



ZONING BY-LAW AMMENDMENT COMMENTS

Date: June 7, 2019

Re: AM-06-19

The building department offers the following comment,

- No comment

Respectfully,
Belinda Menard, Dipl.T.
Building Intake/Plans Examiner

From the Department of
 **Community Planning
& Development**

VIA EMAIL ONLY

June 5, 2019

File: D.18.06.ZA-19-080

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
Town File No.: AM-06-19
Owner: Town of Pelham
Address: Wellspring Way and Highway 20 (Parts 1, 8 Plan 59R-16208)
Town of Pelham**

Regional Planning and Development Services staff has reviewed the above noted application submitted by the Town of Pelham for a Zoning By-law Amendment for lands legally described as Parts 1 and 8 on Plan 59R-16208. The application was received by Regional staff on May 17, 2019 and a pre-consultation meeting was held for the proposal on April 4, 2019 with staff from the Town and Region.

The proposal requests an amendment to the Town of Pelham Consolidated Zoning By-law No. 1136 to modify site-specific requirements in the East Fonthill Mixed – Use 2 Zone (EF-MU2). Specifically, the amendment proposes to reduce the gross leasable floor area for retail commercial uses to 100 sq.m, permit a maximum of two drive-through facilities, increase the build-within zone to 9.69 metres and 16.57 for two buildings, and reduce the landscape buffer to 1.5 metres adjacent to the storm water management pond. The purpose of the application is to facilitate a future commercial development; a conceptual site plan prepared by Petroff Partnership Architects, dated May 7, 2019 was submitted with the application, which indicates the the site will consist of 6 buildings (three are proposed for restaurant uses).

As outlined below, Regional staff is generally supportive of the proposed development and provides the following comments from a Provincial and Regional perspective to assist the Town in considering the application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject lands as within a Settlement Area. The PPS directs growth to settlement areas and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the subject property as being located within a Designated Greenfield Area. Provincial policies provide that Designated Greenfield Areas that are limited by scale or configuration should be planned to make a significant contribution to the growth of the respective urban area as a complete community.

The subject property is located within the Urban (Designated Greenfield) Area for the Town of Pelham in the Regional Official Plan (ROP). According to the ROP, these areas are to be planned as compact, complete communities, which accommodate a full range of residential, commercial, institutional, recreational, and employment uses, subject to the availability of adequate municipal services and infrastructure.

Together, the PPS, Growth Plan and ROP contain policies that promote economic development by providing for an appropriate mix and range of employment uses that include industrial, commercial and institutional uses. The proposed Zoning By-law Amendment will facilitate a future commercial development, which will provide for a range of uses on the subject property, including three restaurants. The proposed amendment will allow the subject lands, which are currently vacant, to be used more efficiently by facilitating a development that makes use of municipal servicing and infrastructure. In addition, the proposed development will contribute to a variety of employment options, which may aid the Town in achieving the overall 50 people and jobs per hectare target for Designated Greenfield Areas. We note, however, that no information has been provided indicating the anticipated number of jobs the proposed development would generate. In accordance with the Town's Official Plan, the Town is responsible for ensuring the greenfield density target is achieved across all Designated Greenfield Areas.

Archaeological Resources

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. During the pre-consultation stage, the subject property was identified as having high archaeological potential as three registered archaeological sites are located on the property and five registered archaeological sites are located within 300 metres.

Regional staff notes that several archaeological investigations have been conducted for the subject property as part of the East Fonthill Secondary Plan and Village of East Fonthill Subdivision. A Stage 1 Archaeological Assessment (dated July 2007) was prepared by Mayer Heritage Consultants Inc., which recommended that a Stage 2 Archaeological Assessment be prepared for any properties located within the East

Fonthill Secondary Plan area. Subsequently, a Stage 2 Archaeological Assessment (dated June 2014) and Stage 3 Archaeological Assessment (dated August 19, 2014) were completed by Golder Associates Ltd. The Stage 3 Archaeological Assessment was conducted for two identified locations on the subject property (Location 1: AgGt-198 and Location 2: AgGt-198) and concluded that Location 1 had been sufficiently assessed, however, Location 2 should be subject to a Stage 4 Archaeological Assessment. In a letter dated September 25, 2014, the Ministry of Tourism, Culture and Sport (MTCS) indicated that the fieldwork and reporting for the Stage 2 archaeological assessment were consistent with the 2011 Standards and Guidelines for Consultant Archaeologists.

