating Results

There are no communication requirements at this time.

12. Conclusion

This report is submitted to Council for information purposes. A Recommendation Report will be presented to Council in the future.

13. Report Approval

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Approved by:
Chris McQueen, MBA
Chief Administrative Officer

14. Attachments

Appendix 1 – Location Map
Appendix 2 – Site Plan
Appendix 3 – Town Comments
Appendix 4 – External Comments
Appendix 5 – Public Comments