



Community Planning and Development Department

Wednesday, April 05, 2023

Subject: Recommendation Report – Revised Applications for Draft Plan of Subdivision and Zoning By-law Amendment - Kunda Park Phase 4

Recommendation:

BE IT RESOLVED THAT Council receive Report #2023-89 for information as it pertains to File Nos. 26T19-020-02 & AM-03-2020;

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

AND THAT Council approves the Draft Plan of Subdivision, attached as Appendix A, subject to the conditions in Appendix B.

Executive Summary:

The purpose of this report is to provide Council with recommendations regarding applications for Draft Plan of Subdivision and Zoning By-law Amendment for the Kunda Park Phase 4 development.

Location:

The property is located east of Stella Street and west of the Steve Bauer Trail (Figure 1) known legally as Part of Thorold Township Lot 173, in the Town of Pelham, Regional Municipality of Niagara.

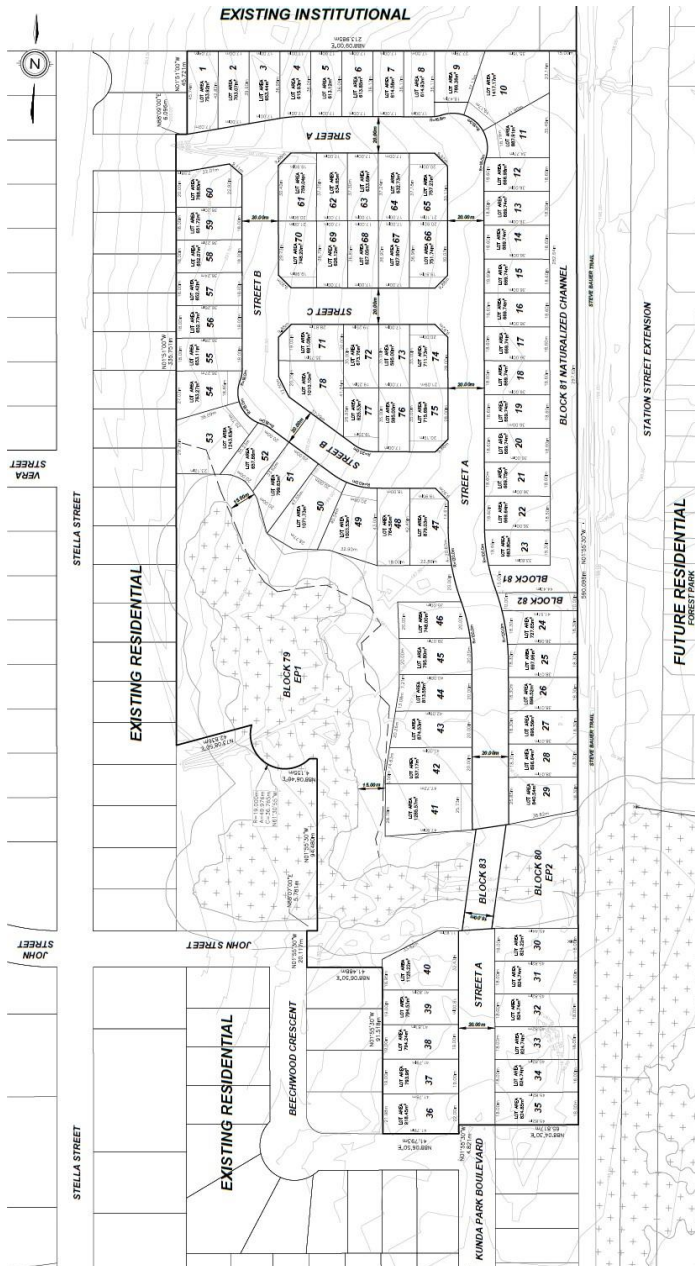
This is an aerial map of a residential area. A red outline highlights a specific property, which is labeled 1353. The map shows street names: Port Robinson Road at the top, Pelham Street on the left, and John Street at the bottom. A blue pin is placed on the highlighted property. The map also shows other property numbers and a large green field.

The property is 11.104 hectares in size. The revised draft plan of subdivision proposes lots 1-78 for single detached dwellings, Blocks 79 and 80 for environmental protection

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where the existing Provincially Significant Wetland and Woodland features are located, Block 83 for the road crossing of the Provincially Significant Wetland, Block 81 for a naturalized channel to convey stormwater east into the storm outlet crossing the Steve Bauer Trail to be conveyed to the proposed stormwater management facility located in the Forest Park Draft Plan of subdivision, Block 82 for pedestrian walkway connection to the Steve Bauer Trail and 2.002 hectares for roadways (Figure 2).

Figure 2: Revised Draft Plan of Subdivision



The revised zoning by-law amendment application proposes to rezone the lands from Residential One (R1) to a site-specific Residential Two (R2) and Environmental Protection (EP) zones. The zoning change would permit the use of single detached dwellings on the future building lots and recognize the location of the wetland, woodland and naturalized channel. The change to the zoning application reflects the new layout of the subdivision in terms of lot locations, road network and the addition of the naturalized channel.

As Council is aware this has been an active file with the Town for many years and the plan has gone through many revisions to address changing requirements with respect to natural heritage and most recently in response to Council resolution that would not allow any road connections over the Steve Bauer Trail. Changes to the plan over the years to present have been summarized in Table 1 for background information.

Table 1: History of Kunda Park Phase 4 Applications

2002 – 2003
<ul style="list-style-type: none"> • Original subdivision application circulated by Town to departments and agencies for comments.
<ul style="list-style-type: none"> • Town brings forward Technical Information Report.
<ul style="list-style-type: none"> • NPCA meets with environmental consultant and MNR staff to review fish habitat issues. Advised that fish habitat requires 15 m buffer on both sides of watercourse.
<ul style="list-style-type: none"> • Revised draft plan application submitted to resolve MNR / NPCA fish habitat issues and drainage issues. • Revised draft plan illustrates removal of Block 96 (lands east of Glynn A. Green Elementary School) among other changes.
<ul style="list-style-type: none"> • NPCA objects to revised proposal and requests EIS to justify the appropriateness of the reduced fish habitat buffer. • Niagara Region supports the NPCA's position and cites concerns with existing stormwater management facility.
2004 – 2006
<ul style="list-style-type: none"> • Ongoing discussions between environmental + engineering consultants and Town. • Town supports the proposed relocation of watercourse through parkland block subject to the provision of lands for drainage conveyance purposes at the rear of some proposed lots. • NPCA reiterates its requirements for a 15 m vegetated buffer and that any encroachment into the buffer will require an EIS.
2007 – 2008
<ul style="list-style-type: none"> • Draft plan modified to address drainage and fish habitat issues.
<ul style="list-style-type: none"> • MNR provides Savanta Inc. with key information for the scoped EIS (July 23, 2007) but does not identify any PSW on the subject lands.

