PREPARED FOR COUNCIL-IN-COMMITTEE REPORT NO. CDS-085-07
AGENDA DATE OCTOBER 1, 2007
FILE NO. 350309-0307 & 350308-0064

SUBJECT
MODIFICATION TO DRAFT PLAN APPROVAL AND ZONING BY-LAW AMENDMENT
UPPER CANADA CONSULTANTS
NORTH END OF GREEN ACRES DRIVE (HIGH POINTE SUBDIVISION)

SUMMARY OF RECOMMENDATION

THAT the Report CDS-085-2007 regarding Modifications to Draft Plan of Subdivision and Zoning By-law Amendment for the lands located at the north end of Green Acres Drive be received for information purposes, and;

THAT a Report on the modified Draft Plan of Subdivision and Zoning By-law amendment be presented to a future Council-in-Committee with the recommendations subsequent to the Public Meeting.

RELATION TO COUNCIL’S 2007-2010 CORPORATE STRATEGIC PLAN

Priority: Development and Land Use
Goal: Increase Parks and Open Spaces
Initiative: Implement the Parks and Open Space Master Plan

LIST OF STAKEHOLDERS

Upper Canada Consultants (Alison Enns)
Mountainview Homes (Jon Whyte)

PREPARED BY: Submitted by: Approved by:

Original signed Original signed Original signed

Kira Dolch, MCIP, RPP Rino Mostacci, MCIP, RPP Harry Schlangen, MBA
Senior Development Planner Director of Community & Development Services Chief Administrative Officer
Purpose of Report

An application has been received from Upper Canada Consultants on behalf of Mountainview Developments Inc. for modifications to a Draft Plan of Subdivision and for a Zoning By-law amendment application for the lands located at the north end of Green Acres Drive. Appendix 1 is a location map for the property.

The subject site covers a total of 11.87 hectares (29.33 acres). The applicant is proposing to develop 112 single detached dwellings, two blocks of street townhouses, 1 parkland block, 1 stormwater management block, 1 block for a future roadway, and 1 block for a 3 metre walkway (Appendix 2).

This report has been prepared in support of the October 1, 2007 Public Meeting scheduled for the proposed application to modify the existing Draft Plan of Subdivision and to amend the Zoning By-law.

Background

On December 24, 2002 the original High Pointe Plan of Subdivision received Draft Plan Approval. The original Draft Approved Plan proposed 87 single detached dwellings on larger lots ranging from 14.9 metres to 32 metres. The original subdivision included a park block, a number of 0.3 metre lot reserves, a block for a future roadway to the north, and a 3.0 metre walkway block (Appendix 3).

The proposed modifications to the existing Draft Plan of Subdivision include an increase in the number of lots from 87 to 139, a change in the street pattern, the inclusion of 27 townhouse units and the addition of a stormwater management block.

Nature of the Site

The subject property is located within the High Pointe Neighbourhood. The property is a partially cleared and partially treed parcel of land. The surrounding uses consist of the following:

- **North**: Vacant Rural lands and a Provincially Significant Wetland
- **South**: Existing single detached dwellings
- **East**: Vacant future residential lands, single detached dwellings and Pettit Road
- **West**: Fort Erie Golf Course, Single detached dwellings and Sunset Drive.

Analysis

Regional Policy Plan

The Regional Plan designates the majority of the property as “Urban Area” which permits a variety of residential, commercial and industrial uses. The proposed use is permitted. The northwest portion of the proposed subdivision is located outside the Urban Area and was
the subject of Regional Policy Plan Amendment 4-2006 which was deferred under Section 17(34) of the Planning Act. When Regional Council was considering RPPA 4-2006, the Fort Erie Urban Area modifications, High Pointe Subdivision submitted a revised plan based on a new survey showing the top of the ridge that bisects the property. Regional Planning Staff requested that Regional Council defer its decision on these lands until Town of Fort Erie Council has a decision on the proposed revisions to the plan. At that time, Town Council can request that the Region lift the deferred decision and approve the boundaries as supported by the Town.

**Current Official Plan**

The majority of the subject land is currently designated “Urban Residential” and Rural. The proposed use is currently not permitted on the northwest corner of the property.

**New Official Plan**

The newly adopted Official Plan designates the subject lands the same as the existing Official Plan.

