

Report: Information Report – Applications for Official Plan and Zoning By-law Amendments – 1365 Station Street

Recommendation:

THAT Committee receives Report #2021-116 for information as it pertains to File Nos. OP-AM-03-2020 and AM-11-2020 relating to 1365 Station Street;

AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration.

Executive Summary:

The purpose of this report is to provide the Committee of the Whole and the public with an opportunity to receive information regarding applications to amend the Town's Official Plan and Zoning By-law.

The requested Official Plan amendment would delete Policy B1.1.3 (c) to allow a residential intensification and redevelopment abutting a local road to increase the unit density by more than 25% of the existing gross density of lands located within 300 metres of the site.

The requested Zoning By-law Amendment would rezone the property from Residential 2 (R2) to a site-specific Residential Multiple 2 (RM2) zone to permit the development of a 4-storey apartment dwelling containing 24 units. The requested zoning by-law amendment includes a number of site specific regulations to permit the development as shown on the submitted site plan.

Location:

The property is located on the east side of Station Street north of Port Robinson Road municipally known as 1365 Station Street and known legally as Part of Lot 20, Registered Plan No. 717 Formerly Corporation Plan No. 25, Town of Pelham, Regional Municipality of Niagara.

The property is currently vacant. To the north and west are existing single detached dwellings, to the south is a 2 storey apartment building and to the east are vacant lands and a single detached dwelling.

Figure 1: Location of the Property



Project Description and Purpose:

The applications under consideration are proposed to facilitate development of a 24-unit apartment dwelling. If the applicant receives approval of the Official Plan and Zoning By-law amendment applications, future applications for site plan and draft plan of condominium will also be required.

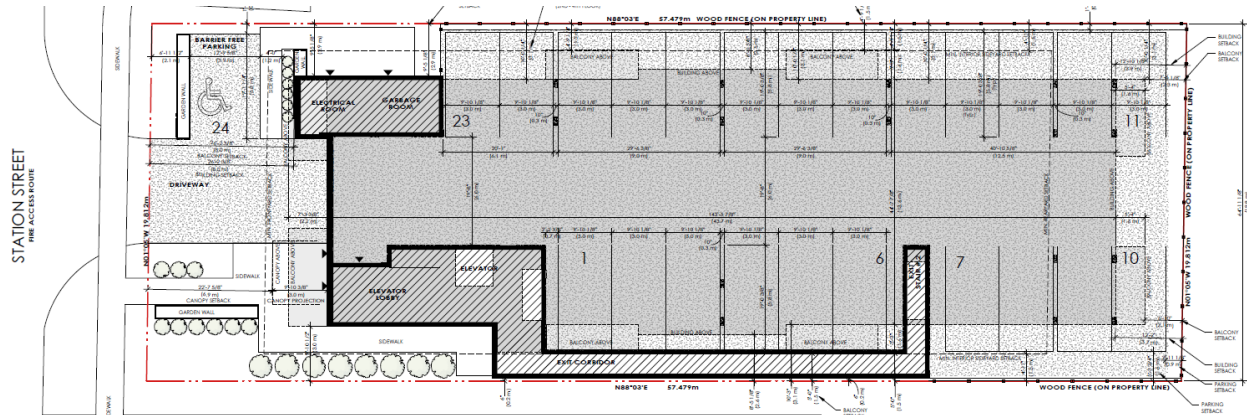
The applicant seeks approval to amend the Official Plan to delete the requirement that limits an increase in density on a local road by not more than 25% of the existing gross density within 300 metres of the property in order to permit the redevelopment with 24 dwelling units.

The applicant is also seeking approval to rezone the property from R2 (Residential

2) to a site-specific RM2 (Residential Multiple 2) zone to allow a proposed 24 unit apartment dwelling. The requested zoning change will also allow a site specific parking requirement of 1.0 space per unit, reduce the driveway width to 4.5 metres for two way traffic, permit the parking area within the required yards, allow balconies to project into the required yards, allow the canopy to encroach into the front yard, reduce the minimum lot area per dwelling unit to 63.2 m², reduce the minimum lot frontage to 19 metres, increase the maximum density to 212 units per hectare, increase the maximum lot coverage to 65.28%, increase the minimum front yard setback 8.0 metres, reduce the minimum rear yard to 3.7 metres, reduce the minimum side yard to 2.5 metres (north) and 0.2 metres (south), reduce the minimum landscaped area to 13% and add a requirement for 92.9 m² of amenity space to be provided on the rooftop. The proposed front building elevation and site plan are shown in Figure 2.

