

Monday, July 15, 2019

Subject: Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Application (26T19-02-18; OP-AM-03-18; & AM-04-18) – Recommendation Report

Recommendation:

BE IT RESOLVED THAT Council receive Report CPD-030/2019 for information as it pertains to file numbers 26T19-02-18, OP-AM-03-18 & AM-04-18; and

THAT Council approve the By-law, attached hereto as Appendix D, amending the Official Plan policies of the subject property.

AND THAT, Council approve the By-law, attached hereto as Appendix E, amending the zoning of the subject property.

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

Background:

The purpose of this report is to provide Council with a recommendation regarding an application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision under Sections 22, 34 and 51 (respectively), of the *Planning Act* for 162 Port Robinson Road. The proposal is for subdivision development of vacant land, consisting of: 135 single detached dwellings 36 semi-detached dwellings 110 street townhouses 126 block

townhouse dwellings (condominium) 1.5 hectares of parkland Open Space & Environmental Protection Lands

Analysis:

Location – Context

The subject land is flanked by Port Robinson Road to the north and Merritt Road to the south, lying west of Rice Road (Figure 1). Municipally known as 162 Port Robinson Road, in Fonthill. The surrounding land uses include: North – Residential / Vacant Land East – Low & medium density residential South – Significant Woodlands / Provincially Significant Wetlands West - Agricultural / Vacant land.

Figure 1: Subject Lands



Project Description and Purpose

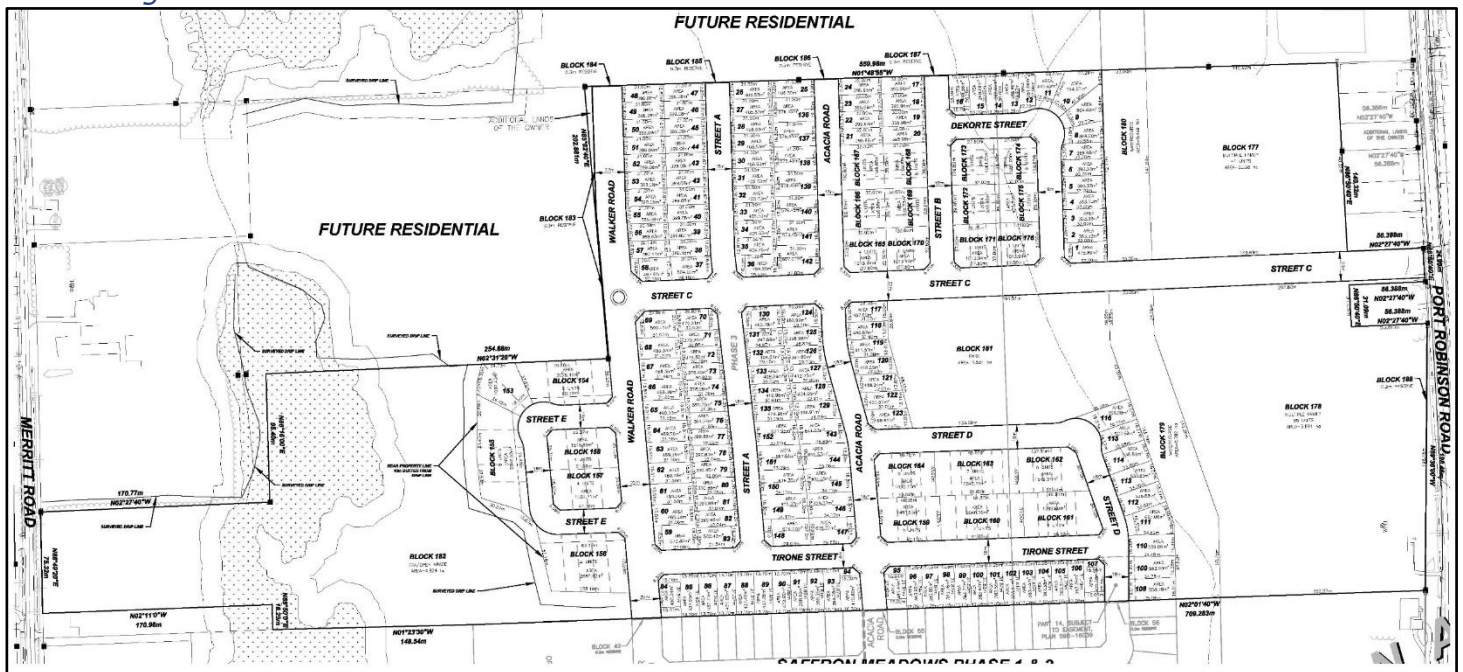
The property is 29.3 hectares (72 acres) in size and consists of two vacant parcels that are owned by Hert Inc. The land owner has applied for approval of a subdivision consisting of:

- 135 single detached dwellings
- 36 semi-detached dwellings
- 110 street townhouse dwellings
- 126 block townhouse dwellings (condominium)
- 1 (1.5 hectares) park
- Open Space / Environmental Protection lands (6.1 hectares)
- 5.5 hectares of public roadway

The proposal seeks to amend the Pelham Official Plan by modifying Policy B1.7.7.4.1 (b) to increase the number of single & semi-detached dwellings permitted in the EF-Medium Density Residential designation from 15% to 30% in a plan of subdivision.