<ul style="list-style-type: none"> • EIS prepared by Savanta Inc. • No wetlands identified by the MNR on Extension 3 or 4 lands.
<ul style="list-style-type: none"> • MNR designates the existing wetland features as being part of a PSW (Provincially Significant Wetland complex).
<ul style="list-style-type: none"> • NPCA responds to EIS requesting numerous revisions. • NPCA will not support draft plan of subdivision until the PSW issue has been resolved with MNR.
<ul style="list-style-type: none"> • Ongoing discussions between consultants, Town and MNR. • Quartek Group (agent) advises MNR of their intention to appeal the PSW limits.
<ul style="list-style-type: none"> • MNR re-evaluates the PSW and updates their mapping to now include a 1.6 ha wetland area. This decision had major repercussions on the Town's ability to develop this public park dedicated as part of Kunda Park Extension 3, effectively removing that possibility.
<ul style="list-style-type: none"> • Notice of revised draft plan is circulated to departments and agencies in September 2008. • NPCA reiterates former position respecting the PSW and informs Town that they would be unable to support the application unless the submission is modified. • Niagara Region provides comments (October 2008) recommending increased mix of housing types and lot sizes to provide more opportunities for affordable housing and higher density.
2009 – 2010
<ul style="list-style-type: none"> • LCA Environmental Consultants prepared a scoped EIS based on a revised draft plan with 20 fewer residential lots. • NPCA agrees with new EIS conclusions about an 18 m wide channel block and a 30 m buffer for the PSW.
<ul style="list-style-type: none"> • Another Pre-Consultation meeting was held with NPCA not supporting the servicing of subject lands via the PSW. • NPCA states the preferred alternative of rerouting services eastward along the Steve Bauer Trail / unopened road allowance to bypass the undisturbed PSW.
2011 – 2012
<ul style="list-style-type: none"> • Ed Kunda, owner of Fontheil Downs Ltd., passes away in 2011. Property is then purchased by Sterling Realty who begins dialogue with Town.
2013 – 2014
<ul style="list-style-type: none"> • Town confirms its intent to develop municipal park on previously dedicated land (from Phase 3). • MNR confirms no changes to PSW wetland mapping on Town owned block. Further dialogue between stakeholders ensues. • NPCA advises Town that a scoped EIS would be required to develop the parkland block in any capacity, including as a passive park. • Town's solicitor advises the NPCA and MNR of its legal authority to develop the park block in accordance with the statutory provisions in effect at the time (1990). • The status of the parkland block do not implicate the processing of Kunda Park Phase 4 under the <i>Planning Act</i> as it was dedicated under the 3rd phase of Kunda Park.

- Additional studies, reports and plans prepared by the developer's consultant team analyzing servicing and design solutions circulated for agency review.

2016 – 2021

- Another Pre-Consultation (January 2016) was held to discuss a modified draft plan, Zoning By-law Amendment, and status updates on the bat / five-lined Skink Study.
 - Sterling Realty undertook a Municipal Class (B) Environmental Assessment to study the feasibility of extending a public street over a PSW (southerly road connection to Kunda Park Boulevard). A PIC (Public Information Centre) was held on January 17, 2018 by Upper Canada Consultants on behalf of that process. The Class Environmental Assessment was approved by the Ministry of the Environment in 2018 permitting the public street over the PSW (Block 83 on the current plan).
- On February 1, 2019, Sterling Realty applied for a resubmission of the draft plan of subdivision, which proposed the inclusion of the aforementioned PSW street crossing. Town staff then circulated the resubmission to commenting agencies to solicit feedback.
 - Town Planning staff provided negative feedback on the revised draft plan citing major policy issues, namely a lack of housing variety and disconnected transportation network among other things.
 - Niagara Region and NPCA also provided negative feedback with respect to a lack of information in the EIS, particularly surrounding the watercourse.
- Another Pre-Consultation (November 2019) was held to discuss a modified draft plan, Zoning By-law Amendment and updates to supporting prescribed information (PJR, EIS, Functional Servicing Report etc.).
- On May 1, 2020, Sterling Realty applied for a resubmission of the (still original 2002) draft plan of subdivision and applied for a new (2020) Zoning By-law Amendment (file: AM-02-2020) to rezone the lands to address Town staff and agency concerns. Town staff then circulated the resubmission and rezoning application to solicit agency and department feedback.
- A public meeting was held on October 13, 2020 to receive input on the applications. The meeting was held jointly with a public meeting for Forest Park draft plan of subdivision and zoning by-law amendment on lands east of the Steve Bauer Trail also owned by the Sterling Realty due to proposed shared street and servicing connections and the higher density proposed in the Forest Park subdivision offsetting the lower density in the Kunda Park Phase 4 subdivision to meet overall greenfield density targets. Strong objections were received regarding two proposed road crossings of the Steve Bauer Trail shown in the plan.
- January 11, 2021 Council passed the Town Trail System Motion which resolved in part that, "no new road crossings over the Steve Bauer Trail or the Gerry Berkhout Trail shall be permitted by the Town".
- Further work was undertaken by the developer to consider alternatives to the two (2) trail road crossings submitted in the Applications. Three (3) alternative proposed network options were explored and considered by

<p>Sterling’s transportation consultant R.V. Anderson Associates Limited in a Transportation Review. This analysis was provided to Council with a request for an exemption to the Trail Resolution to permit one (1) road crossing of the Steve Bauer Trail on October 4, 2021. Council did not pass the resolution to permit the exemption and referred the report back to Staff for additional information.</p> <ul style="list-style-type: none"> • Council considered Report 2021-0200 on December 6, 2021 which included additional analysis on possibilities for crossing the Steve Bauer Trail and recommended an exemption to the Trail Crossing Resolution. The exemption was again refused.
<p>2021 – Present</p> <ul style="list-style-type: none"> • The developer undertook revisions to the Forest Park Draft Plan Subdivision to allow it to move forward independently from the Kunda Park Phase 4 with transportation and servicing connections no longer included with the exception of designing the stormwater infrastructure to accept flows from future development of Kunda Park Phase 4. The Forest Park Draft Plan of Subdivision and zoning by-law amendment were conditionally approved by Council on April 4, 2022 with Council directing that another public meeting be held regarding Kunda Park Phase 4 to address public comments. The developer is working on meeting the conditions of draft plan approval. • The developer revised the Draft Plan of Subdivision for Kunda Park Extension 4 and supporting studies to address the Trail Crossing Resolution (the current plan). The Revised Plan does not include any road crossings of the Steve Bauer Trail. Instead, the subdivision includes a road connection to Stella Street (as in the May 2020 plan) and a southerly road connection to Kunda Park Boulevard (as in iterations of the plan presented in 2019 and earlier). The southerly road connection to Kunda Park Boulevard is permitted by a Class Environmental Assessment that was approved by the Ministry of the Environment in 2018. The Revised Plan includes a 10 m wide pedestrian/emergency connection to the Steve Bauer Trail mid-block between the locations where the road connections were proposed in the May 2020 Plan. The Revised Plan also includes a 15 m watercourse block where a naturalized channel will be located to convey overland flows northerly towards the naturalized channel which has already been constructed within the Forest Park Subdivision for the purpose of receiving these (and other) flows. • Town Planning staff received the revised draft plan of subdivision and zoning by-law amendment (the current applications) applications in December 2022. Those plans were circulated to commenting agencies, Town Departments and the public for comments. A public meeting was held on February 13, 2023.

Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a

planning matter, planning authorities “shall be consistent with the policy statements” issued under the *Planning Act* and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the *Act* allows for consideration of amendments to the zoning by-law. Section 51 of the *Act* allows for consideration of a plan of subdivision.

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

- The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- The dimensions and shapes of the proposed lots;
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- Conservation of natural resources and flood control;
- 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*.

Analysis of Section 51(24) of the Planning Act

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. Development is occurring in an orderly and logical fashion in this area consistent with the Town Official Plan and the creation of additional housing units is a societal need. This subdivision will complete the Kunda Park development that started 50+ years ago.

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

The draft plan of subdivision conforms to the Official Plan. The plan allows for connectivity to the existing Kunda Park subdivisions.

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 that has long been planned for residential development and use. The environmental features are being conserved and will become public lands to ensure their long-term protection through the current applications. The lands are suitable for the uses proposed.

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 the extension of Kunda Park Boulevard and via the existing street connection off Stella Street. The proposed street networking provides connectivity to the established highway system, adjacent development and generally conforms to the street patterns of the surrounding area. Grading and servicing will also be reviewed further and approved through 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 residential land proposed to be subdivided, however, the provincially significant wetlands and woodlands will have development restrictions that will preclude development that will be implemented through the proposed zoning by-law.

Conservation of Natural Resources and Flood Control

The proposed draft plan of subdivision allows for the conservation of natural resources including the significant wetlands and woodlands and appropriate measures for flood control and management will be a condition of approval. 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

The applications have been circulated to utility companies 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. The proposed development is in proximity to a neighbourhood public elementary school.

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

The Town obtained parkland dedication for this development through a previous stage of the Kunda Park developments. This neighbourhood will also access the future park in the adjacent Forest Park subdivision. Sidewalks will be provided for pedestrian movements and a pedestrian connection to the Steve Bauer Trail system are also proposed to provide access to that open space trail network. The Community Centre is also located within Fonthill.

The Area of Lane, if any, Within the Proposed Subdivision that, Exclusive of Highway, is to be Conveyed or Dedicated for Public Purposes

Through previous approvals of the Kunda Park Phase 3, the Town received land for parkland dedication in accordance with the *Planning Act* requirements that contributed to the parkland requirements for this phase of the Kunda Park development.

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.

The proposed single detached lots proposed by the plan of subdivision will not be subject to site plan control.

Greenbelt Plan, 2017

The subject parcel is 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

Despite the original draft plan of subdivision application being made in 2002, there are no transition provisions in respect of the application of the Provincial Policy Statement (PPS). Part II Legislative Authority – states Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The 2020 PPS applies to all decisions rendered after May 1, 2020 (subs. 4(1)), and these policies represent minimum standards which shall be implemented in a consistent manner with the Ontario Human Rights Code (subs. 4(4.4)).

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.

The subject land is in a ‘Settlement Area’ according to the PPS. Policy states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

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

The proposed draft plan of subdivision will help to facilitate a mix of housing options when considered along with the Forest Park subdivision to the east and within the Settlement Area as a whole. The density of the development provides for efficient use of land and planned/existing infrastructure that minimizes land consumption and costs of servicing. Further, the development of the property for single detached dwellings will be transit and active transportation supportive as it will be well served by sidewalks, bike lanes and paths (both planned and existing). There are adequate public service facilities, including a planned neighbourhood park within the Forest Park subdivision to the east. The park will be accessible by planned pedestrian and cyclist connections. The Community Centre, schools and library are also located within a short distance. The dwellings will be required to meet the energy efficiency requirements in the Ontario Building Code.

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

Growth Plan for the Greater Golden Horseshoe, 2020

Under the *Places to Grow Act*, 2005, Ontario Regulation 311/06, subsection 3(4) states that a matter (application) commenced before June 16, 2006, shall be continued and disposed of as if the (Growth) Plan had not come into effect.

Subsection 2(h) states that draft plan of subdivision applications under section 51 of the *Planning Act* is deemed to have commenced on that day the application is made.

Therefore, because the original draft plan of subdivision application (file 26T19-020-02) was made in 2002, and has remained active ever since, the 2006, 2017, 2019 and 2020 Growth Plans are not applicable in consideration of the subdivision application.

However, the Zoning By-law Amendment application (file AM-03-2020) was submitted in 2020 and therefore is bound by the policies of the current Growth Plan.

The updated Growth Plan took effect on May 16, 2019 and requires that all planning decisions made on or after that date shall conform to policies of this plan. The Plan was further amended on August 28, 2020. The document informs decision-making regarding growth management and environmental protection in the GGH. The subject parcel is located within a 'Settlement Area' according to the Growth Plan. Guiding principles regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1 Managing Growth – 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of complete communities.

Policy 2.2.1.4 supports the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses and convenient access to local stores, services, and public service facilities; improve social equity and overall quality of life for people of all ages, abilities, and incomes; provide a diverse range and mix of housing options, including second units and affordable housing. Including expanding convenient access to a range of transportation options including active transportation, public service facilities, co-located and integrated in community hubs, an appropriate supply of safe, publicly accessible open spaces, parks, trails and other recreational facilities and healthy, local and affordable food options including urban agriculture; ensure the development of high quality compact built form, an attractive and vibrant public realm through site design and urban design standards; mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions and contribute toward the achievement of low

carbon communities and integrate green infrastructure and low impact development.

Policy 2.2.7.2 Designated Greenfield Areas – states that the minimum density target applicable to the designated greenfield area of Niagara Region is 50 people and jobs combined per hectare.

The requested zoning by-law amendment will allow single detached residential uses in the subdivision and recognize the areas which are to be environmentally protected or used for public access. The single detached dwellings will contribute to the creation of a complete community and meet the greenfield area density target when considered along with the mix of housing types and densities being provided in the Forest Park development to the east (also owned by Sterling Realty). The proposed sidewalks, bike lanes and trail connection will provide connectivity to existing commercial areas and community facilities, future neighbourhood parks, bike lanes and off-road trails. The development can be served by existing transit systems.

The environmental protection zoning for the wetland will ensure that no development occurs within this area which is consistent with Policy 2.1.4(a). While not applicable to the subdivision application, the requested zoning by-law amendment is consistent with the Growth Plan for the Greater Golden Horseshoe subject to approval of the recommended conditions of draft plan approval.

Niagara Region Policy Plan (2001)

The draft plan of subdivision application file (26T19-020-02) remains active from its original application date of May 2002; therefore, the former Regional Policy Plan of 2001 applies to this application. The Regional Policy Plan designated the subject lands as within the Fonthill Urban Area Boundary.

Objective 5.11 seeks to contribute to the overall goal of providing a sufficient supply of housing that is affordable, accessible, adequate, and suited to the needs of a full range of types of households and income groups.

The proposed draft plan of subdivision will contribute to a sufficient housing supply. When considered along with the mix of housing types (apartments, townhouses, single detached dwellings) in the Forest Park subdivision, the single detached dwellings will serve different types of households and income groups.

Niagara Region Official Plan (Consolidated, August 2014)

The Zoning By-law Amendment application file (AM-03-2020) was submitted in 2020 and is bound by the Regional Official Plan policies (consolidated 2014).

