

Committee Report
Monday, September 16, 2019

Subject: Site Plan Approval Application (SP-05-19) 1 Highway 20 West – Recommendation Report**Recommendation:**

THAT Committee receive Report #2019-0071-Planning as it pertains to application file no. SP-05-19; and recommend that Council: Direct staff to prepare the by-law and authorize the Mayor and Clerk to enter into a Site Plan Agreement between the Town and land owner.

Background:

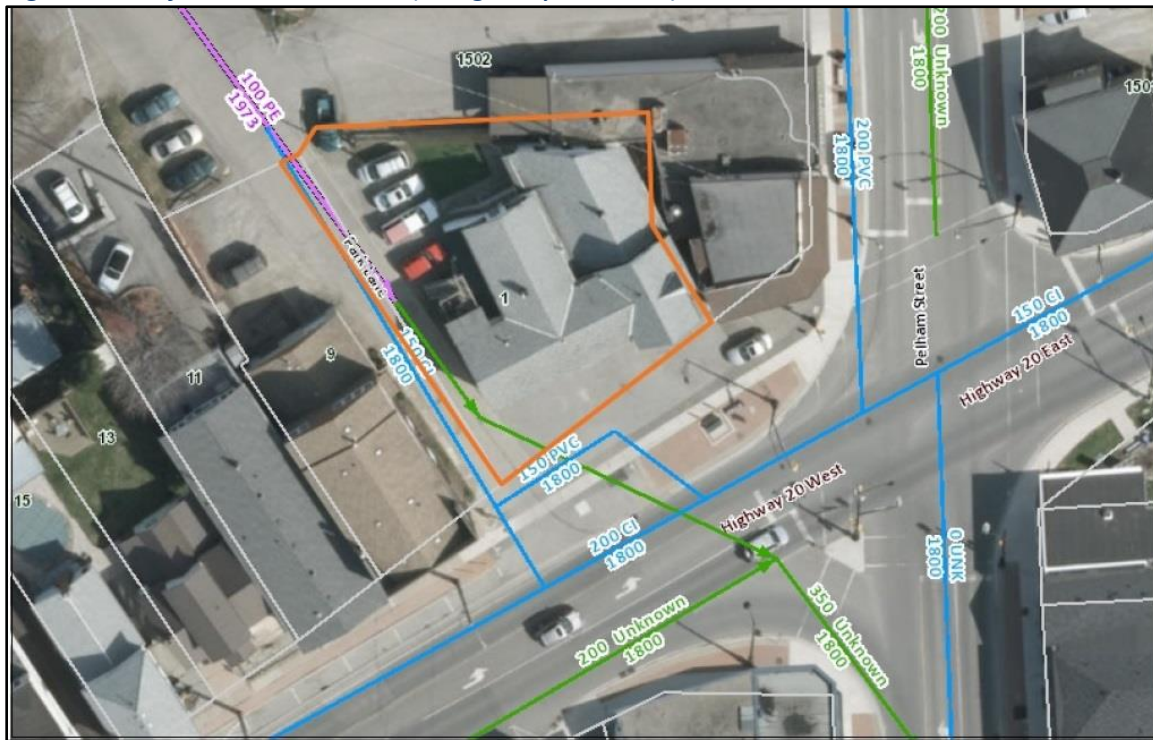
The purpose of this report is to provide Committee with information regarding an application for site plan control under Section 41 of the Planning Act for 1 Highway 20 West.

The proposed Site Plan is for the development of 3-storey mixed use building (consisting of 264 m² of at-grade commercial and 6 residential apartments above) situated on an existing vacant lot which has received minor variance (zoning) approval via the Committee of Adjustment as well as the establishment of a perpetual right-of-way at 1502 Pelham Street for additional parking space purposes (Files: A1/2019P & B1/2019P respectively). Previously, a 2-storey mixed use building consisting of 264 m² of at-grade commercial space and 5 residential apartments above existed on the site prior to demolition last year. The development would yield a net increase of one (1) residential apartments.