The proposed Zoning By-law amendment will rezone the lands from *Agricultural (A)* to various site-specific zones that would accommodate the uses described above, for subdivision development. (Figure 2)

Figure 2: Draft Plan of Subdivision – Saffron Meadows Phase 3



Policy Review

Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- a) The protection of ecological systems, including natural areas, features and functions;
- b) The protection of the agricultural resources of the Province;
- c) The conservation of features and management of natural resources;
- e) The efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of transportation, sewage & water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- l) The protection of the financial and economic well-being of the Province and its municipalities;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, support public transit and to be oriented to pedestrians;
- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate.

The proposed development satisfies the Provincial minimum density requirement of 50 people and jobs combined per net hectare. The subdivision seeks to develop a compact neighbourhood and efficiently use the designated urban land available in East Fonthill. This residential land use efficiency helps ensure the long term protection of ecological systems, natural and agricultural lands, and helps to prolong (conserve) the finite urban land available for growth and development purposes throughout Pelham. Without orderly and compact development, inefficient low density housing projects would consume designated *Greenfields* and prematurely pressure urban boundary expansion efforts.

The proposed development offers several types of housing options which surround a central park and open space watercourse connected with a modified grid network of streets. The high level of street connectivity enables healthy communities by promoting walkability and bicycling, helping distribute traffic flows / volumes among the grid which reduces trip lengths, reduces greenhouse gas emissions and avoids the disproportionately negative distribution of cumulative property values and quality of life impacts for residents affected by overburdened roadways.

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

Section 22 of the Act allows for consideration of amendments to the Official Plan.
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:

- a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) Whether the proposed subdivision is premature or in the public interest;
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) The suitability of the land for the purposes for which it is to be subdivided;
- e) The number, width, location and proposed grades and elevations of streets, and the adequacy of them, and the streets linking the streets in the proposed subdivision with the established road system in the vicinity and the adequacy of them;
- f) The dimensions and shapes of the proposed lots;
- g) 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;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites;
- k) The area of land, if any, within the proposed subdivision that, exclusive of streets, is to be conveyed or dedicated for public purposes;
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- m) 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.

The proposed subdivision conforms to Provincial, Regional and local planning policy. Specifically, the East Fonthill Secondary Plan which forms part of the Town's Official Plan. The conformity policies are extensive but deal mainly with land use, housing mix, natural heritage, cultural heritage, infrastructure servicing and mobility. Saffron Meadows Phase 3 also respects the transportation network illustrated in the Demonstration Plan (Appendix A) by accommodating a modified grid of streets and laneways that logically integrate with existing and future subdivision developments. The proposed lotting and block fabric is generic; with configurations, shapes and orientations that are resilient to changing development trends and cultural desirability. Over 1.5 hectares of land is proposed to be dedicated for a park which meets the 5% requirement. Over 6 hectares of land is proposed to be dedicated to the Town for environmental protection and stormwater management purposes.

The proposed Zoning By-law amendment which accompanies this subdivision application would regulate land use and built form (housing development) through detailed performance standards (i.e. setbacks, frontages, driveway / amenity area sizes etc.). These specifications influence urban design, streetscaping, land use

compatibility and cultural heritage which have direct impacts on quality of life, land use efficiency and safety among other matters.

Provincial Policy Statement (2014)

The subject lands are located in a 'Settlement Area' according to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Policy 1.1.1 states healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and Town over the long term;
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas*;
- e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) Ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs; and
- h) Promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within *settlement areas* shall be based on (among others):

- a) Densities and a mix of land uses which:
 - i. Efficiently use land and resources;
 - ii. Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate compact form, while avoiding or mitigating risks to public health and safety.

Development should provide for an appropriate range and mix of housing types and densities to minimize the cost of housing, and facilitate compact form, while maintaining public health and safety (Policy 1.4.3). Healthy, active communities

meet the needs of people by facilitating active transportation and ensuring neighbourhood connectivity (Policy 1.5.1) through infrastructure and land use. 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 compact built form with a mix of land uses (single detached, semi-detached, townhouses, second units, parkland and home occupations etc.) that efficiently use land and existing / planned municipal infrastructure while meeting Provincial density targets. Sidewalks will be constructed on both sides of all public streets, striped bicycle lanes on the collector roads, street trees in all boulevards, crosswalks and on-street parking will all help to keep vehicle speeds calm and support public health and safety. The entire development is well connected to the surrounding transportation network of streets and off-road trails. Most of Saffron Meadows Phase 3 is within a 15-minute walk of Downtown, the Meridian Community Centre and the shopping areas along Highway 20 East.

Stormwater runoff will be accommodated within the realigned watercourse together with the existing stormwater management facilities that were designed to handle this Phase (3) as part of Saffron Meadows Phase 1. The development can be served by existing available schools and public service facilities. Planning staff are of the opinion that the proposed development is consistent with the PPS.

Greenbelt Plan (2017)

The subject land is located outside of the Greenbelt Plan Area; and therefore, is not bound by the policies of this Plan.

Growth Plan for the Greater Golden Horseshoe (2019)

The updated Growth Plan took effect on May 16th 2019 and requires that all planning decisions made after May 16th 2019 shall conform to policies of this plan. The document informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.
- e) Development will be generally directed away from *hazardous lands*.

