



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

December 19, 2022

Subject: Recommendation for Zoning By-law Amendment – 1145 Pelham Street

Recommendation:

BE IT RESOLVED THAT Council receives Report #2022-287 – Recommendation for Zoning By-Law Amendment – 1145 Pelham Street for information as it pertains to File No. AM-06-2022;

AND THAT Council directs Planning staff to prepare the necessary Zoning By-law amendment for Council consideration at the next Regular Meeting of Council.

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding the application to amend the Zoning By-law for the property known as 1145 Pelham Street.

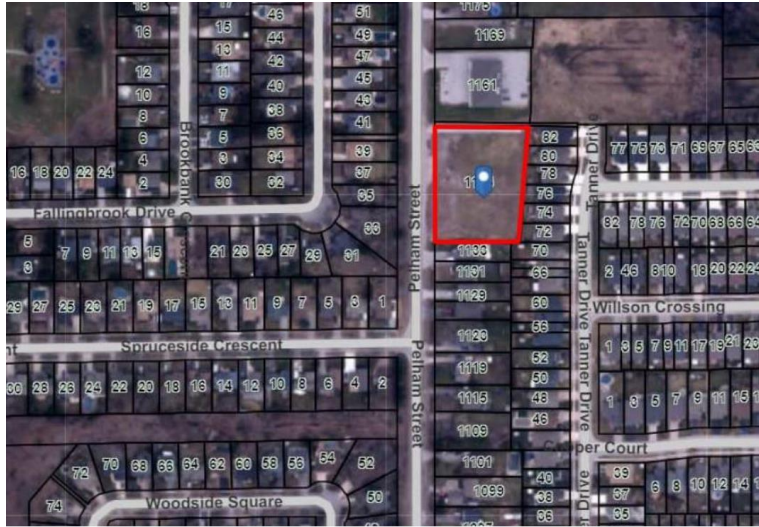
Location:

The property is known as 1145 Pelham Street, Fonthill and described legally as Block 13, Plan 59M-405. The property is located on the east side of Pelham Street, south of Bacon Lane (Figure 1). Pelham Street is classified as an arterial road and this portion of Pelham Street is being reconstructed.

Figure 1: Property Location

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The surrounding land uses include a commercial plaza to the north and single detached residential uses to the east, south and west. The property was formerly the site of an automobile dealership and repair facility and has been vacant for a number of years.

Project Description and Purpose:

The proposed Zoning By-law Amendment would rezone the lands from the General Commercial – 89 (GC-89) zone to a site-specific Residential Multiple 2 (RM2) zone to permit a 5 storey apartment dwelling (Figure 2) containing 47 units as shown on the submitted site plan (Figure 3).

The building contains 4 storeys of residential units above ground with a covered rooftop terrace and multi-purpose space for use by residents along with mechanical room and storage on the 5th storey. The 5th storey is stepped back and is approximately 1/3 of the area of the floorplate of the other 4 floors. The basement is proposed to contain 2 residential units, storage lockers, a fitness/yoga room and common area. The main floor contains 9 units and 1 guest suite. The second through fourth floors will each contain 12 apartment dwelling units. Overall, the unit composition will include 32 one-bedroom units and 15 two-bedroom apartment units of varying sizes.

The proposed Zoning By-law Amendment application is the first stage in the development approval process which addresses the proposed land use and building

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setbacks, parking requirements, lot coverage. The second stage of development approval process which is not part of the Zoning By-law Amendment process would be site plan approval which deals with the on-site development matters such as the access location, parking location and orientation, building orientation and massing, site servicing requirements, sustainable design matters, etc.

Figure 2: Proposed Building Elevations



FRONT (PELHAM STREET) ELEVATION

1/8" = 1'-0"



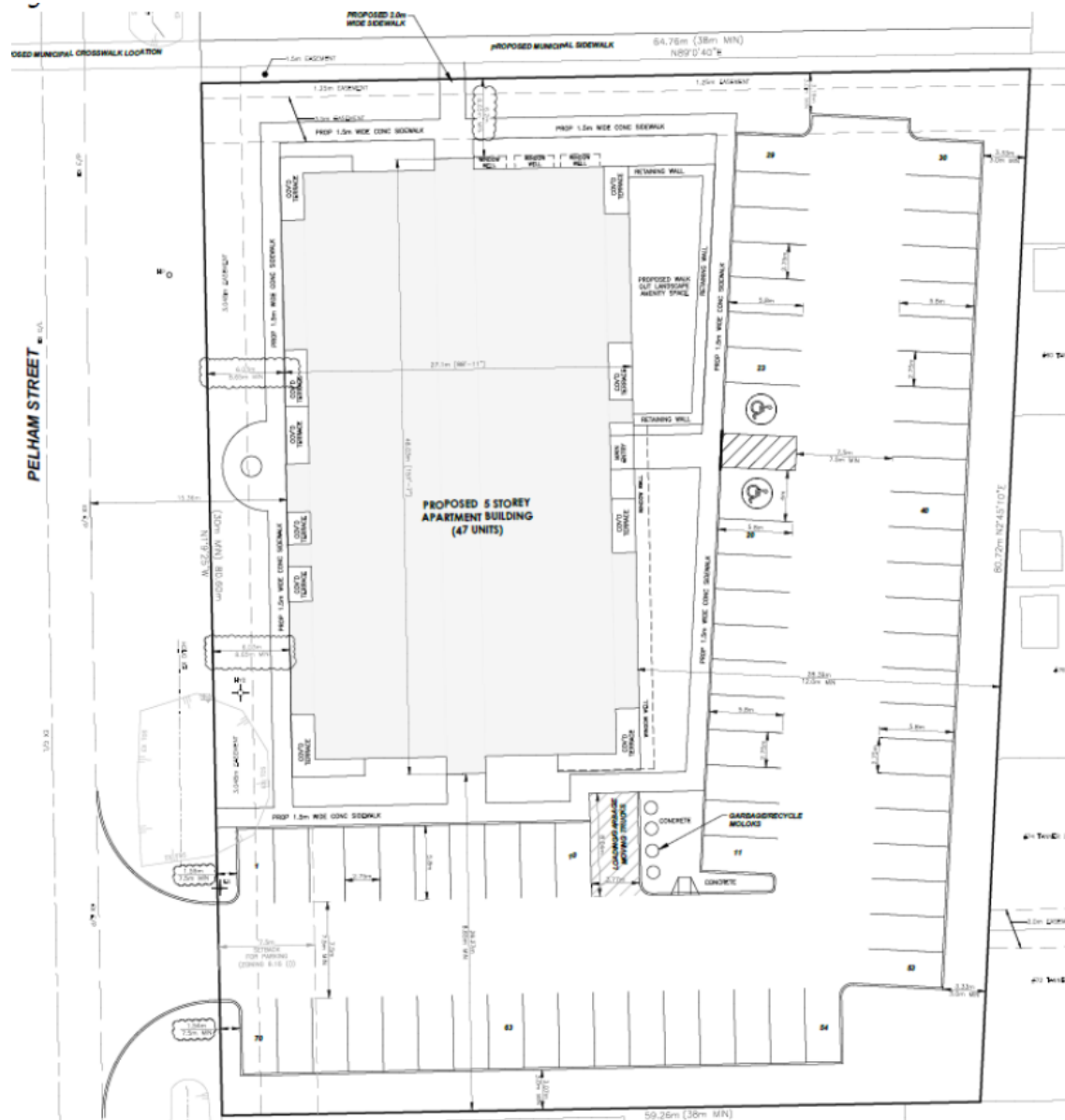
FRONT PERSPECTIVE

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The proposed building is a modern contemporary design that utilizes a variety of building materials, colour, glazing, articulation and fenestration to provide interest and still be cohesive and have symmetry in its design.

Figure 3: Site Plan



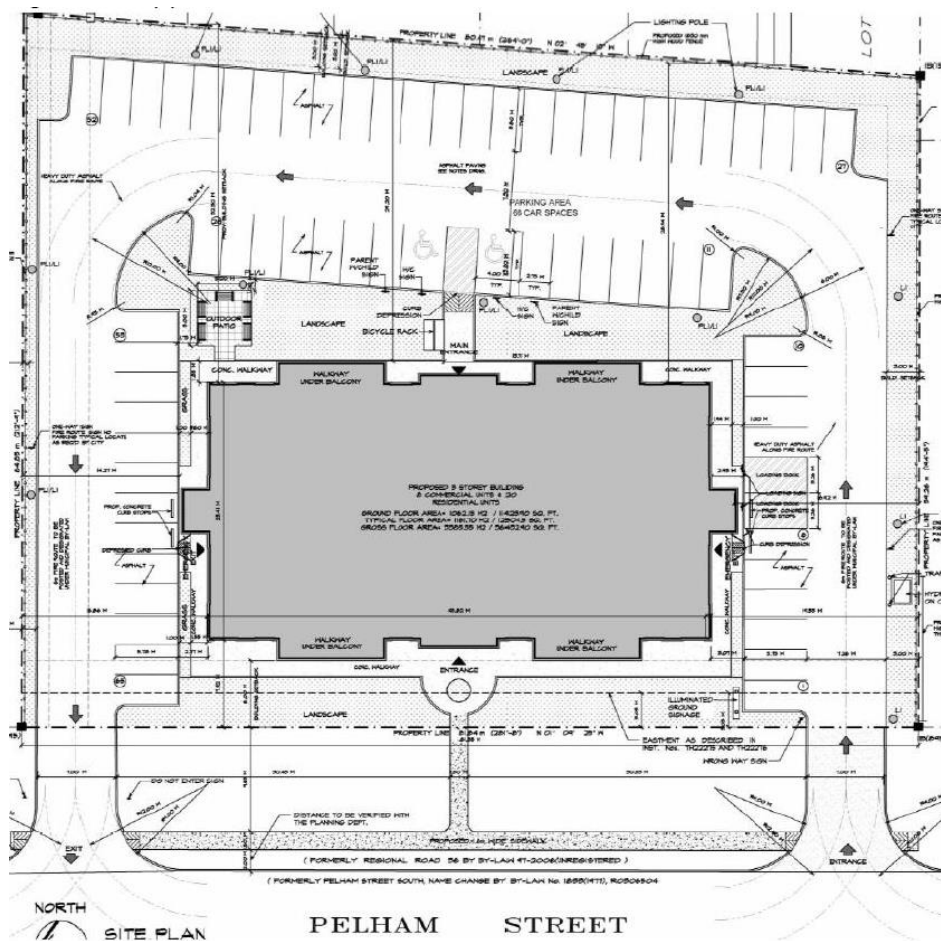
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The proposed site plan which helps to inform the Zoning By-law Amendment, depicts a single driveway access on the south side of the property with the building situated along the Pelham Street frontage and the parking area on the east and south sides of the property. 70 parking stalls are being provided including two accessible parking stalls.

There is an approved registered Site Plan Agreement for the property from 2016 that permits the development of a three-storey mixed use building containing 8 commercial units on the ground floor and 20 residential dwelling units (apartments). The approved site plan and building elevation are shown in Figures 4 and 5. This development plan was never realized.

