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Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications -  
1440 Pelham Street (File no. AM-05-19 and SP-05-17)  
July 15, 2019

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**Recommendation Report for Zoning By-law Amendment and Site Plan Control Applications**  
**1440 Pelham Street (File No. AM-05-19 and SP-05-17)**

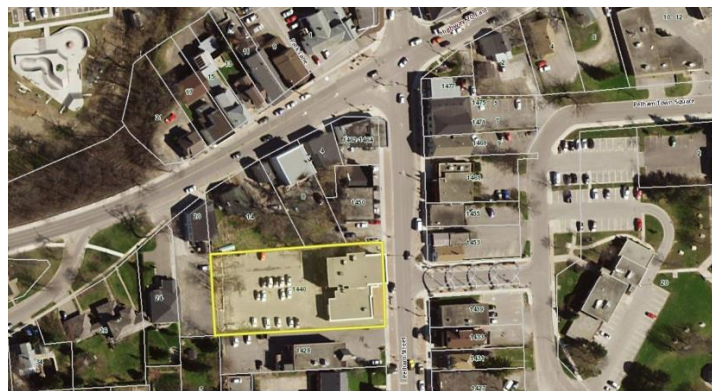
**Executive Summary:**

The purpose of this report is to provide the Council with a recommendation regarding an application to amend the Town's Zoning By-law to allow an increase in building height to 4 storeys from 3 storeys as well as permit a maximum gross floor area of 123% of the total lot area to accommodate a two storey addition to an existing two storey building and for site plan approval for a 4 storey mixed use building with an elevator and stairway penthouse above. The proposal provides for the addition of 12 apartment dwellings to an existing commercial building along with adjustments to the parking area layout, addition of landscaping, waste bins and walkways.

**Location:**

The property is located on the west side of Pelham Street at the terminus of Pelham Town Square. The property is legally described as Lot 2 west side South Pelham Street Plan 715, Part Lot 3 south side west Canboro Street, Part Lot 715, Part 1 Plan 59R-8665, Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

*Figure 1: Location of the Property*



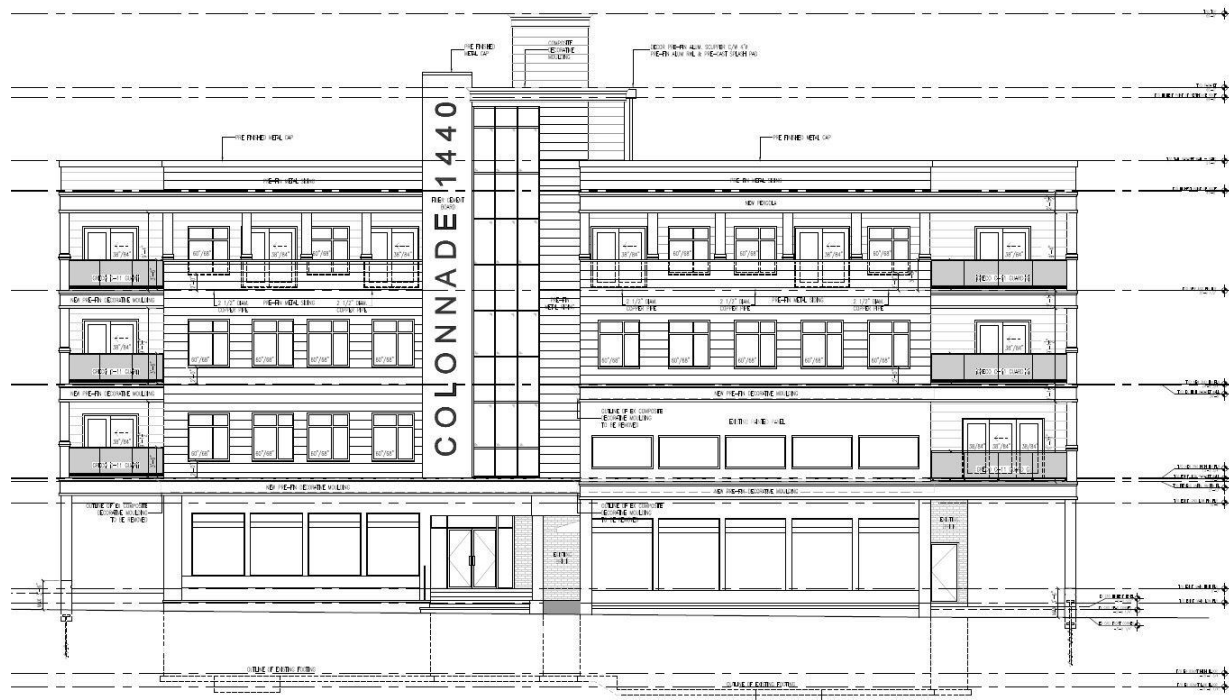
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The property is generally bounded by mixed use buildings and one residential property fronting Regional Road no. 20 and is located in the downtown core area of Fonthill.

