

Planning Justification Report

For

368 Aqueduct Street & 155 Gadsby Ave

Part of Township Lot 239 Thorold,

City of Welland

Regional Municipality of Niagara

Prepared by:

Joseph M. Tomaino, MCIP, RPP

127 Aqueduct Street

Welland, Ontario

L3C 1B9

Prepared for:

Lucchetta Builders Inc.

December 21, 2020

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1.0 THE PROPOSAL AND REQUIRED PLANNING APPROVALS

Lucchetta Builders Inc. would like to proceed with the redevelopment of the subject property to accommodate 8 condominium townhouses (Block A) and a residential building lot (Block C). The official plan designates part of the lands Open Space & Recreation which does not permit residential uses. **(Development Plan-Appendix 1)**

Therefore, an official plan amendment would be required to recognize the residential use for the property.

The City of Welland Zoning By-law 2017-117, zones the property Residential Low Density 1 –RL1 Zone and Open Space & Recreation O1 Zone. The RL1 and O1 Zones do not permit townhouses.

Therefore, a zoning by-law amendment would be required to permit the proposed 8-unit townhouse development and one residential building lot.

The report demonstrates that the proposal is keeping with Provincial and Municipal land use planning policies. The subject proposal would be compatible with the surrounding land uses and implements the vision for the City of Welland.

Lucchetta Builders Inc. retained Joseph M. Tomaino in December of 2019 to prepare a planning justification report for the subject development.

The Appendixes contain some additional information specifically the notes from the pre-consultation meeting held on June 6, 2019. **(Appendix 3)**

2.0 DESCRIPTION OF THE SUBJECT LANDS

The subject lands are comprised of two properties, 368 Aqueduct Street and 155 Gadsby Avenue with having frontage on both streets. The parcel is approximately 152 metres by 47.5metres and approximately .63 hectares. The lands are relatively flat and is on a local municipal road with full municipal services. The lands are legally described as Part of Township lot 239, Geographic Township of Thorold, City of Welland, Regional Municipality of Niagara. Development Plan **(Appendix 1)** attached to this submission.

3.0 SURROUNDING LAND USES

The subject lands are located within the urban built-up area of the City of Welland. The lands are surrounded by various urban land uses as follows:

North- Residential and Park

East- Residential

South- Residential

West-Residential

The proposed development is compatible with the surrounding land uses.

4.0 REVIEW OF PLANNING POLICY FRAMEWORK

The subject lands are within a settlement area under the Provincial Policy Statement (2020) (“PPS”) and the Built Up area under the 2019 Places to Grow, for the Greater Golden Horseshoe (Growth Plan). According to the Region of Niagara Official Plan, the lands are within the Urban Area and the Built-Up Area for the City of Welland. A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure.

The PPS provides broad policy direction on matters of provincial interest related to land use planning and development. The policies that directly apply to the proposed development of the subject lands include:

“1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of residential (including second unites, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems , and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate”*

The development of the subject lands for residential purposes will provide another form of housing to meet the long-term needs of future residents. In addition, the form and scale of development provides a cost-effective pattern of development minimizing land consumption and servicing costs as it takes advantage of existing services.

Section 1.1.3.1 of the PPS states:

“Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”

The subject lands are located within the built up area of the City of Welland. The proposed development contributes growth to the City of Welland settlement area.

Section 1.1.3.2 of the PPS is also of particular relevance as it states:

“Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:*
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for the unjustified and/or uneconomical expansion;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. support active transportation;*
 - 5. are transit-supportive, where transit is planned, exists or may be developed; and*
 - 6. are freight-supportive; and*
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

The proposed development for residential purposes utilizes the existing municipal and regional infrastructure currently in place to service the subject lands. The subject lands are an underutilized land parcel of land within the settlement area. The proposed development provides intensification within the City of Welland settlement area.

Further, with respect to housing, Section 1.4.3 of the PPS states that Planning Authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents.

Section 1.6.6.2 of the PPS outlines the preferred method of servicing for new development and states:

“Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within the settlement areas on existing municipal sewage services and municipal water services should be promoted wherever feasible.”

The proposed development will be serviced by water and sanitary services that are currently available in close proximity to the subject lands.

Based on the above-mentioned policies, the proposed Official Plan and Zoning By-law Amendment Applications are consistent with the policies of the PPS (2020).