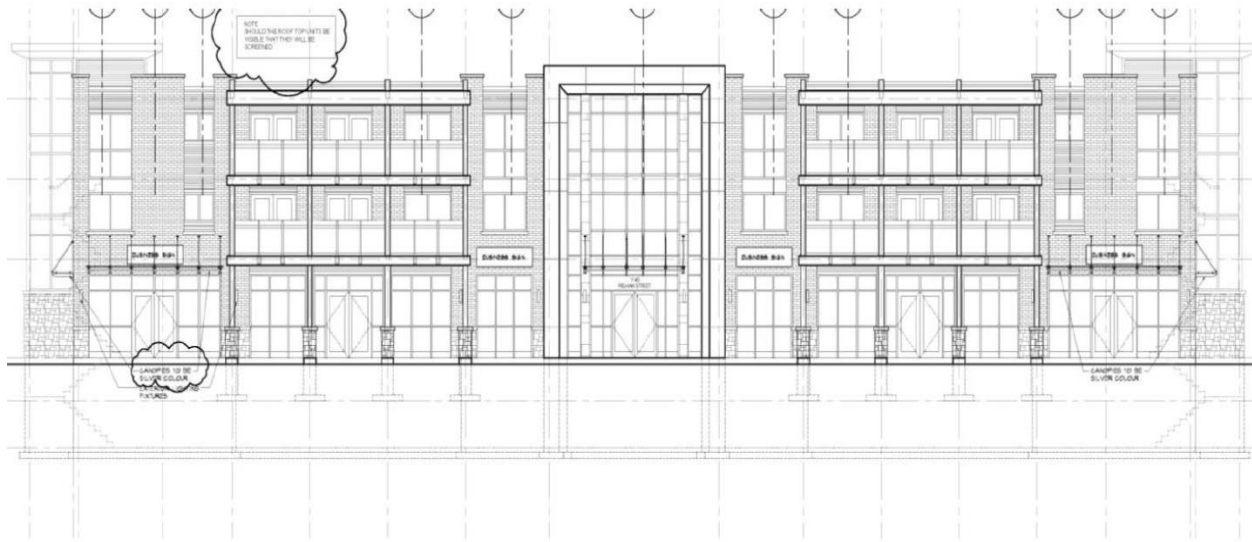
Figure 4: Approved Site Plan



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Figure 5: Approved Front Building Elevations



If the proposed Zoning By-law amendment application is approved, an amendment to the Site Plan Agreement will also be required. It is at site plan review that details regarding the building elevations and massing, access, site servicing and sustainable landscape details are reviewed.

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”.

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

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.



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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.

The requested zoning by-law amendment will allow for intensification and the addition of apartment dwellings to the range of housing options in the Town. The development can be accommodated by existing and planned infrastructure and public service facilities. The proposed development density will efficiently use land and infrastructure, be constructed in accordance with the energy efficiency requirements in the Ontario Building Code and encourage active transportation being located close to walking trails, sidewalks and cycling infrastructure.

Greenbelt Plan, 2017

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

Niagara Escarpment Plan, 2017

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

Growth Plan for the Greater Golden Horseshoe, 2019

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan



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policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area. Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The requested zoning by-law amendment will contribute toward the minimum 50 percent target for new residential development and result in intensification in the delineated built-up area.

Regional Official Plan, 2022

The lands are designated as Built-Up Area in the new Niagara Region Official Plan. Policy 2.2.2.5 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. 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.



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Policy 2.3.1 provides the 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 throughout settlement areas to meet housing needs at all stages of life. Policy 2.3.2.3 sets the 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
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

The requested zoning by-law amendment will contribute toward the mix of housing types in the built-up area of the Town. The building will consist of one and two bedroom units of various sizes and density of 94 units per hectare. Apartment dwellings meet housing needs at different stages of life and income levels than single detached and townhouse dwellings. The site layout and building design represent a compact built form and will be constructed to meet the energy efficiency requirements of the Ontario Building Code. Housing construction materials are not known at this time. The potential for low impact development techniques and green infrastructure can be considered through a future site plan approval application, should the zoning by-law amendment be approved.

While the application will not provide affordable rental or ownership housing, it will increase the supply of available apartments in the Town which would be at a different price point than single detached and townhouse units and could lower prices. Housing costs are market driven and the Town cannot regulate the price of housing. There may be incentives available through the Region should the developer wish to incorporate some affordable housing into the building, however that is dependent on Regional criteria and funding allocations from upper tier levels of government.



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Pelham Official Plan (2014)

The lands are designated Urban Living/Built Boundary in the Town's Official Plan. The permitted uses in this designation are a full range of residential uses including apartment dwellings. Policy B1.1.3 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick. Further, Policy B1.1.3 (a) permits intensification on sites abutting arterial and collector roads. Pelham Street is identified as an arterial road according to Schedule C to the Town of Pelham Official Plan. Note that the Regional Official Plan now identifies an intensification target of 25% for the Town in the existing built boundaries, therefore that is now the approved intensification target. The Town is required to comply with the upper tier Official Plan, until such time as the Town Official Plan is updated to comply with the upper tier Plan.

Policy B1.1.3 (b) states that residential intensification and redevelopment proposals are encouraged to achieve a unit density and housing type in keeping with the character of the density of the neighbourhood where it is proposed;

As discussed under the staff comments section in this report below, the neighbourhood contains mixed uses. There is a commercial use to the north, with the surrounding residential uses being primarily single detached dwellings with some townhouses. While the requested unit density is higher and the housing type is different than what currently exists, the character of the density of the neighbourhood can be maintained through careful site layout and building design. The will allow the uses, while different, to exist compatibly. Therefore, it is Planning staff's opinion that the requested zoning by-law amendment conforms to Policy B1.1.3(b).

Policy B1.1.3(f) encourages affordable housing in intensification areas. While this Policy encourages affordable housing, it does not mandate it.

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



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Planning staff have conducted considerable analysis with respect to this Policy under the staff comments section of this report below. Careful consideration of resident comments and concerns, technical reports and plans as well as the site context. This analysis has determined that the application, while different from what exists in the surrounding neighbourhood, does respect the character of adjacent residential neighbourhood in terms of the height, bulk and massing through appropriate building and site design without adverse impacts to privacy or shadowing. As a result, the use can be integrated with surrounding land uses. The application will not cause or create traffic hazards as demonstrated by the Traffic Impact Study and accepted by Town Public Works staff. The preliminary site plan demonstrates that the site has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering. As a result, it is Planning staff's opinion that the application conforms to Policy B1.1.5. It is also important to note that the existing approved 3-storey mixed use commercial and residential development that is approved for the site has status and is considered as part of context for the existing use analysis and is considered to be an existing use from the planning impact analysis perspective.

Pelham Zoning By-law Number 1136 (1987)

The property is zoned GC-89 (General Commercial-89). Permitted uses in the GC-89 zone are professional and business offices; restaurants; retail stores; service shops; barber shops; beauty salons; clinics; custom workshops; day nursery; dry cleaning outlets; banks and trust companies; undertaking establishments; uses, buildings and structure accessory to the foregoing permitted uses. The GC-89 zone permits a maximum of 20 dwelling units above the ground floor; a maximum gross floor area for commercial uses to be limited to 50% of lot area; not more than 72% of the gross floor area shall be used for dwelling units; dwelling units are only permitted above the ground floor of any commercial use; a required minimum floor area per dwelling unit for a bachelor of 40 m², one bedroom 50 m², two bedroom 60 m²; and a minimum landscaped amenity area of 51.85m² for each dwelling unit.

