



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

July 5, 2023

Subject: Recommendation Report – Applications for Draft Plan of Subdivision and Zoning By-law Amendment – 1112 Haist Street

Recommendation:

THAT Committee receive Report #2023-151 – Recommendation Report for Draft Plan of Subdivision and Zoning By-law Amendment for information as it pertains to File Nos. 26T19-01-2023 and AM-03-2023;

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

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

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding applications for Zoning By-law Amendment and Draft Plan of Subdivision for the property located at 1112 Haist Street.

Location:

The property is municipally known as 1112 Haist Street and legally described as Part of Lot 3, Concession 9 in the Town of Pelham, Regional Municipality of Niagara. It is located on the west side of Haist Street, south of the future Accursi Crescent which will access the Emerald Trail subdivision and north of Welland Road.

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Figure 1: Property Location

The surrounding land uses include residential (single detached and townhouse dwellings), and parkland uses.

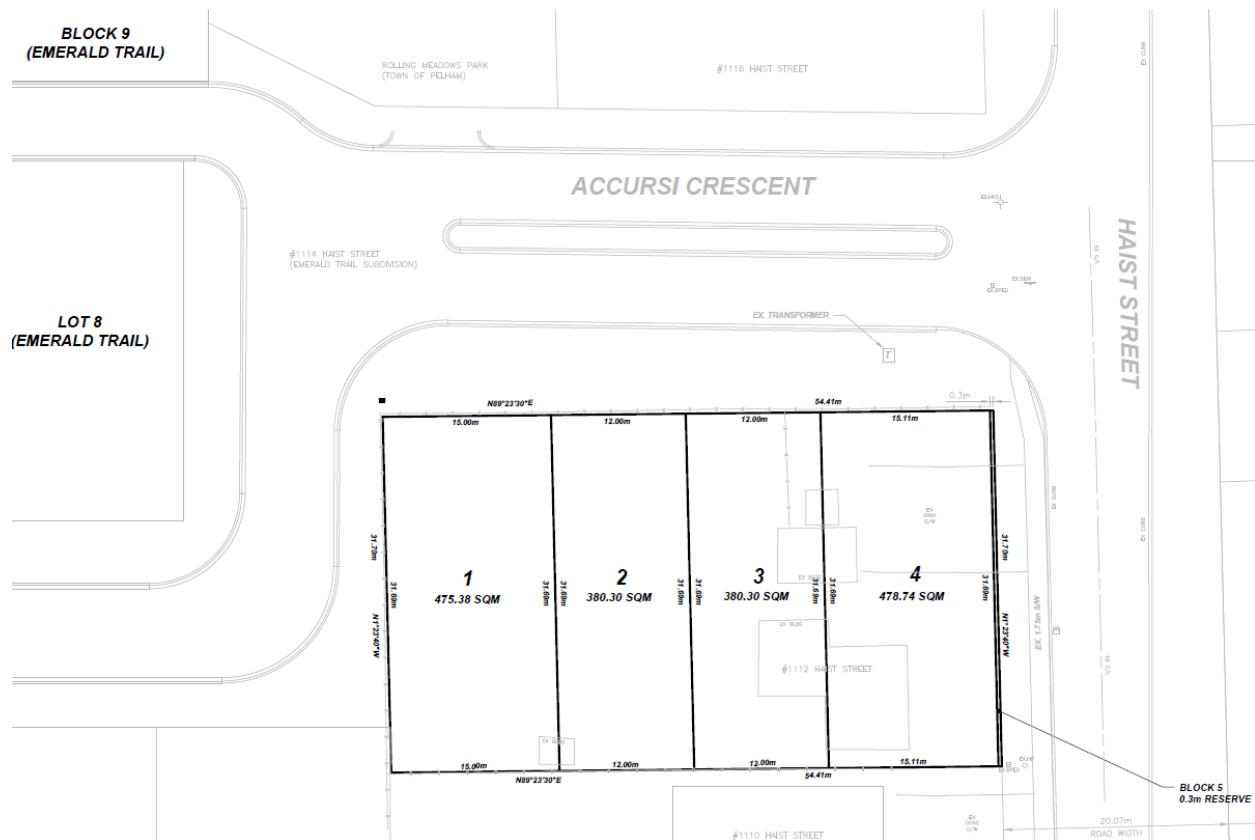
Project Description and Purpose:

The proposed draft plan of subdivision (Figure 2) would create 4 lots for single detached dwellings. The lots range in size from 380 m² for the internal lots to 478 m² for the corner lots. The interior lots will have 12 metres of frontage while the corner lots will have 15 metres of frontage.

