#### **AMENDMENT NO. 49**

#### TO THE OFFICIAL PLAN

#### FOR THE TOWN OF PELHAM

#### PART 1 - PREAMBLE

#### 1.1 TITLE

This Amendment when approved shall be known as Amendment No. 49 to the Official Plan for the Town of Pelham.

#### 1.2 **COMPONENTS**

This Amendment consists of the explanatory text, and the attached map identified as Schedule 'A'. This preamble does not constitute part of the actual amendment, but is included as background information.

#### 1.3 **PURPOSE**

The purpose of the Amendment is to change the Lot 177 Secondary Plan designation of the lands from Multi-Family Residential and Open Space to Single Family and Semi Detached Residential. This redesignation is intended to accommodate the subdivision of the lands for a total of 44 single detached dwelling lots.

#### 1.4 LOCATION

As shown on the attached Schedule 'A', the subject lands are located on the west side of Line Avenue, lying between Saddler Street and Bacon Lane. The lands are legally described as part of Lot 177, in the former Township of Thorold, now in the Town of Pelham.

#### 1.5 **BASIS**

The subject lands are currently designated Urban Residential according to the Town's Official Plan. The lands are further designated Multi-Family Residential and Open Space according to the Lot 177 Secondary Plan. This Amendment is intended to permit the subdivision of the lands for single detached residential use.

#### PART 2 - THE AMENDMENT

#### 2.1 **PREAMBLE**

All of this part of the document is entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedule 'A' constitute Amendment No. 49 to the Official Plan of the Town of Pelham.

#### 2.2 DETAILS OF THE AMENDMENT

#### **Map Amendment**

Schedule 'D' to the Official Plan of the Town of Pelham is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A', attached hereto and forming part of this Amendment, from Multi-Family Residential and Open Space to Single Family and Semi Detached Residential.

#### 2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

File Nos. AM-08/03

Applicant: 527786 Ontario Limited

Assessment Roll No.: 2732-030-019-03300

Planning Report No.: P-12/04



Subject Parcel

## SCHEDULE 'A' Official Plan Amendment No. 49



# AMENDMENT NO. 49 TO THE OFFICIAL PLAN OF THE TOWN OF PELHAM





#### THE REGIONAL MUNICIPALITY OF NIAGARA

## OFFICIAL PLAN AMENDMENT NO. 49 Pheasant Run Subdivision Town of Pelham

Amendment No. 49 to the Official Plan of the Town of Pelham, which was adopted by the Council of the Town of Pelham, is hereby approved under Section 17 of the Planning Act.

DATE: June 3, 2004

David J. Farley

Director of Planning and Development

Regional Municipality of Niagara

# CERTIFIED COPY OF BY-LAW NO. 2556 (2004) ADOPTING OFFICIAL PLAN AMENDMENT NO. 49

## THE CORPORATION OF THE TOWN OF PELHAM

BY-LAW NO. 2556 (2004)

Being a by-law to adopt Amendment No. 49 to the Official Plan of the Town of Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM IN ACCORDANCE WITH THE PROVISION OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, HEREBY ENACTS AS FOLLOWS:

- (1) Amendment No. 49 to the Official Plan of the Town of Pelham, consisting of the attached text and Schedule A, is hereby adopted.
- (2) THAT the Clerk is hereby authorized and directed to make application to the Regional Municipality of Niagara for approval of the aforementioned Amendment No. 49 to the Official Plan of the Town of Pelham.
- (3) THAT this by-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY COUNCIL THIS 1ST DAY OF MARCH, 2004 A.D.

MAYOR RONALD W. LEAVENS

CLERK CHERYL MICLETTE

THE CORPORATION OF THE TOWN OF PELHAM CERTIFIED A TRUE COPY

file. & Michelle Cierk

#### **AMENDMENT NO. 49**

#### TO THE OFFICIAL PLAN

#### FOR THE TOWN OF PELHAM

#### PART 1 - PREAMBLE

#### 1.1 TITLE

This Amendment when approved shall be known as Amendment No. 49 to the Official Plan for the Town of Pelham.

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This Amendment consists of the explanatory text, and the attached map identified as Schedule 'A'. This preamble does not constitute part of the actual amendment, but is included as background information.

#### 1.3 PURPOSE

The purpose of the Amendment is to change the Lot 177 Secondary Plan designation of the lands from Multi-Family Residential and Open Space to Single Family and Semi Detached Residential. This redesignation is intended to accommodate the subdivision of the lands for a total of 44 single detached dwelling lots.

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As shown on the attached Schedule 'A', the subject lands are located on the west side of Line Avenue, lying between Saddler Street and Bacon Lane. The lands are legally described as part of Lot 177, in the former Township of Thorold, now in the Town of Pelham.

#### 1.5 BASIS

The subject lands are currently designated Urban Residential according to the Town's Official Plan. The lands are further designated Multi-Family Residential and Open Space according to the Lot 177 Secondary Plan. This Amendment is intended to permit the subdivision of the lands for single detached residential use.

#### **PART 2 - THE AMENDMENT**

#### 2.1 PREAMBLE

All of this part of the document is entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedule 'A' constitute Amendment No. 49 to the Official Plan of the Town of Pelham.

#### 2.2 **DETAILS OF THE AMENDMENT**

#### **Map Amendment**

Schedule 'D' to the Official Plan of the Town of Pelham is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A', attached hereto and forming part of this Amendment, from Multi-Family Residential and Open Space to Single Family and Semi Detached Residential.

#### 2.3 IMPLEMENTATION

This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

File Nos. AM-08/03

Applicant: 527786 Ontario Limited

Assessment Roll No.: 2732-030-019-03300

Planning Report No.: P-12/04

L:\BY-LAWS\Official Plan\No. 49 Pheasant Run (Henry).wpd



# SCHEDULE 'A' Official Plan Amendment No. 49



# TOWN OF PELHAM CERTIFICATE OFFICIAL PLAN OF THE TOWN OF PELHAM AMENDMENT NO. 49

The attached map constituting Amendment No. 49 to the Official Plan of the Town of Pelham, was prepared by the Pelham Planning Services Department and was adopted by the Corporation of the Town of Pelham by By-law No. 2556 (2004) in accordance with Section 17 of the Planning Act, R.S.O. 1990, as amended, on the 1st day of March, 2004.

Locald W. Llaven

CLERK <

#### **AMENDMENT NO. 49**

#### TO THE OFFICIAL PLAN

#### FOR THE TOWN OF PELHAM

#### PART 1 - PREAMBLE

#### 1.1 TITLE

This Amendment when approved shall be known as Amendment No. 49 to the Official Plan for the Town of Pelham.

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#### 1.5 BASIS

The subject lands are currently designated Urban Residential according to the Town's Official Plan. The lands are further designated Multi-Family Residential and Open Space according to the Lot 177 Secondary Plan. This Amendment is intended to permit the subdivision of the lands for single detached residential use.

THE CORPORATION OF THE TOWN OF PELHAM CERTIFIED A TRUE, COPY

Clerk (

#### PART 2 - THE AMENDMENT

#### 2.1 PREAMBLE

All of this part of the document is entitled PART 2 - THE AMENDMENT, consisting of the explanatory text and the attached map identified as Schedule 'A' constitute Amendment No. 49 to the Official Plan of the Town of Pelham.

#### 2.2 **DETAILS OF THE AMENDMENT**

#### **Map Amendment**

Schedule 'D' to the Official Plan of the Town of Pelham is hereby amended by changing the land use designation of the lands, shown as the subject lands on Schedule 'A', attached hereto and forming part of this Amendment, from Multi-Family Residential and Open Space to Single Family and Semi Detached Residential.

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This Amendment will be implemented by the enactment of an amending Zoning By-law to reflect the general intent of this Amendment.

File Nos. AM-08/03

Applicant: 527786 Ontario Limited

Assessment Roll No.: 2732-030-019-03300

Planning Report No.: P-12/04

L:\BY-LAWS\Official Plan\No. 49 Pheasant Run (Henry).wpd



# SCHEDULE 'A' Official Plan Amendment No. 49



### **APPENDICES**

		·	
Appendix	A A-1 A-2 A-3 A-4 A-5 A-6	Written Submissions or Comments and when they were received Town of Pelham Building & Enforcement Services Regional Niagara Planning & Development Dept.  Regional Niagara Public Health Dept.  Canada Post Delivery Planning Regional Niagara Planning & Development Dept.  District School Board of Niagara  War. 2, 2004  Mar. 2, 2004	
Appendix	В	Affidavit re - Giving Notice of Public Meeting - Giving Notice of Adoption	
Appendix	С	Affidavit re - List re Oral Submissions at Public Meeting	
Appendix	D	Minutes of General Committee Meeting January 26, 2004	
Appendix	E-1 E-2	Planning Report P-03/04 dated January 15, 2004 Planning Report P-12/04 dated February 13, 2004	
Appendix	F	Affidavit re - Information under Section 6(2) of Ont. Reg. 198/96 is provided and is true	
Appendix	G	List of public bodies given Notice but which did not respond	
Appendix	Н	Applicant of Amendment	

#### Appendix A

# COPY OF ALL WRITTEN SUBMISSIONS AND COMMENTS AND WHEN THEY WERE RECEIVED

File Nos. 26T19-03004 AM-08/03 Page 2 of 3

#### EXPLANATION OF THE PURPOSE AND EFFECT OF THE APPLICATIONS

The subject lands are currently designated Urban Residential according to the Town of Pelham Official Plan and further designated Multi-Family Residential and Open Space in the Lot 177 Secondary Plan. The lands are zoned Residential Multiple 1 RM1-164 and Open Space OS in Zoning By-law No. 1136 (1987), as amended.

The applicant has requested the approval of plan of subdivision to permit the creation of forty-three (43) single detached lots and one (1) block for walkway and municipal servicing purposes. The proposal represents a revision in street pattern as well as number of lots from that circulated by the Town on September 16 of this year.

Ultimately, "Pheasant Run" will be connected with the existing Tanner Drive, which is located some distance to the south and west of the lands. That connection will eventually occur through extension of the road to the west or through the use of Lot 26 as a municipal road to the south. In the interim, the applicant proposes to construct a temporary road over Lots 17 and 43 accessing Line Avenue.

In order to facilitate the proposed subdivision, the applicant has also requested that the Secondary Plan be amended to redesignate the lands to Single Family and Semi-Detached Residential and that the Zoning Bylaw be amended to rezone to Residential 2 R2.

A copy of the revised plan of subdivision is attached for your review and reference.

#### REQUEST FOR COMMENTS

Pursuant to Sections 34(15) and 51(23) of the Planning Act, R.S.O. 1990, as amended, you are hereby requested to provide comments regarding these applications by Monday, January 5, 2004. If the Town does not receive your agency's comments by the above noted date, Town Staff will assume that you have no objection. If your agency requires an extension in order to submit comments, please notify the Town at least one (1) week prior to the due date.

If you wish to be notified of the passing of the proposed Zoning By-law amendment and/or the draft approval of the plan of subdivision, you must make a written request to the undersigned and such request must include the name and address to which such notice should be sent. Alternatively, the box at the bottom left of this Notice can be checked.

Further information regarding the application may be obtained by contacting the undersigned.

Craig Larmour, extension 16 Director of Planning Services clarmour@town.pelham.on.ca

AGENCY COMMENTS

BUILDING DEPT.	Erni Cronier
Name of Agency	Person Submitting Comments
NO OBJECTION	· Dec 2, 2003
110 0202011011	Date
•	·

COMMENTS (If additional space is required, please attach a separate sheet):

None

RECEIVED
DEC 0 2 2003
TOWN OF PELHAM
PLANNING DEPT

Please send notice of the passing of the Plan of Subdivision and Official Plan and Zoning By-law Amendment.



## PLANNING AND DEVELOPMENT DEPARTMENT Appendix A-2

The Regional Municipality of Niagara 3550 Schmon Parkway, P.O. Box 1042 Thorold, Ontario L2V 4T7 Telephone: 905-984-3630

Fax: 905-641-5208

E-mail; plan@regional.niagara.on.ca

January 5, 2004

File: D.10.M.19.24 (26T19-03004) (AM-08/03)

Mr. Craig Larmour Director of Planning Services Town of Pelham P.O. Box 400 20 Pelham Town Square Fonthill, ON LOS 1E0

Feuillets de transmission par télécopieur Post-it Fax Note 76718	Jan 6 103 Norde pages 2
Craia Larmour	From 100 Brian Dick
Co Mani I Ciu/Sarvida	Phone «/ N° de rel.
Phono 4 / Nº de têl	Phone e / N° dè tél.
Fax # / № da télécopieur	Fax # / Nº de tálácopleut

Dear Mr. Larmour:

Re:

Request for Extension of Review Period

Proposed Plan of Subdivision, Official Plan and Zoning By-law Amendment

Pheasant Run Subdivision Revised Files: 26T-19-03004 & AM-08/03 527786 Ontario Limited (Eric Henry)

Town of Pelham

Further to your recent circulation of the plan of subdivision, official plan and zoning by-law amendment for the proposed Pheasant Run subdivision, Regional Planning staff are requesting an extension to the commenting period for the following reasons.

The Regional Policy Plan encourages the provision of a full range of housing types and densities across a municipality in order to provide a variety of housing choices. This application, however, proposes to rezone this site from multiple (Residential RM1) to 43 single detached dwellings which appears to be inconsistent with the Secondary Plan established for Lot 177. It is an objective of the Region's Policy Plan to maximize the use of existing urban land and services and encourage a variety of residential densities. The downzoning from townhouses to single detached dwellings represents an inefficient use of this designated urban land that has not been justified by the developer. For these reasons, we have concerns with the density and housing type being proposed.

The proposed Pheasant Run subdivision will be eventually connected with the existing Tanner Drive, through the future extension of Pheasant Run to the west. In the interim, the applicant proposes to provide temporary access to Line Avenue for this development via the construction of a temporary road over Lots 17 and 43. The proposed subdivision in its current design with no westerly access and only a temporary access to the east has raised concerns from a waste collection perspective. The developer should investigate the installation of a 'turnaround' at both ends of Pheasant Run in order to allow waste collection vehicles to turn around at the end of their collection route. Second, Regional Public Works staff are of the opinion that the applicant should review the width of the reserve block for services (i.e. Block 44) for it appears to be insufficient in size (i.e. width) to accommodate all services.

Finally, Niagara Peninsula Conservation Authority (NPCA) staff are unaware if there is a Master Drainage Plan for the area that would address the location of stormwater management facilities. At a minimum, NPCA staff believe there should have been some preliminary engineering work submitted with the Pheasant Run subdivision application that would identify how stormwater for the site is going to be addressed. In general, the NPCA would like to see preliminary engineering work submitted prior to draft approval so that the size and location of stormwater blocks can be identified in the draft approved plan. The lot fabric seems to suggest that there are additional adjoining lands to be developed in the future. It is important for the applicant to address stormwater management for the site prior to the municipality granting draft approval. While there is no watercourse on the site, the proposed subdivision is at the upstream end of the Welland Canal (Catchment 7 and 8) watershed. The unnamed Welland Canal tributary originating downstream of the site is Type 2 Fish habitat hence, stormwater should be treated to Level 2, in accordance with MOEE guidelines. Finally, the NPCA's \$500 plan review has not been submitted to date.

Regional staff have concerns with the reduced residential density and design of the proposed subdivision that should be addressed prior to granting draft approval. Further, information on stormwater management, to the satisfaction of the NPCA, is necessary in order to complete our Provincial planning review. This could also affect the subdivision design. We would be pleased to meet with all relevant parties to discuss these matters further. In the interim, we will require additional time to finalize our review and comments on this development.

Yours truly,

David J. Farley

Director of Planning Services

BD/

c: Mr. E. Henry, Fruitbelt Developments, Niagara Falls

Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority

Mr. W. Stevens, Regional Public Works

BD\PELHAM\Subdivisions\26T-19-03004 (Pheasant Run)\Request for Extension.doc

Appendix A-3



PUBLIC HEALTH DEPARTMENT

The Regional Municipality of Niagara INSPECTION DIVISION

573 Glenridge Avenue

St. Catharines, Ontario L2T - 4C2 Telephone: 905-688-3762 or 1-800-263-7248

Fax: 905-641-4994

E-mail address: inspect@regional.niagara.on.ca

January 22, 2004

Town of Pelham P.O. Box 400 Fonthill, Ontario LOS 1E0

Attention: Craig Larmour

Dear Sir:

RE: Proposed Plan of Subdivision and Amendments to the Official Plan

And Zoning By-law

West Side of Line Avenue, Pt of Lot 177

Town of Pelham

Applicant: 527786 Ontario Limited (Eric Henry)

The above noted proposal has been reviewed by our department. Accordingly, we offer no objections at this time.

