

Public Meeting Under the Planning Act Revised Agenda

PCOW-05/2021 - Public Meeting Under the Planning Act

Monday, July 12, 2021

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

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2. Adoption of Agenda	
3. Disclosure of Pecuniary Interest and General Nature Thereof	
4. Planning Act Application: OP-AM-03-2020 & AM-11-2020 - 1365 Station Street	4 - 7
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4.3. Public Input

50 - 59

Public Comments

1. Carol and Mike Jones et al
2. Marey and Doug Martin
3. Elizabeth, Glen, Vivian and Lewis Wurfel
4. Virgilio Battaglini
5. Jennifer Bernard

Pre-Registered Members of the Public

1. Mary Nolle
2. Pat Cane
3. Carol and Mike Jones

4.3.1. Additional Public Input

Pre-Registered Members of the Public

4. Jennifer Bernard

4.4. Committee Input

4.5. Presentation of Resolutions

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5.2. Applicant's Presentation	96 - 101
5.3. Public Input	
5.4. Committee Input	

5.5. Presentation of Resolutions

6. Adjournment

REVISED Notice of Public Meeting

DATE: Monday, July 12, 2021 at 5:30 PM

PLACE: This hearing will be held remotely by Zoom Webinar.

Town Council approved Public Hearings to be held remotely during an emergency via By-law No. 4231 (2020). The Town of Pelham will be livestreaming this Public Meeting at the following link: <https://www.youtube.com/user/TownOfPelham>

File Numbers: OP-AM-03-2020 & AM-11-2020

Subject Lands: 1365 Station Street

Public Meeting for Official Plan and Zoning By-law Amendments in accordance with Sections 22 and 34 of the [Planning Act](#), R.S.O. 1990, as amended.

Applications for Official Plan and Zoning By-law Amendments were received for the property located at 1365 Station Street known legally as Part of lot 20, Registered Plan No. 717 Formerly Corporation Plan No. 25, Town of Pelham, Regional Municipality of Niagara (see reverse).

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** ~~18 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.

YOUR INPUT IS ENCOURAGED: Please provide input by speaking at the public meeting or by making a written submission to the Town of Pelham. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing, or to request personal notice if the proposed official plan and zoning by-law amendments are approved, please send all correspondence by **12:00 PM on Wednesday, June 30, 2021** for inclusion in the public meeting agenda package c/o Town Clerk, Holly Willford, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0, or by email at hwillford@pelham.ca. Comments and requests received after this date will still be received by Council, however they may not be published as part of the public meeting agenda. Verbal comments will be received remotely at this public hearing using the Zoom platform. To participate remotely, please pre-register with the Clerks office by sending an email to clerks@pelham.ca before **12:00 PM on Friday, July 9, 2021**. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the Public Meeting. Registrants will also be notified of Council's decision. If you have not submitted written comments or

pre-registered before the aforementioned deadlines, but wish to submit comments during the Public Meeting, you may livestream the meeting from the Town of [Pelham's YouTube channel](#) and email comments to clerks@pelham.ca during the public commenting portion of the subject applications only. If your comments are not received prior to the closing of the public commenting portion of the meeting, they will not be considered.

NEED MORE INFORMATION: For more information, please contact Shannon Larocque, MCIP, RPP, Senior Planner, at 905-892-2607, ext. 319, or email at slarocque@pelham.ca. A copy of the Information Report regarding the proposed applications as well as any additional information may be obtained on the Town's website at <http://calendar.pelham.ca/council> or from the Community Planning and Development Department by appointment after 4:30 pm on Wednesday, July 7, 2021.

IMPORTANT INFORMATION: If a person or public body does not make oral submissions at a public meeting or make a written submission to the Town of Pelham on the Planning Act matters before the proposed Official Plan and Zoning By-law amendments are adopted, the person or public body is not entitled to appeal the decision to the Ontario Land Tribunal. Further, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you wish to be notified of the decision regarding the proposed Official Plan and Zoning By-law amendments, you must make a written request to the Clerk of the Town of Pelham and such request must include the name and address to which such notice should be sent.

Dated at the Town of Pelham, this 18th day of June, 2021



Holly Willford
Town Clerk

Date of Mailing: ~~22nd~~ 18th June, 2021

NOTICE REQUIREMENTS

**Town of Pelham Applications for
Official Plan & Zoning By-law Amendment
1365 Station Street
File Nos OP-AM-03-2020 & AM-11-2020**

**Official Plan and Zoning By-law Amendments to permit the use of the property
for a four storey apartment dwelling containing 24 residential units.**

The Planning Act requires under Sections 22 and 34 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed official plan and zoning by-law amendments.

This public meeting has been called to satisfy this requirement. Notice of this meeting was provided by prepaid first class mail to all persons, who are listed as owners in the last revised assessment roll, within 120 metres of the subject property on June 22, 2021. The notice provided information on the property and the proposed official plan and zoning by-law amendments.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham before the by-laws are passed, the person public body is not entitled to appeal the decision.

In closing, we stress that at this point no decision has been made on the proposed Official Plan and Zoning By-law amendments and therefore any comments received will be taken into account by Council in their consideration.

Public Meeting for 1365 Station Street

Official Plan & Zoning By-law Amendment Applications

OP-AM-03-2020 & AM-11-20

July 12, 2021

Location & Purpose

Location:

East Side of Station Street
North of Port Robinson Road

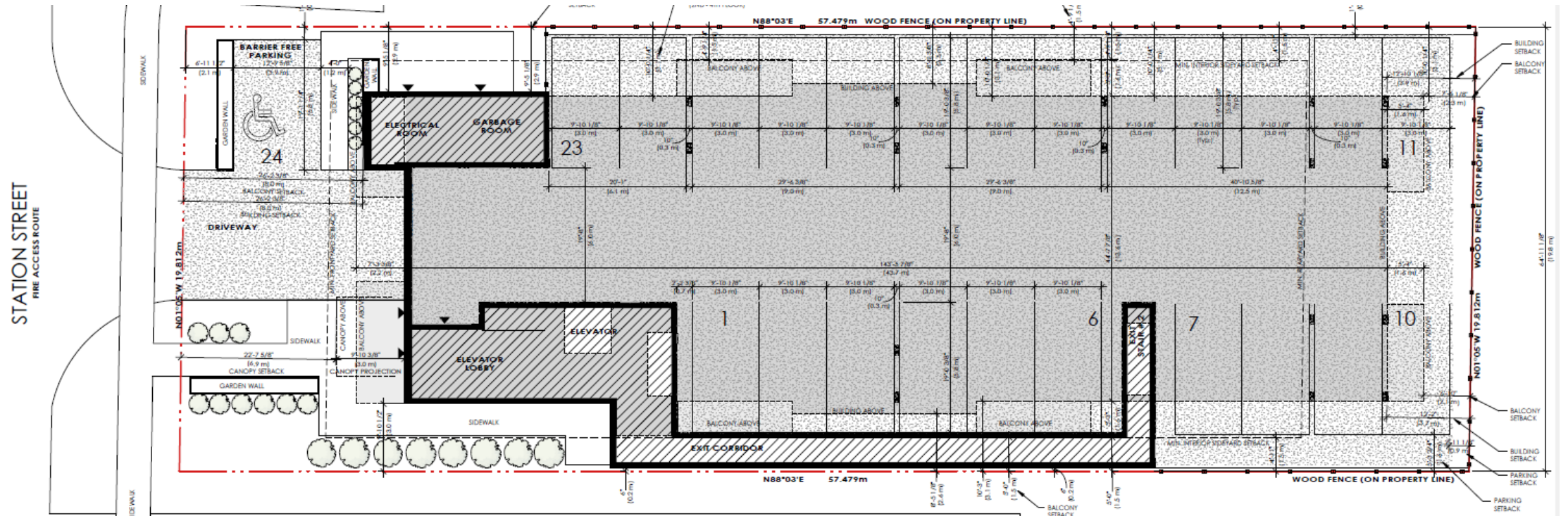
Purpose:

Amend the Official Plan to delete the density requirement on a local road (Policy B1.1.3).

Change the zoning to permit an apartment dwelling with site specific regulations.