The subject land is located within the Built-Up Area under the 2019 Places to Grow, for the Greater Horseshoe (Growth Plan). The proposed development provides growth within the built-up area of the City of Welland, through intensification of an underutilized parcel of land. The development will make efficient use of existing municipal water and wastewater systems.

Provincial policy requires a minimum of 40% of all new residential development occurring annually to be located within the designated "Built-up Areas as part of each municipality's intensification target. The proposed development contributes to the City's intensification target by providing growth within the built up area of the City.

Based on the above-mentioned policies, the proposed Official Plan and Zoning By-law Amendment Applications conform to the objectives and policies in the Provincial Growth Plan.

The subject lands are within the Urban Area of the Niagara Regional Official Plan. A full range of residential, commercial, and industrial uses are permitted generally within the Urban Areas, subject to the availability of adequate municipal services and infrastructure. The Regional Official plan promotes higher density in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. The subject lands are serviced by full municipal services.

Based on the above-mentioned policies, the proposed Official Plan and Zoning By-law Amendment Applications conform with the policies of the Regional Official Plan.

The City of Welland Official Plans designates the subject lands as Low Density Residential which permits single detached dwellings, semi-detached dwellings, duplex dwellings, triplexes and townhouses. This designation is intended to provide a mix of residential housing at a minimum density of 15 dwelling units per net hectare of land and a maximum density of 24 dwelling units per net hectare of land. The redevelopment for a total of nine dwelling units falls within this permitted density range.

The Official Plan for the City of Welland also contains policies related to infill intensification within existing residential areas. Section 4.2.3.6 of the Official Plan encourages infill development throughout the City's Built-Up Area. The proposal also addresses the criteria contained within this Section as follows:

- i. Land Use and neighbourhood character compatibility-* The subject lands are intended to be developed with a mix of residential uses, including a single detached lot and 8 condominium bunlow townhouses.
- ii. Lot Pattern and configuration-* The subject lots are similar in size and shape to the other lots in the neighbourhood.
- iii. Accessibility-*the development will have frontage on a public road.
- iv. Parking-*The minimum parking requirements will be met and exceeded.
- v. The potential for additional traffic and traffic maneuverability-*The proposed development will have a minimal increase in traffic and will not impact traffic maneuverability.
- vi. The potential for transit ridership-*An increase in density will create a demand for transit services.
- vii. Natural and built heritage conservation/protection-*The natural areas are to be protected.

- viii. *The available capacity of municipal infrastructure; and* -Municipal infrastructure is available and there is capacity to support this development.
- ix. *Residential intensification targets identified in the plan-* The proposed development will assist the City in achieving a goal of 60% of new residential development within the built up area.

It is my opinion that the proposed development supports the policy objectives of the City of Welland's Official Plan.

5.0 CURRENT ZONING

The City of Welland Zoning By-law 2017-117, zones the property Residential Low Density 1 –RL1 Zone and Open Space & Recreation O1 Zone. The proposed development does not comply with the existing zoning and therefore an application to amend the current zoning by-law is required.

6.0 ZONING BY-LAW AMENDMENT

To facilitate the proposed 8-townhouse condominium development and a residential lot a zoning by-law amendment is required to rezone the lands from RL1 and O1 to a RL2 Zone.

A Zoning By-law amendment application is included as part of the submission materials.

7.0 PLAN OF CONDOMINIUM

Once the Official Plan and Zoning By-law amendments for the lands is approved, the development will be subject to plan of condominium application. The draft plan of condominium application is being submitted concurrently with the Official Plan and Zoning By-Law Amendment applications. Draft Plan of Condominium (**Appendix 2**) attached to this submission.

8.0 SUPPORTING STUDIES

Two supporting studies were completed on behalf of Lucchetta Builders Inc. A Site Serving Design Brief was prepared by Rusit & Associates on November 28, 2019. A Scoped Environmental Impact Study was prepared by 8Trees Incorporated on September 30, 2020.

Both supporting studies are included as part of the submission materials.

Scoped Environmental Impact Study prepared by 8Trees Incorporated

The Scope EIS Report recommends designating the Aqueduct Park portion of the woodland, as Environmental Protection (EP) due to the presence of WWA and Species at Risk bats. Given the habitat use by Little Brown Bat within the Subject Lands and presence of mature oak trees, the lands should be designated as Environmental Conservation (EC), to protect the eastern portion of the woods.