The applicant is requesting the property be rezoned to a site-specific Residential Multiple 2 (RM2) zone to permit an apartment dwelling use only, the existing commercial use provisions will be removed by the proposed Zoning By-law amendment application. This is considered to be downzoning as fewer uses will be permitted by the proposed zoning by-law amendment.

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The requested site-specific regulations are detailed in Table 1.

Zone Regulation	Standard RM2 Regulation	Requested Regulation
17.2 (a) Minimum Lot Area	150 m ² per dwelling unit	106.3 m ² per dwelling unit
(b) Minimum Lot Frontage	30 m	80.6 m
(c) Minimum Lot Depth	38 m	64.7 m
(d) Maximum Density	65 units per hectare	94 units per hectare
(e) Maximum Lot Coverage	30% of lot area	23.6% of lot area
(f) Minimum Front Yard	One half the height of the building or 7.5 metres, whichever is greater. (8.53 metres is one half the height)	6.03 m
(g) Minimum Rear Yard	One half the height of the building or 12.0 metres, whichever is greater. (8.53 metres is one half the height – 12 metres is required, at minimum)	28.39 m
(h) Minimum Interior Side Yard	One half the height of the building or 6.0 metres, whichever is greater. (8.53 metres is one half the height)	6.2 m
(i) Minimum Exterior Side Yard	One half the height of the building or 7.0 metres, whichever is greater.	Not applicable
(j) Minimum Landscaped Area	35% of lot area	34.4%
(k) Maximum Building Height	5 storeys	5 storeys
(l) Minimum Floor Area per Dwelling Unit	(i) Bachelor 42 m ²	(i) 64.2 m ² (smallest one bedroom)

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Zone Regulation	Standard RM2 Regulation	Requested Regulation
	(ii) One bedroom 56 m ² plus 9 m ² for each additional bedroom	(ii) 93.4 m ² (smallest two bedroom)
(m) Amenity Area	2.5 m ² of area for each one-bedroom unit and 5 m ² of area for each two or more bedroom units in one location (155 square metres is required)	233.68 m ²
Zone Regulation	Standard General Provision	Requested General Provision
6.16(a) Parking Regulation	1.0 parking space per dwelling unit, plus 1.0 parking space for every two dwelling units or part thereof for visitor parking 48 (including guest suite) + 24 = 72 spaces	1.46 spaces per unit (70 spaces)
(i) Parking Area Location on Lot	7.5 m to any street line; 3.0 m to any side or rear lot line	1.5 m to any street line; 3.0 m to any side or rear lot line.

The requested zoning regulations would allow the site to be developed as shown on the preliminary site and elevation plans.

Pelham Zoning By-law 4481 (2022)

Council approved the new comprehensive Zoning By-law on August 30, 2022. The by-law is under appeal and therefore Zoning By-law 1136 (1987) remains in effect.

For Council's information, the property is zoned Neighbourhood Commercial (NC-81) in Zoning By-law 4481(2022). The Neighbourhood Commercial zone permits a bakery; dwelling unit(s) above a commercial use; retail use; service shop; short term accommodation; and uses, buildings and structures accessory to the foregoing uses. The site-specific NC-81 zone also permits professional and business offices, restaurants, personal service shops, clinics, custom workshops, daycare centre, dry



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cleaning outlets, banks and trust companies, undertaking establishments and uses, buildings and structures accessory thereto.

The NC-81 zone allows a maximum of 20 dwelling units above the ground floor; a maximum gross floor area for the commercial uses of 50% of the lot area; a maximum gross floor area for dwelling units of 72%; dwelling units are only permitted above the ground floor of any commercial use; and a minimum landscaped amenity area 51.85m² per dwelling unit. The proposed NC-81 Zone of the new Zoning By-law carries forward the approvals of the GC-89 Zone of the old Zoning By-law.

The maximum permitted building height in the Neighbourhood Commercial zone is 12.0 metres; the required front yard is within 4.0 and 6.0 metres of the front lot line; there is no minimum required side yard abutting a Commercial Zone; a minimum side yard of 4.0m is required when abutting a Residential Zone; a minimum rear yard of 10.5m is required where the building contains residential accommodation of one or more storeys in height or where abutting a Residential Zone; and the maximum lot coverage shall be 50%.

Submitted Reports:

Planning Justification Report prepared by Upper Canada Engineers/Planners dated July 2022

The report concludes that the application will facilitate the development of the subject lands with an appropriate land use that respects and enhances the general character of the existing neighbourhood. The requested site-specific deviations from the By-law are justified and result in a well-designed site that is functional and suitably buffered from adjacent development and capable of providing a high-quality urban presentation along Pelham Street.

The report further indicates that the applications satisfy the applicable requirements of the *Planning Act*, are consistent with the 2020 *Provincial Policy Statement* and conform to the 2020 *Growth Plan for the Greater Golden Horseshoe*, Regional Official Plan and Town of Pelham Official Plan.

Functional Servicing Report prepared by Upper Canada Engineers/Planners dated July 2022



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The report concludes that there is adequate municipal servicing for this development.

Phase 1 & 2 Environmental Site Assessment prepared by A & A Environmental Consultants Inc. dated May 6, 2011

Record of Site Condition filed June 10, 2016

The Environmental Site Assessment analyzed the past use of the property to determine contamination and made recommendations for site remediation. The recommended work was undertaken and the Record of Site Condition was filed with the Ministry of Environment, Conservation and Parks to certify that the property is safe for residential use.

Geotechnical Report prepared by A & A Environmental Consultants Inc. dated June 6, 2011

The geotechnical report considers the soil types present on the property and makes recommendations for parking lot and foundation construction. The recommendations will be incorporated into the site and building design.

Transportation Impact Study prepared by Paradigm Transportation Solutions Limited dated July 2022

The conclusions of the study are that the site will generate between 19 and 24 vehicle trips during the AM and PM peak hours respectively. Minimal queuing or delay from the site is expected. No additional lanes or traffic control are required to support the development of the site.

