



City of Hamilton
PLANNING COMMITTEE

Meeting #: 19-001
Date: January 15, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
4.1 December 11, 2018	4
5. COMMUNICATIONS	
6. DELEGATION REQUESTS	
7. CONSENT ITEMS	
7.1 Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5)	27
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- 7.4 Equitable Access to City's Taxi System for All Persons with Disabilities Update (PED16232(c)) (City Wide) 57
- 7.5 To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) 59

8. PUBLIC HEARINGS / DELEGATIONS

- 8.1 Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) 66
- 8.2 Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) 88
- 8.3 Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) 110
- 8.4 Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) 141

9. STAFF PRESENTATIONS

10. DISCUSSION ITEMS

11. MOTIONS

12. NOTICES OF MOTION

13. GENERAL INFORMATION / OTHER BUSINESS

13.1 Outstanding Business List

13.1.a Items to Be Removed:

Item O - Status of Accessible Taxi Plate Apps
(Addressed as Item 7.4 on this agenda)

Item S - Review of Overnight Parking Restrictions on through streets
(Addressed as Item 10.2 on the December 11, 2018 agenda)

Item W - Application for Condo Conversion for 115 Main Street East
(Addressed as Item 8.4 on the December 11, 2018 agenda)

- 13.1.b Items Requiring New Due Dates:
- Item C - OMB Decision re 121 Augusta Street
Current Due Date: January 15, 2019
Proposed New Due Date: April 19, 2019
- Item G - Tree Cutting Services By-law
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019
- Item I - Policies respecting Boulevard Standards
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019
- Item J - Sign Variance Appeal, 430 McNeilly Road
Current Due Date: February 19, 2019
Proposed New Due Date: March 19, 2019
- Item EE - Community Consultation re: Creative industries and film productions studios in the Barton & Tiffany lands
Current Due Date: January 15, 2019
Proposed New Due Date: February 19, 2019
- Item FF - Update on Statement of Cultural Heritage Value of Interest re: Item 1 of HMHC Report 18-009
Current Due Date: December 11, 2018
Proposed New Due Date: June 18, 2019
- Item HH - Cartier Crescent Extension - Information Report
Current Due Date: TBD
Proposed New Due Date: February 2020

14. PRIVATE AND CONFIDENTIAL

- 14.1 Update on LPAT Appeals for 609 Hamilton Street North, 3 Nisbet Boulevard, and 129-137 Truedell Drive (LS19005) (Ward 15) (Distributed under separate cover)
Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 18-015

9:30 a.m.

Tuesday, December 11, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson (2nd Vice Chair), T. Whitehead, J. Partridge

Also present: Mayor F. Eisenberger, Councillor L. Ferguson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Appointment of Committee Chair and Vice Chairs (Item 1.1)

(Partridge/Eisenberger)

- (a) That Councillor M. Pearson be appointed as Chair of the Planning Committee for 2019.

CARRIED

(Eisenberger/Partridge)

- (b) That Councillor J. Farr be appointed as First Vice Chair of the Planning Committee for 2019.

CARRIED

(Partridge/Clark)

- (c) That Councillor B. Johnson be appointed as Second Vice Chair of the Planning Committee for 2019.

CARRIED

2. Rental Housing Sub-Committee Report 18-003 (Item 7.1)

(Whitehead/Danko)

(a) Rental Licensing By-Law and Pilot Project (Item 8.1)

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a *draft* Licensing By-law for rental business operators to *contemplate the implementation of* a rental licensing pilot project in Wards 1 and 8;

- (b) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
 - (i) An education component for landlords and tenants; and,
 - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,

(c) That staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.

MAIN MOTION, As Amended, CARRIED

3. Adjustments to School Crossing Guard Locations (PED18227) (Wards 3, 7, 9, 10, 12 and 15) (Item 7.2)

(Collins/Farr)

- (a) That the revised list of school crossing guard locations resulting from school closures, openings, construction projects, walking patterns and lunch program changes in Wards 3, 7, 9, 10, 12, and 15 as outlined in Appendix "A" attached to Report PED18227, be approved;
- (b) That staff be authorized and directed to consult with the affected Ward Councillors and to use delegated authority for adding and/or removing school crossing guards prior to City Council approval for any proposed changes by the Hamilton-Wentworth District School Board (HWDSB) and the Hamilton-Wentworth Catholic District School Board (HWCDSD) for the 2019/2020 school year.

CARRIED

4. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18231) (City Wide) (Item 7.3)

(Farr/Clark)

That Report PED18231 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

5. Demolition Permit 1796 King Street East (PED18248) (Ward 4) (Item 7.5)

(Collins/Farr)

That the Chief Building Official be authorized and directed to issue a demolition permit for 1796 King Street East in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;

- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes; and
 - (ii) is a lien or charge on the property until paid; and
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

CARRIED

6. Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10) (Item 8.1)

(Pearson/Whitehead)

That Amended Zoning By-law Amendment Application ZAC-17-009, by Losani Homes, Owner, for a modification to the Residential "R6" Zone in the Stoney Creek Zoning By-law No. 3692-92, to permit the development of two semi detached dwellings and one single detached dwelling on lands located at 1215 Barton Street (Stoney Creek), as shown on Appendix "A" to Report PED18233, be APPROVED on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED18233, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan;
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

7. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) (Item 8.2)

(Whitehead/Collins)

- (a) That Amended Zoning By-law Amendment Application ZAC-17-066, by JNKK Management Ltd. (Owner), for a change in zoning from the Agricultural "A" Zone to the Neighbourhood Commercial (C2, 713) Zone, for the lands located at 1274 and 1280 Mohawk Road West (Ancaster), as

shown on Appendix “A” to Report PED18232, be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED18232, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and, conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

(b) *That the public submissions received regarding this matter did not affect the decision.*

Main Motion, As Amended, CARRIED

8. Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) (Item 8.3)

(Clark/Farr)

That Amended Zoning By-law Amendment Application ZAC-17-060 by 1830258 Ontario Ltd (c/o Alex Arbab), Owner, for a change in zoning from Neighbourhood Commercial (CN/S-60) Zone and Public Utilities (U) Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the Community Institutional (I2, 446, H108) Zone to permit an 83 resident Retirement Home and a 17 unit multiple dwelling for lands located at 211 York Road, as shown on Appendix “A” to Report PED18226 be APPROVED, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED18226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H108’ to the proposed Community Institutional (I2, 446) Zone.

The Holding Provision “H108” is to be removed to allow the 83 resident Retirement Home and 17 unit multiple dwelling, conditional upon:

- (i) The Owner submitting and receiving approval of a revised fire flow calculation based on the detailed building design to demonstrate that the existing watermains can provide for sufficient flows for firefighting for the future development on the site all to the satisfaction of the Manager of the Engineering Approvals.

- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan;
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

9. Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) (Item 8.4)

(Farr/Collins)

That Condominium Conversion Application CDM-CONV-14-02, by Old Colony Properties Ltd. c/o David Horwood, Owner, to establish a Draft Plan of Condominium (Condominium Conversion) for a portion of the existing multiple dwelling, consisting of 128 dwelling units, on lands located at 115 Main Street East (Hamilton), as shown on Appendix "A" to Report PED18080(a), be APPROVED on the following basis:

- (a) That this approval for Draft Plan of Condominium Application 25CDM-CONV-14-02 applies to the Draft Plan, prepared by A.J. Clarke and Associates certified by B.J. Clarke, O.L.S., dated July 7, 2014, showing common element areas which include stairwells, elevators, lobby areas, and hallways, a total of 128 dwelling units attached as Appendix "B" to Report PED18080(a);
- (b) That the ***amended*** conditions of Draft Plan of Condominium Approval attached as ***revised*** Appendix "C" to Report PED18080(a) be received and endorsed by City Council;
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

10. Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) (Item 8.5)

(Wilson/Whitehead)

That Red-Line Revised Condominium Conversion Application CDM-CONV-18-01, by 220 Dundurn Street Inc. c/o Denis Vranich, Owner, to establish a Draft Plan of Condominium (Condominium Conversion) for an existing multiple dwelling, consisting of 124 dwelling units, 159 resident parking units and 23 locker units, on lands located at 220 Dundurn Street South (Hamilton), as shown on Appendix "A" to Report PED18230, be APPROVED on the following basis:

- (a) That this approval for Red-Line Revised Draft Plan of Condominium Application 25CDM-CONV-18-01 applies to the Draft Plan, prepared by

A.J. Clarke and Associates certified by B. J. Clarke, O.L.S., dated May 2, 2018, showing common element areas which include stairwells, elevators, hallways, driveway access, visitor parking, landscaped areas, lobby areas, lounges, centralized mail box and fitness room, a total of 124 dwelling units, 159 resident parking units, and 23 locker units, attached as Appendix “B” to Report PED18230;

- (b) That the conditions of Draft Plan of Condominium Approval attached as Appendix “C” to Report PED18230 be received and endorsed by City Council.
- (c) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, As Amended, CARRIED

11. Increase to Permit Fees under the Building By-law (PED18247) (City Wide) (Item 8.6)

(Whitehead/Collins)

- (a) That the By-law, attached as Appendix “A” to Report PED18247 to amend City of Hamilton By-law No. 15-058, the Building By-law, be enacted;
- (b) That the fees prescribed in the By-law, attached as Appendix “A” to Report PED18247, be included in the User Fees and Charges By-law, replacing the fees listed under the heading “Classes of Permits and Fees under the Hamilton Building By-law”.

