

Comment Response Table – Tawny Ridge Estates – Phase 1 & 2 – Draft Plans of Subdivision, Official Plan Amendments and Zoning By-law Amendments

The following comment responses have been collaboratively prepared and provided by members of the Project Consulting team in response to Town, Agency and Public comments provided regarding the applications for Phase 1 & 2 of Tawny Ridge Estates. The disciplines responding to the comments are codified by colour, per the legend below.

Colour Code	Respondent
	Craig Rohe, M.Pl., MCIP, RPP – Senior Planner, Upper Canada Consultants
	Brendan Kapteyn, P. Eng. – Engineer, Upper Canada Consultants
	Adam Makarewicz – Senior Project Manager/ Associate, Paradigm Transportation Solutions Ltd.

Code	Comment	Commenter	Comment Submission Type	Response
TOWN OF NIAGARA-ON-THE-LAKE				
	No comments.	Building Department	Department Comments May 23, 2023	This comment is acknowledged.
	No objections.	Finance	Department Comments May 23, 2023	This comment is acknowledged.
	Show proposed hydrant locations on the detailed plans.	Fire and Emergency	Department Comments May 23, 2023	As typical practice with subdivision developments, the proposed hydrant locations will be determined through detailed engineering design after Draft Plan Approval has been granted. These hydrants will be shown on the future engineering plans.
	No Objections	Heritage	Department Comments May 23, 2023	This comment is acknowledged.
	A new park is not required as the subject lands are adjacent to the existing park. Parks would request cash-in-lieu.	Parks	Department Comments May 23, 2023	This comment is acknowledged.
	See attached comments and proposed conditions of approval.	Operations	Department Comments May 23, 2023	<u>Conditions of Approval</u> Our client has no objection to the installation of a 1.5 metre wide sidewalk along the west side of Tanbark Road, as requested by staff. <u>However</u> , our client should <u>not</u> be financially responsible for the provision of sidewalks <u>external</u> to the subject lands. Furthermore, should the inclusion of the Town’s requested pathway between Street ‘A’ in Phase 2 and Tanbark Road result in the need for a mid-block crossing on Tanbark Road, our client similarly should not be held financially responsible for such infrastructure or designs caused by Town requests.

	<p>Section 6.6.5 of the St. Davids Urban Design Guidelines states that blocks should not exceed 250 metres. Section 6.8.1 states that walkways should be provided as mid-block connections where blocks are greater than 250 metres. The block along Tanbark Road, between Hickory Avenue and Warner Road is approximately 340 metres. Please address the length of this block in consideration of the Urban Design Guidelines above, and indicate whether another connection (vehicular or pedestrian) to Tanbark is appropriate.</p>	Planning	<p>Department Comments</p> <p>May 23, 2023</p>	<p>The applicant has no objection to providing this connection.</p> <p>A Block for a 3.0-metre-wide pedestrian walkway is now included on both amended Draft Plans of Subdivision (Phase 1 and Phase 2)</p> <p>The provision of the new access walkway via is located in what the applicant considered to be the best geometric location. We explored placing it in line with Street B, however, it resulted in lots to the north and south having uneven frontages and dissimilar lot areas which is not desirable. Although the new access is just under 250 metres from Hickory Avenue, the pathway is within less than 250 of the proposed lots and around 160 metres from the terminus of the existing sidewalk on Chestnut Avenue . Given the requirement to provide sidewalks on the west side of Tanbark, it is expected that existing residents located to the south would use Hickory Avenue to access that portion of the pedestrian network.</p>
	<p>Please provide more detail on how the abutting lands (681 and 687 Warner Road) are anticipated to develop, including the long-term use of the “temporary access” block and the future extensions/connections of Street A, Chestnut Avenue and Tulip Tree Road. A conceptual road network may be helpful to demonstrate that appropriate road connections can be made and that the development potential of the abutting lands would be retained without creating areas of land that would be difficult to develop. Staff would make it very clear that the road network is conceptual for demonstration purposes only and that future development may differ.</p>	Planning	<p>Department Comments</p> <p>May 23, 2023</p>	<p>As noted throughout this process, the adjacent landowner to the west has not been interested in participating in the development of a consolidated plan/application.</p> <p>A preliminary conceptual design of the modified Plan inclusive the adjacent lands has been provided which shows a reasonable expectation for development including a secondary access</p>
	<p>There is an existing dwelling located on the abut lands adjacent to the proposed Chestnut Avenue stub. Is it possible that the owner may wish to retain the existing dwelling even if the rear lands are developed?</p>	Planning	<p>Department Comments</p> <p>May 23, 2023</p>	<p>As noted throughout this process, the adjacent landowner to the west has not been interested in participating in the development of a consolidated plan/application.</p> <p>It is unclear what their future development intentions are.</p>
	<p>If the townhouse units are not part of a condominium, what would prevent an individual owner from making changes to the exterior, such as a new roof colour/material, new doors/windows, or paint colour? Staff suggest the use of restrictive covenants to restrict exterior changes by individual unit owners.</p>	Planning	<p>Department Comments</p> <p>May 23, 2023</p>	<p>The proposed street townhouses would be freehold and not subject to a Condominium Agreement. As each block also contains less than ten (10) units, they would not be subject to Site Plan Control.</p> <p>The use of restrictive covenants is <u>not</u> supported by the applicant and is considered unreasonable in a freehold subdivision.</p>
	<p>Visible side facades along exterior lot lines should have a high level of design similar to a front façade.</p>	Planning	<p>Department Comments</p> <p>May 23, 2023</p>	<p>All side elevations visible from the public realm are intended to have higher quality architectural design.</p>

