

## Public Meeting Under the Planning Act Revised Agenda

PCOW-01/2020 - Public Meeting Under Planning Act  
Monday, January 18, 2021  
5:30 PM  
Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

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	Pages
1. Call to Order and Declaration of Quorum	
2. Adoption of Agenda	
3. Disclosure of Pecuniary Interest and General Nature Thereof	
4. Planning Act Application: 1522 Pelham Street Zoning Amendment - AM-10-20	3 - 4
4.1. Planning Report	5 - 18
4.1.1. Information Report - Application for Zoning By-law Amendment - 1522 Pelham Street, 2021-0017-Planning	19 - 37
4.2. Applicant's Presentation	38 - 45
4.3. Public Input	
4.3.1. <i>Written Public Comments</i>	
4.3.1.1. <i>Bill and Michele Schwenger</i>	46 - 47
4.3.2. <i>Pre-registered Members of the Public</i>	

**4.4. Committee Input**

**4.5. Presentation of Resolutions**

**5. Adjournment**

## NOTICE OF PUBLIC MEETING

**HEARING DATE:** Monday, January 18, 2021 at 5:30 pm

**PLACE:** This will be a virtual / electronic meeting

Town Council approved Public Meetings to be held electronically during an Emergency through By-law 4296(2020).

The Town of Pelham will be livestreaming this Public Meeting at the following link:

<https://www.youtube.com/user/TownOfPelham>

**File Number:** AM-10-20

**Subject Lands:** 1522 Pelham Street

**Legal Description:** Lot 3, Registered Plan 715 & Part of Lot 52 Registered Plan 717 (w/s of Pelham Street)

**Public Meeting for a Zoning By-law Amendment** in accordance with Section 34 of the Planning Act, R.S.O. 1990, as amended.

An application to amend the Zoning By-law was received for the property located on the west side of Pelham Street north of Highway 20, municipally known as 1522 Pelham Street (see reverse).

The applicant seeks approval to rezone the property from GC (General Commercial) to a site-specific GC (General Commercial) zone to allow a four storey mixed use building containing 21 apartment dwellings and one ground floor commercial unit. The requested zoning change will also allow a maximum height of 13 metres, a maximum lot coverage of 50%, a maximum gross floor area of 71% for residential units, a minimum parking requirement of 1.2 metres / unit, delete the requirement for landscaped amenity space and allow a 0 metre setback for the parking area from the interior side lot lines.

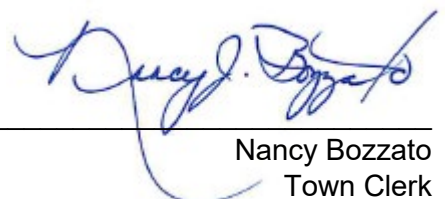
**YOUR INPUT IS ENCOURAGED:** Please provide input by speaking at the public meeting or by making a written submission to the Town of Pelham. To provide input in writing for inclusion on the agenda or to request personal notice if the proposed amendment is adopted, please send all correspondence by noon on January 6, 2021 c/o Town Clerk, Nancy J. Bozzato, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario, L0S 1E0. Comments and requests received after this date will still be received by Council, however they may not be published as part of the public meeting agenda. Verbal comments will be received by the Committee at the electronic public hearing via Zoom. To participate in the virtual meeting to provide oral input, please pre-register with the Clerk by sending an email to the email address noted below before 12:00pm noon on January 15, 2021. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the remote electronic public meeting. Registrants will be notified of the Council's Decision. If you have not submitted written comments or pre-registered and wish to submit a comment during the meeting, you may livestream the meeting from our YouTube Chanel and e-mail comments to [clerks@pelham.ca](mailto:clerks@pelham.ca) during the public comment portion of the application only. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released.

**NEED MORE INFORMATION:** For more information, please contact Shannon Larocque, MCIP, RPP, Senior Planner, at 905-892-2607, ext. 319, or email at [slarocque@pelham.ca](mailto:slarocque@pelham.ca). A copy of the Information Report regarding the proposed application as well as any additional information may be obtained on the Town's website at <https://events.pelham.ca/meetings> or from the Community Planning and Development Department by appointment after 12:00 pm on Friday January 15, 2021.

**IMPORTANT INFORMATION:** If a person or public body does not make oral submissions at a public meeting or make a written submission to the Town of Pelham on the Planning Act matters before the proposed Zoning By-law amendment is adopted, the person or public body is not entitled to appeal the decision to the Local Planning Appeal Tribunal. Further, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there is reasonable grounds to do so.

If you wish to be notified of the decision regarding the proposed Zoning By-law amendment, you must make a written request to the Clerk of the Town of Pelham and such request must include the name and address to which such notice should be sent.

Dated at the Town of Pelham, this 18<sup>th</sup> day of December, 2020.

  
Nancy Bozzato  
Town Clerk



## **NOTICE REQUIREMENTS**

**Town of Pelham Application for  
Zoning By-law Amendment  
1522 Pelham Street  
File No AM-10-20**

**A Zoning By-law Amendment to permit the use of the property for a four storey mixed use building containing 1 ground floor commercial unit and 21 above ground floor residential units.**

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The Planning Act requires under Section 34 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed zoning by-law amendment.

This public meeting has been called to satisfy this requirement. Notice of this meeting was provided by prepaid first class mail to all persons, who are listed as owners in the last revised assessment roll, within 120 metres of the subject property on December 18, 2020. The notice provided information on the property and the proposed zoning by-law amendment.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham before the by-law is passed, the person public body is not entitled to appeal the decision.

In closing, we stress that at this point no decision has been made on the proposed Zoning By-law amendment and therefore any comments received will be taken into account by Council in their consideration.

# Public Meeting for 1522 Pelham Street

Zoning By-law Amendment Application AM-10-20

January 18, 2021

# Location & Purpose

## *Location:*

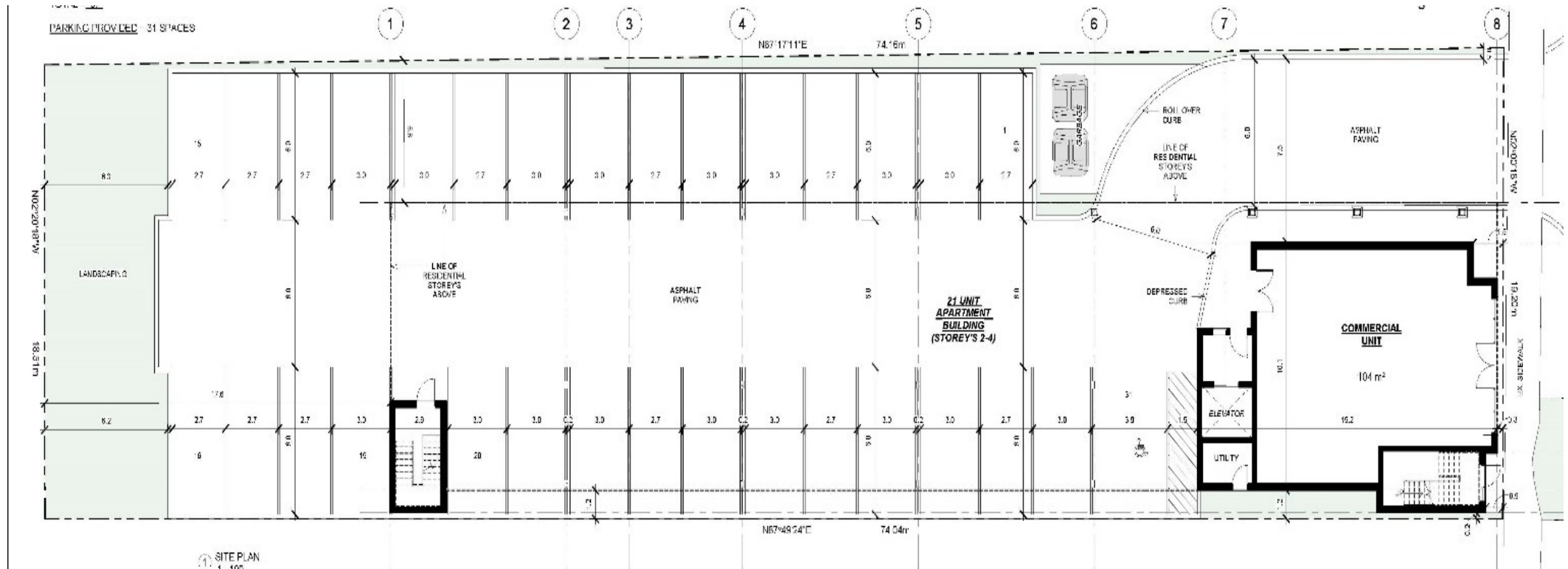
west side of Pelham Street north  
of Highway 20