**Project Description and Purpose:**

The proposed zoning amendment will allow an increase in building height to 4 storeys from 3 storeys as well as permit a maximum gross floor area of 123% of the total lot area to accommodate a two storey addition to an existing two storey building. The application will facilitate the construction of a 4 storey mixed use building with an elevator and stairway penthouse above (Figure 2). The building addition will include 12 apartment dwellings. The existing two floors of commercial use will remain. The proposed site layout is included as Figure 3.

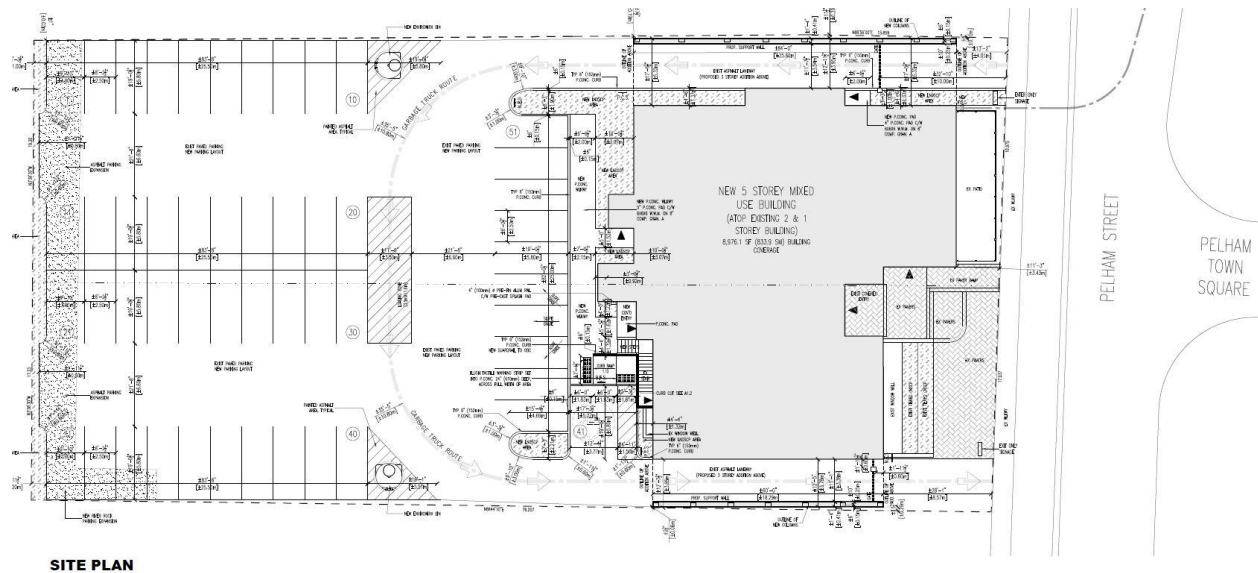
*Figure 2: Proposed Building Elevation*



**FRONT / EAST ELEVATION**

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**Figure 3: Proposed Site Plan**



**Policy Review:**

**Planning Act**

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, 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 41 (2) of the Planning Act states that where an official plan shows or describes a potential site plan control area, the Council of the local municipality may, by by-law, designate the whole or any part of such area as a site plan control area.

Policy E1.4 of the Town’s Official Plan, 2014, designates all areas of the Town as proposed site plan control areas.

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By-law No. 1118 (1987) designates all of the Town of Pelham as a site plan control area and exempts the certain land uses from site plan control. The proposed improvements to the subject lands are not exempt from site plan control. Consequently, the proposed development requires site plan control.

***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, 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, employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs and densities to minimize the cost of housing, and facilitate compact form, while maintaining appropriate levels of public health and safety (Policies 1.1.1(b), 1.4.3). Healthy, 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).