	<p>It was noted at the Open House and Public Meeting that trees proposed for removal may be retained. It should be made clearer in the Reports that trees that are not necessary to be removed for grading or other reasons will be retained where possible.</p> <p>Staff may include a condition of draft approval that a revised Arborist Report be completed once the detailed grading plan is completed, as is recommended in the Beacon Report.</p>	Planning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	<p>The applicant is committed to retaining healthy trees where possible, including the removal and transplanting of trees on the subject lands into the development using a tree spade.</p> <p>The applicant has no objection to evaluating these opportunities once preliminary engineering has been completed.</p>
	Some of the smaller lots and block are shown in hectares. Would it be more appropriate to show small lots and blocks in square metres?	Planning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	This comment is acknowledged. The smaller lots and blocks have been relabelled using square metres.
	The density requested in the draft OPA reflects gross density, but it should reflect net density. With the roads, temporary access, road widenings and reserves removed, the estimated net area is 2.2 hectares, resulting in an estimated density of 34 units/ha for the entire Phase 2 area. Is a “Medium Density Residential” designation more appropriate for portions of the development with separate density requirements?	Planning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 2)</p>	<p>Typical practice for calculating density is derived from the Growth Plan method which cites that density calculations are to discount natural heritage or hazard lands and corridors. This ensures consistent in unit per hectare and people and jobs per hectare calculations.</p> <p>As the Town is requesting a NET Density calculation, the Plans and draft amendments have been revised to utilize this method.</p>
	See minutes from the Urban Design Committee Meeting on Wednesday, May 24, 2023.	Urban Design	<p>Department Comments</p> <p>May 23, 2023</p>	The Minutes of Meeting have not yet been received by our team.
	Consider adding a site-specific provision to increase lot frontage to 16.0 metres.	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	Due to the provision of the Town’s requested walkway, the lot frontages in Phase 1 are now below 16 metres. The base R2 provisions permit a minimum 15 metre frontage which is considered acceptable to remain without site specific provisions.
	Consider a site-specific provision to increase lot area to 500 square metres.	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	Due to the provision of the Town’s requested walkway, the lot areas in Phase 1 are now below 500 square metres. The base R2 provisions permit a minimum lot area of 475 square metres is considered acceptable to remain without site specific provisions.