## *Purpose:*

To change the zoning to permit  
a four storey mixed use building  
containing 21 apartment  
dwellings and one ground floor  
commercial unit.



# Proposed Site Layout



# Proposed Building Elevations



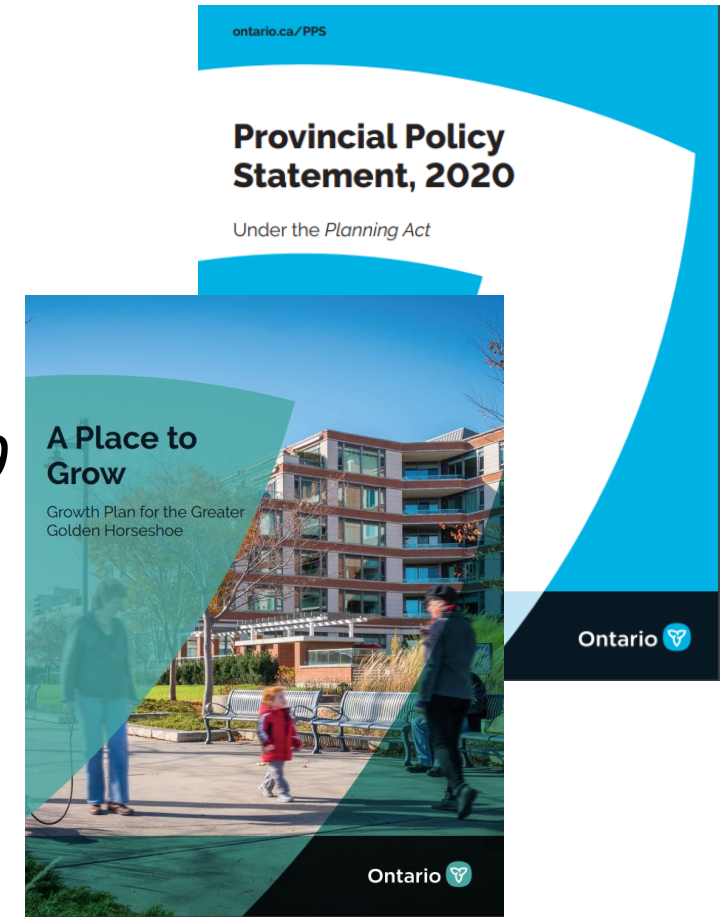
# Provincial Policies & Plans

## *Provincial Policy Statement, 2020*

- Settlement Area

## *Growth Plan for the Greater Golden Horseshoe, 2019*

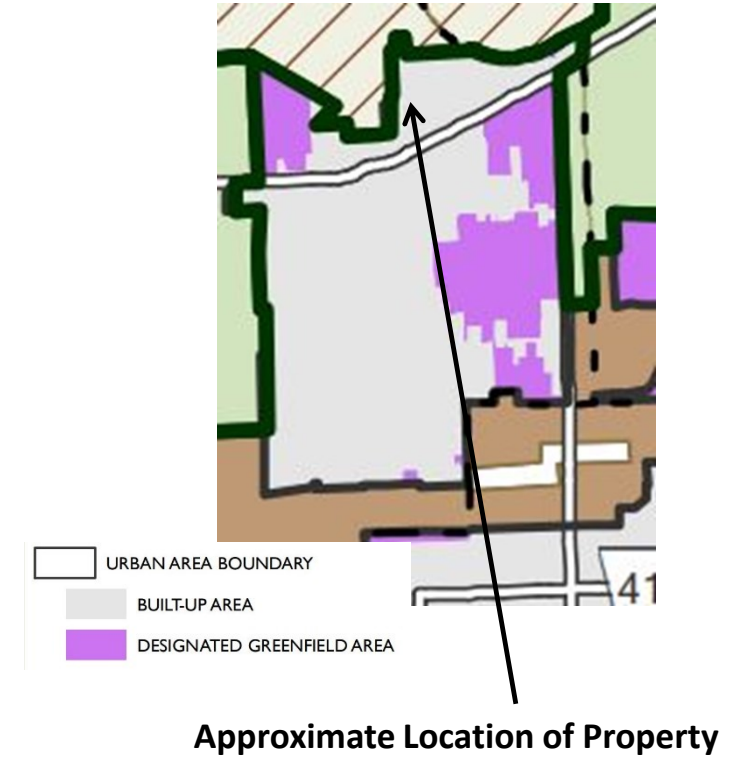
- Delineated Built-up Area



# Niagara Region Official Plan

## *Urban Built-up Area*

- Full range of residential, commercial and industrial uses permitted subject to available services and infrastructure.
- Policies promote higher density development and growth that contributes to a range of employment and housing types.
- 15% intensification target for new development.

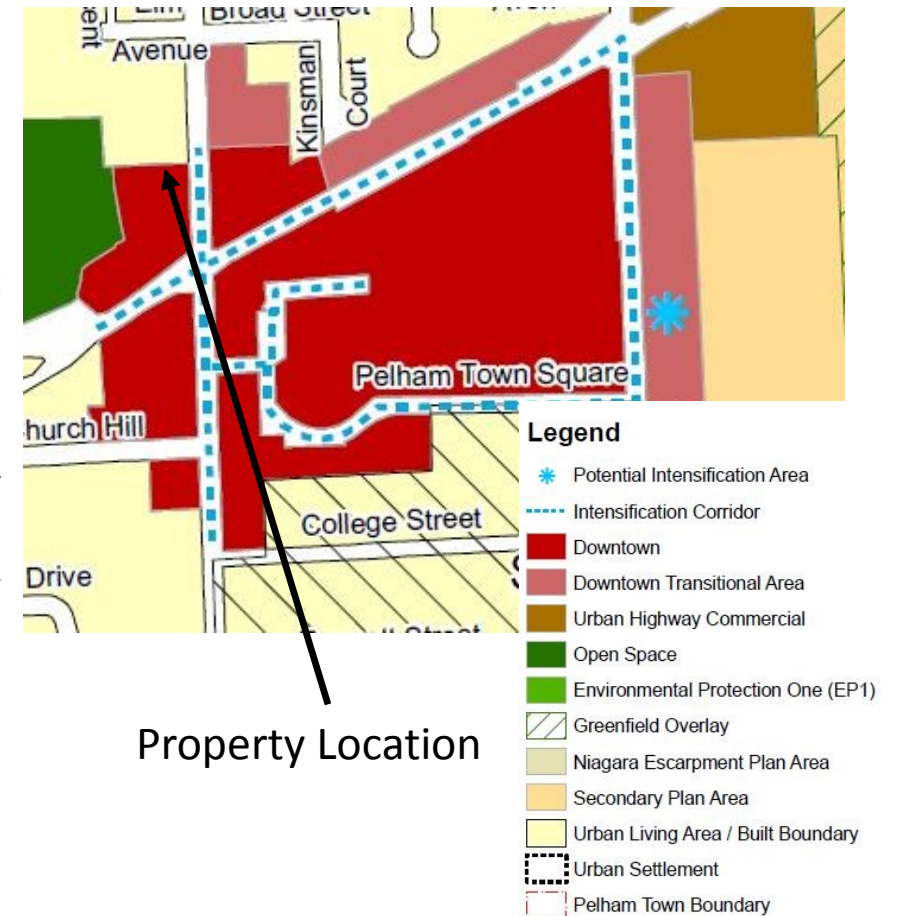


# Town Official Plan

## *Downtown*

Permits retail uses including farmers market; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; day care centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take-out restaurants; micro-breweries and wineries; medium and high density residential uses on upper floors or as mixed uses; parks; funeral homes; galleries, museums and theatres, including open air pavilions; and accessory uses buildings and structures accessory to the above.

