



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

July 11, 2022

Subject: Information Report – Draft Plan of Subdivision and Zoning By-law Amendment - Tanner Extension

Recommendation:

THAT Committee receive Report # 2022-148 for information as it pertains to File Nos. 26T19-03-2021 & AM-12-2021;

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 an opportunity to receive information regarding the applications for draft plan of subdivision (Tanner Extension) and Zoning By-law amendment.

The proposed draft plan of subdivision would create 11 lots for single detached dwellings, 2 blocks for 10 townhouse dwellings, 1 block for park, 2 blocks for 0.3 reserves and 0.2954 hectares for future roadways.

The proposed Zoning By-law Amendment would rezone the lands from the Residential One – Holding (R1(H)) zone to site specific Residential 2 (R2), Residential Multiple 1 (RM1) and Open Space (OS) zones. The zoning change would permit the use of the lots for single detached dwellings, street townhouse dwellings and parkland as proposed by the draft plan of subdivision subject to special regulations.

Location:

The property is located on the north side of Tanner Drive, east of Pelham Street and west of Line Avenue (Figure 1) and legally known as Part of Lot 177 (Geographic Township Of Thorold), in the Town of Pelham, Regional Municipality of Niagara. Tanner Drive is proposed to be extended through the subject lands.

Community Planning & Development Department Planning Application Report

July 11, 2022

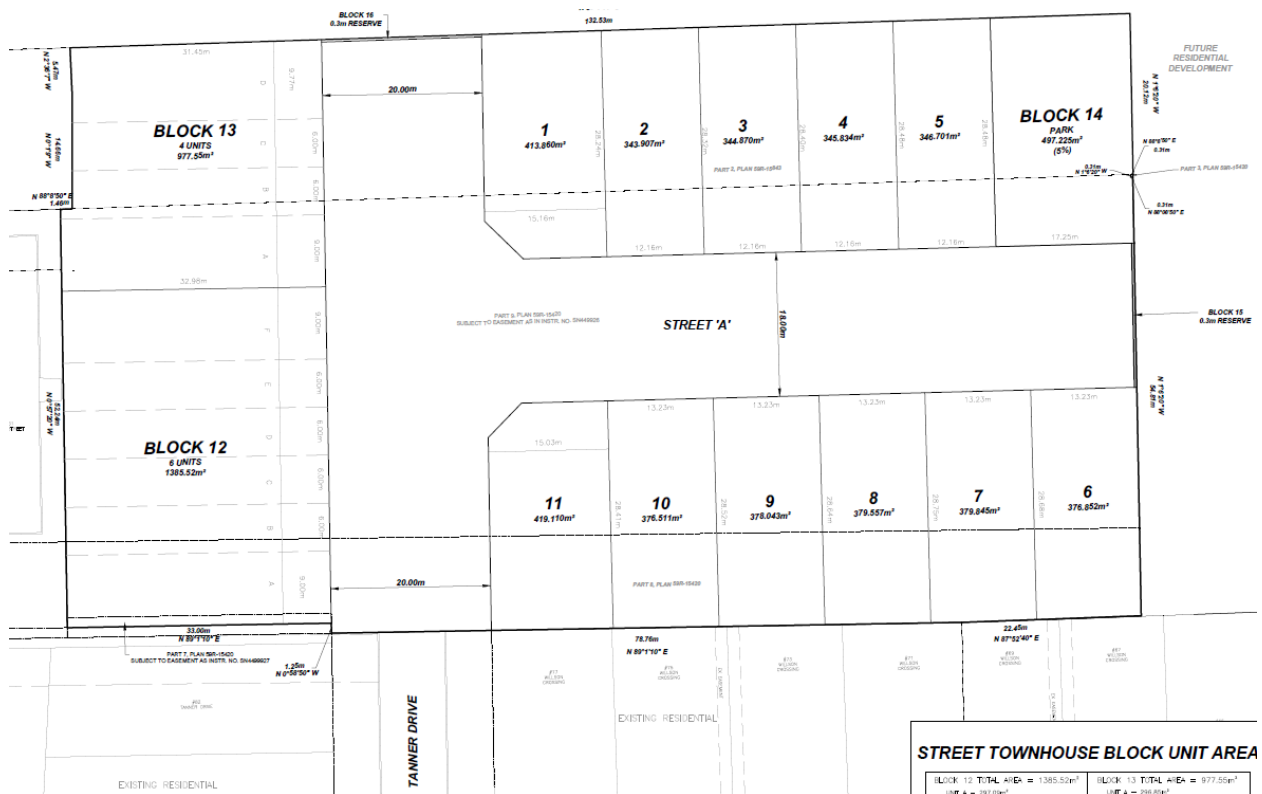
Figure 1: Property Location



Community Planning & Development Department Planning Application Report

July 11, 2022

Figure 2: Draft Plan of Subdivision

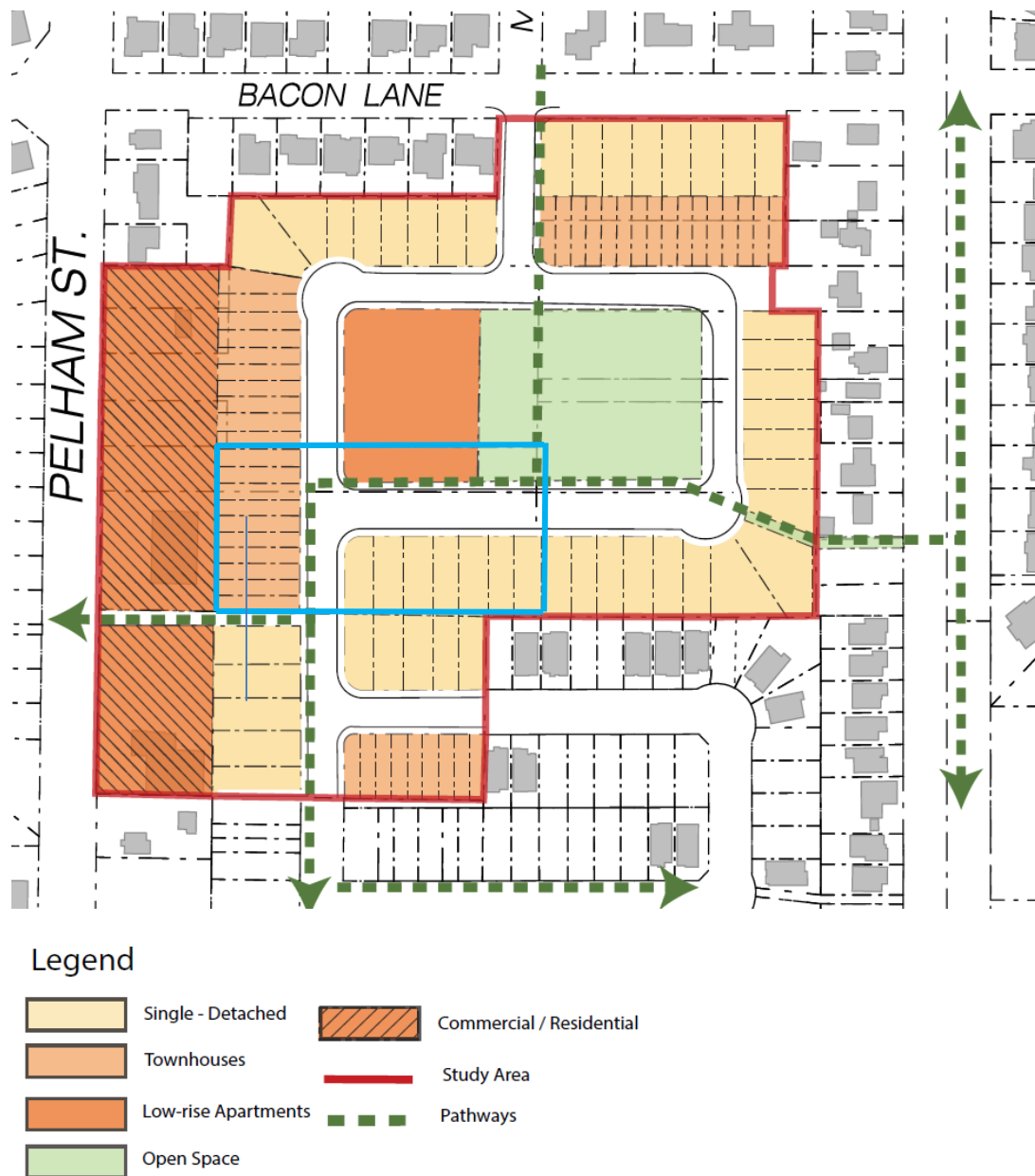


This property is part of Lot 177, which has long been identified as an area for intensification and redevelopment in Fonthill. In 2015, the Town hired the Planning