CARRIED

12. Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) (Item 10.1)

(Collins/Danko)

- (a) That Report PED18229 advising Planning Committee of the scheduling of a Non-Statutory Public Meeting relating to an appeal to the Local Planning Appeal Tribunal (LPAT – formerly known as OMB) of Zoning By-law Amendment Application ZAC-17-044, be received;
- (b) That Report PED18229, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor.

CARRIED

13. Through Streets (PED18128) (City Wide) (Outstanding Business List Item) (Item 10.2)

(Farr/Collins)

That Report PED18128 respecting Through Streets, be received.

CARRIED

14. EV Chargers in Hamilton Municipal Parking System Lots (PED18250) (City Wide) (Outstanding Business List Item) (Item 10.3)

(Farr/Collins)

(a) That Report PED18250 respecting EV Chargers in Hamilton Municipal Parking System Lots, be received;

(b) That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;

(c) That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton; and,

(d) That the item be removed from the Outstanding Business List.

MAIN MOTION, As Amended, CARRIED

15. Review of Development Activity in Existing Residential “ER” Zone in Ancaster (Added Item 11.1)

(Collins/Farr)

WHEREAS Council directed staff to review the Existing Residential “ER” Zone in Ancaster in response to concerns about the redevelopment of existing residential lots in mature neighbourhoods of Ancaster;

WHEREAS changes to the regulations of the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 were recommended through Report PED18036 (City Initiative CI-18-A) – Redevelopment in Mature Neighbourhoods;

WHEREAS staff were directed to include amendments to Site Plan Control By-law No. 15-176 regarding elevations, drainage patterns, and tree preservation in a subsequent report and amending by-law respecting changes to the regulations of the Existing Residential “ER” Zone;

WHEREAS Council passed By-law No. 18-104 to amend Site Plan Control By-law No. 15-176 respecting lands located in the Existing Residential “ER” Zone of Ancaster, and By-law No. 18-105, to amend Town of Ancaster Zoning By-law No. 87-57 to delete certain regulations and implement new regulations for the Existing Residential “ER” Zone;

WHEREAS concern has been expressed about the extent of development in the Existing Residential “ER” Zone of Ancaster that is now subject to Site Plan Control;

THEREFORE, BE IT RESOLVED THAT:

- (a) Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, respecting lands located in the Existing Residential “ER” Zone of Ancaster, be amended such that Site Plan Control shall only apply to the following development:
 - (i) Any new single detached dwelling, duplex dwelling and semi-detached dwelling;
 - (ii) An addition to an existing dwelling which shall include balconies and porches, if the ground floor area of the addition is greater than or equal to 50 percent of the ground floor area of the existing dwelling;
 - (iii) Accessory buildings or structures, if greater than or equal to 40 square metres ground floor area (the maximum permitted in Zoning By-law No. 87-57); and,
 - (iv) On lots with a maximum lot coverage of 35 percent, an addition and / or accessory building or structure, which results in a lot coverage that exceeds the maximum permitted in Zoning By-law No. 87-57.
- (b) Staff be directed to prepare a Draft By-law to amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, respecting lands located in the Existing Residential “ER” Zone of Ancaster; and,
- (c) The Director of Planning and Chief Planner be authorized to determine what constitutes development for the purpose of applying the Site Plan Control By-law in the Existing Residential “ER” Zone of Ancaster in accordance with the above criteria, until such time as the amending By-law is enacted by Council.

CARRIED

16. Local Planning Appeal Tribunal Processes and Issues (LS18058) (City Wide) (Item 14.1)

(Collins/Farr)

- (a) That the staff direction in Report LS18058 respecting Local Planning Appeal Tribunal Processes and Issues, be approved; and,
- (b) That Report LS18058 respecting Local Planning Appeal Tribunal Processes and Issues and its recommendations remain confidential.

CARRIED

FOR INFORMATION:**(a) APPROVAL OF THE AGENDA (Item 2)**

The Committee Clerk advised of the following changes:

1. ADDED COMMUNICATIONS

- 5.1 Letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration

2. ADDED DELEGATION REQUESTS:

- 6.1 Paul R.J. Martindale, Independent Housing Provider, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.2 Margaret Reid, Realtors Association of Hamilton-Burlington, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.3 Donna Bacher respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.4 Val Vescio respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.5 John Cerino respecting Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.6 Arun Pathak, Hamilton and District Apartment Association (HDAA), respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.7 Christopher Priest respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.8 Adam Kitchener, Unlimited Residential, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.9 Maria Rekrut, Canadian Real Estate Investors Association, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.10 Alex Matheson respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.11 Steve Devisser respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)

- 6.12 Stephanie Marie Bertolo, McMaster Students Union, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.13 Robert Flis respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.14 Peter Dyakowski respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.15 Mike Wood, Hamilton ACORN, respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.16 Lehlia Banting McBeth respecting the Proposed Development at 16-18 King Street West (For today's meeting) (Item 10.1)
- 6.17 Barbara Inthavixay respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.18 Lucie Brusse respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)
- 6.19 Jillian Harris, Olde Town Stoney Creek Community Association, respecting the Proposed Development at 16-18 King Street West (For today's meeting) (Item 10.1)
- 6.20 Ruth Lewis respecting the Rental Property Licensing By-law (For today's meeting) (Item 7.1)

3. ADDED WRITTEN COMMENTS

- 8.2 Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14)
 - 8.2.a Johannes and Adriana van Woudenberg
- 10.1 Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5)
 - 10.1.a Vicki MacNaught
 - 10.1.b David Hart Dyke

4. ADDED NOTICE OF MOTION

- 12.1 Review of Development Activity in Existing Residential "ER" Zone in Ancaster

5. ADDED PRIVATE & CONFIDENTIAL

14.2 Closed Session Minutes – September 18, 2018

6. ITEM TO BE MOVED IN THE AGENDA

7.4 Increase to Permit Fees under the Building By-law (PED18247) to be moved to Public Hearings as Item 8.6

(Danko/Partridge)

That the agenda for the December 11, 2018 meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor B. Clark declared a conflict of interest with Item 7.1, Rental Housing Sub-committee Report 18-003, as he has had a professional relationship with the Hamilton and District Apartment Association (HDAA).

Councillor M. Pearson declared a conflict of interest with Item with Item 7.1, Rental Housing Sub-committee Report 18-003, as she is a landlord.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) September 18, 2018 (Item 4.1)

(Farr/Collins)

That the Minutes of the September 18, 2018 meeting be approved, as presented.

CARRIED

(d) COMMUNICATIONS (Item 5)

(i) Letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration (Added Item 5.1)

(Partridge/Whitehead)

That the letter from the Hamilton Chamber of Commerce respecting Matters for the Planning Committee's Consideration, be received.

CARRIED

Councillor Pearson relinquished the Chair to Councillor Farr.

(e) DELEGATION REQUESTS (Item 6)**(Collins/Johnson)**

That the following Delegation requests be approved for today's meeting:

- 6.1 Paul R.J. Martindale, Independent Housing Provider, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.2 Margaret Reid, Realtors Association of Hamilton-Burlington, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.3 Donna Bacher respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.4 Val Vescio respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.5 John Cerino respecting Rental Property Licensing By-law. (Item 7.1)
- 6.6 Arun Pathak, Hamilton and District Apartment Association (HDAA), respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.7 Christopher Priest respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.8 Adam Kitchener, Unlimited Residential, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.9 Maria Rekrut, Canadian Real Estate Investors Association, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.10 Alex Matheson respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.11 Steve Devisser respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.12 Stephanie Marie Bertolo, McMaster Students Union, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.13 Robert Flis respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.14 Peter Dyakowski respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.15 Mike Wood, Hamilton ACORN, respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.16 Lehlia Banting McBeth respecting the Proposed Development at 16-18 King Street West (For today's meeting (Item 10.1))

- 6.17 Barbara Inthavixay respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.18 Lucie Brusse respecting the Rental Property Licensing By-law. (Item 7.1)
- 6.19 Jillian Harris, Olde Town Stoney Creek Community Association, respecting the Proposed Development at 16-18 King Street West. (Item 10.1)
- 6.20 Ruth Lewis respecting the Rental Property Licensing By-law. (Item 7.1)

CARRIED**(Whitehead/Collins)**

That the Delegations relating to Item 7.1 be heard at this time, before the Committee considers the Rental Housing Sub-Committee Report.