Agency Comments:

The applications were circulated to commenting agencies and Town Departments. The following comments have been received:

Canada Post

Requested standard condition to provide a centralized mail facility within the lobby area of the building.



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Enbridge Gas

No objection.

Public Works

Provided technical comments for future site plan amendment application.

Public Comments:

On September 16, 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 Pelham Street. A public meeting was held on October 11, 2022. 4 members of the public spoke at the meeting, though some spoke on behalf of others. The following comments have been received at the time of writing of this report:

Ronda Ireland

Objects to the application. Feels the front yard setback is too small, landscaped and amenity areas are insufficient and too much area devoted to parking. Concerned about traffic impacts. Recommends the building be moved further from the street, reduce the number of parking spaces by making units larger and substantiate claim as a luxury apartment building. Does not like site layout with one driveway.

Lindsay Getz

Concerned about neighbourhood and community fit, density, traffic impacts, parking overflow on to neighbouring streets, loss of privacy and view for adjacent residences.

Stan and Jennifer Glanville

Concerned about loss of privacy for abutting residents and increased density. Feel that parking is inadequate and that the location on the site is not appropriate. Concerned about where snow will be piled during winter and how snowmelt may affect drainage and sump pumps on adjacent properties. Object to driveway location adjacent to residence on south side due to increased noise and traffic. Feel development will negatively impact enjoyment of front yard, not fit in with other development on Pelham Street and negatively impact property values. Would like to



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know who will maintain the easements on the property? Feel development will contribute to existing traffic problems. Want to see the development revised.

Larry and Monique Wilson

Concerned that parking is inadequate and may result in overflow parking on Fallingbrook Drive. Note that the development will effect traffic.

Lynne Marx

Prefers parking in front of building. Feels 5 storey height does not fit with the neighbourhood, that the building is not a luxury building, the parking is not sufficient, that privacy will be negatively affected and that there will be noise impacts. Would prefer a 3 storey building.

Gail Belchior

Concerned about the increased density and height and compatibility with the neighbourhood and community, the reduced front yard setback, traffic and safety impacts, insufficient parking, noise and light pollution. Prefers a 3 storey building with 36 units to mitigate negative impacts.

Peter Kowalski

Concerned about the increased density and height and compatibility with the neighbourhood and community, the reduced front yard setback, traffic and safety impacts, insufficient parking, noise and light pollution.

Lindsey H

Feels 5 storey apartment does not suit the current neighbourhood due to excessive strain on Pelham street traffic, additional noise pollution, lack of privacy for neighbouring homes, lack of parking, lack of sun for surrounding homes, impacts to enjoyment of property. Asks whether the local firetrucks equipped to handle reaching a 5-storey apartment dwelling? Supports the original concept of a commercial building and suggests a commercial & 2 storey residential mixed building to benefit the neighborhood and Pelham's business economy.



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Bob Marx

Concerned about the increased building height and compatibility with the neighbourhood and community, the reduced front yard setback, the lack of luxury amenities, ownership vs. lease, privacy impacts, parking, noise, light and traffic impacts. Recommends a 3-storey luxury apartment/condominium without the Rooftop Terrace Floor to address concerns.

Frank Belchior

Concerned about the increased density and height and compatibility with the neighbourhood and community, the reduced front yard setback, traffic and safety impacts, insufficient parking, noise and light pollution. Prefers a 3 storey building with 36 units to reduce negative impacts.

Kevin Hicks

Concerned about neighbourhood fit, traffic impacts, shadowing, light pollution, privacy and lack of provision for affordable units.

Stephanie Hicks

Traffic and safety concerns, shadow and privacy impacts. Feels that additional storeys for luxury units only increase profit and don't provide community benefit without affordable housing.

Marko and Katelyn Vidric

Concerned about privacy, noise, increased traffic noise and pollution and lack of fit with the character of the community.

Ernie Wilkie

Feels height and aesthetics don't fit with the community and that the development is not in best interest of community.

Wally Braun

Recommends a pitched shingled roof for neighbourhood fit, that top two floors are luxury condominiums, that terraces have parapet walls for privacy, that top floor



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has dormers, that a widow's walk be added, that rooftop mechanical equipment be relocated, that parking be located underground. May support mixed-use building with reduced height subject to limiting types of commercial uses, making recommended building design changes and other changes recommended by the community.

Bruce and Maureen Massey

Oppose the application. Concerned about the increased density and height and compatibility with the neighbourhood and community, the reduced front yard setback, traffic and safety impacts, insufficient parking, noise and light pollution. Prefer a 3 storey building with 36 units to reduce negative impacts.

Greg Lipinski

Supports the application. Believes these are the infill projects this Town needs in order to accommodate more housing for this country, region, and Town's growing population. Continuing with the "tradition of building 1-2 storey home subdivisions" will not lead us to a bright future. It will only set us back, and our housing deficit will continue to grow larger and more critical. This is a very different world than it was thirty years ago, and will be even more so in the next thirty years.

Massimo Citrigno

Supports the application. Believes this is an appropriate place for development and that decisions should be made based on what is best for the Town as a whole in the short and long-term should be rather than personal focus of residents. Luxury apartment will fill a need in Fonthill and act as a welcome into the Town from Welland.

Paul Watson

Supports the project due to good size, design, minimal impacts from traffic, noise and light.

Rosemarie Cooter

Opposed to the application due to privacy concerns, fit with the neighbourhood, traffic, parking and safety being compromised, noise, light pollution and garbage.



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Shannon Moon

Opposed to the application with concerns about neighbourhood fit, reduced front yard setback, loss of privacy and enjoyment of property, compromised traffic, parking and safety and noise pollution. Supports a 3 storey 36 unit luxury condominium to mitigate concerns.

Tom and Linda Duliban

Have seen many developments over the years which were controversial but were beneficial to the growth of the Town. Support the application because it is on an arterial road, close to downtown, ample space for parking and design/owned by caring locals. Decisions should be made based on what is best for the Town as a whole in the short and long-term should be rather than personal focus of residents. Luxury apartment will fill a need in Fonthill and act as a welcome into the Town from Welland.