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Figure 2: Draft Plan of Subdivision

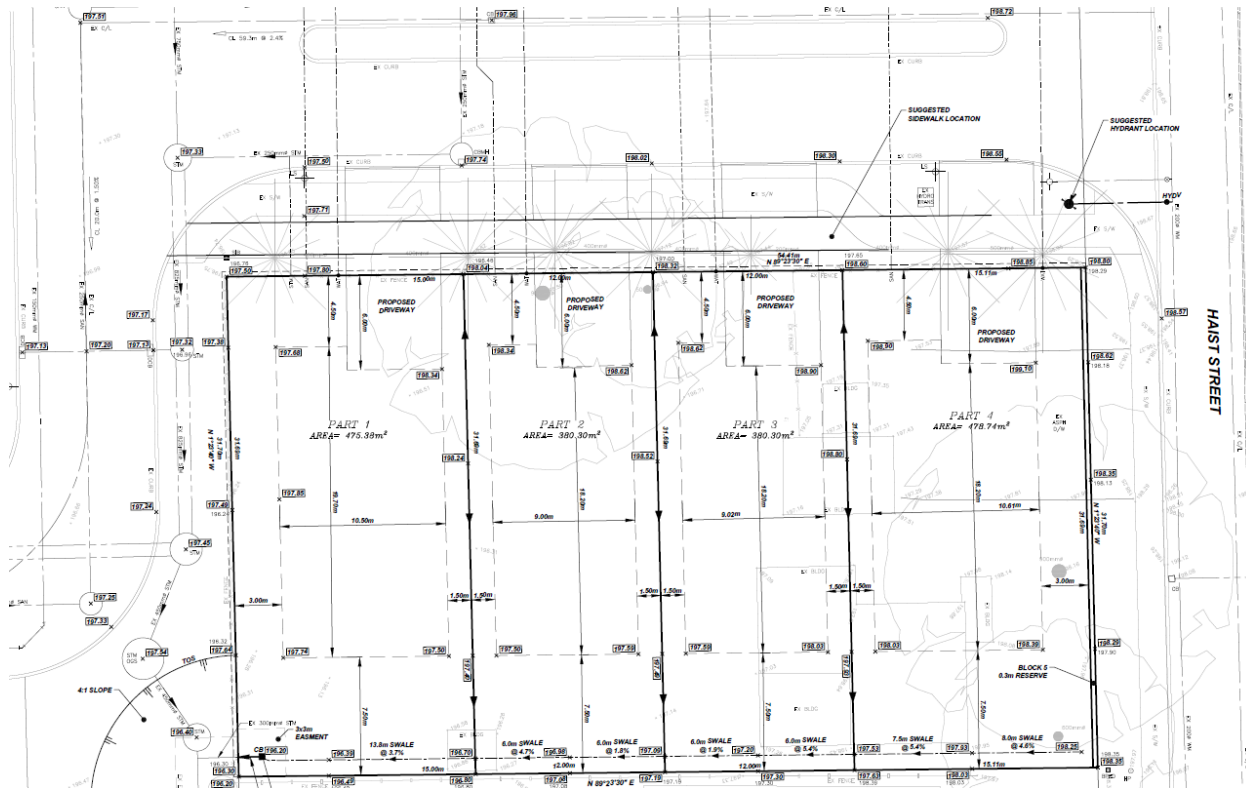


The requested Zoning By-law Amendment would rezone the lands from Residential One (R1) to Residential Two (R2). The zoning change will allow the lots to be created with the smaller lot area and frontage permitted in the R2 zone.