In the Regional and Provincial review comments (dated August 28, 2014) provided for Village of East Fonthill (Phase 1) Draft Plan of Subdivision, Official Plan Amendment (OPA-01/14) and Zoning By-law Amendment (AM-04/14), Regional staff noted that Golder Associates Ltd. was finalizing a Stage 4 archaeological assessment for a portion of the property. Regional staff note that as of the date of this letter, the Region has not been circulated on a Stage 4 archaeological assessment for Location 2 (AgGt-198). The archaeological assessment must be completed and submitted to MTCS for review. In addition, the Region has not received a letter from MTCS acknowledging the archaeological work completed for the Stage 3 Archaeological Assessment (dated August 19, 2014).

As such, Regional staff request that a Stage 4 archaeological assessment be completed for Location 2 (AgGt-198) prior to any site alteration or development activity on the subject property to satisfy Provincial requirements with respect to cultural heritage and archaeological resources. This requirement can be satisfied through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application;
2. Through the use of a Holding (H) provision in the Zoning By-law; or,
3. As part of a subsequent subdivision/condominium/site plan approval process for the subject lands.

Urban Design

Since the subject property has frontage along Regional Road 20, Regional Urban Design staff were circulated on the submitted Zoning By-law Amendment application for review and comment. The following urban design comments are provided to ensure that relevant policies and interests are met. Please note that through the future planning applications, urban design review fees will be collected to confirm that the below comments/ recommendations are reflected.

Urban Design Guidelines

Regional staff request that the applicant identify how the proposed development responds to the East Fonthill Secondary Plan and the associated urban design guidelines.

Highway 20 (Regional Road 20) Streetscape

Regional staff note that at the subsequent planning approval stages, streetscape and landscape architectural plans will be required. These plans should detail the design of the interface of the development with respect to the Regional Road and intersection. The East Fonthill Urban Design Guidelines describe Highway 20 (Regional Road 20) as a “Majestic Alee”, as it is the gateway into the Town of Pelham from neighbouring municipalities. Design elements envisioned for this gateway include: a double row of deciduous trees along Highway 20 (1 row of street trees and 1 row of trees on private lands), a 3.6m wide urban trail, planter/seat walls with shrubs and perennials plus pedestrian scaled lighting.

Wellspring Way Streetscape (At intersection with Highway 20)

Regional Urban Design staff note that Wellspring Way is considered to be the main street leading into the mixed-use centre. Given this, the urban design guidelines envision trees in hard surfaces, street furnishings, landscape bump-outs and upgraded pedestrian crossings.

Building Siting

With respect to the design of the proposed commercial development as noted at the pre-consultation meeting for the site plan application, Regional Urban Design staff request that Building 5 and 6 be reoriented to front onto Regional Road 20 with the drive-through facilities remaining internal to the site.

Built Form

Regional staff note that at the subsequent planning approval stages, building façade elevations will be required. The design of the building shall be guided and informed by local and regional urban design guidelines. Regional staff recommend that Buildings 3 and 4 include active entrances fronting on to the Regional Road. Over time, this may encourage businesses to spill out along the frontage, which will animate the streetscape.

Additional Considerations

Regional staff provide the following additional suggestions to be considered at the subsequent planning approval stages. With respect to garbage and loading areas, these areas should be identified for each building and should not be visible from the Regional

Road. Should garbage enclosures be proposed, construction details will be required for review and comment. With respect to accessible parking, Regional staff note that each building should provide accessible parking spaces that do not require the crossing of a drive aisle (refer to Buildings 2 and 6 as examples). Lastly, with respect to the internal pedestrian network, Regional staff suggest that the width of the landscape islands be increased where pedestrian sidewalks are proposed. These islands should be wide enough to accommodate a sidewalk and deciduous trees.