	<p>The R2 Zone permits a front yard setback of 4.5 metres which is not consistent with most dwellings along Tanbark Road which have a minimum front yard setback of 7.5 metres and in many cases exceed the minimum setback requirement. The proposed lots along Tanbark should have a greater front yard setback. Consider adding a site-specific provision to increase the front yard to a minimum of 6.0 metres (consider a minimum of 7.5 metres).</p>	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	<p>As discussed with Town staff, the applicant is willing to provide a minimum front yard setback of 6.0 metres to the face of a dwelling to provide a more context sensitive setback condition along Tanbark Road.</p> <p>To assist with the developability of the property, the applicant is requesting that the Lot Coverage Maximum be <u>deleted</u> for the Lots along Tanbark as the requested setbacks will ensure compatible design. The revised Draft Amendment includes this requested change.</p>
	<p>It is necessary to have a reduced rear yard setback and additional encroachments? The lots have sufficient depth to accommodate a dwelling. The Planning Justification Report states that the request for 7.0 m rear yard setback is to offset the large front yard setback required along Tanbark. However, the proposed front yard setback is less than the 7.5 m.</p>	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	<p>The applicants wish to keep a 7.0 metre rear yard setback.</p>
	<p>Staff likely wont support the requested side yard encroachments.</p>	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	<p>The side yard encroachment request has been deleted. It is understood that concern related to covered porches projecting past the side wall of a house.</p>
	<p>Encroachments should not be presented as setbacks.</p>	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	<p>The encroachments have been presented as setbacks to provide additional clarity to the future builder(s).</p> <p>The Draft Amendment will be amended to utilize the Town's preferred verbiage.</p>
	<p>Lot coverage of 55% coverage is not consistent with surrounding development. Existing lots along Tanbark Road have 33% lot coverage. Lots in Courtland Valley have a maximum lot coverage requirement of 45% for bungalows and 38% for 2-storey dwellings.</p> <p>The standard lot coverage of 40% in the R2 Zone should be maintained. Staff would support an additional 5% lot coverage for a rear covered patio/deck.</p>	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 1)</p>	<p>As noted, the applicant is seeking to <u>delete</u> the lot coverage provision for Phase 1 so that setbacks prevail and control massing.</p>

	Staff understand that a rear covered or uncovered patio/deck may extend further into the rear yard. Covered decks/patios can be addressed through encroachments without the need for a reduced rear yard setback. Also, the encroachment request is relatively large. Staff would permit an encroachment of 2 metres for a rear covered or uncovered deck/patio.	Zoning	Department Comments May 23, 2023 (Phase 1)	A 2.0 metre encroachment is not sufficient to have a deck capable of containing an outdoor dining set. A 3.0 metre encroachment is acceptable to our client.
	Staff are likely to maintain 10m height is the draft by-law submitted to Council. The Official Plan and St. Davids Urban Design Guidelines states that height should be consistent with adjacent development. Increased height beyond 10 metres is generally only permitted for occasional denser forms of development such as multi-residential development.	Zoning	Department Comments May 23, 2023 (Phase 1)	The Town's Official Plan permits heights up to 11.0 metres. It is considered to be in conformity with the direction of the plan to increase height to 11.0 metres. This increase does not facilitate an additional floor, but does allow for higher interior ceilings at the ground and upper floors which is desirable. The adjacent Courtland Valley development permits heights of 10.67 metres. We are requesting less than one foot more than that. This would not be easy to distinguish. If staff is unable to support 11.0 metres, we request that a maximum of height of 10.67 metres be allowed, consistent with adjacent developments and zoning.
	Staff will likely include a provision that requires the garage to be setback 1.5 metres behind the front face of the dwelling.	Zoning	Department Comments May 23, 2023 (Phase 1)	The client has no objection to this as long as the verbiage reads as "...a <u>minimum</u> of 1.5 metres".
	Staff will likely include a provision that prohibits the garage doors from exceeding 50% of the front façade.	Zoning	Department Comments May 23, 2023 (Phase 1)	The applicant has no objection to this provision being added.
	Lot coverage of 55% coverage is not consistent with surrounding development. Lots in Courtland Valley have a maximum lot coverage requirement of 45% for bungalows and 38% for 2-storey dwellings. The proposed lots have a larger area than lots in Courtland Valley. The standard lot coverage of 40% in the R2 Zone should be maintained. Staff would support an additional 5% lot coverage for a rear covered patio/deck.	Zoning	Department Comments May 23, 2023 (Phase 2 – R2 Zone)	As noted, the client would like the lot coverage provision deleted for Phase 1. The setbacks, as modified, provide for a suitable building envelope that limits development scale and provides suitable spacing between dwellings.