Zoning By-law amendment when exceeding 3 storeys.



# Zoning By-law 1136 (1987)

- GC (General Commercial) zone
- requesting site specific GC (General Commercial) zone to permit the 4 storey height and layout as shown on the proposed site plan.



Property Location

# Requested Zoning By-law Amendment

	Current GC Zone	Proposed Site Specific GC Zone
<b>20.2 Regulations for Uses in GC zone</b>		
<b>(c) Maximum Lot Coverage</b>	40 percent	50%
<b>(d) Maximum Gross Floor Area</b>	50 percent of lot area	123% of lot area
<b>19.3 Regulations for Residential Uses</b>		
<b>(a)</b>	Not more than 50% of the gross floor area shall be used for dwelling units.	Not more than 71% of the gross floor area shall be used for dwelling units.
<b>(c)</b>	A minimum landscaped amenity area of 55 m <sup>2</sup> shall be provided for each dwelling unit.	delete
<b>(e) Maximum Height</b>	Not specified	4 storeys (13 metres)
<b>6.0 General Regulations</b>		
<b>6.16(a) Parking Requirements</b>	1.5 parking spaces/unit	1.2 parking spaces/unit
<b>6.17 Planting Strip</b>	3.0 metres	0 metres
<b>(b) Width</b>		

# Submitted Technical Reports

- Arborist Report prepared by Beacon Environmental Limited
- Stable Slope Assessment prepared by WSP Canada Inc.
- Stage 1, 2, 3 and 4 Archaeological Assessment prepared by Detritus Consulting Ltd.
- Functional Servicing Report prepared by Upper Canada Consultants
- Planning Justification Report prepared by Upper Canada Consultants
- Urban Design Brief prepared by IBI Group

# Comments

## *Agency/Staff*

*Canada Post Corporation:* No comments or conditions.

*Public Works:* Technical comments regarding the preliminary Engineering reports and plans.

*Building Division:* Building permits are required.

*Niagara Peninsula Conservation Authority:* No objection. Satisfied with the conclusions in the 'Slope Stability Assessment' (dated July 19, 2019) that the proposed construction does not negatively impact the slope.

*Niagara Region:* Comments on this application are premature at this time. In accordance with Policy 7.B.1.3 of the Regional Official Plan, our recommendation will be that any setback distance identified by MECP be placed in a restrictive environmental zone to align with the EPA designation and policies. Until the extent of the habitat is determined, it is unknown what the extent of the restrictive environmental zone should be.

*Planning Division:* The dwelling is included on the draft register of properties of cultural heritage interest which is being prepared by staff. Since the register is not in place, staff will require the ability to photograph the dwelling prior to demolition.

## *Public*

# Conclusion

No decisions or recommendations concerning this application have been or will be made at this meeting.

Following review of comments received, a recommendation report will be prepared for Council's decision at a later date.

Please ensure you provide your contact information as soon as possible if you wish to receive future notices.

# Questions & Comments

Shannon Larocque, Senior Planner

905-892-2607 x319

slarocque@pelham.ca

**Report: Application for Zoning By-law Amendment – 1522 Pelham Street**

**Recommendation:**

**THAT Committee receives Report #2021-17 for information as it pertains to File No. AM-10-20;**

**AND THAT Committee directs Planning staff to prepare the Recommendation Report on this topic for Council's consideration once all comments have been received.**

**Executive Summary:**

The purpose of this report is to provide the Committee of the Whole and the public with an opportunity to receive information regarding the application to amend the Zoning By-law for property located on the west side of Pelham Street north of Highway 20, municipally known as 1522 Pelham Street.

The applicant seeks approval to rezone the property from GC (General Commercial) to a site-specific GC (General Commercial) zone to allow a four storey mixed use building containing 21 apartment dwellings and one ground floor commercial unit. The requested zoning change will also allow a maximum height of 13 metres, a maximum lot coverage of 50%, a maximum gross floor area of 71% for residential units, a minimum parking requirement of 1.2 spaces / unit, delete the requirement for landscaped amenity space and allow a 0 metre setback for the parking area from the interior side lot lines.

**Location:**

The property is located in downtown Fonthill on the west side of Pelham Street north of Highway 20 and contains an existing single detached dwelling with residential accessory structures. The surrounding land uses include a residential retirement home and single detached residential uses to the north, commercial and residential uses to the east, mixed use buildings and a town storage building to the south and Marlene Stewart Streit Park to the west.



Figure 1: Aerial image showing property location

### Project Description and Purpose:

The applicant seeks approval to rezone the property from GC (General Commercial) to a site-specific GC (General Commercial) zone to allow for the redevelopment of the property for a four storey mixed use building containing 21 apartment dwellings and one ground floor commercial unit (Figure 2). The requested zoning change would allow development of the property as shown on the proposed site plan (Figure 3).