Policy 2.2.1.4 supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses and convenient access to local stores, services and public service facilities; improve social equity and overall quality of life for people of all ages, abilities and incomes; provide a diverse range and mix of housing options, including second units and affordable housing; expand convenient access to a range of transportation options including active transportation, public service facilities, co-located and integrated in community hubs, an appropriate supply of safe, publicly accessible open spaces, parks, trails and other recreational facilities and healthy, local and affordable food options including urban agriculture; ensure the development of high quality compact built form, an attractive and vibrant public realm through site design and urban design standards; mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions and contribute toward the achievement of low carbon communities and integrate green infrastructure and low impact development.

The proposed development provides the essential ingredients necessary to support the achievement of a *complete community* in the larger East Fonthill neighbourhood. A variety of residential uses are proposed which range from single detached, semi-detached, townhouses, second units, triplex dwellings and home occupations, among others. Parkland and open spaces, including off-road trails are also proposed while environmental lands will be protected. The subject land has convenient access to local stores, services, public schools and civic facilities, most of which are within walking and bicycling distance. The proposed transportation network is highly connected to the existing network and the two proposed collector roads will include striped bicycle lanes which help acknowledge cyclists as being legitimate road users.

The proposed zoning regulations achieve a balance of compact built form, that efficiently use municipal infrastructure while also providing and ensuring open landscaped amenity areas through provisions such as front / rear yard building setbacks, and maximum driveway widths, among others. The development complies with the minimum Provincial *Greenfield* density target (50 people & jobs / hectare) which helps control the unreasonable and premature expansion of urban *settlement areas*. Planning staff are of the opinion that the proposed development conforms with the 2019 Growth Plan.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as a 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.C.6.1 states the Region will require a minimum combined gross density target of 50 people and jobs per hectare across all *Designated Greenfield Areas*,

excluding Environmental Protection and Conservation Areas.

Policy 4.G Urban Growth – states Niagara will build more sustainable, complete communities by:

- Encouraging mixed and integrated land uses;
- Making efficient use of land, resources and infrastructure;
- Promoting compact, transit support development friendly to active transportation;
- Building better *Greenfield* neighbourhoods;
- Fostering *development* that conserves natural resources and maintains or enhances natural systems.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

Policy 11.A.1 states the Region 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 construction that:

- a) Provides for *active transportation* within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.
- b) De-emphasizes garages, especially in the front yard.
- c) Emphasizes the entrance and points of access to neighbourhoods.
- d) Is accessible to all persons.
- g) Provides an attractive, interconnected and *active transportation* friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- i) Balances the needs for private and public space.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.
- k) 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.3 states the Region will encourage the local municipalities to adopt policies and zoning by-laws facilitating the creation of secondary suites throughout the urban area.

As described above, the proposed development includes a variety of land uses located within close proximity to commercial, institutional and recreational facilities along a connected transportation network. Active transportation is supported through a highly connected street, lane and trail network.

A high quality public realm is proposed through not only urban design guidelines and architectural control, but also detailed zoning performance standards which deemphasize garages in front yards by requiring minimum setbacks paired with

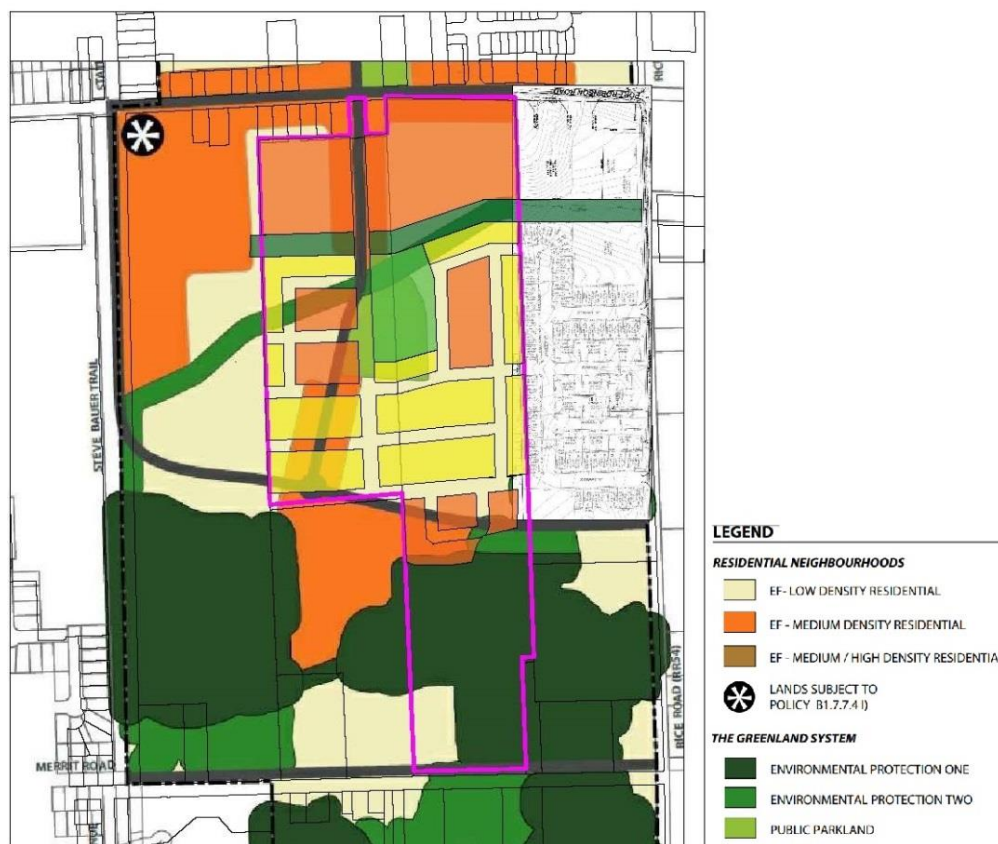
maximum dwelling front yard setbacks. These specific provisions will result in a more active streetscape by promoting front porches, neighbourly interaction while also preserving private rear yard landscaped amenity areas and the overall efficient use of land. Town and Regional Planning staff are of the opinion the development conform to the Regional Official Plan policies.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designations, (and some of their permitted uses) include:

- EF – Low Density Residential
 - (Single Detached / Semi-Detached / Second Dwelling Units etc.);
- EF – Medium Density Residential
 - (Townhouse / Second Dwelling Units / Small apartments etc.);
- Public Parkland
- Environmental Protection One
 - (Forest, fish & wildlife management / Conservation / Flood control projects / Small-scale passive recreational uses etc.);
- Environmental Protection Two
 - (Forest, fish & wildlife management / Conservation / Flood control projects / Small-scale passive recreational uses etc.)

Figure 3: Schedule A5 – Land Use Plan (Saffron Meadows Phase 3 Overlay)



In accordance with the Official Plan policies, the implementing Zoning By-law may further refine the list of permitted and / or prohibited land uses.

Policy A2 outlines the goals and objectives of the Pelham Official Plan. Summarized as follows:

- Natural Environment – Maintaining and enhancing the natural environment and ecosystems necessary to support life by making planning decisions that are cognizant of environmental impacts (A2.1.2);
- Growth & Settlement – Directing the majority of new development to the Urban Areas where full sewer and water services are available. Provide for diversity in housing types to accommodate a broad range of income levels, including affordable housing. (A2.2.2);
- Urban Character – Protecting and enhancing the character of the existing Urban Areas as diverse, liveable, safe and accessible communities. Ensuring that new development is integrated into the fabric of existing neighbourhoods in conformity with approved Secondary Plans. Development should be compact, pedestrian-friendly and provide a mix of housing types. (A2.3.2); and
- Infrastructure – Ensure infrastructure is developed sustainably and is cost effective. Establish an integrated transportation system that safely accommodates the broadest number of transportation modes, utilizing a street pattern that connects well with existing public roads. (A2.5.2)

The subject lands constitute part of the designated *Greenfield* land inventory and are therefore subject to the Provincial minimum gross density requirement of 50 people & jobs per hectare (PJ/H). Town staff have calculated an overall neighbourhood density of \pm 52 PJ/H.

Policy B1.7.3.1 General Development Objectives of East Fonthill are,

- a) Ensure the community is developed with a compact urban form and at an appropriate pedestrian-oriented scale;
- b) Ensure a well-designed, attractive, pedestrian / bicycle friendly community that includes an appropriate mixture of housing types, as well as locally focused retail / commercial uses;
- c) Create a sense of identity that is character for the East Fonthill Secondary Plan Area;
- h) Provide a connected Greenlands System that comprises natural heritage features, stormwater management facilities, streets and parks;
- j) Design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces;
- k) Develop a land use pattern and transportation system that supports motor vehicles, transit, cyclists and pedestrians equitably;
- p) Ensure that benefitting development interests are bound financially through appropriate mechanisms.

Policy B1.7.3.2 Affordable Housing

- a) It is the objective of this Plan that a minimum of 25% of all new residential development within the East Fonthill Secondary Plan Area meet the Provincial

definition of *affordable housing*. Affordable housing may be achieved by:

- i. Promoting higher density housing forms, where housing is more affordable due to the reduced per unit land costs;
 - ii. Building smaller units;
 - iii. Applying government grants and / or subsidies;
 - iv. Waiving or reducing municipal permit fees, taxes and / or development fees.
 - v. Encouraging the development of accessory apartments.
- b) The Town will work with the private sector to promote innovative housing forms, development techniques and incentives that will facilitate the provision of affordable housing; and
- c) Affordable housing will be encouraged to locate in proximity to local community facilities, active transportation routes and existing / potential public transit routes.

Policy B1.7.4 – Design Policies states the Demonstration Plans (*Appendix A*) have been prepared to articulate a response to policies of this Secondary Plan and the associated Urban Design Guidelines. The Demonstration Plans act as a guideline for development and approval processes that are required to implement this Plan, particularly zoning and draft plans of subdivisions / condominiums. All development shall be generally consistent with *Appendix A*. Adjustments and refinements are anticipated and do not require an Official Plan Amendment, provided that the intent and general design approach inherent to the Demonstration Plans are achieved to the Town's satisfaction.

Policy B1.7.7.2 – The residential lands of the East Fonthill Secondary Plan are divided into four (4) neighbourhoods, each with a unique set of density targets. Saffron Meadows Phase 3 is split between Neighbourhood 2 (western ½) and Neighbourhood 3 (eastern ½). Each neighbourhood shall achieve the following minimum overall density levels:

- | | | |
|---------------------|--------------------|--------------------|
| • Neighbourhood 2 → | Required = 53 PJ/H | Proposed = 58 PJ/H |
| • Neighbourhood 3 → | Required = 43 PJ/H | Proposed = 45 PJ/H |

A Neighbourhood Master Plan will be prepared for each of the residential neighbourhoods which includes the conceptual layout of roads, blocks, land uses, streetscapes, open space and servicing plans. The Demonstration Plan (*Appendix A*) prepared by the Town may constitute the Neighbourhood Master Plan provided the proposed development is generally consistent with *Appendix A & B*, to the Town's satisfaction.

