

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

June 13, 2022

**Subject: Information Report – Applications for Official Plan and Zoning
By-law Amendment – 15 Highway 20 East**

Recommendation:

**THAT Committee receive Report #2022-136 for information as it
pertains to File Nos. OP-AM-01-2022 and AM-03-2021;**

**AND THAT Committee direct 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 Council and the public with information regarding the applications for Official Plan and Zoning By-law amendments.

Location:

The property is located on the north side of Highway 20 east of Pelham Street and south of Kinsman Court (Figure 1). It is municipally known as 15 Highway 20 East and legally known as Part of Lots 3, 4, 5 and 6, Plan 716, Parts 3, 4, 5 and 6, in the Town of Pelham, Regional Municipality of Niagara.

Figure 1: Property Location





Community Planning & Development Department Planning Application Report

June 13, 2022

The property is approximately 0.142 hectares in size with frontage on both Highway 20 and Kinsman Court. The neighbouring land uses include street townhouses to the north, commercial to the east (Storm Hair Group), commercial uses to the south (Commercial Plazas, restaurant and offices) and commercial to the west (professional office).

Project Description and Purpose:

The proposed use of the property is for a 4-storey apartment dwelling consisting of 24 units along with associated parking, walkways and landscape areas (Figures 2).

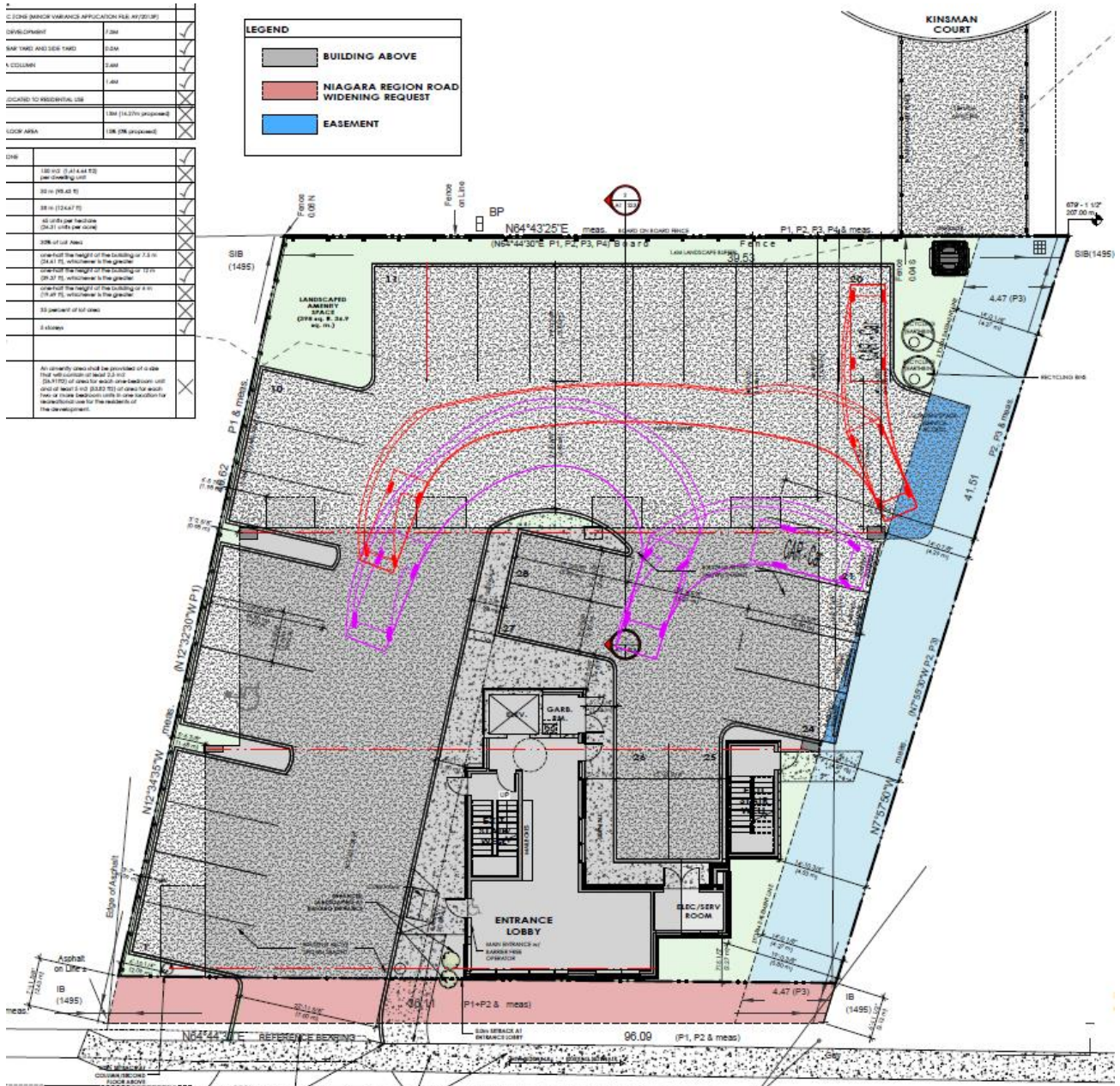
The proposed Official Plan Amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back to permit the development of the property for a 4 storey residential apartment building containing 24 units.