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Figure 3: Proposed Development Plan



Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e., decisions of Council, "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 51 of the *Planning 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,



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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* will be provided under the Town of Pelham Official Plan analysis below.

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



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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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

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

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated considering the building stock, availability of existing and planned



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infrastructure and public service facilities required to accommodate the needs of the development.

The proposed draft plan of subdivision will help to facilitate a mix of housing options within the existing neighbourhood and the Settlement Area as a whole. The subdivision will facilitate intensification and redevelopment. The density of the development provides for the efficient use of land and planned/existing infrastructure that minimizes land consumption and costs of servicing. Further, the proposed subdivision will be transit and active transportation supportive. Sidewalks are or will be provided on all streets. There are adequate public service facilities, including the existing park. The dwellings will meet the energy efficiency requirements in the Ontario Building Code.

Based on this information, the proposed draft plan of subdivision is consistent with the Provincial Policy Statement subject to approval of the recommended conditions of draft plan approval.

Growth Plan for the Greater Golden Horseshoe, 2020

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2020. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The development of single detached dwellings on the property will intensify the Built-Up Area and integrate well into the existing neighbourhood. It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.



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Niagara Region Official Plan, 2022

The lands are designated as Built-Up Area in the 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 of the Region and in Pelham. This translates into an annual intensification rate of 25% of new residential units in Pelham. The objective of intensification is to increase housing choice and housing affordability across the Region to meet future housing needs while at the same time making efficient use of infrastructure, community services and urban lands.

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

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

Policy 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 2.3.1.4 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.



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The draft plan of subdivision and requested zoning will facilitate intensification in the built-up area and contribute to the intensification target for the Town. The applications propose a mix of lot sizes that contribute to the available housing options in the neighbourhood and the settlement area. The zoning will facilitate a compact built form. The ability to use green infrastructure or low impact development can be explored as part of the detailed engineering design. As a result, the applications conform to the policies of the Niagara Region Official Plan.

Town of Pelham Official Plan, 2014

The lands are designated Urban Living Area/Built Boundary in the Town's Official Plan. The permitted uses in this designation are a full range of residential uses including single detached 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 (note: this is now superseded by the approved intensification target in the Region of Niagara Official Plan of 25%).

Further, Policy B1.1.3 (a) permits and encourages intensification on sites abutting arterial and collector roads. Haist Street is identified as a collector road and Accursi Crescent will be considered a local road according to Schedule C to the Town of Pelham Official 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; Policy B1.1.3(f) encourages affordable housing in intensification areas.

The uses proposed in the draft plan of subdivision and zoning by-law amendment are permitted in the Urban Living Area/Built Boundary. The development will contribute to the 25% intensification target for the Town. The draft plan of subdivision proposes a unit density of 23.26 units per hectare.

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

- a) The approval of the development is not premature and is in the public interest;



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- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification;
- d) The subdivision, when developed, will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation;
- e) The subdivision conforms with the environmental protection and management policies of this Plan; and,
- f) The proposal conforms to Section 51 (24) of the *Planning Act*, as amended. This policy is similar to the requirements in Section 51(24) of the *Planning Act*, as amended.

This policy is similar to the requirements in Section 51(24) of the Planning Act, as amended.

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

Effect of Development on Matters of Provincial Interest

Planning staff have reviewed the applications to ensure that they are consistent with the Provincial Policy Statement, 2020 and conform to applicable Provincial plans. In Planning staff's opinion, the development addresses all matters of Provincial interest outlined in Section 2 of the Planning Act.

Whether the Proposed Subdivision is Premature or in the Public Interest

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

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

The draft plan of subdivision conforms to the Official Plan and the adjacent plan of subdivision.

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.



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The density of the development is appropriate for the neighbourhood.

There are no environmental features located on the subject property.

