



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

April 17, 2024

Subject: Recommendation Report – Applications for Revision to Previously Approved Draft Plan of Subdivision & Zoning By-law Amendment – Park Place West

Recommendation:

BE IT RESOLVED THAT Council receive Report #2024-0087 - Recommendation Report – Applications for Revision to Previously Approved Draft Plan of Subdivision & Zoning By-law Amendment – Park Place West, for information;

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

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding applications for revision to previously approved Draft Plan of Subdivision and Zoning By-law Amendment for Park Place West.

Location:

The property is located east of Station Street and north of Summersides Boulevard known legally as Part of Lots 3, 4, 5, 6, 7, 8, 9, 11 & 13 Registered Plan 717 and Part of Lot 167, Geographic Township of Thorold, now in the Town of Pelham, Regional Municipality of Niagara (Figure 1). The surrounding land uses to the north include a commercial plaza and future residential development (Park Place North), future residential development to the south and east (Park Place South) and existing residential uses along Station Street to the west.

Figure 1: Property Location



Project Description and Purpose:

The property is 2.496 hectares in size. The property is land that was consolidated through acquisitions of the rear yards of the existing residential uses fronting Station Street through the consent process over a number of years.

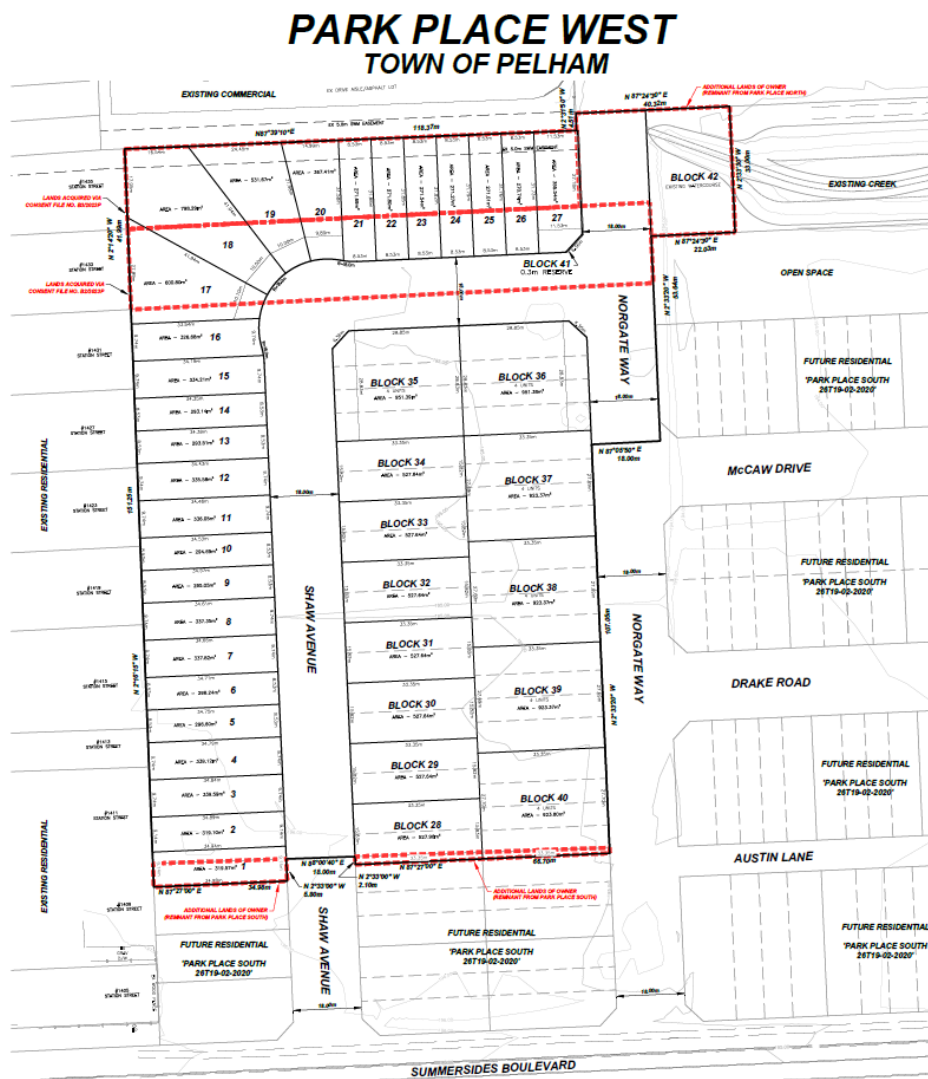
The requested revision to the previously approved Draft Plan of Subdivision will permit twenty-seven (27) lots for single detached dwellings, seven (7) blocks for

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fourteen (14) semi-detached dwelling units and six (6) blocks for twenty-four (24) street townhouse dwellings for a total unit count of sixty-five (65) (Figure 2). The change is a result of additional lands being added to the proposed Draft Plan of Subdivision in the area of lots 17-27.