The proposed Zoning By-law Amendment would rezone the lands from the GC (General Commercial) zone to a site-specific RM2 (Residential Multiple 2) zone. The zoning change would permit the apartment building use as shown on the proposed site plan. Site specific regulations are requested including a minimum lot area of 59 m² per dwelling units, a maximum density of 170 units per hectare, a maximum lot coverage of 48%, a minimum interior side yard of 0.9 metres (west lot line) and 4.2 metres (east lot line), a minimum landscaped area of 20%, a maximum building height of 14.5 metres, a minimum landscaped amenity area of 1.5 m² per unit, a minimum parking requirement of 1.1 spaces per dwelling unit, a 7.0 metre width for ingress and egress, a drive aisle width of 6.2 metres, the parking area to be located 0 metres from the south and west lot lines and 1.4 metres from the north lot line, a 2.6 metre wide parking space where abutting a column and a 1.4 metre planting strip.

Community Planning & Development Department Planning Application Report

June 13, 2022

Figure 2: Site Plan



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

June 13, 2022

Figure 3: Proposed Current Building Elevations



FRONT (SOUTH) ELEVATION COLOR SCHEME



For background information, in 2013, the Committee of Adjustment approved minor variance A9/2013P to permit a three-storey (maximum height 13 metres) mixed-use building consisting of 3 commercial units and 14 residential units (Figure 2). The minor variance also allowed a 6.4 metre (underground) and 7.0 metre (at grade) ingress and egress for two-way traffic, a 0 metre setback for the parking area from the rear and side lot lines, a 2.6 metre wide parking stall where abutting a column or wall, a 1.4 metre wide planting strip with a height of 1.5 metres, 85% of the gross floor area to be used for dwelling units, 200 square metres of landscaped amenity space and a front yard setback of 0 metres.

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

June 13, 2022

Figure 2: 2013 Approved Development Proposal



The applicant wishes to eliminate the commercial use from the site and is now proposing only residential use with a lobby, electrical room, storage, etc. located on the ground floor. Floors 2 through 4 will contain 8 units each ranging in size from 563 square feet to 980 square feet. 18 units are proposed to be one bedroom units and 6 units are proposed to be 2 bedroom units. 21 of the 24 units will have balconies. The proposed new building is 1.5m higher than what was approved in 2013.

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". Sections 22 and 34 of the Act allows for consideration of amendments to the Official Plan and Zoning By-law.



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

June 13, 2022

Provincial Policy Statement, 2020

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

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

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

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



Community Planning & Development Department Planning Application Report

June 13, 2022

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 Region of Niagara identifies this property as Built-up Area. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham. The Region also supports the inclusion of urban design analysis and guidelines for various types of plans and development projects.

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

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



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

June 13, 2022

Pelham Official Plan (2014)

The property is designated Downtown Transitional Area in the Town's Official Plan. Permitted uses in the Downtown Transitional Area designation include residential uses; professional offices and clinics providing health services; inns and bed and breakfasts; studios and home occupations; and, small-scale restaurants, retail uses and personal service shops.

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and bed and breakfast establishments are permitted in the Downtown Transitional Area designation both as a primary use and as an accessory use to a commercial business (B1.3.4.2).

