

**Report: Recommendation for Revision to Draft Plan of Subdivision and Zoning By-law Amendment – 155 Port Robinson Road (File nos. 26T19-01-19 & AM-02-21)**

**Recommendation:**

**BE IT RESOLVED THAT Council receives Report #2021-138 for information as it pertains to File Nos. 26T19-01-19 & AM-02-21 relating to 155 Port Robinson Road;**

**AND THAT Council directs Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration.**

**AND THAT Council approves the revision to the Draft Plan of Subdivision, attached as Appendix A, subject to the revised approved conditions of draft plan approval, attached as Appendix B.**

**Executive Summary:**

The purpose of this report is to provide Council with a recommendation 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 in 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 of 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 m<sup>2</sup> 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.

The site plan shows a residential development with the following details:

- Lot Dimensions:**
  - Lot 1: 14.20 m wide, 25.88 m long
  - Lot 2: 7.00 m wide, 25.98 m long
  - Lot 3: 7.00 m wide, 25.98 m long
  - Lot 4: 7.00 m wide, 30.00 m long
  - Lot 5: 7.00 m wide, 35.00 m long
  - Lot 6: 7.00 m wide, 35.00 m long
  - Lot 7: 11.00 m wide, 35.00 m long
- Plan 59M:** A large area labeled "PLAN 59M" is shown, with a "RESIDENTIAL" label.
- Registered Plan 15586:** A central area labeled "PART 2 PLAN 59M - 15586" is shown, with a "RESIDENTIAL" label.
- Other Labels:** "PORT ROBINSON ROAD (20.0 m MUNICIPAL ROAD)" is at the bottom. "LAMEITH DRIVE (18.0 m WIDE) (BY REGISTERED PLAN 59M-434)" is on the right. "N88°29'20\"

## ***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,

Analysis of Section 51 (24) of the *Planning Act* will be provided under the Town of Pelham Official Plan analysis below.

### ***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.

The proposed draft plan of subdivision will help to facilitate a mix of housing options in the East Fontheil neighbourhood and within the Settlement Area as a whole. The density of the development provides for the efficient use of land and planned/existing infrastructure that minimizes land consumption and costs of servicing. Further, the redevelopment of the property for townhouse dwellings will be transit and active transportation supportive. Sidewalks have been constructed along Port Robinson Road and Lametti Drive to connect with sidewalks in the area and the future off-road trail along Rice Road. Bike lanes are provided on Summersides Boulevard and Port Robinson Road which provide further support for active transportation. Stormwater can be accommodated in the existing stormwater management ponds along Rice Road that have been sized to accommodate storm flows from these lands. The development is located in close proximity to the Community Centre and other public service facilities and can be served by existing available facilities and schools.

Based on this information, the proposed draft plan of subdivision and zoning by-law amendments are consistent with the Provincial Policy Statement subject to approval of the recommended conditions of draft plan approval.

***Greenbelt Plan, 2017***

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

***Niagara Escarpment Plan, 2017***

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

***Growth Plan for the Greater Golden Horseshoe, 2019***

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

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

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

The proposed development will contribute to the creation of a complete community by contributing to the mix of residential land uses. The development can be served by existing sidewalks, bike lanes and transit systems as well as future neighbourhood parks. The development of additional street townhouses on the property will intensify the Built-Up Area from its current single detached residential use. A varied built form will support the formation of a vibrant neighbourhood. Adherence to the East Fonthill Urban Design Guidelines will assist in the creation of high quality residential construction. It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

***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.

The proposed development adds to the mix of residential uses that contribute to the creation of a complete community. The street pattern will connect to existing and future neighbourhoods. Active transportation is supported through the sidewalks in a modified grid pattern and connectivity to bike lanes and trails. Municipal servicing will be in keeping with Regional and Town servicing plans. The 155 Port Robinson Road property contained a single detached dwellings and its redevelopment will result in intensification and assist the Town in meeting the 15% intensification target. The development will be serviced by municipal sewage and water services.

The building design will be energy efficient, meeting the requirements of the Ontario Building Code. The development will be eligible for curbside Regional waste collection and the road network has been designed to accommodate the collection

vehicles. The future building designs will be required to conform to the urban design guidelines for East Fonthill which encourage deemphasizing garages. For these reasons, it is Planning staff's opinion that the applications conform to the policies of the Regional Official Plan.

### ***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)).

The uses proposed in the draft plan of subdivision are permitted in the EF – Medium Density Residential designation. The townhouses are proposed at a density of approximately 39 units per net hectare meeting the requirements of 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)). The Developer will be required to have an Architect certify that building designs meet the Urban Design Guidelines prior to issuance of building permits. Further, there is an existing condition of draft plan approval that requires the submission of a landscape plan for Lot 1 (at the corner of Lametti Drive and Port Robinson Road) to ensure that the landscaping will be enhanced to act as a gateway to the neighbourhood as well as to comply with the Urban Design Guidelines.

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.

In response to Policy B1.1.5, Planning staff are of the opinion that the development as proposed respects the character of adjacent existing and future residential neighbourhoods with respect to height, bulk and massing. All development will have to be consistent with the Urban Design Guidelines which will ensure that these items are considered in the design. The street townhouses can be easily integrated with surrounding land uses. The street townhouses will front onto Lametti Drive (Local Road) near access to Port Robinson Road (Collector Road). The future residential development of this property was considered during the preparation of the East Fonthill Secondary Plan and supporting studies including traffic. Traffic congestion is not anticipated as a result of the townhouses. Finally, the size of the property for

street townhouse dwellings is sufficient to incorporate parking, recreational areas, landscaping and buffering.

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.

In response to this policy, Planning staff advise that the development will address the need for residential housing by way of redevelopment of an underused piece of land. The public interest has been considered during the Planning approval process and by evaluating consistency with the Provincial Policy Statement which includes policies based on the public interest. The development conforms to the policies of the Official Plan. The dimensions of the proposed lots are regular. The land is serviced by existing infrastructure, schools, planned and existing parkland and open space, community facilities and other amenities. The density of the development is appropriate for the neighbourhood and conforms to the density requirements in the Official Plan. The subdivision is linked with an existing roadway (Lametti Drive) and will connect with existing sidewalks. The development can be served by existing utilities, municipal services and schools. There are no natural heritage features present on the property. No land is proposed to be conveyed for public purposes as part of this development. The future dwellings will be required to be constructed meeting all energy efficiency requirements of the Ontario Building Code.

Based on the discussion above, Planning staff are of the opinion that the proposed draft plan of subdivision and zoning by-law amendment conform to the Town's Official Plan and Section 51(24) of the *Planning Act*.

***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 by 0 metres for common wall.

Section 16.3(c) of the Zoning By-law requires a minimum lot area of 230 m<sup>2</sup> per dwelling for street townhouse dwellings. The requested zoning by-law amendment proposes to reduce the minimum lot area to 210 m<sup>2</sup> 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.

The proposed zoning change will conform to the policies of the Official Plan. The zone standards will allow for efficient residential development while respecting the needs of future residents. In Planning staff's opinion, the proposed zoning change will apply good planning principles.

**Submitted Reports:**

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

*Stormwater Management Update prepared by Quartek Group Inc.*

The Stormwater Management Update concludes that the increase in units from 6 to 7 is insignificant with respect to storm runoff, and the conclusions in the Stormwater Management Brief (dated March 2019) are still valid in that there is more than enough spare capacity in the existing storm sewer system to accommodate the proposed runoff from the development site.

*Planning Justification Report prepared by Quartek Group Inc.*

The Planning Justification Report indicates that the applications support a

development that meets the general intent of the Provincial, Regional and Town policies and is consistent with good planning principles.

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. The following is a summary of the comments received:

*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 members of the public registered as delegations for the public meeting and no public comments were received at the time of writing of this report.

One enquiry was received from a Councillor at the public meeting with respect to the estimated selling price of the townhouse units. The applicant has advised that the selling price is expected to range from \$700,000.00 to \$800,000.00 per unit, which is similar to the sale price of other townhouse units in the area.

**Staff Comments:**

Commenting agencies, departments and utilities offered no objections to the applications subject to the previously approved conditions of draft plan approval.

The proposed modification to the draft plan approval and the proposed zoning by-law amendment will accommodate one additional townhouse unit which will result in a minimal land use planning impact on adjacent and nearby land uses, no adverse impacts are anticipated by the additional of one unit. Further the proposed increase of one additional townhouse unit will result in a slight improvement to the efficient use of urban land and infrastructure.

In summary, it is Planning staff's opinion that the proposed revision to draft plan of subdivision and zoning by-law amendment are consistent with Provincial policy and plans, conform to the Regional and Town Official Plans and represent good planning and therefore, should be approved subject to the previously approved conditions of draft plan approval with administrative revisions (Appendix B).

**Alternatives:**

Council could choose not to approve the applications for draft plan of subdivision and amendment to the Zoning By-law.

Council could choose to approve the applications subject to modifications.

**Prepared and Recommended by:**

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