



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

August 22, 2022

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

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022-0201 –
Recommendation Report for Draft Plan of Subdivision and Zoning By-
law Amendment – Tanner Extension for information as it pertains to
File Nos. 26T19-03-2021 and AM-12-2021;**

**AND THAT Council direct Planning staff to prepare the by-law for
approval of the Zoning By-law amendment for Council’s
consideration;**

**AND THAT Council approve the Draft Plan of Subdivision, 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 Subdivision for the project known as The Tanner Extension.

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.

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Figure 1: Property Location



The surrounding land uses include a mix of uses including single detached dwellings to the north, south and east and a commercial plaza and residential use to the west. The vacant lot to the southwest fronting on Pelham Street was approved in February 2016 for a 3-storey mixed use development consisting of 8 ground floor commercial units and 20 apartment units.

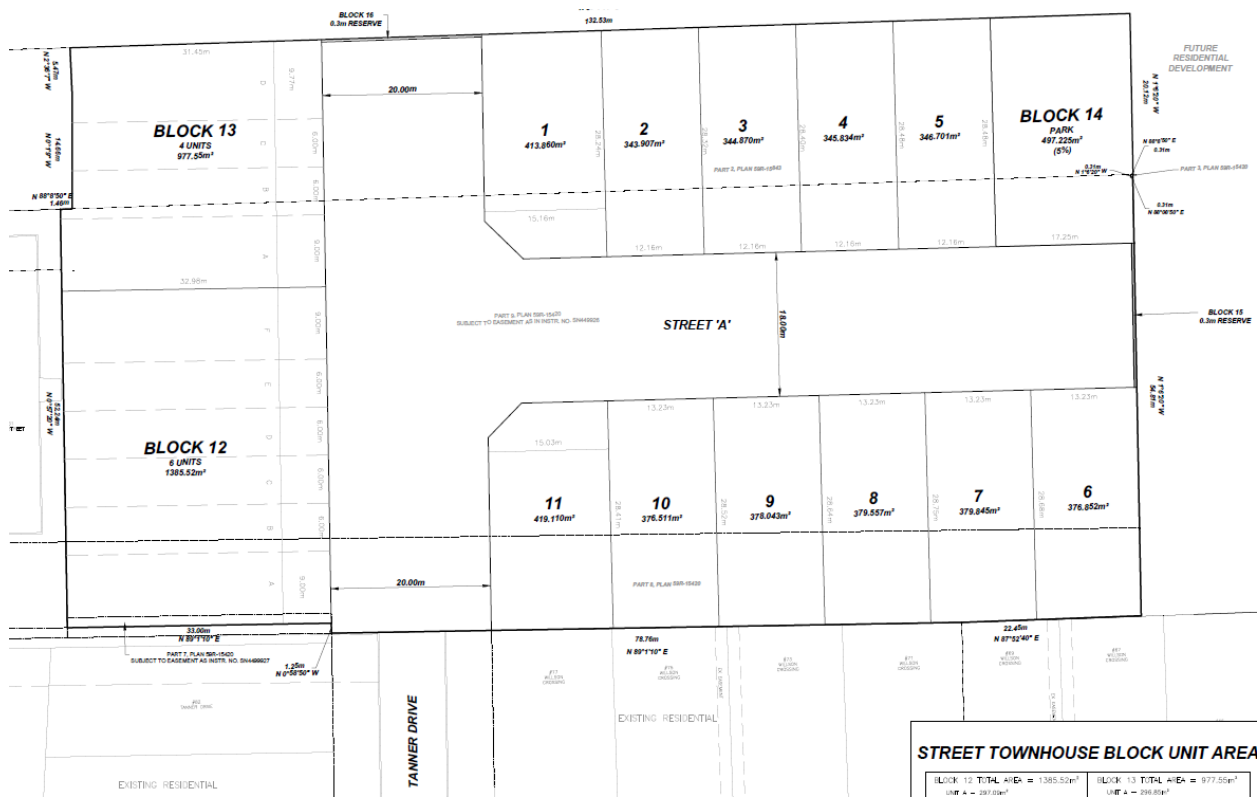
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Project Description and Purpose:

The property is approximately 0.9932 hectares in size. The draft plan of subdivision shows 11 lots for single detached dwellings, 2 blocks for 10 street townhouse dwellings and a block for future park (Figure 2). A total of 21 dwelling units are proposed.