Analysis:**Location - Context**

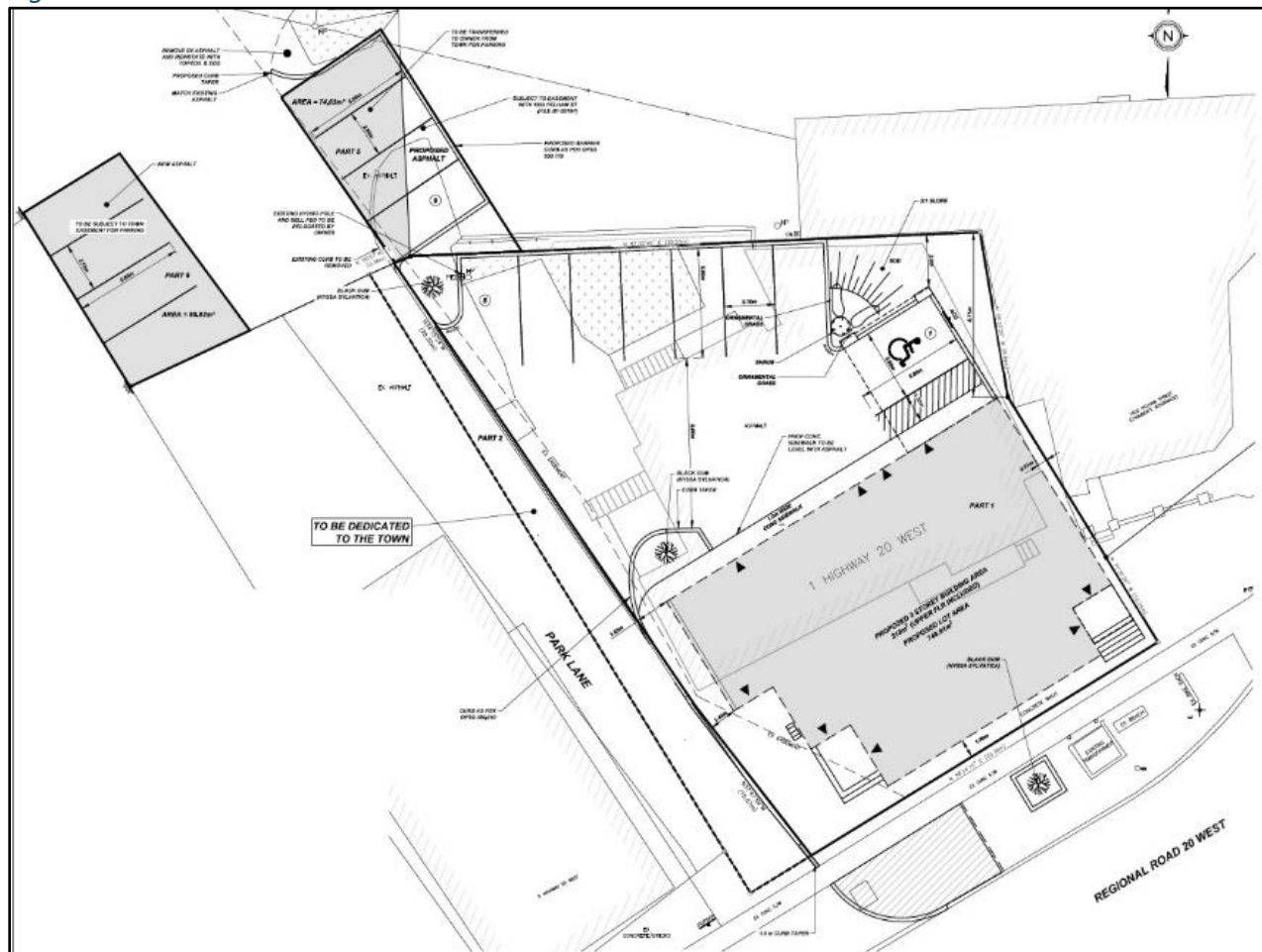
The subject land is located at the northwest corner of Highway 20 West (Regional Road 20) and Pelham Street (Figure 1). Municipally known as 1 Highway 20 West, in the Town of Pelham. The subject land is surrounded by mixed use commercial-residential on all sides.