Proposed Site Layout

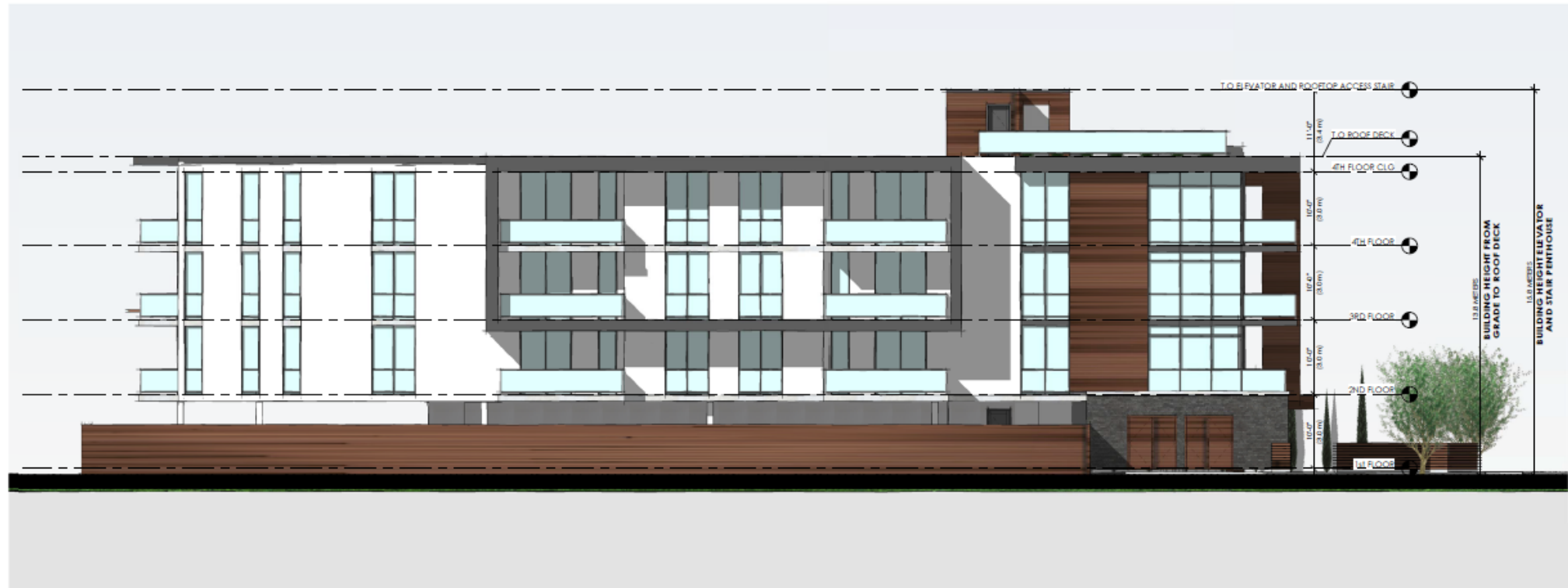


Proposed Front Building Elevation



FRONT (WEST) ELEVATION

Proposed North Building Elevation



LEFT SIDE (NORTH) ELEVATION
1 : 100

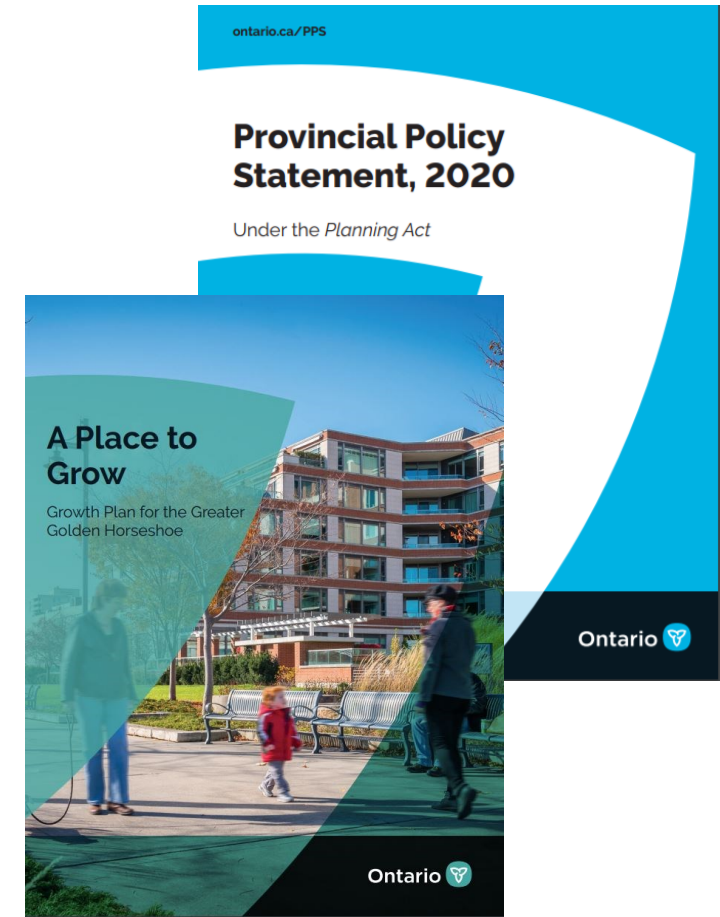
Provincial Policies & Plans

Provincial Policy Statement, 2020

- Settlement Area

Growth Plan for the Greater Golden Horseshoe, 2019

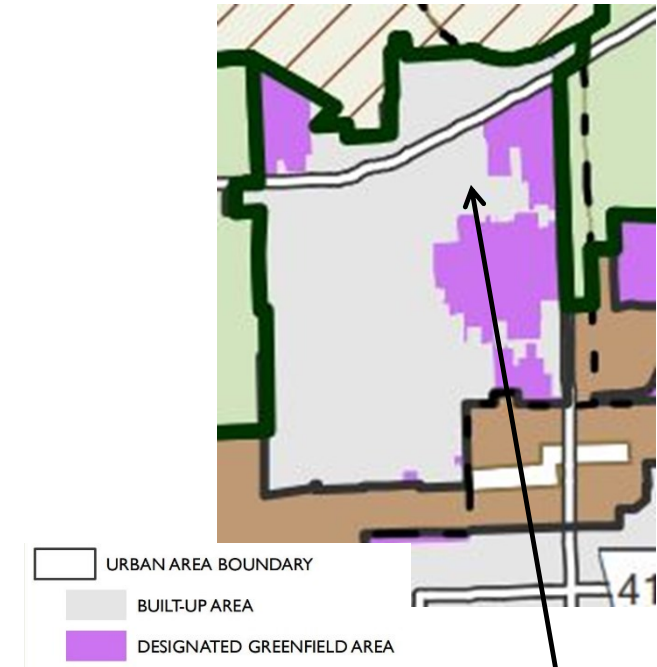
- Delineated Built-up Area



Niagara Region Official Plan

Urban Built-up Area

- Full range of residential, commercial and industrial uses permitted subject to available services and infrastructure.
- Policies promote higher density development and growth that contributes to a range of employment and housing types.
- 15% intensification target for new development.



Approximate Location of Property

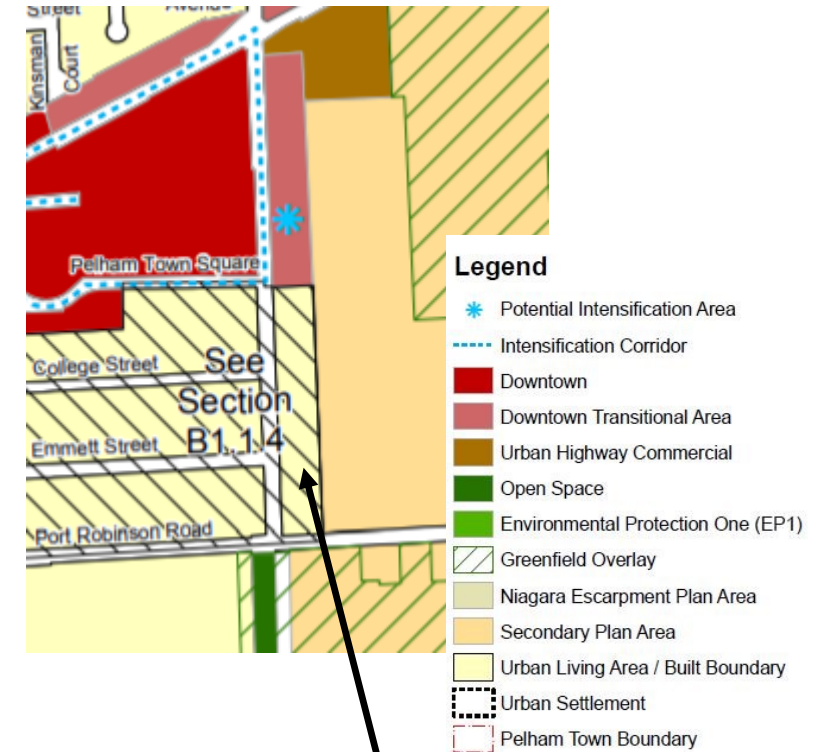
Town Official Plan

Urban Living Area / Built Boundary

Permits all types of residential, institutional and neighbourhood commercial uses.

Residential intensification and redevelopment proposals abutting 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:

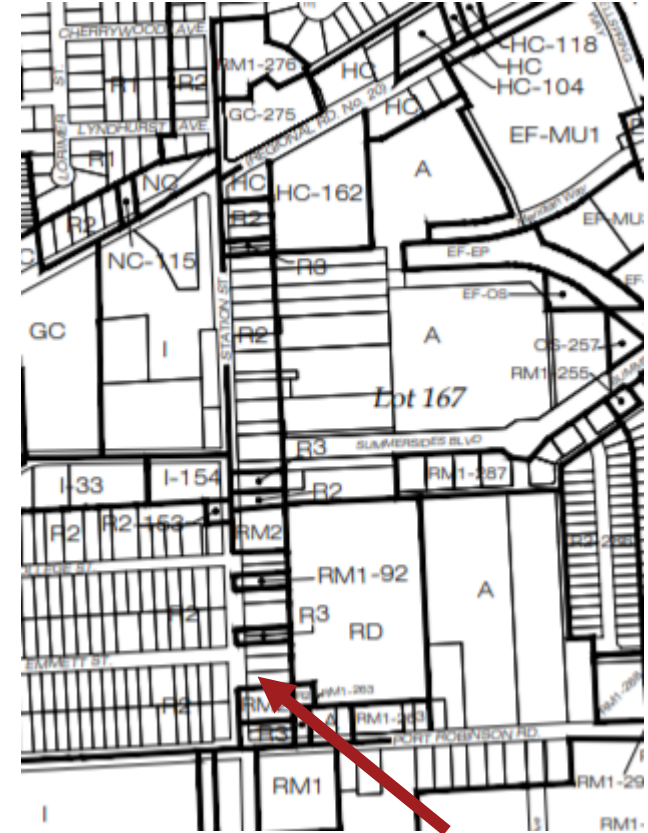
- the resultant development will be characterized by quality design and landscaping
- suitable building setbacks
- parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character (Policy B1.1.3(c)).



Property Location

Zoning By-law 1136 (1987)

- R2 (Residential Two) zone
- requesting site specific RM2 (Residential Multiple 2) zone to permit a 24 unit apartment dwelling with the layout as shown on the proposed site plan.



Property Location

Requested Zoning By-law Amendment

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 where two-way traffic is permitted.	Ingress and egress by means of an unobstructed driveway or passageway of 6.0 metres in width 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

Requested Zoning By-law Amendment

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 Technical Reports

- 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

Comments

Agency/Staff

Public

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: Concerns regarding grading, drainage due to limited building setbacks.

Niagara Region: No objections.

Conclusion

No decisions or recommendations concerning these applications have been or will be made at this meeting.

Following review of comments received, a recommendation report will be prepared for Council's decision at a later date.

Please ensure you provide your contact information as soon as possible if you wish to receive future notices.

Questions & Comments

Shannon Larocque, Senior Planner

905-892-2607 x319

slarocque@pelham.ca

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.

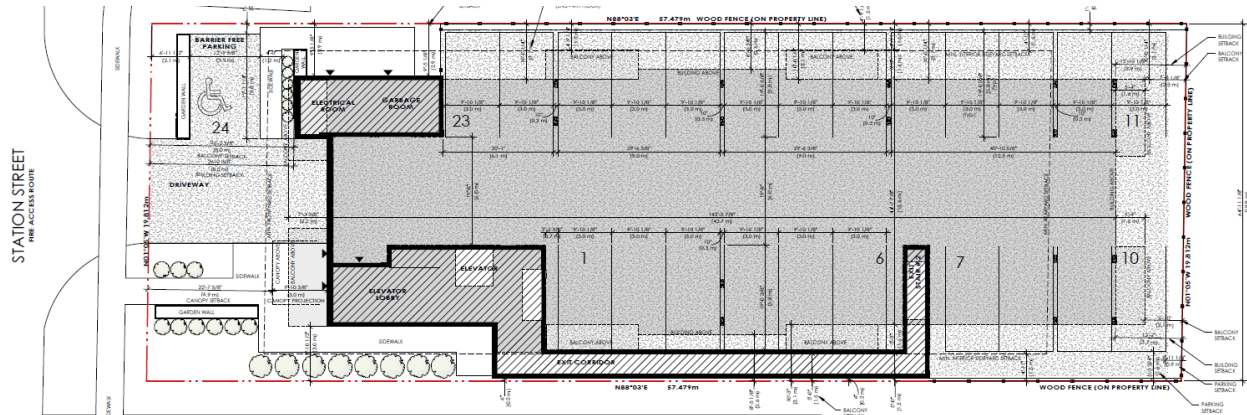
The applicant seeks approval to amend the Official Plan to delete the requirement that limits an increase in density on a local road by not more than 25% of the existing gross density within 300 metres of the property in order to permit the redevelopment with 24 dwelling units.

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

OFFICIAL PLAN AMENDMENT/ZONING BY-LAW AMENDMENT COMMENTS

Date: December 7th, 2020

Subject: Official Plan Amendment/Zoning By-law Amendment (1365 Station Street)

The building department offers the following comment,

- A building permit will be required for the proposed apartment building and compliance with the Ontario Building Code will be a requirement.

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

November 5th, 2020

CURTIS THOMPSON
TOWN OF PELHAM
20 PELHAM TOWN SQUARE
FONTHILL, ONTARIO, L0S 1E0

Re: 1365 Station Street

Dear Curtis,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

A.CARRIGAN

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

Curtis Thompson

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: November 3, 2020 9:55 AM
To: Curtis Thompson
Subject: RE: Request for Comments - Official Plan Amendment / Zoning By-law Amendment (1365 Station Street)

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com

Safety. Integrity. Respect.

From: Curtis Thompson <CThompson@pelham.ca>
Sent: Monday, November 2, 2020 2:42 PM
To: Jason Marr <JMarr@pelham.ca>; Tolga Aydin <TAydin@pelham.ca>; Derek Young <DYoung@pelham.ca>; Bob Lymburner <BLymburner@pelham.ca>; David Christensen <DChristensen@pelham.ca>; Mike Zimmer <MZimmer@pelham.ca>; Shanks, Amy <Amy.Shanks@niagararegion.ca>; Dev Planning Applications - Region (devtplanningapplications@niagararegion.ca) <devtplanningapplications@niagararegion.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; info@npei.ca; Jim Sorley (jim.sorley@npei.ca) <jim.sorley@npei.ca>; Bell Canada <circulations@mmm.ca>; LandUsePlanning@HydroOne.com; Canada Post-Niagara <andrew.carrigan@canadapost.ca>
Cc: Shannon Larocque <SLarocque@pelham.ca>; Barbara Wiens <BWiens@pelham.ca>
Subject: [External] [WARNING: MESSAGE ENCRYPTED]Request for Comments - Official Plan Amendment / Zoning By-law Amendment (1365 Station Street)

EXTERNAL: PLEASE PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Hello,

We are in receipt of an **Official Plan Amendment** (OP-AM-03-2020) and **Zoning By-law Amendment** (AM-11-2020) application for the property at **1365 Station Street** in Fonthill.

The submitted material is attached and includes:

- Cover Letter
- Application (x2) (Official Plan Amendment & Zoning By-law Amendment)
- Site Plan
- Site Servicing & Grading Plan
- Planning Justification Report
- Archaeological Assessment (Stage 1-2)
- Functional Servicing Report
- Traffic Impact Brief

Hardcopies are **not** being circulated. The Niagara Region's cheque will be delivered to your office.