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

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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.








Figure 3: Concept E



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Legend

	Single - Detached		Commercial / Residential
	Townhouses		Study Area
	Low-rise Apartments		Pathways
	Open Space		

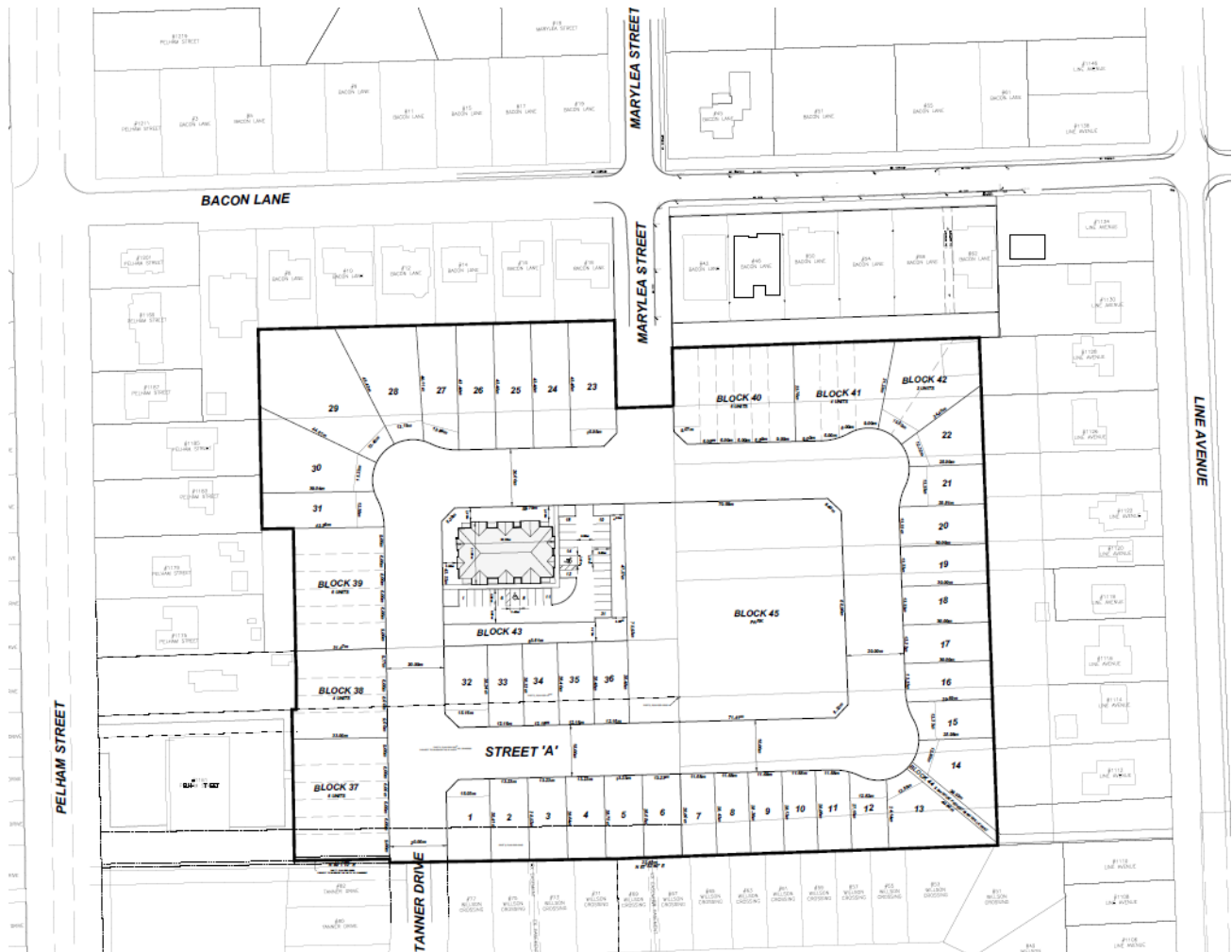
The location of the subject lands are outlined in blue on the preferred Concept E.

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

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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



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plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the *Act* allows for consideration of amendments to the zoning by-law.