CARRIED**(Partridge/Johnson)**

That the Delegations from the following individuals, respecting the Rental Housing Sub-Committee Report, be received:

- (i) Paul R.J. Martindale
- (ii) Margaret Reid
- (iii) Donna Bacher
- (iv) Val Vescio
- (v) John Cerino
- (vi) Arun Pathak
- (vii) Adam Kitchener
- (viii) Maria Rekrut
- (ix) Alex Matheson
- (x) Steve Devisser
- (xi) Stephanie Marie Bertolo
- (xii) Robert Flis
- (xiii) Peter Dyakowski
- (xiv) Mike Wood
- (xv) Barbara Inthavixay
- (xvi) Lucie Brusse
- (xvii) Ruth Lewis

CARRIED

(f) CONSENT ITEMS (Item 7)

(i) Rental Housing Sub-Committee Report 18-003 (Item 7.1)

(Collins/Whitehead)

(a) Rental Licensing By-Law and Pilot Project (Item 8.1)

That the recommendations **be amended** to include the following wording in sub-section (a), deleting sub-section (b), re-lettering the balance accordingly, and adding a new sub-section (c), to read as follows:

- (a) That Licensing and By-law Services staff in consultation with Legal Services, bring forward a **draft** Licensing By-law for rental business operators to **contemplate the implementation of** a rental licensing pilot project in Wards 1 and 8;
- ~~(b) That the licensing By-law be subject to the approval of staffing levels and that the rental licensing pilot project commence in the first quarter of 2019, and for a two year period; and~~
- (b) That a report respecting the implementation of a rental licensing pilot project in Wards 1 and 8 be brought to a future meeting of the Planning Committee, and include:
- (i) An education component for landlords and tenants; and,
 - (ii) Consideration of financial off-sets for tenants impacted by a rental increase due to the licensing; and,
- (c) ***That staff be directed to include a review of all affordable housing issues related to the implementation of a rental licensing project in Wards 1 and 8.***

Amendment CARRIED

The above Main Motion, as amended, was CARRIED on the following Standing Recorded Vote:

Sub-sections (a) and (b):

Yeas:	Whitehead, Farr, Danko, Collins, Wilson
Total:	5
Nays:	None
Total:	0
Absent:	Clark, Johnson, Partridge, Pearson
Total:	4

Sub-section (c):

Yeas: Whitehead, Farr, Danko, Collins
 Total: 4
 Nays: Wilson
 Total: 1
 Absent: Clark, Johnson, Partridge, Pearson
 Total: 4

For disposition of this matter refer to Item 2.

Councillor Pearson assumed the Chair.

(g) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Clark/Whitehead)

That the public meeting be closed.

CARRIED

Melanie Schneider, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

(Clark/Whitehead)

That the staff presentation be received.

CARRIED

James Webb of WEBB Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Pearson/Whitehead)

That the recommendations be amended by adding the following sub-section (c):

(c) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter, refer to Item 6.

(ii) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1274 and 1280 Mohawk Road West (Ancaster) (PED18232) (Ward 14) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

8.2(a) Johannes and Adriana van Woudenberg

(Farr/Danko)

That the added written comments 8.2(a) be received.

CARRIED

(Whitehead/Clark)

That the staff presentation be waived.

CARRIED

Jacqueline Svedas of T. Johns Consulting Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

Delegations

1. Glenn Wellings on behalf of Johannes and Adriana van Woudenberg

Glenn Wellings addressed the Committee and expressed concerns with the proposal.

2. Rajeev Sharma, 1269 Mohawk Road

Rajeev Sharma addressed the Committee and was in support of the proposal.

(Whitehead/Farr)

That the Delegations be received.

CARRIED

(Whitehead/Farr)

That the public meeting be closed.

CARRIED

(Whitehead/Collins)

That the recommendations be amended by adding the following subsection (b):

(b) That the public submissions received regarding this matter did not affect the decision.

Amendment CARRIED

For disposition of this matter, refer to Item 7.

(iii) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 211 York Road, Dundas (PED18226) (Ward 13) (Item 8.3)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Collins/Wilson)

That the public meeting be closed.

CARRIED

(Collins/Wilson)

That the staff presentation be waived.

CARRIED

Glenn Wellings Wellings Planning Consultants, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

(Clark/Farr)

That the recommendations be amended by adding the following subsection (d):

(d) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter, refer to Item 8.

(iv) Application for a Condominium Conversion for lands known as 115 Main Street East, Hamilton (PED18080(a)) (Ward 2) (Item 8.4)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Farr/Collins)

That the public meeting be closed.

CARRIED

(Farr/Collins)

That the staff presentation be waived.

CARRIED

Matt Johnston, Urban Solutions, agent for the applicant and David Horwood, Effort Trust, owner, were in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston addressed Committee and explained the purpose of the application, with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website.

(Farr/Clark)

That the agent's presentation be received.

CARRIED

(Farr/Collins)

That the Conditions of the Draft Plan of (Standard) Condominium for 115 Main Street East, Hamilton 25CDM-CONV-201402 be amended by deleting No. 7 and replacing it with a new No. 7 as follows:

- 7) ~~“That the Owner shall investigate the noise levels on the site to determine potential noise impacts and to implement any noise control measures that are satisfactory to the City of Hamilton in conformity to the Ministry of the Environment, Conservation and Parks recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner / applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner”.~~

That staff be directed to replace Condition No. 7 with the following:

- 7) ***That the owner shall include the following warning clauses in all Development Agreements and Offers of Purchase and Sales or Lease / Rental Agreements:***
- a) ***Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of Environment and Climate Change’s noise criteria;***
Amendment CARRIED

(Farr/Collins)

That the recommendations be amended by adding the following sub-section (c):

- (c) ***That the public submissions received regarding this matter did not affect the decision.***
Amendment CARRIED

For disposition of this matter, refer to Item 9.

- (v) **Application for a Condominium Conversion for Lands Known as 220 Dundurn Street South, Hamilton (PED18230) (Ward 1) (Item 8.5)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local

Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

No members of the public came forward.

(Wilson/Farr)

That the public meeting be closed.

CARRIED

(Wilson/Farr)

That the staff presentation be received.

CARRIED

Frank Kloibhofer, AJ Clarke Associates, agent for the applicant, and Dennis Vranich, owner, were in attendance and indicated that the applicant is in agreement with the staff report.

(Wilson/Whitehead)

That the recommendations be amended by adding the following subsection (c):

(c) *That the public submissions received regarding this matter did not affect the decision.*

Amendment CARRIED

For disposition of this matter, refer to Item 10.

(vi) Increase to Permit Fees under the Building By-law (PED18247) (City Wide) (Item 8.6)

Councillor Pearson advised that a Public Meeting was required for Report PED18247 respecting Increase to Permit Fees under the Building By-law as it had been advertised in the paper as it relates to proposed amendments to the permit fees.

No members of the public came forward.

(Whitehead/Clark)

That the public meeting be closed.

CARRIED

For disposition of this matter, refer to Item 11.

(h) DISCUSSION ITEMS (Item 10)

(i) Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5) (Item 10.1)

Chair Pearson advised that this is not a statutory public meeting under the *Planning Act* and, as the application has been appealed, the matter is in the hands of the Local Planning Appeal Tribunal (LPAT) and Council is not in a position to make a decision regarding the applications. The item is on the agenda to provide an opportunity to the public to speak to the application. The public input received will be referred to staff.

Written Comments

10.1(a) Vicki MacNaught

10.1(b) David Hart Dyke

(Collins/Danko)

That the written comments 10.1(a) and 10.1(b) be received.

CARRIED

Registered Speakers

1. Lehlia Banting McBeth, 27 Second St. North

Lehlia Banting McBeth addressed Committee and expressed concerns with the proposal.

2. Jillian Harris, Olde Town Stoney Creek Community Association

Jillian Harris addressed Committee with the aid of a PowerPoint presentation and expressed concerns with the proposal. A copy is available for viewing on the City's website.

(Collins/Farr)

That the Delegations be received.

CARRIED

(Collins/Danko)

That the public meeting be closed.

CARRIED

For disposition of this matter, refer to Item 12.

(ii) **EV Chargers in Hamilton Municipal Parking System Lots (PED18250)
(City Wide) (Outstanding Business List Item) (Item 10.3)**

(Clark/Farr)

That the recommendation be **amended** to add sub-sections (b), (c) and (d) as follows:

- (a) ***That staff request the Ministry of Transportation to provide statistics on how many electric vehicles currently exist in Hamilton;***
- (b) ***That staff report back to the Planning Committee regarding projected future electric vehicle ownership in Hamilton; and,***
- (c) ***That the item be removed from the Outstanding Business List.***
Amendment CARRIED

For disposition of this matter refer to Item 14.

(i) **NOTICES OF MOTION (Item 12)**

(i) **Review of Development Activity in Existing Residential “ER” Zone in Ancaster (Added Item 12.1)**

(Collins/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a Review of Development Activity in Existing Residential “ER” Zone of Ancaster.

CARRIED

For disposition of the matter refer to Item 15.

(j) **GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

(i) **Outstanding Business List (Item 13.1)**

(Farr/Collins)

(a) That the following Items be identified as completed and removed:

Item CC - Regulation of Private Cannabis Stores
(To be transferred to the General Issues Committee – Special Meeting December 18, 2018)

(b) That the following new due dates be approved:

Item J - Update re: Losani OMB appeal and sign variance application appeal
Current Due Date: August 14, 2018
Proposed New Due Date: February 19, 2019

Item O - Status of Accessible Taxi Plate Applicants
Current Due Date: December 11, 2018
Proposed New Due Date: January 15, 2019

CARRIED

(k) PRIVATE AND CONFIDENTIAL (Item 14)

The Committee determined they did not need to move into Closed Session.