Staff Comments:

Residents provided a number of comments and concerns respecting the requested zoning by-law amendment application which are addressed below. A letter was provided by Upper Canada Consultants (Appendix A) in response to questions and comments received at the public meeting.

One of the primary concerns of residents is that the addition of an apartment building in this location will negatively impact the character and aesthetic of the community. While the Town and surrounding neighbourhood is primarily made up of low density residential uses, other housing types do exist throughout the Town and the site has been approved for a 3-storey mixed use building consisting of both commercial and residential uses. The inclusion of a variety of housing types adds visual interest and signifies the transition over time toward a complete community as well as changing societal needs. The presence of a variety of architectural styles that reflect different eras (rather than all one type), can further enrich the character of a community. Finally, compatible development does not mean development that is the same, but rather the ability for development to co-exist in harmony and comfort with one another and there are many examples where different forms of housing can exist compatibly and comfortably adjacent to one another. Compatibility will be determined through analysis of potential impacts below.



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Many residents expressed concerns that traffic volume and safety on Pelham Street would be negatively impacted by the development. A Traffic Impact Study was provided with the application which indicates that Pelham Street can accommodate the additional traffic, that no safety concerns are anticipated and that no modifications (i.e. signalization, addition of lanes) are required to Pelham Street as a result of the development. This study was reviewed and accepted by Town Public Works staff with no concerns cited. Further, Town Public Works has recently undertaken a review of Pelham Street as part of the road redesign and reconstruction and is satisfied that the additional traffic can be accommodated. It is noted that Pelham Street is classified as an arterial road connecting Fonthill to Welland and its function as an arterial road is to carry large volumes of traffic.

The applicant is providing 70 parking spaces which will allow 48 spaces (1 per apartment dwelling and guest suite) and 22 units for visitors or residents with a second vehicle. The allocation of parking spaces will be determined by the condominium corporation or lease agreements. Some of the onus will be on future residents to ensure that they use the number of spaces that are allocated to their unit and that any visitors can be accommodated on-site. It is possible that some future residents may not have a vehicle. The property is located where it can be accessed by active transportation. On-demand transit service is available and many services provide delivery options (grocery, pharmacy, etc.). In addition, the Town's parking consultant recommended a ratio of 1.25 spaces per unit for apartment dwellings which was incorporated into the new Comprehensive Zoning By-law. This would equal 60 parking stalls for 48 units, while the development is proposing 70 spaces. Based on these factors, the parking proposed to be provided on-site can be considered sufficient.

In response to concerns that overflow parking may occur on Tanner Drive and Fallingbrook Drive, it is noted that on-street parking is allowed on roads. On-street parking slows traffic down by narrowing the roadway, which some argue improves the safety of roadways. On-street parking is not be permitted overnight during the winter where it interferes with snow clearing operations. No adverse impacts are expected in the event that visitors or residents occasionally use on-street parking in the area. More on-street parking does not necessarily equate to additional vehicle break-ins. People going to and from vehicles may actually improve safety by increasing eyes on the street.

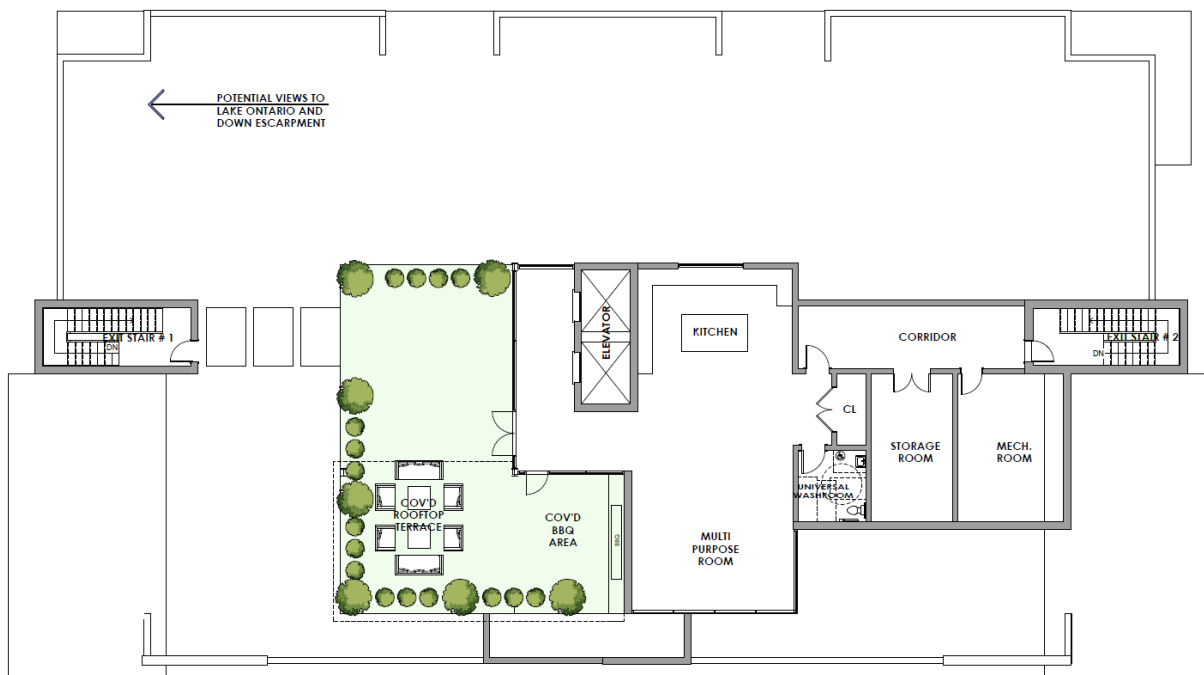
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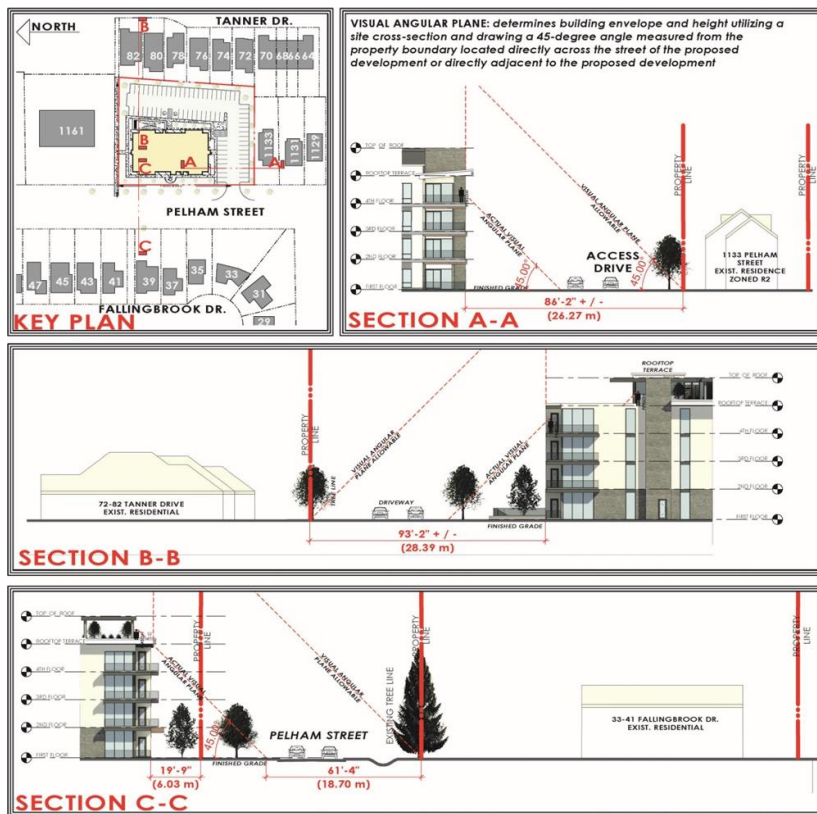
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With respect to concerns about services being inadequate to accommodate the development, the owner provided a Functional Servicing Report which indicates that the existing services are adequate. The study was reviewed by Town Public Works staff who have accepted the study conclusions.