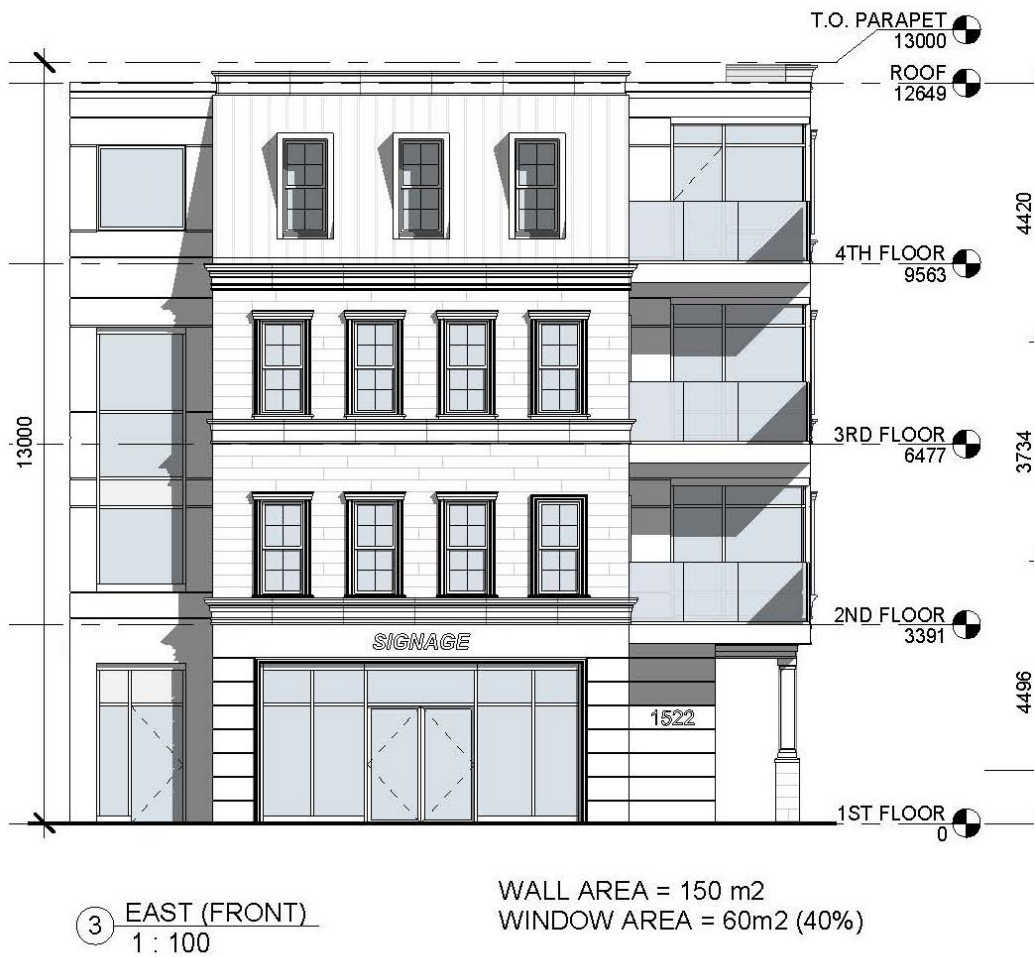


Figure 2: Proposed Front Building Elevation

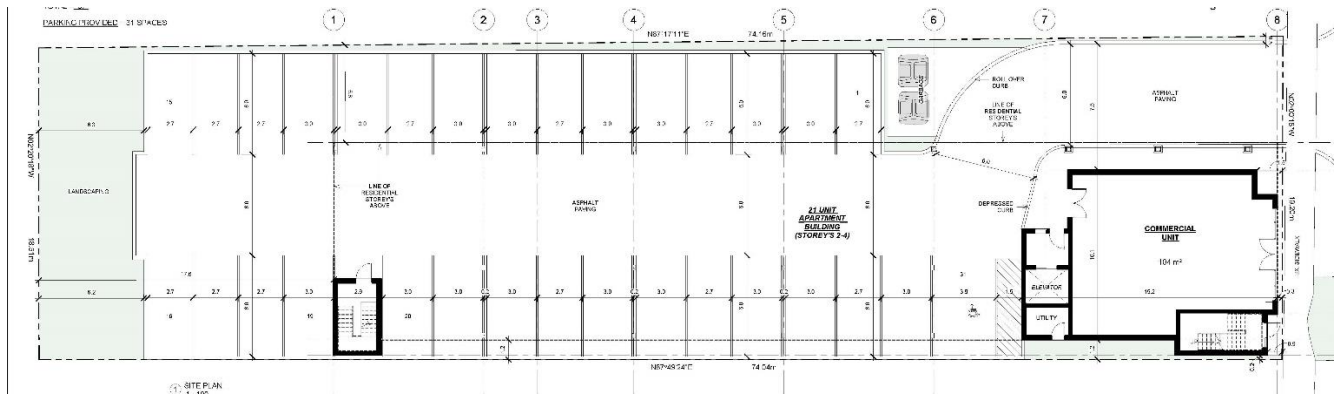


Figure 3: Proposed Site Plan

The applicant is proposing approximately 6 one bedroom and 15 two bedroom residential units with proposed floor areas of 56 and 82 square metres (602 square feet to 882 square feet) in size respectively. Each residential unit will have a private balcony. The majority of the parking area (behind the building) will be located on the ground floor of the building with 3 storeys above (Figure 4).



Figure 4: North Building Elevation

If the requested zoning by-law amendment is approved, the applicant would proceed with a site plan application next and approval of a Site Plan Agreement would be required prior to receiving a building permit.

**Policy Review:*****Planning Act***

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 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 41 (2) of the Planning Act states that where an official plan shows or describes a potential site plan control area, the Council of the local municipality may, by by-law, designate the whole or any part of such area as a site plan control area.

Policy E1.4 of the Town’s Official Plan, 2014, designates all areas of the Town as proposed site plan control areas.

By-law No. 1118 (1987) designates all of the Town of Pelham as a site plan control area and exempts the certain land uses from site plan control. The proposed improvements to the subject lands are not exempt from site plan control. Consequently, the proposed development requires site plan control.

***Provincial Policy Statement, 2020***

The Provincial Policy Statement (PPS), 2020 supports the efficient use of lands and development patterns that support sustainability by promoting livable, healthy and resilient communities, protecting the environment, public health and safety and facilitating economic growth. The subject lands are considered to be within a Settlement Area. Settlement areas are to be the focus for growth and development and their vitality and regeneration shall be promoted.

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

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

***Greenbelt Plan, 2017***

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

***Niagara Escarpment Plan, 2017***

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

***Growth Plan for the Greater Golden Horseshoe, 2019***

The Growth Plan for the Greater Golden Horseshoe, 2019 took effect on May 16, 2019.

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

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.

***Regional Official Plan, consolidated August 2015***

The subject land is located within the Urban Area Boundary of the Town of Pelham and is designated Delineated Built-up Area in the Regional Official Plan.

Built-up Areas are the focus of residential and employment intensification and redevelopment within the Region over the long-term (Policy 4.G.8.1).

The Region encourages the development of attractive, well designed residential development that: provides for active transportation with connections to residential and commercial areas, parks and schools; de-emphasizes garages, especially in the front yard; emphasizes the entrance and points of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for such services as waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; 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 (Policy 11.A.2).

The Region encourages housing which allows people to work at home or in relatively close proximity to work (Policy 11.A.3).

***Town of Pelham Official Plan, 2014***

The property is designated Downtown in the Town's Official Plan, 2014.

Permitted uses in the Downtown designation are retail uses including farmers market; service uses; business offices; banks and financial institutions; hotels, inns and bed and breakfast establishments; entertainment uses; day care centres; private and commercial schools; places of worship and public institutional uses; health care facilities; restaurants and take-out restaurants, but not including any restaurant with a drive-through component; micro-breweries and wineries; medium and high density residential uses on upper floors or as

mixed uses; parks; funeral homes; galleries, museums and theatres, including open air pavilions; and uses buildings and structures accessory to the above.

Policy B1.2.4.1 requires the Town to accommodate at least 15% of projected housing growth within the existing urban boundaries of Fonthill and Fenwick. While intensification opportunities are encouraged, proponents are expected to demonstrate through site and elevation plans that the proposals are respectful of, compatible with and designed to be integrated with the community or neighbourhood where they are proposed. Intensification proposals are encouraged to incorporate high quality urban design, landscaping treatments and accessibility (Policy B1.2.4.1(d)).

Urban Design Guidelines for Downtown Fonthill and Fenwick were developed by the Town and have been entrenched in Policy B1.2.4.3 of the Official Plan. The policy indicates that the maximum building height along Pelham Street shall be three storeys, however that additional storeys may be permitted through a Zoning By-law amendment and subject to recessing the front building wall for additional storeys. Further urban design criteria are outlined such as: new buildings should be built at or near the front lot line; parking should not be permitted at the front of the building, but on-site at the rear of a lot, on-street or in a communal parking area; the maximum retail floor area for a single building along Pelham Street should not exceed 2500m<sup>2</sup>; retail uses are encouraged to use the ground floor of multi-storey buildings ; buildings should be street oriented to the street, consistent with adjacent building and provide clearly defined and accessible entry points from the sidewalk; pedestrian weather protection is encouraged through the use of awning or canopies; building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments; utilities and mechanical installations should be shrouded from main street viewsapes and/or be integrated in architectural treatments; and preferred building materials include brick, wood, stone, glass, in-site concrete and pre-cast concrete while vinyl siding, plastic, polywood, concrete block, metal siding and tinted or mirrored glass are discouraged.