**(i) Local Planning Appeal Tribunal Processes and Issues (LS18058)
(City Wide) (Item 14.1)**

For disposition of the matter refer to Item 16.

(ii) Closed Session Minutes – September 18, 2018 (Added Item 14.2)

(Collins/Farr)

That the Closed Session Minutes dated September 18, 2018, be approved and remain confidential.

CARRIED

(l) ADJOURNMENT (Item 15)

(Farr/Danko)

That, there being no further business, the Planning Committee be adjourned at 3:33 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the amending By-law attached as Appendix "A" to Report PED17179(b), being a By-law to amend By-law 18-199, a By-law to Prohibit Driving School Instructing in the Restricted Areas, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

On July 13, 2018, Council approved Item 16 of Planning Committee Report 18-011 which created By-law 18-199 designating several driving school instructing prohibited zones. This By-law was created to alleviate the compounded effect of vehicular traffic experienced by the neighbourhoods where hundreds of drive test exams occur daily.

Since the passing of the By-law 18-199, staff have received more complete DriveTest exam route maps and have updated Appendices "1" and "2" of By-law 18-199. In addition to updating the Ward 5 restricted area maps and through consultation with Legal Services, improvements to increase clarity of the By-law which are outlined in the amending By-law attached as Appendix "A" to this Report.

Resulting from the improved Ward 5 maps, staff is recommending additional signs be installed to adequately identify the prohibited driving school instructing areas.

Alternative for Consideration – Not Applicable

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SUBJECT: Amendments to By-law 18-199, the By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5) - Page 2 of 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The installation of additional signs to identify driving school instructing prohibited zones will be required. The total cost of signs required to facilitate the prohibited driving instructing areas would be approximately \$2,000 in addition to the original \$1,600 and would be paid for from Account No. 59035-817006.

Staffing: Enforcement of the prohibited area can be accomplished with existing staff.

Legal: Pursuant to subsection 27(1) of the *Municipal Act*, 2001, the City has authority to pass by-laws in respect of a highway where it has jurisdiction over the highway.

Pursuant to Sections 8, 9 and 10 of the *Municipal Act*, 2001, the City of Hamilton is authorized to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 6 and 8 of subsection 10(2) authorize by-laws respecting the health, safety and well-being of persons and the protection of persons and property.

HISTORICAL BACKGROUND

On July 13, 2018, Council approved Item 16 of Planning Committee Report 18-011 which created a new By-law 18-199 designating several driving school instructing prohibited zones. This By-law was created to alleviate the vehicular traffic from the driving school community who teach students how to drive on the same neighbourhood roads where hundreds of DriveTest exams occur daily.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services and DriveTest Hamilton were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Shortly after the DriveTest began operating at 370 Kenora Avenue North location in Stoney Creek, residents have objected to the additional vehicular traffic generated by the facility as well as the driving school instructors it attracts.

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SUBJECT: Amendments to By-law 18-199, the By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5) - Page 3 of 3

On July 13, 2018, Council approved Item 16 of Planning Committee Report 18-011 prohibiting driving school instructing in designated prohibited areas, enacted under the authority of the *Municipal Act, 2001*. This By-law provided Municipal Law Enforcement Officers with a critical tool to address vehicular traffic in sensitive residential neighbourhoods. The prohibition applies to Provincially Licensed Driving School Instructors who teach their students on the same routes as the DriveTest examiners.

Since the By-law was enacted, staff have received new complete Ministry of Transportation (MTO) approved exam route maps to update the By-law. In addition to more complete Ward 5 maps other approved MTO exam routes have been added with the goal to utilize these areas to alleviate vehicular pressure experienced by residents in Ward 5. Spreading DriveTest exams over more neighbourhoods means less vehicles on MTO approved residential roads.

A review of the By-law also identified several areas for improved language and clarity and in consultation with Legal Services the amending By-law has been prepared to capture the suggested amendments.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Proposed amending By-law to Prohibit Driving School Instructing in the Restricted Areas

KL:LF:st

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Appendix “A” to Report PED17179(b)
Page 1 of 5

Authority: Item ,
Report
CM:
Ward: Ward 5

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**A By-law to amend By-law 18-199, being a By-law to Prohibit Driving School
Instructing in the Restricted Areas**

1. The Whereas Clauses are hereby deleted and the following substituted:

WHEREAS subsection 10.(2) of the Municipal Act, 2001 permits a single-tier municipality to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property; and

WHEREAS pursuant to section 9 of the Municipal Act, 2001, the municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act; and

WHEREAS pursuant to subsection 8.(1) of the Municipal Act, 2001, the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

WHEREAS Council for the City of Hamilton considers it desirable to regulate and govern the training of persons by a Driving School Instructor in designated restricted areas;

2. Section 1 is hereby amended by deleting the following definitions:

“Driving School Permit” means a valid driving school licence issued by the Province of Ontario pursuant to the Highway Traffic Act;

“DriveTest Examiner” means a person employed by a DriveTest Centre who evaluates individual driving skills on Ministry of Transportation approved routes and provides a pass/fail report; and

“Residential Local Road” means an Urban Residential Local Road as described in the City’s Transportation Master Plan;

3. Section 1 is hereby amended by deleting the definition of Restricted Area and the following is substituted:

Appendix "A" to Report PED17179(b)**Page 2 of 5**

"Restricted Area" means the streets highlighted in Appendix 1 to this By-law.

4. Section 2 is hereby deleted and the following substituted:

2.(1) No Driving School Instructor providing driving lessons shall operate or permit the operation of a Driving School Motor Vehicle on any Highway listed in Appendix 1 and located within a Restricted Area.

2.(2) No Driving School Operator shall cause or permit the operation of a Driving School Motor Vehicle providing driving lessons on any Highway listed in Appendix 1 and located within a Restricted Area.

2.(3) Notwithstanding Sections 2(1) and 2(2) a Driving School Motor Vehicle used by a Driving School Instructor for providing driving lessons may be operated on a Highway listed in Appendix 1 and located within the Restricted Area provided that:

(a) the student to whom Driving School instruction is being provided lives within the Restricted Area; and

(b) while in the "Restricted Area" the student carries proof of residence; and

(c) the Driving School Instructor proceeds to and from the student's residence using the most direct route to and from the closest area outside the Restricted Area.

2.(4) Notwithstanding Section 2(1) and 2(2) a Driving School Motor Vehicle used for providing driving lessons by a Driving School Instructor who lives within the Restricted Area may be operated on a Highway listed in Appendix 1 providing no instruction of a student is being performed within the Restricted Area.

5. Section 4 is hereby deleted and the following substituted:

4.(1) Every person who contravenes any of the provisions of this By-law, and every director of a corporation who concurs in such contravention by the corporation is guilty of an offence and on conviction liable to a fine not exceeding \$25,000 for a first offence and \$50,000 for any subsequent offence.

4.(2) Where a corporation is convicted of an offence under this By-law, the maximum penalty is \$50,000 for a first offence and \$100,000 for any subsequent offence.