Comments would be appreciated by **Tuesday, December 1st 2020** If you have any questions, or require additional material, please let me know.

Thank you,



Curtis Thompson, B.URP

Planner

Town of Pelham

T: 905-892-2607 x324 | E: cthompson@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

Town of Pelham Confidentiality Notice:

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send it to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

Memo

To: Shannon Larocque, Senior Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Tolga Aydin, Engineering Technologist

Date: 22nd June 2021

RE: Zoning By-Law Amendment & Official Plan Amendment – 1365 Station Street

The Public Works Department has reviewed the submitted documentation regarding the proposed Official Plan Amendment and Zoning By-Law Amendment for 1365 Station Street. Please note the following comments.

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming upon subsequent submissions.

Submitted Drawings

Site Servicing and Grading Plan

1. 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.

Site Plan

1. 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.

Submitted Reports

Functional Servicing Report

1. No comments.

Traffic Impact Study

1. No comments.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Via Email Only

November 26, 2020

File No.: D.10.06.OPA-20-0035
D.18.06.ZA-20-0073

Curtis Thompson
Planner
Town of Pelham
20 Pelham Town Square, P.O Box 400
Fonthill, ON L0S 1E0

Dear Mr. Thompson:

**Re: Provincial and Regional Comments
Official Plan Amendment and Zoning By-law Amendment Applications
Town File Nos.: OP-AM-03-2020 and AM-11-2020
Applicant: Hummel Properties Inc.
Address: 1365 Station Street, Pelham**

Regional Planning and Development Services staff have reviewed the information circulated with the applications for Official Plan Amendment and Zoning By-law Amendment for lands municipally addressed as 1365 Station Street in the Town of Pelham.

The proposed development consists of the construction of a new 4-storey, 18 unit apartment building on the subject lands. The Official Plan Amendment proposes to delete a policy from the subject lands, which limits the maximum allowable unit density to 25% of the existing gross floor area of all lands located within 300 metres of the site.

The Zoning By-law Amendment proposes to rezone the subject lands from a Residential 2 (R2) zone to Residential Multiple 2 (RM2) zone. Additionally, the proposed amendment requests modified provisions for lot area, lot frontage, density, lot coverage, front yard, rear yard, interior side yard, landscaped area, balcony and canopy projections, parking area location, ingress and egress standards for parking spaces, and loading space location to permit the proposed development.

A preconsultation meeting was held on May 21, 2020, with Town and Regional staff, and the Applicants in attendance. The following Provincial and Regional comments are provided to assist the Town in considering this application.

Provincial and Regional Policy

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and designated Urban Area (Built-Up Area) in the Regional Official Plan (ROP).

The PPS and Growth Plan direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The policies of the ROP promote higher density development in Urban Areas, supporting growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

The proposal is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure and contribute toward the Town achieving its annual 15% residential intensification target, as established by the ROP. The proposal, which will result in the creation of 18 new apartment units, will also provide an alternative form of housing, offering a range of options in the neighbourhood to meet the needs of a variety of households, populations and income groups. The proposed development is therefore generally consistent with Provincial and Regional policies for the provision of a range of housing types and densities within the Built-Up Area.

Archeological Resources

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

At the preconsultation meeting, the subject lands were identified as having high archaeological potential given their proximity (within 300 metres) to three registered archeological sites. A Stage 1 and 2 Archeological Assessment was prepared by Detritus Consultants Limited (dated October 6, 2020) for the subject lands. The Stage 2 Assessment did not result in the identification of any archaeological resources, and the Licensed Archaeologist recommended that no additional archaeological assessment for the subject lands was warranted.

As of the date of this letter, a letter from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) confirming that all archaeological resource concerns have met licensing and resource conservation requirements has not been received. This requirement will be addressed through the incorporation of appropriate conditions of approval through subsequent Planning Act applications (i.e. site plan agreement).

Technical Comments

Niagara Region Technical staff have completed a review of the materials which were provided as part of the Official Plan Amendment and Zoning By-law Amendment applications. Based on this review, Niagara Region Technical staff offers the following comments that should be addressed in the future site plan application:

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided waste and recycling is brought to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit on blue/grey containers;
- No limit on green containers; and,
- 2 garbage containers per unit max to a maximum of 24 containers (collected bi-weekly).

Collection will be at the curbside only.

Regional staff note that the proposed conceptual site plan shows an enclosed waste room on-site for waste collection. Regional waste collection trucks are unable to go into or under covered entrances and areas. If the intent is to receive Regional waste collection, the bins will have to be moved on collection day to a location that will align with the Region's waste collection policy. Regional staff request that the intended waste collection method be submitted with the future site plan application to determine if Regional collection is possible. If Regional collection is not possible, then waste collection will be the responsibility of the owner through a private contractor. The future site plan application will require a warning clause to advise future residents of the collection by a private contractor, if that is the case. Please confirm the preferred means of waste collection as part of the future site plan application submission.

Conclusion

In conclusion, 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. The proposal is consistent with the PPS, and conforms with Provincial Plans and the Regional Official Plan from a Provincial and Regional perspective.

The proposed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.7 and 14.E.8 of the ROP and the Memorandum of Understanding.

Please relay these comments to the applicant for consideration as part of the future site plan application submission. Please also send a copy of the staff report and notice of the Town's decision on these applications.

If you have any questions related to the above comments, please contact me at Amy.Shanks@niagararegion.ca, or Britney Fricke, MCIP, RPP, Senior Development Planner at Britney.Fricke@niagararegion.ca.

Kind regards,

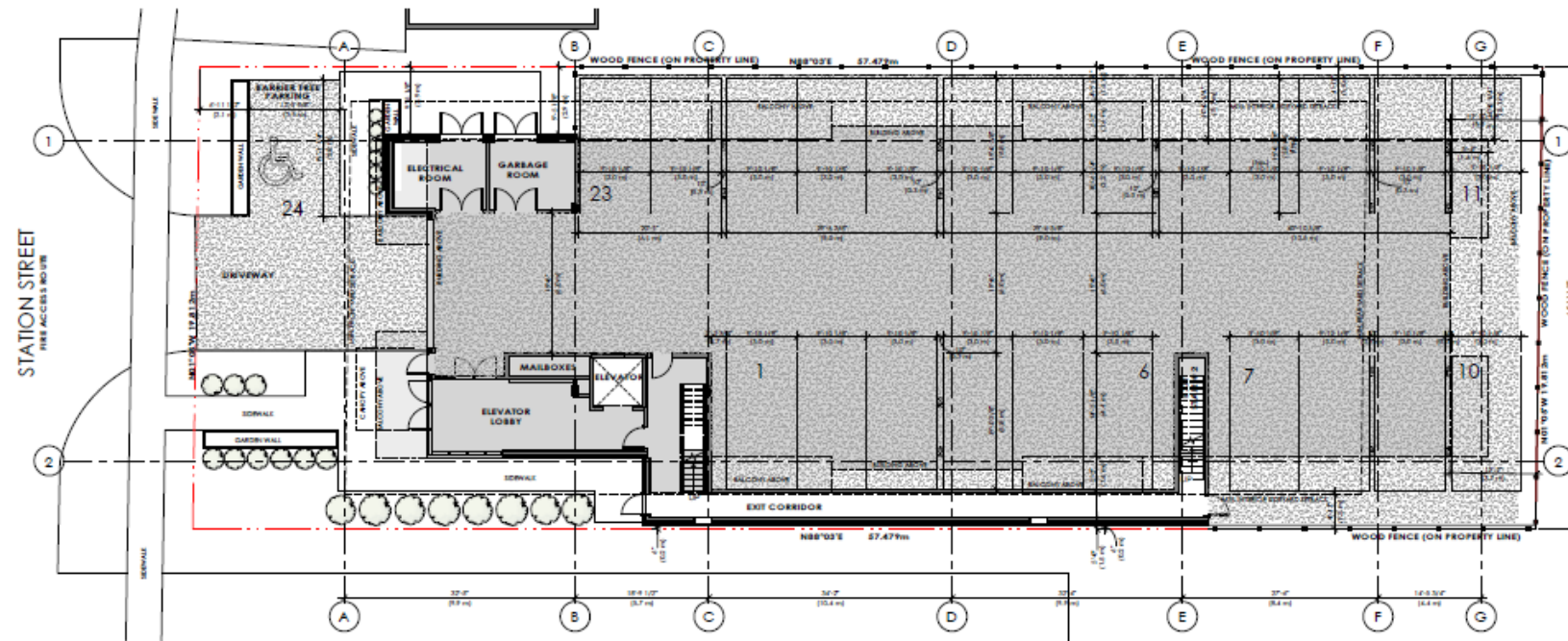


Amy Shanks
Development Planner

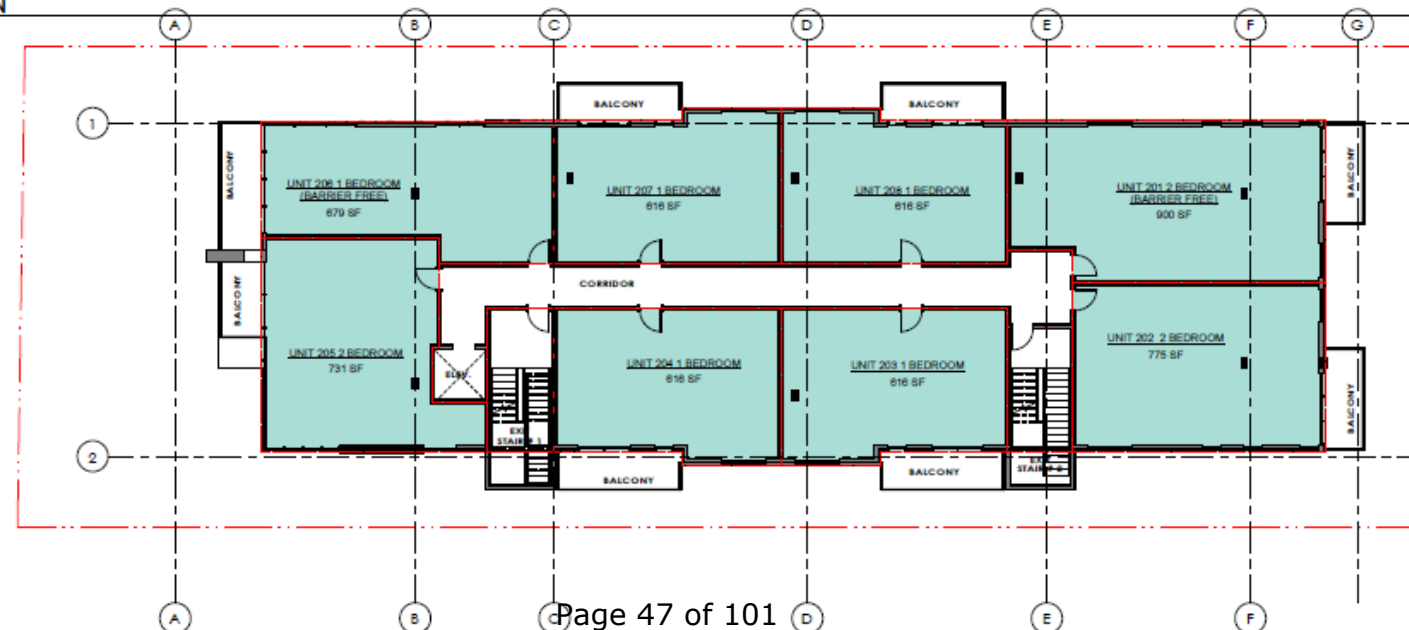
cc: Britney Fricke, MCIP, RPP, Senior Development Planner, Niagara Region
Matteo Ramundo, Development Approvals Technician, Niagara Region

1365 STATION STREET

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT APPLICATIONS



FIRST FLOOR PLAN
1:100



2ND FLOOR PLATE
1:100



DREY
E

PROPOSED 4-STOREY
BUILDING

EXI
RESIDEN



PROPOSED 4-STOREY
BUILDING

EXIS
RESIDENTI

Mayor Junkin, Planning Committee, Counsellors:

Thank you for taking the time to read and listening to our concerns regarding: 1365 Station Street.

There are no other structures in our area that is approx 90% covered with building, concrete, asphalt.