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Policy 1.1.3.3 provides for the promotion of intensification and redevelopment where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The proposed zoning change and site plan approval will facilitate the development of apartment dwellings while retaining the existing commercial uses and provide for appropriate intensification. This will help to diversify the types of housing available in a location that will support existing businesses, make use of existing services and allow residents to use means of active transportation to meet their daily needs. Based on this analysis, it is Planning staff's opinion that the proposed zoning change and site plan is 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.

***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.

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

The addition of 12 residential dwelling units in the Delineated Built-up Area will assist the Town in meeting the minimum 50 percent target for new residential development required in Policy 2.2.2.1(a). Further, it represents intensification and makes use of services which have been evaluated to confirm they support the new development as encouraged in Policy 2.2.3(b). It is Planning staff's opinion that the proposed zoning change and site plan conforms to 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 Delineated Built-up Area in the Regional Official Plan.

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

The Region encourages the development of attractive, well designed residential development that: provides for active transportation with connections to residential and commercial areas, parks and schools; de-emphasizes garages, especially in the front yard; emphasizes the entrance and points of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for such services as 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; encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play (Policy 11.A.2).

The Region encourages housing which allows people to work at home or in relatively close proximity to work (Policy 11.A.3).

The zoning change and site plan will facilitate additional residential development within the Delineated Built-Up Area in a location that allows people to work at home or very close by and contributes to

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achieving the intensification targets for the Town. The proposed building addition will be attractive, well designed and accessible. It is Planning staff's opinion that the proposed zoning change conforms to the policies of the Regional Official Plan.

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

The property is designated Downtown in the Town's Official Plan, 2014.

Permitted uses in the Downtown designation are retail uses including farmers market; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; day care centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take-out restaurants, but not including any restaurant with a drive-through component; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres, including open air pavilions; and uses buildings and structures accessory to the above.

Policy B1.2.4.1 requires the Town to accommodate at least 15% of projected housing growth within the existing urban boundaries of Fonthill and Fenwick. While intensification opportunities are encouraged, proponents are expected to demonstrate through site and elevation plans that the proposals are respectful of, compatible with and designed to be integrated with the community or neighbourhood where they are proposed. Intensification proposals are encouraged to incorporate high quality urban design, landscaping treatments and accessibility (Policy B1.2.4.1(d)).

Urban Design Guidelines for Downtown Fonthill and Fenwick were developed by the Town and have been entrenched in Policy B1.2.4.3 of the Official Plan. The policy indicates that the maximum building height along Pelham Street shall be three storeys, however that additional storeys may be permitted through a Zoning By-law amendment and subject to recessing the front building wall for additional storeys. Further urban design criteria are outlined such as: new buildings should be built at or near the front lot line; parking should not be permitted at the front of the building, but on-site at the rear of a lot, on-street or in a communal parking area; the maximum retail floor area for a single building along Pelham Street should not exceed 2500m<sup>2</sup>; retail uses are encouraged to use the ground floor of multi-storey buildings; buildings should be street oriented to the street, consistent with adjacent building and provide clearly defined and accessible entry points from the sidewalk; pedestrian weather protection is



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encouraged through the use of awning or canopies; building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments; utilities and mechanical installations should be shrouded from main street viewsapes and/or be integrated in architectural treatments; and preferred building materials include brick, wood, stone, glass, in-site concrete and pre-cast concrete while vinyl siding, plastic, polywood, concrete block, metal siding and tinted or mirrored glass are discouraged.

Parking areas are encouraged to be below grade or at the rear of buildings with access by a rear lane where possible (Policy B.1.2.4.5(a)). Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons (Policy B1.2.4.5(e)); and loading areas should be screened from public view through landscaping and fencing.

The Downtown designation supports mixed-use buildings and intensification where compatibility is demonstrated through urban design, landscaping and accessibility. The proposed building addition is designed in keeping with the Urban Design Guidelines for Downtown Fonthill and Fenwick, preserves existing landscaping along Pelham Street while adding some additional landscaping in the rear of the building and incorporating an elevator for accessibility. The parking and loading area will be located behind the building, hidden from view and accessible from the existing driveway access.

The building is located in a key location, which is visible from Pelham Town Square where the increased height will add visual interest and act as a visual landmark. The building will be recessed above the third floor as outlined in the Urban Design Guidelines.