Should further information be required, please contact me at this office.

Yours truly,

Gerry Muzzay, C.P.H.I.(C)

For: Røbin Williams, M.D., D.P.H., F.R.C.P.(C)

MEDICAL OFFICER OF HEALTH

GJM:vd

ah



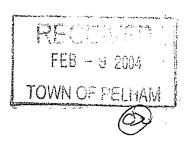
Delivery Planning 300 Wellington Street LONDON ON N6B 3P2

February 03 2004

Craig Larmour, Planner Town of Pelham PO Box 400 FONTHILL ON LOS 1E0

RE: DRAFT PLAN OF SUBDIVISION

PHEASANT RUN 527786 ONTARIO LTD FILE NO. 26T19-03004



Dear Mr. Larmour:

In accordance with Canada Post policy toward single and semi-detached dwellings, the proposed subdivision will require **more than one** Community Mailbox (CMB) site to be supplied by Canada Post. At this time we can select a location adjacent to the rear flankage of lot 34, but the western-most lots will need to access their mail at a site west of the current plan.

Unless the number of lots or plan configuration changes the attached diagram indicates our proposed location. Please notify the Developers of our requirements. Until the immediate site is ready for a permanent installation customers will receive delivery via green group mailboxes located as close to the final site as possible.

Thank you for your on-going communication. If you have any questions or concerns please feel free to contact me.

Sincerely,

Paul Remisch

Delivery Planner Huron- Rideau Region Phone (519)646-5190 Fax (519)439-9646

Emiso

Email paul.remisch@canadapost.ca

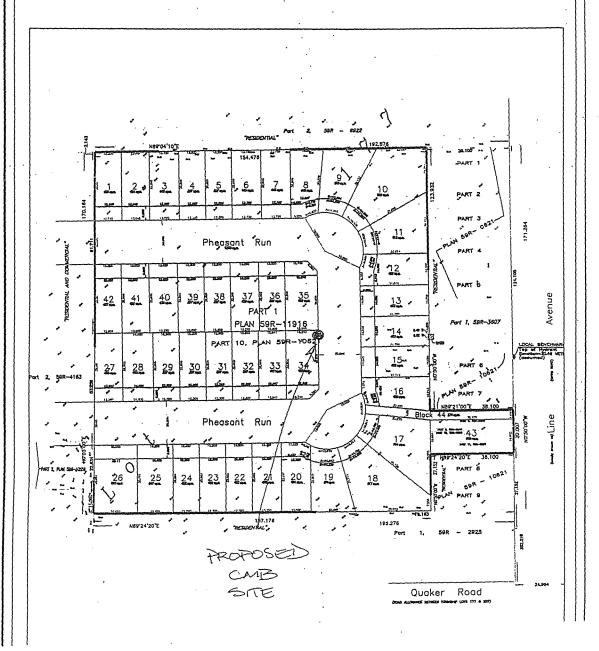
Page 3 of 3

26T19-03004 AM-08/03

## **Pheasant Run**

being a Draft Plan of Subdivision of Part of LOT 177 (GEOGRAPHIC TOWNSHIP OF THOROLD)
TOWN OF PELHAM REGIONAL MUNICIPALITY OF NIAGARA

REGIONAL MUNICIPALITY OF NIAGARA
Matthews, Cameron, Heywood — Kerry T. Howe
SURVEYING LIMITED
LLN:53740 Special File:
2003



# NIAGARA

#### PLANNING AND DEVELOPMENT DEPARTMENT

The Regional Municipality of Niagara 3550 Schmon Parkway, P.O. Box 1042

Thorold, Ontario L2V 4T7 Telephone: 905-984-3630 Fax: 905-641-5208

E-mail: plan@regional.niagara.on.ca

February 12, 2004

File: D.10.M.19.24 (26T19-03004) (AM-08/03)

Appendix A-5

Mr. Craig Larmour Director of Planning Services Town of Pelham P.O. Box 400 20 Pelham Town Square Fonthill, ON LOS 1E0

Feuillets de transmission par télécopieur

Post-it Fax Note 76718

From 1 Da Phone \* 1 N° de 1616 copieur

Fax \$ 1 N° de 1616 copieur

Fax \$ 1 N° de 1616 copieur

Dear Mr. Larmour:

Re: Provincial and Regional Comments

Proposed Plan of Subdivision and Zoning By-law Amendment

Pheasant Run Subdivision Revised Files: 26T-19-03004 & AM-08/03 527786 Ontario Limited (Eric Henry)

Town of Pelham

Regional Planning staff have reviewed the proposed revised plan of subdivision and zoning bylaw amendment and additional information for the Pheasant Run subdivision from a Regional and Provincial planning perspective. The application proposes the development of 2.74 hectares (6.76 acres) of land for 43 single detached residential lots.

#### Regional Planning

This development is located within the Region's Urban Area Boundary for Fonthill and is designated Urban Residential in Pelham's Official Plan. According to the Region's Policy Plan urban development is permitted subject to the availability of municipal water, sanitary sewer, stormwater and roads services. This application meets the basic requirements of the Regional Plan. Conditions are included in the attached Appendix I with respect to the assignment of servicing allocation at the time of final approval of the subdivision for registration purposes (Conditions 1 and 2).

The Regional Policy Plan encourages the provision of a full range of housing types and densities across a municipality. This application proposes to rezone this site from multiple (Residential RM1) to single detached dwellings. It is an objective of the Region's Policy Plan to maximize the use of existing community and servicing resources and encourage a variety of new residential uses to meet diverse housing needs. Ideally, the Region would like to see the present site developed for townhouses to meet this objective and to be consistent with the Region's Smart Growth objectives, whereby communities are encouraged to offer a variety of housing for residents and workers across a wide range of socio-economic groupings. However, the applicant has reworked the original plan of subdivision increasing the number of proposed single detached lots from 39 to 43 which is relatively close to the 46 townhomes that were originally proposed for the site.

With respect to local planning requirements, the Town's Official Plan designates this property as Urban Residential, which permits the proposed development. The proposed Pheasant Run subdivision is on lands contained within the Lot 177 Secondary Plan intended to help guide development in this part of Pelham. Overall, the proposed Pheasant Run subdivision plan appears to be generally consistent with the Lot 177 Secondary Plan. In regards to street pattern, the proposed Pheasant Run subdivision will be eventually connected with the existing Tanner Drive, which is located some distance to the south and west of the subdivision. This will be accomplished through a connection that will be made through the future extension of Pheasant Run through to the west. In the interim, the applicant proposes to provide temporary access to Line Avenue for this development through the construction of a temporary road over Lots 17 and 43.

#### Regional Public Works

Regional Public Works staff has no objection to the proposed Pheasant Run subdivision, subject to conditions of draft approval. The proposed subdivision, in its current design with no westerly access and only a temporary access to the east, raised concerns from a waste collection perspective. A temporary turnaround should be installed at both ends of Pheasant Run in order to allow waste collection vehicles to turn around at the end of their collection route. To satisfy Regional requirements, the developer has proposed to utilize lots 27 and 42 for this purpose. Once access to Tanner Drive is available and lands to the west are developed, the two lots will return back to two building lots. Regional Public Works staff is of the opinion that the developer should review the reserve block for services (i.e. Block 44) for it may be insufficient in size (i.e. width) to accommodate all services and therefore acquire Ministry of the Environment Certificates of Approval. The developer has indicated that the size of Block 44 will be considered for further discussions with the Town of Pelham.

Conditions of approval are included in the attached Appendix I and detailed comments from Regional public Works are attached as Appendix 2.

#### Provincial Review

To address Planning Act requirements, the Region and other agencies must have regard for Provincial policy requirements. Regional Planning staff has reviewed this plan in light of Provincial policy and interests and we have the following comments.

#### Affordable Housing

The Provincial Policy Statement encourages the provision of a full range of housing types and densities including housing forms and densities designed to be affordable to moderate and lower income households. Information provided by the applicant indicates that the anticipated starting price of the proposed single detached homes is expected to be approximately \$150,000. This price would be more affordable than the \$225,000-\$275,000 price range previously estimated for the townhomes originally proposed for the site. While affordable housing targets do not have to be met in all development proposals, especially in smaller sites, this particular development would assist in providing more affordable single detached housing for Pelham.

#### Ministry of the Environment

#### i) Land Use Compatibility and Noise Impacts

There are no existing or committed industrial land uses in close proximity to this development that would result in land use compatibility concerns. In addition, there are no nearby transportation facilities that would result in noise impacts on this development.

#### ii) Stormwater Management

It is our understanding that stormwater drainage from the Pheasant Run subdivision may eventually be connected to the Draper Creek stormwater management facility which was constructed to service the stormwater needs of almost all of Lot 177. In the meantime, the developer proposes that the proposed Pheasant Run subdivision will be serviced through the creation of a temporary stormwater management pond. Preliminary stormwater management information prepared by R.A. Harrington & Associates Ltd. (January 19, 2004) was submitted by the applicant. The Niagara Peninsula Conservation Authority (NPCA) expressed concern that detailed volumes were not included to justify the appropriate size for a stormwater management facility. However, the developer has proposed to locate this facility over Lot 23 to 26 which is greater than the area calculations submitted. The subdivision will have to be revised to provide a stormwater management block in this location. A detailed stormwater management plan will be required to be prepared in accordance with MOE guidelines. The NPCA will be requested to review the stormwater management plan on behalf of the Regional Planning and Development Department. When the temporary facilities are no longer required the area used for the pond will revert back to building lots.

#### iii) Sewage and Water Systems

Full municipal sanitary, storm and water services will be provided for this urban development. The allocation of servicing capacity and servicing design will be addressed as conditions of draft plan approval. Servicing plans will be required to be reviewed by the Regional Public Works Department under the MOE Transfer of Review Program.

#### Ministry of Natural Resources

There are no nearby natural features of Provincial significance that would be impacted by this proposal.

#### Ministry of Culture

This property seems to exhibit a low potential for the discovery of archaeological remains based on a lack of any significant drainage, topography, soils or other historical/physical features on the subject property which would have made the location conducive to prehistoric or early historic settlement. Regional Planning staff is, therefore, of the opinion that an archaeological assessment for the Pheasant Run subdivision is not required.

#### Conclusion

Regional Planning staff have no objection from a Regional and Provincial perspective to the draft approval of the Pheasant Run subdivision subject to the conditions requested by the Regional Planning and Development Department and the Regional Public Works Department as set out in Appendix I. If there are any questions please contact Brian Dick, Planner or Peter Colosimo, Senior Planner, for assistance.

Please send notice of the Town's decision with regard to these applications.

Yours truly,

アDavid J. Farle)

Director of Planning Services

BD/

Attachments:

Appendix I – Recommended Conditions of Draft Approval

Appendix 2- Regional Publics Works Comments

C:

Ms. C. Miclette, Clerk, Town of Pelham

Mr. J. Hodge, Director of Operations, Town of Pelham

Mr. E. Henry, Fruitbelt Developments, Niagara Falls

Mr. J. Durst, Ministry of Natural Resources, Vineland

Mr. J. MacDonald, Ministry of Culture, London

Ms. B. Ryter, Ministry of the Environment, Hamilton

Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority

Mr. W. Stevens, Regional Public Works

BD\PELHAM\Subdivisions\26T-19-03004 (Pheasant Run)\Comments on Plan of Subdivision and ZBA.doc

#### Appendix 1

Conditions of Draft Approval Pheasant Run Subdivision Town of Pelham File: 26T-19-03004

- That the owner acknowledge promptly that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
- 2. That immediately following notice of draft plan approval, the owner shall provide the Regional Niagara Planning Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the Town of Pelham.
- That the design drawings for the water, sanitary sewer and stormwater drainage systems
  required to service this development be submitted to the Regional Public Works Department
  for review and approval. (Note: Any stormwater management facility that may be proposed for
  this development would require the direct approval of the Ministry of Environment and Energy,
  Toronto).
- 4. That prior to final approval for registration of this plan, the owner shall obtain Ministry of Environment and Energy Certificates of Approval to the satisfaction of the Regional Public Works Department for the necessary servicing (watermains, storm sewers and sanitary sewers) for this development.
- 5. That prior to approval of the final plan or any on-site grading, the owner shall submit to the Regional Planning Department for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed sediment and erosion control plans.

**Note:** The Region will request the Niagara Peninsula Conservation Authority to review the stormwater management plan and other related plans on the Region's behalf and to submit comments to the Regional Planning and Development Department regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning staff.

- 6 That the subdivision agreement between the owner and the Town of Pelham contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 5 above.
- 7. That the developer revise the proposed plan of subdivision with a redline revision wherein lots 23 to 26 are removed and replaced with a block for a stormwater management facility.

#### Clearance of Conditions

Prior to granting final plan approval, the Town of Pelham must be in receipt of written confirmation from the following agencles that their respective requirements have been met satisfactorily:

- Regional Niagara Planning for Conditions 1, 2, 5, 6 and 7
- Regional Niagara Public Works for Conditions 3 and 4 (through Regional Planning)

#### Subdivision Agreement

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning Department for verification that the appropriate clauses pertaining to any of these conditions have been included. Note: The Regional Planning Department recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revisions prior to execution.



#### THE REGIONAL MUNICIPALITY OF NIAGARA

#### MEMORANDUM

DATE:

January 6, 2004

TO:

Brian Dick

Planner

Planning and Development Department

FROM:

William J. Stevens, C.E.T.

Development & Approvals Manager

SUBJECT:

Revised Zoning By-law Amendment Application and

Draft Plan of Subdivision (26T-19-03004 and AM-08/03)

Applicant: 527786 Ontario Limited (Eric Henry)

Proposal: To Permit the Creation of 43 Single Detached Dwelling Lots and 1

Block for Walkway and Municipal Servicing Purposes

Location: Pheasant Run Subdivision - W/S of Line Avenue, lying between

Saddler and Bacon Lane In the Town of Pelham

Our File: D.18.06.66.640720505 (ID#2575)

Regional Niagara Public Works Department has reviewed the above-referenced revised Zoning By-law Amendment Application and Draft Plan of Subdivision and provide the following comments:

#### 1) Sanitary Sewage Facilities

A municipal sanitary sewer can be made available to service this subdivision from an existing sanitary sewer along Line Avenue, under the jurisdiction of the Town of Pelham.

As a condition of approval, we would request that the sanitary sewer system designated to service this subdivision be submitted for our review and approval.

#### 2) Water Supply

A municipal supply of water can be made available to service this subdivision from an existing watermain on Line Avenue, under the jurisdiction of the Town of Pelham.

As a condition of approval, we would request that the watermain system designated to service this subdivision be submitted for our review and approval.

#### 3) Storm Drainage

The storm drainage system designed to service this development will require the approval of the Town of Pelham. The Town may require a storm water management scheme to control runoff rates, as well as discharge quality. Such storm water management scheme will require the direct approval of the *Ministry of the Environment*.

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#### 4) Ministry of the Environment Certificates of Approval

As this department participates in the MOE Transfer of Approvals Program, we would request that as an additional condition, MOE Certificates of Approval be obtained for the necessary servicing for this development, prior to final approval/registration.

#### 5) Block 44

We would recommend that the developer analyze and review this parcel to determine if the width is sufficient. Block 44 is proposed to be the only point for municipal servicing purposes. This block must then incorporate <u>all</u> the necessary services (water, storm, sanitary, gas cable, etc.) for the proposed subdivision below ground, as well as allow service vehicles/machinery above ground. We would note that MOE requirements stipulate a minimum 2.5 metre horizontal distance separation between water and sewer lines.

#### 6) Household Waste Collection

In order for this household waste collection to be provided the site roadway system is to be adequate for waste collection vehicles to access the site and then leave the site without the need to back up the collection vehicle. An appropriate cul-de-sac (with a minimum 12.8 m radius) or a "T" turnaround is to be provided, until such a time that there is a future westerly street connection.

#### 7) Servicing Allocation

Draft approval does not include a commitment of servicing allocation, but will be assigned at the time of final approval/registration and any pre-servicing will be at the sole risk/responsibility of the developer.

In conclusion, we have no objection to this plan being approved on the condition that the foregoing concerns and requirements are adequately addressed.