THE BUILDING:

Building coverage including canopies and balconies,	65.28%
open parking garage not covered by building,	15.46%
landscape coverage including sidewalks,	13.13%
front parking areas asphalt	<u>6.12%</u>
	99.99%

Are these proposal units' rental or condos?

At looking at this proposal of a four storey complex, we see a structure and pavement on this building lot, with a few flower boxes. There is minimal green space. This structure does not fit in aesthetically with our neighbourhood.

PARKING:

- 1) 24 units, with 23 indoor parking spaces and one handicap parking outside.
 - a) The number of light vehicles per household in 2009 was 1.45 vehicles. *(2009 Canadian Vehicle Survey Summary Report for Ontario)(Canada Natural Resources Canada)* Where do the other household vehicles park?
 - b) On the north side of the building, are the cars parked half inside and half outside of the building?
 - c) Where do visitors park?
 - d) The extra vehicles that require parking away from the units have a few choices where to park off site: one being Port Robin Road by the Steve Bauer Trail. Parking in this area would refrain walkers from using the trail, due to no parking for walkers. Or, the overflow parking would use side streets to park, causing problems to the taxpayers who live on the side streets.

- e) Where would the overflow and visitors park between Nov-April?
 “Parking on any street in the Town of Pelham during the winter season is not permitted at any time during plowing, sanding or salting operations.” *(Quoted for the Town of Pelham website)*
- f) This main level parking is enclosed on three sides, the north side is opened. Has there been studies done on noise level and exhaust levels from a one sided open parking garage? Counsellors could you ask for a study to be done about the increase noise and exhaust levels?
- g) Driving down Station Street is horrible when vehicles are parked on the road.
- h) With the upcoming expansion of Station Street, and their developments we expect a major increase on Station Street. With such a large increase in units/homes, this close to the corner, there needs to be a traffic study.
- i) On the east side of Station Street there is 7 ft wide ditch which is 3ft deep. On the west side there is a 12ft wide ditch, 4 ½ft deep. In winter months cars have ended up in the ditch.

DENSITY:

Yes, the government wants High Density in the Niagara Area, BUT what about GREEN SPACE?

- a) Max building coverage is 50%. This proposal is 65.28%. What about GREEN SPACE?
- b) On the drawing A.8, there is NO grass, all pavement! Is that correct?
- c) 13.13% is landscape coverage including sidewalks! How much is grass? Where do children play? Is the rooftop patio considered green space in this percentage?
- d) Party deck on top! Now this is five floors. Why do you need a party deck to begin with? And why would you put this structure at the front of the building, to disturb the long living residence in the neighbourhood and invade their privacy?

- e) This complex is encroaching the north, east and south sides of the building. With no side yards.
- f) QUESTION: how much grass coverage is there? Looking at the drawing on A.8 The answer is Nil, Counsellors do you think that is enough green space for children to play or adults to enjoy?

STORM RUNOFF

- a) What controls are in place for the storm water runoff?
- b) There is no green space to absorb the water.
- c) During heavy rains, our ditches are at the full capacity. This is very concerning to us.
- d) The artist concepts of the building and area, are very misleading, they show no water drainage from the flat roof.
- e) Where will the storm water flow? The drawings do not show any rainwater leaders or eaves troughs.
- f) There is no grass to absorb the rain on this property. The surrounding neighbour yards, the ditches, and the road will get all the storm runoff!

(refer to first email on page 4, residences from 45 Port Robinson Rd)

We would like to see a structure that would fit into the neighbourhood, only two stories, all parking outside with 1 ½ parking spaces for each unit with visitors parking included, and a minimal 25% coverage with grass. An aesthetically pleasing looking structure which will not rise above the existing roof horizon on the adjacent lot as the drawing shows., This building sticks out like a sore thumb because of its sheer height and a design that will not blend into the existing neighbourhood.

We are looking forward to our concerns resolved and the answers to all of our questions.

Sincerely

Mike and Carol Jones	■ Emmett Street
Susan and Andre Bryan	■ Emmett Street
Cheryl MacDavid	■ Emmett Street
Elizabeth and Glen Wurfel	■ Station Street
Vivian and Lewis Wurfel	■ Station Street
Jacques Pilon	■ Emmett Street
Steve Hoselton	■ Emmett Street
Pat Cane	■ Port Robinson Rd
Tom Spowart	■ Emmett Street
Rob and Sue Grant	■ Emmett Street
Marey and Doug Martin	■ Port Robinson Rd
Rachel Roberston	■ Station Street #4
Cari Pupo	■ Emmett St
Joe and Gloria Kore	■ Emmett St
Chris and Dennis Goulden	■ Port Robinson Rd
Kimberly McClellan	■ Station St
Joanne and Kelly Rittenhouse	■ Emmett Street
Linda Martin	■ Station St. #1
Alix Lucian	■ Station St
Carol VanderWal	■ Emmett St

The two emails below have requested that their emails be included in our presentation:

Hi Carol and Mike

Thank you for putting together the comprehensive letter to the Mayor on the issue of proposed development of 1365 Station Street. As this new planned 4 storey development will most definitely infringe on the privacy of our backyard we appreciate your thorough investigation of this proposal.

We're also very concerned with the lack of information on water runoff. We've spent thousands of dollars correcting water issues with our lot at 45 Port Robinson as a result of improper planning by the town and original owner of our lot. Potential new threats of water damage could be financially devastating.

Please do add our names to the letter you've drafted. We happily support your questions on this matter.

Thank you,
Marey and Doug Martin
[REDACTED] Port Robinson Rd, Fonthill
[REDACTED]

Hi Carol and Mike,
sorry we missed you this afternoon. We would like to thank you for taking the time to get this letter re the development at 1365 Station Street.
We definitely share all your concerns and would like you to add our names to this letter protesting this proposal.
Whenever it comes to something like this the developers seem to take things a few steps further than what is in the drawings, which are vague to say the least. It is well known that developers will take advantage of things and say it is easier to ask for forgiveness than ask for permission!
so please add our names to your list and keep us posted on anything else we might be able to do.
Elizabeth and Glen Wurfel
Vivian and Lewis Wurfel.

TO: TOWN OF PELHAM
by Email: hwillford@pelham.ca

Dated June 30, 2020

FROM: Mr. Virgilio Battaglini
[REDACTED] Station Street,
Fonthill, ON

SUBMISSIONS FOR PUBLIC MEETING

Monday, July 12, 2021 at 5:30 PM

File no. OP-AM-03-303 & AM 11-2020

Subject Lands 1365 Station Street, Fonthill, ON

Virgilio Battaglini owns the home at [REDACTED] Station Street in Fonthill.

This property is adjacent to 1365 Station Street which is the subject of an application to re-zone the property to permit the development of a 4 storey apartment dwelling.

Mr. Battaglini objects to the development of 1365 Station Street in this way as such a tall building containing 18 units will greatly increase population density right next to his home. There will be no privacy and living conditions will change drastically. The quality of Mr. Battaglini's life will be significantly and negatively impacted by such a densely populated and tall building right next to him.

When Mr. Battaglini sold 1365 Station Street in 2005, a restrictive covenant was registered on title to the property as instrument number SN103611.

This covenant reads as follows:

"As part of the consideration herein, the Transferee(s) covenant and agree to assume the burden of, and to comply with, the following covenants, the burden of which shall run with the land as follows:

1. The Transferee(s) covenants and agrees that there will be no duplex, triplex or fourplex or multi unit building constructed on this property and there will not be built anything other than one one-storey single family dwelling or a road on this property."

This covenant is still registered on title to this property.

In summary, Mr. Battaglini requests that the restrictive covenant be complied with and that a one-storey single family dwelling or a road be constructed on this property and not a multi unit building.

June 30, 2021

Town Clerk, Holly Willford
20 Pelham Town Square
P.O. Box 400
Fonthill, ON
L0S 1E0

**RE: Public Meeting for Official Plan and Zoning By-law Amendments – 1365
Station St (File No. OP-AM-03-2020 & AM-11-2020)**

As a resident of Emmett St I am opposed to this application to allow the development of a 4 storey building at 1365 Station St through Official Plan and Zoning By-law Amendments. I have reviewed the proponent's submission to the Town and provide the following comments:

**Planning Justification Report completed by Hummel Properties Inc. dated
October 19, 2020**

The report confirms that:

- a) the Official Plan Schedule A1 does not identify this property as a potential intensification area;
 - b) the property is currently zoned as R2 and does not permit an apartment building; and
 - c) the property is surrounded by low density residential to the north, west and south.
- The East Fonthill Secondary Plan Area, Schedule A5 – Land Use Plan shows the property immediately to the east as being low density residential also.

The lot size is similar to that of the single storey house to the north which stands to reason why this lot is not identified for intensification and is zoned for a single detached dwelling.

The report suggests that adding a 4th storey to this building is inconsequential and comparable to other buildings in the area. There are no other 4 storey buildings in the area and all other apartment buildings referenced in the report are under 4 storeys with sites large enough to provide outdoor parking and the proper setbacks. The only reason for the additional storey on this development is that the site is not large enough to provide outdoor parking.

To permit the development of an apartment building the property needs to be rezoned from R2 to RM2. However, the report further details all of the site specific variances that would have to be approved as part of the Zoning By-law amendment, 13 in total. This includes reduced rear and side yard setbacks, a reduction in the required number of parking spaces, a reduction in the entrance width, increased lot coverage, a reduced landscape area, a reduced amenity area, etc. With so many variances required it is hard

to agree with the argument that this development is a good fit for this specific site and compatible with the surrounding area.

Traffic Impact Study (TIS) completed by Paradigm Transportation Solutions Ltd. dated October 2020

There are a few issues with the TIS that should be noted, first that the study states the development consists of 18 units, not 24 as is the case. Therefore, the estimates of traffic generated from the site would be lower than actuals.

The study itself notes that a new traffic count at this time would not be representative of typical operations due to COVID restrictions causing lower than normal traffic volumes. Due to this the consultant used an existing traffic count from the intersection of Station St and Summerside Dr from March 10, 2020 to estimate northbound and southbound traffic in front of the proposed development.

Typically, a traffic count used to make any sound decisions should be collected for a minimum of 1 week to be able to review both weekday and weekend traffic volumes and patterns. The TIS uses 1 day of data on a weekday over a year ago when COVID issues were beginning.

The data collected from the intersection of Station St and Summerside Dr does not account for traffic movement in front of the development coming solely from College St, Emmett St and Port Robinson Rd.

The TIS estimates traffic volumes from the various developments identified in the Secondary Plan and references a map to illustrate the locations, that figure is not included in the report.

The conclusion of the report is that the site will operate without any problem movements, that is questionable based on the issues noted above. The study should be redone with a proper traffic count when conditions return to normal and with correct information on the proposed development and surrounding developments.

Official Plan and Zoning By-law Amendments

Policy B1.1.3 of the Official Plan, Residential Intensification, notes that while intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that Town of Pelham Official Plan proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

The applicant is requesting an Official Plan amendment to delete Policy B1.1.13 (c) to allow a residential intensification and redevelopment on lands abutting a local road to increase density by more than 25% of the existing gross density of lands located within 300 metres of the site. Policy B1.1.13 (c) plays an important role in controlling the

density of new infill developments relative to the surrounding land uses, deleting this policy will impact the Town's control on future infill development proposals on local roads.

This Policy further states that the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movement will not negatively impact the surrounding neighbourhood from the perspective of safety or neighbourhood character. As outlined in the proponent's Planning Justification Report, the proposed building does not meet Zoning By-law setbacks and the required landscape area which will require a site specific amendment. The proposed setbacks do not allow sufficient space to provide adequate buffering on the site that would be considered part of a quality design and landscape. The building is proposed as a 4 storey to accommodate parking on the 1st level as there is not sufficient space on the site. It does not appear that this proposal is designed to be integrated into the neighbourhood, it is what can be fit on the site. To prove compatibility with the surrounding area the proposal should be able to meet the Town's Zoning By-law.

Policy B1.1.5 of the Official Plan states that for apartment dwellings 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 unacceptable level of congestion on surrounding roads; and
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

The proposal of a 4 storey apartment building certainly does not meet the criteria set out in a) and b) of Policy B1.1.5 as it does not respect the character of the surrounding low density residential neighbourhood. The building is not well integrated into the area being the only 4 storey building and being located between a single storey home and a two storey residential site. The scale of the proposed front building elevation provided with the application in relation to the neighbouring buildings is questionable and should be confirmed as it could be deceiving.