The proposed draft plan was not generally consistent with *Appendix A*, and as a result, the applicant prepared an Overall Neighbourhood Master Plan to satisfy the Town's policy (see *Appendix B*). The Neighbourhood Master Plan shall form the basis of a draft plan of subdivision, implementing zoning by-law and / or site plan approval. Prior to development, the Town shall be satisfied that the Neighbourhood Master Plan has been completed and all policies of the Plan, fulfilled.

Policy B1.7.11.5 c) urges benefitting land owners in East Fonthill to work together,

and to enter into Developer's Group Agreements based on the Plan's requirements. The intention is for there to be at least one Developer's Group Agreement for each Residential Neighbourhood. The Town may consider combining two or more of the Residential Neighbourhoods, provided the applicable Official Plan policies are achieved.

Approximately 13 hectares of Saffron Meadows Phase 3 is located within Residential Neighbourhood 3, and approximately 10 hectares is located in Residential Neighbourhood 2, respectively, (excluding *Environmental Protection Areas*).

In situations where a singular Developer's Group Agreement is not possible due to the volume of land owners, an Agreement must include a landowner(s) that represent at least 50% of the landholdings within the subject Neighbourhood. If one landowner represents at least 50% of the landholdings, a Development Agreement is possible with the Town.

In situations where cooperation amongst benefitting land owners is not possible, and the applicant has been unsuccessful in garnering participation of other benefitting landowners via Developer's Group Agreement, they shall notify the Town and demonstrate that the proposal can accommodate appropriate urban development without the participation of other landowners, and elect either to enter into a Development Agreement with the Town or a Front-Ending Agreement. Neither of which in this policy, compels the Town to enter into any such agreement(s) with any applicant landowner.

The applicant and the neighbouring property owner with land that flanks Saffron Meadows Phase 3 to the south and west, together comprise over 50% of Neighbourhood 2. The neighbouring property owner supplied the Town with a letter (Appendix C) indicating a mutual understanding to implement cost-sharing measures with Hert Inc. on municipal infrastructure (i.e. stormwater, road, water / sanitary facilities etc.).

Schedule B1 identifies a *Highly Vulnerable Aquifer* affecting the subject lands. As a result, a variety of uses are prohibited from these lands, none of which are proposed by the applicant.

The subject Official Plan Amendment application is to increase the amount of low density residential uses in the EF – Medium Density Residential designation. Policy B1.7.7.4.1 b) prescribes a limit that no more than 15% of the total number of dwelling units within any individual draft plan of subdivision may be comprised of single and semi-detached dwellings. Town Planning staff calculated 29% of the EF – Medium Density Residential designation being comprised of single and semi-detached dwellings. Despite the developer requesting an increase of low density residential uses in the draft plan, the overall density requirements are still being achieved as there is a greater percentage of medium density uses (townhouses) being proposed in the EF – Low Density Residential designation which cumulatively, allows the proposed development to satisfy the required minimum of 50 PJ/H by achieving 58 PJ/H in Neighbourhood 2 and 45 PJ/H in Neighbourhood 3. Together,

the overall neighbourhood density is 52 PJ/H.

The applicant's Planning Consultant rationalize the redistribution of medium density residential land uses towards the northern limits of the site partially to help reduce the proliferation of driveway aprons / curb cuts along the collector road. Town Planning staff agree in principle with this position for increased safety and to maintain adequate front yard landscaping and street tree boulevard plantings. Town Planning staff also understand that more residents located closer to Downtowns / shopping areas, civic and institutional uses is broadly considered wise land use planning practice as residents, employment and commercial / institutional uses in close proximity to each other promotes sustainable transportation behaviour and a healthy population. Walking and bicycling should be seen as more than just a recreational or leisure activity, but instead as a practical alternative to driving, and a competitive option for getting places. This also puts less of a strain on public transportation infrastructure as residents are more inclined to avoid driving for short trips. Town staff are of the opinion the proposed Official Plan Amendment conform to local Official Plan policies.

Policy D5.3 complements the Section 51 (24) requirements of the *Planning Act* by requiring that prior to considering an application for a plan of subdivision, Council must be satisfied that:

- 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.

For the balance of these Official Plan policies, Town Planning staff echo the sentiment used to describe the responses to higher level planning policy and legislation outlined (above) in prior sections, such as; that the proposed density and mix of land uses including second dwelling unit permissions and the compact built form cater well to various demographic & income cohorts, and is not considered premature and is in the public's best interest. The proposed transportation network is well connected to existing and future neighbourhoods and will be designed to be safe for pedestrians and drivers. Ecologically sensitive areas will be protected through the land use permissions distributed via Zoning By-law and the construction mitigation measures that will be entrenched throughout the Subdivision Agreement. Recreational opportunities including trails & public parkland

will be provided for existing and future residents to enjoy. Town staff are of the opinion that Saffron Meadows Phase 3 supports the health, safety, convenience and accessibility of the present and future inhabitants of the municipality and conforms with local Official Plan planning policy.

Appendix B – East Fonthill Secondary Plan – Urban Design Guidelines

The proposed Walker Road and Street 'C' are both identified as *Collectors* on Schedule A6. The Urban Design Guidelines require that all *collector* roads contain on-street bicycle facilities, on-street parking on one or both sides, street trees, sidewalks on both sides and maximum traffic lane widths of 3.4 metres and parking lane width of 2.2 metres.