	Staff are likely to maintain 10m height is the draft by-law submitted to Council. The Official Plan and St. Davids Urban Design Guidelines states that height should be consistent with adjacent development. Increased height beyond 10 metres is generally only permitted for occasional denser forms of development such as multi-residential development.	Zoning	Department Comments May 23, 2023 (Phase 2 – R2 Zone)	<p>The Town’s Official Plan permits heights up to 11.0 metres. It is considered to be in conformity with the direction of the plan to increase height to 11.0 metres. This increase does not facilitate an additional floor, but does allow for higher interior ceilings at the ground and upper floors which is desirable.</p> <p>The adjacent Courtland Valley development permits heights of 10.67 metres. We are requesting less than one foot more than that. This would not be easy to distinguish.</p> <p>If staff is unable to support 11.0 metres, we request that a maximum of height of 10.67 metres be allowed, consistent with adjacent developments and zoning.</p>
	It is necessary to have a reduced rear yard setback and additional encroachments? The lots have sufficient depth to accommodate a dwelling. The rear yard setback requirement in Courtland Valley is 7.62 metres, which exceeds the standard R1 and R2 requirement. The proposed lots have a larger area than lots in Courtland Valley and the front yard setback of the proposed lots is 4.5 metres.	Zoning	Department Comments May 23, 2023 (Phase 2 – R2 Zone)	<p>Our client would like to keep the proposed 7.0m rear yard setback. with an allowable 3.0 m encroachment for rear covered patio/decks</p>
	Staff understand that a rear covered or uncovered patio/deck may extend further into the rear yard. Covered decks/patios can be addressed through encroachments without the need for a reduced rear yard setback. Also, the encroachment request is relatively large. Staff would permit an encroachment of 2 metres for a rear covered or uncovered deck/patio.	Zoning	Department Comments May 23, 2023 (Phase 2 – R2 Zone)	<p>A 2.0 metre encroachment is not sufficient to have a deck capable of containing an outdoor dining set.</p> <p>A 3.0 metre setback is acceptable to our client.</p>
	Staff will likely include a provision that requires the garage to be setback 1.5 metres behind the front face of the dwelling.	Zoning	Department Comments May 23, 2023 (Phase 2 – R2 Zone)	<p>The client has no objection to this as long as the verbiage reads as “...a minimum of 1.5 metres”.</p>
	Staff will likely include a provision that prohibits the garage doors from exceeding 50% of the front façade.	Zoning	Department Comments May 23, 2023 (Phase 2 – R2 Zone)	<p>The applicant has no objection to this provision.</p>

	The standard lot coverage of 45% in the RM1 Zone should be maintained.	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 2 – RM1 Zone – Street Towns)</p>	<p>The provision of 45% lot coverage for street townhouse dwellings is not recommended as it significantly limits the ability to develop interior lots with suitable/similar floor area or covered amenity.</p> <p>A diagram showing the conceptual plot plan for the Street Townhouses was submitted within the Planning Justification Report for Phase 2. This plan shows that 64.77 percent lot coverage is needed to maintain design consistency with the rest of the structure. This coverage was demonstrated using the base setbacks of the required RM1 Zone.</p> <p>By comparison, other street townhouses in Niagara have been granted 65% lot coverage to remedy this same issue.</p> <p>It is requested that this site-specific provision be maintained at 65%, or that the lot coverage provision be deleted so that setbacks can prevail to control massing.</p>
	Can a minimum exterior side yard setback of 4.0 metres be accommodated?	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 2 – RM1 Zone – Street Towns)</p>	<p>A 3.9 metre setback was requested to place the exterior side wall of units along Chestnut Avenue at the same setback as the unit to the south in Courtland Valley.</p> <p>The client has no objection to the minimum being increased slightly to 4.0 metres.</p>
	Is it anticipated that the westerly end units on Blocks 21 and 26 going to become interior side yards in the future?	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 2 – RM1 Zone – Street Towns)</p>	<p>This is correct. It is anticipated that the temporary road would be removed and developed as a continuation of the Street Townhouse Block.</p>
	Staff are likely to maintain 10m height is the draft by-law submitted to Council. The Official Plan and St. Davids Urban Design Guidelines states that height should be consistent with adjacent development. Increased height beyond 10 metres is generally only permitted for occasional denser forms of development such as multi-residential development.	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 2 – RM1 Zone – Street Towns)</p>	<p>The Town's Official Plan permits heights up to 11.0 metres. It is considered to be in conformity with the direction of the plan to increase height to 11.0 metres. This increase does not facilitate an additional floor, but does allow for higher interior ceilings at the ground and upper floors which is desirable.</p> <p>The client would like to maintain the 11.0 metre height to ensure design flexibility.</p>
	Staff understand that a rear covered or uncovered patio/deck may extend further into the rear yard. However, the encroachment request is relatively large. Staff would permit an encroachment of 2 metres for a rear covered or uncovered deck/patio.	Zoning	<p>Department Comments</p> <p>May 23, 2023</p> <p>(Phase 2 – RM1 Zone – Street Towns)</p>	<p>If a dwelling is built to the minimum rear yard setback, a 2.0 metre encroachment does not provide sufficient depth for a deck with enough room for a table and chairs. The requested encroachment provides sufficient room for function, covered outdoor amenity.</p> <p>The encroachment is requested to be upheld at a minimum depth of 3.0 metres.</p>