6. Appendix 1 is hereby deleted and substituted with Appendix 1 as attached hereto.

7. Appendix 2 is hereby deleted and substituted with Appendix 2 as attached hereto.

Appendix "A" to Report PED17179(b)
Page 3 of 5

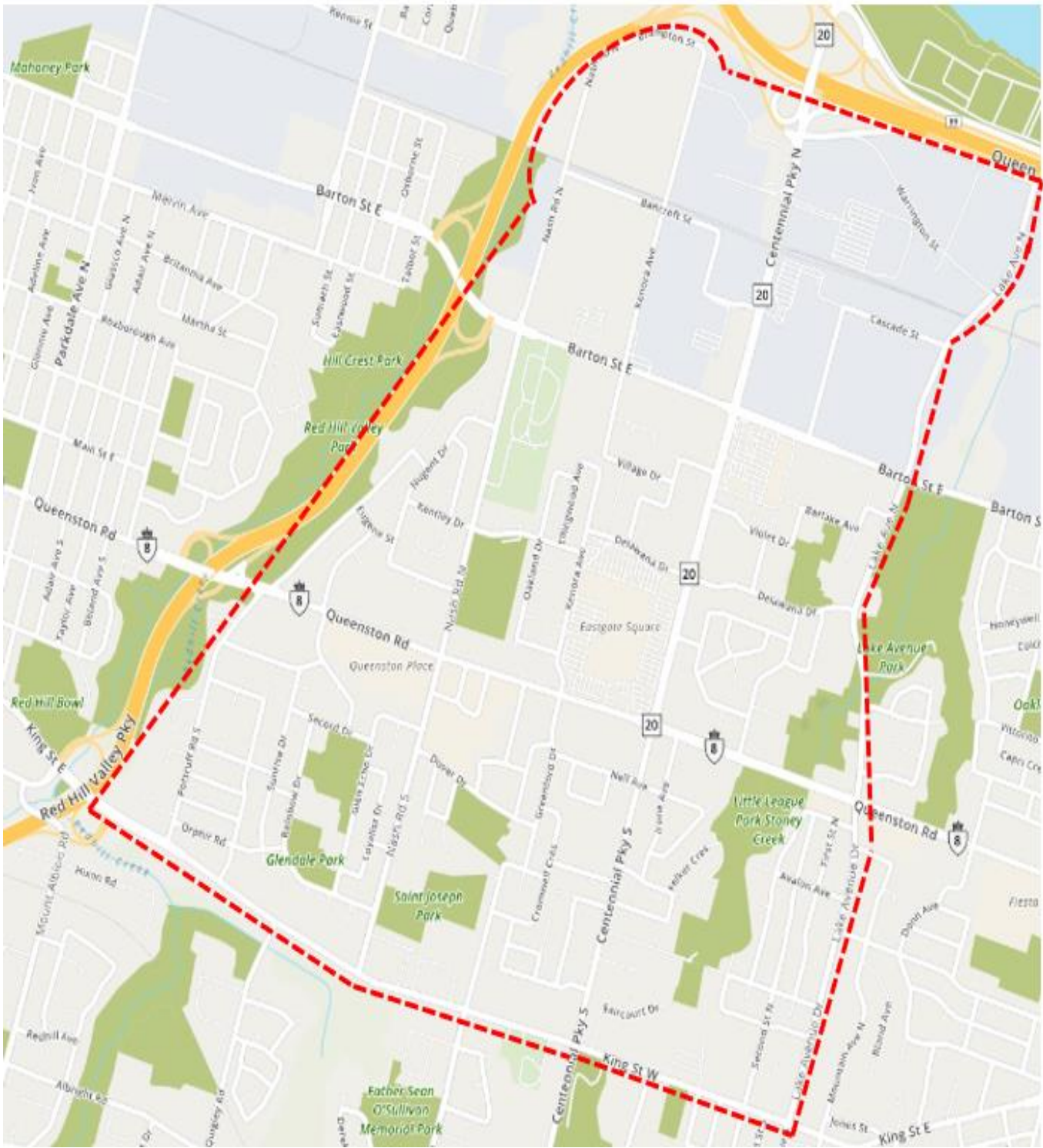
PASSED this day of , 2018

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk

Appendix "1"

Ward 5 Restricted Area



Appendix "2"**Ward 5 DriveTest Restricted Areas**

1. Subdivision, inclusive of all streets between Red Hill Valley Pkwy and Barton St and Nicola Tesla Blvd and Kenilworth Ave N.
2. Subdivision, inclusive of all streets between Barton St, Red Hill Valley Pkwy, Nash Rd and Queenston Rd.
3. Subdivision, inclusive of all streets between Barton St, Nash Rd, Queenston Rd and Centennial Pkwy N.
4. Subdivision, inclusive of all streets between Barton St, Centennial Pkwy N, Queenston Rd and Lake Ave.
5. Subdivision, inclusive of all streets between Nash Rd, Queenston Rd, Red Hill Valley Pkwy and King St.
6. Subdivision, inclusive of all streets between Nash Rd, King St, Queenston Rd and Centennial Pkwy S.
7. Subdivision, inclusive of all streets between Red Hill Valley Pkwy, King St, Greenhill Ave and all side streets on the left/ right side of Greenhill Ave.

Ward 4 DriveTest Exam Areas

8. Subdivision, inclusive of all streets between Red Hill Valley Pkwy, Lawrence Rd, Kenilworth Ave and King St.
9. Subdivision, inclusive of all streets between Red Hill Valley Pkwy and Barton St and Kenilworth Ave N and Main St/Queenston Rd.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19004) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At the June 16, 2015 Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Background:

On April 19, 2016, Information Report (PED16096) was forwarded to the Planning Committee, which provided a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 statutory timeframe provisions of the *Planning Act* for non-decision appeals and outlined a process for future reporting to the Planning Committee. The Report included a table outlining the active applications, sorted by Ward, from oldest application to newest. In addition, the Report summarized OMB appeals over the previous five years.

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19004) - Page 2 of 4

year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

Policy Implications and Legislative Requirements

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment application after 210 days (17 (40)), Zoning By-law Amendment application after 150 days (34 (11)) and a Plan of Subdivision after 180 days (51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton extends the approval period of Official Plan Amendment applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the applicant can terminate the 90-day extension period if written notice to the other party is received prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment applications that are submitted together with a required Official Plan Amendment application are also subject to the statutory timeframe of 210 days.

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, prior to December 12, 2017 and after December 12, 2017.

Applications Deemed Complete Prior to Royal Assent (December 12, 2017)

Attached as Appendix "A" to Report PED19004 is a table outlining the active applications received prior to December 12, 2107 sorted by Ward, from oldest application to newest. As of November 12, 2018, there were:

- 17 active Official Plan Amendment Applications (including 16 applications submitted after July 1, 2016);
- 30 active Zoning By-law Amendment Applications; and,

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19004) - Page 3 of 4

- 10 active Plan of Subdivision Applications.

Within 60 to 90 days of January 15, 2019, all 30 development proposals have passed the 120 or 180 day statutory timeframe, including 16 Official Plan Amendment Applications received after July 1, 2016 that are subject to the 270 statutory timeframe. These applications are marked with an asterisk on Appendix “A” to Report PED19004).

Applications Deemed Complete After Royal Assent (December 12, 2017)

Attached as Appendix “B” to Report PED19004 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of November 12, 2018, there were:

- 14 active Official Plan Amendment Applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 day extension to the statutory timeframe from 210 days to 300 days;
- 28 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of January 15, 2019, 13 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Fifteen applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, this results in 58 active development proposals. Twenty-six proposals are 2018 files, while 23 proposals are 2017 files and 9 proposals are pre-2017 files.

It should be noted that Appendix “A” and “B” to Report PED19004 reflect the new ward boundaries, which came into effect on December 3, 2018.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q1 of 2019 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan
of Subdivision Applications (City Wide) (PED19004) - Page 4 of 4**

Appendices and Schedules Attached:

Appendix "A" – List of Active Development Applications (Prior to December 12, 2017)

Appendix "B" – List of Active Development Applications (After December 12, 2017)

JG:mo

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 12, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 15, 2019
Ward 1								
UHOPA-17-18* ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	27-Sep-17*	Urban Solutions Planning & Land Development	655
Ward 2								
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	Urban Solutions Planning & Land Development	753
UHOPA-17-33* ZAC-17-073	125 - 129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	04-Apr-18*	IBI Group	427
Ward 7								
UHOPA-15-16 ZAC-11-070	1375 Upper James St., Hamilton	16-Mar-15	n/a	26-May-15	14-Jul-15	12-Sep-15	WEBB Planning Consultants Inc.	1401

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File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 15, 2019
Ward 7 cont'd								
UHOPA-17-31* ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	26-Mar-18*	MB1 Development Consulting Inc.	475
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	Patrick Slattery	413
Ward 9								
UHOPA-16-26* ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	825
UHOPA-16-27* ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	825
UHOPA-16-25* ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17*	WEBB Planning Consultants Inc.	830

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File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 15, 2019
Ward 9 cont'd								
UHOPA-17-01* ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17*	A.J. Clarke & Associates Ltd.	774
UHOPA-16-21* ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17*	Metropolitan Consulting Inc.	659
Ward 10								
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	WEBB Planning Consultants Inc.	1293
UHOPA-17-36* ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	25-Apr-18*	GSP Group	445
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	A.J. Clarke & Associates Ltd.	1096

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Ward 10 cont'd								
ZAC-17-009	1215 Barton St., Stoney Creek	23-Dec-16	n/a	06-Jan-17	22-Apr-17	n/a	WEBB Planning Consultants Inc.	753
UHOPA-17-05* ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	IBI Group	753
ZAR-17-033	90 Creanona Blvd., Stoney Creek	27-Mar-17	n/a	28-Apr-17	25-Jul-17	n/a	A.J. Clarke & Associates Ltd.	659
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	Glen Schnarr & Associates Inc.	442
Ward 11								
UHOPA-17-12* ZAC-17-027 25T-210706	2341 & 2365 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17*	A.J. Clarke & Associates Ltd.	691

**Active Development Applications
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Ward 12								
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	Liam Doherty	1119
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	T. Johns Consultants Inc.	536
UHOPA-17-25* ZAC-17-058	305 Garner Rd. W., Ancaster	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	07-Jan-18*	MHBC Planning Limited	553
UHOPA-17-22* ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	19-Feb-18*	GSP Group	510
UHOPA-17-32* ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	04-Apr-18*	A.J. Clarke & Associates Ltd.	466

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 12, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days Since Received and/or Deemed Complete as of January 15, 2019
Ward 13								
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	336477 Ontario Ltd.	1505
ZAC-17-060	211 York Rd., Dundas	14-Jul-17	n/a	02-Aug-17	11-Nov-17	n/a	Wellings Planning Consultants Inc.	550
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	n/a	A.J. Clarke & Associates Ltd.	524
ZAC-17-066	1274 Mohawk Rd., Ancaster	17-Aug-17	n/a	06-Sep-17	15-Dec-17	n/a	T. Johns Consultants Inc.	516
Ward 15								
UHOPA-17-06* ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	MHBC Planning Limited	753
RHOPA-17-38* ZAC-17-081	1633 Highway 6, Flamborough	08-Nov-17	n/a	21-Nov-17	08-Mar-18	07-May-18*	1685486 ONTARIO INC.	314

