



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

October 9, 2024

**Subject: Information Report – Zoning By-law Amendment for Bauer Landing**

**Recommendation:**

**THAT Committee receive Report #2024-221 – Application for Zoning By-law Amendment – Bauer Landing for information as it pertains to File No. AM-07-2024;**

**AND THAT Committee direct Planning staff to prepare the Recommendation Report on this topic for Council’s consideration.**

**Executive Summary:**

The purpose of this report is to provide Council and the public with an opportunity to receive information regarding the application for Zoning By-law Amendment for Bauer Landing.

The requested Zoning By-law Amendment would rezone the lands from the Residential Multiple 1 (RM1-133(H)) and Residential 1 (R1) zones to an amended Residential Multiple (RM1-133(H)) zone to permit block townhouse uses as shown on the proposed site plan.

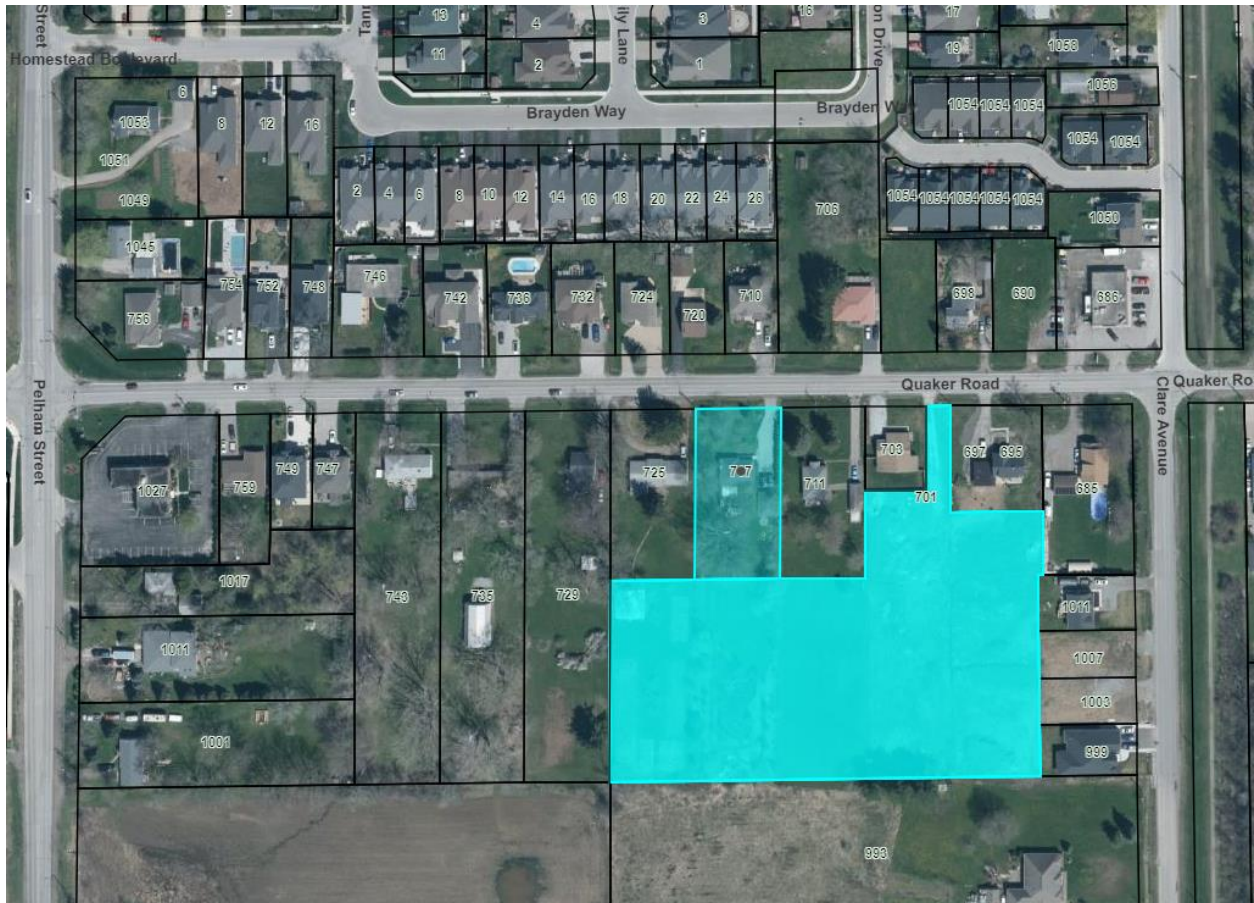
**Location:**

The subject property is legally described as Part Township Lot 237, Town of Pelham, Regional Municipality of Niagara. The municipal address is 701 and 717 Quaker Road. The property is located on the south side of Quaker Road west of Clare Avenue (Figure 1). The surrounding land uses include single detached and townhouse dwellings to the north, single detached dwellings to the east, agricultural and single detached residential uses to the south and single detached dwellings to the west.

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*Figure 1: Property Location*



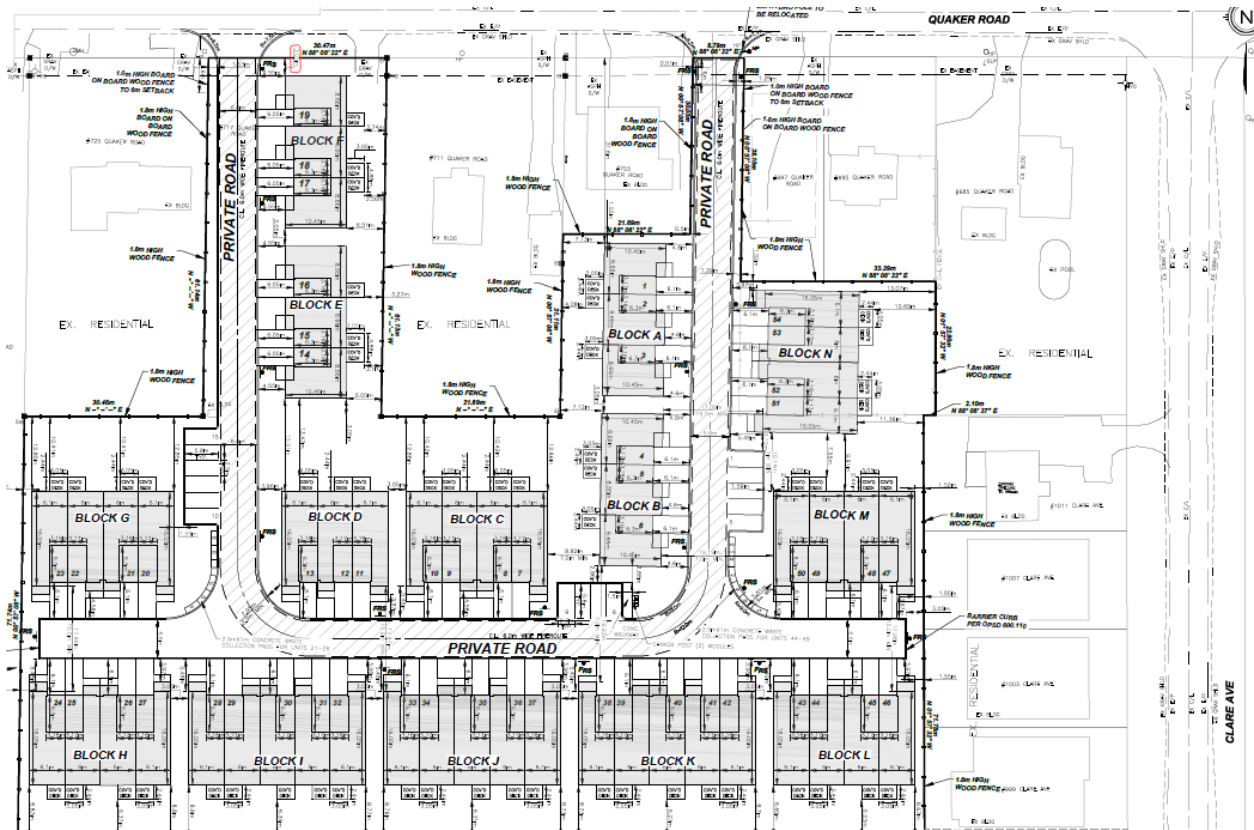
**Project Description and Purpose:**

The proposed development includes 54 block townhouse dwelling units fronting onto a private internal roadway (Figure 2). The development also includes visitor parking areas with a total of 69 parking spaces for residents and visitors.