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 current draft plan of subdivision proposes access to the lots from the median portion (single lane) of Accursi Crescent. The applicant provided a Traffic Brief to address concerns raised by Town Public Works staff at the preconsultation meeting with respect to access in this location. Following review of the Traffic Brief and its recommendations, Town Public Works staff still have concerns that drivers will make unsafe turning movements from Haist Street to access the future driveways and avoid driving around the median on Accursi Crescent. As a result, Town Public Works and Planning staff are unable to support the lots with access proposed onto this portion of Accursi Crescent.

Town staff are of the opinion that the property is suitable for 4 residential lots and are satisfied that the lots can be adequately serviced. There are alternative options for access that will not create conflict with the median portion of Accursi Crescent. As a result, Town staff are recommending that the draft plan be approved subject to the developer revising the draft plan of subdivision by reorienting the lots to front on Haist Street and the southerly section of Accursi Crescent (where two-way traffic is permitted) or alternatively providing rear access from Haist Street by a shared driveway. No access shall be permitted from the portion of Accursi Crescent which contains the median. This is further discussed under the staff comments section of this report.

Grading will be reviewed further and approved subject to conditions of draft plan approval.

Dimensions and Shapes of the Proposed Lots

The proposed subdivision proposes regularly shaped lots that will allow for appropriate siting of the future dwellings, driveways, amenity and parking areas. This will still be the case, should the lots be reoriented.



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The Restrictions or Proposed Restrictions, if any, on the Land Proposed to be Subdivided or the Buildings and Structures Proposed to be Erected on it and the Restrictions, if any, on Adjoining Land

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

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

Conservation of Natural Resources and Flood Control

The proposed draft plan of subdivision will not negatively impact the conservation of natural resources or flood control. Stormwater management plans will be reviewed and approved by Public Works as part of the draft plan conditions.

The Adequacy of Utilities and Municipal Services

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

The Adequacy of School Sites

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

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

The developer will be required to pay cash-in-lieu of the conveyance of parkland and under the provisions of Section 51.1 (3) of the *Planning Act R.S.O. 1990, c. P.13* and pursuant to the Town Parkland Dedication By-law 3621(2015). The development is located directly across from the existing park.

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

No land is required to be conveyed or dedicated for public purposes at this time.

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



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

As discussed above, it is Planning staff's opinion that the draft plan of subdivision and requested zoning provisions conform to the policies of the Town of Pelham Official Plan subject to the recommended conditions of draft plan approval.

Town of Pelham Zoning By-law 4481 (2022)

The property is zoned Residential One (R1). The R1 zone permits a single detached dwelling; semi-detached dwelling; bed and breakfast establishment; home occupation; second dwelling units; and uses, buildings and structures accessory to the foregoing uses.

The requested zoning change would rezone the property to Residential Two (R2). The R2 zone permits the same uses as the R1 zone with the addition of a duplex. The developer's intention is to build single detached dwellings on the lots and to comply with all the zone regulations in the R2 zone.

Planning staff acknowledge that the developer may require further zoning relief should Council approve the draft plan condition requiring the draft plan to be redesigned to provide access to the lots in a different location.

Submitted Reports:

Planning Justification Report prepared by Upper Canada Consultants dated March 2023

The report concludes that the applications are a reasonable and appropriate use of lands within the Urban Area and Built-up Area within the Town of Pelham and Haist Street neighbourhood area, facilitate reasonably scaled and context-sensitive development, represent good planning and should be supported.



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Functional Servicing Report prepared by Upper Canada Consultants dated March 2023

Preliminary Site Servicing and Grading Plan prepared by Upper Canada Consultants dated February 22, 2023

The Functional Servicing Report concludes that along with the accompanying preliminary Servicing and Grading Plan, there exists adequate municipal servicing for this development.

Traffic Brief prepared by R.V. Anderson Associated Limited dated January 18, 2023

The Traffic Brief recommends that the future driveways for the proposed residential lots have at least 1.0 metre and 2.0 metres minimum spacing from adjacent driveways and street corners, respectively. In addition, the driveway for the property closest to Street 2 is recommended to be located as far east as possible to increase corner separation and to avoid the large right-turn radius along Street 2. Similarly, the driveway for the property located closest to the intersection with Haist Street should be located as far west as possible.