Figure 1: Subject Lands in 2015 (1 Highway 20 West)



which would be added to the subject lands to help provide four (4) parking spaces. Part 5 (owned by the Town) would actually only provide part of the parking stalls in question, the balance of those stalls (Part 9) is found on (privately owned) 1502 Pelham Street which was already the subject of an approved perpetual easement (B1/2019P) in favour of the subject lands. The developer has also requested the lease of Part 6 (owned by the Town), for the exclusive use of the subject lands.

Figure 2: Site Plan



Policy Review

Planning Act

Section 2 of the *Planning 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;
- f) The efficient use of transportation, water, wastewater and waste management systems;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing;

- l) The protection of the financial and economic well-being of the Province and its municipalities;
- 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.

Section 3 of the *Act* requires that, in exercising any authority that affects a planning matter, decisions of Council “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 41 (2) of the *Act* authorizes the council of a local municipality to designate areas within their jurisdiction under a ‘site plan control area’. Policy E1.4 of the Pelham Official Plan and By-law No. 1118 (1987) designates the entire Town as a site plan control area with certain exemptions. The proposed development is not exempt from site plan control.

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 1.1.3.1 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:
 1. Efficiently use land and resources;
 2. 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;
 3. Minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. Support *active transportation*; and
 5. Are *transit-supportive*, where transit is planned, exists or may be developed.

Regarding Policy 1.1.3.2 a) 1. (Efficient land use) – The proposed development is seeking to make more efficient use of the land by consolidating surrounding gravel parking areas into a more productive layout.

Part of the four (4) proposed parking stalls (shown as Part 5) would be dedicated to the developer to help establish those parking stalls. It is noted that Council declared Part 5 surplus on September 3, 2019 and it is to merge in title with subject lands. Further Council did also declare the lands proposed for the additional four (4) parking stalls across Park Lane, shown as Part 6, also surplus on September 3, 2019 and to be leased in perpetuity to the developer for the exclusive use of tenant parking for the subject lands (1 Highway 20 West). In exchange, the developer has offered to dedicate privately owned land to the Town in order to help establish an improved driveway access to Town lands. Marlene Stewart Streit Park is currently accessed by Park Lane, however the Town ownership of Park Lane is only owns \pm 1.83 m wide and is not sufficient to provide appropriate public access. It is noted that the ownership of Park Lane is a long standing historical condition that has existed for many years. The land exchange will significantly improve the Town's ownership of Park Lane at this location.

Policy 1.1.3.3 states municipalities shall identify appropriate locations and promote opportunities for intensifications where this can be accommodated taking into account existing building stock and the availability of suitable existing infrastructure and public service facilities.

The proposed redevelopment provides one additional apartment dwelling unit from what previously existed on the site to the Downtown Fonthill housing stock while also addressing the need for an at-grade, commercial frontage filling in an empty void of the downtown streetscape.

The proposed site plan will properly intensify *built-up* urban land and enhance the neighbourhood's existing mix of commercial & residential land uses by providing an improved building and dwelling units, an at-grade commercial frontage in a traditional compact built-form style of development. The architecture is also emblematic of Downtown Fonthill's cultural heritage. No municipal services are required to be extended to service the subject lands as the site fronts onto existing infrastructure.

Growth Plan for the Greater Golden Horseshoe (2019)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (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 *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.

The subject site is located Downtown and is within walking distance to schools, public / private amenities, institutional uses and shopping facilities. The proposed Site Plan will support the achievement of a *complete community* by adding much needed housing supply and additional commercial space to a high profile corner in Downtown Fonthill.

The development is located at the intersection of two arterial roads which provides convenient transportation access for multiple modes of transportation. Given the existing proximity of Park Lane to the Highway 20 and Pelham Street intersection, ingress and egress is less than desirable during heavy traffic volumes due to queuing vehicles. Unfortunately, at this time there are no alternative means of access to the subject lands, or rather for any lands that currently utilize Park Lane. A Traffic Impact Study was submitted with the Site Plan Control application and has concluded that traffic generated from the proposal has a negligible effect on capacity in the study area with minimal new AM & PM peak hour vehicle trips. Planning staff are satisfied the proposal reinforces and does not conflict with the Growth Plan policies, especially with regard to achieving *complete communities*, providing a mix of housing options and directing growth within a *settlement area* that utilizes existing municipal services.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates 'Urban Areas' will be the focus for accommodating the Region's growth and development while policy 4.G.8.1 states *Built-Up Areas* will be the focus of residential intensification and redevelopment.