Figure 2: Proposed Front Building Elevation and Site Plan





Policy Review:

Planning Act

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, 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 22 of the Act allows for consideration of amendments to the Official Plan.

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

Provincial Policy Statement, 2020

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 1.1.3.2 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.

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.

Regional Official Plan, consolidated August 2015

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Built-up Area in the Regional Official Plan. The Regional Official Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

Built-up Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term (Policy 4.G.8.1).

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.

Town of Pelham Official Plan (2014)

The property is 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 apartment dwellings. 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.

The property is also subject to Policy B1.1.4, which indicates that accessory apartments may be permitted in single detached dwellings subject to requirements including zoning compliance, and compliance with Ontario Building and Fire Codes among other items. This policy has no bearing on the subject application which proposes an apartment dwelling.

Further, Policy B1.1.3 (a) permits intensification on sites abutting local roads provided they are located within 100m of an intersection with a collector or arterial road. Schedule C to the Town of Pelham Official Plan designates Station Street as a local road and Port Robinson Road as a Collector Road. The subject property is approximately 65.6 metres from the intersection of Station Street and Port Robinson Road.

Policy B.1.1.3 (b) states intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed. Within the identified intensification areas, the implementing Zoning By-law may establish minimum and maximum densities between 10 and 25 units/ha.

Policy B1.1.3(c) requires that residential intensification and redevelopment proposals located on lands which abut local roads 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. The applicant has requested an Official Plan amendment to delete this policy with respect to the property in order to support the proposed apartment development.

Policy B1.1.5 requires that when considering a zoning by-law amendment application to permit an apartment 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.

Pelham Zoning By-law Number 1136 (1987)

The subject land is currently zoned 'Residential 2' (R2), the permitted uses include one single detached dwelling, accessory buildings and home occupations. The requested zoning by-law amendment would create a site specific RM2 zone that permits an apartment dwelling subject to special regulations including a parking requirement of 1.0 space per unit, reduce the driveway width to 4.5 metres for two way traffic, permit the parking area within the required yards, allow balconies to project into the required yards, allow the canopy to encroach into the front yard, reduce the minimum lot area per dwelling unit to 47.42 m², reduce the minimum lot frontage to 19 metres, increase the maximum density to 212 units per hectare, increase the maximum lot coverage to 65.28%, increase the minimum front yard setback 8.0 metres, reduce the minimum rear yard to 3.7 metres, reduce the minimum side yard to 2.5 metres (north) and 0.2 metres (south), reduce the minimum landscaped area to 13% and add a requirement for 92.9 m² of amenity space to be provided on the rooftop.

Table 1: Requested Site Specific Zone Regulations

Section 6.0 General Provisions		
Zoning Provision	Requirement	Proposed
6.16(a) Parking Requirement	1.5 spaces per unit	1.0 spaces per unit
6.16(d) Ingress and Egress	Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0 m (9.84 ft) wide, where only one-way traffic is permitted, and have a minimum width of 7.5 m (24.61 ft), but not more than 9.0 m (29.53 ft) in perpendicular width	Ingress and egress by means of an unobstructed driveway or passageway of 6.0 metres in width where two-way traffic is permitted.

	where two-way traffic is permitted.	
6.16(i) Parking Area Location on Lot	All yards provided that no part of any parking area, other than a driveway, is located closer than 7.5 m (24.61 ft) to any street line and no closer than 3.0 m (9.84 ft) to any side lot line or rear lot line.	0.3 metres along the north and 0.2 metres along the south property lines buffered by fencing and 2 metres from public street (Station Street) line buffered by a decorative garden wall
6.35 Yard Encroachments Permitted (c) Unenclosed Porches, Balconies, Steps and Patios	Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard a maximum distance of 1.5 m (4.92 ft) provided that, in the case of porches, steps or patios, such uses are not more than 1.3 m (4.27 ft) above ground. Patios may project into any required rear yard provided they are not more than 0.6 m (1.97 ft) above grade.	Balconies can project beyond the main wall of the building as follows: west: 2.0 metres, south: 1.6metres, east: 1.6 metres, north 1.6 metres.
6.35 Yard Encroachments Permitted (g) Canopies Over Entrances	Notwithstanding the yard provisions of this By-law to the contrary, canopies over front and rear entrances may project into a front or rear yard a maximum distance of 3.0 m (9.84 ft).	3.0 metres into the front yard setback