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

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

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- The extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this *Act*.



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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.

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



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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 within the existing neighbourhood and the Settlement Area as a whole. The subdivision will facilitate intensification and redevelopment. 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 proposed subdivision will be transit and active transportation supportive. A sidewalk will be provided on one side of the streets and there are long-term plans for pedestrian connections to Pelham Street from Tanner Drive and from the future Street A to Line Avenue and the Steve Bauer Trail. There are adequate public service facilities planned, including the proposed park block (14) which will become part of a larger neighbourhood park as future development occurs. The dwellings will meet the energy efficiency requirements in the Ontario Building Code.

Based on this information, the proposed draft plan of subdivision is 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.



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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 development of single detached and street townhouses on the property will intensify the Built-Up Area. The varying built form (single detached and street townhouses) will integrate well into the existing neighbourhood. 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. 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



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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 provides a mix of housing types that contribute to the creation of a complete community. The street pattern will connect to the existing neighbourhood and future developments. Active transportation is supported through the sidewalks and planned pedestrian linkages including a future connection to the Steve Bauer Trail.

Municipal servicing will be in keeping with Regional and Town servicing plans. The redevelopment of the property will result in intensification and assist the Town in meeting the 15% intensification target.

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 future road network has been designed to accommodate the collection vehicles. The developer will be required to provide temporary turning circles for waste collection vehicles as a condition of draft plan approval until such time that the road network is complete. The requested zoning regulations require a larger setback for the garage in an effort to deemphasizing garages.

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.

The applicant has provided an EIS which has been reviewed and accepted by the Niagara Region subject to requested conditions which have been included in Appendix B. It is noted that additional EIS work will be required on the remaining lands in Lot 177 as part of future development applications.

For the reasons above, it is Planning staff's opinion that the applications conform to the policies of the Regional Official Plan.



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Region of Niagara Official Plan Adopted June 23, 2022

The Region of Niagara adopted a new Official Plan on June 23, 2022 and it has been forwarded to the Province for review and approval, and approval is pending. Nevertheless, the new Region of Niagara Official Plan provides the policy guidance for future development across the Region.

The lands continue to be designated as Built-Up Area in the new Official Plan, however the intensification rates have changed from and the policy 2.2.2.5 now requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas and in Pelham, this translates into an annual intensification rate of 25% of new residential units are to be within the Built-Up Area. The principle objective is to increase housing choice and housing affordability across the Region to meet future housing needs.

Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (Note Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Policy Section 2.3.1 provides the policy direction with regards to a mix a housing options and specifically policy 2.3.1.1 states that the development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life. Policy 2.3.2.3 sets that target that 20% of all new rental housing is to be affordable and 10% of all new ownership housing is to be affordable.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and



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- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

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.

The uses proposed in the draft plan of subdivision and zoning by-law amendment are permitted in the Urban Living Area/Built Boundary. The development will contribute to the 15% intensification target for the Town. The overall density target of 50 persons and jobs per hectare for the remaining Lot 177 development lands will be achieved through the revised development concept plan. The draft plan of subdivision proposes a unit density of 21.16 units per hectare.

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

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- 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 residential neighbourhoods with respect to height, bulk and massing. Height, bulk and massing is expected to be consistent with what exists on Tanner Drive and Willson Crossing. Street townhouses are proposed on the extension of Tanner Drive abutting the future pedestrian walkway, an existing single detached dwelling, commercial uses and one single detached dwelling on Pelham Street. Traffic congestion is not anticipated as a result of the townhouses. The residential uses are compatible with the existing residential and commercial uses. The street network will be completed and more readily disperse traffic as future development occurs. Finally, the size of the lots for street townhouse dwellings is sufficient to incorporate parking, recreational areas, landscaping and buffering. Parking will be available in private garages, driveways and on-street where possible.

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

As indicated, the revised overall development concept for the remaining Lot 177 lands will achieve the density of 50 persons and jobs per hectare and approximately 84 units. The 200 units required by Policy B1.1.11.13 includes development that has already taken place to the south as well as the units shown on the revised development concept for the remaining lands.

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



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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.

The revised development concept plan shows single detached, semi-detached, street townhouse and apartment dwellings for a mix of dwelling unit types. The medium density development (apartment dwellings) is proposed adjacent to the future park and is not planned to exceed three 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.

