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Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law  
Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19)  
July 15, 2019

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## **Recommendation Report for Draft Plan of Subdivision (Martin's Nest) and Zoning By-law Amendment Applications (File Nos. 26T19-01-2019 & AM-02-19)**

### **Executive Summary:**

The purpose of this report is to provide the Committee of the Whole and the public with a recommendation regarding applications for draft plan of subdivision (Martin's Nest) and to amend the Town's Zoning By-law to permit street townhouse dwellings.

The subdivision will consist of 6 street townhouse dwellings (0.18 ha).

### **Location:**

The property is located at the north west corner of Lametti Drive and Port Robinson Road, legally described as Part of Thorold Township, Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

*Figure 1: Location of the Property*





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The proposed zoning by-law amendment will change the zoning from Agricultural (A) to a site specific Residential Multiple 1 to permit street townhouse dwellings subject to special regulations.

**Policy Review:**

***Planning Act***

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, the decision of planning authorities "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 51 of the Act allows for consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

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- The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

In response to Section 51(24) of the Planning Act, Planning staff advise that the application for draft plan of subdivision positively addresses matters of provincial interest, is not premature and is in the public interest. The application will comply with the policies in the Town's Official Plan and complements the existing and future subdivisions in the surrounding neighbourhood. The property is suitable for the residential uses proposed on the draft plan of subdivision. There are no units earmarked for affordable housing as part of the plan of subdivision. Highways linking the property are adequate, appropriately graded and elevated. There are no restrictions on the land (beyond typical zoning regulations), natural resources or need for flood control. Municipal services and utilities are available and adequate. Existing schools are adequate to service the proposed subdivision. No land within the subdivision is required to be conveyed for public purposes. The plan uses available energy supplies and future housing will be constructed to current energy efficient standards.

***Provincial Policy Statement, 2014***

The subject parcel is designated as being within a Settlement Area according to the Provincial Policy Statement, 2014 (PPS, 2014).

PPS, 2014, provides policy direction on matters of provincial interest related to land use planning and development in Ontario.

It is recognized that the province's long-term prosperity, environmental health, and social well-being depends on wisely managing change. Efficient land use and development patterns will achieve healthy, livable, and resilient communities that will protect the environment and public health and safety, and will facilitate economic growth.

Policy 1.1.1 outlines how healthy, livable and safe communities are sustained.

Settlement Areas shall be the focus of growth, and new development, in designated growth areas, should have a compact form and a mix of uses and densities that allow for the efficient use of land,

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infrastructure, and public service facilities (Policies 1.1.3.1, 1.1.3.2 (a), and 1.1.3.6). Development should provide for an appropriate range and mix of housing types and densities to minimize the cost of housing, and facilitate compact form; provide for efficient use of land, infrastructure and public service facilities; support the use of active transportation; while maintaining appropriate levels of public health and safety (Policy 1.4.3). Healthy, livable, active communities meet the needs of pedestrians by fostering and facilitating active transportation and ensuring community connectivity (Policy 1.5.1). In addition, development shall efficiently use and optimize existing municipal sewage and water services; and, stormwater management shall promote best practices and low impact development (Policies 1.6.6.1 and 1.6.6.7).

The proposed draft plan of subdivision will result in a compact form, use existing municipal infrastructure and meet the density targets. Diversity in built form and ownership options (i.e. freehold and condominium) in the neighbourhood will provide future residents with a range of housing styles and costs while ensuring public health and safety. Sidewalks have been constructed along Port Robinson Road and Lametti Drive to connect with sidewalks in the area and the future off-road trail along Rice Road. Bike lanes are provided on Summersides Boulevard and Port Robinson Road which provide further support for active transportation. Stormwater can be accommodated in the existing stormwater management ponds along Rice Road that have been sized to accommodate storm flows from these lands. The development is located in close proximity to the Community Centre and other public service facilities and can be served by existing available facilities and schools. It is Planning staff's opinion that the proposed draft plan of subdivision and zoning by-law amendment are consistent with the Provincial Policy Statement.