William / Stevens, C.E.T.

Development & Approvals Manager

Public Works Department

Operational Support Services Division

WJS/cm

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Mr. Craig Larmour, Planner, Town of Pelham



William R. McLean, Director of Education and Secretary

(905) 641 1550

Fax: (905) 685-8511 dix A-6

February 25, 2004

#### Correction To Correspondence Of October 2, 2003

Mr. Craig Larmour, Director of Planning Services, Town of Pelham, P.O. Box 400, Fonthill, Ontario, LOS 1E0.

Dear Mr. Larmour:

Re: Pheasant Run Draft Plan of Subdivision (File 26T19-03004)

MAR - 1 2004 WWN OF PELHAM

The Board's planning staff have reviewed the Pheasant Run draft plan of subdivision and wish to advise that the Board has no objection to the plan.

It is anticipated that future students from this subdivision would be accommodated at Quaker Road PS (JK-8) and E.L. Crossley SS (Gr. 9-12).

Yours truly,

**Bob Crawford** 

RWE

Manager, Planning & Transportation

MAR - 2 2004

TOWN OF PELHAM PLANNING DEPT

#### THE CORPORATION OF THE TOWN OF PELHAM

## IN THE MATTER OF SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED

#### TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 49

Part of Lot 177, former Township of Thorold, now Town of Pelham

#### <u>AFFIDAVIT</u>

I, <u>CRAIG LARMOUR</u>, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The requirements for the giving of notice and the holding of one public meeting have been complied with.

SWORN BEFORE ME AT THE TOWN OF PELHAM IN THE REGIONAL MUNICIPALITY OF NIAGARA THIS 24TH DAY OF MARCH, 2004 A.D.

CRAIG LARMOUR, MCIP, RPP

CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk, Town of Pelham, a Commissioner, for taking Affidavits in the Regional Municipality of Niagara

#### THE CORPORATION OF THE TOWN OF PELHAM

## IN THE MATTER OF SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED

#### TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 49

Part of Lot 177, former Township of Thorold, now Town of Pelham

#### <u>AFFIDAVIT</u>

I, <u>CRAIG LARMOUR</u>, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The following members of the public made comments at the public meeting:

Dave Steven Dan Maurice

SWORN BEFORE ME AT THE TOWN OF PELHAM IN THE REGIONAL MUNICIPALITY OF NIAGARA THIS 24TH DAY OF MARCH, 2004 A.D.

CRAIG LARMOUR, MCIP, RPP

CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk. Town of Pelham, a Commissioner, for taking Affidavits in the Regional Municipality of Niagara

#### GC-9/04

#### GENERAL COMMITTEE

GC-02/04

January 26, 2004

Minutes of a special General Committee meeting held on Monday, January 26, 2004 at 7:00 p.m. in the Municipal Council Chambers. The meeting was called for the purpose of holding a public meeting under the Planning Act and to review various development proposals.

#### ATTENDANCE:

Council:

Mayor R. Leavens
Councillor M. Allen
Councillor D. Urbanowicz
Councillor U. Brand
Councillor S. Cook
Councillor J. Durley
Councillor P. Papp

Staff:

Director of Planning Services C. Larmour Recording Secretary(Deputy Clerk) N. Bozzato

Others:

Victor Muratori, Agent for E. Henry

Eric Henry, Applicant

Mr. and Mrs. Dell Clark, Applicants P. D. Reitsma, Agent for J. & A. St. Pierre

Interested Parties

#### 1. CALLED TO ORDER:

The meeting was called to order by Mayor R. Leavens.

#### 2. ADOPTION OF AGENDA:

RECOMMENDATION - MOVED BY COUNCILLOR URBANOWICZ, SECONDED BY COUNCILLOR BRAND - THAT the agenda for the January 26<sup>th</sup>, 2004 special meeting of General Committee meeting be adopted. CARRIED, CHAIR, MAYOR R. LEAVENS.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted by members of Council.

At this point in the meeting, Mayor R. Leavens vacated the Chair and Councillor Durley resumed the Chair, as the Chair, Planning Services Division, General Committee.

4.1 PUBLIC MEETING UNDER PLANNING ACT:

(A) 7:00 p.m. - DRAFT PLAN OF SUBDIVISION, OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT - 527786 ONTARIO LIMITED (ERIC HENRY) - LINE AVENUE:

Chair, Councillor Durley recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Durley then introduced Director of Planning Services C. Larmour, who provided an overview of the Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment applications as detailed in Information Report P-03/04.

The subject lands have frontage on the west side of Line Avenue, lying north of Saddler Street and are proposed for development of 43 single-family dwellings. It is anticipated that the subdivision, known as "Pheasant Run" will connect with Tanner Drive, located to the southwest of the subject lands, in the future.

Mr. Larmour detailed the Planning Act requirements for consideration of such an application and noted that this public meeting is convened to gather information to be used in preparation of a recommendation report to Council at a future date. No decision will be made on this proposal at this time.

Mr. Larmour noted that the Regional Planning Department is requesting further information from the applicant, however Mr. Larmour has been advised that this additional information has been provided to the Region and that the applicant has satisfied the inquiries of the Region. No written confirmation of this, however, has been received from the Region.

#### APPLICANT'S PRESENTATION:

Mr. Muratori, on behalf of the applicant, noted that the application subject of this public meeting is three-fold: 1) Official Plan Amendment; 2) Zoning By-law Amendment; and 3) Plan of Subdivision.

He noted that the subject lands were designated for a multi-residential townhouse development approximately 2-3 years ago. The overall Lot 177 development has been somewhat difficult to co-ordinate as the configuration and specifics of the Secondary Plan are not yet solidified. There is recognition for the potential for development in this area however flexibility in design is necessary as various parcels of land become assembled. At the time of the previous approval, a standalone self-contained development for 46 townhouse units was approved. All necessary requirements were addressed and since that time, lands to the south and west have also been assembled for development. Mr. Muratori's client and the owner of lands to the south have been in discussions and are investigating a co-operative development through a consultative process.

From a marketing point-of-view, Mr. Muratori stated that the selling price for townhouse units has changed substantially over the past few years and these units would likely sell for more money than single-family dwellings. He noted that this scenario has become typical for townhouse units as the costs of architectural design, landscaping design and work as well as maintenance fees, are factored into the costs of the units. He has been advised by area builders that the demands of the market are for single-family dwellings.

Mr. Muratori circulated a copy of a letter, dated January 20, 2004 from Metro Development to the Regional Niagara Planning Department advising how their concerns have been addressed. As indicated by Mr. Larmour a written response from the Region has not yet been received.

Specifically relating to concerns for provision for waste collection vehicles, Mr. Muratori noted that proposed Lots 27 and 42 would be held temporarily as a through line for such vehicles and they will not be developed immediately. An Inhibiting Order will be placed on these lots to prevent their sale, and subsequently removed when the other roads are connected to the southwest.

Mr. Muratori stated that stormwater management issues were dealt with previously and addressed in Regional Planning Report DPD63-2001, File D.10.M.1921. Flows will be directed to Welland along the Singer Drain. He gave an overview of how this will be achieved, however noted that all drainage plans will be properly engineered and approved. Detention ponds will be utilized, Mr. Muratori noting that Lots 23-26 inclusive will house a temporary stormwater detention facility until such time as overall development for Lot 177 progresses with lands to the southwest of this proposal. Extensive financial commitments will be met through a front-ending agreement, as well as payment to the developers of the Homestead subdivision for their installation of oversized pipes to service this development. All of these issues had been previously dealt with. Essentially, the servicing needs will be the same as previously proposed for the townhouse development, however the interior roads will be public roads and not private to service the townhouse units.

Chair Councillor Durley questioned if Lots 17 and 43 will eventually become building lots once the permanent roads are constructed. Mr. Muratori confirmed that this will be the case and that Block 44 has been reserved as a servicing block.

#### PUBLIC INPUT:

Mr. Dave Steven, 1100 Line Avenue, Welland, L3C 3C3 noted that his property abuts the rear lines of Lots 13 and 14 of this new proposal. He expressed concern regarding drainage issues, noting that the new houses recently constructed on properties surrounding his have caused some pooling of water on his lot. Drainage tiles are in place on their lot however, he expressed concern that drainage problems will increase with the development of this subdivision. He requested that something be put in place to ensure he is not negatively impacted by this new development and he submitted a copy of a letter to the Committee in this regard.

Mr. Dan Maurice, 1092 Line Avenue, Welland, L3C 3C3, questioned the lands shown as Lot 43 on the Draft Plan of Subdivision drawing. He noted that he was of the impression that this would be a street allowance, however it appears it will eventually be a building lot. He stated that he does not want a residential use on this proposed lot. He also noted that it appears this parcel will be used by construction vehicles in the development of the subdivision, which will create a great deal of dirt and inconvenience for them during the construction phases. Mr. Muratori confirmed that this particular lot will be used for a temporary road and will eventually become a residential building lot.

#### COMMITTEE INPUT:

Councillor Papp questioned if the selling price of the single-family dwellings took into consideration the actual cost of the lot, noting the estimated cost for 'affordable housing' would be in the \$150,000 range. Mr. Muratori stated that the price will include the lot cost, however he also pointed out that his client, the developer, does not have any control over what types of building materials are used throughout the dwellings which

may have an impact on the selling price. He stated that lot costs are based on frontage per foot based on the costs of servicing the subdivision, such as road construction, sanitary and storm servicing, utility servicing, etc. Councillor Papp questioned the rationale that single-family dwellings would be less costly than townhouse units. Mr. Muratori noted that there is no Provincial definition for "affordable housing", and that costs would vary significantly between Toronto communities and areas such as Niagara-on-the-Lake or Welland, for example.

Statistical information for the Region of Niagara would appear to indicate that a range of \$150,000 to \$175,000 would be considered as affordable for new housing. Mr. Muratori stated that local builders have indicated that the market is seeking single-family houses and they need to respond to these demands. Additional market research confirms such claims by local builders.

Mr. Muratori addressed the concerns raised by Mr. Steven regarding drainage. He noted that if the Plan of Subdivision is permitted to proceed, drainage swales and catchbasins will be used to ensure water is properly directed off the site. The Town of Pelham, Regional Municipality of Niagara and Niagara Peninsula Conservation Authority will all be involved in this aspect of the development and post development flows are not permitted to exceed pre-development. The developer is obliged to meet the Ministry of Environment requirements in this regard. Mr. Muratori noted that there will be some 38 conditions attached to the development, one of which would be a requirement to submit a stormwater management plan for each individual lot.

Councillor Cook requested clarification as to the specific flow patterns anticipated, both temporarily and permanently once the surrounding developments occur. Mr. Muratori gave a brief overview in this regard, noting that all engineering will be subject to a stringent approvals process. Chair Councillor Durley confirmed with Mr. Muratori that drainage will be managed within the subject lands and will not be directed to negatively impact surrounding properties.

Councillor Brand questioned if any written response had been received from the Region. Mr. Muratori indicated that none had been received, however he would actively pursue this matter prior to any request for a decision by this Council. He noted that the issues raised have been satisfactorily addressed, however it appears the Regional files were perhaps not up to date with this new proposal. He noted that the Plan of Subdivision cannot be registered until these matters are addressed and approved by the appropriate authorities.

Councillor Brand questioned if the proposed swales and catchbasins will be fully contained on the subject property and be designed to keep water away from the existing neighbouring residential properties. Mr. Muratori stated that this will, absolutely, be the case.

Councillor Urbanowicz questioned how long the developers intend to keep Lots 23-26 in a temporary use for the detention pond, however Mr. Muratori was unable to provide an exact time estimate, noting it will depend on the development of lands to the west and/or south.

In providing some clarification as to the future configuration of connecting roadways, Mr. Muratori stated that the existing lot configurations restrict how these roads can be built. Communication with surrounding land owners is an ongoing process. He noted that Lot 26 is proposed at a width of 66 feet to incorporate a roadway if necessary. Mr. Larmour advised that the developer, Mr. Henry, has been in regular communication with adjoining property owners and they are looking at opportunities to co-operatively develop the area. Mr. Henry has done his best to accommodate the desires of surrounding property owners. The developer recognizes that this is a consultative process and understands some of the exigencies created by area landowners.

Councillor Brand noted that the density is not an issue for him, noting his preference for a single-family development. He suggested that Lots 24, 25 and 26 might be made smaller. Mr. Muratori noted that this will be dependent on the connecting road patterns available in the future. There may be potential to exempt part-lot control and make an additional lot in this location in the future.

The public meeting was declared closed by the Chair.

RECOMMENDATION - MOVED BY COUNCILLOR BRAND, SECONDED BY COUNCILLOR URBANOWICZ - THAT the correspondence received at the Public Meeting held on January 26<sup>th</sup>, 2004 regarding Planning Report P03/04, be received for the information of the Committee, as follows: Metro Development, dated January 20, 2004, and Dave Steven, 1100 Line Avenue (undated; submitted at meeting). CARRIED, CHAIR, COUNCILLOR DURLEY.

RECOMMENDATION - MOVED BY COUNCILLOR BRAND, SECONDED BY COUNCILLOR ALLEN - THAT the Committee recommend to Council that Report P-03/04 re Information Report - Draft Plan of Subdivision, Official Plan Amendment and zoning By-law Amendment - 527786 Ontario Limited(Eric Henry), Line Avenue, be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR DURLEY.

#### 4.2 PUBLIC MEETING UNDER PLANNING ACT:

(B) 7:45 p.m. – ZONING BY-LAW AMENDMENT APPLICATION – DELL L. AND PHYLLIS G. CLARK, 916 CHURCH STREET:

Chair, Councillor Durley recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Durley then introduced Director of Planning Services C. Larmour, who provided an overview of the application. He indicated that there was an administrative error in the issuance of the building permit for the subject barn and this application is subsequently brought to recognize the existing location of such barn and the use of the property to accommodate the cows.

#### APPLICANT'S PRESENTATION:

Mr. Dell Clark advised that they purchased the subject property in 1988 and the permit for the barn was issued in the fall of 1989. Construction occurred in December of 1989 and the following spring their dwelling was constructed. The barn was constructed prior to the house.

The Clark's owned one horse when they purchased the subject property and they made appropriate enquires of the Chief Building Inspector of the day in this regard. Mr. Clark stated that they were assured they would be able to have animals on the property.

Mr. Clark stated that he completed all of the necessary paperwork in preparation for the barn. The permit application indicated the use of the building to be agricultural, for feed, farm equipment and 'no animals at the *present time*'. This was, apparently, later construed as the applicants trying to bring animals on to the property without the proper approvals.

The barn is situated on the portion of the Clark property that is zoned Agricultural A and designated Good General Agricultural in the Official Plan. The animals first housed in this barn included a small cow and the previously mentioned horse. The cow has since had 2 calves but the horse is no longer alive. Mr. Clark stated that it has never been their intention to exceed the permitted number of animals on their property and that they have always followed the rules regarding development on their property. He stated that they respect the heritage value of this property, noting that the Fenwick Fair was once held on this particular parcel of land. The applicants intend to maintain the woodlands on this site and continue housing the cows in the barn. He stated that these animals are pets and are not intended for any livestock purposes. The applicant invited members of Council to visit the property so that they might appreciate that it is not an intensive animal operation.

Ms. Sandra Misener, 917 Church Street, Fenwick, LOS 1CO, spoke in support of the applicants, citing their property contributes to the overall area which provides a pleasing combination of country and small town urban life. Although her dwelling was established prior to the applicants', Ms. Misener stated that over the years the Clarks have enhanced and beautified the area. They have a very clean property and, as abutting neighbours, Ms. Misener stated that she has never been disturbed by unpleasant smells. She concluded that the Clarks do an excellent job of maintaining their property and she personally would hate to see them lose these animals.

Mr. V. Muratori, solicitor for abutting property owner Mr. Breunissen, stated that although they do not object to this application and the animals situated on the property, he questioned how the municipality might control the number of animals permitted in the future. He suggested that if the use is legalized, there may be a possibility to increase the number of animals housed in the barn. Mr. Muratori advised that his client has submitted a Plan of Subdivision proposal for lands to the south which are included within the urban area boundary of the Town. The lands subject of the Plan of Subdivision proposal are within 20 metres of the barn and Mr. Muratori noted that the MDS formula is applied to new residential developments that are situated close to animal operations. The Region has reviewed the subdivision proposal and Mr. Muratori was uncertain as to how they could indicate support of this application while they are aware of the subdivision proposal. He advised that if this zoning amendment is approved, the plan of subdivision would likely not be approved.