Block 14 (park) is in the location originally planned for the neighbourhood park and 0.5712 ha in size. Additional land will be added to the park block as part of future development applications to achieve the desired size.

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



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willing to pay the cost of oversizing services beyond the limit of the development to a suitable outlet.

The proposed development is sequential at the south limit of property available for development.

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.

The cost of roads and servicing extensions will be borne by the developer. Temporary turnarounds will be required until such time that interconnecting roadways are available. There is no need for the Town to acquire land to accommodate the interconnecting roadways at this time.

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.

The Town will continue to partner in the coordination of development in this area.

Official Plan Policy D5.3 requires that prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:



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- 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,
- 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.

Analysis of Section 51(24) of the Planning Act and Policy D5.3 of the Town's Official Plan, 2014

Effect of Development on Matters of Provincial 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.

Whether the Proposed Subdivision is Premature or in the Public Interest

The proposed subdivision is not premature and is in the public interest.

Whether the Plan Conforms to the Official Plan and Adjacent Plans of Subdivision

The draft plan of subdivision conforms to the Official Plan and the policies for Lot 177. The plan allows for connectivity to future plans of subdivision.



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Suitability of Land for the Purposes of which it is to be Subdivided

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

The density of the development is appropriate for the neighbourhood and will meet the 50 persons and jobs per hectare density for the Lot 177 area.

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

The Number, Width, Location, Proposed Grades, Elevations of Highways, their Adequacy, and the Highways linking the Highways in the Proposed Subdivision with the Established Highway System

The subdivision will have access from Tanner Drive which will connect with Bacon Lane in the future. The proposed street networking provides connectivity to the established highway system, adjacent development and conforms to the street patterns depicted in the development concept plans for Lot 177.

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

Dimensions and Shapes of the Proposed Lots

The proposed subdivision proposes regularly shaped lots that will allow the appropriate siting of the future dwellings, driveways, amenity and parking areas.

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

There are no restrictions on the land proposed to be subdivided or on adjoining land that would prevent development of the lands.

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

Conservation of Natural Resources and Flood Control



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The proposed draft plan of subdivision 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.

The Adequacy of Utilities and Municipal Services

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

The Adequacy of School Sites

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

Adequacy of Parkland and Open Space, Community Facilities, and Other Amenities, as Required (D5.3)

The proposed development includes Block 14 for park which will be increased in size as part of future development applications. Future park designs and programming will be coordinated and implemented by the Department of Recreation, Culture and Wellness.

The Area of Lane, if any, Within the Proposed Subdivision that, Exclusive of Highway, is to be Conveyed or 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. In this case, the developer will convey Block 14 for parkland.

The Extent to which the Plan's Design Optimizes the Available Supply, Means of Supplying, Efficient Use and Conservation of Energy

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

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.

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The proposed dwelling units within the draft plan of subdivision do not require site plan control.

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.

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	1.2 metres

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14.2 Zone Requirement	Standard R2 Requirement	Requested R2 Requirement
	where an attached garage or carport.	
(f) Minimum Exterior Side Yard	5 m from the side lot line or 15 m from the centre line of the road whichever is the greater	3 metres
(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



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

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:

Environmental Impact Study prepared by Beacon Environmental dated November 2021

The study concludes that no woodland exists within or directly adjacent to the subject lands and, as such, there are no Regionally-designated natural heritage features present on-site. Regional Environmental Planning staff accepted the study findings and thus agree there will be no on-site impact to the Region's Core Natural Heritage System as a result of the proposed development. Regional staff recommended that the installation of erosion and sediment control fencing be required around the perimeter of the subject property for the duration of construction. Additionally, any vegetation removals should only occur outside of breeding bird nesting period and active bat season. Conditions to implement these recommendations are included in the Appendix B.

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

The report concludes that the existing 200mm diameter watermain will have sufficient capacity to provide both domestic and fire protection water supply. The existing 200mm diameter sanitary sewer on Tanner Drive will have adequate capacity and the existing storm sewer system downstream of the proposed development has sufficient capacity for the proposed development and expected future upstream development. The site stormwater overland route will convey



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stormwater flows south on Tanner Drive to Pelham Street before ultimately outletting Draper's Creek. Stormwater quality protection will continue to be provided by the downstream Draper's Creek Stormwater Management Facility. Based on the information in the report and the accompanying calculations and Drainage Area Plans, there exists adequate municipal servicing for the development.

