

**COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT**

Monday, March 23, 2020

**Subject:** Zoning By-law Amendment Recommendation Report – 695 Quaker Road (AM-09-19)

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2020-0040-Planning for information as it pertains to Zoning By-law Amendment application file No. AM-09-19 – 695 Quaker Road and recommend;**

**THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of 695 Quaker Road.**

**Background:**

The purpose of this report is to provide Council with a recommendation regarding an application for a Zoning By-law Amendment under Section 34 of the *Planning Act* for 695 Quaker Road. The proposed zoning would amend:

- Part 1
  - From *R1 (Residential 1)* to a site-specific *R2 (Residential 2)*; and
- Part 2
  - From *R1 (Residential 1)* to a site-specific *RM1-281{H} (Residential Multiple 1 – 281 {H})*.

**Location**

The subject land is located on the south side of Quaker Road, lying west of Clare Avenue (Figure 1), locally known as 695 Quaker Road, in the Town of Pelham. The lands currently support one single detached dwelling.

The property currently has 32.6m frontage on Quaker Road and a depth of 132.7m.

The subject lands are surrounded by:

- North – Residential, vacant land and neighbourhood commercial
- East – Single detached residential
- South – Vacant residential zoned land and agricultural
- West – Single detached residential

Figure 1: Subject Lands (695 Quaker Road) in orange, consolidated land in yellow

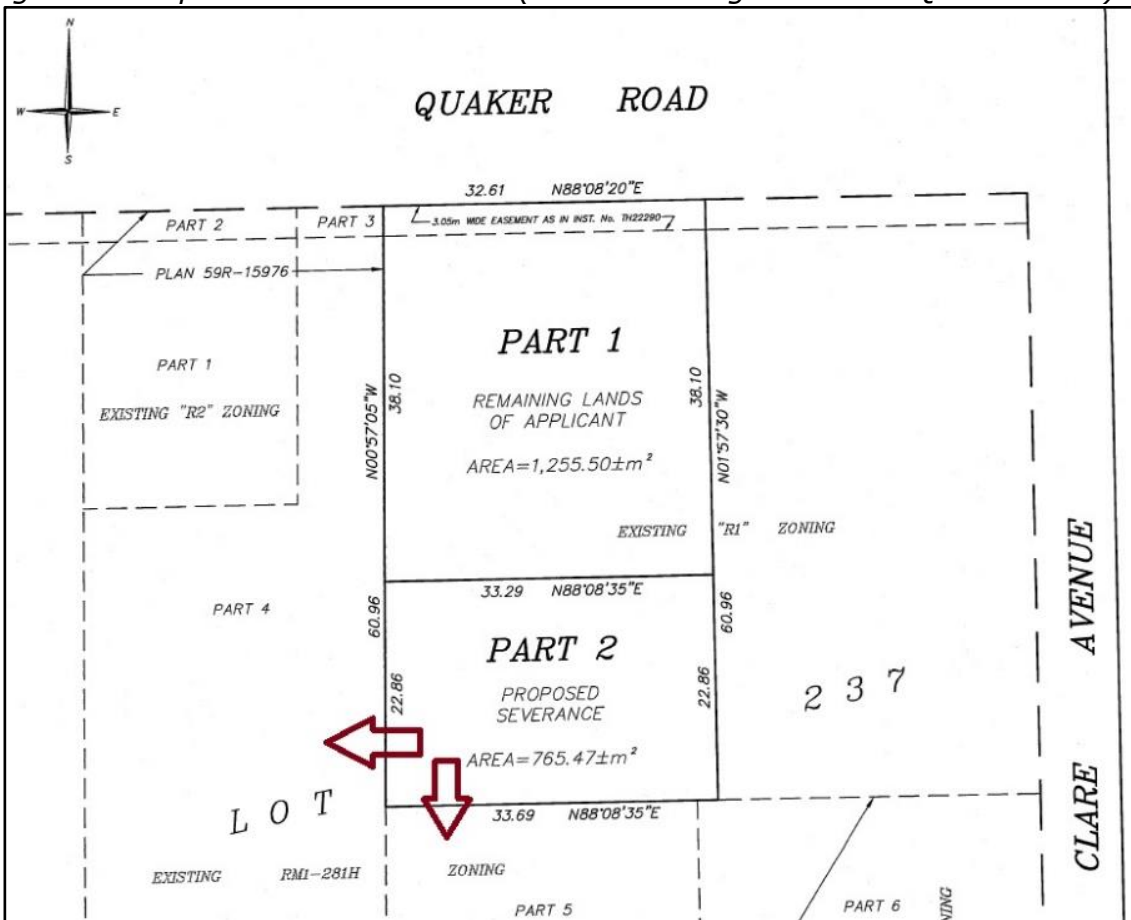


## Project Description and Purpose

On November 11, 2019 an application for Zoning By-law Amendment was received by the Town for 695 Quaker Road (see Figure 2). The rezoning application would amend the existing Residential R1 Zone to a site-specific Residential R2 Zone for Part 1 containing the existing dwelling, and a site-specific Residential Multiple RM1 Holding Zone for Part 2, the rear lands.

The Part 2 lands recently received approval by the Town Committee of Adjustment (file: B1/2020P) for consent that will merge Part 2 with the abutting lands to the rear (701 Quaker Road), outlined in yellow on the aerial image above. Those lands will be subject to future *Planning Act* applications for multi-unit residential development either via Site Plan Approval and/or draft Plan of Subdivision/condominium application(s). These applications will require further approvals from Council. At this time there is no development plan for the rear portion and the developer continues to consolidate lands to achieve a viable development parcel.

Figure 2: Proposed Consent Sketch (Part 2 to merge with 701 Quaker Road)



## Analysis:

### 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;
- b) The protection of agricultural systems;
- f) The efficient use of transportation, water, wastewater 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;
- 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 adaption to climate change.

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

The proposed Zoning By-law amendment would allow for multi-unit residential development on Part 2 (semi-detached / townhouse dwellings) and continue to allow for the existing single detached residence on Part 1 to remain and also provide permission for a second dwelling unit. The proposed site-specific zoning would regulate built form through performance standards such as yard setbacks, lot frontages and lot sizes etc. These standards influence urban design, streetscaping and land use compatibility which have direct impacts on quality of life, land use efficiency and safety among other things.

