

**COMMITTEE REPORT**  
**COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT**

Monday, March 23, 2020

**Subject: Site Plan Approval Recommendation Report – Summersides Mews (SP-03-19) Part 5 on RP 59R-16105**

**Recommendation:**

**THAT Committee receive Report #2020-0036-Planning pertaining to Site Plan Control file SP-03-19 and recommend to Council:**

**THAT the By-law and Site Plan Agreement for Part 5 on RP 59R-16105 be approved by Council and the Mayor and Clerk be authorised to sign the Site Plan Agreement with the purchaser 2494557 Ontario Inc.**

**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*, R.S.O. 1990, c. P. 13, for the lands described as Part 5 on RP 59R-16105, referred to as *Summersides Mews*. The subject lands are currently vacant and located on the northeast corner of the roundabout at Summersides Boulevard and Wellspring Way. The lands are surrounded by the Meridian Community Centre to the north, vacant land to the east and south, and a stormwater management pond to the west (Figure 1).

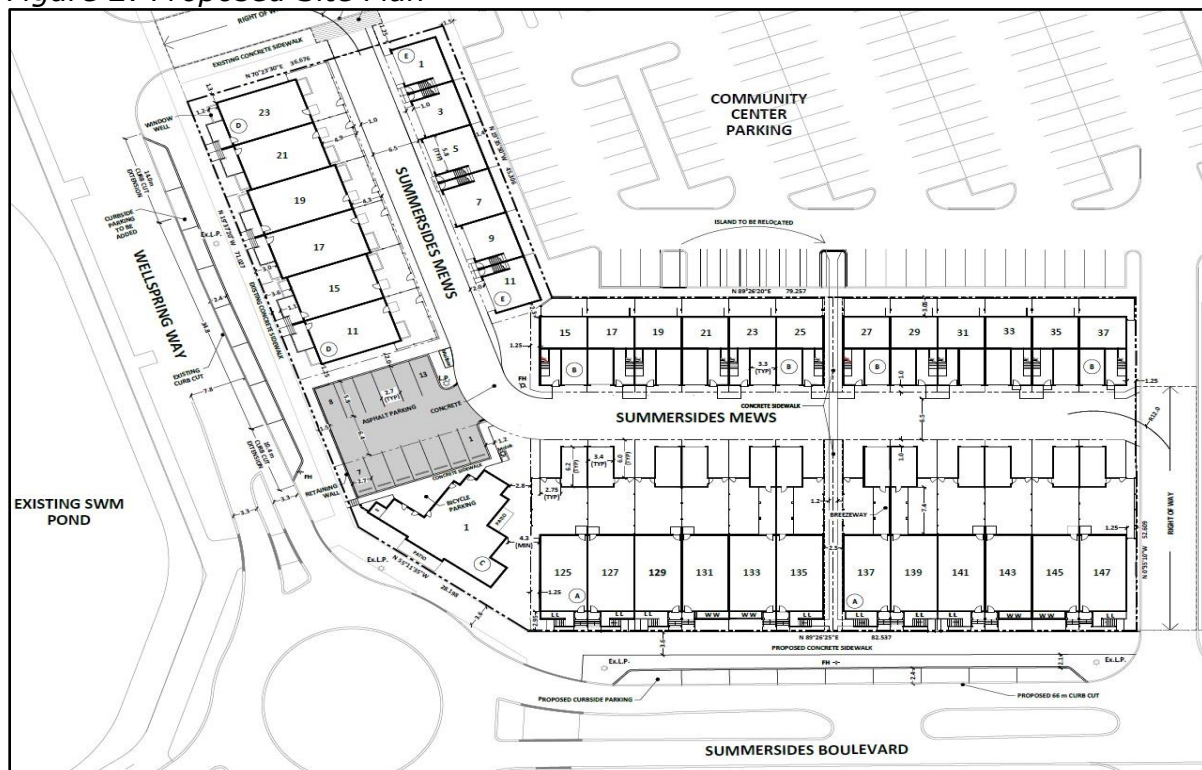
*Figure 1: Subject Lands*



The proposed Site Plan (Figure 2) is for the development of a multi-unit residential condominium. The draft plan of condominium application is currently under review. The residential development proposes a variety of housing types catering to different market needs, and income brackets consisting of:

- One five (5) unit, 3-storey apartment building (Block C);
- 36 townhouse dwellings
  - 12 of traditional style (Block A).
  - 6 of these function as second (accessory) dwelling units (Block E) connected in ownership with 6 of their more traditional, larger townhouse units (Block D).
  - 12 of these (referred to as *mews*, of British influence) represent 'above-the-garage' style living quarters (Block B).