Parking areas are encouraged to be below grade or at the rear of buildings with access by a rear lane where possible (Policy B.1.2.4.5(a)). Pedestrian routes from parking areas to buildings should be clearly identified, safe and accessible to all persons (Policy B1.2.4.5(e)); and loading areas should be screened from public view through landscaping and fencing.

***Zoning By-law 1136 (1987), as amended***

The property is included within the Central Business Area and zoned GC (General Commercial) which permits ambulance service; motor fuel retail outlet; veterinarian's clinic; automobile service stations; car wash; bakeries; banks; barber shops; beauty salons; clinics; commercial clubs; custom workshops; day nursery; LCBO and brewer's retail store; laundry, laundromat or dry cleaning outlet or dry cleaning establishments; professional and business offices; public and private parking areas; public halls; restaurants; retail stores; services shops; tourist homes; undertaking establishments; vehicle sales or rental establishments; shopping centre; uses, buildings and structures accessory to the foregoing permitted uses; and dwelling units above the ground floor.

The zoning by-law amendment application seeks approval to rezone the property from GC (General Commercial) to a site-specific GC (General Commercial) zone to allow a four storey mixed use building containing 21 apartment dwellings and one ground floor commercial unit. The requested zoning change will also allow a maximum height of 13 metres, a maximum lot coverage of 50%, a maximum gross floor area of 71% for residential units, a minimum parking requirement of 1.2 spaces / unit, delete the requirement for landscaped amenity space and allow a 0 metre setback for the parking area from the interior side lot lines.

*Table 1: Requested Zoning By-law Amendment*

	Current GC Zone	Proposed Site Specific GC Zone
20.2 Regulations for Uses in General Commercial Zone		
(c) Maximum Lot Coverage	40 percent	50%
(d) Maximum Gross Floor Area	50 percent of lot area	123% of lot area
19.3 Regulations for Residential Uses		
(a)	Not more than 50% of the gross floor area shall be used for dwelling units.	Not more than 71% of the gross floor area shall be used for dwelling units.

	Current GC Zone	Proposed Site Specific GC Zone
(c)	A minimum landscaped amenity area of 55 m <sup>2</sup> shall be provided for each dwelling unit.	delete
(e) Maximum Height	Not specified	4 storeys (13 metres)
<b>6.0 General Regulations</b>		
6.16(a) Parking Requirements	1.5 parking spaces/unit	1.2 parking spaces/unit
6.17 Planting Strip (b) Width	3.0 metres	0 metres

### Submitted Reports:

The applicant provided copies of the following reports in support of the applications:

Arborist Report prepared by Beacon Environmental Limited  
 Stable Slope Assessment prepared by WSP Canada Inc.  
 Stage 1, 2, 3 and 4 Archaeological Assessment prepared by Detritus Consulting Ltd.  
 Functional Servicing Report prepared by Upper Canada Consultants  
 Planning Justification Report prepared by Upper Canada Consultants  
 Urban Design Brief prepared by IBI Group

Digital copies of the reports are available by contacting the Planning Division.

### Agency Comments:

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. The following comments (Appendix A) were received:

*Canada Post Corporation:* No comments or conditions.

*Public Works:* Technical comments regarding the preliminary Engineering reports and plans.

*Building Division:* Building permits are required.

*Niagara Peninsula Conservation Authority:* No objection. Satisfied with the conclusions in the 'Slope Stability Assessment' (dated July 19, 2019) that the proposed construction does not negatively impact the slope.

*Niagara Region:* Comments on this application are premature at this time. In accordance with Policy 7.B.1.3 of the Regional Official Plan, our recommendation will be that any setback distance identified by the Ministry of Energy, Conservation and Parks (MECP) be placed in a restrictive environmental zone to align with the Regional Environmental Protection Area (EPA) designation and policies. Until the extent of the habitat is determined, it is unknown what the extent of the restrictive environmental zone should be.

*Planning Division:* The dwelling is included on the draft register of non-designated properties of cultural heritage interest. Since this register has not been approved by Council and is not in place, staff will request the ability to photograph the dwelling prior to demolition in order to document the cultural heritage resource and attributes.

#### **Public Comments:**

On December 18, 2020 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, a public notice sign was posted facing Pelham Street. No comments have been received at the time of writing of this report.

#### **Staff Comments:**

The purpose of this report is to provide the Committee of the Whole and the public with information regarding the application, applicable policies, and comments received. Committee may also provide recommendations for proposed changes to the zoning by-law amendment request based on the public, agency or staff input and consistency with approved plans.

No staff recommendation is being offered at this time as staff are seeking public input on the application prior to providing a recommendation on the application. It is noted that the proposed zoning by-law amendment is only one of the approvals required for the proposed redevelopment of the site; site plan approval will also be required and it is at site plan approval stage that the technical issues with regards to servicing, grading and drainage will be addressed as well as exterior building design, landscape design, site circulation, etc. The zoning by-law amendment can only address such

matters as use of land, building location, i.e. setbacks, land area, building height, building coverage, parking, amount of amenity area, building density, etc.

It should be noted that the Niagara Region is withholding formal comments at this time. The Arborist Report identified an American Chestnut Tree on the Marlene Stewart Streit Park property which is a species at risk, within 10 metres of the west property line of the subject lands. The proposed building is setback 17.5 metres from the west property line and the parking area is setback 6.2 metres from the west property line. The Arborist Report is not recommending any further measures to mitigate impacts on the species at risk as there is no impact on the habitat of the species of risk due to the proposed setbacks. However, acceptance of the recommendations of the Arborist Report with respect to ensuring no negative impact to the species at risk and its habitat is required from the Ministry of Environment, Conservation and Parks (MECP) prior to the Region issuing its comments and Planning staff preparing a recommendation report on the application. There is the potential that the proposed site plan and requested zoning by-law amendment may require change as a result of MECP's review and the Region's final comments, however the applicant feels that potential is small given the proposed building and parking setbacks and the location of the species of risk on the adjacent property. If any changes to either the site plan or proposed zoning by-law amendment are necessary as result of MECP's review and the Regional comments this will be reported back to Council at the time the recommendation report is prepared.

**Alternatives:**

Council is obligated to make a decision with respect to the application by the *Planning Act*, R.S.O. 1990, C.P.13.

**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

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## Zoning By-law Amendment Comments

Date: October 8th, 2020

Re: AM-10-20 1544 Pelham St.

The building department offers the following comment,

- Building permits will be required for the proposed work

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.  
Building Intake & Zoning Technician  
dchristensen@pelham.ca

October 7, 2020

SHANNON LAROCQUE  
TOWN OF PELHAM  
20 PELHAM TOWN SQUARE  
FONTHILL, ONTARIO, L0S 1E0

Re: Application for Zoning By-law Amendment - 1522 Pelham Street

Dear Shannon,

Canada Post Corporation has no comments or conditions regarding the proposed zoning by-law amendment.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding this decision, I can be reached at 226-268-5914.

I appreciate the opportunity to comment on this project.

Regards,

*A. Carrigan*

Andrew Carrigan  
Delivery Services Officer

## Shannon Larocque

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**From:** Nicholas Godfrey <ngodfrey@npca.ca>  
**Sent:** Tuesday, October 13, 2020 8:22 PM  
**To:** Shannon Larocque  
**Subject:** Re: Zoning By-Law Amendment 1522 Pelham St

Dear Shannon,

The NPCA has no objections to the proposed site specific zoning by-law amendment to facilitate the development of a four-storey mixed-use building.

The subject site is impacted by a slope stability hazard, which is an NPCA regulated feature. However, the NPCA is satisfied with the conclusions in WSP's 'Slope Stability Assessment' (dated July 19, 2019) that the proposed construction does not negatively impact the slope. The NPCA requests that all upcoming development applications be circulated for review and approval by our office.