The Traffic Impact Study has a number of issues that need to be addressed and therefore it should not be concluded that this proposal has satisfied c) of Policy B1.1.5.

The proposal also does not meet the criteria set out in d) of Policy B1.1.5 as the site is small for such a proposed development requiring the parking to be located under the building, increasing the number of storeys from 3 to 4. Additionally, the building is in such close proximity to the surrounding low density residential neighbourhood that the Zoning By-law setbacks cannot be met and there is no ability to provide adequate buffering on the site.

I believe the points above demonstrate this proposal is not compatible with the neighbourhood and should not be approved. Policy aside, the proposition of building this beside a single storey home will impact the quality of life for those residents and possibly impact the value. The shade study provided in the concept drawings shows the home completed under the shadow of this building at various points in time. The consultant notes this is only in winter and should therefore be adequate however I would disagree with this opinion and suggest winter is when people need light the most. Perhaps a shade study without the proposed building in place to show existing conditions would be helpful to provide that full picture.

This application should be a concern for all residents of Fonthill that could unexpectedly find themselves living next to an infill development that is not compatible with their neighbourhood and the answer cannot be to simply move as many existing residents have now been priced out of our community. It should also be a concern for Planning Staff to delete a Policy from the Official Plan that limits the control of future infill developments.

I would ask that Town staff and Council consider the area residents that would be immediately impacted by this development and all of the residents of Fonthill that could be impacted by setting such a precedent for similar proposals in the future and deny this application.

Thank you,

J. Bernard
■ Emmett St
Fonthill, ON
L0S 1E0

Notice of Public Meeting

DATE: Monday, July 12, 2021 at 5:30 PM

PLACE: This hearing will be held remotely by Zoom Webinar.

Town Council approved Public Hearings to be held remotely during an emergency via By-law No. 4231 (2020). The Town of Pelham will be livestreaming this Public Meeting at the following link: <https://www.youtube.com/user/TownOfPelham>

File Numbers: 26T19-01-2019 & AM-02-2021

Subject Lands: 155 Port Robinson Road

Public Meeting for a Revision to Draft Plan of Subdivision and Zoning By-law Amendment in accordance with Sections 51 and 34 of the [Planning Act](#), R.S.O. 1990, as amended.

Applications for Revision to Draft Plan of Subdivision and Zoning By-law Amendment were received for the property located at 155 Port Robinson Road known legally as Part of Thorold Township Lot 166; Part 2 of Plan 59R-13156 and Part 2 on Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara (see reverse).

The proposed Zoning By-law Amendment would add a site-specific regulation to the existing RM1-295 (*Residential Multiple 1 – 295*) to allow a minimum lot area of 210 m² per unit. The zoning change would facilitate one additional unit in the draft plan of subdivision.

The proposed revision to draft plan of subdivision would create 1 additional lot for a street townhouse dwelling for a total of 7 lots for street townhouse dwellings fronting on Lametti Drive.

YOUR INPUT IS ENCOURAGED: Please provide input by speaking at the public meeting or by making a written submission to the Town of Pelham. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing, or to request personal notice if the proposed draft plan of subdivision and zoning by-law amendment are approved, please send all correspondence by **12:00 PM on Wednesday, June 30, 2021** for inclusion in the public meeting agenda package c/o Town Clerk, Holly Willford, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0, or by email at hwillford@pelham.ca. Comments and requests received after this date will still be received by Council, however they may not be published as part of the public meeting agenda. Verbal comments will be received remotely at this public hearing using the Zoom platform. To participate remotely, please pre-register with the Clerks office by sending an email to clerks@pelham.ca before **12:00 PM on Friday, July 9, 2021**. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the Public Meeting. Registrants will also be notified of Council's decision. If you have not submitted written comments or pre-registered before the aforementioned deadlines, but wish to

submit comments during the Public Meeting, you may livestream the meeting from the Town of [Pelham's YouTube channel](#) and email comments to clerks@pelham.ca during the public commenting portion of the subject applications only. If your comments are not received prior to the closing of the public commenting portion of the meeting, they will not be considered.

NEED MORE INFORMATION: For more information, please contact Shannon Larocque, MCIP, RPP, Senior Planner, at 905-892-2607, ext. 319, or email at slarocque@pelham.ca. A copy of the Information Report regarding the proposed application as well as any additional information may be obtained on the Town's website at <http://calendar.pelham.ca/council> or from the Community Planning and Development Department by appointment after 4:30 pm on Wednesday, July 7, 2021.

IMPORTANT INFORMATION: If a person or public body does not make oral submissions at a public meeting or make a written submission to the Town of Pelham on the Planning Act matters before the proposed Zoning By-law amendment is adopted, the person or public body is not entitled to appeal the decision to the Ontario Land Tribunal. Further, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you wish to be notified of the decision regarding the proposed Zoning By-law amendment, you must make a written request to the Clerk of the Town of Pelham and such request must include the name and address to which such notice should be sent.

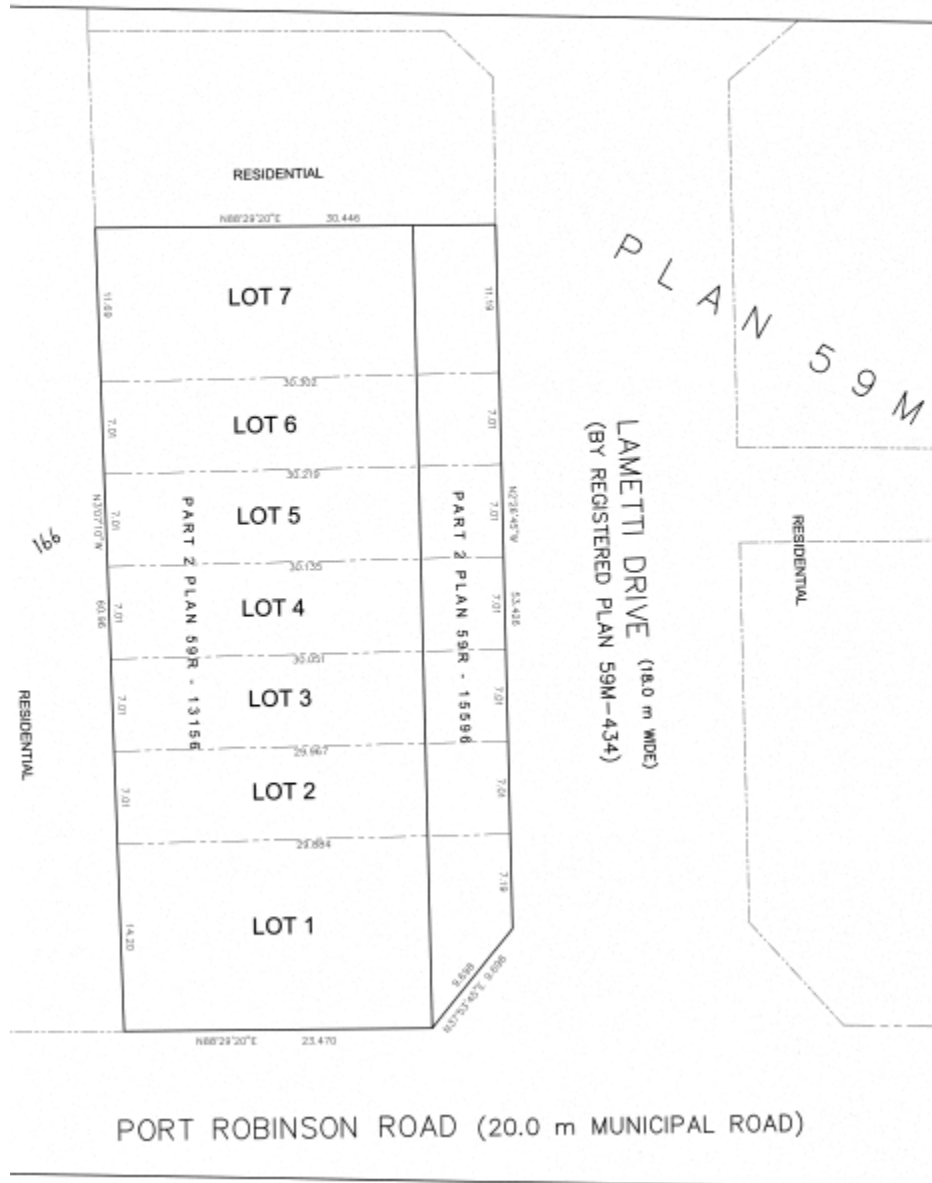
Dated at the Town of Pelham, this 18th day of June, 2021



Holly Willford
Town Clerk

Date of Mailing: 18th June, 2021

PROPOSED DRAFT PLAN OF SUBDIVISION



NOTICE REQUIREMENTS

**Town of Pelham Application for
Revision to Draft Plan of Subdivision
and Zoning By-law Amendment
155 Port Robinson Road (Martin's Nest)
File Nos 26T19-01-19 & AM-02-21**

**Revision to Draft Plan of Subdivision and Zoning By-law Amendment
create 1 additional lot for a street townhouse dwelling and to allow
a minimum lot area of 210 m² per unit.**

The Planning Act requires under Sections 34 and 50 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed revision to draft plan and amendment.

This public meeting has been called to satisfy this requirement. Notice of this meeting was provided by prepaid first class mail to all persons, who are listed as owners in the last revised assessment roll, within 120 metres of the subject property on June 18, 2021. The notice provided information on the property and the proposed revision to draft plan of subdivision and zoning by-law amendment.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham before the by-law is passed, the person public body is not entitled to appeal the decision.

In closing, we stress that at this point no decision has been made on the proposed amendments and therefore any comments received will be taken into account by Council in their consideration.

Public Meeting for 155 Port Robinson Road

Revision to Draft Plan of Subdivision &
Zoning By-law Amendment Applications
26T19-01-19 & AM-02-21
July 12, 2021

Location & Purpose

Location:

north west corner of Lametti Drive and Port Robinson Road

Purpose:

Revision to draft plan of subdivision to create 1 additional lot for a street townhouse dwelling.

Zoning By-law Amendment to allow a minimum lot area of 210 m² per unit.