The Regional Official Plan designates the subject land as a 'Designated Greenfield Area' within the Urban Area Boundary.

Policy 4.C.6.1 states the Region will require a minimum combined gross density target of 50 people and jobs per hectare across all *Designated Greenfield Areas*, excluding Environmental Protection and Conservation Areas.

Policy 4.G Urban Growth – states Niagara will build more sustainable, complete communities by:

- Encouraging mixed and integrated land uses;
- Making efficient use of land, resources and infrastructure;
- Promoting compact, transit support development friendly to active transportation;
- Building better *Greenfield* neighbourhoods;
- Fostering *development* that conserves natural resources and maintains or enhances natural systems.

Policy 4.J.4 states the Region encourages private realm site design that addresses public safety, active transportation, landscaping, and human scale in buildings facing public space.

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

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential construction that:

- a) Provides for *active transportation* within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.
- b) De-emphasizes garages, especially in the front yard.
- c) Emphasizes the entrance and points of access to neighbourhoods.
- d) Is accessible to all persons.
- g) Provides an attractive, interconnected and *active transportation* friendly streetscape.
- h) Contributes to a sense of safety within the public realm.
- i) Balances the needs for private and public space.
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.
- k) Encourages a variety of connections based on transportation mode

between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

The requested zoning by-law amendment will contribute to the creation of a complete community. The single detached dwellings with smaller lot areas will act as a transition from the larger lot single detached dwellings in the earlier phases of the Kunda Park development into the wider range of housing types and densities in East Fonthill. The street pattern will connect to existing and future neighbourhoods. Active transportation is supported through the sidewalks, inclusion of bike infrastructure and pedestrian connection to the Steve Bauer Trail and future park (Forest Park subdivision) as well as the off-road trail along the watercourse.

Municipal servicing will be in keeping with Regional and Town servicing plans. The minimum density target of 50 jobs and persons per hectare for greenfields is being achieved when considered along with the higher density proposed for the Forest Park subdivision at a total of 59 persons and jobs per hectare. The development will be serviced by municipal sewage and water services. The future building designs will be energy efficient meeting the requirements of the Ontario Building Code. The development will be eligible for curbside Regional waste collection and the road network has been designed to accommodate the collection vehicles. The requested zoning will deemphasize the garages by requiring them to be recessed from the front building face.

Regional and Niagara Peninsula Conservation Authority staff have requested conditions of approval (included in Appendix B) regarding required buffers and landscape /restoration plans to ensure that natural resources and systems are being maintained.

For these reasons, it is Planning staff's opinion that the zoning by-law amendment application conforms to the policies of the Regional Official Plan subject to the conditions in Appendix B.

Niagara Region Official Plan, 2022

For information purposes, the property is designated Designated Greenfield Area in the Niagara Region Official Plan, 2022.

Designated greenfield areas shall achieve a minimum density of 50 residents and jobs combined per hectare as measured across the entire region (Policy 2.2.2.23) and excludes areas constrained by environmental features, utility corridors, cemeteries, and employment areas.

Policy 2.2.2.25 indicates that designated greenfield areas will be planned as complete communities by:

- a) ensuring that development is sequential, orderly and contiguous with existing built-up areas;
- b) utilizing proactive planning tools in Section 6.1 and Section 6.2, as appropriate;
- c) ensuring infrastructure capacity is available; and
- d) supporting active transportation and encouraging the integration and sustained viability of public transit service.

The applications were received prior to the Niagara Region Official Plan, 2022 coming into effect and therefore, are not subject to it.

Pelham Official Plan (1974)

The draft plan of subdivision file (26T19-020-02) remains active from its original application date of May 2002; therefore, the former Town Official Plan (1974) applies to this application. The 1974 Official Plan designated the subject lands as 'Urban Residential'.

Policy 1.20.A.3 states that the Town, in the review of development applications and the provision of various housing types, shall ensure that lot sizes and dwelling types, sizes and tenure will be based not only on historic household growth for the Town but also the unmet housing needs as identified in the municipal housing statement.

Policy 1.20.A.4 states Council shall endeavor, even though a limited area is available for development, to achieve the following housing mix:

- Low density (up to 15 units / hectare) 70% single & semi-detached
- Medium density (15 – 25 units / hectare) 20% multiple attached & low- rise apartments
- High density (35 – 65 units / hectare) 10% high rise apartments

Policy 1.20.A.5 states the Town will require that sufficient sites are available to ensure a minimum 25% of all potential new housing units are affordable, as defined in the Provincial Housing Statement on Land Use Planning for Housing. Sites for affordable housing will include housing with direct ground access as well as apartments of varied styles and densities.

Policy 1.20.A.8 states in the provision of a housing mix, varying lot sizes and tenure, the Town will consider applications for undersized single detached lots and semi-detached units provided the building designs and densities of proposals consider the character and identity of surrounding residential lands.

Policy 1.20.A.14 states Council, in the approval of plans of subdivisions, shall

ensure when feasible, that the affordable housing component be serviced as an integral part of the overall development.

The draft plan of subdivision provides for single detached dwellings with smaller lot areas than those on John and Stella Streets and Kunda Park Boulevard resulting in a gentle increase in density when compared to the earlier phases of the Kunda Park development. The development acts as a transition to the higher density and mixed housing types provided in Forest Park. While the lots are not anticipated to be affordable, there is potential for second dwelling units in accordance with the Town's policies and regulations which could provide an affordable option and the ability for some rental tenure. Single detached dwellings will be compatible with the existing primarily single detached neighbourhood.

It should be noted that Policies 1.20.A.4 and 1.20.A.5 set targets for housing mix and having land available for affordable units across the Urban Residential area of the Town rather than on this specific property.

Based on these considerations, it is Planning staff's opinion that the draft plan of subdivision conforms to the policies of the Pelham Official Plan, 1974.

Pelham Official Plan (2014)

The Zoning By-law Amendment application file (AM-03-2020), submitted in 2020, is bound by the current Town Official Plan policies in effect (2014). The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' with a 'Greenfield Overlay' as well as Environmental Protection One.

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

Policy A2.1.2 Natural Environment – states the natural environment objectives of this Plan are to make planning decisions that consider the health and integrity of the broader landscape as well as the long term and cumulative impacts on the ecosystem.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the *Urban Area* specifically in proximity to the Downtown.

Policy A2.3.2 Urban Character – stated objectives of this Plan include:

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To encourage the intensification and use of the lands within the Fonthill Downtown core and to make every effort to improve its economic health by encouraging redevelopment and broadest mix of compatible uses.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that redevelopment is compatible with the scale and density of existing development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy A2.5.2 Infrastructure – stated objectives of this Plan include maintaining existing infrastructure in a manner that is cost effective and contributes to the quality of life of citizens.

Policy A2.7.2 Cultural Heritage – states it is the Plan’s objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

Policy B1.8.3 Greenfield Overlay (Lot 173) – states it is a Provincial and Regional requirement that *Greenfield* designated lands be developed to attain a minimum population / employment density of 50 people and jobs per hectare. It is realized that not every site will be able to achieve this target. The Town will have flexibility on a site-by-site basis; however, the overall density target will still need to be achieved.

For the subject lands (Lot 173), any application for development shall demonstrate that these sites can achieve the required population and employment density (50 people & jobs / hectare). The 2020 concurrent submission of this application and the Forest Park Draft Plan of Subdivision application was to demonstrate how current planning policies will be achieved despite maintaining an aging draft plan of subdivision application which must continue to be qualified against a ‘mishmash’ of current and outdated policy sets.

With respect to the plan objectives above, Planning staff can advise that impacts on the natural heritage system have been considered and are further discussed below. Cultural heritage and archaeological resources have been documented/conserved through archaeological assessments and obtaining the required clearance from the Ministry of Heritage, Tourism, Culture and Sport. The proposed zoning by-law amendment proposes a compact urban form and a mix of housing types (when considered with Forest Park). The scale and density permitted through the

requested zoning will be compatible with the character of the established residential neighbourhood.

The zoning will facilitate development meeting the minimum greenfield density requirement of 50 persons and jobs per hectare when considered with the Forest Park subdivision (same ownership) by achieving 59 persons and jobs per hectare overall.

All new development will be serviced by municipal sanitary and water as well as utilities.

Schedule B1 identifies a Highly Vulnerable Aquifer affecting the subject lands. As a result, a variety of uses are prohibited from these lands, none of which are proposed by the applicant.

Policy B3.2 Environmental Protection One (EP1) – states the purpose of this designation is to protect and enhance the ecological integrity of the natural heritage features identified by the Region. The EP1 designation includes Provincially Significant Wetlands (PSW) and the significant habitat of endangered or threatened species outside of the Greenbelt Plan, but not within the Natural Heritage System of the Greenbelt Plan. Policy B3.2.4.3 states that lands within 120 m from the boundary of a PSW are defined as ‘adjacent lands’ for the purposes of this policy. No development or site alteration shall be permitted on adjacent lands unless an Environmental Impact Study (EIS) demonstrates that there will be no negative impact on the feature or its ecological functions. The Region, in consultation with the NPCA and the Town shall approve any EIS prepared to address impacts on development or site alteration within adjacent lands.

An EIS Addendum prepared by Beacon Environmental (dated September 2022) was prepared in response to these key natural heritage feature policies. The studies recommend a 15 metre buffer be maintained in addition to implementation of mitigation measures. NPCA and Regional staff have indicated they have no objections to approval of the applications subject to recommended draft plan conditions (including the recommended buffer and mitigation measures) which have been included in Appendix B.

Policy D5.4.2.2 Dedication of (park) Land through the Development Process – states Council will require the dedication of 5% of the land within a residential plan of subdivision for parkland. Alternatively, Council may require cash-in-lieu of parkland instead, as deemed appropriate. Lands within any Environmental Protection designation shall not be considered as part of the required minimum dedication of parkland.

While the draft plan of subdivision is not subject to the Town's 2014 Official Plan, land for parkland was dedicated to the Town at the corner of John Street and Beechwood Crescent as a condition of approval of an Kunda Park Phase 3 development that was to also be credited toward these development lands. Following dedication to the Town, the majority of the park lands were deemed to be a Provincially Significant Wetland by the Province and therefore, no development or site alteration is permitted that would allow their use as an active park, it may be used as a passive park, however. The lands remain in the Town's ownership. As a result of the land dedication in Kunda Park Phase 3, the Kunda Park phase 4 development is not subject to the requirement for parkland dedication. Future residents (and current residents in earlier phases of the development) will have access to the planned park in the Forest Park subdivision to the east.

Based on the policies and analysis above, Planning staff are of the opinion that the zoning by-law amendment application conforms to the policies of the Town's Official Plan.

Pelham Zoning By-law No. 1136 (1987)

The subject lands are zoned 'Residential 1' (R1) according to Schedule 'A5' of the Zoning By-law. To satisfy the 1974 local Official Plan requirements and other applicable planning policies, the developer has applied for a site-specific Zoning By-law Amendment to rezone the subject lands to 'Residential 2' (R2) and 'Environmental Protection' (EP).

The proposed 'EP' zone would apply to lands that support the Provincially Significant Wetland complex, woodland, and the naturalized channel. The Residential Two zone permits one single detached dwelling and uses, buildings and structures accessory thereto and home occupations. The requested site-specific zone regulations for the Residential Two zone are detailed in Table 2.

Table 2: Site-Specific R2 Zone Regulations

14.2 R2 Zone Requirements	Standard R2 Regulation	Requested Site-Specific R2 Regulation
(a) Minimum Lot Area	360 m ²	450 m ²
(b) Minimum Lot Frontage	12 m; 15 m corner lot	15 m
(c) Maximum Lot Coverage	50%	50% two storey; 60% bungalow
(d) Minimum Front Yard	6.5 metres	4.5 m to building face; 6 m to garage

14.2 R2 Zone Requirements	Standard R2 Regulation	Requested Site-Specific R2 Regulation
(e) Minimum Interior Side Yard	1.5 m on one side and 3 m on the other side where no attached carport or garage; 1.5 m with an attached carport or garage	1.2m on one side and 3m on the other side where there is no attached carport or garage; 1.2 m with an attached carport or garage
(f) Minimum Exterior Side Yard	Greater of 5 m from the side lot line or 15 m from the centre line of the road	3m to dwelling; 6m to garage
(g) Minimum Rear Yard	7.5 metres	No change
(h) Maximum Height for a Dwelling	10.5 metres	No change
(i) Minimum Ground Floor Area	(i) one storey 93 m ² ; (ii) two storeys 55 m ²	No change

The Environmental Protection zones will prohibit development and site alteration except for the naturalized channel which will allow for maintenance activities.

The requested zoning by-law amendment will permit the uses proposed in the draft plan of subdivision as supported by the Official Plan and the technical studies (Environmental Impact Studies). The site-specific Residential Two zone will facilitate a built form that is compatible with the existing residential neighbourhood in terms of height and massing and apply reasonable setbacks. It is Planning staff's opinion that the requested zoning change should be supported.

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 Residential One and Environmental Protection One in Zoning By-law 4481(2022).

Submitted Reports:

Environmental Impact Study Addendum prepared by Beacon Environmental Limited dated September 2022

The Study concludes that the revised draft plan of subdivision will not result in significant negative impact to natural heritage features subject to the recommended mitigation measures. The recommended mitigation measures have been included as conditions of approval requested by the Niagara Region and Niagara Peninsula Conservation Authority. Those agencies have also requested additional conditions that will have to be satisfied prior to final approval of the subdivision.

*Functional Servicing Report prepared by Upper Canada Consultants
Engineers/Planners dated November 2022*

*Forest Park / Kunda Park Storm Water Control Plan prepared by Upper Canada
Consultants Engineers/Planners dated June 27, 2022*

The report indicates that the land will be serviced by extending the 150 mm diameter watermains from Stella Street and Kunda Park Boulevard. The sanitary service for the northern portion of the development will come from the Forest Park development to the east in the location of the proposed pedestrian connection (Block 82) and the sanitary service for the southern portion through an extension of the 200mm diameter sanitary sewer on Kunda Park Boulevard. Stormwater flows from the northern portion of the lands will be conveyed to the proposed Forest Park Storm water management Facility through the naturalized channel and the existing culvert under the Steve Bauer Trail. The southern portion of the property will continue to convey flows southerly, ultimately to the Timber Creek Estates Storm Water Management Facility. This is demonstrated on the Storm Water Control Plan. The report concludes that there is adequate municipal servicing for this development.