**Zoning By-law 129-90**

The subject site is zoned Neighbourhood Development (ND) Zone and Rural (RU) Zone. The Neighbourhood Development Zone permits only existing uses and the Rural (RU) Zone permits only agricultural/rural type uses and an amendment is required. The applicant is proposing to amend the zoning to permit 112 single detached dwellings with a wide variety of lot sizes ranging from 12 to 23 metres. The zones for the single detached dwellings will consist of: Site Specific Residential 1 R1 Zone for the lots nearest the existing single detached dwellings, Site Specific Residential 2 R2 Zone for the lands north of the Residential 1 R1 Zone and Residential 2A R2A Zone the smallest lots located on the northern portion of the property. The proposed 27 street townhouse units are located in the northeast corner and will be rezoned to Site Specific Residential Multiple RM1 Zone. The proposed zone changes are illustrated on the map attached as Appendix 4. The site specific amendments consist of the following:

**Site Specific Residential 1 (R1) Zone**

<table>
<thead>
<tr>
<th>Zoning Regulations</th>
<th>Zoning Requirements</th>
<th>Proposed Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>40%</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>7.5 m</td>
<td>6 m</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>1.5 m one storey 2.0 m above one storey or 3 m where no garage attached.</td>
<td>1.0 m (1 storey) 1.5 m (over 1 storey) (all units with attached garages)</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>10 m</td>
<td>8 m</td>
</tr>
</tbody>
</table>
Site Specific Residential 2 (R2) Zone

<table>
<thead>
<tr>
<th>Zoning Regulations</th>
<th>Zoning Requirements</th>
<th>Proposed Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
<td>45%</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>1.0 m one storey 1.5 m above one storey or 3 m where no garage attached.</td>
<td>1.0 m (1 storey) 1.2 m (over 1 storey) all units with attached garages</td>
</tr>
</tbody>
</table>

Site Specific Residential Multiple (RM1) Zone

<table>
<thead>
<tr>
<th>Zoning Regulations</th>
<th>Zoning Requirements</th>
<th>Proposed Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
<td>55%</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>6.7 m</td>
<td>6 m to garage 4.5 m to dwelling</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>3 m</td>
<td>1.5 m for end walls (common walls centred on the lot line)</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard</td>
<td>6.7 m</td>
<td>3 m (except where an attached garage or attached carport faces the exterior side lot line, the setback shall not be less than 6 metres)</td>
</tr>
</tbody>
</table>

"If not otherwise detailed existing zoning requirements for each of the existing zones will not be modified.

Removal of Conditions

The applicant has requested a number of modification to the existing conditions (Appendix 5). The majority of the modifications are the result of the Development Charges By-law coming into effect, the completion of the Spears/High Pointe Neighbourhood Master Servicing Plan and as a result of modifications to the existing Draft Plan of Subdivision. Only one of these proposed modifications was a condition as a result of public input and that was condition #35 which requires the extension of Nathaniel Drive to Pettit to address the access concerns of the residents. The applicant is now requesting that this condition be removed as the proposed subdivision provides loop streets connecting Kennedy Drive and Green Acres Drive. Planning Staff will review all the requests and provide Council with a recommendation.

High Pointe Neighbourhood Plan
The subject property is located within the High Pointe Neighbourhood Plan approved by Council in 2001. The modified draft plan proposes a number of changes to the road pattern and the housing mix, which will require an amendment to the Neighbourhood Plan.

Parks and Open Space Master Plan

The subject lands are located within the Fort Erie South area which is under serviced on a neighbourhood park level. Current and future projected growth will require 5.5 hectares of additional neighbourhood parkland or 3 or 4 neighbourhood parks. The proposed parkland is 5% of the land area and an additional 2% is to be provided as an exchange for the lands owned by the Town to the north (Appendix 6). The location of the park in the Council approved neighbourhood plan differs from the proposed location and the developer should demonstrate how the modified park location and overall plan ties in with the remainder of the High Pointe Neighbourhood Plan.

Stormwater Management Plan

A 5:1 slope is proposed along the southern and eastern portions of the wetland pond. The standard by way of the Town’s Subdivision Design Guidelines requires a minimum of 7:1 slope with a side slope of 10:1 abutting a neighbourhood park. The applicant is asking for relief in this regard and staff will be providing a recommendation. The existing drainage pattern on the site is overland to the south towards the existing single detached dwellings. The future drainage pattern will be by storm drains, rear yard swales and catch basins with outlets to the wetland pond where it will be slowly released to the existing stormwater outlet at Garrison Road.

Demographic and Economic Considerations

The proposed 112 single detached dwellings will result in a development population of approximately 280 persons. The average unit price of each dwelling is expected to be $250,000+. The proposed 27 townhouse dwellings will result in a development population of approximately 68 persons. The average unit price of each dwelling is expected to be $200,000+. The entire development will result in a total investment of $33.4 million not including the investment in servicing and will generate approximately $1.1 million in Town development charges based on 2007 rates.

Financial/Staffing Implications

All costs associated with processing the application and the development of the property is the responsibility of the applicant.

Policies Affecting Proposal

Notification of the October 1, 2007 Public Meeting was provided in accordance with the requirements of the Planning Act by placing a Notice in the September 8, 2007 edition of The Times newspaper. In addition, property owners within 120 metres were mailed a Notice of Meeting on September 7, 2007.
Land use policies for the subject lands are contained in the Official Plan as well as the applicable Regional and Provincial Regulations.