Policy B1.3.4.3 Development Criteria requires that the maximum building height should be limited to 2 storeys; buildings are encouraged to be built within 1 metres of the front lot line, but may be setback up to 5 metres, provided amenities and landscaping are incorporated in the front yard; the maximum floor area dedicated to retail uses should not exceed 100 m²; design features such as pitched roof lines, awning and front porches are encouraged; and, interior side yard setbacks should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location and maintains or instils good urban design.

Policy B1.3.4.3 states that redevelopment and intensification proposals may be subject to a Zoning By-law Amendment and shall be subject to Site Plan Control. Prior to approving application for new development, Council should be satisfied that:

- a) The scale and appearance of the use is complementary to and does not detract from the residential character of the area;
- b) The building and/or the general appearance of the site will be improved through quality urban design;
- c) Adequate on-site or off-site parking is provided;
- d) The Site Plan and Site Plan Agreement will address appropriate urban design matters including accessibility provision, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land; and,

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

June 13, 2022

- e) The sign identifying the use is limited in size in accordance with the municipal Sign By-law.

Policy B1.2.4.3 Development and Urban Design Policies was derived from the Town's Urban Design Guidelines for Downtown Fenwick and Fonthill and is intended to guide proposals for new development or redevelopment along the Intensification Corridors in the Downtown designations:

- a) In order to maintain a consistent façade along Pelham Street/Highway 20 in Fonthill and Canboro Road in Fenwick, the maximum height of new buildings fronting on these streets shall be 3 storeys. Building heights greater than 3 storeys may be permitted subject to a Zoning By-law Amendment provided the upper storey are appropriately stepped back or recessed from the front building wall;
- b) New buildings should be built at or near the front lot line;
- c) Parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of a lot, on the street or in a communal parking area;
- f) Buildings should be oriented to the street, consistent with adjacent building and provide clearly defined and accessible entry points from the sidewalk;
- g) Pedestrian weather protection is encouraged through the use of awning or canopies;
- h) Building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments;
- i) Utilities and mechanical installations should be shrouded from main street viewscapes and/or be integrated in architectural treatments; and,
- j) Preferred building materials include brick, wood, stone glass, in-situ concrete and precast concrete. Building materials discouraged include vinyl siding, plastic, plywood, concrete block, metal siding and tinted or mirrored glass.

Policy B1.2.4.1 requires at least 50% of the dwellings to be constructed in the Downtowns should be affordable to low and moderate income households; Intensification proposals will be encouraged to incorporate high quality urban design, landscaping treatments and accessibility. To support the integration of quality urban design and accessibility, the Town may prepare and adopt urban design guidelines and may enforce these standards through Site Plan Control; Residential intensification projects proposed within the Downtown or Downtown Transition

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

June 13, 2022

designation will be encouraged to incorporate street level space for mixed use retail, service commercial uses and/or professional offices.

The requested Official Plan Amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back.

Zoning By-law 1136 (1987)

The property is zoned GC (General Commercial) which permits a wide range of commercial uses as well as residential uses above the ground floor.

The requested Zoning By-law Amendment would rezone the lands from the GC (General Commercial) zone to a site-specific RM2 (Residential Multiple 2) zone. The zoning change would permit the apartment building use as shown on the proposed site plan.

The requested site-specific zoning regulations are provided in Table 1.

Table 1: Requested Site Specific Zoning Requirements

17.2 Zone Requirement	Standard RM2 Requirement	Requested RM2 Requirement
(a) Minimum Lot Area	150 m ² per dwelling unit	59m ² per dwelling unit
(b) Minimum Lot Frontage	30 m	No change
(c) Minimum Lot Depth	38 m	No change
(d) Maximum Density	65 units per hectare	170 units per hectare
(e) Maximum Lot Coverage	30 percent	48 percent
(f) Minimum Front Yard	one-half the height of the building or 7.5 m, whichever is the greater	0 metres
(g) Minimum Rear Yard	one-half the height of the building or 12 m, whichever is the greater	No change
(h) Minimum Interior Side Yard	one-half the height of the building or 6 m, whichever is the greater	0.9 west 1.2 east