The property was identified as a Prominent Visual Site in the Downtown Master Plan for Fenwick and Fonthill, November 2014 (DMPFF). The minimum height of Prominent Visual Sites on Pelham Street is 2 storeys with a maximum of 4 storeys. The DMPFF further encourages modest exceptions to height restrictions to accentuate the visual prominence of the site and architectural treatments including tall slender elements. The proposed building addition will incorporate a stairway/elevator penthouse which has been designed to appear as a tall slender element which will add visual interest.

The proposed building addition is generally designed in keeping with the Urban Design Guidelines for Downtown Fonthill and Fenwick, preserves existing landscaping along Pelham Street while adding some additional landscaping in the rear of the building and incorporating an elevator for accessibility. The



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parking and loading areas will be located behind the building, hidden from view and accessible from the existing driveway access. The building is located in a key location, which is visible from Pelham Town Square where the increased height, resulting from the addition, will add visual interest and act as a visual landmark. The building will be recessed above the third floor as outlined in the Urban Design Guidelines to enhance the pedestrian experience at street level. The building design also incorporates terraces and balconies to provide amenity space for future residents. A walkway is being added in the rear of the building for pedestrian access.

The property owner is proposing to retain the existing high quality building finishes at street level, but use a high quality metal siding and fiber cement board on the additional stories. While metal siding is generally discouraged as a building material in the Downtown, the building materials have been specifically selected by the architect to complement the building architecture, be durable and attractive as well as to provide an appropriate contrast from the street level.

It is Planning staff's opinion that the zoning change to allow the increased height and gross floor area conforms to the policies of the Town's Official Plan relating to land use in the Downtown Designation, urban design and is appropriate for the site and the site plan is also in conformity with the Urban Design Guidelines for Downtown Fonthill and Fenwick and as well as the Downtown Master Plan.

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

The property is included within the Central Business Area and zoned GC (General Commercial) which permits ambulance service; motor fuel retail outlet; veterinarian's clinic; automobile service stations; car wash; bakeries; banks; barber shops; beauty salons; clinics; commercial clubs; custom workshops; day nursery; LCBO and brewer's retail store; laundry, laundromat or dry cleaning outlet or dry cleaning establishments; professional and business offices; public and private parking areas; public halls; restaurants; retail stores; services shops; tourist homes; undertaking establishments; vehicle sales or rental establishments; shopping centre; uses, buildings and structures accessory to the foregoing permitted uses; and dwelling units above the ground floor.

The zoning by-law amendment application seeks approval to allow an increase in building height to 4 storeys from 3 storeys as well as permit a maximum gross floor area of 123% of the total lot area to accommodate a two storey addition to an existing two storey building.

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*Table 1: Requested Zoning By-law Amendment*

|                                       | Current GC Zone        | Proposed Site Specific GC Zone |
|---------------------------------------|------------------------|--------------------------------|
| 20.2 Regulations                      |                        |                                |
| (d) Maximum Gross Floor Area          | 50 percent of lot area | 123% of lot area               |
| 19.3 Regulations for Residential Uses |                        |                                |
| (e) Maximum Height                    | Not specified          | 4 storeys                      |

**Submitted Reports:**

The applicant submitted a Servicing Assessment that addressed servicing matters related to stormwater management, water and sanitary sewer servicing requirements. The applicant further recompensed the Town for a Sanitary System Capacity review. Public Works staff has reviewed the materials and are satisfied with the revisions made to address staff comments.

In addition, the applicant also submitted a Traffic Brief which made recommendations about the location of stop, no entry and pedestrian crossing signs for the access onto Pelham Street. The signage has been included on the Site Plan and required through a clause in the Site Plan Agreement.

An archaeological assessment was provided for the property along with the Ministry of Culture, Tourism and Sport's clearance letter.

The applicant also provided a Phase I Environmental Site Assessment and a Hazardous Materials Assessment. A clause has been included in the Site Plan Agreement which requires the Owner to file a Record of Site Condition with the Ministry of Environment, Conservation and Parks prior to issuance of building permits for residential purposes.

Finally, the applicant provided a Planning Justification Report which confirms consistency with Provincial Plans as well as conformity with the Town's Official Plan and Urban Design Guidelines.

It is noted that the Department of Public Works, Department of Fire and Protection Services, and the Building Department had no issues or objections to the site plan being recommended for approval. All requested conditions from Town staff and private utilities have been included in the Site Plan Agreement.