Regional Road Allowance

Regional staff note that there is an existing one foot reserve along Block 19 on Regional Road 20. Staff will provide detailed comments on the process to lift the easement during the site plan process, to facilitate the right-in, right-out entrance along Regional Road 20.

Regional Permit Requirement

Regional Construction Encroachment & Entrance Permit

Prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

As part of the site plan process, detailed plans for the median on Highway 20 are to be provided.

Regional Sign Permit Requirements

All private signs are to be located on the owner's lands. Please note that the placement of any sign, notice or advertising device within 20 metres of the centerline of Regional Road 20 will require a Regional Sign permit. Additional requirements of any sign include that:

- The sign maintain a 1 metre setback from the regional property line;
- The sign is required to be 5 metres from a driveway and 8 metres from an intersection; and
- Billboard signs require a 10 metre setback from the regional property line.

Permit applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Sanitary

The Region of Niagara has a Sewer Use By-law which requires owner/occupants of commercial, institutional or industrial premises to install and maintain a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of sewage effluent from the proposed development. Further, every manhole installed must be located on the property of the owner as close to the property line as possible.

The By-law also requires every owner or operator of a property where food is cooked, processed or prepared, or where sand, grit, oil, grease, etc. may enter the sewer, to install an interceptor to prevent these substances from entering the sewer system. The full requirements of this By-law are available on the Region's website at the following location:

<http://www.regional.niagara.on.ca/living/sewage/sewage-bylaw.aspx>

Should the developer/owner or occupant have any questions or wish to discuss these matters, please contact: Jason Oatley, B.Sc, C.Chem, Manager, Quality & Compliance Wastewater at 905-980-6000 extension 3758.

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 not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 4 garbage containers per property

Due to the number of units proposed on-site, Regional staff note that it is unlikely that the waste collection limits will be met. Therefore, waste collection will be the responsibility of the owner through a private contractor and not Regional Municipality of Niagara.

Notwithstanding the above comments, the subject site remains eligible for Regional recycling and organics collection subject to the above-noted specifications.

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate

from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

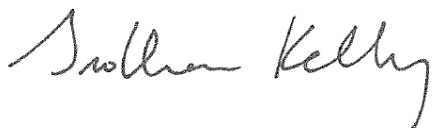
Based on the analysis provided above, Regional Planning and Development Services is not opposed to the proposed Zoning By-law Amendment provided that any local requirements are satisfied and a Stage 4 archaeological assessment for Location 2 (AgGt-198) is completed. The requirement can be addressed through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application;
2. Through the inclusion of a Holding (H) provision in the amending By-law. A letter from MTCS acknowledging the findings of the Stage 4 archaeological assessment is required before the Holding (H) provision can be removed; or,
3. As part of a subsequent subdivision/condominium/site plan approval process.

Should you have any questions related to the above comments or would like a hard copy of the comments, please feel free to contact me at 905-980-6000 ext. 3396 or Pat Busnello, MCIP, RPP, Manager, Development Planning at 905-980-6000 ext. 3379.

Please send a copy of the staff report from the Town and notice of Council's decision on this application.

Best regards,



Siobhan Kelly
Planning and Development Student

cc: Ms. A. Alderman, Development Planner, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager Development Planning, Niagara Region
Ms. J. van der Laan de Vries, Urban Designer, Niagara Region
Mr. T. Boyle, Development Approvals Technician, Niagara Region



June 3, 2019

Community Planning & Development
20 Pelham Town Square
Fonthill, Ontario, L0S 1E0

Re: Zoning By-law Amendment - Parts 1 & 8, Plan 59R-16208

Dear Shannon,

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

May 23, 2019

Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Zoning By-law Amendment
East Fonthill
Parts 1 & 8, Plan 59R-16208
Town of Pelham
File No.: AM-06-19

Enbridge Gas Inc. does not object to the proposed application(s).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.

VIA EMAIL ONLY

June 5, 2019

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Town of Pelham
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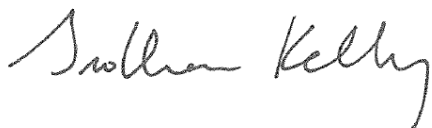
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Planning and Development Student

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