Many neighbouring residents are concerned about impacts to their privacy and enjoyment of their property as a result. The building is 5 storeys including a rooftop indoor and outdoor amenity space and mechanical penthouse. The areas of the fifth floor with the most potential for overlook are the indoor and outdoor amenity space. This space has been located about 2 metres from the front building wall and significantly further away from the sides and rear of the building (Figure 6). Given the location of these spaces, the potential for overlook is very limited. Those using the space will be able to look out at the horizon and potentially see properties in the distance where privacy impacts are less likely. In addition, the owner is willing to incorporate some landscaping, such as small trees) into the outdoor rooftop amenity space through a future the site plan approval process.

Figure 6: Rooftop Terrace Floor







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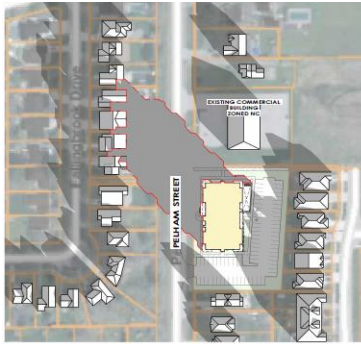
While the building will be visible to residents who are used to seeing open sky when looking toward the property, the urban plane analysis can also be used to determine how a building is perceived by pedestrians. The industry accepted standard to determine visual impacts resulting from a building is a 45 degree angular plane. The angular plane analysis demonstrates that the building is less than the 45 degree angular plane. It should also be noted that past Ontario Land Tribunal (formerly Ontario Municipal Board) decisions have determined that there is no right to a view and that the loss of a view cannot be considered an adverse impact.

Concerns about shadowing of adjacent properties were also raised by neighbouring residents. The architect prepared a shadow study which considers the potential impacts during winter solstice, spring equinox, summer solstice and fall equinox. The shadow study shows a morning shadowing impact on some of the dwellings on Fallingbrook Drive during winter equinox. This would be the time of year when residents would be less likely to be using rear yard amenity spaces. It should also be noted that the shadow study does not consider shadow impacts that already exist as a result of trees, accessory buildings and fencing. It is likely that much of the rear yards are in shadow at this time of the year already. The shadowing from the building is not expected to last for an unacceptable amount of time, with the shadow being fully gone from the residential properties well before noon. Only minor shadow impacts are anticipated on adjacent residential properties as a result of the proposed building. The shadowing impacts are not considered to be an adverse impact.

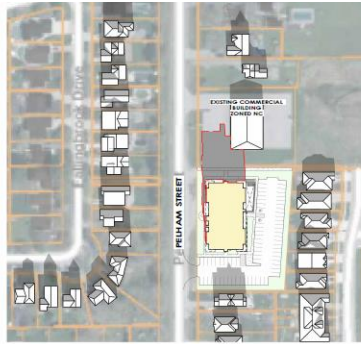
Figure 8: Shadow Study

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DEC 21 9AM



DEC 21 12PM



DEC 21 3PM



MARCH 20 9AM



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Noise concerns were also a common issue raised by neighbouring residents. The requested residential use of the property can be expected to generate less noise than the approved commercial uses on the property which could include restaurants with music and patios and people coming and going from businesses frequently. As noted by residents, Pelham Street is a busy arterial road which already generates traffic noise. Additional noise sources from the apartment could include HVAC equipment. This would be new equipment and less likely to generate significant noise over as this equipment is typically on the roof. Future residents could potentially be heard when sitting on their balconies or using the rooftop or outdoor amenity spaces. However, this use would be consistent with use by neighbouring residents of their own properties when enjoying outdoor amenity spaces, i.e. conversational noises. In addition, future residents of the apartment dwelling would have to be even more cautious about noise generated since their neighbours live very close (units above, below, next door, etc.). It is likely that the future condominium corporation or



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building manager will establish rules around noise for residents. Finally, future residents would have to comply with the Town's Noise By-law which deals with excessive noise.

Noise during construction will be a temporary inconvenience. Contractors will be required to comply with the Town's Noise By-law. Though inconvenient and frustrating at times, temporary noise impacts during the construction process are not a valid planning reason to turn down an application.