Figure 2: Proposed Site Plan



Despite most of the site proposing townhouses, it is important to note that many of these units serve an important housing role which is difficult to find in Pelham and the Region at large. This is due to either its built form, living space and external design, form-based zoning regulations, or because of the proposed ownership structure facilitated by the draft plan of condominium. The proposed condominium's ownership model for six (6) of the townhouse units is unique for the Region because these houses could be subsidised by rental income of the accessory apartment (connected in ownership), or alternatively serve as an adaptable living arrangement for growing families. Typically, most condominium corporations enact very restrictive covenants and by-laws prohibiting such housing arrangements, effectively locking out, or excluding an integral sector of the population who may

need to rely on that supplementary rental income to qualify for mortgage financing, (i.e. young families), or to accommodate a multi-generational family.

The applicant has advised that all of the proposed townhouse units have already been pre-sold. On the topic of affordability, although the mews (of Block B) do not meet the official criteria defined by the Province for the Region of Niagara, they have been priced at a considerably more affordable rate than other local (townhouse) comparables in Fonthill and could meet an housing affordability for Pelham versus the Region. Also, the accessory apartments proposed for Block E will likely function as rentals, and given their floor area, conceivably be listed at a more affordable price point than other local (apartment) comparables that have much larger floor areas.

The proposed Site Plan would provide an additional 17 layby parking stalls along Summersides Boulevard and Wellspring Way for public use, as well as install a new public walkway connecting the Meridian Community Centre (MCC) with Summersides Boulevard, just east of the roundabout. To facilitate vehicular access to the development, the Town would need to grant a right of way over the existing western and southern driveways to the MCC in favour of the subject lands for access purposes.

The Town has an accepted offer through a Purchase & Sale Agreement with the applicant/purchaser 2494557 Ontario Inc. The sale is conditional upon receiving Site Plan Approval and entering into a Site Plan Agreement with the purchaser, among other things. Should Council approve the Site Plan application, the sale of these lands will close shortly thereafter.

## **Analysis:**

### 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;
- b) The protection of the agricultural resources of the Province;
- e) The supply, efficient use and conservation of energy and water;
- f) The efficient use of transportation, water, wastewater and waste management systems;
- g) The minimisation of waste;
- 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;
- n) The resolution of planning conflicts involving public and private interests;
- 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 adaptation to a changing climate.

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.

Planning staff are of the opinion the proposed Site Plan meets, exceeds or does not conflict with any matter of Provincial interest identified in Section 2 of the *Act*. This is covered in more detail throughout the policy responses of this Report.

#### Provincial Policy Statement (2014)

The Provincial Policy Statement (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.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a ‘Settlement Area’ according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

The proposed Site Plan implements the current *form-based* Zoning code in effect on the subject lands, and complies with its regulations.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved. The Town’s Heritage Master Plan identifies this

area as having high archaeological resource potential, therefore an Assessment and Ministry Clearance was previously completed as part of the Village of East Fonthill Subdivision which created this block of developable land and the streets flanking it.

The proposed development seeks to increase the residential housing supply within the Urban Settlement Area of Fonthill, and more specifically within the East Fonthill Secondary Plan limits on designated Greenfield lands. Planning staff are of the opinion the Site Plan is consistent with the PPS and promotes appropriate development standards that help facilitate compact form while meeting *greenfield* density objectives, providing diversity in housing in an effort to accommodate a broader range of income levels and enhancing the urban character of the community.

