

Subject: Recommendation Report for Zoning By-law Amendment – 1307 Haist Street

Recommendation:

BE IT RESOLVED THAT Council receive Report #2020-131 as it pertains to 1307 Haist Street (File no. AM-05-2020); and THAT Council approve the By-law amending the zoning of the subject property from Residential 1 (R1) to a site specific Residential Multiple 1 - 299 (RM1-299) zone.

Background:

The subject property is located at the north east corner of Haist Street and Pancake Lane (Figure 1). The neighbouring land uses are single detached dwellings.



Figure 1: Aerial image showing property location

The applicant originally sought approval to rezone the property from R1 (Residential 1) to a site-specific RM1 (Residential Multiple 1) zone to allow street townhouse dwellings and second dwelling units. At the request of Council and in response to concerns expressed by residents, the applicant has since revised the application to remove the request for the second dwelling units (Appendix A Letter from applicant) and therefore only the permission for three street townhouse units is being requested.

The requested zoning change will also allow a site specific front yard setback of 4.5 metres for a dwelling and 6.0 metres for a garage, a rear yard setback of 7.0 metres, an exterior side yard setback of 4.5 metres and remove the requirement for a planting strip. The proposed elevations and site plan are shown in Figure 2.

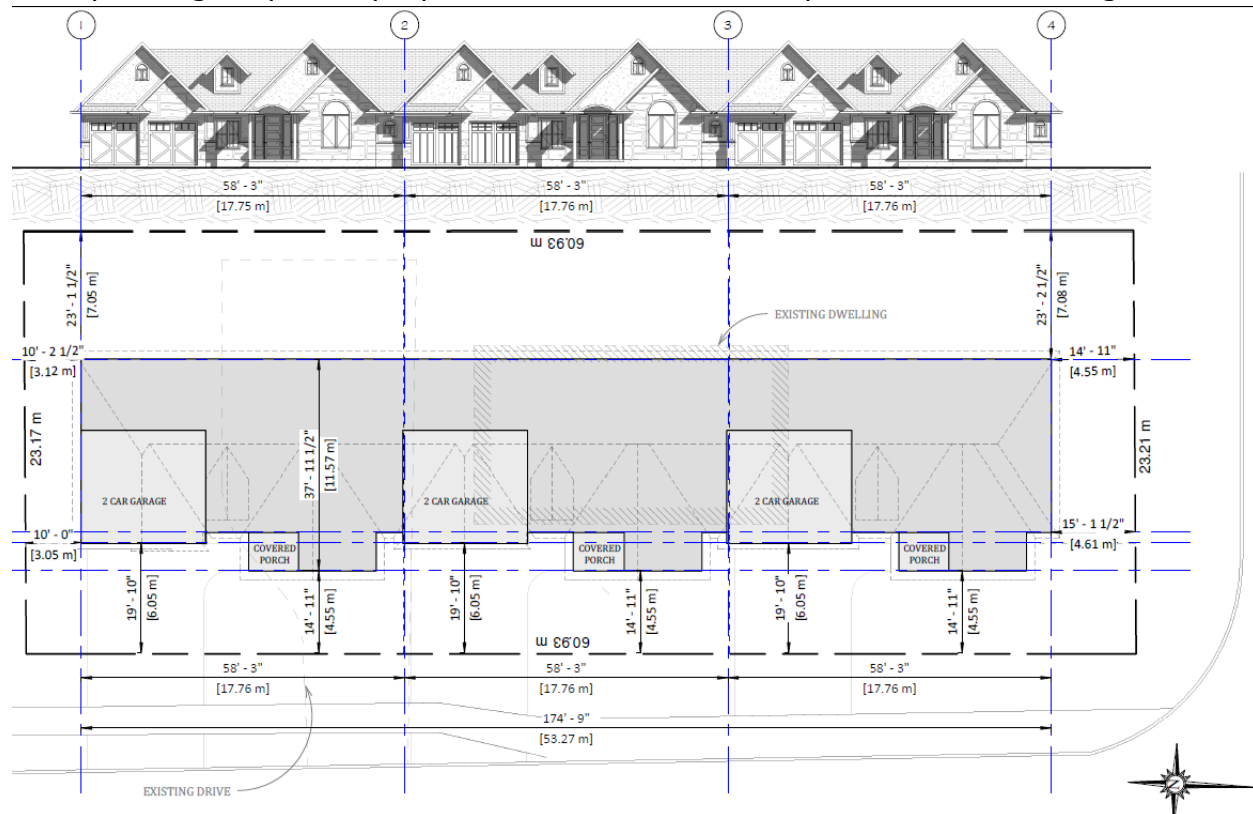


Figure 2: Proposed Elevations and Site Plan

Analysis:

Planning Act

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, the decision of planning authorities "shall be consistent with the policy statements" issued under the Act and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

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

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 supports the efficient use of lands and development patterns that support sustainability by promoting livable, healthy and resilient communities, protecting the environment, public health and safety and facilitating economic growth. The subject lands are considered to be within a Settlement Area. Settlement areas are to be the focus for growth and development and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

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

The proposed redevelopment of the property for 3 street townhouse dwellings is considered appropriate intensification and will add additional housing options that can be supported by the existing infrastructure, support active transportation, is transit supportive and minimize impacts on air quality and climate change. The proposed buildings will be constructed to be energy efficient and are located within walking distance of existing parks, neighbourhood commercial uses, the Highway 20 commercial area and schools.

Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

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

The proposed zoning by-law amendment will facilitate residential development and intensification within the delineated built-up area. The townhouse dwelling units will contribute to a mix of residential land uses, provides for an efficient use of existing infrastructure and provides for a degree of housing choice. The application is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

The proposed development of three (3) street townhouse dwellings is an appropriate example of gentle intensification within the built-up area and will help in achieving the intensification targets that have been established for the Town.

Regional Official Plan, consolidated August 2015

The Region of Niagara identifies this property as Built-up Area. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

The Region also supports the inclusion of urban design analysis and guidelines for various types of plans and development projects.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; de-

emphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The requested zoning by-law amendment will contribute to the variety of housing types in the neighbourhood and gentle intensification within the Built-up Area while contributing to the intensification rate. The dwellings will meet energy efficiency requirements, allow for curbside waste collection and provide for adequate amenity space. They can also be served by existing infrastructure. Existing sidewalks fronting the property allows for an interconnected and active transportation friendly streetscape. The building elevations are attractive with recessed garages in an effort to deemphasize them. Based on this analysis, the application conforms to the Niagara Region Official Plan.

Pelham Official Plan (2014)

The lands are designated Urban Living/Built Boundary in the Town's Official Plan. The permitted use in this designation includes a full range of residential uses including townhouse dwellings.

Section A2.3.2 Objectives of Redevelopment contains the following objectives which were identified by the Sisler's in their written and verbal presentation to Council:

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 development and redevelopment is compatible with the scale and density of existing development.

In response to these objectives, Planning staff advise that physical compatibility with the surrounding neighbourhood does not mean the same housing type, but rather that it can exist in harmony with existing uses without causing negative impacts or appearing out of place. The proposed street townhouse dwellings are proposed to be bungalows. The majority of existing dwellings in the vicinity of the

property along Haist Street are bungalows with some two-storey dwellings on Pancake Lane. The proposed lot frontage per townhouse dwelling is proposed to be 17.76 metres with the proposed lot area being approximately 411.5 m². The proposed lot frontage and areas are more typical of single detached dwelling uses than street townhouse dwellings where the RM1 zone requires a minimum lot frontage of 230 m² per unit. As a result, the lots will not appear to be drastically undersized compared with the existing properties fronting Haist Street and Pancake Lane. In addition, the dwellings will be approximately 142 m² (1528 ft²) which is similar in size to the surrounding single detached dwellings. The townhouse dwellings are well designed with the use of appropriate building materials that are similar to other homes in the neighbourhood and will enhance the character of the neighbourhood and represent a re-investment in the neighbourhood.

The site plan for the proposed street townhouses shows a setback of 4.55 metres to the building face and 6.05 metres to the garage. The existing single detached dwelling on the subject property is approximately 5.5 metres from the front lot line and therefore, the street townhouses will not be significantly closer to the front lot line than what currently exists. Also, the attached garage of the northerly street townhouse, setback at 6.05 metres, is closest to the neighbouring dwelling, setback at approximately 8 metres, softening the transition between building setbacks.

With respect to density, the proposed development would equal approximately 21 units/hectare while the Official Plan suggests the density for redevelopment should be between 10-25 units per hectare. Further, the Town's Official Plan generally considers townhouse dwellings to be medium density and not high density development and the addition of only two dwelling units on the subject property does not equate to a significant increase in density of the existing development in the neighbourhood.

It should also be noted that Section A2.3.2 of the Official Plan also contains the following objectives:

To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.

To encourage the development of neighbourhoods which are compact, pedestrian friendly and provide a mix of housing types, community facilities, small-scale commercial centres and public open spaces.

The proposed addition of street townhouse dwellings on the subject property will diversify the housing options available in the existing pedestrian friendly neighbourhood allowing the opportunity for residents to age in place.