Please let me know if you have any other questions.

Best,

**Nicholas Godfrey, B.URPI, M.A.**

**Watershed Planner**

Niagara Peninsula Conservation Authority (NPCA)  
250 Thorold Road West, 3<sup>rd</sup> Floor, Welland, ON, L3C 3W2  
905-788-3135, ext. 278  
[ngodfrey@npca.ca](mailto:ngodfrey@npca.ca)  
[www.npca.ca](http://www.npca.ca)

Thank you for your email. Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. NPCA enforcement, permitting and planning functions are continuing to operate, however there may be delays in receiving responses to inquiries or complaints due to staff restrictions and remote work locations. Updates with regards to NPCA operations and activities can be found on our website at [www.npca.ca/our-voice](http://www.npca.ca/our-voice), the NPCA Facebook page at <https://www.facebook.com/NPCAOntario> and on Twitter at [https://twitter.com/NPCA\\_Ontario](https://twitter.com/NPCA_Ontario).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>.

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# Memo

**To:** Shannon Larocque, Senior Planner

**CC:** Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

**From:** Tolga Aydin, Engineering Technologist

**Date:** 8<sup>th</sup> October 2020

**RE:** Zoning By-Law Amendment – 1522 Pelham Street

The Public Works Department has reviewed the submitted documentation regarding the proposed Zoning By-Law Amendment for 1522 Pelham Street. Please note the following comments

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

## **Submitted Drawings**

### **Servicing and Grading Plan**

1. The proposed sanitary and watermain connections don't appear to be shown on the Site Servicing and Grading Plan.
2. The existing water service to property line is to be abandoned and removed back to the main.

### **Site Plan**

1. No comments.

## **Submitted Reports**

### **Functional Servicing Report**

1. When Town Staff met with the Region and Upper Canada Consultants on September 24<sup>th</sup> 2020, Mr. Schooley stated the diversion of sanitary flows at Summersides Boulevard

and Station Street would redirect approximately 13L/s away from the Hurricane Road Pumping Station. This report states that number is 19.23L/s. Please clarify.

## Shannon Larocque

---

**From:** Shanks, Amy <Amy.Shanks@niagararegion.ca>  
**Sent:** Thursday, October 15, 2020 8:52 AM  
**To:** Craig Rohe  
**Cc:** Boudens, Adam; Lampman, Cara; Shannon Larocque  
**Subject:** RE: 1522 Pelham Street, Pelham

Hi Craig,

Thanks for providing us with this update. Until MECP's position is received, we are of the opinion that our comments on this application would be premature. In accordance with Policy 7.B.1.3 of the Regional Official Plan, our recommendation will be that any setback distance identified by MECP be placed in a restrictive environmental zone to align with the EPA designation and policies. Until the extent of the habitat is determined, it is unknown what the extent of the restrictive environmental zone should be.

We have considered other options, including holding provisions, however as MECP's position could have implications for the amount of developable land on the site, this is not our preferred course of action.

I've discussed this approach with Town Staff, and they do not have any concerns with us delaying our comments until MECP's position is received.

Let me know if you have any questions, or want to chat about this further. Please also let me know if you have an anticipated timeline for a response from MECP or any details from the IGF that you can share that may help inform our position.

Thanks,  
Amy

**Amy Shanks**, M.P.L.  
Development Planner  
Planning and Development Services  
Regional Municipality of Niagara  
1815 Sir Isaac Brock Way, PO Box 1042  
Thorold, Ontario L2V 4T7  
905-980-6000 ext. 3264  
[amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca)

---

**From:** Craig Rohe <craig@ucc.com>  
**Sent:** Tuesday, October 6, 2020 5:18 PM  
**To:** Shanks, Amy <Amy.Shanks@niagararegion.ca>  
**Subject:** RE: 1522 Pelham Street, Pelham

**CAUTION:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Amy,

Our consultant has filed the IGF with the Niagara District Branch of the Ministry. Will pass along their position once received.

**Craig A. Rohe, M.Pl., MCIP, RPP**

Senior Planner

**Upper Canada Consultants**

3-30 Hannover Drive

St. Catharines, ON. L2W 1A3

Tel: (905) 688-9400 ext. 506

Mobile: (289) 969-3556

Fax: (905) 688-5274

Email: [craig@ucc.com](mailto:craig@ucc.com)

Web: [www.ucc.com](http://www.ucc.com)

---

**From:** Shanks, Amy <[Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca)>

**Sent:** October 6, 2020 3:32 PM

**To:** Craig Rohe <[craig@ucc.com](mailto:craig@ucc.com)>

**Subject:** 1522 Pelham Street, Pelham

Hi Craig,

In regards to this application, what's the status of your submission to MECP for the endangered tree species?

Thanks,  
Amy

**Amy Shanks, M.PL.**

Development Planner

Planning and Development Services

Regional Municipality of Niagara

1815 Sir Isaac Brock Way, PO Box 1042

Thorold, Ontario L2V 4T7

905-980-6000 ext. 3264

[amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca)