Considering the reduced development area, the reports suggests that the landowner and city trade the woodlands for the grassed mowed areas within the park to balance development needs in non-sensitive areas while protecting sensitive habitat for species at risk. This will allow for the development of a woodland stewardship plan that incorporates the recovery needs for species at risk within the greater public context.

The proposed development recognizes the constraint areas identified in the scoped EIS, labeled as Block B. The lands should be designated Environmental Conservation.

9.0 PLANNING ANALYSIS AND CONCLUSION

As discussed in the above sections, the proposed development is consistent with the objectives and intent of the Provincial Policy Statement (2020), 2019 Places to Grow, for the Greater Horseshoe (Growth Plan), Regional Official Plan and the City of Welland Official Plan. The proposed development is a form of residential intensification promoted by the Province and will aid the City of Welland in achieving the 60% intensification target for the Built-Up Area. The proposed development provides infill development within the built-up area and takes advantage of the existing infrastructure while providing a density and compact built-form that is land efficient and contributes to the growth of the area.

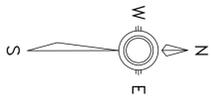
The proposed built-form is compact, appropriately massed while providing an appropriate built-form scaled to the surrounding neighbourhood.

The proposed development protects the lands identified in the scoped EIS report.

Given the above, it is my opinion that the Official Plan and Zoning By-law amendments represents good planning.

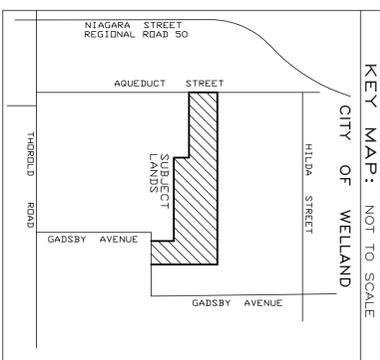
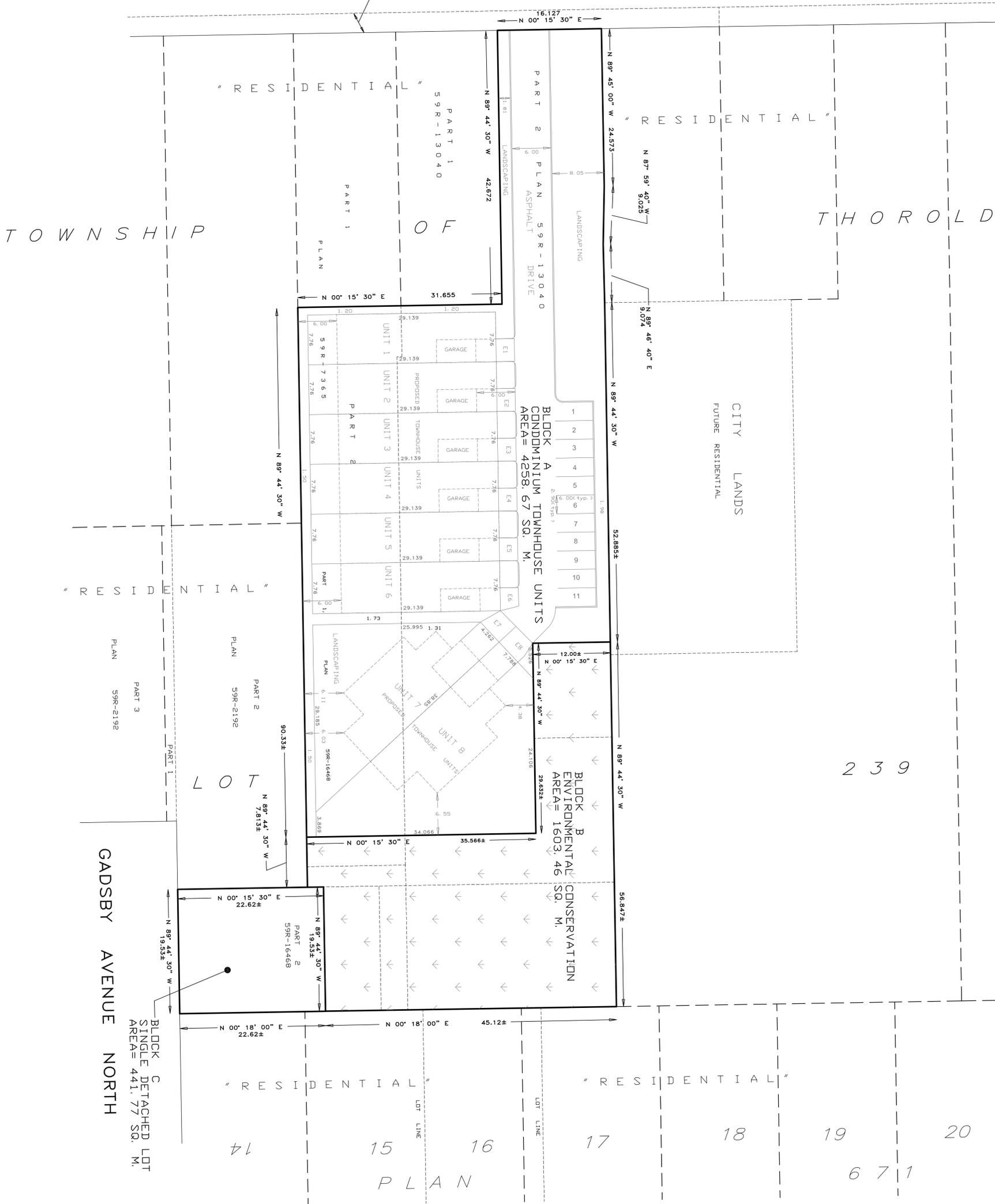
Joseph M. Tomaino MCIP, RPP