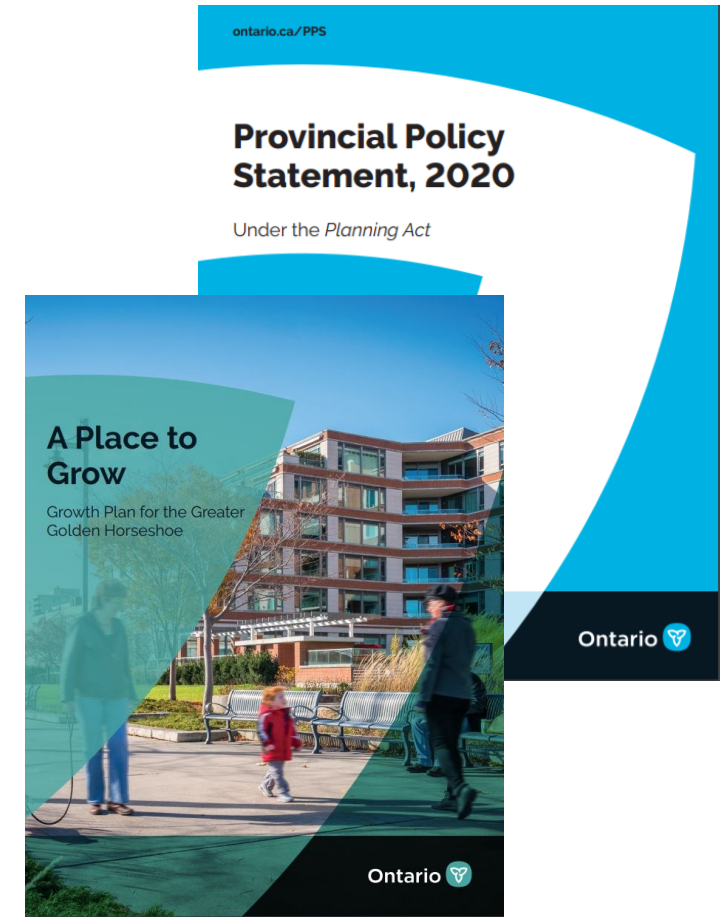
Provincial Policies & Plans

Provincial Policy Statement, 2020

- Settlement Area

Growth Plan for the Greater Golden Horseshoe, 2019

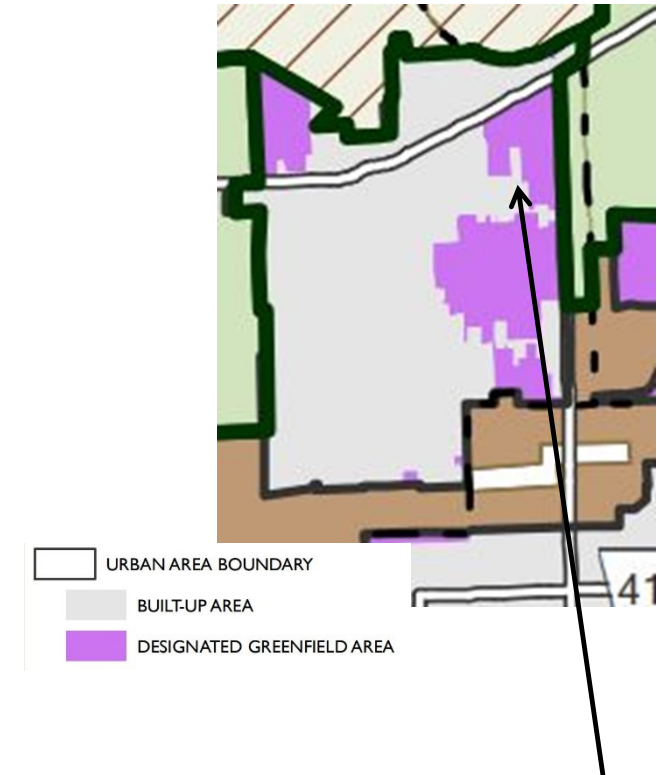
- Delineated Built-up Area



Niagara Region Official Plan

Urban Built-up Area

- Full range of residential, commercial and industrial uses permitted subject to available services and infrastructure.
- Policies promote higher density development and growth that contributes to a range of employment and housing types.
- 15% intensification target for new development.



Approximate Location of Property

Town Official Plan

East Fonthill Secondary Plan Area EF- Medium Density Residential

- Permits all forms of townhouse units;
- Townhouse dwellings at densities ranging from 20 units per net hectare up to 60.



LEGEND

RESIDENTIAL NEIGHBOURHOODS

- EF- LOW DENSITY RESIDENTIAL
- EF - MEDIUM DENSITY RESIDENTIAL
- EF - MEDIUM / HIGH DENSITY RESIDENTIAL
- LANDS SUBJECT TO POLICY B1.7.7.4 I)

THE COMMERCIAL / EMPLOYMENT CENTRE

- EF - MIXED USE
- EF - URBAN HIGHWAY COMMERCIAL

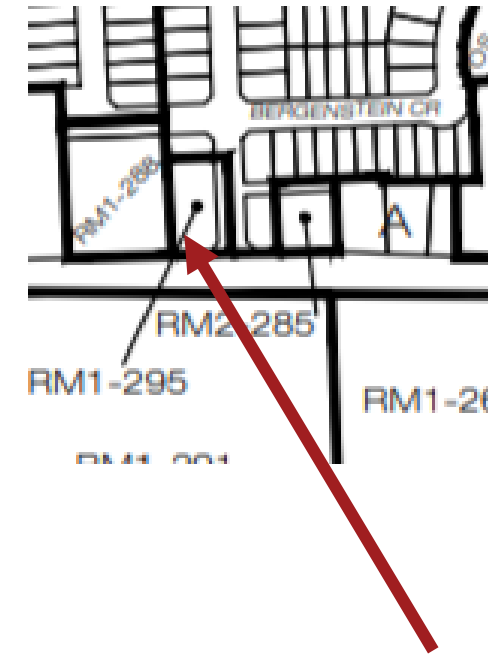
THE GREENLAND SYSTEM

- ENVIRONMENTAL PROTECTION ONE
- ENVIRONMENTAL PROTECTION TWO
- PUBLIC PARKLAND

Property Location

Zoning By-law 1136 (1987)

- RM1-295
(Residential Multiple 1 – 295)
- requesting a reduction of the minimum lot area to 210 m² per unit from 230m² per unit



Property Location

Submitted Technical Reports

- Stormwater Management Updated prepared by Quartek Group Inc.
- Planning Justification Report prepared by Quartek Group Inc.

Comments

Agency/Staff

Public

Building Division: Separate building permits will be required for each unit. Ontario Building Code compliance is required.

Enbridge Gas Inc: No changes are required to the previously identified conditions.

Town Public Works: Technical comments regarding road and servicing requirements.

Niagara Region: No objection to the proposed modification to the draft plan of subdivision and zoning by-law amendment from a Provincial or Regional perspective, subject to the original subdivision conditions of draft plan approval being retained, and the satisfaction of any local requirements.

Conclusion

No decisions or recommendations concerning these applications have been or will be made at this meeting.

Following review of comments received, a recommendation report will be prepared for Council's decision at a later date.

Please ensure you provide your contact information as soon as possible if you wish to receive future notices.

Questions & Comments

Shannon Larocque, Senior Planner

905-892-2607 x319

slarocque@pelham.ca

Report: Information Report – Applications for Revision to Draft Plan of Subdivision and Zoning By-law Amendment – 155 Port Robinson Road (Martin’s Nest)

Recommendation:

THAT Committee receives Report #2021-119 for information as it pertains to File Nos. 26T19-01-19 and AM-02-21 relating to 155 Port Robinson Road;

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 information regarding applications for revision to draft plan of subdivision (Martin’s Nest) and to amend the Town’s Zoning By-law to permit an additional street townhouse dwelling to the existing draft approved subdivision plan.

Location:

The property is located at the north west corner of Lametti Drive and Port Robinson Road, legally described as Part of Thorold Township, Lot 166; Part 2 of Plan 59R-13156 and Part 2 of Plan 59R-15596, Town of Pelham, Regional Municipality of Niagara (refer to Figure 1).

The property is located in the East Fonthill neighbourhood and abuts River Estates Phase 1 and Phase 2 subdivisions that are being developed for a mix single detached and townhouse residential units and is opposite Lavender Fields townhouse development in Saffron Meadows Phase 3 subdivision. To the north and east are single detached dwellings and to the south and west are proposed townhouse dwelling units.

Figure 1: Property Location



Project Description and Purpose:

In September 2019, Council approved the draft plan of subdivision and accompanying Zoning By-law Amendment for 6 street townhouse dwellings fronting Lametti Drive on the subject property (Martin's Nest), known municipally as 155 Port Robinson Road. The draft plan of subdivision was approved subject to a number of conditions that must be met prior to September 16, 2022 unless Council authorizes an extension. It is not anticipated that an extension will be required at this time.

The current application for Zoning By-law Amendment proposes to add a site-specific regulation to the existing RM1-295 (*Residential Multiple 1 – 295*) to allow a minimum lot area of 210 m² per unit. The zoning change would facilitate one additional townhouse unit in the draft plan of subdivision. The proposed revision to draft plan of subdivision would create 1 additional lot for a street townhouse dwelling for a total of 7 lots for street townhouse dwellings fronting on Lametti Drive.

Figure 2: Proposed Revised Draft Plan of Subdivision



Policy Review:

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.

Section 51 of the Act allows for consideration of a plan of subdivision.

Section 51 (24) of the Act states that in considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- The extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,

The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

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 subject parcel is located within the East Fonthill Secondary Plan Area and designated EF- Medium Density Residential in the Town's Official Plan, 2014.

Permitted uses in the EF- Medium Density Residential designation are all forms of townhouse units; small scale apartment buildings; accessory apartments/secondary suites; live-work units; housing for seniors and/or special needs housing; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities.

Townhouse dwellings shall be developed at densities ranging from 20 units per net hectare up to 60 (Policy B.1.7.7.4.2(a)).

A portion of the property is also designated Highly Vulnerable Aquifer on Schedule B1. Policy C5.3 indicates to minimize risks posed by land uses on vulnerable groundwater areas, the following uses are prohibited on lands identified as Vulnerable Groundwater Area/Highly Vulnerable Aquifers:

- Generation and storage of hazardous waste or liquid industrial waste;
- New waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,
- Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Ontario Regulation 347 of the Revised Regulations of Ontario, 1990, or its successor.

For Committee's information, none of the prohibited uses, outlined in Policy C5.3, are proposed for the subject parcel.

The land forms part of Neighbourhood 1 on Schedule A4 'Structure Plan'. According to Policy B1.7.7.2 b)(i), Neighbourhood 1 shall achieve an overall minimum gross density of approximately 57 persons and jobs per gross hectare combined.

New development is required to be generally consistent with the Urban Design Guidelines for the East Fonthill Secondary Plan area (B1.7.4.2(b)).

Policy B1.1.5 requires that when considering a Zoning By-law amendment to permit a 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, recreational facilities, landscaping and buffering on-site.

Policy D5.3 requires that prior to considering an application for a plan of subdivision, Council must be satisfied that:

- a) The approval for the development is not premature and is in the public interest.
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required.
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of this Plan that relate to density and intensification.
- d) The subdivision, when developed will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation.
- e) The subdivision conforms with the environmental protection and management policies in this Plan; and
- f) The proposal conforms to Section 51(24) of the Planning Act, as amended.

Pelham Zoning By-law Number 1136 (1987), as amended by By-law 4133 (2019)

The property is zoned RM1-295 (Residential Multiple 1 – 295) allowing the street townhouse dwellings with special regulations for a minimum exterior side yard of

6.0 metres and a minimum interior side yard of 3.0 metres of 0 metres for common wall.

Section 16.3(c) of the Zoning By-law requires a minimum lot area of 230 m² per dwelling for street townhouse dwellings. The requested zoning by-law amendment proposes to reduce the minimum lot area to 210 m² per unit to allow for the seventh townhouse unit.

The RM1 (Residential Multiple 1) zone also permits triplex dwellings, semi-detached dwellings, duplex dwellings, boarding house dwellings, converted dwellings, block townhouse dwellings, fourplex dwellings; and uses, buildings and structures accessory to the foregoing permitted uses subject to the requirements of Section 16 of the Zoning By-law.

Submitted Reports:

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

Stormwater Management Updated prepared by Quartek Group Inc.
Planning Justification Report prepared by Quartek Group Inc.

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

Agency Comments:

On June 18, 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: Separate building permits will be required for each unit. Ontario Building Code compliance is required.

Enbridge Gas Inc: No changes are required to the previously identified conditions.

Town Public Works: Technical comments regarding road and servicing requirements.

Niagara Region: No objection to the proposed modification to the draft plan of subdivision and zoning by-law amendment from a Provincial or Regional

perspective, subject to the original subdivision conditions of draft plan approval being retained, and the satisfaction of any local requirements.

Public Comments:

On June 18, 2021 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Lametti Drive and Port Robinson Road. 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 and proposal, applicable policies that apply, 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, 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

APPENDIX A

Shannon Larocque

From: circulations@wsp.com
Sent: Tuesday, May 18, 2021 8:04 AM
To: Shannon Larocque
Subject: ZBLA, Draft Plan of Subdivision - 155 Port Robinson Road, Pelham - File No. AM-02-21 & 26T19-01-19

2021-05-18

Shannon Larocque

Pelham

, ,

Attention: Shannon Larocque

Re: ZBLA, Draft Plan of Subdivision - 155 Port Robinson Road, Pelham - File No. AM-02-21 & 26T19-01-19;
Your File No. 26T19-012019,AM-02-21

Our File No. 90370

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca

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OFFICIAL PLAN AMENDMENT/ZONING BY-LAW AMENDMENT COMMENTS

Date: May 28th, 2021

Subject: Official Plan Amendment/Zoning By-law Amendment (155 Port Robinson Rd.)

The building department offers the following comment,

- Separate building permits are required for each of the units in proposed town house block
- Ontario Building Code compliance will be a requirement

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

June 4, 2021

Shannon Larocque
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Draft Plan of Subdivision & Zoning By-law Amendment - Revised
Quartek Group Inc.
155 Port Robinson Road
Town of Pelham
File No.: 26T19-01-19 & AM-02-19

Enbridge Gas Inc. has no changes to the previously identified conditions for this revised application(s).

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

—
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.