#### 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). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is a designated greenfield *area* and is located within a 'Settlement Area' according to the Growth Plan. Designated greenfield *areas* are required to accommodate forecasted growth to this Plan's horizon. Guiding principles regarding how land is developed:

- Support the achievement of complete communities to meet people's needs through an entire lifetime.
  - ✓ The Block E townhouses function as accessory dwelling units to Block D. These second units are better suited, and more adaptable to changing family needs over a lifetime than a single unit property.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure.
  - ✓ The proposed development conforms with the Greenfield designation growth projections and density policies.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
  - ✓ Provided through four (4) different housing types.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
  - ✓ Provided through four (4) different housing types.
- Integrate climate change considerations into planning and managing growth.
  - ✓ Compact urban form that accommodates a proportionately larger amount of housing / population in a complete community is superior in combatting negative impacts of climate change than low density sprawl alternatives in more rural areas.

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.

Complete Communities are defined as mixed-use neighbourhoods or other areas within a Town that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities may take different shapes and forms appropriate for their contexts.

Policy 2.2.6.2 Housing – states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Ground-oriented residential dwellings are the predominant housing type being proposed. However, the built form variety is more unique than what comes to mind in this area when ground-oriented dwellings are normally supplied. The proposed dwelling units are all permitted uses under the Zoning By-law and the variety proposed is considered desirable from a planning perspective as it helps provide more housing choice. The East Fonthill Secondary Plan Area yields a higher planned density threshold than the balance of built-up urban land found throughout Pelham. Dwelling unit types in this mixed-use area range from traditional townhomes, contemporary British inspired mews, detached second dwelling units (rentals) in the form of townhouses and garage apartments.

The subject lands are located around 1km from Downtown Fonthill, and less than 0.5km from grocery stores, other service commercial uses along Highway 20 east, trails and a future park. This places it within the realm of the desirable '10-minute' walking-shed neighbourhood. Two local elementary schools are also located nearby and the site is adjacent to the Meridian Community Centre (MCC).

The proposed Site Plan will help facilitate the construction of 41 residential dwelling units in a variety of housing types that are relatively compact, walkable in form and that help to support the existing municipal infrastructure within the East Fonthill neighbourhood. The proposal will also contribute towards the municipal property tax base which helps maintain linear infrastructure and public service facilities etc. Existing stormwater facilities, water and sanitary sewer mains front the subject lands.

Regional Official Plan (Consolidated August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield 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.

Policy 4.C.5 states Designated Greenfield Areas will be planned as compact, complete communities by:

- a) Where permitted by scale, accommodating a range of land uses.
- b) Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Area.
- c) Providing opportunities for integrated, mixed land uses.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.

Town Planning staff are of the opinion the development makes effective use of the vacant lands situated in an evolving mixed-use neighbourhood by providing compact ground-oriented residential dwellings with a diverse range of housing types and tenures.

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 Summersides Boulevard and Wellspring Way streetscape using compact, front-facing built form with principle entrances at the sidewalk providing eyes-on-the-street. The active front façades enhance the pedestrian experience and comfort levels along both public streets, while the rear lane vehicle access otherwise eliminates unnecessary conflict points caused by vehicle driveways along the frontages. Therefore, Town Planning staff are of the opinion the development conforms to Regional policy.

Niagara Region staff do not object to the proposed Site Plan, subject to conditions (see appendix).

Pelham Official Plan (2014) & East Fonthill Site Master Plan

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage



features. The East Fonthill Site Master Plan was implemented as a result of the Official Plan's Secondary Plan policies for East Fonthill. This subsidiary Site Master Plan applies to the Commercial / Employment Centre lands which are generally bounded by Highway 20 (north), Rice Road (east), Summersides Blvd (south) and lands just west of 130 Highway 20 East (west).

*Figure 3 – Site Master Plan Development Concept Plan*



The local Official Plan designates the subject land as 'Secondary Plan Area' within the Fonthill Settlement Area. More specifically, the East Fonthill Secondary Plan designates this parcel as EF – Mixed Use within the Commercial/Employment Centre. Policy B1.7.8.3 outlines the permitted uses and intentions of this designation. Permitted uses include apartments, townhouses, secondary suites, live-work units among many other uses.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

No key natural heritage features (i.e. Significant Woodlands, Provincially Significant Wetlands or valleylands etc.) are located near the subject lands.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage residential development applications occurring in the urban areas where full municipal water services and sanitary sewers are available, to provide for affordable housing and diversity in housing in an effort to accommodate a broad range of income levels among other things.