APPENDIX 1



DEPOSIT PLAN 297
 LOCALLY KNOWN AS **AQUEDUCT STREET**
 (ROAD ALLOWANCE BETWEEN LOTS 239 AND 240)

ROAD WIDENED BY PART 1, PLAN 232889



DEVELOPMENT PLAN
 PART OF LOT 239
 GEOGRAPHIC TOWNSHIP OF THOROLD
 IN THE
 CITY OF WELLAND
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE: 1 : 300



GADSBY AVENUE NORTH

BLOCK C
 SINGLE DETACHED LOT
 AREA= 441.77 SQ. M.

BLOCK A
 CONDOMINIUM TOWNHOUSE UNITS
 AREA= 4258.67 SQ. M.

BLOCK B
 ENVIRONMENTAL CONSERVATION
 AREA= 1603.46 SQ. M.

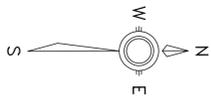
PLAN

METRIC NOTE
 DIMENSIONS SHOWN IN METRES UNLESS OTHERWISE SPECIFIED.
 DIMENSIONS SHOWN IN FEET AND INCHES IN METRIC AND CAN.

SUDA & MALESZYK SURVEYING INC.

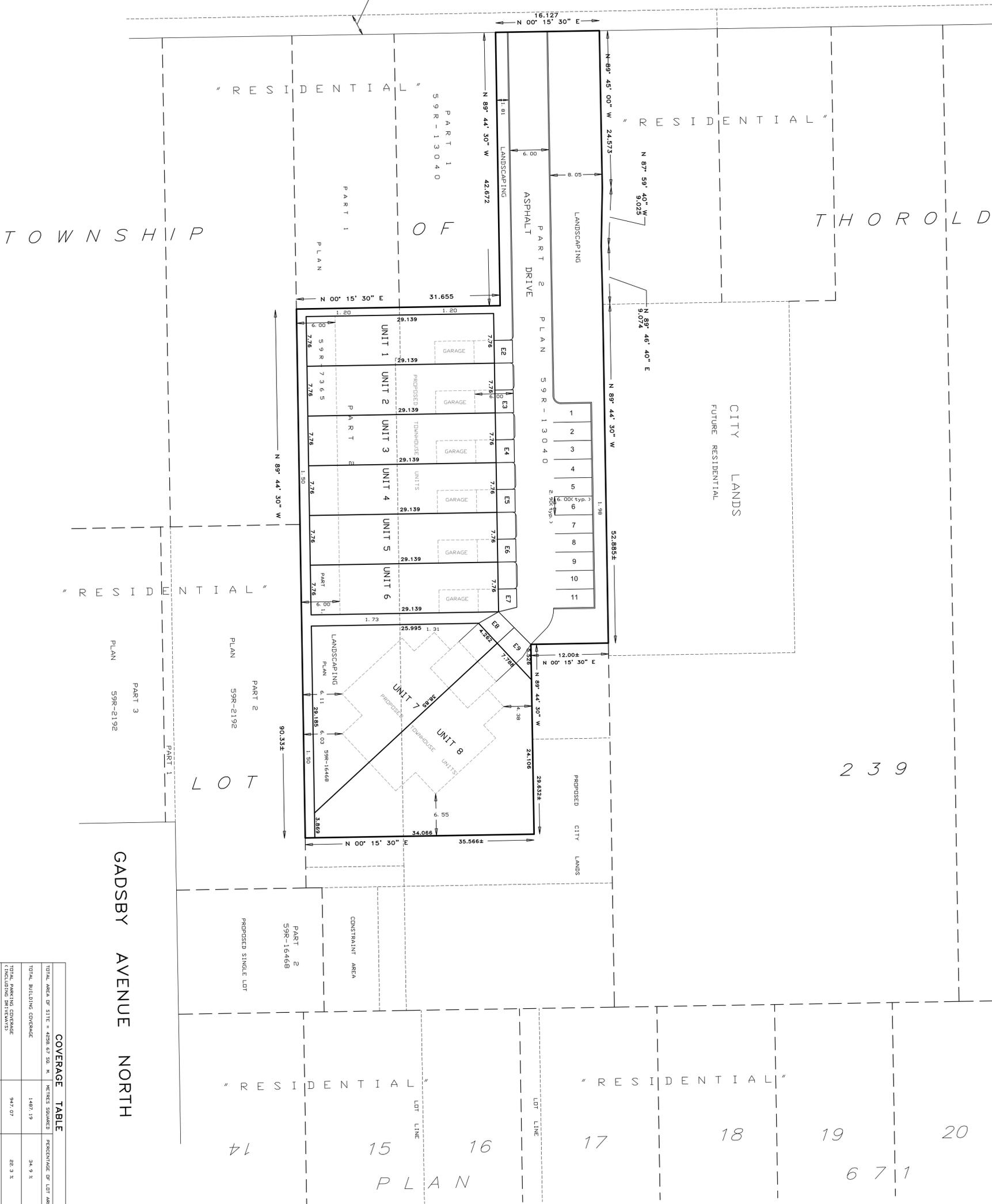