***Greenbelt Plan, 2017***

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

***Niagara Escarpment Plan, 2017***

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

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***Growth Plan for the Greater Golden Horseshoe, 2019***

The Growth Plan for the Greater Golden Horseshoe, 2019 took effect on May 16, 2019.

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The proposed development will contribute to the creation of a complete community by diversifying the mix of residential uses. The development is served by sidewalks that will provide connectivity to future neighbourhood parks, bike lanes and off-road trails. The development can be served by existing transit systems. The development of street townhouses will intensify the Built-Up Area from its current single detached residential use. The varying built form (single detached, street and block townhouses) in the vicinity will support the formation of a vibrant neighbourhood. The East Fonthill Urban Design Guidelines will assist in the creation of high quality residential construction. It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

***Regional Official Plan, consolidated August 2015***

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area in the Regional Official Plan.

Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

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Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; de-emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The proposed development adds to the mix of residential uses that contribute to the creation of a complete community. The street pattern will connect to existing and future neighbourhoods. Active transportation is supported through the sidewalks in a modified grid pattern and connectivity to bike lanes and trails. Municipal servicing will be in keeping with Regional and Town servicing plans. The property contains a single detached dwelling and its redevelopment will result in intensification and assist the Town in meeting the 15% intensification target. The development will be serviced by municipal sewage and water services.

The development meets Regional objectives for active transportation, deemphasizing garages and contributing to a sense of public safety with the proposed zoning regulations. The design balances the need for private and public space and creates an aesthetically pleasing and functional neighbourhood. The Developer will be required to retain an Architect to certify that future building elevations meet the East Fonthill Urban Design Guidelines prior to issuance of building permits. For these reasons, it is Planning staff's opinion that the applications conform to the policies of the Regional Official Plan.

***Town of Pelham Official Plan, 2014***

The subject parcel is located within the East Fonthill Secondary Plan Area and designated EF- Medium Density Residential in the Town's Official Plan, 2014.

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Permitted uses in the EF- Medium Density Residential designation are all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities.

Townhouse dwellings shall be developed at densities ranging from 20 units per net hectare up to 60 (Policy B.1.7.7.4.2(a)). The proposed development meets the density target by providing 33 units per hectare.

A portion of the property is also designated Highly Vulnerable Aquifer on Schedule B1. Policy C5.3 indicates to minimize risks posed by land uses on vulnerable groundwater areas, the following uses are prohibited on lands identified as Vulnerable Groundwater Area/Highly Vulnerable Aquifers:

- Generation and storage of hazardous waste or liquid industrial waste;
- New waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Ontario Regulation 347 of the Revised Regulations of Ontario, 1990, or its successor.

For Committee's information, none of the prohibited uses, outlined in Policy C5.3, are proposed for the subject parcel.

The land forms part of Neighbourhood 1 on Schedule A4 'Structure Plan'. According to Policy B1.7.7.2 b)(i), Neighbourhood 1 shall achieve an overall minimum gross density of approximately 57 persons and jobs per gross hectare combined.

The proposed draft plan of subdivision proposes a density of 94.4 persons and jobs per gross hectare which exceeds the minimum gross density.

New development is required to be generally consistent with the Urban Design Guidelines for the East Fonthill Secondary Plan area (B1.7.4.2(b)). The Urban Design Guidelines promote street-oriented,



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pedestrian friendly development and compatibility through appropriate building siting, design and landscaping. The Developer will be required to have an Architect certify that building designs meet the Urban Design Guidelines prior to issuance of building permits. Further, staff have included a recommended condition of draft plan approval that requires the submission of a landscape plan for Lot 1 (at the corner of Lametti Drive and Port Robinson Road) to ensure that the landscaping will be enhanced to act as a gateway to the neighbourhood as well as to comply with the Urban Design Guidelines.