Partnership to undertake a Secondary Plan for the remaining developable area in Lot 177 and make recommendations for how these lands could best be developed with consideration given for existing residents, natural heritage features, traffic calming, active transportation, servicing, the need for parkland as well as applicable planning policies with respect to density targets and housing types. As part of this process, consultation took place with property owners in the area as well as Town Public Works, Recreation, Culture and Wellness and Community Planning and Development Staff. This resulted in the development of a preferred development concept (Concept E) for the lands. Concept E was endorsed by Council in 2016.

Community Planning & Development Department Planning Application Report

July 11, 2022

Figure 3: Concept E



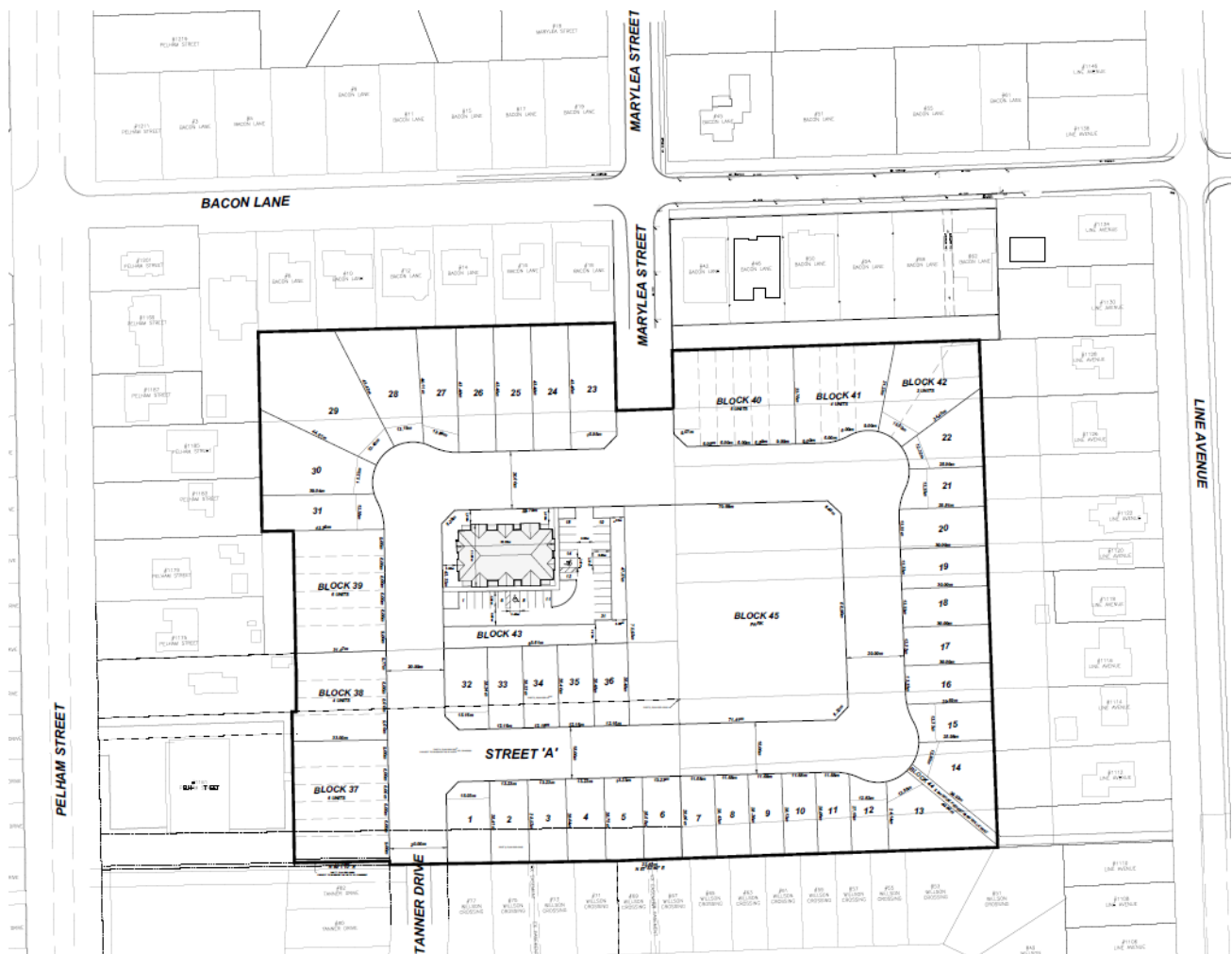
The location of the subject lands are outlined in blue on the preferred Concept E.