26 EAST MAIN STREET, SUITE 100, L3B 3K3
 WELLAND, ONTARIO L3B 3K3
 TEL: (905) 732-7851
 FILE NO.: 20-170-1 JOB NO.: 6237-1

APPENDIX 2



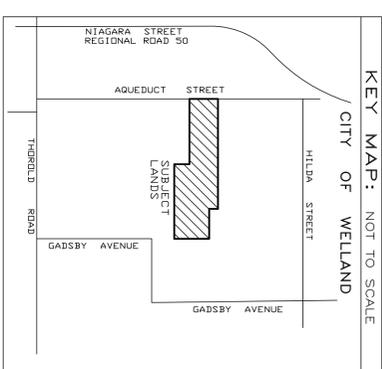
DEPOSIT PLAN 297
 LOCALLY KNOWN AS **AQUEDUCT STREET**
 (ROAD ALLOWANCE BETWEEN LOTS 239 AND 240)

ROAD WIDENED BY PART 1, PLAN 232889



GADSBY AVENUE NORTH

COVERAGE TABLE			
TOTAL AREA OF SITE ± 4298.07 SQ. M.	METRES SQUARED	PERCENTAGE OF LOT AREA	
TOTAL BUILDING COVERAGE	1487.19	34.9 %	
TOTAL PARKING COVERAGE (INCLUDING DRIVEWAYS)	947.07	22.3 %	
TOTAL LANDSCAPE COVERAGE	1864.41	42.8 %	



AQUEDUCT ROAD CONDOMINIUM
 DRAFT PLAN OF CONDOMINIUM OF
 PART OF LOT 239
 GEOGRAPHIC TOWNSHIP OF THOROLD
 IN THE
 CITY OF WELLAND
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE: 1 : 300