Section A5.5 Intensification Corridors of the Official Plan indicates that intensification corridors are areas along major roads which have potential for higher density mixed use development. As noted above, townhouse dwellings are not considered to be high density and no commercial uses as part of the application. Policy B1.1.3 (a) speaks to intensification as proposed by this application.

Policy B1.1.3 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick. Further, Policy B1.1.3 (a) permits intensification on sites abutting collector roads. Haist Street and Pancake Lane are shown as collector roads of variable width on Schedule C to the Town of Pelham Official Plan and the proposed addition of two dwelling units at this location is consistent with the Town Official Plan policies and intensification objectives.

Policy B1.1.3 (b) requires intensification and redevelopment proposals to achieve a unit density that is in keeping with the character of the density of the neighbourhood. As indicated above, the unit density proposed is approximately 21 units/hectare and is not so significant to be out of character with the density of the surrounding area.

Policy B1.1.3 (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. There are approximately 266 known dwelling units within 300 metres of the subject property. Increasing the number of units from 266 to 268 represents a 0.77% increase in gross density which is well below the 25% maximum in Policy B1.1.3 (c).

Policy B1.1.3 (d) Notwithstanding items (b) and (c), the creation of new freehold or vacant condominium infill lots through the consent process, for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Urban Living Area designation and compatible with the character of the neighbourhood. Townhouse dwelling units are considered to be

compatible with single detached dwelling units and an overall increase of two new dwelling units will not have an adverse impact and is compatible with the character of the neighbourhood.

As indicated above, the proposed zoning change and future consent applications will create new freehold infill lots for ground-oriented dwellings. The lot dimensions and street townhouse dwellings are compatible with and can exist in harmony with the established character of Haist Street and Pancake Lane.

Policy B1.1.3 (e) indicates that the creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. Policy B1.1.4 indicates that accessory apartments may be permitted subject to approval of a Zoning By-law amendment with Council being satisfied that: a) The apartment will comply with the Ontario Building and Fire Codes as well as provisions of the Town's Zoning By-law; b) Adequate parking is available on the lot for both dwelling units; and, c) The second dwelling unit is designed and located in the interest of maintaining the character of a detached dwelling as viewed from the streetscape.

The applicant has withdrawn the request for accessory apartments.

Policy B1.1.5 requires that when considering a zoning by-law amendment application to permit a townhouse development, Council shall be satisfied that the proposal: respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing; can be easily integrated with surrounding land uses; will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent residential neighbourhoods with respect to height, bulk and massing. The design of the units reflect traditional design elements that are consistent with the character of the area and integrate well with the neighbouring land uses. The building elevations show bungalow townhouses and the heights will comply with the standard building height zoning requirements of Fonthill's residential neighbourhoods. The proposed townhouses can easily integrate with surrounding land uses. Public Works staff reviewed the proposed development application and have not expressed any concerns about traffic or site servicing matters. The site plan depicts adequate parking with a double car garage and two driveway parking spaces per unit, both front and back outdoor amenity areas as well as space for landscaping and buffering.

Policy D5.2.1 provides general criteria for consents. The current application is for a zoning by-law amendment. Applications for consent (lot creation) will be submitted for consideration by the Committee of Adjustment at a later date. D5.2.1 (b) requires the Committee of Adjustment to be satisfied that new lots will not cause a traffic hazard as a result of its location on a curve or a hill. Planning staff note that the proposed development has been reviewed by Public Works staff and no traffic or safety concerns have been raised and the addition of two additional dwelling units will have minimal impact with regards to traffic.

As discussed above, it is Planning staff's opinion that the application conforms to the policies contained in the Town of Pelham Official Plan.

Pelham Zoning By-law Number 1136 (1987)

The subject land is currently zoned 'Residential 1' (R1), the permitted uses include one single detached dwelling, accessory buildings and home occupations. The requested zoning by-law amendment would create a site specific RM1 zone that permits street townhouse dwellings, a reduced front yard of 4.5 metres to the covered front porch or front building façade and 6.0 metres to a garage, a reduced exterior side yard of 4.5 metres, a reduced rear yard of 7.0 metres and the removal of the requirement for a planting strip between the boundary of the RM1 and R1 zones (north and east sides of property).