Community Planning & Development Department Planning Application Report

July 11, 2022

The Tanner Extension Draft Plan of Subdivision (land highlighted in blue above) differs slightly from Concept E proposing additional single detached dwellings on a portion of the lands that were contemplated for low-rise apartments. In order to address this, the applicant prepared an updated concept plan (Figure 4) to demonstrate that the remainder of the lands could still develop meeting the required densities, and objectives of providing a variety of housing types and addressing the need for parkland while incorporating the desired road network and active transportation connections as contemplated by Concept E.

Figure 4: Updated Development Concept Prepared by Applicant





Community Planning & Development Department Planning Application Report

July 11, 2022

This updated Concept would then be used as the preferred plan going forward when development proposals are received on the remainder of the lands in the Lot 177 area.

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".

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;



Community Planning & Development Department Planning Application Report

July 11, 2022

- 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.

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.



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

July 11, 2022

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.

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.



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

July 11, 2022

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.

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of Significant Woodland. Policy 7.B.1.11 states that development and site alteration may be permitted in Environmental Conservation Areas; and on adjacent lands to Environmental Protection and Environmental Conservation Areas if it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) to demonstrate this.



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

July 11, 2022

Town of Pelham Official Plan, 2014

The property is designated Urban Living Area/Built Boundary and Potential Intensification Area in the Town of Pelham Official Plan.

Permitted uses in the Urban Living Area are single detached residential dwelling units, accessory apartments in single detached dwellings, semi-detached, townhouse, multiple and apartment dwellings, home occupations, bed and breakfast establishments in single detached dwellings, private home day care and complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses.

Policy B.1.13 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 (b) 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 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.

B1.1.11 Lot 177 Special Policy also applies to the lands. Policy B1.1.11.2 states that the residential neighbourhood of Lot 177 represents one of the most substantial infill areas within the Fonthill Urban Area after the Secondary Plan Areas. As a result, the Provincial Growth Plan has placed about 15% of the land in Lot 177 in a Greenfield designation. These lands are identified on Schedule A1 to this Plan as Greenfield Overlay. This means that these lands are required to achieve population densities of 50 people and jobs per hectare. Policy B1.1.11.3 indicates that Lot 177 should



Community Planning & Development Department Planning Application Report

July 11, 2022

accommodate at least 200 new units in order to meet the density target of 50 jobs and persons per hectare.