Light pollution was cited as a concern by a number of residents – both from parking lot and building lighting as well as vehicle headlights entering and exiting the parking area. Building and parking lot lighting are typically reviewed as part of the site plan approval process. The developer is required to provide a photometric plan showing that light spill will not occur onto neighbouring properties and a clause is included in the site plan agreement that requires all lighting to be directed down. Selection of human-scale light standards for the parking areas could further prevent potential impact on neighbouring properties.

With respect to headlight impacts, the existing site plan approval shows two driveways in and out of the property with the potential to impact more properties than the new proposed site layout which includes only one driveway on the south side of the building. The proposed change to a fully residential building should also lessen impacts resulting from headlights as the frequency that people are arriving to and leaving from the site should be reduced and during more regular times than compared with commercial uses. The developer will be required to provide privacy fencing and landscaping to further mitigate impacts from headlights as part of the site plan approval application. While it may not be possible to completely mitigate and/or prevent all headlights from being shone on adjacent properties all of the time, the impact is reduced by the revised site layout and is not expected to be adverse.

Some concerns were raised about snow storage on site. The site plan will allow for some snow storage along the edges of the parking area. The condominium corporation will be responsible for ensuring that parking spaces remain accessible and are not used for storage. During major snowfall events, a contractor could be retained to truck snow away; this is typical.



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A number of residents had concerns that the application does not include any affordable units. While affordable housing is encouraged by both the Regional and Town Official Plans, it is not required and the Town cannot regulate and has no control over the price of units or rents. The requested zoning change to allow an apartment dwelling will increase the supply of available apartments in the Town which could lower prices. There may be incentives available through the Region should the developer wish to incorporate some affordable housing into the building.

The requested reduction of the front yard setback to 6.03 metres will allow the building to be located closer to the street with the parking in the rear. Generally, locating a building close to the front lot line with the parking hidden to the side and rear is considered good urban design. Buildings located close to the street enhance the public realm by allowing activation of the street, increase safety by giving the perception of eyes on the street and slow traffic down by making the road appear narrower to drivers. It should be noted that the building will not be 6.03 metres from the travelled portion of the road. It will be located 6.03 metres from the road allowance which typically ends a few inches past the sidewalk.

The commercial plaza located on the north side of the property is located approximately 24.9 metres from the front lot line and approximately 19.2 metres from the proposed apartment dwelling. The single detached dwelling on the south side of the property is setback approximately 13.6 metres from the front lot line and will be located approximately 27.8 metres from the proposed apartment dwelling. While the building is proposed much closer to the street line than the adjacent buildings, the separation between the buildings will assist in making the transition along the streetscape appear more natural. Further, the building appearance and the transition between buildings can be softened through landscaping as part of a future site plan approval application (should the zoning by-law amendment be approved).

Finally, it is important to acknowledge that redevelopment and intensification proposals are a balancing act. If the building were to be located further east, parking would have to be located in the front which would negatively impact the urban design of the site, the public realm and potentially impact residents on Tanner Drive. If the building were longer and set back further from Pelham Street, amenity space would be lost and the easements would potentially be impacted. While residents on Fallingbrook Drive are concerned that the building will be located closer to them, they



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will be separated by the boulevard, sidewalk, travelled portion of the road and another boulevard as well as the front yard setback. Given the site constraints and surrounding land uses, the location of the building closer to the front lot line is considered the best location and therefore the reduced front yard setback is supported.

Many residents expressed the desire to have a 3-storey, 36 unit apartment dwelling on the property as an alternative to the 5 storey, 47 unit apartment with 1 guest suite that is proposed. The application requests permission for the latter and therefore, Council must make a decision on what is being requested. The owner has indicated that revising the development as requested by the residents would result in the design and amenities of the building being compromised and the project becoming financially unfeasible. While this is not a planning consideration, it indicates that the owner is not desirous of revising the application.

A resident expressed concern that the Town's fire trucks may not be adequate to service a 5-storey building. Fire and Emergency Services have reviewed the application and have no concerns with respect to the current equipment being sufficient. The building will be required to meet Ontario Building Code requirements with respect to sprinkler systems, fire containment and fire separation between units.

With respect to concerns about negative impacts to property values, typically new development in a neighbourhood is an indication that it is a desirable place to live and invest. The subject property is currently a vacant parcel with remnants of the previous car dealership use present (sign post, gravel areas, etc.) Redevelopment of the property for apartment dwellings could be considered an improvement over the past use and present state of the property. The proposed building design incorporates high quality materials and architectural design. The landscape plan also shows high quality and plentiful landscaping on site. The proposed development is not anticipated to reduce property values and represents an improvement over past use of the property and will not create adverse impacts to neighbouring properties per the analysis above.

It should also be noted that a number of residents expressed their support for the application citing additional housing options and positive investment in the community as benefits.



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Planning staff recognize that many adjacent residents are understandably concerned about the potential impacts they may experience and changes in their neighbourhood as a result of the development. While these concerns represent the personal interests of those in proximity to the proposal, the Town is obligated to consider the broader public interest related to the need to accommodate growth, reduce sprawl, provide for housing choice, the need for complete communities and provide for efficient use of land and infrastructure. The Town is mandated to grow, intensify and incorporate new housing types, such as apartments, by the Province as outlined in Provincial Plans and Policy and reflected in the Regional Official Plan.

The approach as outlined in the Town's Official Plan is to direct the growth to appropriate locations and use building and site design so that the different housing types and land uses can exist compatibly. With respect to this property and application, it is located on an arterial road where intensification and redevelopment is encouraged. It is on a former brownfield site which has been remediated for residential use. Finally, it has been designed carefully and with consideration given to avoiding adverse impacts on neighbouring residents as discussed above and demonstrated through technical studies.

Based on the analysis contained in this report along with the studies submitted with the application, Planning Staff recommend that Council approve the proposed Zoning By-law Amendment application as it provides for an appropriate use of land, incorporates good planning principles and is consistent with and conforms to Provincial, Regional and local planning policies.

Alternatives:

Council could choose not to approve the zoning amendment application.
Or, Council could choose to approve the zoning amendment application with modifications.

Attachments:

Appendix A Letter from Upper Canada Planners / Engineers

Prepared and Recommended by:

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Senior Planner



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Barbara Wiens, MCIP, RPP
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Chief Administrative Officer