Table 1: Requested Zoning By-law Amendment

	Current RM1 zone	Proposed RM1 zone
16.3 Zone Requirements for Street Townhouse Dwellings		
16.3(d) Minimum Front Yard	7.5 m (24.61 ft)	4.5 m to building façade; 6.0 m to garage
16.3(e) Minimum Exterior Side Yard	7.5 m (24.61 ft)	4.5 m (14.76 ft)
16.3(g) Minimum Rear Yard	7.5 m (24.61 ft)	7 m (22.97 ft)
16.3(j) Planting Strips	4.92 ft) where abutting R1 or R2 zone	delete

Submitted Reports

The applicant provided a Planning Justification Report in support of the application as well as the letter appended to this report as Appendix A which also addresses a number of the concerns raised at the public meeting and is attached for Council's information.

Financial Considerations:

There are no financial costs associated with the requested Zoning By-law amendment. The property owner has provided an application fee which is intended to cover staff time to process, review and comment on the application.

Alternatives Reviewed:

Though not recommended, Council could refuse the application or approve the application with modifications.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

Council is obligated to make a decision with respect to the application by the *Planning Act*, R.S.O. 1990, C.P.13. While consideration of this request is not a specific action in the Strategic Plan, diversification of ownership options and housing types within the urban area of the Town can assist in building a stronger community.

Consultation:

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. The following comments (Appendix B) were received:

Enbridge Gas Inc.: "No objection."

Canada Post Corporation: "No requirements or conditions as the development in question falls within the Post Office Box-served boundaries of the Fonthill Post Office."

Building Division: "Building permits will be required for all proposed buildings. Separate permit applications are required for each unit."

Public Works: "No comments and no safety concerns regarding the intersection of Pelham Street and Pancake Lane post-development."

A notice of public meeting was circulated to property owners within 120 metres of the property and posted to the Town's website on July 17, 2020. Notice signs were posted to the property on July 17, 2020. A public meeting was held on August 10, 2020 (Minutes - Appendix D). Three members of the public provided comments at the public meeting and a number provided comments in writing. A petition against the application was also submitted containing signatures of approximately 89 residents.

The following public comments (Appendix C) have been received in writing and/or at the public meeting:

J. Cardinale: concerned about tree removal, impact on property values and traffic safety and sight line issues resulting from the development.

N. Repchull: concerned about the impact on the tree canopy, safety of pedestrians due to additional traffic and parking of vehicles.

K. and D. Sisler: expressed concern about the ability to organize during a pandemic; concerned that townhouses do not fit the character of the single detached residential area; concerned that other properties may also have similar densities proposed for them in the future; expressed concern that the property is too small for the proposal and not enough area for parking; and expressed safety concerns for pedestrians, cyclists and vehicular traffic.

Believe the application does not conform to the Town's Official Plan. The policies noted are A2.3.2 Objectives of Redevelopment, A5.5 Intensification Corridors, B1.1.3 Residential Intensification, B1.1.3 Criteria for Intensification/Redevelopment, B1.1.5 Townhouse/Multiple Dwellings and B5.2.1 Subdivision of Land.

M. and D. Gilbert: expressed concerns with regards to the fit of townhouses in the neighbourhood of primarily single detached dwellings and bungalows; concerned about 3 townhouses and the second dwelling unit permissions along with the possibility of them being used as short term rentals; concerned with the ability to provide parking for 6 dwellings; concerned with the existing traffic and traffic movements at Haist Street and Pancake Lane; concerned with potential of sight lines be obstructed when existing their driveway; and concerned about the resale value of their home.

A. Aitchison and R. Swayze: expressed concern regarding safety issues associated with additional driveways and cars entering/exiting the property given the traffic congestion, pedestrian and cycling lanes on Haist Street and proximity to Pancake Lane. The project does not fit in the neighbourhood and would set a disappointing precedent.

J. and C. Laidman: expressed concern that townhouse development does not fit the character of the surrounding neighbourhood; concerned about sight lines at Pancake Lane; concerned about the potential loss of trees; concerned about parking; the property is not large enough to accommodate 3 townhouse units; and concerned about the precedent this development would create.

B. and D. Haist: keep the area for single detached dwellings only; concerned about traffic and sight lines at Pancake Lane and Haist Street; would like traffic signal at Haist Street and Pancake Lane; and concerned about traffic speed and volume on Haist Street, Pancake Lane and Bigelow Crescent.

J. and T. Geortz: expressed concern about traffic congestion; concerned about impacts during construction; concerned about rental opportunities; and concerned about property standards.

J. and E. Salter: concerned about precedent; questioned what 'capable of having an accessory dwelling unit' means; questioned the height of the units; questioned if the unit will be rental or purchased; and questioned the capacity of the infrastructure to accommodate the proposal.

P. Rocco and G. Golob: feels proposal will compromise safety of children and adults; concerned about impact on roadway; concerned about traffic congestion; concerned about the ecology of the community; and concerned about the impacts on quality of life.