*Planning Justification Report prepared by Upper Canada Consultants
Engineers/Planners dated May 1, 2020*

The report concludes that the Kunda Park Extension 4 Plan of Subdivision conforms to applicable Town of Pelham Official Plan objectives and policies, including those related to permitted uses, density, housing variety and affordable housing. The site-specific zoning has been proposed that will implement the proposed development concept, promote a compact/pedestrian oriented urban form that places dwellings and porches (and not garages) at the street and will enable the inclusion of affordable housing.

It is the Planner's professional opinion that the application is an appropriate development proposal that is consistent with the Provincial Policy Statement and conforms with applicable policies of the Region of Niagara Official Plan and Town of Pelham Official Plans. The application proposes compatible and appropriate development for the subject lands, represents good planning and should be supported.

*Stage 1 Archaeological Assessment prepared by Detritus Consulting Ltd. dated
September 7, 2016*

The study recommended further archaeological work for one archaeological site (AgGt-51). However, this site and its buffer lands (10m) fall entirely outside of the subdivision lands (approximately 150m to the north). The Ministry of Heritage Sport Tourism and Culture Industries provided an acknowledgement letter.

Recommended warning clauses related to archaeology have been included in Appendix B.

Digital copies of the reports are available by contacting the Planning Division or at the following link: <https://engagingpelham.ca/kunda-park-phase-4>

Planning staff note that there are many previous technical reports that were prepared to support past versions of the draft plan of subdivision (i.e., 8 Environmental Impact Studies/Addendums and several Functional Servicing Reports). These reports have been superseded by the reports above which address the revised draft plan of subdivision.

Agency Comments:

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

Niagara Peninsula Conservation Authority

NPCA staff have no objection to the applications subject to the requested conditions (Appendix C).

Niagara Region Planning & Development Services

Regional staff have no objection to the proposed changes to the Draft Plan of Subdivision from a Provincial and Regional perspective, subject to the previous comments provided on September 28, 2020, the updated conditions outlined in Appendix 1, and confirmation that the extent of natural heritage features and their boundaries are placed into an appropriately restrictive environmental zone.

Regional staff request that a zoning schedule be circulated prior to approval so that staff can confirm that our requirements related to natural heritage have been sufficiently addressed.

Town Public Works No comments. Further review will take place at the detailed engineering design stage.

All requested conditions of approval have been included in Appendix B.

Public Comments:

On January 23, 2023, a public meeting notice was circulated to all property

owners within 120 metres of the property's boundaries. In addition, 4 public notice signs were posted facing Port Robinson Road, Stella Street, John Street/Beechwood Crescent and Beechwood Crescent/Kunda Park Boulevard. Notices were also provided to those who had commented on the applications in 2020. A public meeting was held on February 13, 2023. The following is a summary of comments that have been received at the time of writing of this report in response to the revised applications:

Doug Elliott

Concerned about safety of those exiting Stella Street to turn left on Pelham Street. Believes lights are warranted and that Kunda Park Boulevard and Stella Street should be resurfaced due to damage. Would like to know what type of artifacts were found on portion of property outside of the subdivision plan along Port Robinson Road and why no street connection. Merritt Road should also be fixed before construction of the subdivision.

Muriel Heska

Concerned that the majority of traffic west and north to Regional Rd. 20 and downtown Pelham will flow through Vera and north Stella Street which are not designed or constructed to meet the additional traffic load. Would like to know the plan for upgrading the old Kunda Park area to current urban standards?

Concerned about access for heavy load vehicles during the construction phase. Wants the new PSW crossing must be designed and built to meet requirements for all vehicles and constructed at the start of development to provide main access to the northern Phase 4 area (67 lots). Questions whether heavy load construction vehicles will be limited to this southern access road to prevent more damage to the roads and properties on Vera/north Stella? The north Stella St. area also has access to Glynn A Green school yard and is used by children walking to school and for playground/soccer field access. Safety is a concern with increased traffic/construction traffic.

Questions how deep will the proposed naturalized channel be? How will soil erosion be mitigated? Will the ditch have standing water? Will it be fenced for safety?

Does site-specific Residential Two (R2) zoning allow concerns of current property owners on the northeast side of Stella (R1 zoning) to be included in site-specific requirements for the new abutting R2 properties? These concerns include building height, drainage, setbacks. If so, these concerns need to be addressed.

There is no mention in this revised draft plan of the strip of land in the north which is part of the Kunda Park Phase 4 subdivision (east of Glynn A Green school and west

of the Steve Bauer Trail). How will this land be developed? (Perhaps a park with archeological site?)

Colleen Kenyon

The draft plan has improved significantly through community input, Council support, and Sterling Realty's willingness to undertake revisions in good faith.

Concerned about the extreme wear and tear on the existing roads if they are to be used for heavy machinery and transport vehicles. Improvements to the roads and sidewalk will be needed to ensure the safety of pedestrians and cyclists along Vera, John, and Stella Streets, and Kunda Park. Concerned about potential flooding of the street, sidewalk, and homes on the east side of Stella Street that could result from the added load on the storm water and drainage systems.

Requests protections remain in place on all lands designated EP1 and EP2 and that tree canopy, wildlife habitat and corridors, and groundwater systems be taken into account during the construction of Phase 4.

Bill Heska

Concerned that no formal response to date has been provided to citizens and questioned how the new Councillors will be informed of the history of the application so they can make informed decisions.

Noted that the initial Pelham Today article had an incorrect plan and provided none of the support information on the proposed subdivision plan. Wants live public meetings reconvened.

Questioned if there are any changes to what was presented regarding the site-specific R2 zone. Questions regarding the naturalized channel for stormwater - how deep will the channel be, how will soil erosion be mitigated, will the ditch have standing water, will the channel be fenced for safety?

Noted that the roadway plan is very similar to Alternative A that was presented by UCC at the Public Information meeting on Jan. 17, 2018, however they had proposed that John Street would be extended to the east to intersect Kunda Park Blvd. with minimal impact on the PSW. Why is this extension not included in the new subdivision proposal? When will the old Kunda Park area be reconstructed to current urban standards?

Will the new PSW crossing be designed and built to meet requirements for all vehicles? Will the crossing be constructed at the start of development to provide main access to north area Phase 4 (67 lots). On the plan, it appears the crossing is not as wide as Street A. Will there be pedestrian traffic walkway over the PSW?

A 10m pedestrian/emergency connection to the Steve Bauer Trail has been added to the plan per UCC letter, but the location is not shown on the plan.

The plan shows the existing Institutional area (Glynn A Green School) to the north. Questioned the status of the strip of land which is part of the Kunda Park Phase 4 east of the school and west of the Steve Bauer Trail. At one time the primary roadway access for the subdivision was proposed through the area. How will this land be developed -- park with archaeological site, relocate SW Pond and/or park from Forest Park, relocate north parking area for Steve Bauer Trail?