Figure 2: Proposed Revision to Draft Plan of Subdivision



The revision will result in an additional 15 lots for single detached dwellings, a reduction of 1 block for 2 semi-detached dwellings and the addition of 1 block for 6

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street townhouse dwellings. This represents an increase of 19 units from the approved draft plan of subdivision.

For context, Figure 3 illustrates the location and layout of Park Place West, Park Place South and Park Place North Subdivisions and how they connect with one another and the adjacent road network in the East Fonthill neighbourhood i.e., Summersides Boulevard and Meridian Way.

Figure 3: Park Place West, Park Place South and Park Place North Subdivisions

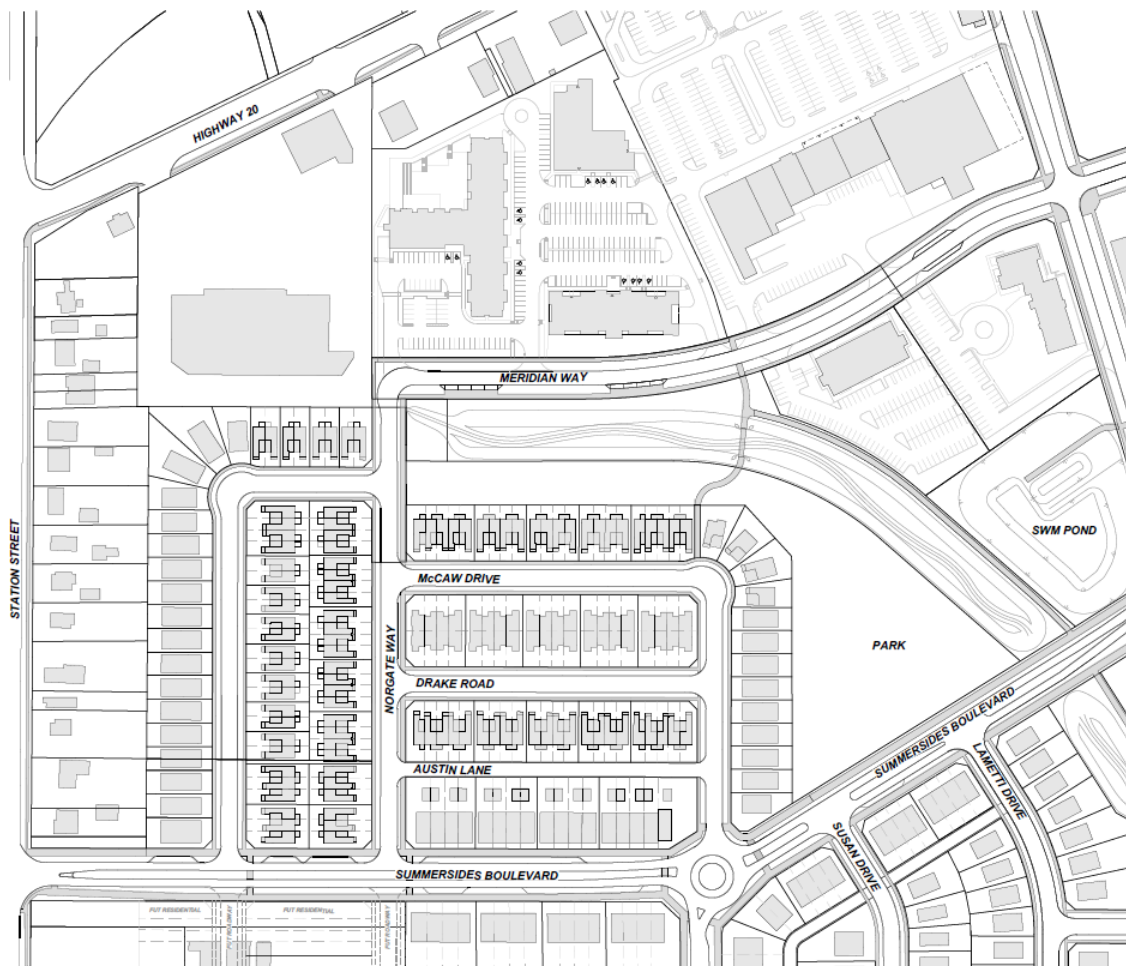


Figure 4 below illustrates the initial Draft Plan of Subdivision for Park Place West that received draft approval on August 30, 2022.