**Comments from Relevant Departments/Community and Corporate Partners**

The application for revisions to the Approved Draft Plan of Subdivision was circulated to all relevant Departments/Community and Corporate Partners that had conditions under the original draft plan of subdivision approval on August 29, 2007. The application for Zoning By-law amendment was circulated to all relevant Departments/Community and Corporate Partners on August 29, 2007.

**Agency Comments**

Comments from the Neighbourhood Planner, the District School Board of Niagara and the Fire Department have been received to date and are attached as Appendix 7.

**Public Comments**

Doris Mathewson of 1151 Green Acres Drive has verbally requested that vinyl privacy fencing be installed along the property line. She has requested vinyl because of its low maintenance.

**Informal Meeting**

An Informal Meeting was held by the developer and the consultant on August 29, 2007 from 6:00 to 7:00 pm in the Town Hall Atrium. The consultants have provided a list of concerns raised by the residents at the informal meeting (Appendix 8).

**Alternatives**

None.

**Conclusion**

This report should be received for information purposes.

**Attachments**

Appendix 1- Location Plan
Appendix 2- Modified Draft Plan of Subdivision
Appendix 3- Old Draft Plan of Subdivision
Appendix 4- Zoning Plan
Appendix 5- Removal of modification of conditions request
Appendix 6- Location Plan of Town owned lands
Appendix 7-Agency Comments
Appendix 8-Informal Meeting Summary of Comments
Location Plan
Application for Zoning By-law Amendment and
Modification to Draft Plan Approval
High Pointe Subdivision
Green Acres Drive, Fort Erie

Subject property
December 5, 2006
File 0576

Town of Fort Erie
1 Municipal Drive
Fort Erie, ON
L2A 2S6

Attention: Mr. Rino Mostacci, Director of Planning

Dear Mr. Mostacci:

Re: High Pointe Subdivision

On behalf of our client, Mountainview Homes Limited, attached please find six (6) copies of the revised Draft Plan of Subdivision. We have reviewed your comments pertaining to the location of the proposed park and location of the park is to a more central location as shown on the attached plan.

We request that the Town of Fort Erie Official Plan be amended in accordance with the north development limit shown on the draft plan.

Based on the above, we request that the Town of Fort Erie proceed with the redline revision to the Draft Plan of Subdivision and also revise the draft plan conditions as follows:

Condition #12 - It should be noted that we have prepared a detailed Stormwater Management Report which addresses the size and location of the proposed stormwater management facility.

Condition #15 - As the stormwater management facility is to be located on the lands of the proposed subdivision, this condition is no longer required.

Condition #16 - Again this condition is no longer required.

Condition #34 - It is understood that the lands of the proposed subdivision are subject to the Town of Fort Erie development charges.

Condition #35 - As the proposed subdivision provides loop streets connecting Kennedy Drive and Green Acres Drive, requirements for extension of Nathaniel Drive to Pett Road is no longer required and this condition should be removed.
Condition # 36 - The reconstruction of Green Acres Drive, Kennedy Drive and Pound Avenue are development charge related items and this condition is no longer required or should be reworded in conjunction with Condition #37.

Condition # 45 - It is understood that this condition is to be amended and possibly be made reference to the Frenchman’s Creek trunk sewer upgrading.

As can be noted on the Draft Plan of Subdivision, the proposed park represents approximately 7% of the land area with the 2% park dedication to be in exchange for the existing Town of Fort Erie lands which are to be transferred back to the developer of the subdivision when the plan is registered.

Once the draft plan is to your satisfaction, we will submit a rezoning application so that the Town of Fort Erie Council can consider both the redline revisions to the Plan of Subdivision and the rezoning application at the same time.

We thank you for considering the above. Should you have any changes that you wish to make to the proposed Plan of Subdivision, please contact the undersigned.

Yours very truly,

Martin Heikoop, C.E.T.

MH/jb
Ms. Kira Dolch,
Senior Development Planner
Community & Development Services
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, ON L2A 2S6

Dear Ms. Dolch:

RE: High Pointe Subdivision (Revised)
File Nos. 350309-0307, 350308-0064; Regional File No. 26T-15-02-02

The above noted revised draft plan has been reviewed by the planning staff of the District School Board. As a result of this review, staff have indicated that the Board’s recommendation would remain the same as that outlined in our correspondence dated April 3rd, 2002:

That the Town of Fort Erie be informed that the Board has no objections to the revised High Pointe plan subject to the draft plan conditions including the requirement for sidewalks along at least one side of both Green Acres Dr. and Kennedy Dr.