Policy B1.1.11.4 indicates that development proposals shall provide for a mix of dwelling unit types to assist in ensuring an affordable housing supply can be accommodated. Housing types will be located in such a manner as to enhance the physical and living environments of the neighbourhood. In order to minimize the impact of medium density development on the residents of the neighbourhood, such development will be located adjacent to or be directly accessible to parks and open space areas and/or Pelham Street or Quaker Road. The building height of medium density developments shall not exceed three (3) storeys.

B1.1.11.6 indicates that as part of the development review process, it is a priority for the Town to acquire suitable land for a public park to serve the needs of residents within the Lot 177 development area. In making efforts to secure suitable lands, the following guidelines will be considered:

- Between 0.8 and 1.2 hectares (2 to 3 acres) of land be established for recreational purposes;
- The park centrally located within safe convenient walking distance of the majority of neighbourhood residents; and,
- Appropriate linear parks or walkways should be developed to access the park.

The policies in this Plan regarding the acquisition of parkland through the development process also apply in the Lot 177 Special Policy Area. However, given the fragmented nature of land in Lot 177, Council may acquire suitable lands for a park independent of the development process.

Policy B1.1.11.7 indicates that the provision of sewerage, water, stormwater drainage, roads and other municipal services will be achieved with minimum costs to the Town and phased in an orderly and efficient manner. Development of the Lot 177 lands will commence at the southerly limit and proceed sequentially in a northerly direction. Out of phase development will only be considered where the developer is willing to pay the cost of oversizing services beyond the limit of the development to a suitable outlet.



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

July 11, 2022

Policy B1.1.11.8 states that in order to accommodate development within Lot 177, off-site road improvements and storm sewer extensions are required. The cost of undertaking such works shall be borne by the developers. The Town will ensure that internal road alignments are adequate for emergency vehicles and do not jeopardize the logical and orderly development of other land available for development. Where any proposed subdivision of land would preclude the development of a suitable system of interconnecting roadways, subdivision design modifications will be effected before development proceeds. The Town may acquire lands required to accommodate a preferred roadway to assist in the coordination and orderly build out of Lot 177. Costs incurred in the acquisition process will be collected through an area specific development charge or other suitable mechanism or agreement and the cost of road construction will be borne by development proponents through subdivision agreements.

B1.1.11.9 states that in order to achieve orderly development and effective use of land within the Lot 177 Special Policy Area, it is incumbent upon the proponents of future development to coordinate their proposals and work together. The Town is prepared to be a partner in this coordination and will use its authority under the Planning Act, the Municipal Act, the Development Charges Act or other applicable legislation wherever necessary to implement these policies.

Official Plan Policy D5.3 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;
- 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 of this Plan; and,

Community Planning & Development Department Planning Application Report

July 11, 2022

- 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.

Town of Pelham Zoning By-law 1136 (1987), as amended

The property is zoned Residential One Holding (R1-H). The Residential One (R1) zone permits one single detached dwelling and uses, buildings and structures accessory thereto as well as home occupations. The Holding symbol is in place to prohibit development on the property until such time that a draft plan of subdivision is approved by Council.

The requested zoning by-law amendment would amend the zoning to site-specific Residential 2 (R2), Residential Multiple 1 (RM1) and Open Space (OS) zones and lift the holding provision. The zoning change would permit the use of the lots for single detached dwellings, street townhouse dwellings and parkland as proposed by the draft plan of subdivision subject to special regulations.

The requested site-specific zoning regulations are provided in Tables 1, 2 and 3.