Figure 4 Park Place West Original Draft Plan of Subdivision

**PARK PLACE WEST
TOWN OF PELHAM**



Policy Review:

Planning Act, 1990

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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,



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- 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.

Greenbelt Plan, 2017

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

Niagara Escarpment Plan, 2017

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

Provincial Policy Statement, 2020

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

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

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

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities,



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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 revision to the draft plan of subdivision will help to facilitate additional single detached and street townhouse dwellings in the Park Place West subdivision, the East Fonthill neighbourhood and within the Settlement Area as a whole. This contributes to available housing options at varying price points.

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 redevelopment of the property for residential dwellings will be transit and active transportation supportive due to the location along existing transit routes and will be well served by sidewalks and bike lanes. There are adequate public service facilities, including a planned neighbourhood park east of the property. The Community Centre, schools, library and neighbourhood retail opportunities are also located within a short distance.

Based on this information, the proposed revision to the draft plan of subdivision and zoning by-law amendments 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

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.



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

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

The planned sidewalks and bike infrastructure on Norgate Way and sidewalks on Shaw Avenue will provide connectivity to future neighbourhood parks, bike lanes and off-road trails. The development can be served by existing transit systems. The development of additional single detached and street townhouse dwellings on the property will intensify the Built-Up Area from the current single detached residential uses. The varying built form (single detached, semi-detached and street townhouses) in the subdivision will support the formation of a vibrant neighbourhood and contribute to housing choice. Adherence to the East Fonthill Urban Design Guidelines will assist in the creation of high-quality residential construction.

The proposed revised draft plan of subdivision will increase the density of the subdivision from 70 persons and jobs per hectare to approximately 74.08 persons and jobs per gross hectare ensuring that the overall minimum of 50 jobs and persons per hectare density is achieved. It is Planning staff's opinion that the applications are consistent with the policies of the Growth Plan for the Greater Golden Horseshoe.

Niagara Region Official Plan, 2022

The lands are designated as Urban Area (Built-Up Area) in the new Niagara Region Official Plan.

Policy 2.2.2.5 requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas of the Region and in Pelham, this translates into an annual intensification rate of 25% of new residential units. 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.



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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.

2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

The revision to the draft plan of subdivision and zoning by-law amendment will increase housing choice with different unit types and sizes in the Town and in East Fonthill. The development will contribute to the annual intensification rate for the Town. The revised draft plan shows a compact built form and new construction will be required to meet energy efficiency and accessibility requirements in the Ontario Building Code. Accordingly, the revised draft plan of subdivision conforms to the Policies of the Niagara Region Official Plan.



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Town of Pelham Official Plan, 2014

The subject parcels are located within the East Fonthill Secondary Plan Area and designated EF- Low Density Residential in the Town's Official Plan, 2014. Permitted uses in the EF- Low Density Residential designation are single detached and semi-detached dwelling units; accessory apartments/secondary suites; accessory buildings and structures related to the primary residential dwelling unit; home occupations; places of worship; day nurseries; convenience retail and service commercial uses; parks, parkettes and open space linkages; and public uses and public and private utilities.

Policy B.1.7.7.3.1(b) allows townhouses in the EF- Low Density Residential designation provided they are not more than 60% of the total number of dwelling units within any individual plan of subdivision.

In keeping with Policy B1.7.7.3.1(b), the revised draft plan of subdivision proposed 36.9% of the unit count for townhouses.

Policies B1.7.7.3.2(a), (b), (c) and (d) indicates that single-detached units should be developed at a density of 10 units per net hectare up to 30 units per net hectare; b) semi-detached units shall range from a minimum of 20 units per net hectare, up to 40 units per net hectare; and permitted street townhouse dwellings shall be developed at densities ranging from a minimum of 20 units per net hectare up to 50 units per net hectare; the maximum building height for any building within the EF-Low Density Residential designation shall be 3 storeys, or 10.5 metres, whichever is less;

The revised draft plan of subdivision proposed single detached units at a density of 28.78 units per hectare, semi-detached units at a density of 37.94 units per hectare and street townhouses at a density of 42.85 units per hectare with maximum heights of 3 storeys or less. The revised draft plan of subdivision and requested zoning regulations conform to Policy B1.7.7.3.2.