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.2 states the Region encourages the development of attractive, well designed residential construction that:

- c) Emphasizes the entrance.
- d) Is accessible to all persons.
- g) Provides an attractive, active transportation friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.

The proposed development's site design positively reinforces the Highway 20 streetscape using compact, front-facing built form with principle entrances at the sidewalk. The active front façade

enhances the pedestrian experience and comfort levels along Highway 20 West, while the Park Lane vehicle access otherwise eliminates multiple conflict points from vehicles parking along the frontage. Therefore, Town Planning staff is of the opinion the development conforms to Regional policy.

Pelham Official Plan (2014)

The local Official Plan designates the subject land as 'Downtown'. Policy A2.2 states that it is a goal of this Plan to direct the majority of new development to the Urban Areas where full sewer and water services are available. It is also an objective to reinforce the function of Downtown Fonthill as the primary business, entertainment and commercial focal point of the community and to increase its prominence in the Region. As well as encouraging intensification and redevelopment specifically in proximity to Downtown and providing housing that is affordable to the community and encouraging housing diversity in an effort to accommodate a broad range of income levels.

B1.2.3 states the intent of the 'Downtown' designation is to accommodate a diverse mix of commercial, residential, cultural and social uses. In Downtown Fonthill specifically, this Plan envisions more housing opportunities.

Policy B1.2.4.5 provides the following design guidelines for Downtown parking areas:

- a) Wherever possible, parking for new development should be located below grade or to the rear of buildings with access by a rear lane;
 - ✓ Conforms.
- b) Rear lanes should be utilized wherever possible for access to parking areas and provision should be made for the acquisition of land or easements through development approvals to create rear lanes;
 - ✓ The developer is proposing the dedication of some of their private lands to help the Town in its quest to acquire adequate land area for the Park Lane right-of-way in exchange for additional parking stalls currently on Town owned land.
- c) Business owners are encouraged to consolidate parking areas and access for contiguous lots;
 - ✓ The proposed parking area is not planned to be shared with neighbouring properties, however, the design is conducive to future shared parking arrangements if circumstances ever changed. The parking area is conveniently setup for future shared parking arrangements thanks to the current mix of surrounding land uses and because it is clustered centrally amongst neighbouring properties in the rear, isolated parking enclaves can be avoided.
- d) Direct access to parking area from the main street will be discouraged for lots with less than 30m of frontage;
 - ✓ Conforms.
- e) Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons.
 - ✓ A concrete sidewalk is proposed along the west wall of the development

connecting the parking area to all of the building's entrances.

The Official Plan states that new commercial / residential developments in Downtown Fonthill will promote live-work-play arrangements, which help to create a *complete* community by encouraging people to not only shop and visit Downtown, but to also live and get around without relying on a vehicle. The subject land is adjacent to Marlene Stewart Streit Park and the Lathrop Nature Preserve which provide convenient recreational opportunities for an urban environment.

Town Planning staff is satisfied the proposed mixed use building is sensitive to the Downtown Fonthill neighbourhood and reinforces the cultural heritage by exemplifying tasteful urban design through traditional urban architectural features at the streetscape (Figure 3).



Figure 3: Rendering of Mixed Use Building (View from Highway 20 West)

Town Planning staff is satisfied with the Elevation Plans because they respect and enhance the neighbourhood's built-environment. The Niagara Region and Town Public Works Department have not expressed any concern regarding the potential impact on traffic levels and the parking and access to the site is improved by having the parking access directly off of Park Lane versus from the site.

Planning staff are of the opinion the proposal complements the Official Plan policies highlighted above. Overall, the development positively addresses key urban design matters, including, but not limited to having rear-loaded vehicle access which improves the street frontage and

pedestrian / bicycle safety, street trees and an active front façade that helps enrich the public realm. The development conforms to the Official Plan and does not compromise any policy. The property is serviced well for active transportation users, with convenient pedestrian access to street level. The subject land is also within walking distance to convenience retail, service commercial, institutional & recreational uses and elementary schools.