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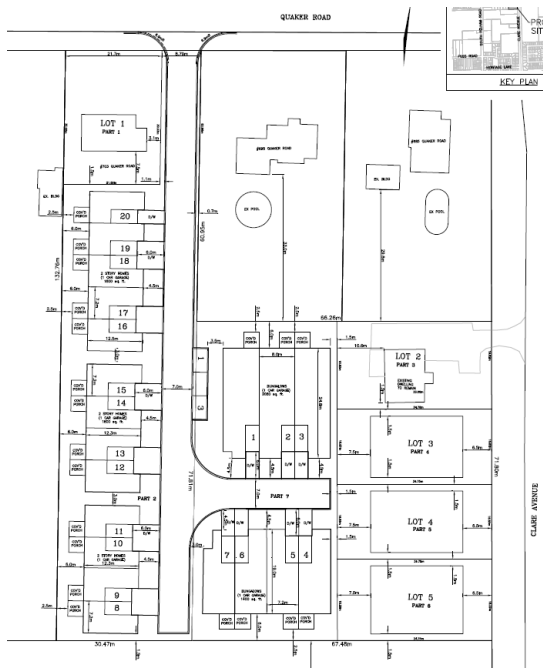
*Figure 2: Proposed Site Plan*



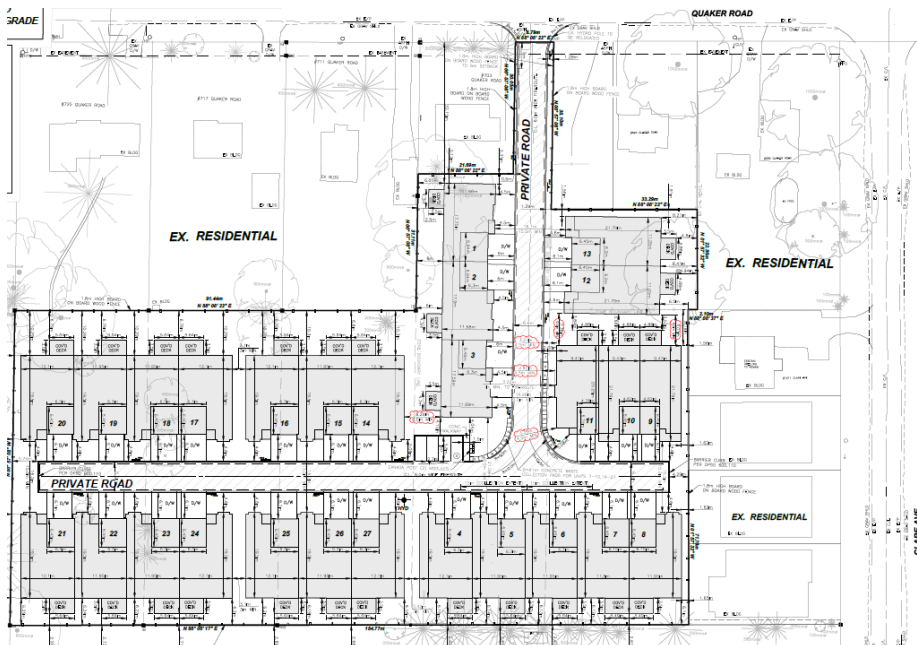
A portion of the property received approval of a zoning by-law amendment in December 2017 (Figure 3) for a site plan showing 20 block townhouse units. In May 2022, a zoning by-law amendment and draft plan of condominium were approved increasing the block townhouse units to 27 (Figure 4). This change was due to the developer acquiring additional lands to expand the development. The developer has now acquired further additional lands (717 Quaker Road) and is requesting the current zoning by-law amendment to expand the development to 54 block townhouse dwellings.