Chuck Monger

Wants multiple entrances/exits to the subdivision for safety even if it requires crossing the trail. Has safety concerns about cars parking on the street.

Barbara Arndt & Neil Stanley

Concerned how the property be drained? Concerned that properties will become mosquito infested and waterlogged.

Concerned that all traffic will go through existing residential neighbourhoods, one of which is a street which is access to a primary school yard. Increased traffic means concern about damage to existing homes and homeowners during construction. Access for construction and to the main part of Pelham MUST be through the Station Street extension.

Concerned that infrastructure is inadequate and who will be responsible for necessary upgrades.

Concerned about increased costs to residents because of Bill 23.

Suggests council and the developer to consider moving the Steve Bauer trail to the vacant area behind Glynn A. Green School and the houses on Stella Street which would leave the area along the existing trail open for the construction of the Kunda Park development as well as the Station Street Extension.

Would like zoning to remain R1.

Christine Kreutzer

Concerned about access in and out of the new development. Limited access in and out of the northern end of the development creates additional safety risks with a school located at the north end and pedestrian traffic limited to sidewalks located on only one side of the street. Peak travel times will result in bottlenecks on Stella, Vera and John Street. Traffic could be better routed to reduce congestion, increase safety, bypass established neighborhoods and provide a more direct route to Hwy 406 via

Regional Road 20. The northern strip of land located within the development, east of Glynn A. Green School and west of the Steve Bauer Trail, could provide a direct route north out of the development. What is the plan for this land?

Will the wetland crossing have the same capacity for weight and volume of traffic, both vehicular and pedestrian? A roadway extending John Street across the PSW and connecting to the development was previously proposed. Why is this no longer included in the plan?

Concerned about construction vehicle routes and use of roads.

Lisa Erickson

Concerned about road safety on Stella Street for students travelling to school as well as construction impacts such as dust, vibration, hours of work. Also concerned about lighting impacts from future streetlights.

Dave Nicholson

Believes the pedestrian path is too wide and that 2 metres should be sufficient.

Graham Pett

Pleased with protection of Steve Bauer Trail and surrounding natural heritage. Emphasized importance of connectivity with the wetland. Happy with connectivity between the neighbourhood and the trail system. Requested low impact development principles be used. Would have liked more density which is needed. Requested that future Station Street extension be done while taking the absolute minimum of the trail and trees.

Mike Jones on behalf of Pelham Advocates for Trees and Habitat

Generally supportive of the revised draft plan of subdivision. Requested tree planting along the naturalized channel and west side of the Steve Bauer Trail. Want to ensure that the wetland remains connected under the road crossing. Want disruption and closing of the Steve Bauer Trail to be minimized during construction. Want low impact development incorporated into the final engineering design. Want tree removal minimized and growing tree canopy to be prioritized. Provided comments regarding engineering design for Forest Park.

Magdalena Woszczyzna

Supportive of reduced number of lots in the proposed development and wildlife corridor connecting the wetlands and greenspace. Supports for the Kunda Park connection as it will keep construction vehicles away from Stella Street. Want trees preserved and suggested a specialist be hired to conduct an assessment.

Karen Guzzi

Questions why no townhouses are planned for the proposed development. Believes intensification should be shared by all residents of Pelham.

Staff Comments:

In response to public comments, Planning staff provide the following:

Traffic congestion and safety

The development is not expected to generate levels of traffic that will cause undue congestion on the road network. It is noted that the subdivision will utilize existing street connections that were part of earlier phases of the Kunda Park development that were planned to accommodate traffic from these lands. Further it is noted that the density of the current proposal is less than what was initially contemplated for these lands. There are two ingress and egress which will ultimately convey traffic to Merritt Road or Pelham Street. Merritt Road is planned for urbanization in the future and Pelham Street is currently being reconstructed. Pelham Street is classified as an arterial road and Merritt Road as a collector road. Both road classifications accommodate higher levels of traffic. John, Stella and Vera Streets are planned for urbanization in the 10 year Capital Plan with design proposed to occur in 2025 and construction in 2029. Town Public Works staff have reviewed the applications and have indicated they have no concerns with respect to traffic safety or congestion as a result of the development.

Roads within the subdivision will have sidewalks on both sides to provide for pedestrian safety. While Block 83 (wetland crossing) will be narrower than the typical roadway block on paper, at 16 metres wide vs. 20 metres, the driving surface and sidewalks will be consistent with the remainder of the built roadway with smaller boulevards. The crossing will be designed to accommodate all types of vehicles. It should be noted that Block 83 is narrower to minimize impact to the wetland (Class EA approval).

A resident expressed concerns about allowing on-street parking in the subdivision. On-street parking is generally permitted on one side of a local street except during winter snow clearing. On-street parking has the effect of slowing down traffic which is desirable. It also accommodates occasional overflow of parking from driveways for visitors. The future roads will be designed to accommodate some on-street parking.

Safety and Disruption during Construction Process

Many residents were concerned about safety of pedestrians (including students travelling to Glynn A. Green Elementary School) and road users during construction as well as noise impacts to existing residents. It is planned that construction vehicles will access the site from Merritt Road and Kunda Park Boulevard at this time. Unfortunately, it will not be possible to access the site without traveling through the existing neighbourhood. There will be no road crossings of the Steve Bauer Trail and the lands owned by the developer along Port Robinson Road are outside of the subdivision plan and contain the archaeological resources that are to remain protected at this time.

Planning staff have included a recommended condition (Appendix B) requiring a construction management plan with consideration given to minimizing traffic, road, dust, and noise impacts to the satisfaction of the Director of Public Works to mitigate concerns and ensure that there is clear communication with all construction contractors.

Any damage that occurs to Town roads or infrastructure from the development or construction will be the responsibility of the developer. Clauses will be included in a future subdivision agreement outlining this requirement.

The construction management plan will also be required to address and minimize closures or disruption to the Steve Bauer Trail.

Lack of Road Access to Port Robinson Road / Clarity around Use of Lands Outside Subdivision

As noted earlier in this report, the lands which are owned by the developer and part of the subject property outside of the subdivision plan contain archaeological resources. As a result, no road connection is proposed in this location. The land is planned to remain in the developer's ownership and be left in their current state so as not to disturb the archaeological resources. There is no plan to develop these lands at this time. A street connection at this location is also not desirable as it would not comply with the separation requirements with the Station and Port Robinson Road intersection and create safety concerns.

Naturalized Channel Design

Recommended conditions of draft plan approval will require fencing along the naturalized channel with no gates. Detailed design for the channel will take place as a condition of draft plan approval. This will include preparation of an Erosion and Sediment Control Plan and Planting Plan. These items will be reviewed by the Town, Niagara Region, and Niagara Peninsula Conservation Authority prior to final clearance

of the subdivision. Naturalized channel design is a best practice and will be part of the design requirements.