- ✓ The proposed draft plan of subdivisions conditions require detailed engineered designed Servicing Plans, as well as Landscaping / Streetscaping Plans which will detail the street cross-section illustrating pedestrian & bicycle facilities together with on-street parking, boulevard street tree plantings, utilities and street lighting.

One traffic circle is required at the intersection of Walker Road and Street 'C' (Schedule A6). Traffic circles should be significantly landscaped and safely accommodate pedestrians and cyclists.

- ✓ The draft plan proposed a roundabout in the required location.

Section 2.6.2 Neighbourhood Parks – states parks shall have significant road frontage and rear lotting of adjacent residential dwellings is discouraged when flanking a park.

- ✓ The proposed park is flanked by two streets, one public trail (watercourse) and several single detached residential lots on one side. The proposed draft plan conditions require fencing and landscaping details be provided to ensure the public park is well flanked for optimal neighbourhood safety.

Section 3.1.1 Blocks and Lots – states developable lands shall be subdivided into a series of highly interconnected street grids of public roads and lanes which promote pedestrian and bicycle use.

Section 3.1.4 Building Relationship to Roads & Open Space – states buildings shall be street-front oriented, aligned parallel to a public road and located in proximity to the front lot line. Buildings located adjacent to parks and open spaces will provide opportunities for overlook into the public space.

Section 3.2.1 Single & Semi-Detached Houses – states where garages are provided in the front yard they shall be set behind or flush with the main building face. Double car garages / double-wide driveways shall employ a minimum 7.5 m setback from the front lot line, (does not apply to laneways).

Section 3.2.2 Townhouses – states townhouses shall be oriented toward the street with front doors and windows visible. Front-loaded garages should be paired to allow for more substantial landscaping. Rear-lane garages shall be used whenever possible to reduce the visual impact on the street.

- ✓ The proposed Zoning By-law regulations are designed to accommodate the

policies above.

- ✓ Particularly the proposed front yard setbacks to all attached garages and the minimum – maximum front yard setbacks to the dwelling are specifically designed to ensure residential buildings remain the prominent built form along all public streetscapes, whereby front porches / verandahs are visually noticed instead of bare garage doors.

Section 3.2.5 Priority Residential Lots – states a Priority Lot Map identifying priority lot treatments shall be provided to the Town. Priority lots are typically Gateway and corner lots and they should receive enhanced architectural treatments given their prominence.

- ✓ Required in the draft plan conditions.

Town of Pelham Zoning By-law Number 1136 (1987)

The subject land is zoned 'Agricultural' (A) in accordance with Pelham Zoning By-law 1136 (1987), as amended. The existing zoning predates the current (2014) Official Plan in effect, and does not conform with local or Regional policies.

The zoning by-law amendment seeks approval to allow various site specific residential zones, together with zones for parkland, open space and environmental protection. The following tables deal exclusively with the amended residential zones are condensed for clarity, and only include the amended provisions. For comprehensive detail, please refer to Appendix E.

	Current R2 Zone	Proposed R2 Zone
14.2 Zone Requirements for Single Detached Dwellings		
(b) Minimum Lot Frontage	12 m 15 m on a corner lot	12 m 13 m on a corner lot
(c) Minimum Front Yard	6.5 m	4 m to dwelling front face 6 m to garage
(d) Maximum Front Yard	NA	5.5 m to dwelling front face
(e) Minimum Interior Side Yard	1.5 m (4.92 ft) on one side and 3 m on the other side where there is no carport or garage attached, or 1.5 m (4.92 ft) on both sides where a carport or garage is attached.	1.2 m (3.94 ft) on one side and 3 m on the other side where there is no carport or garage attached, or 1.2 m (3.94 ft) on both sides where a carport or garage is attached.
(f) Minimum Exterior Side Yard	5 m (16.4 ft) from the side lot line or 15 m (49.21 ft) from the centre line of the road whichever is greater.	3 m to dwelling 6 m to garage
(g) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.
(e) Max Driveway Width	9 m	7 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

	Current RM1 Zone	Proposed RM1 Zone
16.2 Zone Requirements for Semi-Detached, Duplex, Triplex, Fourplex and Converted Dwellings		
(a) Minimum Lot Frontage	19 m	16 m
(b) Minimum Lot Area	156 - 175 m ² per dwelling unit	150 m ² per dwelling unit
(c) Minimum Front Yard	7.5 m	4 m to dwelling front face 6 m to garage
(d) Maximum Front Yard	NA	5.5 to dwelling front face
(e) Minimum Interior Side Yard	3 m	1.2 m (3.94 ft) on one side and 3 m on the other side where there is no carport or garage attached, or 1.2 m (3.94 ft) on both sides where a carport or garage is attached.
(f) Minimum Exterior Side Yard	5.5 m	3 m to dwelling 6 m to garage
(g) Minimum Rear Yard	7.7 m	7.5 m
(h) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

	Current RM1 Zone	Proposed RM1 Zone
16.3 Zone Requirements for Street Townhouse Dwellings		
(a) Minimum Lot Frontage	6 m per interior unit 9 m per end unit 14 m per corner lot unit	6 m 8 m per end unit
(b) Minimum Lot Area	230 m ² per dwelling unit	180 m ² per dwelling unit
(c) Minimum Front Yard	7.5 m	4 m to dwelling front face 6 m to garage
(d) Maximum Front Yard	NA	5.5 to dwelling front face
(e) Minimum Interior Side Yard	3 m	1.2 m
(f) Minimum Exterior Side Yard	7.5 m	3 m to dwelling 6 m to garage
(h) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.