The subject lands are situated around 1 km from Downtown Fonthill, (2) public elementary schools and even closer to other service / neighbourhood commercial uses, public trails, and a future park which positions it well within walking distance of many daily amenities, including the Community Centre.

Policy A2.3.2 Urban Character – stated objectives of this Plan include (among others):

- To enhance the urban areas as diverse, livable, safe, accessible and attractive communities.
- To ensure that new development areas are integrated into the fabric of the existing community in conformity with approved Secondary Plans.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

The proposed Site Plan would facilitate the construction of various ground-oriented residential dwellings in proximity to commercial, institutional and recreational uses. At this point, the neighbourhood character is undergoing major transformation in its role as a vacant designated greenfield area. Many neighbouring development applications are active and seeking to shape the future built form. The neighbourhood is envisioned as a walkable, mixed-use community according to the East Fonthill Secondary Plan and East Fonthill Site Master Plan.

The Summersides Mews development will help buffer the unsightly surface parking lot associated with the Meridian Community Centre (MCC) and it will also enhance the vehicle driveway entrances to the community centre parking lot. Town Planning staff are of the opinion the traditional row houses proposed along Summersides Blvd (Figure 4), the 3-storey apartment building at the roundabout (Figure 5), and the more contemporary townhouses along Wellspring Way positively reinforce the public streetscape and help shield the surface parking lot of the MCC (Figure 6).

*Figure 4: Proposed building Elevation of Block A townhouses fronting Summersides Boulevard*



*Figure 5: Proposed building Elevation of 3-storey Apartment building fronting roundabout*



*Figure 6: Proposed building Elevation of Block D townhouses fronting Wellspring Way*



Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Summersides Mews development, seeks an urban character with more housing choices, appropriate for the East Fonthill landscape through the use of sensitive gradient building massing, consistent building alignments that reinforce the public realm and streetscape, as well as a congruent use of higher quality exterior cladding material such as brick veneer, front porches, balconies and proportionally symmetric window openings. The efficient use of the subject lands also helps maintain existing infrastructure by financially contributing to the general tax levy once construction concludes.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry of Tourism, Culture & Sport has been receipted as part of the previous draft plan of subdivision known as the *Village of East Fonthill* (file # 26T19-010-14).

Policy B1.7.3.1 (East Fonthill) Development Objectives – states that the following private (and public) development objectives will be implemented by the

mechanisms in the Official Plan, the implementing Zoning and Site Plan Approvals. The East Fonthill development objectives (that relate to this development) are:

- a) To ensure that the community is developed with a compact urban form and at an appropriate scale that is pedestrian-oriented and fosters community interaction;
  - ✓ The Site Plan proposes ground-oriented, public street facing residences which are human-scaled, enhance the streetscape and are compact in built form.
- b) To ensure a well-designed, attractive, pedestrian-and bicycle-friendly community that includes an appropriate mixture of housing types, as well as locally focused retail/commercial uses and places of worship;
  - ✓ Several housing types, unit sizes and tenure are being provided which help cater to different age cohorts and income brackets.
- c) To create a sense of identity and continuity within the community through design treatments that residents and visitors can recognize as characteristic of the Secondary Plan Area;
  - ✓ The Commercial / Employment Centre of East Fonthill is still in its early days and is in the midst of realizing its character.
- d) To create a complete community with a safe, healthy and functional environment that can accommodate between 6,500 and 7,500 new residents and jobs combined;
- e) To require that both the intensification and greenfield components of the community achieve a minimum gross density of 50 persons and jobs combined per hectare;
  - ✓ Town staff have calculated the projected density of the subject lands at 83 residents & jobs / hectare and 58 dwelling units / hectare and note that these metrics comply with the required greenfield densities.
- f) To provide a land use and community structure that supports the existing historic downtown and associated Town Centre of Fonthill;
  - ✓ The subject land is within close proximity of Downtown Fonthill and the additional housing units will help support local business vitality.
- j) To design roads at a pedestrian scale that are also bicycle-friendly, with attractive public spaces, capable of performing a supporting role to the open space network;
  - ✓ The internal laneway is narrow and purposefully designed at a human-scale with careful urban design consideration to ensure an attractive streetscape both internally and along Wellspring Way and Summersides Boulevard. Furthermore, a north-south pedestrian walkway is being provided that better connects the MCC to Summersides Boulevard.
- k) To develop a land use pattern and transportation system that supports motorized vehicular traffic, transit, cyclists and pedestrians and provides alternate transportation routes to most destinations;
  - ✓ The development provides several sidewalk connections to improve pedestrian mobility and layby parking which also helps calm traffic speed and improve the pedestrian experience along the public sidewalks by providing an additional physical buffer between moving traffic and those walking.