It is also recommended that the planned internal T-intersection have an all-way or two-way stop control at the Street 2 approaches to address the conflicting traffic movements. It is noted that the Town of Pelham should review the configuration of the internal intersection including radii and confirm the required control.

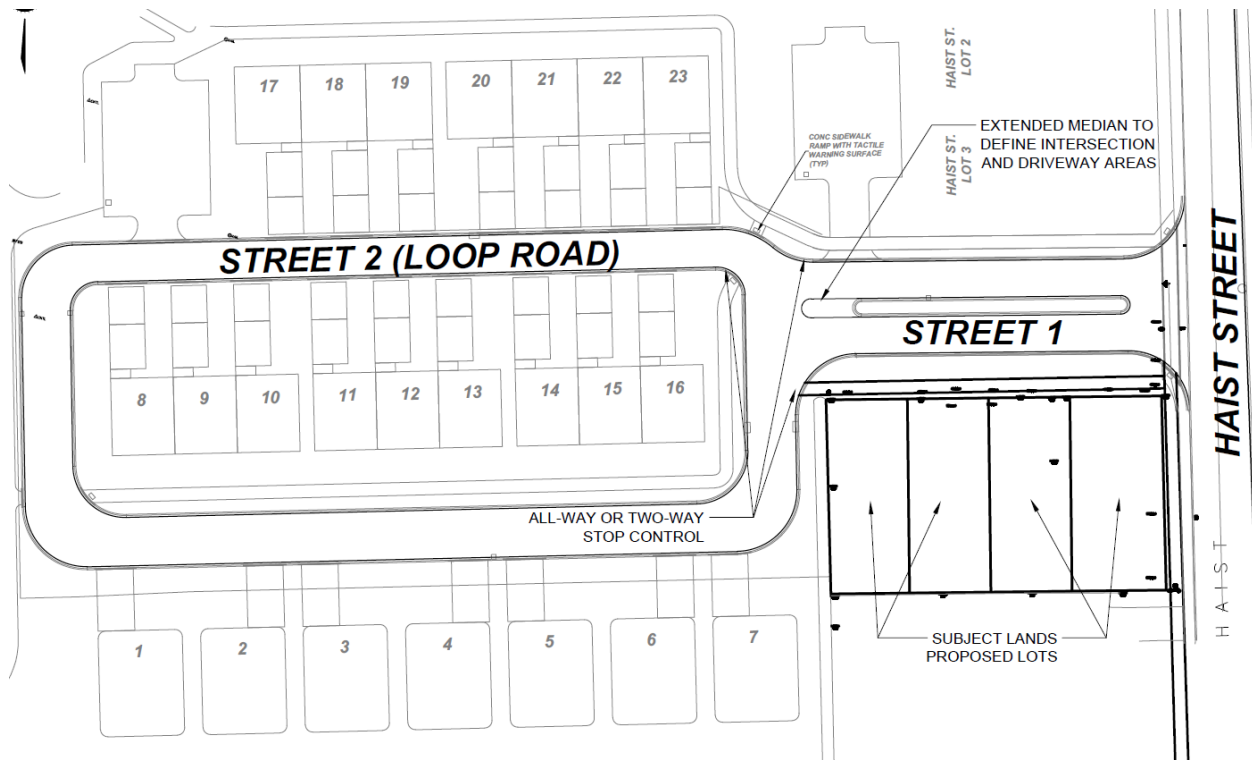
Additionally, the median along Street 1 should be extended westerly to better define the movements within the internal intersection and the movements of vehicles leaving the easternmost municipal parking lot.

The recommended improvements are shown on Figure 4.

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Figure 4: Recommended Improvements from Traffic Brief



Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated January 24, 2023

The Stage 2 assessment of the Study Area resulted in the identification and documentation of no archaeological resources; therefore, no further archaeological assessment of the Study Area was recommended.

The reports are available for viewing at <https://engagingpelham.ca/1112-haist-street>.

Agency Comments:

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



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Niagara Region Planning & Development Services:

No objection to the applications, subject to the inclusion of requested condition requiring access for waste collection and satisfaction of local requirements.