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# **1522 PELHAM STREET**

## **TOWN OF PELHAM (FONTHILL)**

### **APPLICATION FOR ZONING BY-LAW AMENDMENT**

### **ZONING BY-LAW AMENDMENT AM-10-20**

**Craig Rohe, MCIP, RPP**  
**Senior Planner**  
**Upper Canada Consultants**



**UPPER CANADA  
CONSULTANTS**  
ENGINEERS / PLANNERS

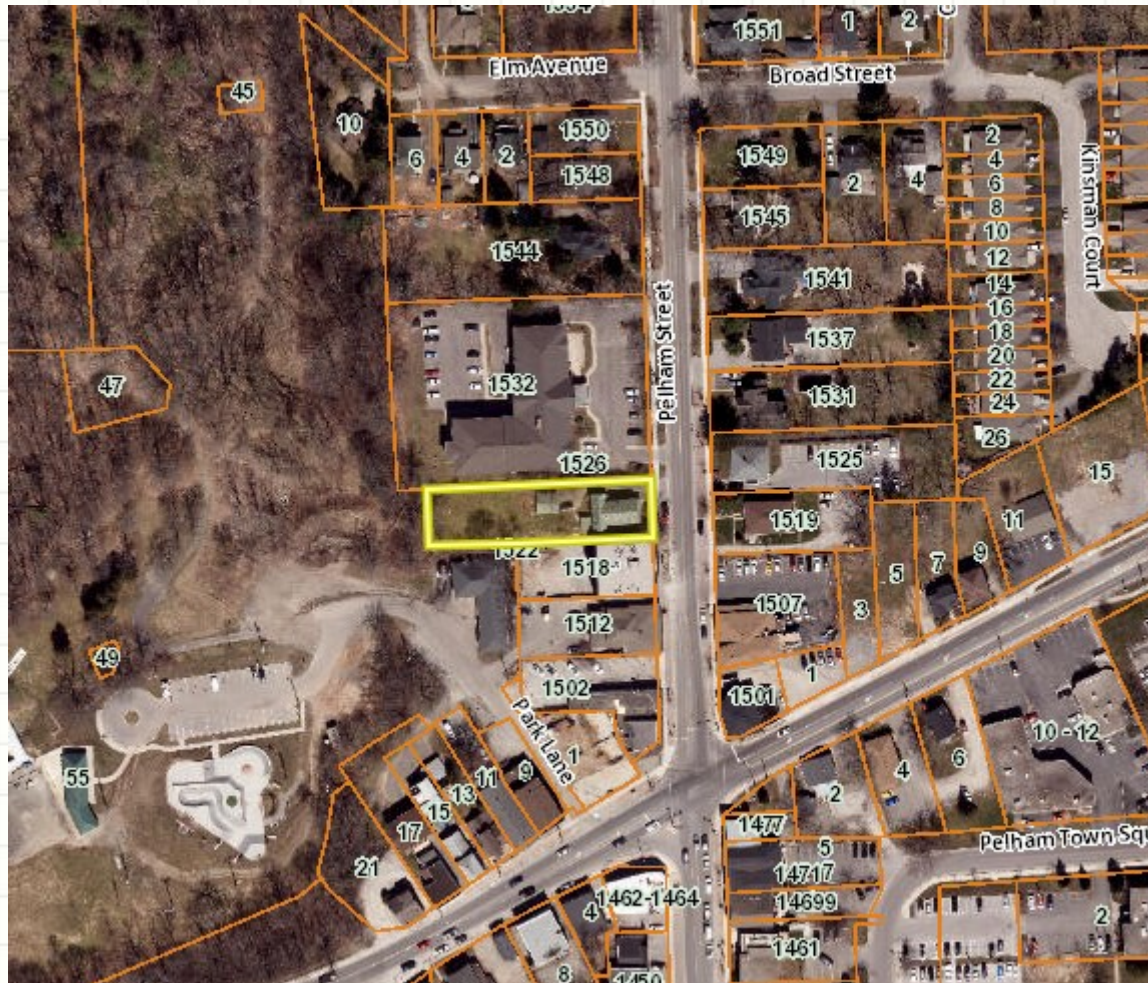
# 1522 Pelham Street, Fonthill

**Land Area:** 1,400 sq. m (0.14 ha)

**Zoning:** General Commercial (GC)

## Proposal: Commercial Unit & 21 Apartments

**Density:** 150 units per hectare





## **Property Context**

### **Physical Characteristics**

- Located within Downtown and along Intensification Corridor.
- Contains an existing detached residential dwelling.
- Surrounding Area is predominantly commercial, with adjacent retirement community to the North.

### **Regional Official Plan**

- Fonthill Urban Area
- Built-up Area

### **Pelham Official Plan**

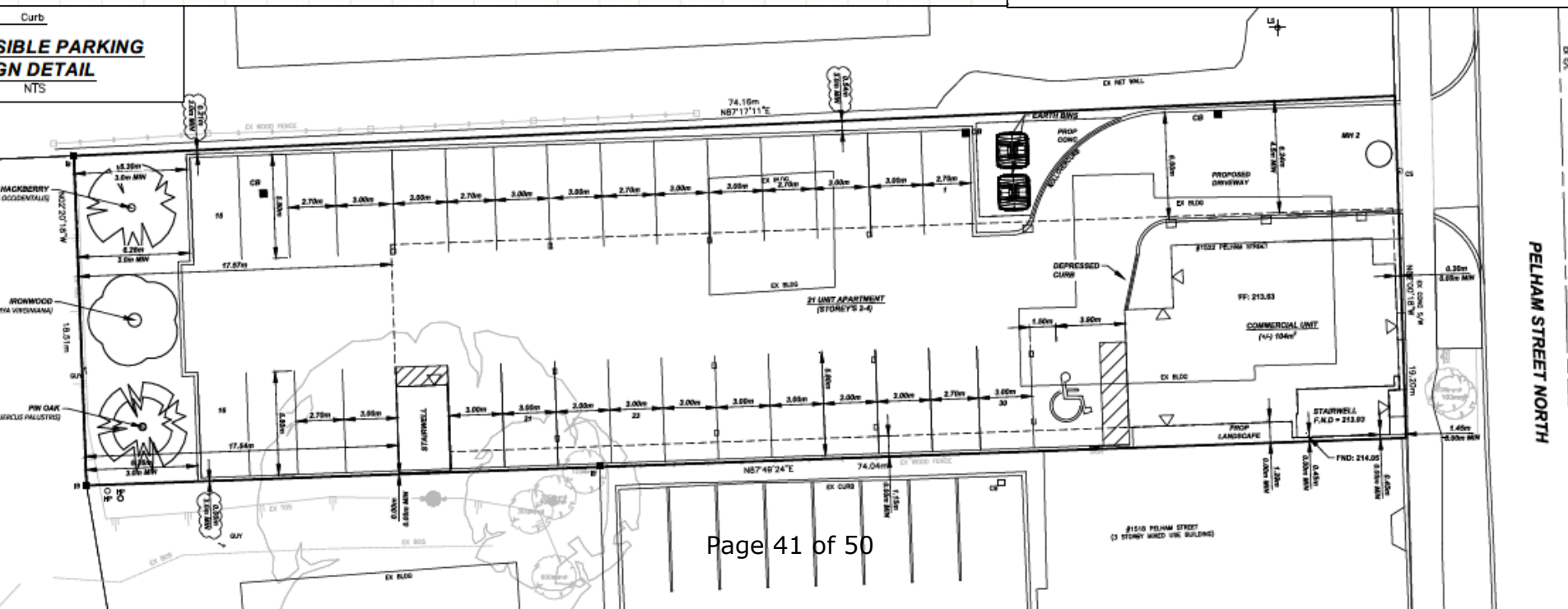
- Downtown

### **Pelham Zoning By-law**

- General Commercial (GC)

## Proposed Development – 1522 Pelham Street

- 4 Storey (~13 m) Mixed Use Building
- 21 Residential Apartment Units (Fl. 2-4)
- 1 Ground Floor Commercial Unit (Fl. 1, 104 sq. m)
- Parking Located at Grade Underneath Structure





## **Requested Site Specific Zoning By-law Provisions**

### **Zoning By-law 1136 (1987)**

- Maximum Lot Coverage – 50% (40%)
- Maximum Gross Floor Area for Dwelling Units – 71% (50%)
- Maximum Building Height – 13.0 m (10.5 m)
- Minimum Parking Required
  - 26 required spaces for Apartment Dwelling Units (31 spaces)
- That notwithstanding policy 19.3 (c), that no minimum landscaped amenity area is required for apartment dwelling units. (55 m<sup>2</sup>/unit)
- That notwithstanding Provision 6.16 (i), that no setback between the parking area and the interior side yard lot line be required. (3.0 m)



## Supporting Studies

### Tree Protection Plan

- Completed due to identified woodland on adjacent lands to the west.
- American Chestnut Tree identified on adjacent lands
- MECP Clearance Pending.

### Functional Servicing Report

- Site can be connected to existing municipal services within Pelham Street road allowance.

### Geotechnical

- Slope at rear of property was evaluated.
- Proposed development will have no impact on slope.
- NPCA has approved the study in principle.



## **Public & Agency Comments**

### **Niagara Region**

- Preliminary comments only with no objections.
- MECP Clearance required prior to issuance of final comments.

### **NPCA**

- No objection to application.

### **Public Comments**

- No comments received to date.



## **Next Steps**

- Review of Public, Agency and Council Comments.
- MECP Clearance required for identified Chestnut Tree.
- Council's consideration of the application at a future meeting.
- If approved, a Site Plan Application will be required.

**From:** [Nancy Bozzato](#)  
**To:** [Holly Willford](#)  
**Subject:** FW: 1522 Pelham Street, Fonthill, 2021-0017-Planning  
**Date:** Monday, January 18, 2021 8:41:58 AM

---

Good morning;  
Please include this email as an addendum on tonight's agenda, as it was now directed to the Planning Department.

Thank you,  
Nan

-----Original Message-----

From: Barbara Wiens <BWiens@pelham.ca>  
Sent: Monday, January 18, 2021 7:48 AM  
To: Shannon Larocque <SLarocque@pelham.ca>; Nancy Bozzato <NBozzato@pelham.ca>  
Subject: FW: 1522 Pelham Street, Fonthill, 2021-0017-Planning

Fyi.....see the email below that I received.