- l) To provide a hierarchy of collector and local roads that is based on a connected modified grid network that accommodates all modes of travel and that reflects and responds to the natural features of the community;
- m) To ensure that all new development occurs on the basis of full urban water and sanitary sewer facilities, as well as adequate utility networks.

Policy B1.7.3.2 Affordable Housing – states that it is the Plan’s objective that a minimum of 25% of all new residential development within the East Fonthill Secondary Plan Area meet the Provincial definition for affordable housing. Affordable housing will also be encouraged to locate in proximity to community facilities and existing or potential public transit routes and active transportation routes. Affordable housing may be achieved by:

- i) Promoting higher density housing forms;
- ii) Building smaller units;
- iii) Applying government grants and/or subsidies, including land dedication;
- iv) Waiving or reducing municipal permit fees, development charges, or taxes; and
- v) Encouraging the development of accessory apartments.

The proposed Site Plan consists of medium density, ground-oriented residential building types. Even the 5-unit apartment building proposes direct (or exclusive) ground floor access for each individual apartment. The apartment building, and several townhouse units accommodate smaller floor areas which help to ensure purchase (or rental) costs do not become overly exclusive in price. No government grants or subsidies are part of this proposal, or the Town’s Agreement of Purchase & Sale with the applicant. Six (6) of the townhouse units are actually connected in ownership to six (6) larger townhouses and will function as detached accessory apartments.

Policy B1.7.4.3 General Site Development Criteria includes, among others:

- i) Buildings shall be street-front oriented and provide direct street access for pedestrians;
  - ✓ Provided.
- ii) Large scale automobile parking areas shall generally be sited to the side or rear of buildings, preferably below grade. The softening of the impact of large surface parking lots through building orientation, landscaping is required;
  - ✓ The proposed parking lot is softened through the use of decorative fencing (consistent with the balconies of the adjacent apartment building) and landscaping, (Figure 7).

*Figure 7: Parking lot rendering viewed from Wellspring Way*



- iv) With the exception of single detached, semi-detached and townhouse dwellings, all new development shall provide outdoor bicycle racks at their main entrance.
  - ✓ Outdoor bicycle parking is proposed just north of the apartment building, (on the right side of the image in Figure 6).
- v) Compatibility between different land uses and scales of buildings shall be achieved through appropriate siting, design and landscape treatment.
  - ✓ The subject lands are situated in a transitioning neighbourhood and are surrounded by open space to the west, the Community Centre to the north, vacant land to the east, and three future mid-rise apartment buildings to the south.
- vii) High quality landscape treatments shall be provided;
  - ✓ See Landscape Plan.
- viii) Building form and siting shall minimise the impacts of noise, wind and shadows on adjacent properties and shall enhance views of landmark buildings and all components of the Greenlands System;
  - ✓ The proposed development is compact overall, but is actually smaller in vertical scale & building mass than the MCC and the (future) mid-rise apartment buildings opposite Summersides Blvd.
- ix) High density development shall generally be adjacent to:
  - Arterial and/or Collector Main Streets;
  - Retail and service commercial uses;
  - Community facilities; and
  - Public open spaces.
  - ✓ The subject lands are flanked by all of the above and are within walking distance to commercial uses.
- x) Where a non-residential use abuts, or is proximate to a proposed residential land use, fencing, landscaping, berming or a combination of these will be utilised to ensure adequate screening between the uses.
  - ✓ See Landscape Plan.
- xi) Outdoor refuse collection areas, shall be unobtrusive, screened and generally located at the side or rear of buildings.
  - ✓ Waste collection will be provided internally via the laneway and the apartment building will utilise Molok bins instead of unsightly dumpsters.
- xiv) Common vehicular access and internal circulation including service lanes connecting abutting lands shall be provided wherever possible.
  - ✓ Shared vehicle access is being provided via two existing public driveways to the MCC, helping to reduce unnecessary conflict points from extra driveway ramps and wasteful pavement.