The lands form part of Neighbourhood 1 on Schedule A4 'Structure Plan' and considered to be within the 'Built Boundary'. According to Policy B1.7.7.2 b)(i), Neighbourhood 1 shall achieve an overall minimum gross density of approximately 57 persons and jobs per gross hectare combined.



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As noted, the minimum gross density for Neighbourhood 1 is being achieved.

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

- a) The approval of the development is not premature and is in the public interest;
- b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;
- c) The density of the development is appropriate for the neighbourhood as articulated in the policies of 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.

Zoning By-law 4481(2022)

The lands being added to the Park Place West draft plan of subdivision are currently zoned RD (Residential Development) which permits existing uses only.

Zoning By-law 4481(2022) was approved by Council on August 30, 2022, but was subject to appeal and not in effect until such time that it was ordered into effect by the Ontario Land Tribunal on April 3, 2023. On August 22, 2022, Council approved the Park Place West draft plan of subdivision subject to conditions and in October 2022, Council approved the zoning by-law amendment that permitted the uses proposed in the draft plan of subdivision. As a result, Planning staff have added the Council approved regulations for the existing Park Place West draft plan of subdivision property to Section 10: Exceptions as the site-specific R2-150 and RM1-151.

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The applicant is now requesting that the lands being added to the Park Place West draft plan of subdivision through the revision to approved draft plan of subdivision application be rezoned to permit single detached dwellings. Further, it is being requested that the R2-150 and the RM1-151 zones be updated to reflect the permissions in Zoning By-law 4481(2022) rather than Zoning By-law 1136(1987). The applicant is also requesting smaller lot sizes and frontages for single detached dwellings to reflect changes in the housing market and allow for more affordability. The zoning regulations are detailed in Tables 1, 2 and 3 below.

Table 1: Requested R2 Regulations for Single Detached Dwellings

6.2.2 R2 Zone Regulation	Standard Requirement	Requested R2-150 Requirement
Minimum Lot Frontage	12.0 m	8.0 m
Minimum Lot Area	360 m ²	270 m ²
Minimum Front Yard	3.0 m; 6.0 m where an attached garage	No change
Maximum Front Yard	6.0 m	No change (Previously requested deletion)
Minimum Side Yard	1.2 m	1.2m on one side and 0.6m on the other
Minimum Corner Side Yard	3.0 m	No change
Minimum Rear Yard	7.5 m	6.0 m
Maximum Building Height	12.0 m	No change
Maximum Lot Coverage	50%	55% plus 5% for covered porch or deck (Previously requested Deletion)

Table 2: Requested RM1 Regulations for Semi-detached Dwellings

6.4.2 RM1 Zone Regulation	Standard Requirement	Requested RM1-151 Requirement
Minimum Lot Frontage	14.0 m; 6.0 m per dwelling unit	No change
Minimum Lot Area	140 m ² per dwelling unit	No change
Minimum Front Yard	3.0 m; 6.0 m where an attached garage	No change

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6.4.2 RM1 Zone Regulation	Standard Requirement	Requested RM1-151 Requirement
Maximum Front Yard	6.0 m	No change (Previously requested deletion)
Minimum Side Yard	1.2 m; 0m common vertical wall dividing one unit from another	No change
Minimum Corner Side Yard	3.0 m; 5.5m where no attached garage or carport	No change
Minimum Rear Yard	7.5 m	6.0 m
Maximum Building Height	12.0 m	No change
Maximum Lot Coverage	50%	55% plus 5% for covered porch or deck (Previously requested Deletion)

Table 3: Requested RM1 Regulations for Street Townhouse Dwellings

6.4.3 RM1 Zone Regulation	Standard Requirement	Requested RM1-151 Requirement
Minimum Lot Frontage	6.0m per dwelling unit; 9.0 m for an interior lot attached on one side only	No change
Minimum Lot Area	230 m ²	170 m ²
Minimum Front Yard	3.0 m; 6.0 m where an attached garage	No change
Maximum Front Yard	6.0 m	No change (Previous request to delete)
Minimum Side Yard	1.2 m; 0m common vertical wall dividing one unit from another	No change
Minimum Corner Side Yard	3.0 m	No change
Minimum Rear Yard	7.5 m	6.0 m
Maximum Building Height	12.0 m	No change
Landscape Strip	1.5m where abuts an R1, R2 or R3 Zone	Delete



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6.4.3 RM1 Zone Regulation	Standard Requirement	Requested Requirement RM1-151
Maximum Lot Coverage	50%	55% plus 5% for covered porch or deck (Previously requested Deletion)

With respect to the requested zoning regulations, Planning staff raised concerns about deletion of the maximum front yard setback as it reflects the East Fonthill Urban Design Guidelines which encourage buildings to be sited close to the street. The developer agreed to remove this request.