Shannon Larocque

From: Dolly.Shetty@HydroOne.com on behalf of LandUsePlanning@HydroOne.com
Sent: Wednesday, May 19, 2021 10:18 AM
To: Shannon Larocque
Subject: Pelham - 155 Port Robinson Road - 26T19-01-19

Hello,

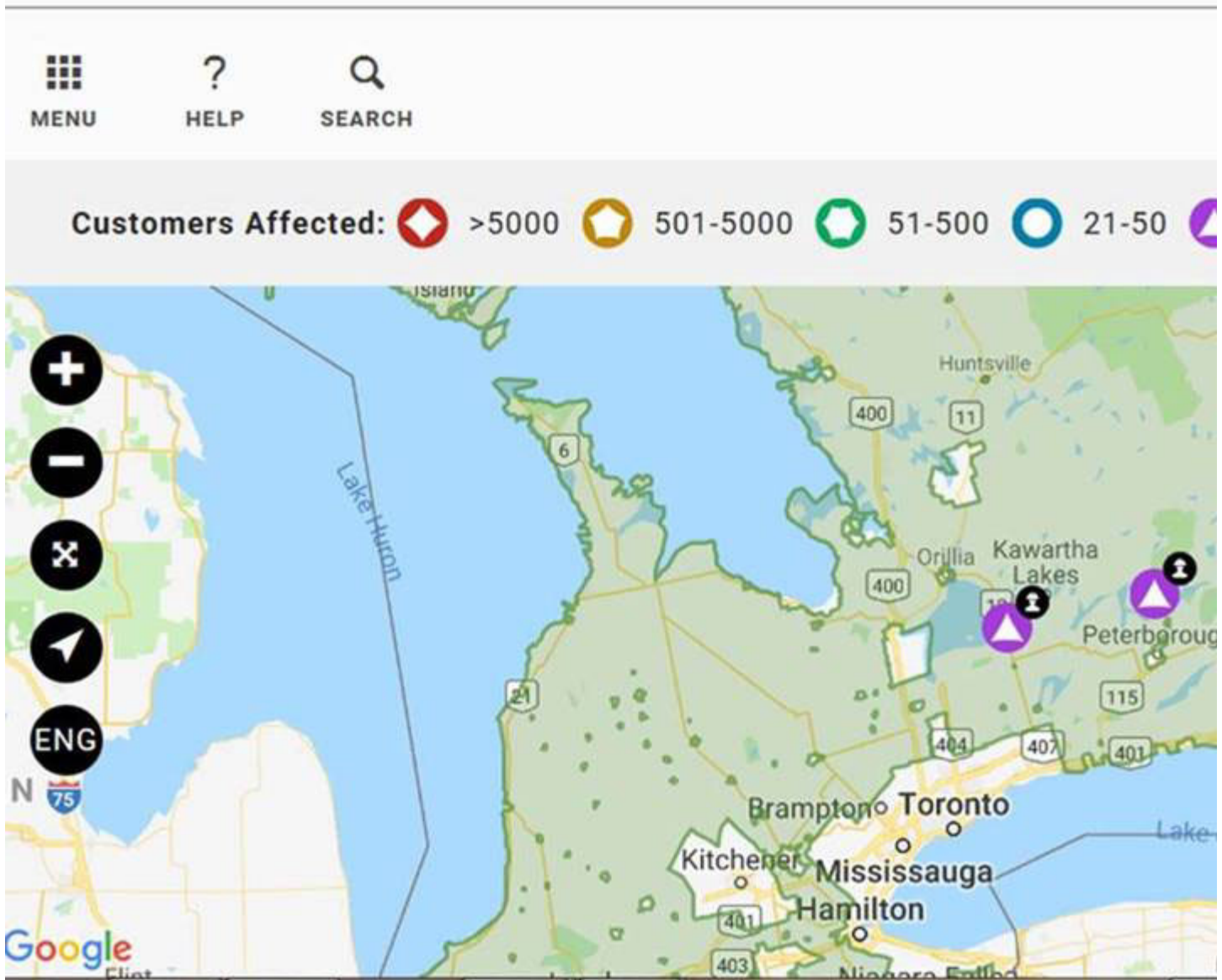
We are in receipt of Application 26T19-01-19 dated May 7, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:

<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road (R32)

Markham, ON | L6G 1B7

Email: Dolly.Shetty@HydroOne.com



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From: Shannon Larocque <SLarocque@pelham.ca>

Sent: Friday, May 7, 2021 2:01 PM

To: info@npei.ca; LANDUSEPLANNING <LandUsePlanning@HydroOne.com>; andrew.carrigan@canadapost.ca; MunicipalPlanning@enbridge.com; circulations@mmm.ca; jim.sorley@npei.com; ash.neville@rci.rogers.com

Subject: Request for Comments - Applications for Modification of Draft Plan of Subdivision & Zoning By-law Amendment - 155 Port Robinson Road

***** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. *****

Good Afternoon,

We are in receipt of applications for modification of draft plan of subdivision (File 26T19-01-19) and zoning by-law amendment (AM-02-21) for 155 Port Robinson Road. The applications will facilitate the development of one additional street townhouse unit. Your comments would be appreciated by May 28, 2021.

If you require any further information, please contact me.

Best Regards,

Shannon



Shannon Larocque, MCIP. RPP.

Senior Planner

Town of Pelham

T: 905-892-2607 x319 | E: slarocque@pelham.ca

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E1

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Memo

To: Shannon Larocque, Senior Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Tolga Aydin, Engineering Technologist

Date: 12th May 2021

RE: Modification of Draft Plan and Zoning By-law Amendment – 155 Port Robinson Road

The Public Works Department has reviewed the submitted documentation regarding the proposed Modification of Draft Plan and Zoning By-law Amendment for the development known as 155 Port Robinson Road. Please note the following comments;

The following submitted drawings have been considered for the purpose of this application:

- 19194-SSG, prepared by Quartek Group, dated March 10, 2021

The following submitted reports have been considered for the purpose of this application:

- SWM Memo, prepared by Quartek Group, dated March 10, 2021

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Stormwater Management Brief

The SWM Brief prepared by Hank Klassen indicates an increase in lot coverage of approximately 1% and no negative impacts on the receiving storm system because of this. Town staff are in agreeance with this and have no comments on the submitted Brief.

Submitted Drawings

1. The submitted Site Servicing and Grading Plan indicate additional road cuts in order to service the proposed 7th lot. Lametti Drive was paved with top course asphalt late summer 2020 and is currently on its maintenance period for assumption. Town staff are concerned with the integrity of the road surface after five (5) separate road cuts, and ask the Developer repave Lametti Drive with full width top course asphalt between the limits of the road cuts indicated on the submitted Site Servicing and Grading Plan.
2. The storm service from Unit 1 is to tie into the storm system on Lametti Drive as opposed to Port Robinson Road. The read yard drainage can continue to discharge to Port Robinson road as shown.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

May 20, 2021

File No.: D.11.06.SD-19-002
D.18.06.ZA-19-006

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square, P.O Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Modification of Draft Plan of Subdivision and Zoning By-law Amendment
Town File Nos.: 26T19-01-19 and AM-02-21
Applicant/Owner: Harbour Hills Construction Management (2282344
Ontario Inc.)
Agent: Quartek Group Inc. (Susan Smyth)
Address: 155 Port Robinson Road
Town of Pelham**

Regional Planning and Development Services staff have reviewed the information circulated with the applications for modification of draft plan of subdivision and zoning by-law amendment for 155 Port Robinson Road, Pelham.

The proposed subdivision received draft plan approval from the Town on September 16, 2019, subject to several conditions. Niagara Region is the clearance agency for conditions 36 and 37, as outlined in the Conditions for Draft Plan of Subdivision Approval included as Attachment No. 1 to the Town of Pelham's Notice of Decision to Grant Draft Plan Approval (dated September 18, 2019). The modified draft plan of subdivision (prepared by the Quartek Group, dated February 5, 2021) proposes an additional one street townhouse unit, for a total of seven street townhouse units on 0.18 hectares of land. The Zoning By-law amendment proposes to modify the site-specific Residential Multiple 1 (RM1) zoning on the subject lands to permit a reduction in the minimum lot area per dwelling unit.

The proposed lot reconfiguration is a minor revision to allow for an additional street townhouse unit on the subject lands. The existing Regional conditions of draft plan

approval, which address the requirement for a Stage 1 and 2 Archeological Assessment, as well as the insertion of standard archeological warning clauses in the final subdivision agreement, are still applicable and should be maintained. Regional staff have no objections to the requested site-specific zoning provision for minimum lot area.

Conclusion

Regional Planning and Development Services staff have no objection to the proposed modification to the draft plan of subdivision and zoning by-law amendment from a Provincial or Regional perspective, subject to the original subdivision conditions of draft plan approval being retained, and the satisfaction of any local requirements.

Please send a copy of the staff report and notice of the Town's decision on the applications.

If you have any questions related to the above comments, please contact me at Amy.Shanks@niagararegion.ca, or Britney Fricke, MCIP, RPP, Senior Development Planner at Britney.Fricke@niagararegion.ca

Kind regards,



Amy Shanks
Development Planner

cc: Britney Fricke, MCIP, RPP, Senior Development Planner, Niagara Region

PUBLIC MEETING

Monday July 12, 2021

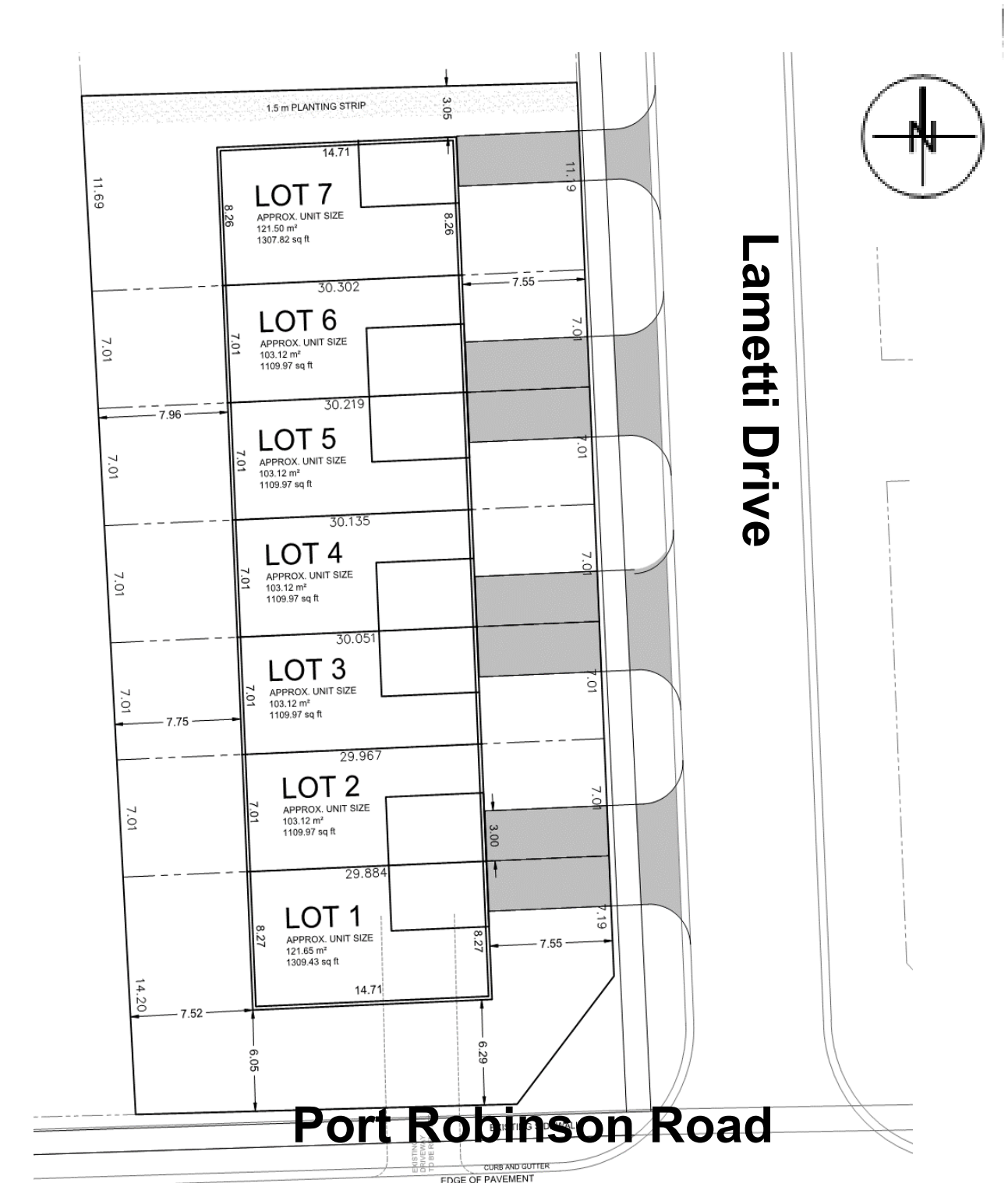
PROPOSED ZONING BY-LAW AMENDMENT AND MODIFICATION TO APPROVED DRAFT PLAN OF SUBDIVISION

VIVANT
MODERN LUXURY



BACKGROUND & INFORMATION

- Site is located on the north-west corner of Lametti Drive and Port Robinson Road (East Fonthill)
- Site has 33.17m (108.8 ft) lot frontage on Port Robinson Road and 53.43m (175.28 ft) lot frontage on Lametti Drive.
- Total site area of 1,809.19m² (0.18 hectares/0.44 acres).
- Site is surrounded by a mix of single and townhouse units.
- Site received Council approval in September 2019 for an amendment to the Zoning By-law (File No. AM-02-19) and Draft Plan of Subdivision (File No. 26T19-01-2019) for six (6) townhouse units (Martin's Nest).
- New owners took possession in late 2019 and decided to change the design and added one additional interior unit.