Table 1: Requested Site Specific Residential Two Zone Requirements

14.2 Zone Requirement	Standard R2 Requirement	Requested R2 Requirement
(a) Minimum Lot Area	360m ²	350m ²
(b) Minimum Lot Frontage	12 metres; 15 metres corner lot	No change
(c) Maximum Lot Coverage	50 percent	No change
(d) Minimum Front Yard	6.5 metres	4.0 metres building face; 6.0 metres garage
(e) Minimum Interior Side Yard	1.5 metres on one side and 3.0 metres on the other where no attached garage or carport or 1.5 metres on both sides where an attached garage or carport.	1.2 metres
(f) Minimum Exterior Side Yard	5 m from the side lot line or 15 m from the centre	3 metres

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

July 11, 2022

14.2 Zone Requirement	Standard R2 Requirement	Requested R2 Requirement
	line of the road whichever is the greater	
(g) Minimum Rear Yard	7.5 metres	6 metres
(h) Maximum Height	10.5 metres	No change
(i) Minimum Ground Floor Area	(i) 93 m ² for one storey; (ii) 55 m ² for two storey	No change

Table 2: Requested Site Specific Residential Multiple One Zone Requirements

16.3 Zone Requirements for Street Townhouses	Standard RM1 Requirement	Requested RM1 Requirement
(a) Minimum Lot Frontage	6 m per dwelling unit; 9 m interior lot containing a dwelling attached on one side only	No change
(b) Minimum Corner Lot Frontage	14 m	No change
(c) Minimum Lot Area	230 m ² (2,475.78 ft ²) per dwelling unit	188 m ² per interior unit
(d) Minimum Front Yard	7.5 metres	6 metres
(e) Minimum Exterior Side Yard	7.5 metres	3 metres
(f) Minimum Interior Side Yard	3 metres	1.5 metres
(g) Minimum Rear Yard	7.5 metres	6 metres
(h) Maximum Building Height	10.5 metres	No change
(i) Minimum Ground Floor Area	one storey 88 m ² ; two storeys 50 m ²	No change
(j) Planting Strips	1.5 metres where abutting R1 or R2 zone	Delete

Table 3: Requested Site Specific Open Space Zone Requirements

26.2 Open Space Regulations	Standard OS Requirement	Requested OS Requirement
(a) Minimum Lot Area	0.8 ha	497 m ²



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

July 11, 2022

Submitted Reports:

Environmental Impact Study prepared by Beacon Environmental dated November 2021

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

Geotechnical Report prepared by Soil-Mat Engineers & Consultants Ltd. dated September 17, 2021

Phase One Environmental Site Assessment prepared by Soil-Mat Engineers & Consultants Ltd. dated October 5, 2021

Phase Two Environmental Site Assessment prepared by Soil-Mat Engineers & Consultants Ltd. dated November 2, 2021

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

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

Agency Comments:

The applications were 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 Subdivision from a Provincial and Regional perspective, subject to any local requirements, and the conditions included in the Appendix.

Bell Canada Requests standard conditions of approval.

Enbridge Gas Requests standard conditions of approval.

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

Hydro One No comments or concerns.



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

July 11, 2022

Niagara Peninsula Conservation Authority

No comments or concerns.

Fire Services

As per 7.1 (f). Cul-de-sacs exceeding 90m in length shall provide an adequate turnaround facility.

As per 7.4 Single access routes, a development which has only one roadway as a 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 No concerns noted.

Pelham Active Transportation Committee

Support the pedestrian pathways and linkages to other routes in that area, sidewalks that meet AODA requirements, with a minimum of a sidewalk on one side of the street and with a preference to have sidewalks on both sides of the street.

Public Comments:

On June 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 Tanner Drive. The following comments have been received at the time of writing of this report:

Brad & Donna Gautreau

Concerned that the draft plan is not consistent with Concept E, which was previously endorsed by Council. Does not want development proceeding in a manner that may affect the ability for the Town to acquire the desired parkland in this area.

Susan Turner

Believes development should not occur on these lands until an access to Bacon Lane is provided. Concerned that only access to main roads is Saddler Street and Homestead Boulevard, which could become blocked at times.



Community Planning & Development Department Planning Application Report

July 11, 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 to date. 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 to or conditions of approval for the draft plan of subdivision based on the public, agency or staff input and consistency with approved plans. A future report with recommendations and proposed draft plan of subdivision conditions 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