Impact to Existing Residential Properties due to Residential Two zoning

Generally, residential use is compatible with residential use. In this case, it is proposed new single detached residential uses adjacent to existing single detached residential use. No land use conflicts are anticipated from the proposed development on the existing land uses. The requested site-specific Residential Two zoning will permit single detached dwellings and require a minimum rear yard of 7.5 metres. The side yard setbacks requested are generally consistent with current residential development and allow space for swales and catchbasins as needed. The lot grading and stormwater management details will be determined as part of the detailed engineering design that takes place as a condition of draft plan approval. The requested height permission (10.5 metres) is consistent with the height permitted for the dwellings on John and Stella Streets. Adverse impacts to existing residential properties are not anticipated as a result of the requested zoning. While the lots sizes are smaller than the existing lot sizes on John and Stella Streets, they will exceed the minimum lot area required in the Residential Two zone and are considered large lots by today's standard. Current Provincial, Regional, and local policies require more efficient use of land.

To ensure that privacy of existing residents is maintained, Planning staff have recommended a condition for privacy fencing where abutting existing residential uses.

Potential Costs to Residents

As noted, the subdivision agreement will require that any damage that occurs to Town roads or infrastructure during construction will be the responsibility of the developer. Should upgrades to existing infrastructure be required to accommodate the development, that would also be the responsibility of the developer. At this time, upgrades are not anticipated.

Tree and Wetland Protection

Blocks 79 and 80 will be rezoned to an environmental protection zone. These areas represent the wetland and a 15 metre buffer. The naturalized channel (Block 81) will also be zoned to an environmental protection zone with periodic maintenance permitted as needed. The Niagara Peninsula Conservation Authority and Niagara Region have included conditions that will require a planting plan and fencing of these areas for long-term enhancement and protection.

Connectivity of the wetland under the road crossing (Block 83) will be ensured through the class environmental assessment approval which requires a permit from

the Niagara Peninsula Conservation Authority. The width of the crossing has been reduced to 16 metres (from 20 metres) to minimize disruption to the wetland. Further, the extension of John Street shown on previous versions of the draft plan of subdivision was eliminated for the same reason., again to minimize disruption to the wetland.

Drainage

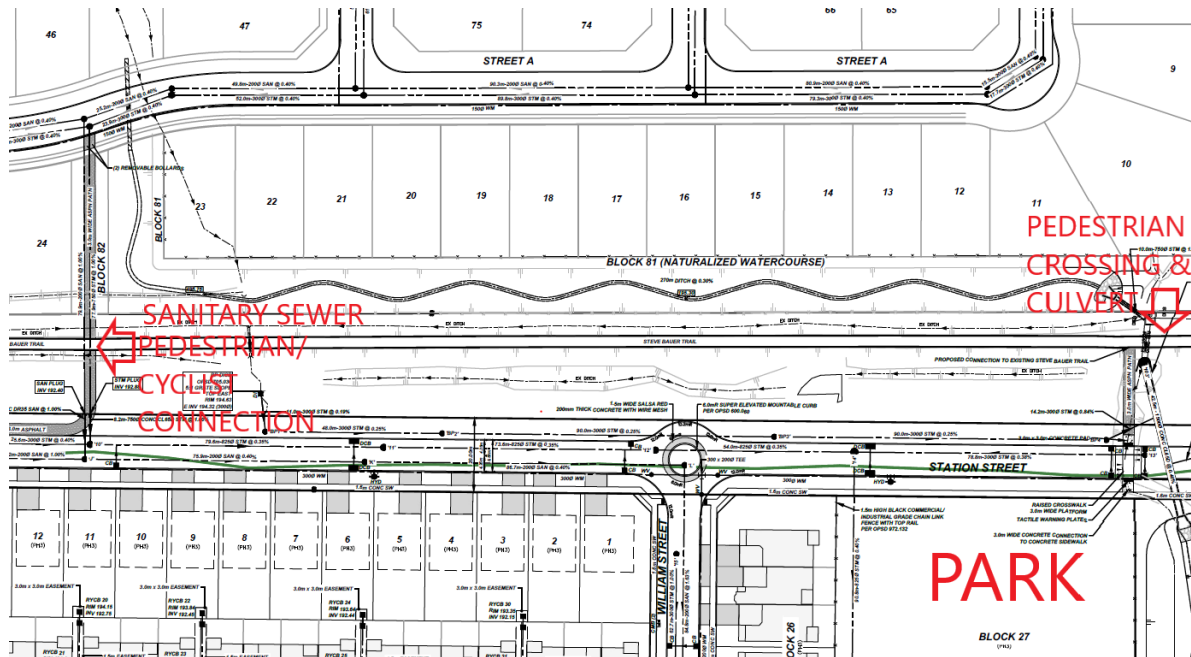
Residents indicated that there are drainage and flooding problems on the properties on the east side of Stella Street. The developer has provided a Stormwater Control Plan which generally indicates where stormwater will be directed. The developer will be required to prepare a subdivision lot grading and drainage plan as part of the detailed engineering design. This plan will be reviewed by Town Public Works staff to ensure no negative impact to adjacent properties.

Residents and Council requested that the developer consider low impact development when completing the detailed engineering design. The developer indicated he would consider this as part of the design process.

Development Connectivity with Trail and Forest Park Subdivision

Town staff have been working with the developer's engineering consultant to ensure that the Kunda Park Phase 4 and Forest Park subdivisions can be integrated from a servicing and active transportation perspective with minimal disruption to the Steve Bauer Trail and associated trees. It is planned that the pedestrian connection (Block 82) in Kunda Park Phase 4 will be aligned with a pedestrian/cyclist connection into Forest Park which is also the location of the sanitary sewer connection. A pedestrian connection will also be provided from the Steve Bauer Trail across the Station Street extension to allow direct access to the park. This is the location where the culvert conveys the stormwater from the naturalized channel in Kunda Park into Forest Park (Figure 3). Further details will be determined as part of the detailed design for both subdivisions.

Figure 3: Planned Active Transportation and Servicing Connections with Forest Park



Some residents expressed concern that the 10 metre width of the proposed pedestrian connection to the Steve Bauer Trail (Block 82) was too wide. This block will also contain the sanitary sewer connection and necessitates the 10 metre width. Design for the pedestrian connection will take place as part of the detailed engineering design. The connection will be only part of the width of the block as shown on the plan. Co-locating the pedestrian connection adjacent to other connections does minimize impact and reduces the overall width required for these connections.

Conclusions

The applicant has satisfactorily addressed concerns and issues raised during the review process over the last number of years. The next step for the applicant, following draft plan of subdivision and zoning approval, will be to complete the necessary work and engineering design to satisfy the conditions of draft plan approval and work towards receiving final approval prior and enter into a subdivision agreement prior to any construction commencing.

Based on the analysis and discussion contained in this report, Planning staff recommend that the draft plan of subdivision and zoning amendment applications be approved as they represent good land use planning, are consistent with applicable Provincial Plans and Policies and conform with and implement the applicable Regional and Town Official Plans.

Alternatives:

Council could choose not to approve the applications for draft plan of subdivision and amendment to the Zoning By-law. However, Council is advised that should they do so, the applicant will likely appeal Council's refusal to the Local Planning Appeal Tribunal which will cause delay and added costs for both the Town and the applicant.

Council could choose to approve the applications subject to modifications.

Attachments:

Appendix A	Draft Plan of Subdivision
Appendix B	Recommended Conditions of Draft Plan Approval
Appendix C	Niagara Peninsula Conservation Authority Comments

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

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

Reviewed and Submitted by:

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