Again, Mr. Muratori stated that they are not objecting to the Clark's application, however he requested that consideration be deferred and that both applications, being this zoning amendment and his client's Plan of Subdivision, be considered concurrently. He stated that they are willing to accelerate the subdivision application and Official Plan

Amendment in order to bring both proposals forward together. He concluded that once their application is approved, they would have no objection to the housing of animals in this barn, however they do not want to be caught in a situation whereby approval for the Clarks would mean denial of their subdivision plans.

Mr. Richard Rybiak, 835 Foss Road, Fenwick, LOS 1CO, stated that he resides south of the subject property. He concurred with the comments of Ms. Misener, noting that the Clark property is an appropriate use and kept very clean. The fences and buildings are in excellent condition, as are the animals. He noted that some area residents use this property as a park-like setting and he supported the applicantion noting that the use is consistent with the agricultural designation. He noted, however, that he had not given any previous thought to this approval jeopardizing the future plan of subdivision proposal. He did note, however, that the current use is in the spirit of the Official Plan and, in his opinion, is appropriate for the area.

Mrs. S. Matthews, Garner Avenue, Fenwick, advised that, as a member of the previous Council for the Town of Pelham, this was one of the issues they were unable to complete during their term of office. There were some assemblies of adjoining lands by the subdivision proponents, however this took place long after the agricultural use had been established. She was hopeful that some resolution could be found to satisfy both the Clarks and the subdivision proponents.

#### COMMITTEE INPUT:

Mayor Leavens stated that he reviewed the original building permit application and it clearly indicates that no animals would be housed in the barn "at this time," which indicates to him that there was no intent by the Clarks to deceive the Town officials, and that there was always a potential for housing animals on this agricultural parcel.

Councillor Allen, who had visited the site, requested the applicant to describe the animals Mr. Clark stated that the cows are purebred Highland Cattle, originating from Scotland. They have horns that span approximately 3 feet in width and are essentially, as put by Mr. Clark, lovable pets. They are not Holstein cattle or beef cattle and will never be eaten or abused.

Councillor Urbanowicz commented that she travels by this property on a regular daily basis. The property and the animals are beautifully maintained. She did note, however, that she has a concern about how this approval might affect the proposed subdivision plans.

Mrs. Clark confirmed, in response to a question by Councillor Cook, that the property is 4.5 acres in total, approximately 4.23 acres being situated in the agriculturally zoned portion. Mrs. Clark stated that they would be permitted 4 units under the MDS regulations. Mr. Clark also pointed out that the cattle do not come to the front portion of the property. The exact location of the barn was also clarified for members of Council, noting that it is situated towards the north of the property but well contained within the agricultural portion. It is approximately 400 feet from the road.

Mr. Muratori again stressed that his client does not object to this application, however requested that the Town write to the Regional Planning Department and request a clear indication as to the how approval of this proposal might affect the ability to pursue the plan of subdivision. The proposed subdivision lands are fully within the urban boundary and his clients want some assurances that this approval will not impinge their application. He recognizes the Clark animals as a hobby however does have concerns regarding their proposal. In an effort to protect the investment of his client, he requested that the Town initiate an inquiry to the Region in this regard.

Councillor Brand clarified that the building permit application noted no animals were proposed at that time which indicates that there was a potential there for housing animals. He noted that a building permit was properly sought and issued in good faith. Mr. Clark stated that in 1991 his lawyer requested a Letter of Compliance from the Town regarding some financial matters for the applicants. The Town issued such letter indicating the property was in compliance with the by-law. He reiterated that the previous Chief Building Official indicated he was able to have animals on this property.

Councillor Brand requested clarification as to when MDS regulations came into force. Mr. Larmour stated that in 1970, rules were under the Agricultural Code of Practice which was later repealed and replaced by the MDS formula. The setback requirements are based on a mathematical equation, calculated on the number of animal units, which varies depending on the type of animal.

Councillor Brand stated his discontent that the applicants should have to seek this zoning amendment, given that it would appear it was the Town's error in issuing the permit at the existing setback distances. He suggested that the application fees be waived. Mr. Larmour indicated that Mr. and Mrs. Clark were not required to pay the fees as a directive of the former Mayor. He pointed out, however, that regardless of who made the error, the situation does not comply with the by-law and must obtain approval to be brought into conformity. He explained the difference between this situation and a legal, non-conforming situation which recognizes structures and/or uses that were legally in place prior to the passing of the by-law. This is not the case in the Clark situation, thus the zoning amendment approval must be sought.

Mr. John Szydlowski, 930 Church St., Fenwick, LOS 1C0, being the abutting neighbour to the north of the Clarks, stated that he has no objection to the application.

Mayor Leavens, recognizing the need to bring this application forward, questioned if there is any possible resolution to the concerns expressed by Mr. Muratori. Mr. Larmour explained that the Town received an application some time ago to sever a dwelling from the Breunissen property. Subsequent to this, the plan of subdivision proposal came forward followed by the Clark application. There has been no clear direction from the Region to date, however Mr. Larmour agreed to follow up with the Region to address these concurrent issues prior to providing a recommendation report to Council for consideration.

Mr. Jan VanZanten, 879 Foss Road, Fenwick, LOS 1CO, stated his support of the Clark application noting that the property is very clean and neat.

Chair, Councillor Durley declared the public meeting closed.

RECOMMENDATION - MOVED BY COUNCILLOR URBANOWICZ, SECONDED BY COUNCILLOR COOK - THAT the Committee recommend to Council that Report P-04/04 re Information Report Zoning by-law Amendment application, Dell L. and Phyllis G. Clark, 916 Church Street, be received for the information of the Committee. CARRIED, CHAIR, COUNCILLOR DURLEY.

#### 4.3 PUBLIC MEETING UNDER PLANNING ACT:

(C) 8:30 p.m. – OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS – JAMES AND ALLISON ST. PIERRE, 265 CREAM STREET:

Chair, Councillor Durley recited the required form of notice as per the Planning Act with respect to a public meeting.

Chair, Councillor Durley then introduced Director of Planning Services C. Larmour, who provided an overview of the application, noting that it is brought forward to permit the St. Pierre's to accommodate one additional foster child in their residence.

Mr. Larmour noted that the Zoning By-law permits a group home in a single-family dwelling and that the applicants have operated a group home for a number of years. However, in order to accommodate five (5) children rather than the present four (4), the Ministry of Community and Social Services requires that a letter be submitted indicating that the appropriate Zoning is in place. In this case, because a portion of the St. Pierre property is Zoned General Industrial M2-25, the use as a group home is not permitted and the Zoning is not appropriate.

The Regional Planning Department does not object to this zoning amendment, noting that the property is situated on the outer edge of the lands zoned for an Industrial Park and that there are some residential uses in the vicinity. Mr. Larmour noted that he sees little impact that this zoning amendment would have. He noted that the Region has indicated that as this amendment represents a minor exception, the Town may consider submitting a request to the Region for an exemption from Regional approval regarding the Official Plan Amendment. This will expedite the process substantially.

#### APPLICANT'S PRESENTATION:

Mr. P. D. Reitsma appeared on behalf of the applicants. He stated that the St. Pierre's have been foster parents since 1994 and have had four (4) children in their care since that time. Ministry Standards required several issues to be addressed prior to permitting an increase to five (5) children. There is no question that the applicants are qualified and competent by Ministry standards, and minor changes to the house itself were completed, such as installation of new doors and a higher-rated fire alarm to comply with Ministry requirements.

Mr. Reitsma stated that the applicants are requesting this zoning amendment in order to accommodate a 12 year old girl who is awaiting placement with them. The situation is somewhat unique in that this young girl is presently separated from her biological brother, who presently resides with the applicants. They are attempting to keep these siblings together.

No one from the public was present in the gallery regarding this application.

#### COMMITTEE INPUT:

Councillor Cook noted that the Regional Policy Plan permits group homes that accommodate up to six (6) residents in a single detached dwelling however municipalities may permit up to 10. The Regional Plan also requires that the group home be licensed or approved under Provincial statute and be in compliance with municipal by-laws. She questioned if this approval would identify the limit on the number of children permitted in the group home. Mr. Reitsma responded that the applicants realize the maximum number of six (6) however are seeking this amendment to permit the addition of only one (1) more child, being the previously mentioned 12 year old girl. Councillor Cook questioned if there would be any chance to increase this number in the future, Mr. Larmour advised that the Region indicates municipalities may permit 10 however the Town Zoning By-law stipulates a maximum of six (6). Ministry guidelines also stipulate a maximum of six (6).

Councillor Papp, indicating he had no concern with the application, questioned how long approval of this application might take overall. Mr. Larmour stated that he intends to bring a recommendation report forward on February 16<sup>th</sup>, 2004 which would be brought for Council at the first meeting in March. Therefore, the Zoning By-law and Official Plan approvals would not be given until March, followed by the regulated appeal period.

Mr. Reitsma advised that the Ministry has indicated that a letter from the Municipality indicating that approval has been obtained pending the appropriate appeal period, would permit the girl to be placed in the home. Mr. Larmour suggested that a letter could be submitted to the Ministry indicating that no one attended the public meeting in opposition to the application and council expressed support thus approval is anticipated.

Councillor Papp suggested that unless there is legislative reference we need to make the necessary zoning changes to facilitate placement. He wondered if we might not be able to proceed with assisting in this placement without undue delay and how we might accomplish this.

Mr. Larmour stated that if Committee waives the deadline for preparation and circulation of a recommendation report, he could prepare it for the regularly scheduled meeting of February 2, 2004. This would result in Council approval February 16<sup>th</sup> and thus move up the appeal period. In the meantime, a letter could be sent to the Ministry indicating Council consensus to fully support this application. Committee unanimously agreed with this approach and permitted the waiving of the deadline for the recommendation report.

Chair, Councillor Durley declared the public meeting closed.

RECOMMENDATION - MOVED BY COUNCILLOR COOK, SECONDED BY COUNCILLOR URBANOWICZ - THAT the committee recommend to Council that Report P-05/04 re Information Report - Official Plan and Zoning by-law Amendments, James and Allison St. Pierre, 265 Cream Street, be received for the information of Committee. CARRIED, CHAIR, COUNCILLOR DURLEY.

#### 5. ADJOURNMENT:

RECOMMENDATION - MOVED BY COUNCILLOR URBANOWICZ, SECONDED BY COUNCILLOR BRAND - THAT this special meeting of General Committee be adjourned until the next regular meeting scheduled for MONDAY, FEBRUARY 2<sup>ND</sup>, 2004, unless sooner called by the Mayor. CARRIED, CHAIR, COUNCILLOR DURLEY.

Gorald W. Plaven Saray Boyy
CHAIR SECRETARY

#### PLANNING SERVICES REPORT

TO:

Chair, Councillor John Durley, and Members of the General Committee,

Planning Services Division

FROM:

C. Larmour, Director of Planning Services

DATE OF REPORT:

January 15, 2004

DATE OF MEETING: January 26, 2004

SUBJECT: DRAFT PLAN OF SUBDIVISION, OFFICIAL PLAN AMENDMENT AND

ZONING BY-LAW AMENDMENT

527786 Ontario Limited (Eric Henry)

Line Avenue

#### RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-03/04;

AND FURTHER THAT a Recommendation Report regarding proposed Draft Plan of Subdivision Application 26T19-03004 and Official Plan and Zoning By-law Amendment Application AM-08/03, 527786 Ontario Limited, be presented at a subsequent meeting of the General Committee.

#### LOCATION, BACKGROUND AND POLICY

#### Location

The subject lands are located on the west side of Line Avenue, lying between Saddler Street and Bacon Lane. The lands are legally described as part of Lot 177, former Township of Thorold, Town of Pelham. The location of the lands is illustrated on Attachment No. 1.

#### 2. Background

The subject lands are currently designated Urban Residential according to the Town of Pelham Official Plan and further designated Multi-Family Residential and Open Space in the Lot 177 Secondary Plan. The lands are zoned Residential Multiple 1 RM1-164 and Open Space OS in Zoning By-law No. 1136 (1987), as amended.

The applicant has requested draft approval of a plan of subdivision to permit the creation of forty-three (43) single detached lots and one (1) block for walkway and municipal servicing purposes. A copy of the proposed subdivision is included as Attachment No. 2.

Ultimately, "Pheasant Run" is intended to be connected with the existing Tanner Drive, which is located some distance to the south and west of the lands. That connection will eventually occur through extension of the road to the west or through the use of Lot 26 as a municipal road to the south. In the interim, the applicant proposes to construct a temporary road over Lots 17 and 43 accessing Line Avenue.

In order to facilitate the proposed subdivision, the applicant has requested that the Secondary Plan be amended to redesignate the lands to Single Family and Semi-Detached Residential and that the Zoning By-law be amended to rezone the lands to Residential 2 R2.

#### 3. Planning Act

Section 51 of the Planning Act contains various provisions concerning the subdivision of land, including Section 51(24) which requires that regard be had, among other matters, to health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any:
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) 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 subdivisions with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) 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;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (I) the physical layout of the plan having regard to energy conservation.

#### 4. Provincial Policy Statement

Section 3 of the *Planning Act* requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policy statements issued under the Act. To this end, the Town shall have regard for the policies of the Provincial Policy Statement (PPS).

Policy 1.2 of the Provincial Policy Statement requires a municipality to provide a full range of housing types and densities to meet projected demographic and market requirements of current and future residents.

#### 5. Regional Policy Plan

The lands proposed to be developed are located entirely within the Urban Area of Fonthill as identified in the Regional Policy Plan. Policy 5.4 requires that individual urban development proposals within urban areas be dependent on the availability of adequate municipal services to meet the anticipated increased requirements resulting from the development. Policy 5.5 recognizes that the primary responsibility for regulating the types, locations and densities of land uses within the defined urban areas rests with the local municipalities, through their official plans and zoning regulations. Each municipality is expected to prepare these plans with supporting information to regulate the development within their urban areas.

#### 6. Town of Pelham Official Plan

The lands proposed to be developed for residential use are designated Urban Residential according to the Town of Pelham Official Plan. The Urban Residential policies permit various types of residential development and certain institutional uses. The Plan recognizes the need for diversification of its residential housing stock including providing a range of single detached lot sizes.

The lands are further designated Multi-Family Residential and Open Space in the Lot 177 Secondary Plan. The applicant has requested that the Secondary Plan be amended to redesignate the lands to Single Family and Semi-Detached Residential to facilitate the proposed subdivision.

#### 7. Town of Pelham Zoning By-law No. 1136 (1987)

The lands proposed to be subdivided are currently zoned Residential Multiple 1 RM1-164 and Open Space OS according to Zoning By-law No. 1136 (1987), as amended. The application proposes to rezone the lands to Residential 2 R2 to permit the proposed development.

#### COMMENTS AND DISCUSSION

#### 1. Agency Comments

#### a) Zoning By-law Amendment

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

 The Town's Building Department, Regional Public Works Department and Bell Canada have indicated that they have no objection to the proposed amendment.

#### b) Plan of Subdivision

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The Regional Planning and Development Department has requested an extension to the commenting period in order to secure additional information regarding the proposed development. More specifically, the Department wishes to meet with the applicant to discuss the proposed use of land as well as stormwater management. A copy of their detailed correspondence is included as Attachment No. 3.
- The Regional Public Works Department has informed that they have no objection and request that appropriate conditions be implemented in any final approval of the application for subdivision. A copy of their correspondence is included as Attachment No. 4.
- Bell Canada has requested that implementation of a condition in any approval that addresses the provision of underground services.
- The District School Board of Niagara has informed that future students would be accommodated at Glynn A. Green Public School and at E.L Crossley Secondary School and that they have no objection to the proposal.
- The Niagara Regional Police Service has advised that they have no policing concerns other than the installation of appropriate traffic signals within and exiting the proposed subdivision.
- The **Town's Building Department** has indicated that they have no objection to the proposed amendment.

#### 2. Public Comments

Notice of the application was mailed to all assessed property owners within 120 metres of the boundaries of the subject lands. Additionally, a Public Notice sign was posted on the Line Avenue frontage of the lands. No comments in support of or opposition to the application have been received to date.

#### 3. Planning Staff Comments

The purpose of this report is to make the Committee and public aware of the intent of the applications, applicable policies and agency comments and to facilitate discussion between the interested parties.