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective November 12, 2018)**

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective November 12, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of January 15, 2019
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	389
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd., Hamilton	29-Nov-17	n/a	17-Jul-18	n/a	n/a	25-Sep-18*	IBI Group	215
Ward 2									
UHOPA-17-041* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	29-Nov-17	n/a	14-Dec-17	n/a	n/a	27-Jun-18*	IBI Group	412
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	390
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	21-Dec-17	n/a	25-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	390

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Ward 2 cont'd									
UHOPA-18-007* ZAC-18-020	468, 470, 474 and 476 James St. N., Hamilton	09-Mar-18	n/a	27-Mar-18	n/a	n/a	05-Oct-18*	SvN Architects + Planners	312
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	292
UHOPA-18-015* ZAC-18-037	282 MacNab St. N., Hamilton	06-Jul-18	n/a	25-Sep-18	n/a	n/a	02-May-19*	GSP Group	193
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	186
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	390

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Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	306
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	n/a	09-Sep-18	09-Oct-18*	MHBC Planning Limited	278
ZAR-18-026	865 West 5 th St., Hamilton	13-Apr-18	n/a	27-Apr-18	10-Sep-18	n/a	n/a	WEBB Planning Consultants Inc.	277
ZAC-18-046	360 Mohawk Rd. W., Hamilton	30-Aug-18	n/a	14-Sep-18	27-Jan-19	n/a	n/a	IBI Group	138
Ward 9									
UHOPA-18-011* ZAC-17-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-18*	Wellings Planning Consultants Inc.	256

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Ward 9 cont'd									
ZAR-18-030	222 First Rd. W., Stoney Creek	04-May-18	n/a	05-Jun-18	01-Oct-18	n/a	n/a	IBI Group	256
Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	361
ZAC-18-017	560 Grays Rd., Stoney Creek	18-Jan-18	n/a	26-Jan-18	17-Jun-18	n/a	n/a	IBI Group	327
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	05-Nov-18	05-Dec-18	04-Apr-19*	IBI Group	186
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	106
Ward 11									
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	19-May-18	n/a	n/a	Larry Freeman	356
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	n/a	06-May-19*	Corbett Land Strategies	189

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Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	06-Jul-19	Fothergill Planning & Development Inc.	128
ZAA-18-052	1557 2 nd Concession Rd. W., Flamborough	16-Oct-18	n/a	22-Oct-18	15-Mar-18	n/a	n/a	Chris Van Berkel	91
Ward 13									
UHOPA-17-040* ZAC-17-088	264 Governors Rd. Dundas	28-Nov-17	n/a	13-Dec-17	n/a	n/a	26-Jun-18*	Urban Solutions Planning & Land Development	413
Ward 15									
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	326
ZAR-18-043	119 Highway 5 West, Flamborough	20-Jul-18	n/a	15-Aug-18	17-Dec-18	n/a	n/a	Fothergill Planning & Development Inc.	179
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	176

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Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.
2. In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
3. In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Licensing and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 (PED19011) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the technical and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 regarding landscaping requirements for approved developments and grading plans, the definition of Director, renewing the penalty provisions, and the maintenance requirements for trees as described in Report PED19011 be approved;
- (b) That the technical and housekeeping changes to the City of Hamilton Yard Maintenance By-law 10-118 regarding the definitions for urban boundary, Director, Officer, and inoperative vehicle, and the maintenance requirements for trees as described in Report PED19011 be approved;
- (c) That the appropriate amending By-law, prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

By-law amendments are occasionally required to correct minor errors and as part of continuous improvement efforts, for the most efficient and effective by-laws. Report PED19011 recommends:

- (a) amending the City of Hamilton Property Standards By-law 10-211 (the Property Standards By-law) to:

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SUBJECT: Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 (PED19011) (City Wide) - Page 2 of 5

- ensure continuous maintenance for developments and approved grading plans;
 - update the Director's title change;
 - revise the penalty provisions; and,
 - vary the maintenance requirements for trees.
- (b) amending the City of Hamilton Yard Maintenance By-law 10-118 to:
- provide clarity to the meaning of "Urban Boundary";
 - update the definition for Director to reflect the Director's title change;
 - revise the definition of Officer to remove reference to Senior Director and revise section 10(1) accordingly;
 - revise the meaning and definition of inoperative vehicle; and,
 - include requirements for the minor maintenance for trees.

The technical and housekeeping changes recommended in this Report are minor in nature, and do not in any way deviate from the by-laws' intent as originally approved and enacted by Council.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

FINANCIAL / STAFFING: N/A

LEGAL: Staff recommendation to use the Yard Maintenance By-law regarding the minor maintenance of trees is the preferred method to the formal lengthy appeal process currently under the Property Standards By-law.

HISTORICAL BACKGROUND

On May 28, 2010, City Council enacted the City of Hamilton Yard Maintenance By-law 10-118 to regulate the outdoor maintenance of private property and repeal By-law 03-118. Since its passing, three amendments to the Yard Maintenance By-law were enacted for technical amendments as a matter of housekeeping.

On September 15, 2010, City Council enacted the City of Hamilton Property Maintenance By-law to prescribe the standards for the maintenance and occupancy of property within the municipality and repeal By-law 03-117. Since its enactment, seven amendments to the Property Standards By-law were passed as a matter of housekeeping or to address specific municipal needs.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Building Code Act* allows municipalities to pass a by-law to prescribe standards for the maintenance and occupancy of property.

The *Municipal Act, 2001* authorizes municipalities to pass by-laws respecting the natural environment, protection of persons and property, and well-being of the inhabitants, and also authorizes municipalities to require the owner or occupant of land to clean and clear of land, not including buildings, and to clear refuse or debris from the land.

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As part of continuous improvement efforts, staff work to improve enforcement activities, including updating various by-laws to address specific municipal needs identified by Council, committees, staff, public and the courts. In addition to continuous improvement efforts, by-laws require changes over time to align with changes to legislation, improved processes and to correct obsolete or imprecise language while maintaining the by-laws' original intent and effectiveness.

Proposed Amendments to the Property Standards By-law

Developments and Approved Grading Plans

On May 8, 2012, City of Hamilton By-law 13-127 amended Subsection 18(1) of the City of Hamilton Property Standards By-law to enforce and correct obstructed swales where no previously approved drainage or grading plans were in place. City staff propose amendments to the current "Landscaping, Etc." section of Property Standards By-law to include maintenance requirements for any and all property under a development agreement or grading plan to support enforcement of development proposals.

Director

The definition of Director in the current Property Standards By-law is out-of-date and requires amendments to reflect the change of the City Director of Parking and By-law Services, now the Director of Licensing and By-law Services.

Penalty Section

The offence and penalty provisions for disobeying a Property Standards Order are found under Section 36 of the *Building Code Act*. Subsections 30(1) and (2) of Property

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SUBJECT: Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 (PED19011) (City Wide) - Page 4 of 5

Standards By-law 10-221 needs to be amended to reference the offence and penalty provisions under the *Building Code Act*.

Trees

The issuance of an Order under the Property Standard By-law, with the associated procedures and rights of appeal, is the current method to have dead or damaged trees maintained or removed. Staff propose amendments to use the less formal method of Municipal Orders under the Yard Maintenance By-law for the minor maintenance of trees, while continuing to apply Property Standards Orders under the Property Standards By-law for trees that may be hazardous or requiring more involved work or removal.

Proposed Amendments to the Yard Maintenance By-law

Trees

The ability to apply the Yard Maintenance By-law for the removing/trimming of damaged branches or tree limbs is a quick and expeditious method that does not include the lengthy process and rights of appeal found in the Property Standards By-law for the maintenance of trees.

In keeping with the intention to address minor maintenance of damaged trees in a less formal manner, staff propose amending the Yard Maintenance By-law by adding a provision which would require property owners to keep trees free from dead, decayed or damaged limbs or branches.

Urban Boundary

Section 3 of the City of Hamilton Yard Maintenance By-law requires property owners within the urban boundary to maintain overgrown vegetation in their yards. Subsection 2(1) of the By-law defines urban boundary to mean the urban boundary of the City as defined in the Official Plan(s) for the City. Although Rural Settlement Areas (RSA) are identified and delineated in the City's Rural Official Plan, the definition of urban boundary in the Yard Maintenance By-law does not precisely speak of the RSA, clouding public interpretation. To clarify that the RSA are included as being within the urban boundary, staff propose revising the definition of urban boundary by adding reference to the "Rural Settlement Areas".

Director and Officer

The definitions of Director and Officer within the current Yard Maintenance By-law are out-of-date and require amendments to reflect the change of the City Director of Parking and By-law Services, now the Director of Licensing and By-law Services. A

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SUBJECT: Housekeeping Amendments to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 (PED19011) (City Wide) - Page 5 of 5

corresponding amending to section 10(1) is also required in keeping with the changes to the definition of Officer.