	Staff will not support covered or uncovered decks, patios, etc encroaching into the side yard, especially to 0.0 metres. The common wall of the unit will be addressed through the side yard setback requirements.	Zoning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Street Towns)	<p>This comment is unclear.</p> <p>The applicant has not requested a side yard encroachment allowance up to 0.0 metres, except along common lot lines. The explanation with regard to that setback is understood.</p> <p>The side yard encroachments requested are 0.6 m from a side lot line for Phase 1 and 1.5 metres of projection into a required side yard for Block 27 (Condo Block) to provide flexibility in unit orientation.</p>
	Staff have been advised that the owner no longer wishes to construct an apartment. If the applicant has a clearer idea of how Block 27 may be developed, it would be helpful to add unit lines similar to Blocks 23-26.	Zoning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>The applicant confirms that an apartment dwelling is no longer being pursued as a permitted use via the Official Plan Amendment or Zoning By-law Amendment.</p> <p>The lot is still intended to be developed as a Condominium, though, and therefore the integration of freehold lot lines like on Blocks 23-26 is not required.</p>
	If an apartment building is still being proposed, separate zoning provisions should be proposed for an apartment.	Planning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>This comment is no longer applicable.</p>
	Would the townhouses be designed similar to the townhouses in Vintage on Four Mile Creek in St. Davids (south of Line 9 Road on Four Mile Creek Road)? Wouldn't the townhouse block front onto Warner Road but have parking and driveway access at the rear off Chestnut Avenue?	Planning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>It is anticipated that the block would be developed with an internal roadway or parking lot on the south side of the Block, with access from Chestnut Street.</p> <p>Development would be architecturally oriented towards Warner Road.</p>
	Is the unit area low because there would be additional common amenity space? Would there be any private rear yard amenity area off Chestnut?	Zoning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>This depends on the application type.</p> <p>A Vacant Land Condominium typically assigns yard space with the dwelling unit. A common element or standard condominium would rely on common amenity which may reduce unit sizes.</p>
	The standard lot coverage of 45% in the RM1 Zone should be maintained.	Zoning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>An increase to 50% lot coverage provides flexibility in design. Typically, a condominium site does not exceed 50% coverage.</p>

	Front yard setback requirement of 4.5 metres should be maintained.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	It is our understanding that based on the lot configuration that legally the front yard would be along “Street B”. A 3.0 metre setback is proposed to provide additional flexibility for design if this happens to be an exterior side yard design condition.
	The rear yard setback of 6.0 should be maintained, however, Staff may accept a reduced setback once more information is provided about the design and site layout.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>The rear yard for the block would be the eastern lot line.</p> <p>The proposed 3.0 metre setback provides sufficient spacing from the adjacent dwelling and room for necessary grading and drainage.</p>
	Staff are likely to maintain 10m height is the draft by-law submitted to Council. The Official Plan and St. Davids Urban Design Guidelines states that height should be consistent with adjacent development. Increased height beyond 10 metres is generally only permitted for occasional denser forms of development such as multi-residential development.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>The Town’s Official Plan permits heights up to 11.0 metres. It is considered to be in conformity with the direction of the plan to increase height to 11.0 metres. This increase does not facilitate an additional floor, but does allow for higher interior ceilings at the ground and upper floors which is desirable.</p> <p>Similar to the Street Townhouses, a height of 11.0 should be provided for design flexibility.</p>
	Staff will not support covered or uncovered decks, patios, etc encroaching into the side yard, especially to 0.0 metres. The common wall of the unit will be addressed through the side yard setback requirements.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Block Townhouses)	<p>The side yards for this block would be along Warner Road and Chestnut Avenue.</p> <p>It is considered preferable to have these types of elements engage with the public realm to provide “eyes on the street”.</p>
	Would the townhouses be designed similar to the stacked townhouses in St. Andrews Glen (at Balmoral Drive and Niagara Stone Road)? Wouldn’t the townhouse block front onto Warner Road but have parking and driveway access at the rear off Chestnut Avenue?		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	This type of configuration is possible based on the site size.
	Is the unit area low because there would be additional common amenity space? Would there be any private rear yard amenity area off Chestnut?		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	<p>Stacked Townhouses have limited private amenity due to their configuration. Typically, a balcony is provided.</p> <p>The integration of common amenity may be possible through detailed design, or offset by the proposed pedestrian connection to the Park east of the site.</p>