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

#### TOWN OF PELHAM CONFIDENTIALITY NOTICE

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-----Original Message-----

From: noreply@pelham.ca [<mailto:noreply@pelham.ca>] On Behalf Of Bill Schwenger  
Sent: Sunday, January 17, 2021 6:24 PM  
To: Barbara Wiens <BWiens@pelham.ca>  
Subject: 1522 Pelham Street, Fonthill, 2021-0017-Planning

Dear Ms. Barb Wiens,

We are writing to you over our concern about the excessive development of the property located at 1522 Pelham St.. We are concerned about the following;

The 21 apartments will put a lot of cars on the surrounding streets. In particular, this will increase the traffic on Hurricane Rd which is used as a bypass to Pelham Road due to ever increasing congestion on HWY 20. In addition, it seems that there are not enough parking spaces as most couples have 2 cars which will force residents to park on surrounding side streets.

This building will be one storey taller than any other building in the downtown area. The lot is very narrow and with no space at the front or sides it will be more in keeping with the big city and not with rural Fonthill.

We feel that this is a rather excessive development. Please at least make it compatible with the buildings beside it and reduce it to 3 floors and 14 or fewer apartments.

Bill and Michele Schwenger  
■■ Hurricane Rd  
Fonthill, On  
L0S 1E3

-----  
Origin: <https://www.pelham.ca/Modules/contact/search.aspx?s=2uLtzJt5lA5HlngAojQl5lA5H6JTjAeQuAleQuAl>  
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This email was sent to you by Bill Schwenger [REDACTED] through <https://www.pelham.ca/>.

17 January 2021

Re: Objection Letter for Proposed Rezoning of 1522 Pelham St.

Dear Council Members,

We are writing to express our strong opposition to file number AM-10-20, the proposed rezoning at 1522 Pelham Street from GC (General Commercial) to a site-specific GC (General Commercial) zone. As honorable members of the council, you are well aware of the purpose and function of zoning bylaws. A zoning bylaw implements the objectives and policies of a municipality's official plan and provides a legal way of managing land use and development. The current zoning of 1522 Pelham Street is consistent with the current official plan and the Provincial Policy Statement (PPS). There is no need to approve a rezoning. The proposed rezoning is objectionable on the following grounds.

1. Compatibility with adjacent lands: Urban Design Guidelines for Downtown Fonthill have been fixed in Policy B1.2.4.3 of the Official Plan. Specifically, the policy indicates that the maximum building height along Pelham St. shall be three storeys. It is obvious the adjacent buildings are limited to three storeys. The adjacent buildings are uniform in regard to scale and spacing. The proposed development is not compatible with existing homes in the neighborhood with respect to size, height, lot coverage, floor area and sensitive issues such as privacy and parking. The proposed development will be detrimental to the streetscape and character of the neighborhood. Such factors need to be seriously considered by the Council Members. The LPAT has upheld the need for new developments to be compatible and respect the established physical character of the neighborhood. Specifically, the LPAT has noted that 'proposed developments which may be considered: out of scale, out of character; inappropriate; destabilizing the character of the neighborhood; a break in the pattern or continuity of the street; insensitive; visually incongruous or detrimental to the streetscape, should be discouraged and objected to.' All these terms have been employed by LPAT members. Driving down Pelham Street or streetscape photos highlight the lack of consistency and compatibility for this proposed oversized development. The proposed rezoning and accompany regulations including but not limited to, the lot coverage, gross floor area, parking, planting strip and height lack compatibility and consistency with the neighborhood. Retaining the current zoning is appropriate.
2. Suitability of the land: The proposed rezoning may have an adverse affect on the area. The proposed rezoning may adversely affect the area as the land is not suitable for a larger building. This development may lead to additional noise and traffic. This is concerning as street parking on Pelham St. is limited. In addition, Pelham St. is only a

two-lane road. Larger residential and commercial structures will result in more occupants. It is highly probable the current zoning took traffic into account. The proposed rezoning does not address the future traffic flows and possible negative impact on traffic on Pelham St. The proposed rezoning represents an over intensification of a stable, low density neighborhood, putting strain on an under-sized road. The increase in density is not compatible with the surrounding neighborhood.

Another primary issue is related to the loss of sunlight, privacy, views, spacing and openness which can be adversely affected by the mass, height and bulk of the proposed development. The proposed overbuilding may cause a degree of discomfort related to a sense of being exposed. Specifically, visual intrusion in the form of views into windows, overviews of gardens and outdoor private family areas may negatively affect the neighborhood. While, there is no legal right in Ontario to sunlight, privacy or views, due consideration 'to whether a proposed obstruction to such long established amenities is of such a magnitude as to cause an unacceptable adverse impact upon the neighborhood to the point where the intent and purpose of the zoning by-law is not maintained' needs to be evaluated. Retaining the current zoning is appropriate.

3. Lack of need for zone change: The current zoning is consistent with the comprehensive plan for the area. There is no need for a zone change. There has been no substantial change in circumstances and there was no mistake made when the property was originally zoned. There is sufficient land elsewhere within Fonthill and Fenwick for residential use including higher density residential use. These alternative lands are sufficient to accommodate any projected housing growth in Fonthill. An applicant's wish to develop a specific piece of property is not enough to justify a zone change especially, since there is no need to rezone the neighborhood. The current zoning is appropriate for the current needs of the neighborhood. It is obvious, the applicant believes the rezoning is desirable but consideration must be given to many factors including planning principles and existing patterns of development. In examining the rezoning application, necessity is imperative. We are not against development of the area but are in favor of good planning that leads to orderly growth.

The rezoning does not maintain the general intent and purpose of the zoning. What is the need for increased floor area? Increased lot coverage? Or an additional storey? The developer's requirements and the need for housing growth can be met within the limits of the existing zoning. As Council Members, I respectfully request you look at the necessity of such a proposed development. Certainly, convenience or profit should not be considered valid reasons by planning authorities.

4. Against zoning principles: There are prescribed zoning principles that must be upheld. The area has been developed according to the current zoning. Mixed use buildings have been established and buildings are currently undergoing the approval process under the

current zoning. Accordingly, Council Members must give due consideration to the doctrine of discrimination as applied to zoning. Generally, the Court's use of the doctrine of discrimination 'in limiting municipal zoning power has largely been an attempt to ensure the substantive fairness of municipal decisions.' In the case of *Township of Scarborough v. Bondi* Mr. Justice Judson considered the classic definition of discrimination as provided in *Forst v. Toronto* (1923), 54 O.L.R. 256 p.278-9

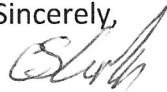
'when the municipality is given the right to regulate, I think all it can do is pass general regulations affecting all who come within the ambit of municipal legislation. It cannot itself discriminate, and give permission to one and refuse it to another.'

Respectfully, Council Members must examine whether comparable properties nearby are zoned differently and whether this rezoning amounts to receiving favorable zoning classification because the applicant asked or because they are favored. In addition, respectfully the Council Members must also be mindful of how future rezoning applications for the area will be determined. We do not wish to witness an alteration of the landscape of Fonthill that amounts to a reduction of development standards.

5. Additional Concerns: The current dwelling is included on the draft register of non-designated properties of cultural heritage interest. The register has not been approved by the Council but this does not discredit the possibility of the property being of cultural interest.

The rezoning and changes being requested are not minor. They are substantial. We strongly object to the rezoning based on the above-mentioned grounds. The current zoning is appropriate and took into account the needs of the area, patterns of development, suitability and zoning principles. As such, we strongly urge the Council Members to retain the current zoning for 1522 Pelham St. In the interest of full disclosure, we intend to appeal an approval for rezoning.

Sincerely,



C.S Garcha  
President of 1485312 Ontario Inc.