Inoperative Vehicle

The definition of “inoperative vehicle” in the current Yard Maintenance By-law is outdated and obsolete to the vehicle/permit holder regime under the *Highway Traffic Act*. The intent of the “inoperative vehicle” provisions is to apply to all vehicles that are dismantled, broken or incomplete, decayed or dilapidated, whether or not they have a number plate with current validation. Staff propose the following amendment to the definition section that properly reflects the meaning of inoperative vehicles, and that includes a motorized snow vehicle:

“**inoperative vehicle**” means a vehicle and a motorized snow vehicle, as those terms are defined in the *Highway Traffic Act*, that may not be lawfully operated on a highway for any of the following reasons:

- (i) it has missing, broken, incomplete, decayed, or damaged parts or components; or,
- (ii) it is in a derelict condition.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

N/A

KL:RU:st

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INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Equitable Access to City's Taxi System for All Persons with Disabilities Update (PED16232(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Adam Palmieri (905) 546-2424 Ext. 5413 Dawn Johnson (905) 546-2424 Ext. 5809
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting of February 28, 2018 Council approved Item 7 of Planning Committee Report 18-003 directing staff to report back in six months on the status of the accessible taxi plate applications including the number applied for and the number in service.

Information:

On February 28, 2018 Council approved Item 7 of Planning Committee Report 18-003 approving the issuing of 18 accessible taxi plates. Licensing and By-Law Services consulted with industry stakeholders and established a transparent process to ensure a fair distribution of these plates.

The release of the plates was done by lottery held on August 20, 2018. Successful applicants were selected at random by electronic database. Applications for accessible plates were received from 117 licensed taxicab drivers. Subsequently an Accessible Priority List was established. Those that were successful in obtaining plates were given time to purchase new vehicles and have the new vehicles outfitted to be put on the road.

With support from the Taxi Brokerages, deployment of 80% of the accessible vehicles was possible within the first 90 days. At the present time 15 of the 18 plates are active and on the road, to support the accessible community. The remaining three applicants are awaiting modifications and safety enhancements; these vehicles will be ready for deployment in the first quarter of 2019. The total licensed taxicab fleet currently has 40

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SUBJECT: Equitable Access to City's Taxi System for All Persons with Disabilities Update (PED16232(c)) (City Wide) - Page 2 of 2

licensed accessible vehicles and 431 licensed non-accessible vehicles. This is 10% of the overall fleet, which is an unprecedented number in any of the surrounding municipalities.

On June 27, 2018 Council approved Item 9 of Planning Committee Report 18-010 approving Financial Incentives for Taxi Operators to Provide Accessible Taxi Trips. The Financial Incentive Pilot Program began on September 1, 2018 and allows accessible taxicab drivers to earn an additional \$5 per accessible trip for the duration of the pilot. To date over 1,500 rides have been subsidized, with total pay-outs estimating over \$7,500.

On September 1, 2018, Licensing implemented the Financial Incentive Pilot Program. At that time there were 135 licensed accessible taxicab drivers. Eighteen (18) new drivers were added to the taxi industry in 2018, now totalling 153. Since the commencement of the pilot, 14 additional accessible taxicab drivers became licensed and enrolled in the incentive program. Licensing and By-Law Services is averaging one new accessible driver per week since the implementation of the pilot program.

Licensing works closely with the taxicab brokers and understand that as a result of the pilot more taxicab drivers are in pursuit of their accessible licence. Under the pilot, accessible taxicab drivers must submit required documentation to meet the eligibility requirements of the program, the documents are then audited internally for compliance. The City of Hamilton also facilitates the practical testing, in coordination with the brokers, to ensure public safety, consumer protection and supporting the industry with customer service.

Since the implementation of the Financial Incentive Program for Accessible Taxis, Licensing and By-law Services have received no complaints in relation to failed pick-up for accessible clients.

Licensing staff have met with the Advisory Committee for Persons with Disabilities, who have expressed their support of the release of the 18 plates and the Financial Incentive Pilot to support on-demand accessible transportation in our community.

Results of the one-year Financial Incentive Pilot Program will be reported to Council at the end of the summer in 2019 for consideration.

Appendices and Schedules Attached

N/A

KL:st



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-17-055 by Five SAC (Owner)**, for a further modification to the Rural Industrial (E2, 155, H2) Zone - Holding to permit the development of three self-storage (U-Haul) buildings for lands located at 19 Highland Road East (Stoney Creek), as shown on Appendix "A" to Report PED18169(a), be **APPROVED** on the following basis:

- (a) That By-law No. 18-308, respecting 19 Highland Road East, Stoney Creek be amended to correct the errors in the By-law and in the Schedule "A";
- (b) That the Amended draft By-law attached as Appendix "B" to Report PED18169(a), which corrects the errors in the By-law and in the Schedule "A" which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (c) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
- (d) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. 20.

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SUBJECT: To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) - Page 2 of 3

EXECUTIVE SUMMARY

The purpose of this Report is to amend the approved Zoning By-law Amendment to correct the inadvertent errors in the text of By-law No. 18-308 and in the Schedule "A".

The Application was heard by Planning Committee on August 14, 2018 and approved by Council on September 26, 2018. After the By-law was passed, typographical errors in the text of the By-law and in the legend of Schedule "A" were identified.

To correct the errors, a new By-law has been prepared. The By-law is attached as Appendix "B" to Report PED18169(a).

PURPOSE

The purpose of this Report is to amend By-law No. 18-308 and replace it with a revised By-law in order make the following revisions:

- The original legend on Schedule "A" identified the change in zoning as follows: Change in Zoning from Existing Rural Industrial (ER, 155) Zone to Existing Industrial (E2, 689) Zone; whereas the legend on Schedule "A" should cite a Change in Zoning from Existing Rural Industrial (E2, 155, H2) Zone to Existing Rural Industrial (E2, 716, H109) Zone;
- that all references to the site specific number 689 in the amending By-law be deleted and replaced with the site specific number 716; and,
- that all references to Existing Industrial (E2, 689, H109) Zone be deleted and replaced with Existing Rural Industrial (E2, 716, H109) Zone.

The revised Zoning By-law Amendment is attached as Appendix "B" to Report PED18169(a).

HISTORICAL BACKGROUND

The Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment was submitted for the property identified as 19 Highland Road East, Stoney Creek. The purpose of the subject applications was to amend the Rural Hamilton Official Plan, Zoning By-law No. 05-200 and Stoney Creek By-law No. 3692-92 to permit a self-storage facility on the subject lands. The application was originally approved by Planning Committee on August 14, 2018 and approved by Council on September 26, 2018. However, City staff subsequently identified typographical errors in the amending by-law.

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SUBJECT: To Amend Zoning By-law No. 05-200 to Correct Typographical Errors for Lands Located at 19 Highland Road East, Stoney Creek (PED18169(a)) (Ward 9) - Page 3 of 3

As such, staff have drafted a revised By-law attached as Appendix “B” to Report PED18169(a).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan (UHOP)

The following policy, amongst others apply:

“F.1.17.7 Public meetings under the Planning Act, R.S.O., 1990 c. P.13 shall not be required for minor administrative amendments to this Plan such as format changes, typographical errors, grammatical errors and policy number changes.”

Although staff are directing Council to amend the previously approved By-law and approve the revised By-law, the proposed revised By-law does not require a public meeting because the intent is to correct typographical errors.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law No. 05-200 Amendment



● Site Location



Key Map - Ward 9

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-055 & RHOPA-17-024

Date:
February 13, 2017

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AB/AL

Subject Property

19 Highland Road East

Authority:

Ward: 9

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 19 Highland Road East (Stoney Creek)**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on _____;

AND WHEREAS direction has been given to amend By-law No. 18-308 to correct the previous By-law;

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan, upon finalization of Official Plan Amendment No. 20.