	Current RM1 Zone	Proposed RM1 Zone
16.4 Zone Requirements for Block Townhouse Dwellings		
(c) Maximum Density	35 dwelling units per hectare	Minimum 20 units per hectare
(d) Minimum Front Yard	7.5 m on a street or internal	2.5 m on a street or internal

	Current RM1 Zone	Proposed RM1 Zone
	laneway	laneway
(e) Maximum Front Yard	NA	5 m on a street or internal laneway
(f) Minimum Side Yard	4.5 m, except where the rear of a building faces the side yard, the minimum side yard shall be 7.5 m, and the minimum side yard abutting a street or an internal laneway shall be 7.5 m.	1.2 m to dwelling, except where the rear of a building faces the side yard, the minimum side yard shall be 6 m. Detached garages shall have a 0 m setback with a shared masonry wall on one side and a 2.4 m setback on the other wise.
(g) Minimum Rear Yard	7.5 m	6 m, except where the side of a building faces the rear yard, the minimum side yard shall be 1.2 m. 0.5 m to garage or internal laneway.
(h) Max Attached Garage Width	NA	7.5 m or 50% of the lot frontage, or 20% of the lot depth, whichever is less.
(i) Amenity Area	2.5 m ² - 5 m ² per unit (1 bed – 2 bed)	5 m ² per unit

The proposed Zoning By-law Amendment also seeks to legalize second dwelling units in all single detached, semi-detached and townhouse dwelling, subject to certain provisions, as required by the Province. Second dwelling units are an important and necessary housing type with high demand as residents seek out alternative living arrangements for family members, those looking to 'age-in-place', or as a means to afford living arrangement by way of supplementary rental income.

Additional revisions are proposed within the General Provisions (Section 6 of the Zoning By-law) to allow for more usable residential porches and verandahs, among some other minor adjustments.

Staff Comments

The purpose of this report is to provide Council with a recommendation regarding the proposed development applications (Saffron Meadows Phase 3), applicable policies and comments received thus far.

A pre-consultation meeting was held with the applicant on Thursday, November 2nd 2017 to identify preliminary planning issues associated with the proposal and to discuss submission requirements. Topics included; density, Official Plan Amendment, land use distribution, street network / potential future speeding concerns, storm water, waste collection and required studies among other things.

In response to agency, utility and Town staff comments, Planning staff advise that all requested conditions and zoning restrictions have been included in the recommended Draft Plan Conditions (Appendix F) and Zoning By-law Amendment (Appendix E).

Town Planning staff and the applicant's consultant planner have had considerable dialogue regarding optimal zoning regulations for the residential land uses. The emerging themes to help address the housing affordability and urban design policies can be summarized as follows:

- ✓ The need to include second dwelling units as an additional form of housing as significant demand already exists among the Town; to ensure life safety is maintained in the Building & Fire Codes due to persistent illegal conversions of existing dwellings and to conform with Provincial legislation.
- ✓ The need to ensure dwellings be located closer to the public street than attached garages through the use of a 'Maximum Front Yard setbacks'. Urban design principles discourage the assembly of residential garages dominating a streetscape, and, despite relatively recent zoning standards permitting dwelling faces to be located closer to streets, the building industry has not been exercising that permission and continue to construct 'garage forward' homes, with recessed front porches. This ultimately leads to eroding rear yard amenity areas as the floor area of most residential homes tends to be maintained, regardless of zoning setbacks.
- ✓ The need to maintain the default Residential Multiple 1 zone permitted uses, (i.e. triplex dwellings). These permissions already exist in the default RM1 zone across Pelham, and allowing a variety of dwelling types to be built is consistent with Provincial, Regional and local policies.

In response to the comments from C. & K. Larmour, the applicant's consultant has prepared three (3) conceptual plans for their lands illustrating possible development options. The concept plans demonstrate the parcel is large enough to be developed independently, or together with neighbouring lands and that development is possible for townhouses or apartments. It is staff's understanding that these concepts were provided to C. Larmour by the applicant and there have been discussions between both parties regarding how these lands can also be developed.

In response to the comments from C. Edwards, Town staff will endeavor to ensure a safe intersection is built at the Street 'C' and Port Robinson Road junction through the installation of curb extensions and marked crosswalks. Further, Street 'C' will include various known traffic calming elements (i.e. on-street parking, street trees, a roundabout, curb extensions and a narrow carriageway) to facilitate slower vehicle speeds.

The proposed development will not compromise any ecological or agricultural systems due to its geographic location within an *urban settlement area* and the restrictions proposed to be implemented for the surrounding natural heritage features. The proposal exemplifies ideal urban development standards by way of compact building orientation and overall connected mobility with neighbouring property. Public space, health & safety are positively enhanced both along Port

Robinson Road and on all new streets with progressive zoning specifications and active façade treatments, by reducing pedestrian-vehicle conflict with rear-loaded driveway access design to the north, buffered bike lanes on both collector roads, sidewalks on all streets and off-road trails elsewhere offering convenient pedestrian and bicyclist mobility. Sufficient on-street and off-street parking is either required via Zoning By-law, or will be designed into the Construction drawings for the proposed streets.