A recommendation report will be prepared and presented to this Committee at a subsequent meeting.

#### **ATTACHMENTS**

- 1. Location Map
- 2. Proposed Plan of Subdivision
- 3. Regional Planning and Development Department comments, dated January 5, 2004
- 4. Regional Public Works Department comments, dated January 6, 2004

Prepared by,

Craig Larmour

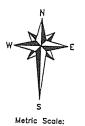
Director of Planning Services

Approved and Submitted by,

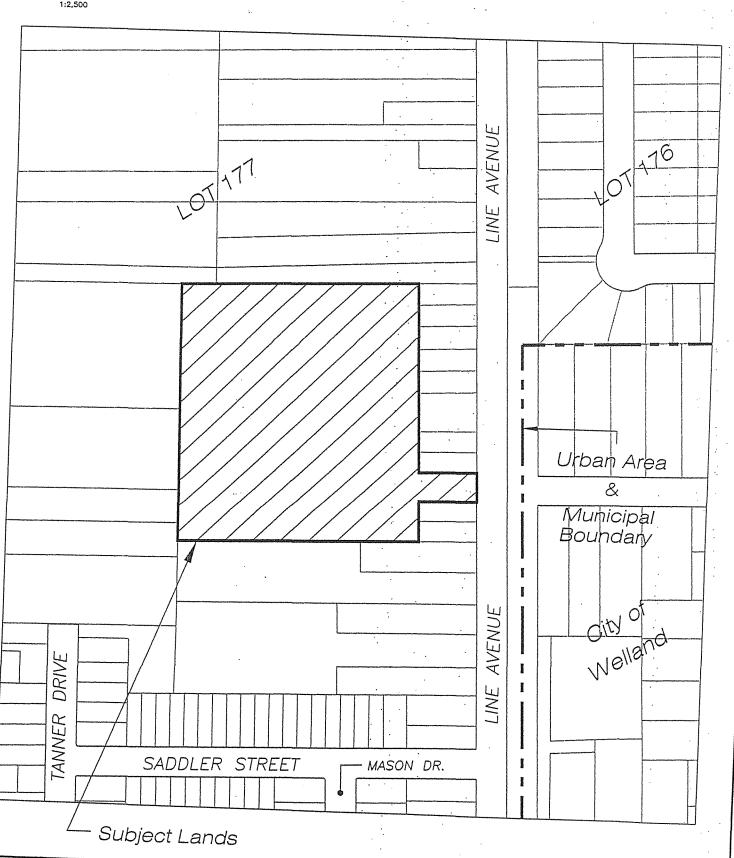
Gordon Cherney

Chief Administrative Officer

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## LOCATION MAPAGENO. (1)



REPORT NO. 1-03/84 ATTACHMENT NO. 2 PAGE NO. ///

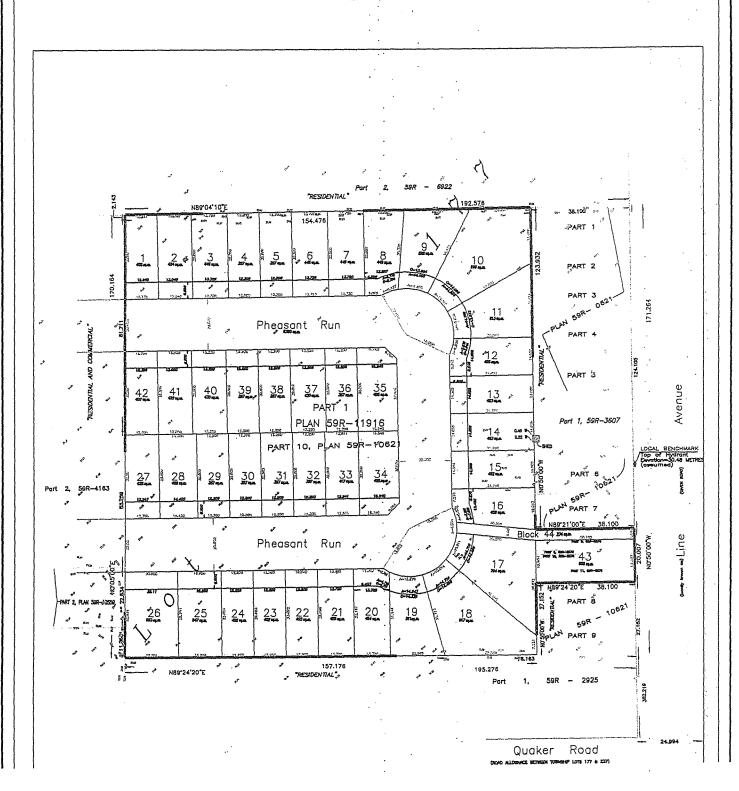


### Pheasant Run

being a Draft Plan of Subdivision of Part of LOT 177 (GEOGRAPHIC TOWNSHIP OF THOROLD)
TOWN OF PELHAM

REGIONAL MUNICIPALITY OF NIAGARA

Matthews, Cameron, Heywood — Kerry T. Howe SURVEYING LIMITED LLN:33740 Special File: 2003





#### PLANNING AND DEVELOPMENT DEPARTMENT GE NO. //2

The Regional Municipality of Niagara 3550 Schmon Parkway, P.O. Box 1042

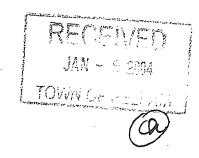
Thorold, Ontario L2V 4T7 Telephone: 905-984-3630 Fax: 905-641-5208

E-mail: plan@regional.niagara.on.ca

January 5, 2004

File: D.10.M.19.24 (26T19-03004) (AM-08/03)

Mr. Craig Larmour Director of Planning Services Town of Pelham P.O. Box 400 20 Pelham Town Square Fonthill, ON LOS 1E0



Dear Mr. Larmour:

Re: Request for Extension of Review Period

Proposed Plan of Subdivision, Official Plan and Zoning By-law Amendment

Pheasant Run Subdivision Revised Files: 26T-19-03004 & AM-08/03 527786 Ontario Limited (Eric Henry)

Town of Pelham

Further to your recent circulation of the plan of subdivision, official plan and zoning by-law amendment for the proposed Pheasant Run subdivision, Regional Planning staff are requesting an extension to the commenting period for the following reasons.

The Regional Policy Plan encourages the provision of a full range of housing types and densities across a municipality in order to provide a variety of housing choices. This application, however, proposes to rezone this site from multiple (Residential RM1) to 43 single detached dwellings which appears to be inconsistent with the Secondary Plan established for Lot 177. It is an objective of the Region's Policy Plan to maximize the use of existing urban land and services and encourage a variety of residential densities. The downzoning from townhouses to single detached dwellings represents an inefficient use of this designated urban land that has not been justified by the developer. For these reasons, we have concerns with the density and housing type being proposed.

The proposed Pheasant Run subdivision will be eventually connected with the existing Tanner Drive, through the future extension of Pheasant Run to the west. In the interim, the applicant proposes to provide temporary access to Line Avenue for this development via the construction of a temporary road over Lots 17 and 43. The proposed subdivision in its current design with no westerly access and only a temporary access to the east has raised concerns from a waste collection perspective. The developer should investigate the installation of a 'turnaround' at both ends of Pheasant Run in order to allow waste collection vehicles to turn around at the end of their collection route. Second, Regional Public Works staff are of the opinion that the applicant should review the width of the reserve block for services (i.e. Block 44) for it appears to be insufficient in size (i.e. width) to accommodate all services.

Finally, Niagara Peninsula Conservation Authority (NPCA) staff are unaware if there is a Master Drainage Plan for the area that would address the location of stormwater management

CHAOSE NO. 1-63/64 TEACEMENT NO. 3 MGE NO. 2/2

facilities. At a minimum, NPCA staff believe there should have been some preliminary engineering work submitted with the Pheasant Run subdivision application that would identify how stormwater for the site is going to be addressed. In general, the NPCA would like to see preliminary engineering work submitted prior to draft approval so that the size and location of stormwater blocks can be identified in the draft approved plan. The lot fabric seems to suggest that there are additional adjoining lands to be developed in the future. It is important for the applicant to address stormwater management for the site prior to the municipality granting draft approval. While there is no watercourse on the site, the proposed subdivision is at the upstream end of the Welland Canal (Catchment 7 and 8) watershed. The unnamed Welland Canal tributary originating downstream of the site is Type 2 Fish habitat hence, stormwater should be treated to Level 2, in accordance with MOEE guidelines. Finally, the NPCA's \$500 plan review has not been submitted to date.

Regional staff have concerns with the reduced residential density and design of the proposed subdivision that should be addressed prior to granting draft approval. Further, information on stormwater management, to the satisfaction of the NPCA, is necessary in order to complete our Provincial planning review. This could also affect the subdivision design. We would be pleased to meet with all relevant parties to discuss these matters further. In the interim, we will require additional time to finalize our review and comments on this development.

Yours truly,

David J. Farley

Director of Planning Services

BD/

c: Mr. E. Henry, Fruitbelt Developments, Niagara Falls

Ms. S. McInnes, MCIP, RPP, Niagara Peninsula Conservation Authority

Mr. W. Stevens, Regional Public Works

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REPORT NO. 103/04 ATTACHMENT NO. 4 PAGE NO. 1/2

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#### THE REGIONAL MUNICIPALITY OF NIAGARA

#### **MEMORANDUM**

DATE:

January 6, 2004

TO:

Brian Dick Planner

Planning and Development Department

FROM:

William J. Stevens, C.E.T.

Development & Approvals Manager

SUBJECT:

Revised Zoning By-law Amendment Application and

Draft Plan of Subdivision (26T-19-03004 and AM-08/03)

Applicant: 527786 Ontario Limited (Eric Henry)

Proposal: To Permit the Creation of 43 Single Detached Dwelling Lots and 1

Block for Walkway and Municipal Servicing Purposes

Location: Pheasant Run Subdivision - W/S of Line Avenue, lying between

Saddler and Bacon Lane In the Town of Pelham

Our File: D.18.06.66.640720505 (ID#2575)

Regional Niagara Public Works Department has reviewed the above-referenced revised Zoning By-law Amendment Application and Draft Plan of Subdivision and provide the following comments:

#### 1) Sanitary Sewage Facilities

A municipal sanitary sewer can be made available to service this subdivision from an existing sanitary sewer along Line Avenue, under the jurisdiction of the Town of Pelham.

As a condition of approval, we would request that the sanitary sewer system designated to service this subdivision be submitted for our review and approval.

#### 2) Water Supply

A municipal supply of water can be made available to service this subdivision from an existing watermain on Line Avenue, under the jurisdiction of the Town of Pelham.

As a condition of approval, we would request that the watermain system designated to service this subdivision be submitted for our review and approval.

#### 3) Storm Drainage

The storm drainage system designed to service this development will require the approval of the Town of Pelham. The Town may require a storm water management scheme to control runoff rates, as well as discharge quality. Such storm water management scheme will require the direct approval of the *Ministry of the Environment*.

Brian Dick Planner Planning and Development Department January 6, 2004 Page 2

REPORT NO. / 03/0' ATTACHMENT NO. 4 PAGE NO. 2/2

#### 4) Ministry of the Environment Certificates of Approval

As this department participates in the MOE Transfer of Approvals Program, we would request that as an additional condition, MOE Certificates of Approval be obtained for the necessary servicing for this development, prior to final approval/registration.

#### 5) Block 44

We would recommend that the developer analyze and review this parcel to determine if the width is sufficient. Block 44 is proposed to be the only point for municipal servicing purposes. This block must then incorporate <u>all</u> the necessary services (water, storm, sanitary, gas cable, etc.) for the proposed subdivision below ground, as well as allow service vehicles/machinery above ground. We would note that MOE requirements stipulate a minimum 2.5 metre horizontal distance separation between water and sewer lines.

#### 6) Household Waste Collection

In order for this household waste collection to be provided the site roadway system is to be adequate for waste collection vehicles to access the site and then leave the site without the need to back up the collection vehicle. An appropriate cul-de-sac (with a minimum 12.8 m radius) or a "T" turnaround is to be provided, until such a time that there is a future westerly street connection.

#### 7) Servicing Allocation

Draft approval does not include a commitment of servicing allocation, but will be assigned at the time of final approval/registration and any pre-servicing will be at the sole risk/responsibility of the developer.

In conclusion, we have no objection to this plan being approved on the condition that the foregoing concerns and requirements are adequately addressed.

William J Stevens, C.E.T.

Development & Approvals Manager

Public Works Department

Operational Support Services Division

#### WJS/cm

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c: Mr. Craig Larmour, Planner, Town of Pelham



#### PLANNING SERVICES REPORT

P-12/04

TO:

Chair, Councillor John Durley, and Members of the General Committee,

Planning Services Division

FROM:

Craig Larmour, Director of Planning Services

DATE OF REPORT:

February 13, 2004

DATE OF MEETING:

February 16, 2004

SUBJECT: DRAFT PLAN OF SUBDIVISION, OFFICIAL PLAN AMENDMENT AND

ZONING BY-LAW AMENDMENT

527786 Ontario Limited (Eric Henry), Line Avenue

#### RECOMMENDATION

THAT the General Committee, Planning Services Division, receive Planning Services Report P-12/04 regarding Draft Plan of Subdivision Application 26T19-03004 and Official Plan and Zoning By-law Amendment Application AM-08/03, 527786 Ontario Limited;

AND THAT the Pheasant Run Draft Plan of Subdivision (File No. 26T19-03004) be approved, as revised, in accordance with the provisions of the Planning Act R.S.O. 1990 as amended, and regulations thereunder, subject to the conditions appended to this report as Attachment No. 1;

AND THAT all parties be advised of Council's decision on this application in accordance with Provincial regulations;

AND THAT the Mayor be authorized to endorse the draft plan as 'approved' twenty days after notice of Council's decision has been given, provided that no appeals against the decision have been registered;

AND THAT the applicant be advised that the Town's draft approval of this subdivision plan will lapse three years from the date of draft approval unless an extension of the approval period is granted by Town Council. If an extension is requested, an updated review and revisions to the conditions of approval may be necessary at that time;

AND THAT Official Plan Amendment Application AM-08/03 be approved with the lands being redesignated from Multi-Family Residential and Open Space to Single Family and Semi-Detached Residential;

AND THAT Staff be directed to prepare and present the necessary adopting by-law for consideration by Council;

AND FURTHER THAT Zoning Amendment Application AM-08/03 be approved with the lands being rezoned from a Residential Multiple 1 RM1-164 Zone and an Open Space OS Zone to a Residential 2 R2 Zone, but that the by-law not be passed by Council until such time as the related subdivision receives draft plan approval and the appeal period for the draft plan approval has expired.

#### LOCATION, BACKGROUND AND POLICY

#### 1. Location

The subject lands are located on the west side of Line Avenue, lying between Saddler Street and Bacon Lane. The lands are legally described as part of Lot 177, former Township of Thorold, Town of Pelham. The location of the lands is illustrated on Attachment No. 2.

#### 2. Background

The subject lands are currently designated Urban Residential according to the Town of Pelham Official Plan and further designated Multi-Family Residential and Open Space in the Lot 177 Secondary Plan. The lands are zoned Residential Multiple 1 RM1-164 and Open Space OS in Zoning By-law No. 1136 (1987), as amended.

The applicant has requested draft approval of a plan of subdivision to permit the creation of thirty-nine (39) single detached lots, one (1) block for walkway and municipal servicing purposes and one (1) block for stormwater management purposes. Attachment No. 3 illustrates the initial proposed plan of subdivision, while Attachment No. 4 illustrates the 'red line' revised plan of subdivision.

In order to facilitate the proposed subdivision, the applicant has requested that the Secondary Plan be amended to redesignate the lands to Single Family and Semi-Detached Residential and that the Zoning By-law be amended to rezone the lands to Residential 2 R2.

#### 3. Planning Act

Section 51 of the Planning Act contains various provisions concerning the subdivision of land, including Section 51(24) which requires that regard be had, among other matters, to health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2:
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) 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 subdivisions with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) 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;

- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (I) the physical layout of the plan having regard to energy conservation.

#### 4. Provincial Policy Statement

Section 3 of the *Planning Act* requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policy statements issued under the Act. To this end, the Town shall have regard for the policies of the Provincial Policy Statement (PPS).

Policy 1.2 of the Provincial Policy Statement requires a municipality to provide a full range of housing types and densities to meet projected demographic and market requirements of current and future residents.