Policy B1.7.8.2 c) General Policies (for the Commercial / Employment Centre) – states that prior to considering an application for Site Plan Approval, Council shall be satisfied that:

- i) Adequate parking for automobiles and bicycles are provided on the site;
- ii) Buildings located at the intersection of any Collector Main Street are designed to provide a desirable gateway to the community;

- iii) New uses incorporate landscaping to enhance the site and surrounding areas;

Subsection d) states that based on the mixed use nature of this designation, typical parking requirements may be reduced and shared parking considered in recognition of the parking efficiencies offered by mixed use development forms. The minimum and maximum parking standards throughout this designation for residential uses are 1 to 1.25 spaces per unit.

The proposed Site Plan complies with the Official Plan's parking requirement, with 61 parking spots proposed on-site as well as another 17 layby parking stalls on the public streets.

The proposed Site Plan conforms with the Pelham Official Plan as it supports additional housing, a variety of housing types & tenures, environmental responsibility, good urban design, compact built form, enhances the grid network of streets & laneways and is a compatible form of residential development in a walkable area and implements the vision of the Site Master Plan for this area.

Pelham Zoning By-law No. 1136 (1987), as amended

The subject lands are zoned 'East Fonthill – Mixed Use 3' (EF-MU3) in accordance with Pelham Zoning By-law 1136 (1987), as amended by By-law No. 3543 (2014).

The proposed development complies with the Zoning By-law and were recently granted minor variance approval via the Committee of Adjustment for three (3) site-specific zoning requests related to design preferences (file: A3/2020P).

**Financial Considerations:**

The applicant (purchaser) is responsible for all costs (on-site & off-site) associated with the proposed development, which includes site servicing, landscaping, consulting & legal fees. The Site Plan Agreement also requires that the developer provide financial security to the Town in the event site works are not undertaken.

**Alternatives Reviewed:**

Council may choose to not approve the by-law to enter into a site plan agreement with the purchaser, however, this will also result in the Town not closing on the land sale pursuant to an Agreement of Purchase and Sale.

**Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

The proposed development enhances the East Fonthill Mixed Use Centre by providing a variety of housing options, especially in close proximity to commercial, institutional & recreational uses, by efficiently using Greenfield designated urban land with careful consideration to good urban design practices and minimizing negative impacts associated with large surface parking lots. The proposed housing choices are relatively more affordable than local comparables and some do not have



sound comparables as the housing type/tenure is unique for the Region. Ultimately, Planning staff are of the opinion that the proposed development will positively contribute to building a more resilient, sustainable and strong community.

## **Consultation:**

### Agency & Public Comments

On May 2<sup>nd</sup> and September 25<sup>th</sup> 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.) and external agencies (i.e. Niagara Region, Canada Post, Enbridge 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 (March 4, 2020; January 21, 2020; October 23, 2019; May 23, 2019)
  - No objection, subject to Site Plan Agreement clauses.
- Fire Department (January 20, 2020; December 16, 2019; September 30, 2019; June 3, 2019)
  - No objection, pending the laneway maintains a clear width of 6.5m utilising a consistent surface treatment.
- Building Department (May 27, 2019)
  - At the time of building permit, spatial separation between structures will be a consideration under section 9.10.14 of the *Ontario Building Code*.
- Niagara Region Planning & Development Services (March 2, 2020; October 8, 2019; May 24, 2019)
  - No objection, pending Regional conditions of approval are fulfilled.
- Bell Canada (May 10, 2019)
  - No objection, subject to Site Plan Agreement clauses.
- Canada Post (May 10, 2019)
  - No objection, subject to Site Plan Agreement clauses.
- Enbridge Gas (May 15, 2019)
  - No objection, subject to Site Plan Agreement clauses.