Town Public Works:

Public Works is not supportive of the proposed driveway locations. Also provided technical comments regarding the functional servicing report, traffic brief and preliminary site servicing and grading plan.

Town Planning:

Further to the concerns from Town Public Works about the proposed driveway locations, Planning staff recommend that the developer revise the draft plan of subdivision to reorient the lots or provide alternative rear access from Haist Street.

Public Comments:

On April 19, 2023 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Haist Street and the future Accursi Crescent. A public meeting was held on May 10, 2023. No members of the public provided comments at the public meeting. One written comment has been received at the time of writing of this report:

Helen Bates

Concerned about the drainage. She states that her land is low and is concerned about flooding. She would appreciate it if all small trees and brush along the chain link fence would be removed behind her property, most of which is weeds and wild climbing grape vines. Would like large trees at the top of the hill behind her property removed. The branches are stretching towards her pine and maple trees.

It is noted that Mrs. Bates comments relate to the Emerald Trail subdivision and not 1112 Haist Street. Her property does not abut 1112 Haist Street.



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Staff Comments:

Town Planning and Public Works staff met with the applicant to discuss the remaining concerns respecting the access to the proposed lots from the median portion of Accursi Crescent.

As noted at the public meeting, the median on Accursi Crescent is a requirement of the *Ontario Building Code* due to the internal road being more than 90 metres in length and requiring more than one access for emergency purposes. The median was included in the development concepts for the 1114 Haist Street (former arena lands now Emerald Trail Subdivision) during the community design charettes and was entrenched into the Official Plan in Policy B1.1.13.1:

- g) A median will be provided in the entrance boulevard with a minimum width to sustain plant material including trees and low vegetation such as grasses, forbes and shrubs.

As a result, the median was incorporated into the Emerald Trail subdivision and cannot be removed at this time.

Town staff requested the applicant explore alternative designs including access to the lots from a shared rear driveway from Haist Street or reorienting the lots with two fronting on Haist Street and two fronting on the two-way traffic portion of Accursi Crescent. The applicant indicated that these alternatives were not preferred for various reasons which were not considered insurmountable by Town staff.

Those reasons included concerns about maintenance responsibilities with respect to the shared rear driveway access. Town staff note that shared driveways and laneways exist successfully in many places and that maintenance responsibilities can be clarified through easements and legal agreements. Another reason cited by the applicant was the need to potentially have smaller building envelopes or a two-storey building design. Town staff note that smaller building envelopes could result in more variation in building design and price points within the neighbourhood helping to create a complete community. There is no requirement for the building envelopes or design to match what currently exists and variation in lot size and built form is desirable and contributes to housing variety and choice. The final reason provided by the applicant was a higher cost to service two lots from Haist Street rather than Accursi Crescent. However, Planning staff note that three lots have recently been



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served north of Accursi Crescent from Haist Street without extreme financial burden and that this option would avoid the additional costs required to implement the recommended improvements in the Traffic Brief.

In general, Town staff are supportive of 4 building lots on this property and the change to an R2 zone as discussed above. Town staff are also satisfied that the lots can be adequately serviced. However, Town staff are of the opinion that the concerns respecting traffic movements cannot be adequately addressed if access is provided from the median portion of Accursi Crescent.

At this time, Town Planning staff recommend supporting the applications subject to the conditions in Appendix B which include reorienting the lots to avoid access onto the median portion of Accursi Crescent or obtaining rear driveway access from Haist Street. Should Council support the staff recommendation, a revised plan will be provided prior to final approval of the subdivision. It is Planning staff's opinion that subject to the recommended conditions of draft plan approval, the applications are consistent with Provincial Policies and Plans, conform to Niagara Region and Town of Pelham Official Plans and represent good planning.

Alternatives:

Council could choose not to approve the applications for draft plan of subdivision and amendment to the Zoning By-law.

Council could choose to approve the applications as submitted.

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

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

Barbara Wiens, MCIP, RPP



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Director of Community Planning and Development

Reviewed and Submitted by:

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Chief Administrative Officer