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

The report details the site soil and groundwater conditions and makes recommendations for site construction that will be incorporated into the detailed engineering design.

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

The Phase One ESA identified two areas of potential environmental concern on the property as a result of historical pesticide use on the property, as well as underground fuel storage on an adjacent property. Based on the findings of the Phase One ESA, a Phase Two ESA was required to assess the soil and groundwater conditions at the site prior to submitting a RSC. The Phase Two ESA found that soil and groundwater conditions on the site met the Ministry of the Environment, Conservation and Parks' (MECP) Table 2 (Full Depth Generic Site Condition Standards in a Potable Ground Water Condition) Site Conditions Standards, with the exception of elevated levels of Sodium Absorption Ratio, as well as Sodium and Chloride in soil and groundwater samples collected on-site.

In accordance with O. Reg. 153/04, the Record of Site Condition (RSC) must be filed prior to change in site use. As of the date of this letter, no RSC had been filed on the Registry. Accordingly, a condition has been included in Appendix B to require the filing of the RSC prior to final approval of the Draft Plan of Subdivision.

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



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The report indicates that the proposed development represents good planning as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan, the Region of Niagara Official Plan and the Town of Pelham Official Plan. The subject Draft Plan of Subdivision and Zoning By-law Amendment applications should be supported.

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.

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.



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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.

All requested conditions have been included in Appendix B.

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. A public meeting was held on July 11, 2022. One member of the public attended. 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.

Leah Ugolini

Opposed to two-storey dwellings backing onto the dwellings on Willson Crossing due to privacy concerns. Concerned about neighbourhood aesthetics.

Renate Thomas

Would like bungalows backing onto the existing dwellings on Willson Crossing. Wants nice designs and layouts for dwellings.

Jim Shaw



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Would like the façade of the dwellings to be in keeping with the surrounding neighborhood. Requested clarification about whether the roads will extend to Line Avenue and Bacon Lane and whether the dwellings will be bungalows.

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.

With respect to the comments from Brad and Donna Gautreau, the revised development Concept Plan for the remainder of the lands in Lot 177 incorporates all of the policy considerations in the Official plan and the variety of housing types, connectivity and active transportation considerations included in Concept E. The minor modifications that have been proposed will not negatively impact future development of the remainder of the lands. Block 14 will be dedicated to the Town as part of the subject applications as the first portion of the neighbourhood park. Additional lands will be added to Block 14 as part of future development applications.

Susan Turner raised concerns about the limited access to the development until future development occurs allowing the street connection to Bacon Lane. The development has been reviewed by Fire and Emergency Services and temporary turnarounds have been requested as a condition of draft plan approval to ensure that emergency vehicles can access the development. A condition that all units within the development be sprinklered has also been included in Appendix B due to the singular access at this time.

In response to the request from Leah Ugolini and Renate Thomas that the dwellings backing onto the existing dwellings on Willson Crossing be bungalows, the developer is requesting the standard height permissions in the R2 zone, which is 10.5 metres. This would allow for both bungalow and two-storey dwellings. Planning staff note that this is the same height permission as the existing dwellings on Willson Crossing. A 6 metre rear yard will be provided for the future dwellings. Planning staff have also included a condition requiring the developer to install privacy fencing along the rear lot lines where abutting the existing homes on



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Willson Crossing. In general, single detached dwellings are considered compatible with adjacent single detached dwellings, whether they are bungalow or two-storey construction. It is noted that at this time, no home builder has been chosen to construct the dwellings proposed in this subdivision so it is unknown if they will be one or two-storey dwellings, however, adverse impacts are not anticipated.

There are no urban design guidelines contained in the Official Plan with respect to Lot 177. The requested zoning regulations for the single detached dwellings require the garages to be recessed.

As a result of the discussion and analysis in this report, it is Planning staff's opinion that the proposed 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 recommended conditions of draft plan approval contained in 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.

Attachments:

Appendix A Tanner Extension Draft Plan of Subdivision

Appendix B Recommended Conditions of Draft Plan Approval

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

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

Reviewed and Submitted by:



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