	The standard lot coverage of 45% in the RM1 Zone should be maintained.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	The requested coverage of 50% for stacked townhouses is preferable as the footprint is similar to that of an apartment. The applicant and UCC are satisfied that 50% lot coverage would provide suitable flexibility to balance development with landscaping and driveway/parking.
	Front yard setback requirement of 4.5 metres should be maintained.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	Legally, the front yard would be “Street B”. A 3.0 metre setback is proposed to provide additional flexibility for design if this happens to be an exterior side yard condition.
	The rear yard setback of 6.0 should be maintained, however, Staff may accept a reduced setback once more information is provided about the design and site layout.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	<p>The rear yard for the block would be the eastern lot line.</p> <p>The proposed 3.0 metre setback provides sufficient spacing from the adjacent dwelling and room for necessary grading and drainage.</p>
	Staff would support a maximum height of 11.0 metres for the stacked townhouse block.		Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	Based on our client’s discussions with architects who design stacked townhomes, a height of 11.6 metres would provide the greatest flexibility in design due to the nature of these types of dwellings where the basement floor would sit partially out of the ground.
	Staff do not support the encroachment for covered decks/patios into the side yard.	Zoning	Department Comments May 23, 2023 (Phase 2 – RM1 Zone – Stacked Townhouses)	<p>The side yards for this block would be along Waner Road and Chestnut Avenue.</p> <p>It is considered preferable to have these types of elements engage with the public realm to provide “eyes on the street”.</p> <p>It is requested that these encroachments be permitted.</p>

NIAGARA-ON-THE-LAKE HYDRO				
	Due to the quantity of lots being developed, Niagara-on-the-Lake Hydro would intend on installing a 100kVA padmount transformer in the middle of this development at customer cost. We ask that the developer contact us to discuss the placement of our equipment.	Kevin Sidey Sr. Engineering Technologist	November 16, 2022	The Consulting Electrical and Civil Engineer with discuss Hydro requirements and placement of utilities through the detailed engineering phase, following draft plan approval. Suitable boulevard room is available within the plan for the placement of transformers.
NIAGARA REGION				
	No objection to either Phase of development or related Amendments. Standard conditions of approval applied.	Amy Shanks Senior Planner	December 19, 2022 (Ph.1) January 20, 2023 (Ph. 2)	These comments are acknowledged.
NIAGARA ESCARPMENT COMMISSION				
	NEC staff note that the Planning Justification Report does not include an analysis of conformity with the Niagara Escarpment Plan. As the entirety of the lands are within the NEP area, the policies of the NEP apply. An updated report or addendum should be provided in a future submission.	Cheryl Tansony Senior Planner	December 6, 2022 (Ph.1)	A letter inclusive of planning analysis vis a vis the NEC Policies has been submitted concurrently with this chart.
	While Lots 1 to 10 are within the underlying Escarpment Rural Area, Lots 11 and 12 are partially within the Escarpment Protection Area. Part 1.6.8.3 of the NEP directs development away from this designation. The proposed OPA and ZBA propose increased density and reduced minimum lot areas and frontage. The updated Planning Justification Report should include an assessment of whether the development can be considered minor and meets the above noted Development and Growth Objectives for Minor Urban Centres.	Cheryl Tansony Senior Planner	December 6, 2022 (Ph.1)	A letter inclusive of planning analysis vis a vis the NEC Policies has been submitted concurrently with this chart.