#### 5. Regional Policy Plan

The lands proposed to be developed are located entirely within the Urban Area of Fonthill as identified in the Regional Policy Plan. Policy 5.4 requires that individual urban development proposals within urban areas be dependent on the availability of adequate municipal services to meet the anticipated increased requirements resulting from the development. Policy 5.5 recognizes that the primary responsibility for regulating the types, locations and densities of land uses within the defined urban areas rests with the local municipalities, through their official plans and zoning regulations. Each municipality is expected to prepare these plans with supporting information to regulate the development within their urban areas.

#### 6. Town of Pelham Official Plan

The lands proposed to be developed for residential use are designated Urban Residential according to the Town of Pelham Official Plan. The Urban Residential policies permit various types of residential development and certain institutional uses. The Plan recognizes the need for diversification of its residential housing stock including providing a range of single detached lot sizes.

The lands also lie within the Lot 177 Secondary Plan Area. This Secondary Plan was adopted by Council as Official Plan Amendment No. 17 in October of 1989 to provide policies and a land use plan used in the review of development applications.

Originally, the subject lands were designated Single Detached and Two-Family Residential and Open Space. In March of 2001 Council adopted Official Plan Amendment No. 38, redesignating the subject lands to facilitate a forty-six (46) unit condominium townhouse proposal. As a result, the lands are currently designated Multi-Family Residential and Open Space.

The Plan contains the following relevant policies for the Secondary Plan area from Section 1.57.1 of the Official Plan:

#### Residential

- 1.1 The residential neighbourhood of Lot 177 represents the last sizeable development area within the Town's Urban Area Boundary, and therefore care must be exercised in its growth and development to provide an attractive and viable neighbourhood.
- 1.2 Development within Lot 177 will be co-ordinated with both short term housing demand and long range housing needs. Recognizing the need to increase housing types, the following residential mix should be achieved:

Low Density 80% Single Family and Two Family Units (up to 12 u.p.a.)

Medium Density 20% Multiple Family Attached & Low Rise Apartments (12 to 26 u.p.a.)

- 1.3 The Town shall endeavour to ensure that this mix of dwelling unit types, including lot size and tenure will enable at least 25% of all new residential development to be affordable, as defined in the Provincial Policy Statement on Land Use Planning for Housing.
- 1.4 Development proposals providing for a range of affordable housing in the form of a mix of dwelling unit types, lot sizes and tenure, in accordance with the Provincial Policy, shall be given priority within Lot 177. Lot sizes and dwelling types, sizes and tenure will be based not only on historic household growth for the Town but also the unmet housing needs of the existing households, based on the municipal housing statement.
- 1.5 To provide the opportunity to create affordable housing, the Town will review subdivision/rezoning applications to assess how 25% of all new units can be affordable. These opportunities can be:
  - provided within the application itself;
  - provided in conjunction with other developments;
  - provided in another part of the Town which is designated and zoned by the Municipality to permit affordable housing.
- 1.6 When the servicing capacity for new development is limited, preference will be given to affordable housing projects.
- 1.7 Housing types will be located within Lot 177 in such a manner as to enhance the physical and living environments of the neighbourhood. This will especially be the case for apartments and multiple attached housing so as to increase their desirability and viability as alternative forms of accommodation to the single family detached house.

- 1.8 In the provision of a housing mix, varying lot sizes and tenure, the Town will consider applications for undersized single detached lots and semi-detached units providing the building designs and densities of proposals consider the character and identity of surrounding residential lands. To assist in this review, the developer will be required to provide a streetscape plan demonstrating how the proposal integrates with the neighbourhood.
- 1.9 To maximize accessibility for the largest number of people, medium density housing will be located next to or directly accessible to commercial areas and community facilities such as major parks and open space areas.
- 1.10 In order to minimize the impact of medium density living on the residents of the neighbourhood, medium density developments will be located adjacent to or directly accessible to parks and open space areas.
- **1.11** The development of medium density housing will be generally guided by the land use pattern shown on Schedule "D".
- 1.12 The building height of medium density developments shall not exceed three(3) storeys.
- 1.13 The low density character of the existing residential areas will be protected in the process of considering new development and residential infilling.

#### Parks, Recreation and Open Space

- 4.1 The Municipality is desirous of achieving an integrated park system so that each park is readily accessible to other parklands and the neighbourhood residents.
- 4.2 To ensure that an adequate park is provided within Lot 177, it is intended that:
  - Between 2 to 3 acres of land be established for recreational purposes.
  - The park be centrally located within safe convenient walking distance of the majority of neighbourhood residents.
  - Appropriate linear parks or walkways should be developed to access the park.
- 4.3 The provision of a neighbourhood park within Lot 177 will be generally guided by the land use pattern shown on Schedule "D".
- 4.4 The detailed design of the neighbourhood park will be carried out as soon as possible after the lands are acquired so that landscaping and topographical modifications may be co-ordinated to the advantage of both the Town and developer.

4.5 The Town will endeavour to provide a basic level of recreational facilities in the newly acquired park so that immediate benefits may be derived from this facility. Generally, initial park development will include grading, seeding and the establishment of appropriate plant materials.

#### Servicing and Transportation

- 5.1 The provision of sewerage, water, roads and other municipal services will be achieved with minimum costs to the Town and phased in an orderly and efficient manner.
  - **5.1.1** Development of Lot 177 will occur in two phases:
    - Phase 1 comprising those lands situate generally to the north of Bacon Lane, and
    - Phase 2 comprising the balance of those lands within Lot 177, with development commencing at the southerly located Quaker Road and proceeding in a sequential northerly direction.
  - **5.1.2** Out of phase development will only be considered where the developer is willing to pay the costs of oversizing services beyond the limit of the development to a suitable outlet.
  - 5.1.3 In order to accommodate development within Lot 177, off-site road improvements and storm sewer extensions are required. The cost of undertaking such works shall be borne by the developers.
- 5.2 Lot 177 shall be developed with a high standard of services including sidewalks, paved roadways with curb and gutter, and underground wiring where necessary.
- 5.3 In order to achieve the proper co-ordination of services and consistence in development standards, the orderly subdivision of land by way of plan of subdivision will be promoted throughout Lot 177.
- The road system required to serve Lot 177 is shown on Schedule "D". However, the final alignments of some of the roads may be varied depending on the development proposals that are submitted.
- 5.5 Where any proposed subdivision would preclude the development of a suitable system of interconnecting roadways, as outlined in this Plan, subdivision design modifications will be effected before development proceeds.
- 7. Town of Pelham Zoning By-law No. 1136 (1987)

The lands proposed to be subdivided are currently zoned Residential Multiple 1 RM1-164 and Open Space OS according to Zoning By-law No. 1136 (1987), as amended. The application proposes to rezone the lands to Residential 2 R2 to permit the proposed development.

#### COMMENTS AND DISCUSSION

#### 1. Agency Comments

#### a) Official Plan and Zoning By-law Amendments

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The Regional Planning and Development Department has verbally informed that they have no objection to the proposed amendments.
- The Town's Building Department, the Town's Operations Department, the Regional Public Works Department, the Regional Public Health Department and Bell Canada have indicated that they have no objection to the proposed amendments.

#### b) Plan of Subdivision

The application was circulated to all internal departments and external agencies having an interest in this application. The following comments have been received to date:

- The Regional Planning and Development Department has verbally informed that they have no objection to the proposed development provided stormwater management issues are appropriately addressed within the context of the conditions of draft approval. The Department has further requested that the four (4) lots proposed to be occupied by the temporary stormwater management facility be consolidated as a block of land in order to secure singular ownership of the lands.
- The Regional Public Works Department has informed that they have no objection and request that appropriate conditions be implemented in any final approval of the application for subdivision. A copy of their correspondence is included as Attachment No. 5.
- Bell Canada has requested that implementation of a condition in any approval that addresses the provision of underground services.
- The **District School Board of Niagara** has informed that future students would be accommodated at Glynn A. Green Public School and at E.L Crossley Secondary School and that they have no objection to the proposal.
- The Niagara Regional Police Service has advised that they have no policing concerns other than the installation of appropriate traffic signals within and exiting the proposed subdivision.

- The **Town's Operations Department** has provided a list of recommended conditions of draft approval, included as Attachment No. 6.
- The Town's Building Department has indicated that they have no objection to the proposed amendment.

#### 2. Public Comments

The required Public Meeting was convened by the Town on January 26, 2004. Two neighbouring property owners attended the meeting and signed the attendance sheet, Dan Maurice (1092 Line Avenue) and Dave Steven & Mandy McInnes (1100 Line Avenue). Both parties expressed concern regarding stormwater flowing from the site.

#### 3. Planning Staff Comments

#### Official Plan Amendment

It is proposed that the Lot 177 Secondary Plan be amended by redesignating the subject lands from Multi-Family Residential and Open Space to Single Detached and Two Family Residential.

As noted, the Lot 177 Secondary Plan was adopted as Amendment No. 17 to the Town of Pelham Official Plan in 1989. The Plan provides various policies directing the ideal growth scenario for the tract of land as well as a concept plan for the construction of roadways and infrastructure. A copy of Schedule 'D' to the Official Plan illustrating the land use designations and proposed road pattern is included as Attachment No. 7.

It was recognized from the outset that the development of Lot 177 would be challenging given the degree of fragmentation of the original lot and the large number of property owners involved.

This challenge was realized in the first subdivision development known as Fonthill Homesteads, which was draft approved in 1993. Approval of this subdivision required a significant departure from the Secondary Plan in terms of road layout.

The next significant development within Lot 177 involved the applicant's previous proposal for a 46 unit condominium townhouse proposal on the subject lands. In addition to the redesignation of lands, the proposal required an alteration to the road pattern.

In response to this approval, Planning Staff provided a recommendation report to Council providing a number of scenarios allowing for a reconfigured land use designations and road pattern within Lot 177. Council resolved to utilize an alternative plan recognizing existing development and providing direction for further development of Lot 177. A copy of the concept plan is included as Attachment No. 8.

The proposed development requires further modification to the Plan both in terms of land use designation and road pattern. Revisions to the Lot 177 Plan that are required to facilitate the approval of this application have been examined to address the residential policies of the Secondary Plan.

While the proposal will reduce the variety of housing types on the particular site through the elimination of the townhouse proposal, the proposed development does not affect the overall potential of the Lot 177 plan area to achieve the targeted variety and mix of housing.

With respect to design, the proposed development of these lands is viewed as an opportunity to return to the original intent of the Secondary Plan to provide road connections throughout the plan area.

While Planning Staff are satisfied that the proposal complies with the general intent of the Official Plan, concern regarding departures from the Plan remains. It is recognized that these various modifications have resulted in impacts on the Plan in terms of what was originally anticipated for multi-family development and open space. For this reason, a comprehensive review of the Lot 177 Secondary Plan will be addressed as a component of the Official Plan review and update that is expected to be carried out during the next year.

#### ZONING

The Residential 2 R2 Zone requires minimum lot frontage of 12 metres for an interior lot and 15 metres for a corner lot. In addition, the R2 Zone requires minimum lot area of 360 square metres and permits maximum lot coverage of 50%. The minimum proposed lot frontage is 12.2 metres, while the proposed lot areas range from a minimum of 397 square metres.

#### PLAN OF SUBDIVISION

The proposed Plan of Subdivision and Zoning By-law Amendment are considered to comply with the intent of the Provincial Policy Statement, the Regional Policy Plan and the Town of Pelham Official Plan.

#### Transportation

Ultimately, "Pheasant Run" is intended to be connected to the Lot 177 road network through the extension of the existing Tanner Drive, which is located some distance to the south and west of the lands. That connection is intended to eventually occur through the extension of the proposed road to the west. In the interim, the applicant proposes to construct a temporary road over Lots 17 and 39 accessing Line Avenue.

Approval of this development will result in the integration of the subject lands into the overall development of Lot 177, thereby improving traffic flow within the Secondary Plan area. Regarding the greater area, there are no anticipated impacts on the traffic system.

#### Water Supply

The proposed subdivision will be serviced by connection to the municipal watermain through the extension of the existing service on Line Avenue. Ultimately, the system servicing the subject lands will be connected to the subsequent development of adjacent lands within the Secondary Plan, as required. Proper design will be confirmed through the approval of the Operations Department as required in the recommended conditions of draft approval.

#### Sanitary Sewer

The proposed subdivision will be serviced by extension of the existing sanitary sewer system on Line Avenue. Ultimately, the system servicing the subject lands will be connected to the subsequent development of adjacent lands within the Secondary Plan, as required. Proper design will be confirmed through the approval of the Operations Department as required in the recommended conditions of draft approval.

#### Sidewalks

As a condition of approval, the applicant will be required to construct sidewalks in accordance with Town policy.

#### Stormwater Management

A small portion of the lands fronting Line Avenue lies within the Singer Drain drainage area, while the balance of the subject lands are located within the Draper's Creek watershed. Unfortunately, the Draper's Creek outlet cannot be realized until such time as the outlet is constructed through the extension of Tanner Drive to this site. In the interim, it is proposed that stormwater from this development be detained within a temporary facility that outlets to the Singer Drain. Ultimately, the temporary facility will be removed at such time as the stormwater infrastructure is extended to this site.

Regional Planning and Development Staff have verbally requested that the area dedicated to the temporary stormwater management facility be identified as a single block of land and that subdivision of that parcel be delayed until such time as the temporary facility is no longer required. Planning Staff support this recommendation in order to ensure that the lands remain in single ownership. It is not anticipated that this revision will create a hardship for the development, as the lands may be divided into a minimum of four (4) lots through exemption of part lot control once the stormwater management facility is no longer required.

Conditions of draft approval require that a stormwater management plan be submitted to the Town, Region and Niagara Peninsula Conservation Authority for review and approval. The stormwater management plan will address both the temporary and ultimate design. Design of the system will also require the issuance of a Certificate of Approval by the Ministry of Environment.

The developer will be required to pay a proportionate share of the oversizing cost of the Draper Creek system to the extent that the lands will benefit as a condition of draft approval. Additionally, the applicant will be required to oversize the stormwater system servicing these lands to accommodate upland flows.

#### Adjacent lands

Surrounding lands are currently used or designated and intended to be used for residential purposes.

#### Affordability

The Region has indicated that the housing units provided within this plan are not considered to be affordable, however, the Region has not provided figures for what is considered affordable. As previously noted, the Provincial Policy Statement encourages housing forms and densities designed to be affordable to moderate and lower income households. The Town has continually viewed the Lot 177 Secondary Plan area as providing the opportunity for affordable housing and the Plan policies support this view.

The applicant has informed that the anticipated sale price of the proposed units is between \$175,000.00 and \$225,000.00. While on the surface the figure may not appear to be "affordable", this price is far below the value of dwellings constructed in other subdivisions recently approved within the Town. In the past, the Region has provided a figure that applies across the Region. It may be necessary for the Region to recognize the various market conditions that exist within the area municipalities on a more local scale.

Staff note that opportunities for affordable housing remain within Lot 177 where multi-family developments may be accommodated. As well, the northern area of the expanded Fonthill East Urban Area (Area 2) holds potential for the accommodation of a wide range of housing types. In the future, it will be necessary for the Region and the Town to review this matter of affordability in greater detail.

#### Institutional/Recreational Uses

The District School Board of Niagara has no objection to the proposed subdivision and confirm that future students from the Pheasant Run Subdivision will attend Quaker Road Public School and E. L Crossley Secondary School.

Comments have not been received from the Niagara District Catholic School Board, however, it is assumed that future students will attend St. Alexander Catholic School and Notre Dame College.

Various church facilities are located within the area.

Recreational opportunities exist at the Pelham Arena property and Harold Black Park, located to the south on Häist Street, as well as the Steve Bauer Trail System to the east. Additionally, a future park has been identified within Lot 177 to the north.

The subject site appears to be adequately served by various institutional and recreational facilities within the general vicinity of the subject lands.

#### Zoning

Planning Staff are of the opinion that the proposed zoning is appropriate for the development of the lands and that it complies with the purpose and intent of the Official Plan.

#### CONCLUSION

Planning Staff are of the opinion that the application for plan of subdivision complies with the requirements of Section 51(24) of the *Planning Act.* Planning Staff are also of the opinion that the amendment to the Secondary Plan conforms with the purpose and intent of the Official Plan and that the Zoning By-law Amendment conforms with the purpose and intent of the Official Plan.