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*Figure 3: Bauer Landing 2017 Approval*



*Figure 4: Bauer Landing 2022 Approval*







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

#### *Provincial Planning Statement, 2024*

The new Provincial Planning Statement comes into force on October 20, 2024. As a result, Council will consider the applications conformity with the new Provincial Planning Statement when making its decision.

2.2 requires Planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;



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c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

The property is within a settlement area. Settlement areas shall be the focus of growth and development (2.3.1).

Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities. Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved (4.6.2).

*Growth Plan for the Greater Golden Horseshoe, 2020*

The new Provincial Planning Statement will replace the Growth Plan for the Greater Golden Horseshoe when it comes into force on October 20, 2024. As a result, these policies will be integrated within the Provincial Planning Statement and reviewed accordingly at the time of decision.



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*Greenbelt Plan, 2023*

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.

*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. 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.



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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

*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. Quaker Road is identified as a collector road on 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.

Policy B1.1.5 states that in considering a Zoning By-law Amendment and Site Plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) Can be easily integrated with surrounding land uses;
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,

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d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

*Town of Pelham Zoning By-law 4481(2022)*

The property is zoned R1 – Residential One (717 Quaker Road) and RM1-133 (H) – Residential Multiple One -133- Holding (701 Quaker Road).

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 RM1-133(H) zone permits block townhouse dwellings subject to site-specific regulations as shown on the site plan in Figure 4.

The lifting of the holding (H) provision for the RM1-133 (H) Zone is subject to the execution of Condominium and Site Plan Agreements addressing servicing and drainage to the satisfaction of the Director of Public Works or their designate.

The current and requested zoning regulations are detailed in Table 1:

Provision	RM1 Requirement	RM1-133 Requirement	Provided
6.4.1 Permitted Uses	Triplex dwellings, semi-detached dwellings, duplex dwellings, fourplex dwelling, boarding house dwellings, converted dwellings, street townhouse dwellings, block townhouse dwellings, home occupation, second dwelling units and uses, buildings and structures accessory to the foregoing permitted uses	Block townhouses only	Block Townhouses
<b>Section 16.4 – Zone Requirements for Block Townhouse Dwellings</b>			
Minimum Lot Frontage	30m	8.79m	8.79m
Minimum Lot Area	2,000m <sup>2</sup>	None	14,890m <sup>2</sup>
Minimum Front Yard	3.0m	Minimum setback from	

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		Quaker Road: 30m	3.05m
Maximum Front Yard	6.0m	None	
Minimum Side Yard	1.2m 7.5m where the rear of the building faces the side yard 7.5m abutting a street line	1.5m 6.0m where the rear of the building faces a side yard (Amenity Area)	1.52m 6.05m where the rear of the building faces a side yard (Unit 14)
Minimum Corner Side Yard	3.0m	None	N/A
Minimum Rear Yard	7.5m	6.0m to back of dwelling unit 1.5m to side of dwelling unit	8.67m to the back of a dwelling unit
Maximum Building Height	12m	None	TBD
Minimum Setback from an Internal Road	3.0m 6.0m to a garage	2.9m to a dwelling 6.0m to a garage	2.95m to a dwelling (Unit 13) 6.1m to a garage
Maximum Setback to an Internal Road	4.5m	None	4.5m
Distance Between Buildings on the Same Lot	Face to Face	14.0m	15.0m 17.97m
	Face to Side	9.0m	7.0m 9.91m
	Side to Side	3.0m	3.0m 3.05m
Landscape Strip	A landscape strip of 1.5m minimum in width shall be provided where the boundary of a	A planting strip of 0.5m minimum in	1.52m from an R2 Zone 0.5m landscape strip provided