Downtown Master Plan for Fenwick and Fonthill (2014)

The Downtown Master Plan recognizes that the ultimate goal is to make the downtown areas a successful pedestrian environment and vibrant shopping destination to draw in local residents and visitors alike. In order to achieve this objective, it is crucial to enhance the continuous rhythm of small-scale shops and restaurants as a defining characteristic of the downtowns. The guidelines provide that buildings should orient to the street and be placed close to the street edge and that storefronts should reflect the existing character and context with a high level of transparency. The proposed building elevations and building design are consistent with these guidelines. In addition, the proposed building material quality are appropriate for the downtown and reflective of the guidelines and include brick, stone and glass being traditional materials consistent with a traditional downtown.

Pelham Active Transportation Master Plan {PATMP} (2016)

Appendix E – Map 2 (Pedestrian Network) and Map 4 (Cycling Network) of the PATMP both illustrate a desired active transportation link along Park Lane. More specifically, Appendix E depicts a ‘Secondary Missing Sidewalk Link’ and a ‘Desired’ cycle link along Park Lane.

Although the proposed site plan provides a concrete sidewalk along the west wall of the building, this walkway is somewhat offset from Park Lane and seeks to connect the parking lot with the building entrances along the street frontage. Furthermore, the Town does not have adequate land area available for this type of infrastructure because most of Park Lane is not in public ownership. If the developer deeds part of the subject land to the Town, as is proposed, and at some point in the future the same can happen from the neighbouring lands to the west (9 Highway 20 West), the Town can explore providing a improved pedestrian connection along Park Lane.

Town staff is satisfied that the proposed site plan aids the implementation of the Pelham Active Transportation Master Plan.

Town of Pelham Zoning By-law No. 1136 (1987)

The subject land is zoned ‘General Commercial’ (GC) in accordance with the Pelham Zoning By-law.

The proposed land uses are permitted and the development now complies with the applicable zone regulations (i.e. building setbacks, height, parking etc.), in part due to minor variance file A1/2019P.

Council should note that the Committee of Adjustment granted zoning approval to the proposed development plan with a required minimum number of 7 parking stalls. This means that the proposed parking stalls # 9-16 are actually not required under the Zoning By-law. The developer is requesting the use of these lands for additional parking stalls because it will help the development function economically, particularly in terms of helping to secure prospective tenants.

Financial Considerations:

The developer is responsible for the costs associated with developing the subject lands and the offsite improvements to the parking areas.

Alternatives Reviewed:

Council may choose to not approve the by-law and enter into a site plan agreement with the Owner, however this will also result in the Town not acquiring land to improve the ownership of Park Lane.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The proposed redevelopment of 1 Highway 20 W enhances the downtown Pelham and contributes positively to building a strong community and complete community. The dedication of Part 2 enhances the Town ownership of Park Lane which is important to maintaining access to the Town public parklands and the Lathrop Nature Reserve.

Other Pertinent Reports/Attachments:

The Site Plan Control application was accompanied with the following supporting documents:

Deposited Reference Plan 59R-16424

Site & Landscape Plan

Site Servicing & Grading Plan

Storm Drainage Area Plan

Elevation Plans

Conceptual Floor Plans

Planning Justification Report

Functional Servicing Assessment

Traffic Impact Study

Consultation:

Agency Comments

On May 8th and July 10th 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 complete agency / staff comments. The most recent comments to date have been summarized below:

- Public Works Department (August 16, 2019; August 2, 2019; July 18, 2019; June 4, 2019)
 - No objection, subject to Site Plan Agreement clauses.
- Fire Department (June 3, 2019)
 - No objection.
- Building Department (May 29, 2019)
 - A building permit is required prior to any construction commencing.
 - The Demolition Permit remains open at this time.
- Niagara Region Planning & Development Services (August 14, 2019; July 25, 2019; May 30, 2019)
 - Require a Planting Detail for the proposed street tree be provided.
 - No objection. pending Regional conditions of approval are satisfied. (i.e. Warning clauses for Leases or Purchase & Sale Agreements advising about restricted sight lines and laneway access due to queuing traffic etc.)
- Bell Canada (May 10, 2019)
 - No objection, subject to standard Site Plan Agreement clauses.
- Canada Post (May 10, 2019)
 - No objection.
- Enbridge Gas (May 16, 2019)
 - No objection, subject to standard Site Plan Agreement clauses.
- Hydro One (May 21, 2019)
 - No objection.