#### **ATTACHMENTS**

- 1. Conditions of Draft Approval
- 2. Location Map
- 3. Proposed Plan of Subdivision
- 4. Redline Revised Plan
- 5. Regional Public Works Department comments, dated January 6, 2004
- 6. Town Operations Department, dated January 5, 2004
- 7. Lot 177 Secondary Plan Schedule 'D' to the Official Plan
- 8. Lot 177 Concept Plan Council approved February 2001

Prepared by,

Sraig Larmour

Director of Planning Services

Approved and Submitted by,

Gordon Cherney

Chief Administrative Officer

#### CONDITIONS OF DRAFT APPROVAL PHEASANT RUN SUBDIVISION TOWN OF PELHAM

The conditions for final approval and registration of the Pheasant Run Subdivision,527786 Ontario Limited, Town of Pelham, File 26T19-03004 are:

- 1. That this approval applies to the Pheasant Run Draft Plan of Subdivision, Part of Lot 177 (former Township of Thorold, County of Welland), Town of Pelham prepared by Allan J. Heywood, OLS, September 8, 2003, as revised on February 13, 2004 containing thirty-nine (39) single detached dwelling lots, one (1) block for municipal water and sanitary sewer services and one (1) block for stormwater management purposes.
- 2. That the Owner receive final approval from the Town for requisite official plan and zoning by-law amendments in order to provide land use regulations to guide the development of the lands within the subdivision.
- 3. That the Owner provide three (3) calculated plans and an electronic file prepared by an Ontario Land Surveyor and a letter to the Town's Planning Services Department confirming that all lots comply with the Town's Comprehensive Zoning By-law.
- 4. That the Owner provide six (6) copies of the pre-registration plan to the Town's Planning Services Department and a letter stating how all the conditions imposed have been or are being fulfilled.
- 5. That all roadways to be dedicated as public highways and named to the satisfaction of the Town.
- 6. That the Owner pay all relevant development charges in force at the time of issuance of building permits.
- 7. That the Owner grant and convey to the Town any easements required for servicing the subdivision.
- 8. That the Owner pay cash-in-lieu of parkland dedication to the satisfaction of the Town.
- 9. That the Owner dedicate to the Town Block 40 for walkway and municipal servicing purposes, free and clear of any mortgages, liens and encumbrances.
- 10. That the Owner enter into separate agreements with the appropriate utility companies to provide electrical distribution, cable TV distribution, natural gas and telephone service to each lot within the subdivision and grant any easements to the utility companies as determined necessary by the utility companies to provide utility service to each lot within the subdivision.

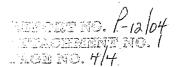
**NOTE:** All such shallow utility plants shall be constructed underground.

- 11. That the Owner enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Town, and if no such conditions are imposed, the Owner shall advise the Town of the arrangement made for such servicing.
- 12. That the Lot Grading and Drainage Policy of the Town be applied to this subdivision with amendments as necessary to take into consideration the characteristics of the site.
- That the subdivision be designed and constructed in accordance with established Town practices, guidelines and policies which in part include the following:
  - a) All subdivision road allowances be 20 metres in width.
  - b) A water distribution system, sanitary sewer system and storm sewer system.
  - c) 1.5 metre wide concrete sidewalks to be installed at various locations determined by the Town consistent with Town policy related to provisions of sidewalk in all new development.
- 14. That the Owner enter into a Subdivision Agreement with the Town of Pelham to satisfy all requirements, financial and otherwise related to the development of the subject lands.
- 15. That the Subdivision Agreement between the Owner and the Town be registered by the Town against the lands to which it applies, pursuant to the provisions of the *Planning Act*.
- 16. That the Owner submit a Solicitor's 'Certificate of Ownership' for the Subdivision to the Town's Solicitor prior to preparation of the Subdivision Agreement.
- 17. That the Owner provide detailed lot grading and drainage plans, indicating both existing and proposed grades and means whereby system flows will be accommodated across the site to the Town for review and approval.
- 18. That the Owner provide detailed sedimentation and erosion control plans, indicating how sedimentation and soil erosion will be controlled during and after the construction phase, in accordance with the Ministry of Environment and Energy document entitled "Storm Water Management Practices Planning and Design Manual" June 1994, to the Town for review and approval.
- 19. That the Owner agree to implement the approved lot grading and drainage plans and sedimentation and erosion control plans as indicated in condition 17 & 18 above.
- 20. That the Owner agree to re-vegetate or otherwise restore all disturbed areas immediately upon the completion of the works to the satisfaction of the Town.

21. That the Owner provide a detailed servicing design drawing for the water, sanitary sewers, storm sewers and storm water facilities, required to service the subject lands to the Town's Operations Department and Regional Niagara Public Works Department for review and approval.

**NOTE:** The proposed storm water management scheme may require the direct approval of the MOEE's Approvals Branch, Toronto.

- 22. That prior to final approval and registration of this plan, the Owner shall obtain a Ministry of Environment and Energy "Certificate of Approval" to the satisfaction of the Town's Operations Department and Regional Public Works Department, for the required servicing of this plan of subdivision.
- 23. That the Owner pay the proportionate share of costs for the over-sized storm sewer outlet for the Lot 177 drainage area that was originally front-ended by the Town.
- 24. That the Owner acknowledge promptly to the Regional Planning and Development Department that draft approval of this subdivision does not include a commitment of servicing allocation by the Regional Municipality of Niagara, as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
- 25. That immediately following notice of draft plan approval, the Owner shall provide the Regional Niagara Planning and Development Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indicating that a servicing allocation for this subdivision will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the Subdivision Agreement between the Owner and the Town of Pelham.
- 26. That the Owner provide detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Town for review and approval.
- 27. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed stormwater management plan designed and sealed by a suitable qualified professional engineer, to the Town for review and approval. Said plan shall indicate the following:
  - a) The manner in which stormwater will be conveyed across and away from the site, in both major and minor systems, using storm water management techniques in accordance with the Ministry of Environment and Energy documents entitled "Stormwater Management Practices and Design Manual", June 1994 as revised, and "Stormwater Quality Guidelines for New Development", May 1991, as revised;
  - b) A detailed engineering submission providing an assessment of any downstream and upstream constraints and how these constraints will be addressed (at minimum, the stormwater management system would provide Level 2 protection for downstream fisheries resources); and



- c) Site grading plans.
- 28. The Owner landscape and/or fence the stormwater facility located within Block 41 to the Town's satisfaction.
- 29. That if final approval is not given to this plan within **three (3) years** of the draft plan approval date and no extensions have been granted, draft approval will lapse. If the Owner wishes to request an extension to the draft plan approval period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.

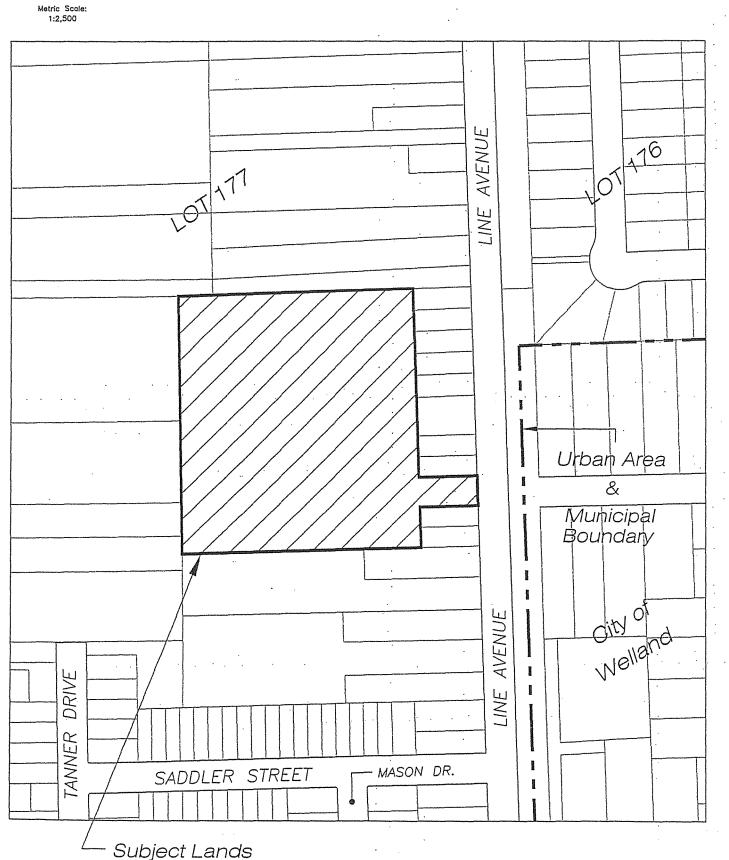
#### **CLEARANCE OF CONDITIONS**

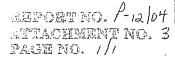
Prior to granting of the final approval of the final plan, the Pelham Planning Services Department shall require written notification from the following agencies that their respective conditions have been satisfactorily met:

•	Town of Pelham Conditions 2 to 10, 12 to 23, 26 to 28
•	Regional Niagara Public Works Conditions 21 and 22
•	Regional Niagara Planning Department Conditions 24, 25 and 27
8	Ministry of Environment
•	Bell Canada



# LOCATION MAP PAGE NO. 1/11 LOCATION MAP







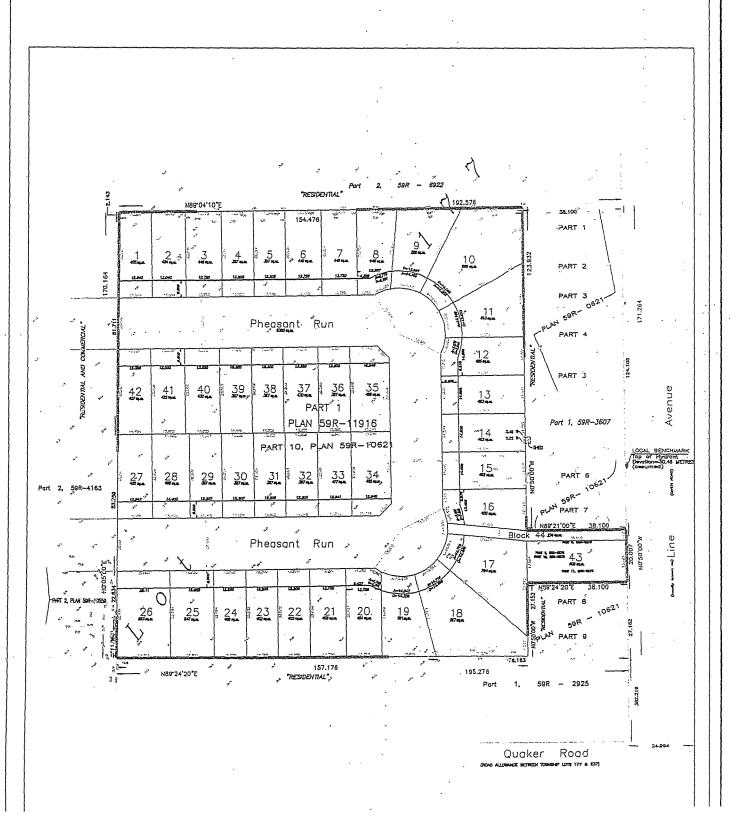
Metric Scale: N.T.S.

# Pheasant Run

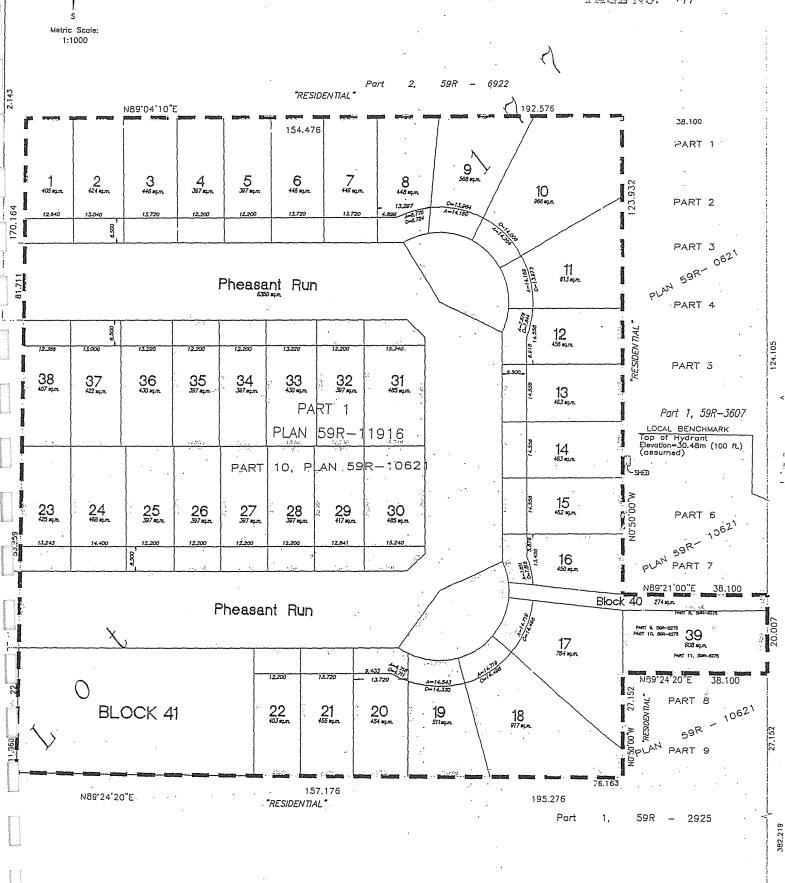
being a Draft Plan of Subdivision of Part of LOT 177 (GEOGRAPHIC TOWNSHIP OF THOROLD) TOWN OF PELHAM

REGIONAL MUNICIPALITY OF NIAGARA

Matthews, Cameron, Heywood — Kerry T. Howe SURVEYING LIMITED LLN:33740 Special File: 2003



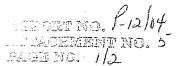




Road Quaker (ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 177 & 237)



## THE REGIONAL MUNICIPALITY OF NIAGARA



JAN 1 3 2004

TOWN OF FFI ---

### MEMORANDUM

DATE:

January 6, 2004

TO:

Brian Dick Planner

Planning and Development Department

FROM:

William J. Stevens, C.E.T.

Development & Approvals Manager

SUBJECT:

Revised Zoning By-law Amendment Application and

Draft Plan of Subdivision (26T-19-03004 and AM-08/03)

Applicant: 527786 Ontario Limited (Eric Henry)

Proposal: To Permit the Creation of 43 Single Detached Dwelling Lots and 1

Block for Walkway and Municipal Servicing Purposes

Location: Pheasant Run Subdivision - W/S of Line Avenue, lying between

Saddler and Bacon Lane In the Town of Pelham

Our File: D.18.06.66.640720505 (ID#2575)

Regional Niagara Public Works Department has reviewed the above-referenced revised Zoning By-law Amendment Application and Draft Plan of Subdivision and provide the following comments:

### 1) Sanitary Sewage Facilities

A municipal sanitary sewer can be made available to service this subdivision from an existing sanitary sewer along Line Avenue, under the jurisdiction of the Town of Pelham.

As a condition of approval, we would request that the sanitary sewer system designated to service this subdivision be submitted for our review and approval.

# 2) Water Supply

A municipal supply of water can be made available to service this subdivision from an existing watermain on Line Avenue, under the jurisdiction of the Town of Pelham.

As a condition of approval, we would request that the watermain system designated to service this subdivision be submitted for our review and approval.

#### 3) Storm Drainage

The storm drainage system designed to service this development will require the approval of the Town of Pelham. The Town may require a storm water management scheme to control runoff rates, as well as discharge quality. Such storm water management scheme will require the direct approval of the *Ministry of the Environment*.

11 DET NO. P-12/04 11 ACHMENT NO. 5

# 4) Ministry of the Environment Certificates of Approval

As this department participates in the MOE Transfer of Approvals Program, we would request that as an additional condition, MOE Certificates of Approval be obtained for the necessary servicing for this development, prior to final approval/registration.

## 5) Block 44

We would recommend that the developer analyze and review this parcel to determine if the width is sufficient. Block 44 is proposed to be the only point for municipal servicing purposes. This block must then incorporate <u>all</u> the necessary services (water, storm, sanitary, gas cable, etc.) for the proposed subdivision below ground, as well as allow service vehicles/machinery above ground. We would note that MOE requirements stipulate a minimum 2.5 metre horizontal distance separation between water and sewer lines.