E1 - DENOTES EXCLUSIVE USE AREA AND THE UNIT IT IS ASSIGNED

LAND USE ANALYSIS

428.67 SQ. M. - AREA OF SITE
 8 UNITS - BASED ON PROPOSED PARKING SPACES+19 PARKING SPACES PER UNIT - 1
 DENSITY = 34.9 UNITS PER HECTARE

SECTION 51 (17) - PLANNING ACT

ADDITIONAL INFORMATION

A) AS SHOWN ON DRAFT PLAN
 B) AS SHOWN ON DRAFT PLAN
 C) AS SHOWN ON DRAFT PLAN
 D) CONDOMINIUM WITH A TOTAL OF 10 RESIDENTIAL UNITS
 E) AS SHOWN ON DRAFT PLAN
 F) AS SHOWN ON DRAFT PLAN
 G) AS SHOWN ON DRAFT PLAN
 H) LANDSCAPE WATER IS AVAILABLE
 I) LAND GENERALLY FLAT
 J) SANITARY AND STORM SEWERS, WATER, HYDRO, TELEPHONE, CABLE COLLECTION, GAS, FIRE PROTECTION & SERVICES
 K) NONE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

PHILIP S. SUDA
 DRAFTED LAND SURVEYOR

DATE

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE CORRECTLY AND ACCURATELY SHOWN.

WALTER LICCIETTA
 DATE

METRIC NOTE

ALL DIMENSIONS ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048

SUDA & MALESZYK SURVEYING INC.

26 507 MAIN TEL: (905) 732-7851
 26 507 MAIN TEL: (905) 732-7851
 FILE NO.: 20-170 JOB NO.: 6237

APPENDIX 3



Pre-consultation Meeting Form

City of Welland
Region of Niagara
Niagara Peninsula Conservation Authority

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-Consultation Meeting Date: NOVEMBER 7, 2019

Site Address: 155 GADSBY AVE + 368 AQUEDUCT Approximate Land Area (metric): 6345m²

Site Legal Description: PT LT 239 ; PT 2 59R-13090

Owner Contact Information:

Name of Owner: LUCCHETTA BUILDERS INC
Phone Number: _____ Email: _____

Principal Contact: WALTER LUCCHETTA + FRANK IERFINO + LUCAS LUCCHETTA
Phone Number: _____ Email: frankierfino@gmail.com
lucas.lucchetto@colliers.com

Application Type:

- | | | |
|---|---|---|
| <input type="checkbox"/> Regional Official Plan Amendment | <input checked="" type="checkbox"/> Draft Plan of Condominium | <input checked="" type="checkbox"/> Zoning By-law |
| <input checked="" type="checkbox"/> Local Official Plan Amendment | <input type="checkbox"/> Vacant Land & Common Element | <input type="checkbox"/> Other |
| <input type="checkbox"/> Draft Plan of Subdivision | <input type="checkbox"/> Conversion | |
| <input checked="" type="checkbox"/> Consent (Land Severance) | <input type="checkbox"/> Other | |
| <input checked="" type="checkbox"/> Site Plan Approval | <input type="checkbox"/> Minor Variance | |

Local Municipal Contact: Rachelle Larocque Phone: 905-735-1700 x2310 Email: rachelle.larocque@welland.ca

1. Brief description of proposed development:

LOOKING TO DEVELOP THE SITE WITH A 12 UNIT PLAN OF
CONDOMINIUM FRONTING ONTO AQUEDUCT STREET + A SINGLE LOT FRONTING
ONTO GADSBY AVE.

2. Check All Applicable: Brownfield Greenfield Built-up Local CIP Area

3. Development Charges: Regional Local By-law 2014-75 NCDSD

4. Existing Regional Policy Plan Designation: URBAN AREA

Conformity with Regional Policy Plan land use designations and policies? : yes no unknown

If 'No', what is the nature of the amendment needed? _____

5. Existing Local Official Plan Designation: LOW DENSITY RESIDENTIAL + PARKS, OPEN SPACE & RECREATION

Conformity with Official Plan land use designations and policies? Yes No

If 'No', what is the nature of the amendment needed? WILL NEED TO REDESIGNATE THE PORTION OF THE PROPERTY DESIGNATED OPEN SPACE TO RESIDENTIAL