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	RM1 Zone abuts a R1, R2, or R3 Zone.	width shall be provided along the eastern property line of 703 Quaker Road and a planting strip of 1.2m minimum in width shall be provided along the western property line of 695 Quaker Road	along the eastern property line of 703 Quaker Road 1.29m landscape strip provided along the western property line of 695 Quaker Road
<b>Maximum Lot Coverage</b>	50%	None	37.34%
<b>Section 3: General Provisions</b>			
<b>Encroachments: Balconies, canopies, drop awnings, unenclosed porches</b>	No part of the structure shall project into a front, exterior or rear yard more than 3.0m	None	Projections do not encroach into required yards
<b>Section 4: Parking and Loading Requirements</b>			
<b>Minimum Parking Requirements (Other permitted residential)</b>	1.25 spaces per dwelling unit	None	1.27 spaces per dwelling unit
<b>Parking Aisles</b>	Each parking space shall be accessed either directly by a driveway or a parking aisle. A parking aisle shall have a minimum width of 6.2m	None	6.6m



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**Submitted Reports:**

*Functional Servicing Report prepared by Upper Canada Consultants Engineers/Planners dated March 2024*

The report provides design calculations, a General Servicing Plan and Drainage Area Plans and concludes that there is adequate municipal servicing for the development.

*Planning Justification Report prepared by Upper Canada Consultants Engineers/Planners dated July 2024*

The report concludes that the proposed development is consistent with the Provincial Policy Statement, and conforms to the Growth Plan, the Region of Niagara Official Plan and the Town of Pelham Official Plan and represents good planning. The submitted applications for Zoning By-law Amendment and Draft Plan of Condominium should therefore be supported.

*Stage 1 & 2 Archaeological Assessment for 701 Quaker Road prepared by Detritus Consulting Ltd. dated June 3, 2021*

*Ministry of Heritage, Sport, Tourism and Culture Industries Acknowledgement Letter dated September 1, 2021*

The Stage 1 archaeological assessment of the Study Area was completed by Detritus and determined that portions of the Study Area exhibited a moderate to high potential for the identification and recovery of archaeological resources. No archaeological resources were documented during the Stage 2 assessment of the Study Area. Therefore, no further archaeological assessment of the Study Area was recommended.

*Stage 1-2 Archaeological Assessment for 717 Quaker Road prepared by Detritus Consulting Ltd. dated February 8, 2024*

The Stage 1 background research indicated that the Study Area exhibited moderate to high potential for the identification and recovery of archaeological resources. As such, a Stage 2 field assessment was recommended for the manicured grass portion of the Study Area. No archaeological resources were documented during the Stage 2 assessment of the Study Area. Therefore, no further archaeological assessment of the Study Area was recommended.



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The reports are available for viewing at: <https://engagingpelham.ca/bauer-landing>

**Agency Comments:**

The applications were circulated to commenting agencies and Town Departments. The following comments have been received at the time of writing of this report:

*District School Board of Niagara:*

No objections.

*Enbridge Gas:*

No objection.

*Town Public Works:*

A comprehensive lot grading and drainage plan demonstrating that storm water runoff will not negatively impact nor rely upon neighboring properties, to the satisfaction of the Director of Public Works or his designate will be required.

A servicing plan and updated stormwater management report is required.

The Developer must coordinate with the Town and MTE to incorporate the required servicing into the Quaker Road reconstruction project. All costs associated with the servicing of this development will be the responsibility of the developer.

The radius at the entrances from Quaker Road are to be reduced as these are private roads. Entrances should not appear as municipal roadways.

**Public Comments:**

On September 16, 2024, 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 Quaker Road. At the time of writing of this report, no public comments had been received.

**Staff Comments:**

The purpose of this report is to provide the Council and the public with information regarding the application, applicable policies, and comments received. The purpose



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of the public meeting is to receive feedback and input from the public and for the applicant to respond to inquiries. Committee may also provide comments and suggestions for proposed changes to the application based on the public, agency or staff input and consistency with approved plans and policies. A future report with will be presented to Council for decision once all feedback is received.

**Alternatives:**

There are no alternatives as Council is statutorily obligated to host a public meeting and make a decision on the zoning by-law amendment application.

**Attachments:**

Appendix A            Agency Comments

**Prepared and Recommended by:**

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Manager of Planning

Dr. Pamela Duesling, MCIP, RPP, EcD, CMM3  
Director of Community Planning and Development

**Reviewed and Submitted by:**

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