Considering the requested zoning provisions, land uses, the neighbourhood context and geography, Planning staff are of the opinion the proposed rezoning maintains the Provincial interest described under Section 2 of the *Planning Act*.

### **Provincial Policy Statement (2014)**

The subject parcel is 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 1.1.3.3 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.

Policy 1.1.3.4 states appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and 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 rezoning will help facilitate more compact built form with a better mix of residential land uses (single detached, semi-detached, townhouses and second units) that efficiently use land and existing / planned municipal infrastructure and provides for greater housing choice. Any population growth resulting from future development can be served by existing schools and *public service facilities*. Town Planning staff are of the opinion that the proposed rezoning 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 (GGH) (2019)**

The updated Growth Plan took effect on May 16<sup>th</sup> 2019 and requires that all planning decisions made after May 16<sup>th</sup> 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.

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.

Policy 2.2.2 Delineated built-up areas – states that when the next *municipal comprehensive review* is approved and in effect, the applicable minimum intensification for Niagara is 50% of all residential development annually. Until that time, the Region's current annual minimum intensification target is 15% for the Town of Pelham.

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.

The proposed zoning regulations help achieve a balance of compact built form, that efficiently use municipal infrastructure while also ensuring open space amenity areas, and landscaping exists through various zoning provisions. The subject lands are also within close proximity to some neighbourhood commercial uses. Planning staff are of the opinion that the proposed development conforms with the 2019 Growth Plan.

### **Regional 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.

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 among other things:

- 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.

The proposed rezoning seeks to include several residential land use permissions, with more compact building regulations located in close proximity to existing commercial, institutional and recreational uses.

### **Pelham Official Plan (2014)**

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 local Official Plan designates the subject land as 'Urban Living Area / Built Boundary'. The permitted uses in this designation include single detached dwellings, accessory apartments, semi-detached, townhouse units, apartment dwellings, home occupations, bed and breakfast establishments, private home daycare and complementary institutional and convenience commercial 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.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Although the subject lands are not in close proximity to Downtown Fonthill, they are located within the existing *Urban Settlement Area*, outside of any *key natural heritage features* and along with other residential designated lands are anticipated to experience development pressures in the future. Fortunately, some neighbourhood commercial facilities, parks and public schools are within close proximity to the subject lands.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all

applications for development are physically compatible with the character of the surrounding neighbourhood.

- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

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.

No Part IV designated heritage properties flank the subject lands and an archaeological clearance from the Ministry is required before any development can occur. The applicant has completed a stage 1-2 archaeological assessment which concluded that no archaeological resources were identified, and no further evaluation is recommended. The Town will await the arrive of a Ministry Clearance Letter prior to moving forward with any future draft plan of subdivision and / or site plan approval.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the *Urban Living Area / Built Boundary*. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding

neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;

- e) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification.

Policy B1.1.5 states that when considering a rezoning or Site Plan application to permit semi-detached or townhouse development, Council shall be satisfied that the proposal:

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

Schedule B1 identifies a *Highly Vulnerable Aquifer* affecting the subject lands. As a result, a variety of uses are prohibited from these lands under Policy C5.3, none of which are proposed by the applicant.

Town staff echo the professional opinion of the *Planning Justification Report* supplied with the Zoning By-law Amendment application and how it responds to local planning policy and Provincial legislation outlined earlier. The proposed rezoning supports the achievement of *complete communities* and accommodates a better residential mix of uses including second dwelling unit permissions and more compact built form. Town staff are of the opinion that the rezoning supports the health, safety, convenience and accessibility of the present and future inhabitants of the Town and conforms with local Official Plan planning policy and does not detract from the character of the area which includes a mix of housing types.

### **Pelham Zoning By-law Number 1136 (1987)**

The subject land is currently zoned 'Residential 1' (R1). A zoning by-law amendment is requested to facilitate future townhouse development on Part 2 and rezone Part 1 to a more compact low density residential zone. The only site-specific regulation proposed for the Residential R2 Zone is for the inclusion of second dwelling unit permissions in accordance with Provincial and Regional policies while the Residential Multiple RM1-281{H} zone will reflect the existing site-specific provisions of the

adjacent property to the west. The removal of the Holding Zone is subject the execution of condominium/site plan agreement addressing servicing and drainage requirements. Second dwelling units are an important housing type that is in demand as some residents seek alternative living arrangements for family members, those looking to 'age-in-place', or as a means to afford housing by way of supplementary rental income.

The requirements of the Residential Multiple RM1-281{H} Zone is attached as Appendix C and was approved in 2017.

**Financial Considerations:**

The applicant is responsible for all costs associated with development.

**Alternatives Reviewed:**

Council may choose to refuse the Zoning By-law Amendment.

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

The proposal will help facilitate land consolidation and reinvestment in an existing developed and serviced area that supports the building of strong communities and cultural assets.

**Consultation:**

On November 25, 2019 a 'Request for Comments' was circulated to Town departments, Niagara Region and other commenting agencies. On January 14, 2020 a *Notice of Public Hearing* was circulated by Town staff to all assessed property owners within 120 metres of the property's boundaries. Also, a *Notice of Public Hearing* sign was posted on the frontage facing Quaker Road prior to the February 10, 2020 *Public Hearing*.

To date, the following agency comments have been received:

- Public Works Department (Jan 15, 2020)
  - No comments at this stage. Detailed engineering review will be captured during subsequent development applications regarding:
    - Water service obligations.
    - Sanitary service obligations.
    - Storm Sewer obligations.
    - Winter maintenance obligations.
    - Grading obligations.
- Niagara Region Planning & Development Services (December 13, 2019)
  - Until such time as the Ministry of Heritage, Sport, Tourism & Culture have issued a Clearance Letter confirming that all archaeological resource concerns have met licensing and resource conservation requirements, either a 'Holding' provision should be included in the Zoning By-law Amendment, or condition(s) should be added to future Site Plan or Draft Plan of Subdivision / Condominium applications for future development.

- Rezoning aligns with the intent and direction of Provincial and Regional policies.
  - No objection.
- Enbridge Gas (November 27, 2019)
  - No objection.

No public comments have been received to date regarding this application and no additional public comments were received at the Public Meeting held on February 10<sup>th</sup> 2020. Council questioned if the existing dwelling was to remain on the property and the intent is that the existing dwelling will remain. It was also noted that Part 2 will develop comprehensively with the adjacent lands and will be part of future development applications that will require further approvals from Council and that the applicant is in the process of consolidating lands to have a viable development proposal. It was also noted that the developer will be responsible for improving storm drainage in the area and a new storm sewer on Quaker Road will be required to facilitate future development.