Policy B1.1.5 requires that when considering a Zoning By-law amendment to permit a townhouse development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent existing and future residential neighbourhoods with respect to height, bulk and massing. All development will have to be consistent with the Urban Design Guidelines which will ensure that these items are considered in the design. The street townhouses can be easily integrated with surrounding land uses. The street townhouses will front onto Lametti Drive (Local Road) near access to Port Robinson Road (Collector Road). The future residential development of this property was considered during the preparation of the East Fonthill Secondary Plan and supporting studies including traffic. Traffic congestion is not anticipated as a result of the townhouses. Finally, the size of the property for street townhouse dwellings is sufficient to incorporate parking, recreational areas, landscaping and buffering.

Policy D5.3 requires that prior to considering an application for a plan of subdivision, Council must be satisfied that:

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- a) The approval for the development is not premature and is in the public interest.
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required.
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification.
- d) The subdivision, when developed will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation.
- e) The subdivision conforms with the environmental protection and management policies in this Plan; and
- f) The proposal conforms to Section 51(24) of the Planning Act, as amended.

In response to this policy, Planning staff advise that the development will address the need for residential housing by way of redevelopment of an underused piece of land. The public interest has been considered during the Planning approval process and by evaluating consistency with the Provincial Policy Statement which includes policies based on the public interest. The land is serviced by existing infrastructure, schools, planned and existing parkland and open space, community facilities and other amenities. The density of the development is appropriate for the neighbourhood and conforms to the density requirements in the Official Plan. The subdivision is linked with an existing roadway (Lametti Drive) and will connect with existing sidewalks. There are no natural heritage features present on the property.

Based on the discussion above, Planning staff are of the opinion that the proposed draft plan of subdivision and zoning by-law amendment conform to the Town's Official Plan

***Zoning By-law 1136 (1987), as amended***

The subject parcel is zoned Agricultural (A) which permits agricultural uses including greenhouses; seasonal or permanent farm help houses on farms larger than 10 hectares; one single detached dwelling on one lot; home occupations; kennels; animal hospitals; uses, buildings and structures accessory to the foregoing permitted uses; and forestry and conservation uses.

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The zoning by-law amendment application seeks approval to amend Zoning By-law No. 1136 (1987) from the Agricultural (A) zone to a site specific Residential Multiple 1 zone to permit street townhouse dwellings with special zoning regulations (refer to Table 1).

*Table 1: Requested Zoning By-law Amendment*

|   | Current RM1 Zone | Proposed RM1 Zone              |
|---|------------------|--------------------------------|
| 16.3 Zone Requirements for Street Townhouse Dwellings |                  |                                |
| (d) Minimum Front Yard                                | 7.5 m (24.61 ft) | 6.0 m (19.7 ft)                |
| (e) Minimum Exterior Side Yard                        | 7.5 m (24.61 ft) | 6.0 m (19.7 ft)                |
| (f) Minimum Interior Side Yard                        | 3.0 m (9.84 ft)  | 3.0 m or 0 m for a common wall |

Planning staff note that the applicant revised the site plan for the proposed development and the planting strip will be provided as required in the Zoning By-law.

The proposed zoning change will conform to the policies of the Official Plan. The zone standards will allow for efficient residential development while respecting the needs of future residents. In Planning staff's opinion, the proposed zoning change will apply good planning principles.

**Agency Comments:**

On February 15, 2019 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. Full versions of comments received to date have been included in Appendix A to this report. The following is a summary of those comments:

**Department of Public Works and Utilities**

- Requests revisions to the Site Servicing and Grading Plan.
- Payment of costs for the oversizing of the stormwater management facility and storm sewer will be required.

**Building**

- Building permits will be required.

**Enbridge**

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- No objection subject to inclusion of standard conditions.

Hydro One

- No comments or concerns.

Canada Post

- Development will receive delivery by community mailbox. No conditions or concerns.

Niagara Region

- No objections subject to conditions of draft plan approval relating to archaeological resources.