	<p>Part 2.2 (General Development Criteria) applies to the project. Part 2.2.1 of the NEP states: The <i>Escarpment environment</i> shall be protected, restored and where possible enhanced for the long term having regard to single, multiple or successive development that have occurred or are likely to occur. An Arborist Report has been submitted and notes no endangered or threatened species. All trees are proposed for removal, with the exception of three birch trees to be relocated. We note that many of these trees are considered invasive or are in poor condition, however the removal of these trees will result in a loss of tree canopy. The report recommends that the trees removed as part of the redevelopment project be replaced with native trees. We note that a landscape plan has not been provided. A landscape plan including species and size should be provided in a future submission. NEC staff request that consideration be given to the overall tree canopy and that trees are proposed to be removed from across the site. The landscape plan should therefore include restoration of the tree cover across the site and enhancement. At this stage, at minimum a preliminary/concept plan should be provided to ensure that tree cover can be maintained and demonstrate that Part 2.2.1 of the NEP is met.</p>	<p>Cheryl Tansony Senior Planner</p>	<p>December 6, 2022 (Ph.1) February 8, 2023 (Ph.2)</p>	<p>At this stage of development approval, it is not necessary to provide conceptual landscape plans as grading and drainage designs have not been prepared. Anything produced would be merely conceptual and may set false expectations of the final design.</p>
	<p>NEC staff note that the Planning Justification Report does not include an analysis of conformity with the Niagara Escarpment Plan. As the entirety of the lands are within the NEP area, the policies of the NEP apply. An updated report or addendum should be provided in a future submission that addresses the Development and Growth Objectives for Minor Urban Centres within Part 1.6.8 of the NEP and the Development Criteria in Part 2 of the NEP.</p>	<p>Cheryl Tansony Senior Planner</p>	<p>February 8, 2023 (Ph.2)</p>	<p>A letter inclusive of planning analysis vis a vis the NEC Policies has been submitted concurrently with this chart.</p>
DISTRICT SCHOOL BOARD OF NIAGARA (DSBN)				
	<p>DSBN Planning staff has completed its review and has no objections to the application. At this time, future students from this area would attend St. Davids PS (Gr. JK-8), and A. N. Myer Secondary School (Gr. 9-12).</p>	<p>Sue Mabee Supervisor of Planning Services</p>	<p>March 14, 2023 (Ph. 1 & 2)</p>	<p>This comment is acknowledged.</p>

CANADA POST				
	The development will receive mail service to centralized mail facilities through our community mailbox program.	Andrew Carrigan Delivery Planning Officer	December 15, 2022 (Ph.1) January 9, 2023 (Ph. 2)	This comment is acknowledged.
	Standard Conditions of Approval.			The applicant has no objection to the requested conditions of approval.
BELL CANADA				
	Standard Conditions of Approval.	Juan Corvalan Senior Manager Municipal Liaison	November 21, 2022	This comment is acknowledged. The applicant has no objection to the requested conditions of approval.

Public Comment Response Table – Tawny Ridge Estates – Phase 1 & 2 – Draft Plans of Subdivision, Official Plan Amendments and Zoning By-law Amendments

In response to written public comments provided to Upper Canada Consultants by the Town of Niagara-on-the-Lake up to and including March 15, 2023, the chart below has been prepared. The chart below has grouped comments by theme type and provides responses in the adjacent column.

No.	Comment	Comment Theme	Response
PUBLIC COMMENTS			
	A new street connection from Chestnut to Tanbark should be provided that reflects the conceptual design discussed through the approval of Courtland Valley.	Traffic	<p>The Street ‘A’ connection as shown in the Council materials for the Courtland Valley submission are unrelated to these applications and have no status or standing. They are conceptual and were not developed in consultation with the property owner.</p> <p>The proposed introduction of a new street connection to Tanbark between Warner Road and Hickory Avenue is not required based on the Traffic Impact Study and Addendum prepared. The provision of such a connection is considered from an operational perspective to be too close to the intersections of Warner Road and Hickory Avenue. Furthermore, the location of the road may present conflicts such as opposing left hand turns with the two private road accesses associated with Pinecroft Estates to the east.</p> <p>The provision of an access from Hickory Avenue at the south end, which utilizes an existing road allowance stub and a secondary access that aligns with Angels Drive is preferable and will assist in distributing trips between the residents of the upper and lower half of the Phase 2 Plan.</p>
	Tawny Ridge Phase 2 will increase traffic flow through the Courtland Valley Subdivision.	Traffic	A detailed Transportation Impact Assessment and Addendum addressing additional intersections was completed by Paradigm. These studies have concluded that there will be no significant impact generated from the proposed development utilizing the accesses proposed.
	A secondary emergency access is required for Tawny Ridge Phase 2	Traffic	Tawny Ridge Estates has two proposed accesses which will facilitate emergency access to either end and through the site.
	Concerns about the accuracy and methodology used to complete the Transportation Impact Assessments.	Traffic	Paradigm Transportation Solutions has prepared a detailed comment response letter addressing the several concerns noted about the accuracy of the Transportation Studies.
	Concerns about the impact of construction traffic on the existing neighbourhood.	Traffic	Construction Traffic Routes will be confirmed through detailed design. There may be an opportunity to utilize a temporary access directly from Tanbark Road into the Phase 1 and 2 sites for the majority of the project, rather than using Hickory Avenue or Warner Road as primary accesses.
	Drainage generated by the development will exacerbate existing drainage issues in the area.	Drainage	Any drainage generated by the proposed developments will need to be contained and managed on-site and directed to an appropriate outlet.