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**Agency Comments:**

On May 17, 2019 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. The following comments have been received as of the date of writing of this report:

|                       |   |
|-----------------------|---|
| <b>Enbridge</b>       | No objection  |
| <b>Building</b>       | A building permit will be required.   |
| <b>Niagara Region</b> | Not opposed to the Zoning By-law Amendment subject to the submission of a Record of Site Condition prior to approval of the Zoning By-law amendment application or inclusion of a Holding provision in the amending By-law. |

**Public Comments:**

On May 17, 2019 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries regarding the proposed zoning by-law amendment. In addition, a public notice sign was posted. A public meeting was held on June 10, 2019. No members of the public provided comments at the meeting or in writing at the time of writing of this report. The applicant's agent did make a presentation on behalf of the applicant and addressed Council's questions.

**Staff Comments:**

For Committee's information, the proposed building addition has received approval from the Committee of Adjustment for two minor variance applications in the past. On October 4, 2016, Committee granted minor variance A7/2016P which allowed a reduction in the number of loading spaces for commercial gross floor area over 930m<sup>2</sup> to one from 2, a reduced loading space access requirement to 3.05m from 3.5m, a reduction in the parking requirement to 1 space per dwelling unit from 1.5 per dwelling unit, a reduction to the parking requirement to 39 from 45, a reduced parking aisle width to 6.6m from 7.6m and a reduced landscape amenity area to 0m<sup>2</sup> from 55m<sup>2</sup>. On December 5, 2017, Committee granted

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minor variance A33/2017P which allowed 70% of the gross floor area to be used for dwelling units where the Zoning By-law only permits 50%.

At this time, the Owner is requesting approval of the zoning change due to Official Plan policy B1.2.3.4.3(a) which requires a Zoning By-law amendment when exceeding 3 storeys as well as Section 20.2(d) of the Zoning By-law which permits a maximum gross floor area of 50% of the lot area. These amendments will facilitate the two storey addition with elevator/stairway penthouse for the existing commercial uses as well as the addition of 12 apartment dwellings.

The Owner has provided a Planning Justification Report in support of the application.

In response to the Region's comments regarding the Record of Site Condition, Planning staff recommend including a clause within the Site Plan Agreement requiring completion of the Record of Site Condition. Planning staff have discussed this with Regional staff who are generally supportive of this approach and such clause has been included in the proposed Site Plan Agreement.

The proposed building is appropriate in scale, massing and height and will meet the Zoning By-law requirements with regards to height (subject to approval of the proposed Zoning By-law amendment), parking requirements, access, landscape buffers, etc. The property is large enough to accommodate the proposed building and parking areas and provide for appropriate amenity area and landscaped areas. Additional traffic is expected to be minimal and recommendations of the Traffic Brief have been incorporated into the site design.

Town staff have reviewed the proposed lighting, landscaping, servicing and grading plans and are satisfied that the development will be aesthetically pleasing and not negatively impact neighbouring property owners. The engineering design of the site services and grading and drainage plan meet the Town requirements.

Based on the policy analysis and discussion in this report, it is Planning staff's opinion that the application for zoning by-law amendment and site plan agreement is consistent with the Provincial Policy Statement, conforms to Provincial and Regional plans, will conform to the Town's Official Plan and is appropriate for the site context. Therefore, staff recommend that Council approve the proposed zoning by-law amendment and approve the by-law to enter into a site plan agreement with Colonnade 1440 Inc.

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

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

**Attachments:**

Appendix A Agency Comments

Appendix B Zoning By-law Amendment

**Alternatives:**

Council could choose not to approve the zoning change.

Council choose to approve the zoning change with modifications.

**Recommendation:**

**BE IT RESOLVED THAT, Council receives this Department of Community Planning and Development report for information as it pertains to File No. AM-05-19 and SP-05-17 relating to 1440 Pelham Street;**

**AND THAT, Committee approve the By-law, attached hereto as Appendix B, amending the zoning of the subject property from the General Commercial (GC) zone to the site specific General Commercial (GC-296) zone.**

**AND THAT, Council approve the By-law, attached hereto as Appendix C, authorizing the Mayor and Clerk to enter into the Site Plan Agreement with Colonnade 1440 Inc. on behalf of the Town.**