PROPOSAL & REQUESTED AMENDMENT

- Seven (7) street townhouse units with driveway access off Lametti Drive.
- Two-storey units with contemporary urban design that adheres to the Town’s East Fonthill Urban Design Guidelines.
- Current RM1-295 zone requires a lot area per unit of 230 m² (2,475.78 ft²) and with the additional unit, the requested lot area is to be reduced to 210 m² (2,260.42 ft²), a reduction of 20 m² (215.36 ft²) per unit (applies to units 2-6).
- Below provides the original/approved and the proposed lot frontages, lot depths, and lot areas.

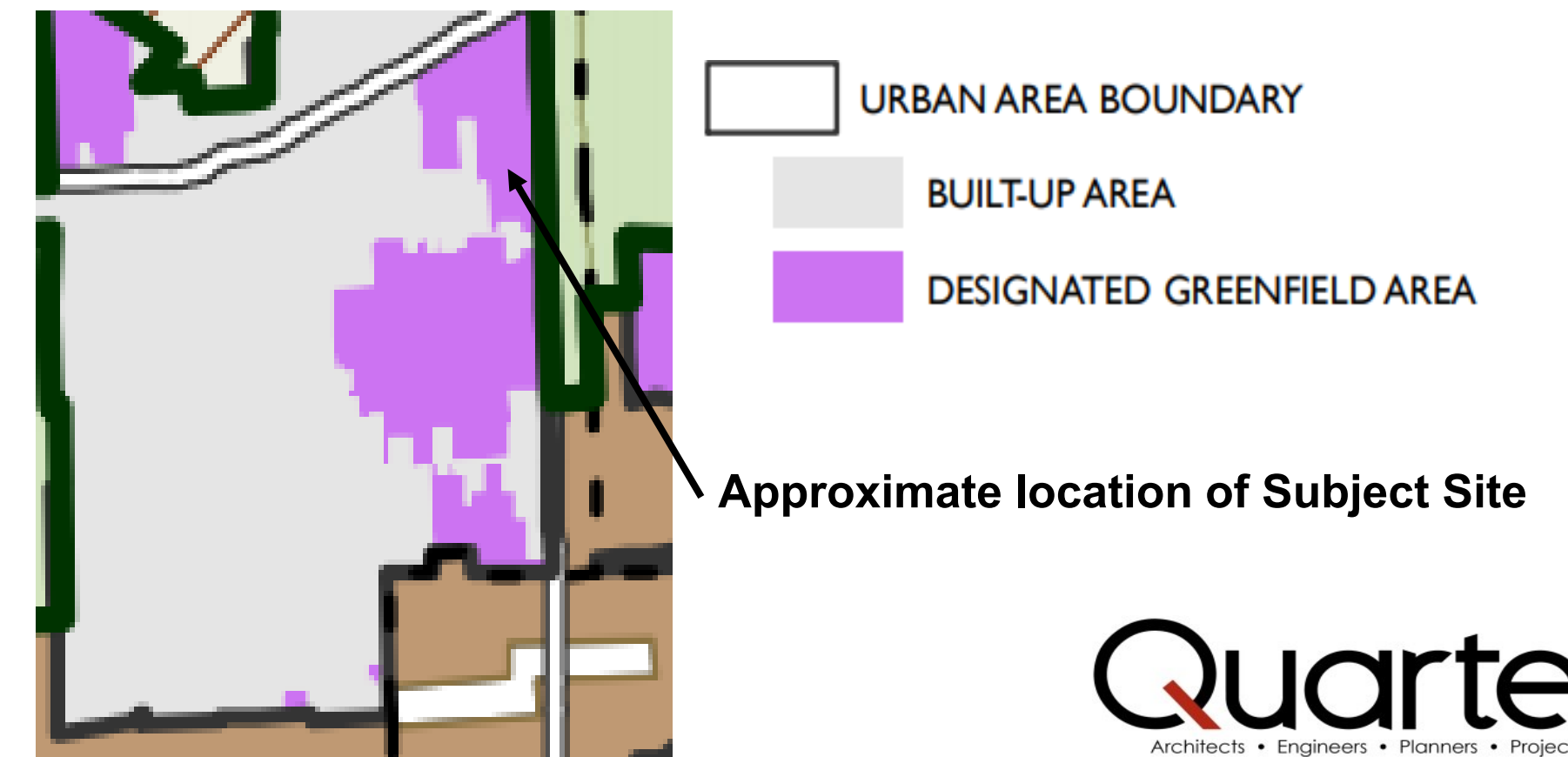
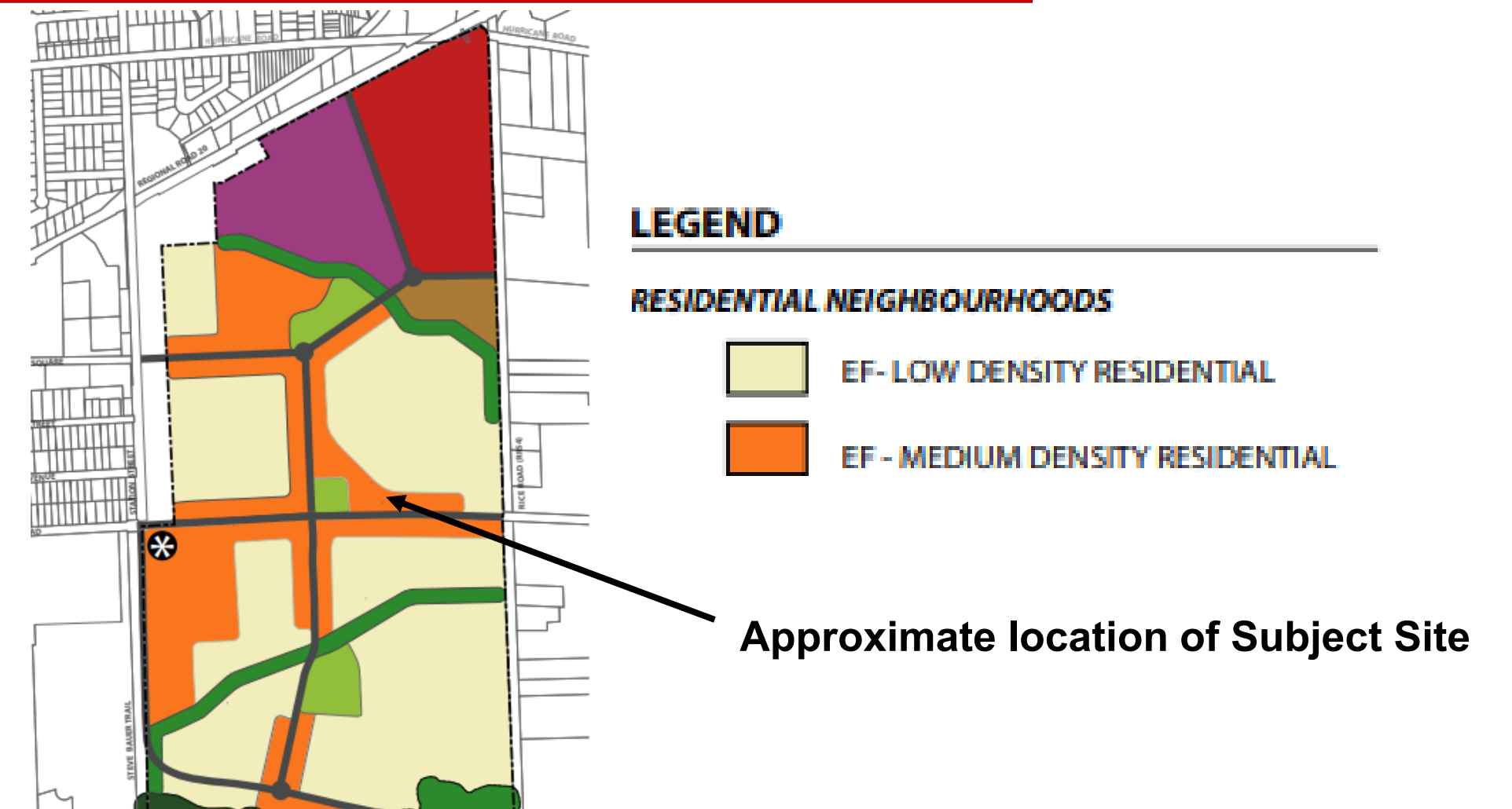
Draft Approved Plan – 6-units			
	Lot Frontage	Lot Depth	Lot Area
Lot 1	14.74 m	29.889 m	440.56 m ²
Lot 2	8.20 m	29.995 m	245.96 m ²
Lot 3	8.20 m	30.091 m	246.75 m ²
Lot 4	8.20 m	30.188 m	247.54 m ²
Lot 5	8.20 m	30.284 m	248.33 m ²
Lot 6	13.41 m	30.446 m	408.28 m ²

Proposed New 7-units			
	Lot Frontage	Lot Depth	Lot Area
Lot 1	14.20 m	29.884 m	424.35 m ²
Lot 2	7.01 m	29.967 m	210.07 m ²
Lot 3	7.01 m	30.051 m	210.66 m ²
Lot 4	7.01 m	30.135 m	211.25 m ²
Lot 5	7.01 m	30.219 m	211.84 m ²
Lot 6	7.01 m	30.302 m	212.42 m ²
Lot 7	11.69 m	30.446 m	355.91 m ²



PLANNING POLICY ANALYSIS

- Official Plan Designation EF-Medium Density Residential and permits the townhouse units. An appropriate scale that is consistent with the goals and objectives of the East Fonthill urban design guidelines.
- Required density target for medium density residential is 20 to 60 units per hectare and the proposal is providing 39 units per hectare.
- Excellent opportunity for residential infill and intensification of an underutilized lot in the urban limits.
- Water and sanitary connection to existing infrastructure on Lametti Drive. Swales and catch basins on site to collect drainage and stormwater to outlet to storm sewers on Port Robinson Road and Lametti Drive.
- Proposal is consistent with the Provincial and Regional policies for residential intensification located in the settlement area, designed for a compact built form that provides a mix of housing.



NEXT STEPS

ZONING BY-LAW AMENDMENT

Statutory Public Meeting (July 2021)

- Provide Information about the proposal and respond to comments/issues/concerns

Committee/Council Meeting (Future Meeting)

- Town Staff present the Recommendation Report
- Council's deliberation

Notice of Decision is Released

20-day Appeal Period

MODIFICATION TO DRAFT PLAN OF SUBDIVISION

- Address agency comments
- Receive final approvals from the Town and Region and clear conditions
- Prepare Draft Plan Agreement
- Register the Agreement on title

BUILDING PERMIT AND CONSTRUCTION

- Apply for building permit
- Obtain building permits
- Start construction

Questions???

Susan Smyth, Senior Planner

ssmyth@quartekgroup.com

(905) 984-8676 ext. 241