	The existing swale along the northern limit of lots on Tulip Tree Drive floods during significant rainfall events.	Drainage	<p>The functionality of the swale developed for Courtland Valley is not the responsibility of the applicant. Based on a review of aerial imagery, it appears that residents adjacent to the swale have encroached into it with gardens and/or other landscaping which may affect its functionality.</p> <p>The applicant will be required to ensure that any stormwater generated by Tawny Ridge must be captured on the subject lands.</p>
	The development will affect water pressure, which is already low in the area.	Water Supply	<p>Low pressure instances are an existing Town issue.</p> <p>The project engineer suggests the looping of the watermain between Warner and Hickory to eliminate “dead-ends” in the network. Such conditions stifle pressure and result in stagnant water at the terminus. Watermain looping can improve network pressure.</p>
	Trees on the subject lands should be preserved.	Tree Preservation	<p>The purpose of the Tree Inventory prepared with the Draft Plan and OPA and ZBA applications was to determine the composition of the trees on the site, as some species native to Niagara come with protection requirements (i.e. development setbacks).</p> <p>Through this report the trees were categorized as being able to be removed or requiring preservation. The report concludes that all trees, except for those existing on adjacent lands that encroach into the site could be removed. The applicant has cited on several occasions that opportunities to preserve or relocate healthy trees will be considered through the detailed design process.</p>
	The development includes no greenspace / parks.	Parkland	<p>Through pre-consultation the applicant was advised that the provision of cash-in-lieu of parkland is acceptable, given that a large municipal park is provided across from the subject lands.</p> <p>The mid-block walking path should be accepted as portion of parkland dedication as its only purpose is recreation.</p>
	The increase in density is not acceptable and should be kept in line with the maximum permitted in the Official Plan (6 units per acre).	Density	<p>From a planning and growth perspective, the 6 unit per acre maximum for density is abnormal for vacant development lands in an urban area. Most other Niagara municipalities have a limit between 24-40 units per hectare.</p> <p>The increase in density is considered to be compatible with adjacent development, which consequently was also afforded an increase above the 6.0 units per acre.</p>

	The requested zoning is not appropriate and requested too many deviations from the By-law.	Zoning	<p>Cumulatively, the subject lands contain two (2) zones, being R1 and RD.</p> <p>The requested R2 Zoning was selected as it facilitates the applicant’s development concept and allows for the efficient use of the lands for residential development purposes. From a planning perspective, the R1 zone needlessly requires large frontages and large lot areas that use more land and impact housing affordability.</p> <p>Several comments made in writing and at the public meeting state that the applicant should have utilized the R1 Zone as its base, with minimal deviations. We would draw staff’s attention to the site-specific zoning for the Courtland Valley subdivision, which is the source of most of the public comments received on this application. The site-specific zoning for that development employs several of the same provisions of the R2 Zone and Tawny Ridge under the guise of a “site-specific R1 Zone”.</p> <p>Based on comments received from Town Planning, some provisions have been adjusted by the applicant.</p>
	Concerns about the flexibility of the proposed zoning for Block 27 (Multiple Development Block)	Zoning	<p>Block 27 will be subject to Site Plan control, whereby detailed design review can be completed.</p> <p>The intent of the more permissive zoning is to provide flexibility to potential builders. The requested provisions, such as a 3.0 metres setback along the perimeter and 50 % lot coverage should facilitate several layouts. This to not to say the builder will develop to the maximums, but they would have the opportunity to provide more architectural elements in proximity to the public realm, such as peaked roofs.</p>
	Objection to the proposed Apartment Use	Built Form / Land Uses	<p>The applicant has elected to remove the apartment use from the proposed Amendments for Block 27.</p> <p>Only Townhouse forms (Block, Stacked) will be permitted on the multiple residential Block, which, in the view of the Public, would appear to be more acceptable.</p>