J. Martinson: Requests Council stop changes to zones in R1 areas. Believes there is too much sprawl in Fonhill.

S. McLaughlin-Martinson: Feels that new townhouses and big houses on small lots are contributing to urban sprawl. Concerned that this type of development takes away from Fonhill and what makes it unique.

A. McKenzie: Concerned about traffic safety as well as the precedent that might be set if the application were approved.

Planning staff have included significant analysis of the requested zoning by-law amendment in the policy analysis above. Concerns raised by citizens related to the loss of trees, impacts on property values, traffic and pedestrian safety, the difference in housing type, the potential of setting a precedent, inability to organize during the pandemic, lack of conformity with the Official Plan, insufficient parking, potential for short term and other rentals and the contribution to urban sprawl.

While the trees on the subject property will likely be removed as a result of the development, none of the trees are regulated or protected. The Town normally requires one street tree to be provided per lot with two on a corner lot. The provision for these trees can be requested as a condition of the future consent applications. Additional trees may be planted by future property owners as desired.

With respect to property values, the proposed building elevations show high quality design and exterior finishes. The neighbourhood is desirable containing nice dwellings, a school, park and being close to amenities. Property values will not be negatively affected by the redevelopment of the subject property for three street townhouse dwellings, rather when there is re-investment into a neighbourhood that tends to have a positive effect on property values.

Concerns about pedestrian and vehicle safety in proximity to the intersection of Haist Street and Pancake Lane was expressed by many residents. Through discussions with Fire and Emergency Services, it was confirmed that very few accidents have occurred at this intersection. The proposed street townhouse dwellings and the parking of vehicles in the driveways will not impede the sight lines from the intersection. Town Public Works staff have also reviewed the proposed development and indicated that they have no concerns about safety as a result and sight lines at the intersection will likely be improved with the removal of some mature vegetation.

As discussed at length under the policy analysis contained in this report, the addition of street townhouse dwellings to the neighbourhood, while different from the existing single detached dwellings, is not considered to be bad provided they can exist in harmony with those uses. There are many instances throughout the Town where townhouses next to single detached dwelling units have proven to co-exist compatibly and in harmony. Further, diversifying housing options within the neighbourhood allows residents to age in place and provides for a degree of housing choice which is also preferred.

A number of residents were concerned that approval of this application could set a precedent. While the make up of existing neighbourhoods is a consideration when analysing development applications, each application must be considered by Council based on its own merits versus what the precedent is.

The inability of residents to organize as a result of the pandemic was also raised as a concern. Notices were sent by mail, published on the Town's website and posted on the subject property. Many written comments were received, approximately 89 signatures were included on a petition and three residents provided comments at the public meeting. All comments received were heard and considered by Town staff when preparing the recommendation report. This is considered to be an engaged public and does not represent reduced public involvement in an application as a result of the pandemic, but rather when compared with other applications the public response has been similar to public participation pre-pandemic.

K. and D. Sisler provided a detailed letter and presentation to Council outlining their opinion that the application does not conform to policies in the Town's Official Plan. Planning staff have addressed each of the policies highlighted by the Sisler's in the policy analysis of the Official Plan above and concluded that the application does conform to the Town's Official Plan.

Parking was another concern raised by members of the public. Each unit will have a double car garage as well as space for parking two vehicles within the driveway.

The Town's Zoning By-law only requires one parking space per unit and therefore, the application complies with and exceeds the Town parking requirements.

The potential for short term and other rentals resulting from the proposed development was raised by several of those who provided comments. Council recently approved new policies and regulations which do not permit short term rentals in residential zones. Long term rentals are permitted as zoning cannot regulate tenure. It should be noted that the request for second dwelling units is no longer part of the application.

Belief that the application would contribute to urban sprawl was also cited as a concern. According to Meriam-Webster, urban sprawl is: the spreading of urban developments (such as houses and shopping centers) on undeveloped land near a city. The subject property is within the urban area of the Fonthill. Allowing for intensification, redevelopment and the efficient use of land within the urban area, as proposed by the requested application, actually prevents urban sprawl by reducing the pressure to continue to grow urban areas and uses onto undeveloped rural land.

In summary, it is Planning staff's opinion that the proposed zoning by-law amendment is consistent with Provincial policy, conforms to Provincial, Regional and Town Official Plans and represents good planning and therefore, should be approved.

Other Pertinent Reports/Attachments:

Appendix A Letter from Upper Canada Consultants

Appendix B Agency Comments

Appendix C Public Comments

Appendix D Minutes of August 10, 2020 Public Meeting

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