Public Comments

For Council's information, site plan control is not a public process under the *Planning Act* as it is an agreement between the land owner and the Town; therefore, there are no public notice requirements. Opportunity was provided for public comment at the minor variance approval stage and no negative comments were received at that time.

Planning Staff Comments

The purpose of this report is to provide Council with a recommendation regarding the proposed Site Plan Approval application for a 3-storey mixed use building, applicable policies and comments received to date.

A pre-consult was held with the owner, applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on October 19, 2017 to discuss the various *Planning Act* applications required and the development itself.

This staff report consolidates and analyzes applicable planning policy, agency and staff comments as well as submitted applicant material for Council's consideration in rendering an informed decision.

In response to various comments received, Planning staff advises that all requested conditions will be included as conditions in the Site Plan Agreement.

Considerable dialogue between the applicant and Town staff has taken place regarding the topic of the proposed land exchange between the Park Lane lands and existing and proposed parking stalls currently located on Town owned land. The discussion to date is summarized as follows:

- The Town of Pelham does not legally own most of the land currently being used as 'Park Lane'. After searching title registries, it was determined the legal public ownership has a property line width (frontage) of ± 1.83 m.
- Town staff acknowledge the importance of securing ownership of this existing laneway in the long term as it provides critical access to public infrastructure and Marlene Stewart Streit Park among other things.
- The applicant is aware of this and has offered to dedicate Part 2 (of the subject lands) to the Town, in exchange for two separate requests:
 - 1) The transfer of Part 5 to merge with the subject lands.
 - These lands are currently owned by the Town and would constitute only part of the four (4) parking stalls numbered 9-12 on the Site Plan. The balance of these parking stalls (Part 9) are located on 1502 Pelham Street which has already conveyed a perpetual right-of-way in favour of the subject lands for these four (4) parking stalls.
 - 2) The perpetual leasing of Part 6 for the exclusive use of the subject lands.
 - These lands are also owned by the Town and would constitute all of the four (4) existing parking stalls currently being used as public parking stalls, but also proposed on the Site Plan. On the development plans these stalls are numbered 13-16. The applicant would be required to pave, mark and sign all of these existing or proposed parking stalls which are currently only gravel.

- Though these parking stalls are currently located outside of the subject lands, they are also not required from a Zoning By-law perspective. The applicant desires them to improve the functionality of the proposed development.

Planning staff understand this development comes with many nuances, some are the result of historic decisions. The development and surrounding context of these lands is somewhat unique. The proposed development and the improved ownership of Park Lane is certainly desirable.

The proposed development will not compromise any ecological or agricultural systems due to its geographic location within an *urban settlement area* and the lack of any proximate natural heritage features. The proposal exemplifies ideal urban development standards by way of compact building orientation and overall well connected mobility / integration with neighbouring property. Public space, health & safety are positively enhanced both along Highway 20 and on-site with active façade treatments, by reducing pedestrian-vehicle conflict with rear-loaded driveway access design and easy pedestrian access. Sufficient off-street parking is provided to comply with the Zoning By-law requirements, and public on-street parking is also available nearby.

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 general intensification within an urban area. Planning staff are of the opinion that the executed site plan agreement will result in an appropriate development and welcome addition to the community.

Planning staff recommend that Council direct staff to prepare the Agreement and By-law authorizing the Mayor and Clerk to enter into a Site Plan Agreement with 1806163 Ontario Inc. as the application is consistent with Provincial, Regional and Town policies, complies with the Zoning By-law, supports the Town's Active Transportation Master, is consistent with the design guidelines in the Downtown Master Plan for Fenwick and Fonthill, and represents good land use planning.

Legal Consultation, If Applicable:

External Counsel was consulted with regards to the land exchange and the legal documents required to complete the land exchange and long term lease.

Prepared and Recommended by:

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Approved and Submitted by:

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