### **Planning Staff Comments**

The purpose of this report is to provide Council with a recommendation regarding the Zoning By-law Amendment application, applicable policies and comments received thus far.

A pre-consultation meeting was held with the applicant on Thursday, May 2<sup>nd</sup> 2019 to identify preliminary planning issues associated with the proposal and to discuss submission requirements.

The proposed Zoning By-law Amendment application seeks approval to rezone the subject lands into two different zones as follows:

- Part 1 (retained lot fronting Quaker Road)
  - 'R1' (Residential 1) to site-specific 'R2' (Residential 2)
- Part 2 (severed lot to merge with adjacent lands under separate consent application)
  - 'R1' (Residential 1) to site-specific 'RM1-281 {H}' (Residential Multiple 1 – 281 {Holding provision}) zone

The existing dwelling on Part 1 is proposed to remain and be rezoned Residential (R2) Zone. The requested Holding provision is associated with the requirement for the land owner to satisfactorily address servicing and drainage requirements for Part 2 as well as for the adjacent lands that have the same Holding provision.

Part 2 of the subject lands recently was granted conditional approval (file B1/2020P) to convey a boundary adjustment merging Part 2 with the abutting lands to the south for future residential townhouse development. The future development of Part 2 will be subject to additional *Planning Act* applications such as Site Plan Approval, Draft Plan of Subdivision and/or Draft Plan of Condominium approval from Council, depending on the nature of development and the removal of the Holding provision.

No formal plans on Part 2 have been submitted to date. The developer is currently in the process of consolidating the lands to the rear and will be developing a comprehensive development plan for that property which will come to Council at a future meeting. This zoning by-law amendment application is only one step in the process.

With regards to development costs, the developer is responsible for all costs associated with the future development of these lands. With regards to the future new storm sewer that is required on Quaker Road to service the rear lands, the developer will upfront the costs for the construction of the storm sewer and the Town is responsible for that portion of the costs that services the existing property owners on Quaker Road.

*An Archaeological Assessment* (Stages 1-2), prepared by Detritus Consulting Ltd. was submitted with the rezoning application. The Assessment did not identify any archaeological resources, and concluded that no additional assessments were recommended by the Licensed Archaeologist. Before any development can proceed, a Clearance Letter from the Ministry of Tourism will be required as a condition of future draft plan of subdivision/condominium and/or site plan approval.

*A Planning Justification Report*, prepared by A.J. Clarke & Associates Ltd. was submitted with the rezoning application. The *Justification Report* reviewed the local neighbourhood context, applicable planning policy, the current proposal and provided a professional opinion.

Planning staff visited the site and reviewed aerial photography to better understand the local context. The neighbourhood is currently undergoing some construction and future development applications are imminent. While the area is primarily residential in nature, the neighbourhood does contain some commercial uses and a mix of large and small lot single detached residences as well as townhouses. The lands on the south side of Quaker Road are large and exceed the lot area / frontage requirements of the Zoning By-law substantially. The existing lot geometry reflects a development pattern where lots were originally serviced on private septic systems. These lands are now serviced by municipal water and sanitary sewers. Two local developers are in the process of consolidating much of the lands on the south side of Quaker Road. Staff are anticipating future development applications to come forward and will be expecting a design cognisant of the surrounding neighbourhood that respects built character, while employing more current building standards to the southern (rear) lands.

The Pelham Official Plan Urban Living Area designation permits a variety of residential uses such as single detached, semi-detached, townhouses, multi-units, and second dwelling units among others.

Planning staff are of the opinion the proposed rezoning is consistent with the Provincial Policy Statement, conforms to the Growth Plan, Niagara Region Official Plan and Town of Pelham Official Plan.

**Other Pertinent Reports/Attachments:**

- Appendix A:
  - Survey (Consent) Sketch
- Appendix B:
  - Agency Comments Consolidated
- Appendix C:
  - By-law No. 3949 (2017)
- Appendix D:
  - Draft By-law
- Planning Justification Report prepared by: A.J. Clarke & Associates Ltd. (November 2019)
- Archaeological Assessment (Stage 1-2) prepared by: Detritus Consulting Ltd. (October 28, 2019)

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