**Public Comments:**

On February 15, 2019 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries and public notice signs were posted facing Port Robinson Road and Lametti Drive. In addition, a public meeting was held on March 11, 2019. The following comments (Appendix B & C) have been received at the time of writing of this report:

Hummel Properties Inc.

- Fully support this development.

River Realty Development (1976) Inc.

- No objection.
- Request that the Town incorporate measures through the development process to ensure that River Realty will not be held liable/accountable/responsible for any damage, replacement or repair to the previously installed services as a result of the development.

Note: the comment from River Realty Development (1976) Inc. is in relation to the fact that the services within the River Estates subdivision that River Realty Development (1976) Inc. installed have not been assumed by the Town and if damages are caused during the development of Martin's Nest, then the developer of Martin's Nest would be responsible for damages.

Bill Heska

- Concerned about parking, traffic impacts and snow removal due to proximity to the intersection with Port Robinson Road.

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**Staff Comments:**

Planning staff advise that the applicant has provided revised drawings in response to the requested changes by Town Public Works staff. These drawings are currently under review, however recommended draft plan conditions have been included that require these items to be provided to the satisfaction of the Director of Public Works. Further, a recommended condition of draft plan approval has been included to require the payment of the oversizing cost for the storm sewer and pond.

In response to the comment from River Realty (1976) Development Inc, Planning staff have included a recommended condition of draft plan approval that advises the Developer that he/she is responsible for any damage, repair or replacement of the existing services that may result from the development. If approved, this condition will be included in a future Subdivision Agreement.

At the public meeting, Bill Heska expressed concerns about the amount of parking being provided for the development. Planning staff advise that each lot will accommodate one parking space within the garage and one in the driveway. In addition, the pairing of the driveways will allow for some on-street parking to occur in front of the development. The additional traffic generated as a result of the development is minimal and can be accommodated in the road system. Traffic reviews were undertaken as part of the Secondary Plan process which considered redevelopment of the area. Public Works staff were consulted regarding snow removal and did not have any concern with the ability to manage snow removal at this location. Snow removal will occur in the same manner as present as no changes to the roadway are proposed as a result of the development. The wide boulevards and front yards allow for snow storage from driveway, sidewalk and road clearing.

Based on the policy analysis and discussion in this report, it is Planning staff's opinion that the applications for zoning by-law amendment and draft plan of subdivision are consistent with the Provincial Policy Statement, conform to Provincial and Regional plans and will conform with the Town's Official Plan and the East Fonthill Secondary Plan. The proposed development compliments existing development, is not out of character with the newly developed area, provides for an efficient use of land and infrastructure and the proposed zoning by-law amendment provides for appropriate standards for implementing the proposed development. All recommended conditions of draft plan approval have been included in Appendix E.

Prepared by: Shannon Larocque, MCIP, RPP, Senior Planner

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Reviewed by: Barbara Wiens, MCIP, RPP, Director of Community Planning and Development

**Attachments:**

|            |  |
|------------|--|
| Appendix A | Agency Comments                          |
| Appendix B | Public Comments                          |
| Appendix C | Minutes of Public Meeting March 11, 2019 |
| Appendix D | Draft By-law                             |
| Appendix E | Conditions of Draft Plan Approval        |

**Alternatives:**

Council could choose not to approve the zoning change and draft plan of subdivision.

Council could choose to approve the draft plan of subdivision and zoning by-law amendment with modifications to the zoning provisions or draft plan conditions.

**Recommendation:**

**BE IT RESOLVED THAT, Council receives this Planning and Development report for information as it pertains to File Nos. 26T19-01-2019 & AM-02-19 relating to Martin's Nest Draft Plan of Subdivision;**

**AND THAT, Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Agricultural (A) zone to the site specific Residential Multiple 1 (RM1-295), zone.**

**AND THAT, Council approve the draft plan of subdivision subject to the conditions attached hereto as Appendix E.**