However, in light of the revised street network configuration, the Board would revise its earlier comment such that the request for sidewalk construction is expanded to include all major collector streets in the subdivision.

As noted in our original letter, it is anticipated that future students from the High Pointe subdivision would be accommodated at Garrison Road PS (gr. JK-8) and Fort Erie SS (gr. 9-12).

Yours truly,

Bob Crawford
Manager of Planning
INTEROFFICE MEMORANDUM
COMMUNITY & DEVELOPMENT SERVICES

September 18, 2007
File Nos. 350309-0307
350308-0064

To: Kira Dolch, Senior Development Planner
From: Tom Villella, Neighbourhood Planner
Subject: APPLICATION FOR A MODIFICATION TO DRAFT PLAN APPROVAL AND ZONING BY-LAW AMENDMENT
APPLICANT: UPPER CANADA CONSULTANTS
ADDRESS: 0 GREEN ACRES DRIVE (HIGH POINTE SUBDIVISION)

In response to your circulation of the proposed modification to Draft Plan Approval and Zoning By-law Amendment, the following comments are offered:

- The subject property is located within the High Pointe Neighbourhood Plan approved by Council in 2001. The modified draft plan proposes a number of changes to the road pattern and the housing mix, which will require an amendment to the Neighbourhood Plan. There is no objection to the road pattern modifications proposed.

- It should be noted that there is a reduction in the amount of land dedicated to medium density housing form (i.e. townhomes). The addition of 12.39m wide single detached lots along “Street B” as shown on the revised plan, may provide the “equivalent” of medium density housing, however a deficit of 0.65 hectares would remain.

- The applicant should demonstrate how the modified plan would tie in to the remainder of the High Pointe Neighbourhood, as the relocation of the Neighbourhood Park impacts the lands east of this plan.

- The east-west road currently labeled as “Kennedy Drive” should be renamed “Sharon Drive”, as it is the continuation of existing “Sharon Drive” east of this plan.

- The large bulb area at the terminus of Kennedy Drive (cul-de-sac) must be designed incorporating an interior landscaped island to avoid the unsightly appearance of an oversized asphalt area.

- The walkway shown as “Block 117” should be relocated one lot south in order to align better with “Street A”. 
• Should consideration be given to a walkway from “Street A” westerly to the golf course lands?

If you have any questions please do not hesitate to contact me.

Yours truly,

[Signature]

Tom Villella, MCIP, RPP
Neighbourhood Planner
Interoffice Memorandum

August 31, 2007
File No.350309-00307
350308-0064

To: Kira Dolch, Senior Development Planner
Subject: APPLICATION FOR A MODIFICATION TO DRAFT PLAN OF APPROVAL AND ZONING BY-LAW AMENDMENT
APPLICANT: UPPER CANADA CONSULTANTS
ADDRESS: O GREEN ACRES DRIVE (HIGH POINTE SUBDIVISION)

The Fire Department has no objections to the above-mentioned Application for a Modification to Draft Plan of Approval and Zoning By-law Amendment for the above-mentioned property.

J.W. (Jim) Douglas,
Fire Chief/CEMC

Our Focus: Your Future
“Serving to Prevent, Protect and Preserve”
Meeting Notes: Informal Meeting for High Pointe Subdivision

Drainage Issues:

- residents need to be reassured that post development flows will be less than they are currently- something that could be easily resolved by staff.
- Some specific property owners identified a drainage ditch dug by the Town resulting in existing drainage issues (1134 Manning Court and 1199 Pettit Road). Some concerns with drainage- a few years ago the town dug a drainage ditch and they stopped at a tree line. This has led to drainage problems and sitting water on surrounding properties. A lot of people mentioned drainage issues but they had not had any trouble yet.
- Some residents asked questions specifically related to the SWM facility and how it would function - concerns about mosquitos - overflows...
- One person kept on saying that the only outcome of this will be higher costs for water and sewer from the town (noting existing high costs)

Traffic Issues:

- residents seem unwilling to accept construction traffic
- one person highlighted that the old draft plan approval included some sort of commitment for a construction road to be built from Bertié Road to the site.
- residents will need to be assured that traffic can be accommodated without impacting safety of residents (the upgrading of the existing roads will include sidewalks)
- several people wanted to know about Nathaniel Road continuing through to the stub street shown on the draft plan- that is the intent – no idea when those lands to the east will be developed
- SAFETY
- Urbanization of the existing roads – people are saying they don’t want sidewalks

Water Issues

- One person said that the water pipes were not big enough

Trees

- Existing trees – protection? I said the draft plan conditions will be reviewed as a part of this exercise

Parking

- how will parking be accommodated for the townhouses (attached garages and driveways)

Emergency Access

- someone was concerned about the need for an emergency access

Cost of Homes?

- townhouses low 200
- single det. mid to upper 200