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

June 13, 2022

17.2 Zone Requirement	Standard RM2 Requirement	Requested RM2 Requirement
(i) Minimum Exterior Side Yard	one-half the height of the building or 7 m, whichever is the greater	Not applicable
(j) Minimum Landscaped Area	35 percent	20 percent
(k) Maximum Building Height	5 storeys	4 storeys (14.5 metres)
(l) Minimum Floor Area per Dwelling Unit:	(i) Bachelor 42 m ² (ii) One bedroom 56 m ² plus 9 m ² for each additional bedroom	No change
(m) Amenity Area	2.5 m ² of area for each one-bedroom unit and at least 5 m ² of area for each two or more bedroom units in one location for recreational use for the residents of the development.	1.5 m ² per dwelling unit
6.0 General Provisions	Standard Requirement	Requested Requirement
6.16(a) Parking Requirements	1.5 spaces per unit	1.1 spaces per unit
6.16(d) Ingress and Egress	7.5 metre width for ingress and egress (two-way traffic)	7.0 metre width for ingress and egress (two-way traffic)
6.16(i) Parking Area Location	7.5 m to street line; 3.0 m to side or rear lot line	0 metres from the south property line 0 metres from the west property line 1.4 metres from the north property line
6.16(j) Dimensions of Parking Spaces	3 m where abutting a column	2.6 metres where abutting a column
6.16(k) Planting Strips	No requirement for this property/development	1.4 metre planting strip provided along the north lot line



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

June 13, 2022

Submitted Reports:

Planning Justification Report prepared NPG Planning Solutions Inc. dated May 26, 2021

Addendum to Planning Justification Report with Angular Plane Analysis prepared by NPG Planning Solutions Inc. dated April 7, 2022

Shadow Study prepared by ACK Architects dated September 2018 revised to March 30, 2022

Parking Analysis prepared by Paradigm Transportation Solutions Limited dated October 29, 2021

Functional Servicing Design Brief prepared by Hallex Engineering Ltd. dated August 28, 2020

Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated July 9, 2020

Record of Site Condition under Part XV.1 of the Environmental Protection Act submitted May 17, 2016

Environmental Noise Feasibility Assessment prepared by RJ Burnside and Associates Limited dated July 2020

Agency Comments:

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

Niagara Region Planning and Development Services

Regional Planning and Development Services staff is satisfied that the proposed local Official Plan Amendment and Zoning By-law Amendment applications are consistent with the PPS and conform to the Growth Plan and ROP, subject to any local compatibility concerns and requirements.

Public Works Provided no objection to the applications for Official Plan and Zoning By-law amendment and technical comments for site plan approval application.



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

June 13, 2022

Enbridge Gas Inc. No objection. Request standard conditions.

Hydro One No comments or concerns.

Public Comments:

On May 20, 2022 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 Kinsman Court and Highway 20 on May 24, 2022. The following public comments have been received at the time of writing of this report:

- | | |
|---|---|
| <i>Alan Morgan</i> | Concerned about traffic on Highway 20/ queuing at the intersection affecting the ability to safely enter and exit the property. Feels the building height and setback from the road are not appropriate for the Town and that the development will contribute to traffic congestion. |
| <i>Bernie & Susan Law</i> | Concerned about drainage impacts resulting from the development, loss of trees on Kinsman Court road allowance, which protect from views and road noise, scale of building and loss of snow piling area on Kinsman Court. |
| <i>Ron & Mary Ann Blakely</i> | Opposed to the applications, concerned about impact on property values, loss of sunlight and privacy, lack of fit with community and traffic impacts. Also concerned about disruption due to waste collection from Kinsman Court. This area is curved, contains a hydrant and is used for snow piling and the service access will result in the removal of trees from the road allowance. |
| Bill McInernery - behalf
Kinsman Ct. Residents | Supports applications subject to restrictions to 4 storeys, maintain privacy fencing, restriction of visitor parking on Kinsman Court, restriction of construction vehicles accessing Kinsman Court, fencing or gate at end of driveway access for garbage pick-up, work with arbourist to limit tree removal and impact on trees at end of Kinsman Court, the Town to develop a plan to remove snow from end of Kinsman Court, and minimize impact to driveway access for 24 and 26 Kinsman Court. |



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

June 13, 2022

Staff Comments:

The purpose of this report is to provide the Council and the public with information regarding the applications, applicable policies, and comments received. The purpose of the public meeting is to receive feedback and input from the public and for the applicant to respond to inquiries. Committee may also provide recommendations for proposed changes based on the public, agency or staff input and consistency with approved plans. A future report with recommendations will be presented to Council for decision once all feedback is received.

Alternatives:

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

Attachments:

Appendix A Agency Comments

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

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

Reviewed and Submitted by:

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