Planning staff are supportive of the development which represents good land use planning, including with respect to land use compatibility, urban design, public realm improvements, active transportation and efficient use of municipal infrastructure and land resources within an urban area. Planning staff are of the opinion that the executed Subdivision Agreement, Zoning By-law Amendment and Official Plan Amendment will result in an appropriate development in East Fonthill community.

Planning staff recommend that Council approve the Official Plan Amendment, Zoning By-law Amendment and draft plan approve the subdivision application subject to the Draft Plan Conditions as the applications are consistent with Provincial, Regional and Town policies and support the Active Transportation Master and represents good land use planning.

Attachments:

- Appendix A – Draft Plan of Subdivision
- Appendix B – Agency Comments
- Appendix C – Public Comments
- Appendix D – Official Plan Amendment
- Appendix E – Zoning By-law Amendment
- Appendix F – Draft Plan of Subdivision Conditions

Financial Considerations:

The developer is responsible for all costs associated with clearance of the draft plan conditions and capital costs associated with the development.

Alternatives Reviewed:

Council could choose not to approve the Official Plan Amendment, Zoning By-law Amendment and / or the Draft Plan of Subdivision.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Other Pertinent Reports/Attachments:

Information Report (dated: May 13, 2019)

Consultation:

Agency Comments

On May 16th 2018 and March 8th 2019, a 'Request for Comments' was circulated to agencies directly affected by the proposed application including internal Town departments (i.e. Public Works, Fire, etc.). Revisions were made to the plans and reports to address both Town and agency comments.

See appendices for agency / staff comments. The most recent comments to date have been summarized below:

- Public Works Department (April 1, 2019; August 7, 2018)
 - Technical revisions on the Functional Servicing Report and Functional Servicing Drawing set.
- Fire Department (June 1, 2018)
 - No comments.
- Building Department (May 31, 2018)
 - No comments.
- Niagara Region Planning & Development Services (April 1, 2019; August 8, 2018)
 - No objection, subject to Regional conditions of Draft Plan Approval and the satisfaction of any local requirements.
- Niagara Peninsula Conservation Authority (April 16, 2019; July 3, 2018)
 - No objection, subject to NPCA conditions of Draft Plan Approval.
 - NPCA Work Permit required for watercourse realignment + detailed Landscape Plan
 - The PSW (Provincially Significant Wetland) and its associated 30m buffer be rezoned for Environmental Protection.
 - Other conditions etc.
- Bell Canada (June 1, 2018)
 - No objection, subject to standard Subdivision Agreement clauses.
- Canada Post (May 22, 2018)
 - No objection, subject to standard Subdivision Agreement clauses.
- Enbridge Gas (May 28, 2018)
 - No objection, subject to standard Subdivision Agreement clauses.
- Hydro One (May 22, 2018)
 - No comments.

Public Comments

On Monday, the 13th of May, 2019, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice sign was posted at each of the five (5) public street frontages. The following comments (Appendix D) have been received at the time of writing of this report:

Hummell Properties Inc.

- Supports the development applications.

C. Edwards

- Concern regarding future possible speeding of Street 'C', and aggravated speeding / noise issues along Port Robinson Road after development.
 - Town and Regional staff are both aware of the potential for future speeding issues associated with the new collector road known as Street 'C' (future Klager Avenue). Staff will work with the applicant's consultant team to design a safe roadway with traffic calming attributes built-in; such as alternating on-street parking bays, striped bicycle lanes, curb extensions, street trees and a roundabout.
- Suggest intersection enhancements for proposed Street 'C' & Port Robinson Rd junction. (i.e. curb extensions, narrower pavement and cross walks)
 - Town staff will work with the applicant's consultant team to ensure a safe design for the Street 'C' and Port Robinson Road intersection through the use of curb extensions and a marked crosswalk.

C. & K. Larmour

- Questions whether the proposed draft plan meets the general intent and design of the Demonstration Plan (Appendix A).
 - The applicant prepared a site neighbourhood plan to update the Demonstration Plan in accordance with the Official Plan policies.
- Issue with lack of consideration for neighbouring lands to the north as they relate to the requirement for a Neighbourhood Master Plan (Policies B1.7.7.2 d)-f)) and the lack of commentary / detail provided by the Planning Impact Analysis.
 - The applicant has prepared conceptual plans for Council at the Public Meeting on Monday, May 13th 2019 for the lands at 122-130 Port Robinson Road. The parcels have a lot depth in excess of 55 metres which is capable of sustaining a public or private rear laneway development product, as per Official Plan policy. Development in the form of a small apartment building(s) or townhouses is feasible, with or without the integration of Block 177 given the parcel size.
- Issue with Official Plan (Policy B1.7.11.5 c)) and how it relates to cooperation amongst benefitting land owners within Residential Neighbourhood 2.
 - The applicant and the neighbouring property owner to the west & south together, own over 50% of the land holdings of East Fonthill Neighbourhood 2. This neighbour has provided the Town with a memorandum outlining their participation in a future Front-Ending Agreement / Developer's Group Agreement with the applicant.

Legal Consultation, If Applicable:

NA

Prepared:

Curtis Thompson, B.URPI, Planner

Recommended by:

Barbara Wiens, MCIP, RPP, Director of Community Planning and Development
Department

Approved and Submitted by:

Teresa Quinlin, Interim Chief Administrative Officer