6. Existing Zoning: RL1 & O1

Conformity with existing zoning?: Yes No

If 'No', what is the proposed zoning: REZONE O1 AREA TO RESIDENTIAL

7. Is Site Plan approval required? Yes No

8. Fees Required at time of Submission of the Application

Application	Local Planning Department	Region of Niagara	Niagara Peninsula Conservation Authority	Other Fees
Regional Policy Plan Amendment				
Local Official Plan Amendment	\$ 4,958.00	\$ 5075		
Zoning By-law Amendment		\$ 1,270		
Plan of subdivision				
Plan of Condominium	\$ 7,130.00	\$ 5075 BASE +	\$ 1120/ha	
Consent				
Site Plan Control or Amendment	\$ 2,331.00			
Other		\$ 610 SWM		
Other		\$ 1100 EIS		
TOTAL				

2019 FEES WILL INCREASE JANUARY 1, 2020 * 2019 FEES subject to change

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

9. Additional Agencies to be contacted:

HYDRO PIPELINES MTO OTHER _____

10. Additional Comments:

- CONTACT NPCA TO HAVE AN ON-SITE VISIT TO CONFIRM NO SIGNIFICANT SPECIES / SCREENING
- REGION WOULD LIKE AN ENVIRONMENTAL CONSTRAINTS ANALYSIS
- WILL NEED TO PROVIDE HAMMER-HEAD OR TURNAROUND FOR FIRE & WASTE COLLECTION - MAY NEED WASTE COLLECTION PADS
- IDENTIFY CLOSEST HYDRANT & CONFIRM WATER SUPPLY FOR FIRE FIGHTING PURPOSES
- STORMWATER MANAGEMENT WILL BE REQUIRED
- SITE SERVICING THROUGH BUILDING PERMIT
- DC'S APPLICABLE AT BUILDING PERMIT
- PARKLAND CASH-IN-LIEU AT TIME OF BUILDING PERMIT @ 5% VALUE OF LANDS DAY BEFORE BUILDING PERMIT ISSUED
- GEOTECHNICAL
- FENCING ALONG NORTHERN PROPERTY LINE ON PRIVATE PROPERTY
- FULL ENGINEERING SUBMISSION AT SITE PLAN
- STREET LIGHT @ NEW ENTRANCE ON AQUEDUCT AS PER CITY STANDARDS
- SERVICING BRIEF @ TIME OF SUBMISSION

11. Site Visit: _____

12. Incentive Programs:

13. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Elect Digital	Paper	
✓	✓		Planning Justification Report			
✓	✓		Conceptual Site Plan, Subdivision Plan			
			Draft Regional Policy Plan Amendment			
✓			Draft Local Official Plan Amendment			
			Land Use/Market Needs*			
			Urban Design/Landscape Plans			
			Archaeology Assessment			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Tree Inventory Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
✓			Geotechnical			
			Environmental Site Assessment			
			Air Quality/Noise & Vibration Study*			
			Agricultural Impact Assessment			
			Farm Operation and Ownership			
			Minimum Distance Separation I & II			
			Mineral Aggregate Resources			
✓			Municipal Servicing Study			
			Phasing Plan			
			Sensitive Land Use Report			
			Slope Stability Report			
✓	✓		Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Hydrogeological Study and Private Servicing Plans*			
			Soil report			
			Financial Impact Assessment*			
			Shadow Analysis			
			Risk Management Study			
			Gas Well Study/Gas Migration Study			
			Wind Study*			
			Other*			

Building Staff

Ali Khan

Traffic, By-laws & Parking

Infrastructure & Dev. Services (sig)

[Signature]

Traffic, By-laws & Parking (sig)

Date

Nov 07, 2019

Date

Fire Services

Lindsay Fall

Regional Staff

Fire & Emergency Services (sig)

[Signature]

Regional Staff (signature)

Date

Nov 7/19

Date

Regional Staff

Regional Staff (signature)

Date

NPCA Staff

NPCA Staff (signature)

Date

Agent

Lucas Lucchetta

Owner

Frank Irfino

Other

Agent (signature)

[Signature]

Owner (signature)

[Signature]

Other (signature)

Date

Nov 7/19

Date

Nov 7/19

Date

Other

Other (signature)

Date