The reduction to lot area and frontage for the single detached lots and frontage for street townhouse units is still expected to accommodate a functional unit. Conformity with the East Fonthill Urban Design Guidelines will be required as a condition of draft plan approval. The reduced rear yard setbacks will still allow for useable outdoor amenity space and accommodate required swales.

Town Public Works staff have reviewed the reduced side yard setbacks being requested for the single detached dwellings and have confirmed that drainage can be appropriately accommodated. As such, an additional condition of draft plan approval has been added to require roof leaders to discharge only to front and rear yards when a 0.6 m setback is provided.

Planning and Public Works staff had concerns about the deletion of lot coverage requirements due to the potential increase in stormwater runoff. Further, Council raised concerns about the potential size of dwellings being constructed. The applicant has agreed to reduce the request to 55% for a dwelling plus 5% for a covered deck or porch.

Based on this analysis, the revised requested zoning regulations can be supported.

Submitted Reports:

Stormwater Management Facility Review prepared by Upper Canada Consultants/Engineers dated December 2023



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The report concludes that the existing River Estates Block 127 Stormwater Management facility and downstream infrastructure will be able to accommodate the stormwater flows from the development as proposed in the revised draft plan of subdivision.

Planning Justification Report prepared by Upper Canada Consultants/Engineers dated December 2023

The report indicates that it is the author's professional opinion that the submitted applications satisfy the relevant requirements of Section 2, 34 and 51 (24) of the Planning Act and are consistent with the 2020 Provincial Policy Statement. The applications also conform with the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan, 2012 Pelham Official Plan and East Fonthill Secondary Plan. Further, it concludes that the amendments to the Park Place West Subdivision are desirable and appropriate for the lands and should be approved by the Town of Pelham.

Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated September 11, 2023

The assessment was undertaken on the additional lands added to the draft plan of subdivision through the revision. The Stage 2 assessment resulted in the identification and documentation of no archaeological resources. A Ministry of Heritage, Tourism and Culture Industries acknowledgement letter and archaeological warning clauses have been included as recommended conditions of draft plan approval.

Copies of the reports are available for review at: <https://engagingpelham.ca/park-place-west>.

Agency Comments:

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

Town Public Works

Provided comments on the preliminary engineering drawings. Comments to be addressed as part of conditions of draft plan approval.



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Niagara Region Growth Strategy and Economic Development Department

No objection to the proposed Zoning By-law Amendment and revised Draft Plan of Subdivision applications, subject to the conditions outlined in Appendix I and any local requirements, as the applications are consistent with and conform to Provincial and Regional policies and plans.

Hydro One

No comments or concerns.

Public Comments:

On January 19, 2024, a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Summersides Boulevard. A public meeting was held on February 14, 2024. No members of the public spoke at the public meeting and no comments have been received at the time of writing of this report.

Staff Comments:

All requested conditions from commenting agencies and utilities have been included in the draft plan conditions.

Finally, Council raised concerns about affordability within the subdivision. While Regional and Local Official Plan policies encourage affordability, they do not mandate it and the Town has limited ability to control house prices. There are several considerations that determine new house prices including land costs, servicing costs, home construction costs, availability of materials and labour, consumer preferences, and market conditions to name a few. The revisions to the draft plan of subdivision will increase the number of units resulting in a reduced land/development price per unit which theoretically could be passed on to future purchasers. Further, the allowance for smaller lot sizes and different unit types will allow for some less expensive units in the subdivision. The construction type, finishes and prices are determined by market demand and outside of municipal control.

In light of the above analysis, it is Planning staff's opinion that the proposed revision to the previously approved draft plan of subdivision and zoning by-law



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amendment are consistent with Provincial policy and plans, conform to the Regional and Town Official Plans and represent good planning and therefore, should be approved subject to the recommended conditions of draft plan approval contained in Appendix B.

Alternatives:

Council could choose not to approve the revision to the previously approved draft plan of subdivision and amendment to the Zoning By-law.

Council could choose to approve the applications subject to modifications.

Attachments:

Appendix A Revised Park Place West Draft Plan of Subdivision

Appendix B Recommended Revised Conditions of Draft Plan Approval

Prepared and Recommended by:

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