For Council's information, site plan control is not a public consultative process under the *Planning Act* as it is an agreement between the land owner and the Town; therefore, there are no public notice requirements. However, opportunity was provided for public comment at the minor variance approval stage, as well as prior to 2014 when the original site-specific zoning was contemplated.

### Planning Staff Comments

A pre-consult was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on December 20, 2018 to discuss the development applications.

The subject lands are located on the northeast corner of the roundabout intersection of Summersides Boulevard and Wellspring Way. The lands are currently surrounded by the Meridian Community Centre to the north, vacant land to the east & south, and an open space stormwater management pond to the west.

A minor variance application (A3/2020P) was approved by the Town's Committee of Adjustment on January 28, 2020. The relief sought was for three (3) site-specific zoning regulations. One to reduce a parking lot setback from Wellspring Way, another to increase the front yard setback for certain townhouse units fronting Wellspring Way, and the last to reduce the minimum distance separating certain townhouse blocks from one another.

The proposed Site Plan complies with the EF-MU3 zoning provisions, as well as all other applicable zoning regulations under By-law No. 1136 (1987), as amended.

Previously, there was some discussion as to whether or not the development will provide enough off-street parking stalls. The proposed Site Plan fully complies with the minimum parking requirements. The EF-MU3 zoning also regulates the maximum amount of parking stalls that can be provided, in accordance with the local Official Plan designation policy (B1.7.8.2 d) i)). Overall, there are 41 compliant parking stalls provided on-site while there are an additional 20 on-site stalls which do not meet the dimension requirements of parking stalls abutting a wall. The shortfall is approximately 20-30 cm in width. These stalls are still functional and would meet the default dimension standards of parking stalls unobstructed by abutting vertical structures. Overall, the total effective parking provided on-site would be 61 stalls. An additional 17 layby (on-street) parking stalls along Wellspring Way and Summersides Boulevard would be provided. These on-street stalls will also help buffer the sidewalk from moving traffic, increasing pedestrian comfort and act as an additional traffic calming measure via peripheral edge friction.

Planning staff have reviewed the Urban Design Brief submitted by Better Neighbourhoods Development Consultants dated March 2019, and agree with its commentary. Town Engineering staff also reviewed a Functional Servicing Report and associated drawings prepared by the same consultant firm, dated December 2019.

Planning staff visit the area frequently and understand the local context well. At present, this quadrant of the East Fonthill Secondary Plan neighbourhood is not in the midst of any active construction projects, save for the River Estates Phase 1-2 subdivisions. However, there are several imminent developments pending. Two (2) of which have received Site Plan Approval and are building permit ready, one in particular is in close proximity just south, opposite Summersides Boulevard where three (3) mid-rise apartment buildings are ready for construction. The vacant lands to the east are currently owned by the Town.

A Draft Plan of Condominium application (26CD19-01-2020) has been received by the Town and is currently undergoing review with staff and commenting agencies.

Approval will be required by Town Council at a later date, and is independent of the Site Plan Approval.

This staff Recommendation 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 agency comments received, Planning staff advises that all requested conditions will be included as conditions in the Site Plan Agreement, or have been complied with through the submitted design drawings.

The policy intent of the East Fonthill Secondary Plan and East Fonthill Site Master Plan continue to be conformed with as well as compliance to the *Ontario Building Code*.

Planning staff are of the opinion that the proposal applies current planning and development principles dealing with appropriate greenfield development, making efficient use of designated urban *area* lands, helping to ensure wise management of scarce land resources and environmental protection, providing a diverse range of housing options that better accommodate different personal income levels and improving the public realm through good urban design and architectural measures. The proposed development should not negatively impact the surrounding neighbourhood with regards to land use incompatibility, traffic, privacy and storm water runoff.

In Planning staff's opinion, the application is considered an innovative form of compact, walkable, urban development, represents good land use planning and is consistent with the PPS and conforms to Provincial, Regional, and local plans.

**Other Pertinent Reports/Attachments:**

- Appendix A:
  - RP 59R-16105
  - Site Plan
  - Landscape Plan
  - Elevation Plans
- Appendix B:
  - Agency Comments Consolidated

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