#### 6) Household Waste Collection

In order for this household waste collection to be provided the site roadway system is to be adequate for waste collection vehicles to access the site and then leave the site without the need to back up the collection vehicle. An appropriate cul-de-sac (with a minimum 12.8 m radius) or a "T" turnaround is to be provided, until such a time that there is a future westerly street connection.

## 7) Servicing Allocation

Draft approval does not include a commitment of servicing allocation, but will be assigned at the time of final approval/registration and any pre-servicing will be at the sole risk/responsibility of the developer.

In conclusion, we have no objection to this plan being approved on the condition that the foregoing concerns and requirements are adequately addressed.

William J. Stevens, C.E.T.

Development & Approvals Manager

Public Works Department

Operational Support Services Division

WJS/cm

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c: Mr. Craig Larmour, Planner, Town of Pelham



REPORT NO. P-12/04 ATTACHMENT NO. 6 PAGE NO. 1/4

#### MEMORANDUM

TO:

C Larmour, Director of Planning Services

FROM:

L. J. Hodge, P Eng., Director of Operations

DATE:

January 5, 2004

RE:

<u>Draft Plan Conditions and Conditions of Final Approval</u> Pheasant Run Subdivision, File No. 26T19-03004

#### GENERAL:

These approval conditions apply to the Pheasant Run Subdivision, West Side of Line Avenue, Lying between Saddler and Bacon Lane, Part of Lot 177, Former Township of Thorold, now Town of Pelham, owned by 527786 Ontario Limited (Eric Henry).

- 1. All roadways to be dedicated as public highways and named to the satisfaction of the Town.
- 2. The owner pays cash-in-lieu of parkland dedication to the satisfaction of the Town.
- 3. The Lot Grading & Drainage Policy of the Town be applied to this subdivision with amendments as necessary to take into consideration in the characteristics of the site.
- 4. The owner pays all relevant development charges in force at the time of issuance of building permits.
- 5. The owner grants and conveys to the Town any easements required for servicing the subdivision.
- 6. The subdivision be designed and constructed in accordance with established Town practices, guidelines and policies which in part include the following:
  - a. All subdivision road allowances be 20m in width
  - b. A water distribution system, sanitary sewer system and storm sewer system
  - c. A 1.5m wide concrete sidewalk is installed at various locations determined by the Town consistent with Town policy related to provisions of sidewalk in all new development.
- 7. The owner enter into separate agreement with the appropriate utility companies to provide electrical distribution, cable TV distribution, natural gas and telephone service to each lot within the subdivision.



NOTE: All such shallow utility plant shall be constructed underground.

-2-

- 8. Provide a detailed servicing design drawing for the water, sanitary sewers and any storm water facilities, required to service the subject lands to the Town and Regional Niagara Public Works Department for review and approval.

  NOTE: Any storm water management scheme may require the direct approval of the MOE's Approvals Branch, Toronto.
- 9. Provide detailed engineering design drawings for the roads, sidewalks and street lighting facilities required to service the subject lands to the Town for review and approval.
- 10. The owner enters into a registered Subdivision Agreement with the Town of Pelham to satisfy all requirements, financial and otherwise related to the development of the subject lands.
- 11. That the Subdivision Agreement between the Owner and the Town be registered by the Town against the lands to which it applies, pursuant to the provisions of the Planning Act.
- 12. The owner submits a Solicitor's Certificate of Ownership for the Subdivision to the Town's Solicitor prior to preparation of the Subdivision Agreement.
- 13. Provide detailed lot grading and drainage plans, to indicate both existing and proposed grades and the means whereby system flows will be accommodated across the site for review and approval by the Town.
- 14. Provide detailed sedimentation and erosion control plans, to indicate how soil erosion and sedimentation will be controlled during and after the servicing construction phase, in accordance with the "Storm Water Management Practices Planning and Design Manual" June 1994, MOE to the Town for review and approval.
- 15. In particular the owner agrees to submit for approval by the Director plans showing how erosion control devices approved for this subdivision development will be continuously monitored for functionality and continuously maintained/kept in repair during periods of residential building construction and lot grading and landscaping activities.
- 16. The owner agree in the executed subdivision agreement to;
- a. Implement the Town's approved lot grading and drainage plans and sedimentation and erosion control plans as indicated in condition 13 & 14 & 15 above.

REPORT NO. P-12/04 ATTACEMENT NO. 6 PAGE NO. 3/4

b. Re-vegetate or otherwise restore all disturbed areas immediately upon the completion of the works to include as may be necessary construction of temporary silt containment devices within residential building lots, sod major swales or any other means suitable to site conditions so as to control silt transport either by air or water borne means off the subdivision lands to the Director's satisfaction.

17. Prior to final approval and registration of this plan, the owner shall obtain Ministry of Environment "Certificate of Approval" to the satisfaction of the Town for the required servicing of this plan of subdivision.

18. That prior to approval of the final plan or any on-site grading, the owner shall submit a storm water management plan designed and sealed by a suitably qualified professional engineer, to the Town for review and approval. At the very least the SWM Plan shall indicate the following;

- a. The manner in which storm water will be conveyed across and away from the site in both major and minor systems, using storm water management techniques in accordance with the MOE publication titled: "Storm Water Management Practices and Design Manual", Mar 2003.
- b. The SWM Plan shall also detail the manner in which storm water runoff from this development will be controlled to predevelopment levels in the event that a permanent storm sewer outlet to the Draper's Creek storm water pond is not available to the development at the time primary servicing commences.
- c. A detailed engineering submission providing an assessment of any downstream and upstream constraints and how these constraints will be addressed (at minimum, the storm water management system would provide Level 2 protection for downstream fisheries resources);
- d. Site grading plans.
  - 13 That the Developer provide three calculated plans and an electronic file prepared by an Ontario Land Surveyor and a letter to the Town's Planning Services Department confirming that all lots comply with the Town's Zoning By-law.
  - 14 That the Developer provides six copies of the pre-registration plan to the Town's Planning Services Department and a letter stating how all the conditions imposed have been or are to be filled.
  - 15 That immediately following notice of draft plan approval, the owner shall provide the Regional Planning Department with a written undertaking that all offers and agreements of purchase and sale, which may be negotiated prior to registration of this subdivision, shall contain a clause clearly indication that a servicing allocation for this subdivision

MEPORT NO. P-12/04 ATTACHMENT NO. 6 PAGE NO. 4/4

will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the developer and the Town.

#### SPECIFICS:

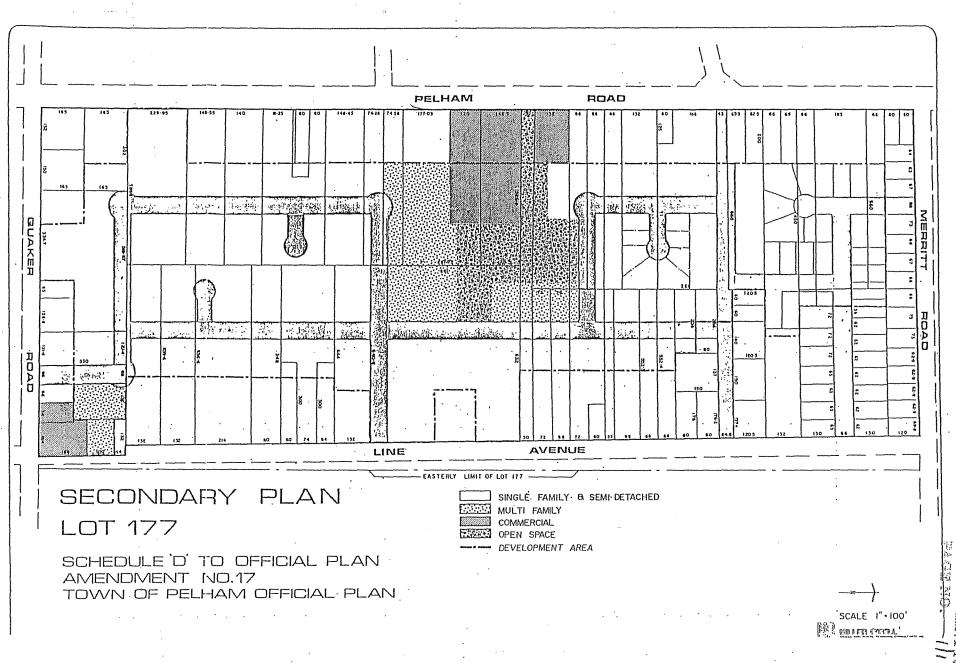
1. The owner agrees to pay to the Town a prorated portion of costs front ended by the Town to provide a storm outlet and storm water detention facility to accommodate developable lands within Lot 177 in accordance with formulae contained in an agreement between the Town and South Pelham Developments in 1995 and deposited in the Niagara South Land Titles Office. (Instrument No. 698625)

Comment: Craig, this needs to be

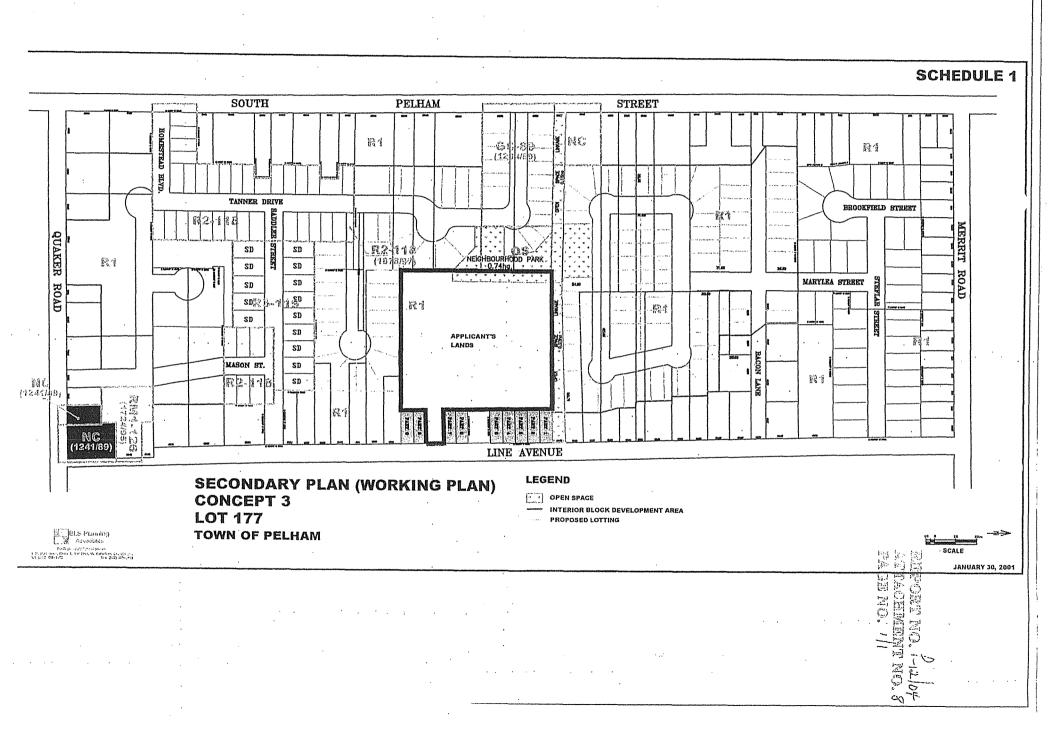
2. The owner agrees to pay to the Town a prorated portion of costs of oversized storm sewers in the Homesteads Subdivision in accordance with formulae contained in an agreement between the Town and South Pelham Developments in 1995 and deposited in the Niagara South Land Titles Office. (Instrument No. 698625).

Comment: Craig, this needs to be confirmed.

- 3. The owner agrees to construct a temporary road access from Line Ave to this subdivision to the Towns standards ant to maintain this temporary roadway until such time as a second permanent road access to this subdivision becomes available in future.
- 4. The owner dedicates a 0.3m reserve at the extremities of the internal roads and privately owned lands to the west.
- 5. The owner agrees to provide full time resident inspection services during primary and secondary servicing of this subdivision at his expense and to provide the Director with weekly inspection reports in a format approved by the Director.
- 6. The owner agrees to obtain at his expense all necessary quality assurance inspection and to provide quality assurance test and inspection results to the Director in a timely manner.



SCHEDULE "D'



# THE CORPORATION OF THE TOWN OF PELHAM

IN THE MATTER OF SECTION 17 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED

TOWN OF PELHAM OFFICIAL PLAN AMENDMENT NO. 49

Part of Lot 177, former Township of Thorold, now Town of Pelham

# <u>AFFIDAVIT</u>

I, <u>CRAIG LARMOUR</u>, DIRECTOR OF PLANNING SERVICES OF THE TOWN OF PELHAM, IN THE REGIONAL MUNICIPALITY OF NIAGARA, MAKE OATH AND SAY AS FOLLOWS:

- (1) I am the Director of Planning Services of the Corporation of the Town of Pelham and as such I have knowledge of the matters herein set forth.
- (2) The information required under Section 6(2) of Ontario Regulation 198/96 attached as Schedule "A" is provided and is true.

SWORN BEFORE ME AT THE TOWN OF PELHAM )
IN THE REGIONAL MUNICIPALITY OF NIAGARA )
THIS 24TH DAY OF MARCH, 2004 A.D. )

RAIG LARMOUR, MCIP, RPP

CHERYL MICLETTE, CLERK

CHERYL MICLETTE, Clerk, Town of Pelham, a Commissioner, for taking Affidavits in the Regional Municipality of Niagara

- 1. Pelham Council is submitting an Official Plan Amendment.
- 2. The proposed amendment does not replace an existing official plan.
- The lands are described as Part of Lot 177, former Township of Thorold, now Town of Pelham
  - ii) The proposed amendment affects approximately 2.735 hectares (6.76 acres).
  - iii) The proposed amendment does not change, replace or delete a policy in the official plan.
  - iv) Not applicable.
  - v) The proposed amendment does not add a policy to the official plan.
  - vi) The purpose of the policy amendment is to change the Lot 177 Secondary Plan designation from Multi-Family Residential and Open Space to Single Family and Semi Detached Residential to accommodate the subdivision of the lands for a total of 44 single detached dwelling lots.
  - vii) The subject land lies within the Urban Area Boundary and is currently designated Urban Residential and further designated Multi-Family Residential and Open Space in the Lot 177 Secondary Plan. The predominant use of land in the Multi-Family Residential category shall be multi-family dwellings. The predominant uses of land in the Open Space category are forestry, agriculture, conservation uses and public parks.
  - viii) The proposed amendment does change a designation.
  - ix) The proposed amendment changes lands designated Multi-Family Residential and Open Space lands to Single Family and Semi Detached Residential.
  - x) The proposed amendment would allow the use of lands for a subdivision of single family and semi detached dwellings.
  - xi) The subject land is also affected by a Zoning By-law Amendment application. There are other lands within 120 metres of the subject land that are the subject of a consent application.
  - xii) The associated Zoning By-law Amendment application is known as File No. AM-8/03 and the Town of Pelham is the approval authority considering the application. The purpose of the Zoning By-law Amendment application is to permit the subdivision of the lands for single detached dwelling use. The by-law will be presented to Town of Pelham Council after the final approval of OPA 49.

LIST OF PUBLIC BODIES GIVEN NOTICE OF PROPOSED PLAN OR AMENDMENT BUT WHICH DID NOT RESPOND

D. Maniccia, Manager of Operations Niagara Catholic District School Board 427 Rice Road WELLAND ON L3C 7C1

Manager Land Services Enbridge Consumers Gas P. O. Box 650 TORONTO ON M1K 5E3

Land Use Planning Section Real Estate Services Hydro One Networks Inc. 483 Bay St. 15<sup>TH</sup> Floor TORONTO ON M5G 2P5

Attn: Secretary Enbridge Consumers Gas P. O. Box 1051 THOROLD ON L2V 5A8

Crossings Co-ordinator Enbridge Pipelines Inc. 801 Upper Canada Drive P. O. Box 128 SARNIA ON N7T 7H8

TransCanada Pipelines TransCanada Pipelines Tower P. O. Box 1000, Stn. M Calgary AB T2P 4K5

Chief of Police Regional Niagara Police Dept. 68 Church St. St. Catharines ON L2R 3C6

# Appendix H

## AMENDMENT BEING INITIATED BY:

APPLICANT-

527786 Ontario Limited 1959 Fruitbelt Parkway Niagara Falls ON L2E 6S4 (905) 262-5654

REGIONAL PROCESSING FEE TO BE PAID BY APPLICANT

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