Section 17. Residential Multiple 2 (RM2) Zone		
Zone Regulation	Requirement	Proposed
17.2(a) Minimum Lot Area	150 m ² per dwelling unit	47.4 m ² per dwelling unit
17.2(b) Minimum Lot Frontage	30 m (98.43 ft)	19 m (62.36ft)
17.2(d) Maximum Density	65 units per hectare (26.31 units per acre)	212 upha (88upa)
17.2(e) Maximum Lot Coverage	30 percent of lot area	65.28% of lot area
17.2 (f) Minimum Front Yard	one-half the height of the building or 7.5 m (24.61 ft), whichever is the greater	8.0 m (26.24ft)
17.2(g) Minimum Rear Yard	one-half the height of the building or 12 m (39.37 ft), whichever is the greater	3.7 m (12.1ft)
17.2(h) Minimum Interior Side Yard	one-half the height of the building or 6 m (19.69 ft), whichever is the greater	2.5 m (8.2ft) along north and 0.2m (0.65ft) south side
17.2(j) Minimum Landscaped Area	35 percent of lot area	13 percent of lot area
17.2(m) Amenity Area	An amenity area shall be provided of a size that will contain at least 2.5 m ² (26.91 ft ²) of area for each one-bedroom unit and at least 5 m ² (53.82 ft ²) of area for each two or more bedroom units in one location for recreational use for the residents of the development.	Total of 92.9 m ² (1000ft ²) rooftop amenity space

Submitted Reports:

The applicant provided copies of the following reports in support of the applications:

Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd.
Functional Servicing Report prepared by Upper Canada Consultants
Traffic Impact Study Brief prepared by Paradigm Transportation Solutions Limited
Shadow Study prepared by ACK Architects
Planning Justification Report prepared by Jennifer Vida, MCIP, RPP

Digital copies of the reports are available by contacting the Planning Division.

Agency Comments:

On June 22, 2021 a public meeting notice was circulated to external agencies and internal departments regarding the proposed applications. Full versions of comments received to date have been included in Appendix A to this report. The following is a summary of those comments:

Building Division: A building permit will be required for the proposed apartment building in compliance with the Ontario Building Code.

Canada Post Corporation: Requests a condition of future development applications to include the requirement for a centralized mail facility in a common lobby or indoor sheltered space.

Enbridge: No objection.

Town Public Works: The grading and elevations along the north property line and south property line will impact the existing swales on property line and reduce their functionality. The envelope of the building does not allow for proper lot drainage and run-off mainly due to setbacks, causing negative drainage to adjacent properties which is not permitted.

Niagara Region: Regional staff have no objection to the proposed Official Plan Amendment and Zoning By-law Amendment from a Provincial and Regional perspective, subject to the satisfaction of any local requirements.

Town Planning Staff: Staff are concerned that the proposal will result in an over development of the site and note that visitor parking cannot be accommodated on the site and adequate buffering and setbacks required to mitigate against impacts on adjacent properties is being compromised, particularly on the residential unit to the north and future residential units to the west. While the contemporary architecture is interesting and pleasing, the site design and layout does not

integrate well primarily due to the reduced setbacks, and the density is out of character with the neighbourhood. Also, given the concerns expressed by Public Works staff regarding ability to accommodate on-site drainage, this is also a concern.

Public Comments:

On June 22, 2021 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Station Street. No comments have been received at the time of writing of this report.

Staff Comments:

The purpose of this report is to provide the Committee of the Whole and the public with information regarding the applications, applicable policies, and comments received. Committee may also provide recommendations for proposed changes to the applications, request based on the public, agency or staff input and consistency with approved plans. Following the public meeting and depending on the comments received, the developer may choose to make changes to their proposal to address comments received. If the developer chooses to not make any changes to their proposal, staff will review the comments received and prepare a recommendation report for Council's consideration.

Alternatives:

There are no alternatives as Council is statutorily obligated to make a decision on the applications.

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner, Community Planning and Development

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

Reviewed and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer