



**Community Planning & Development Department
Planning Application Report**

April 19, 2022

Subject: Recommendation for Applications for Draft Plan of Condominium & Zoning By-law Amendment – 701 Quaker Road (Bauer Landing)

Recommendation:

BE IT RESOLVED THAT Council receives Report #2022-95 for information as it pertains to File Nos. 26CD19-04-2021 & AM-08-2021;

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 Draft Plan of Condominium, attached as Appendix A, subject to the conditions in Appendix B.

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding applications for Zoning By-law Amendment and Draft Plan of Condominium for the Bauer Landing development.

Location:

The property is municipally known as 701 Quaker Road, and described legally as Part of Lot 237, Geographic Township of Thorold, Town of Pelham, Regional Municipality of Niagara. It is located on the south side of Quaker Road east of Pelham Street and west of Clare Avenue (Figure 1). The surrounding land use is primarily single detached dwellings with some townhouses located to the north on Brayden Way. Country Corner Market is located to the northeast and some agricultural use is occurring to the southwest.

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Figure 1: Property Location



Project Description and Purpose:

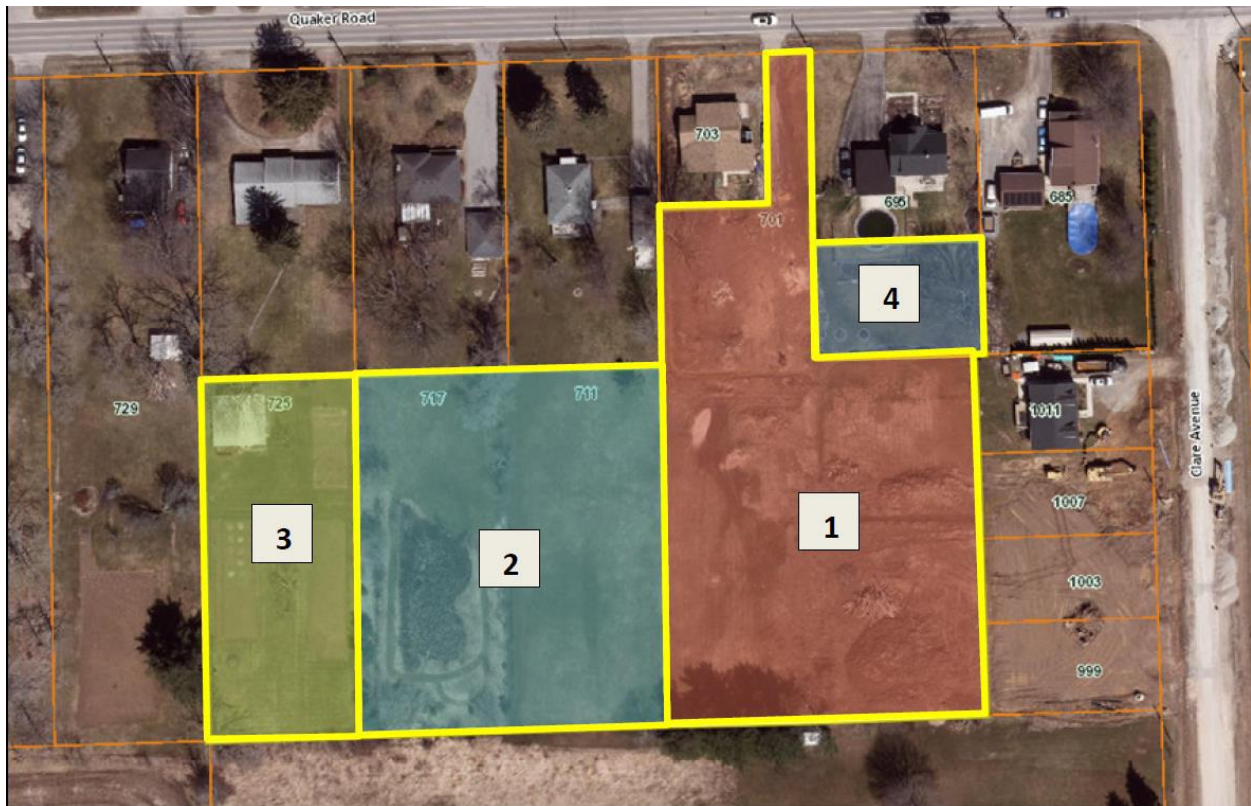
The property contains 1.303 hectares of developable area. The requested zoning by-law amendment will facilitate the site plan depicting 27 block townhouse dwellings.

The owner received approval of a zoning by-law amendment on Part 1 of Figure 2 in 2017 to facilitate the development of 20 block townhouse dwellings subject to site-specific regulations and the holding symbol that precludes development until a site plan and/or condominium approval. Since that time, the owner has acquired additional lands (Parts 2, 3 and 4 on Figure 2) and now wishes to add them to the development to facilitate 27 larger units.

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Figure 2: Properties Added to Original Property

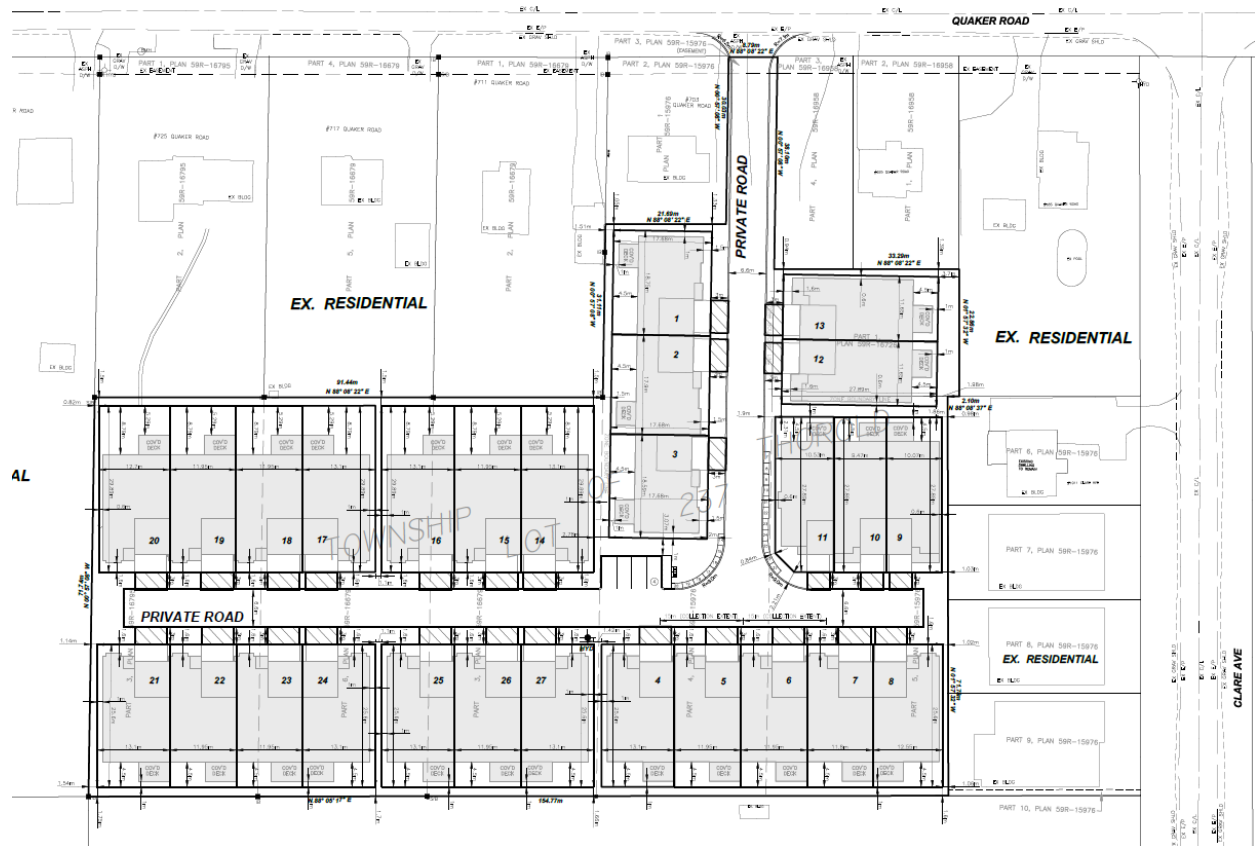


The requested draft plan of condominium (Figure 3) will allow individual ownership of the units and establish the common elements (roadways, visitor parking, etc.).

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Figure 3: Draft Plan of Condominium



Policy Review:

Planning Act, 1990

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 *Planning 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”.



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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 (condominium).

Section 51 (24) of the *Act* states that in considering a draft plan of subdivision (condominium) 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;



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- 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.

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

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.

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.



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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 condominium will help to facilitate a mix of housing options within the neighbourhood and 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 and intensification of the property for block townhouse dwellings will be transit and active transportation supportive due to the location along existing transit routes. The property will be well served by planned sidewalks and bike lanes as well as the Steve Bauer Trail (east side of Line/Clare Avenue). It should be noted that this section of Quaker Road is planned for urbanization within the next year.

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

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



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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 and a mix of residential land uses. The development can be served by existing transit systems. The development will facilitate intensification in the Built-Up Area and make efficient use of urban services. As a result, the applications are consistent with *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. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham.

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.



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The draft plan of condominium and zoning by-law amendment will contribute to the variety of housing types in the neighbourhood and the intensification rate in the Built-up Area. The dwellings will meet energy efficiency requirements, allow for curbside waste collection and provide for adequate amenity space. They can also be served by existing and planned infrastructure. Sidewalks and bike lanes are planned on Quaker Road allowing for an interconnected and active transportation friendly streetscape once complete. The building design will be reviewed as part of a future site plan approval application to ensure that garages are deemphasized. Based on this analysis, the application conforms to the Niagara Region Official Plan subject to the conditions of draft plan approval.

Town of Pelham Official Plan, 2014

The lands are designated Urban Living/Built Boundary in the Town's Official Plan. The permitted uses in this designation include a full range of residential uses including townhouse 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. Further, Policy B1.1.3 (a) permits intensification on sites abutting collector roads. Quaker Road is shown as a collector road of variable width on Schedule C to the Town of Pelham Official Plan.

Policy B1.1.3 (c) requires intensification and redevelopment proposals to achieve a unit density that is in keeping with the character of the density of the neighbourhood. Policy B1.1.5 requires that when considering a zoning by-law amendment application to permit a townhouse development, Council shall be satisfied that the proposal: respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing; can be easily integrated with surrounding land uses; will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

In response to these objectives, the proposed block townhouse dwellings are in character with the density of the existing neighbourhood which consists of block and street townhouse dwellings, single detached dwellings and some neighbourhood commercial use. The proposed development will be 20.72 units per hectare which conforms to the density suggested for intensification sites of 10 to 25

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units per hectare (Policy B1.1.3(b)). The dwellings near the property are primarily bungalows with some two-storey dwellings on Quaker Road. The developer will comply with the standard maximum height of 10.5 metres for single detached and townhouse dwellings. The townhouses will be broken up into blocks ranging from two to five units to add visual interest and break up the massing. The townhouses can be easily integrated with the surrounding land uses, being a compatible use, and fencing and landscaping will be required through the site plan approval process. No traffic hazards or unacceptable congestion on surrounding roads are expected based on the conclusions of the brief prepared by the Traffic Engineer. The applicant has indicated that 106 functional parking spaces are being provided on the site (garage, driveway and visitor parking stalls) to accommodate the residents of the 27 block townhouse dwellings and their visitors. This results in an allocation of 3.9 spaces per unit which greatly exceeds the 1.5 spaces required by the Zoning By-law for townhouse dwellings. Each dwelling will have both front and rear yard amenity spaces.

Official Plan Policy D5.3 is similar to the requirements in Section 51(24) of the Planning Act, as amended and requires that prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

a) The approval of the development is not premature and is in the public interest;

Planning staff have reviewed the applications to ensure that they are consistent with the Provincial Policy Statement, 2020 and conform to applicable Provincial plans. In Planning staff's opinion, the development addresses all matters of Provincial interest outlined in Section 2 of the Planning Act. The development is not premature and will provide housing options for current and future residents.

b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;

The draft plan of condominium conforms to the Official Plan. Planning staff have included a recommended draft plan condition that will require an easement in favour of the Town over the private roadway to allow for future connectivity between this development and any future development on lands to the west.

c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification;



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The subject property is a Built-up Area within Fonthill's settlement area.

The density of the development is appropriate for an intensification area and the surrounding neighbourhood as discussed above.

There are no changes to any environmental features as a result of the current applications.

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;

The development can be easily integrated and connected with future and existing development and active transportation as discussed above.

e) The subdivision conforms with the environmental protection and management policies of this Plan; and,

The development conforms to environmental protection and management policies. No natural heritage features exist on or adjacent to the subject property.

f) The proposal conforms to Section 51 (24) of the Planning Act, as amended. This policy is similar to the requirements in Section 51(24) of the Planning Act, as amended.

The development will have direct access to Quaker Road. There is the potential of a secondary access in future if the development becomes integrated with future development to the west.

Grading and servicing will also be reviewed further and approved conditions of draft plan approval.

The proposed condominium does not propose irregularly shaped lots and will allow the appropriate siting of the future dwellings, driveways, amenity and parking areas.

There are no restrictions on the land proposed to be developed or on adjoining land.

The development must conform to the proposed zoning by-law (as well as other municipal by-laws, where applicable).



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The proposed draft plan of condominium will not negatively impact the conservation of natural resources or flood control. Stormwater management plans will be reviewed and approved by Public Works as part of the draft plan conditions.

Utility companies have been circulated the applications and no comments have been received to indicate that services are not adequate.

The development applications were circulated to the local school boards and no comments were received to indicate that the school sites are not adequate.

No lands within the condominium are to be dedicated for public purposes.

Section 51(3) of the *Planning Act* permits the Town, in lieu of accepting conveyed or dedicated land, to require the payment of money by the owner of the land to the value of the land (five (5) percent of the land included in the plan) otherwise to be conveyed.

The design of the proposed development optimizes the available land supply and will aid in the efficient use and conservation of energy.

The proposed dwelling units within the draft plan of condominium will require site plan approval.

In Planning staff's opinion, the proposed draft plan of condominium and zoning by-law amendment will conform to Section 51 (24) of the *Planning Act* and Policy D.5.3 of the Town's Official Plan, 2014.

As discussed above, it is Planning staff's opinion that the draft plan of subdivision and requested zoning provisions conform to the policies of the Town of Pelham Official Plan.

Zoning By-law 1136 (1987), as amended

The property is zoned Residential Multiple 1-281 Holding (RM1-281(H)) (Part 1 on Figure 2) and Residential 1 (R1) (Parts 2, 3 and 4 on Figure 2).

The RM1-281(H) zone permits block townhouse dwellings subject to site specific regulations. The Holding Symbol (H) prevents the use from occurring until the owner has entered into a site plan and condominium agreement with the Town

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addressing servicing and drainage to the satisfaction of the Director of Public Works.

Permitted uses in the Residential 1 zone are one single detached dwelling, accessory buildings and home occupations.

The requested zoning by-law amendment would change the zoning to an amended Residential Multiple 1-281 Holding (RM1-281(H)) zone to permit the development of 27 block townhouse dwellings as shown on the draft plan of condominium/site plan. The regulations being requested are detailed in Table 1.

Table 1: Requesting Zoning Regulations

<i>Zone Requirement</i>	<i>Standard RM1</i>	<i>RM1-281(H)</i>	<i>Requested</i>
<i>16.4(a) Minimum Lot Frontage</i>	<i>30m</i>	<i>8.79 m</i>	<i>No change</i>
<i>16.4(b) Minimum Lot Area</i>	<i>2000m²</i>	<i>No change</i>	<i>No change</i>
<i>16.4(c) 35 dwelling units per hectare</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
<i>16.4(d) Minimum Front Yard</i>	<i>7.5 m on a street or internal road</i>	<i>Minimum Setback to Quaker Road 30 m Minimum Setback from Private Roadway to a dwelling 4.5 m; 6.0 m to a garage.</i>	<i>No change Minimum Setback to from Private Roadway to a dwelling 2.92 m</i>
<i>16.4(e) Minimum Side Yard</i>	<i>4.5 m except where the rear yard of a building faces the side yard the minimum side yard shall be 7.5 m and the minimum side yard abutting a street or internal roadway shall be 7.5 m</i>	<i>1.5 m</i>	<i>No change</i>

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16.4(f) Minimum Rear Yard	7.5 m	6 m to back of dwelling unit; 1.5 m to side of dwelling unit	No change
16.4(g) Maximum Building Height	10.5 m	No change	No change
16.4(h) Minimum Ground Floor Area per Dwelling Unit	88 m ² one storey 50 m ² two storey	No change	No change
16.4(i) Distance Between Buildings on the Same Lot	Face of a townhouse to a side of a townhouse 9 m Face of a townhouse to Face of another townhouse 15 m Side of a townhouse to Side of another townhouse 9 m	3 m 15 m 3 m	7 m No change 3 m
16.4(j) Minimum Landscaped Area	25%	No change	No change
16.4(k) Planting Strip	1.5 m where abutting an R1 or R2 zone	1.3 m; 0.5 m along the west lot line of 695 Quaker Road	1.2 m along the west lot line of 695 Quaker Road; 0.5 m along the east lot line of 703 Quaker Road
16.4(l) Amenity Area	2.5 m ² for each one bedroom unit; 5 m ² for each two or more bedroom unit in one location for recreational use	No change	Each dwelling unit shall be provided with a yard 6 meters in depth, measured from the rear wall of the dwelling to the lot line, as

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			<i>private amenity area.</i>
6.35 Yard <i>Encroachments Permitted</i>	<i>Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.5 m provided that porches, steps and patios are not more than 1.3 m above grade. Patios may project into any required rear yard provided they are not more than 0.6 m above grade.</i>	<i>Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 3.5 m provided that porches, steps and patios are not more than 1.3 m above grade.</i>	<i>No change</i>

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 current and future residents. The zoning change requests appropriate setbacks to allow for stormwater management, landscaping and fencing. In Planning staff's opinion, the proposed zoning change will apply good planning principles.

Submitted Reports:

*Planning Justification Report prepared by Upper Canada Consultants
Engineers/Planners dated September 2021*

The report concludes that the proposed development is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, the Region of Niagara Official Plan and the Town of Pelham Official Plan and represents good planning.



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*Functional Servicing Report prepared by Upper Canada Consultants
Engineers/Planners dated August 2021*

The report indicates that the existing sanitary sewer and water services can accommodate the proposed development and that the storm sewer has adequate capacity. Site stormwater overland route will continue to be at the south western limits of the site and an oil/grit separator will be installed to provide stormwater quality protection.

*Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated
June 3, 2021*

No archaeological resources were documented as part of the assessment and no further investigation was recommended. A clearance letter from the Ministry of Heritage, Tourism, Culture and Sport was received accepting the report.

*Traffic Brief Addendum prepared by R.V. Anderson Associates Limited dated August
29 2021*

The brief concludes that traffic operations at the study area intersections are expected to remain acceptable up to the 2026 horizon year, with sufficient reserve capacity, acceptable levels of delay, and no queueing concerns and makes no recommended improvements at the all-way stop controlled intersection of Quaker Road at Line Avenue / Clare Avenue in response to the subject development.

Copies of the reports are available by contacting the Planning Division.

Agency Comments:

The application was circulated to commenting agencies and Town Departments. The following comments have been received:

Niagara Region Planning & Development Services

"No objection to the proposed Zoning By-law Amendment and Draft Plan of Vacant Land Condominium from a Provincial and Regional prospective, subject to the conditions outlined in Appendix I, and any local requirements."

Bell Canada Requests standard conditions of approval.



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Canada Post Requests standard conditions of approval relating to Community Mailbox Program.

Hydro One No comments or concerns.

Enbridge Gas Inc. Requests standard conditions of approval.

Fire Services 7.4 of the Town of Pelham Municipal Engineering design Manual requires a development which has only one roadway as an access point and exceeds 90m in length shall have all units in the development sprinklered as per NFPA 13, designs shall meet or exceed this standard and shall be approved by the Chief Fire Official.

Public Works Provided technical comments regarding the preliminary Functional Servicing Report and Plans.

Public Comments:

On February 17, 2022 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 Quaker Road. A public meeting was held on March 14, 2022. The following comments have been received at the time of writing of this report:

Dave Robertson Concerned about increased traffic from the development on Quaker Road.

Danny Kasunic Concerned about traffic impacts on Quaker Road and property values/desirability for neighbouring properties.

Staff Comments:

Commenting agencies, departments and utilities offered no objections to the applications subject to conditions. All requested conditions of approval from agencies and utilities have been included in the recommended conditions contained in Appendix B to this report.

Concerns related to traffic impacts were brought forward by Mr. Robertson and Mr. Kasunic. However, the brief prepared by the Traffic Engineer concludes that traffic operations in the area will continue to be acceptable with the additional traffic generated by the development. Further, Town Public Works staff reviewed the



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Traffic Brief and were accepting of the conclusions. Further it is noted that Quaker Road is scheduled to be reconstructed next year and improvements will be made to the road, storm sewers will be installed and sidewalks on both sides of Quaker Road will be constructed.

A Member of Council requested further information about the ability for Fire and Emergency Services to safely access the site for the 27 units with only one access. In response, Fire and Emergency Services have indicated that they do not have a concern about the width of the private road or use of the turnaround to leave the site and that the site is designed so that emergency vehicles can safely access the development.

Based on the information and analysis in this report, it is Planning staff's opinion that the proposed draft plan of condominium 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 recommended conditions of draft plan approval contained in Appendix B.

Following draft plan of condominium approval, the developer will undertake the appropriate engineering design work required to clear the conditions of draft approval.

Alternatives:

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

Council could choose to approve the applications subject to modifications.

Attachments

Appendix A Draft Plan of Condominium

Appendix B Recommended Conditions of Draft Plan Approval

Prepared and Recommended by:

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