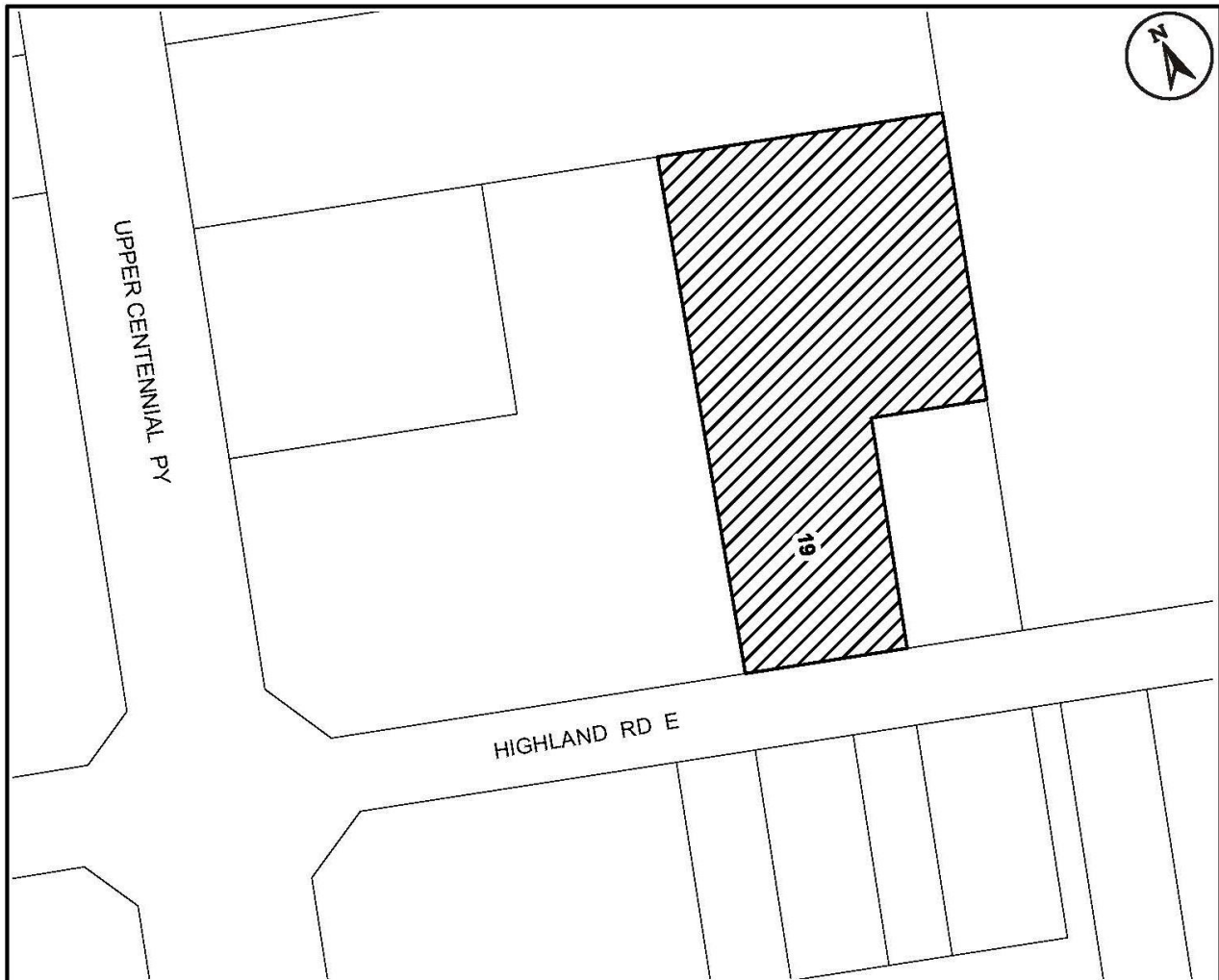
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 18-308 be amended by:
 - (a) correcting the legend in Schedule A of the amending By-law to state changing the zoning from Existing Rural Industrial (E2, 155, H2) Zone to Existing Rural Industrial (E2, 716, H109) Zone whereas the current legend states change in zoning from Existing Rural Industrial (ER, 155) Zone to Existing Industrial (E2, 689) Zone;
 - (b) deleting any reference to site specific number 689 and replacing it with site specific number 716; and,
 - (c) that all reference to Existing Industrial (E2, 689, H109) Zone is deleted and replaced with Existing Rural Industrial (E2, 716, H109) Zone.

PASSED this ___ day of _____, 2019.

Fred Eisenberger
Mayor

J. Pilon
Acting City Clerk



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map RU166</p>		<p>Subject Property</p> <p>19 Highland Road East, Stoney Creek</p> <p> Change in Zoning from Existing Rural Industrial (E2, 155, H2) Zone to Existing Rural Industrial (E2, 716, H109) Zone</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Scale: N.T.S.</td> <td style="padding: 2px;">File Name/Number: ZAC-17-055 & RHOPA-17-024</td> </tr> <tr> <td style="padding: 2px;">Date: Nov. 12, 2018</td> <td style="padding: 2px;">Planner/Technician: AB/NB</td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAC-17-055 & RHOPA-17-024	Date: Nov. 12, 2018	Planner/Technician: AB/NB	<p>Hamilton</p>	
Scale: N.T.S.	File Name/Number: ZAC-17-055 & RHOPA-17-024					
Date: Nov. 12, 2018	Planner/Technician: AB/NB					
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>						

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members Report No.: PED18133 Date: 09/25/2017

Ward: Ward: 15 (MM/DD/YYYY)

Prepared by: Alaina Baldassarra

Phone No: 905-546-2424 ext. 7421

For Office Use Only, this doesn't appear in the by-law



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5 th Street, Hamilton (PED19002) (Ward 8)
WARD AFFECTED:	Ward 8
PREPARED BY:	Elyse Meneray 905-546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-18-026 by William Gordon Prior (Owner)**, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District to permit the development of two single detached dwellings fronting onto Fortissimo Drive for lands located at 865 West 5th Street (Hamilton), as shown on Appendix “A” to Report PED19002, be **APPROVED** on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED19002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law, attached as Appendix “B” to Report PED19002 be added to Schedule Zoning Map No. W17c of the City of Hamilton Zoning By-law No. 6593;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 2 of 11

EXECUTIVE SUMMARY

The owner has applied for a Zoning By-law Amendment for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District. The purpose of the application is to rezone the rear portion of the subject lands in order to facilitate the creation of two residential lots fronting onto Fortissimo Drive, known municipally as 162 and 166 Fortissimo Drive, for lands located at the rear of 865 West 5th Street, as shown on Appendix “A” to Report PED19002. The proposed development complies with all regulations of the “C” (Urban Protected Residential etc.) District and will not require any modifications.

The finalization of Consent Applications HM/B-18:117 and HM/B-18:118 will be required to sever the rear portion of the lands and convey the remnant parcels fronting onto Fortissimo Drive for the future development of two residential lots.

The application has merit and can be supported because it is consistent with the Provincial Policy Statement (PPS, 2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2017) and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject property is located on the east side of West 5th Street, north of Rosehill Avenue and south of the Lincoln M. Alexander Parkway, and is municipally known as 865 West 5th Street (see Location Map attached as Appendix “A” to Report PED19002). The subject lands are 0.16 ha in size and contain an existing single detached dwelling accessed from West 5th Street.

162 Fortissimo Drive has a frontage of approximately 12.5 m and a lot area of 289.2 sq m and 166 Fortissimo Drive has a lot frontage of approximately 15.31 m and a lot area of 370.2 sq m. Both lots are currently vacant. 162 and 166 Fortissimo Drive

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 3 of 11

were initially created as future development blocks by the Parkway Manor Phase Two Plan of Subdivision. The two blocks were set aside as future development to accommodate a temporary cul-de-sac until Fortissimo Drive was extended south and until additional lands could be acquired to meet the minimum lot requirements of the Former City of Hamilton Zoning By-law No. 6593. The two remnant blocks are proposed to be assembled with the rear portion of the parcel identified as 865 West 5th Street and subject of this rezoning application.

The applicant applied for a Zoning By-law Amendment to rezone the rear portion of the subject lands from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District in order to facilitate the development of two residential lots fronting onto Fortissimo Drive, known municipally as 162 and 166 Fortissimo Drive. This lot addition will complete the two remnant blocks of the Parkway Manor Phase Two Plan of Subdivision. The applicant submitted Severance Applications (HM/B-18:117 and HM/B-18:118) (see Appendix “D” and Appendix “E” to Report PED19002) on September 21, 2018 and received conditional approval from the Committee of Adjustment on November 15, 2018. The Consent Applications will need to be finalized in order to facilitate the development. The proposed concept plan is shown in Appendix “C” to Report PED19002.

Chronology:

<u>April 13, 2018:</u>	Zoning By-law Amendment Application (ZAR-18-026) received.
<u>April 27, 2018:</u>	Zoning By-law Amendment Application (ZAR-18-026) deemed complete.
<u>May 4, 2018:</u>	Notice of Complete Application was sent to 110 property owners within 120 m of the subject lands.
<u>May 9, 2018:</u>	Public Notice Sign posted on site.
<u>September 13, 2018:</u>	Newsletter prepared by Applicant and received by the City.
<u>September 19, 2018:</u>	Newsletter prepared by the Applicant, mailed to property owners within 120 m of the subject property.
<u>September 21, 2018:</u>	Severance Applications (HM/B-18:117 and HM/B-18:118) received.
<u>November 15, 2018:</u>	Severance Applications (HM/B-18:117 and HM/B-18:118) conditionally approved at the Committee of Adjustment.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 4 of 11

December 11, 2018: Public Notice Sign updated with date of Public Meeting.

December 20, 2018: Circulation of the Notice of Public Meeting mailed to 110 property owners within 120 m of the subject property.

Details of Submitted Application:

Owner/Applicant: William Gordon Prior

Agent: Webb Planning Consultants c/o James Webb

Location: 865 West 5th Street, Hamilton (see Appendix “A” to Report PED19002)

Property Description: Lot Frontage: 45.7 m (Fortissimo Drive)

Lot Depth: ± 94 m (irregular)

Lot Area: 4,249 sq m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Residential (Single detached dwelling)	“C” (Urban Protected Residential, etc.) District and “AA” (Agricultural) District

Surrounding Land Uses:

North	Residential (Single detached dwelling)	“C” (Urban Protected Residential, etc.) District
South	Residential (Single detached dwelling)	“C” (Urban Protected Residential, etc.) District
East	Residential (Single detached dwelling) / Vacant lots	“C/S - 1424 and 1424a” (Urban Protected Residential, etc.) District
West	Residential (Single detached dwelling)	“C” (Urban Protected Residential, etc.) District

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 5 of 11

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a change in zoning complies with the Official Plan, and based on staff's review of the proposal, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2014); and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as a "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations.

The following policies, amongst others, are applicable to the proposal.

- "E.2.6.2 Neighbourhoods should primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.
- E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 6 of 11

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and housing with supports.”

The proposal will facilitate the construction of two single detached dwellings on two remnant lots of the Parkway Manor Phase Two Subdivision. The development will maintain the character and scale of the existing neighbourhood, which consists of two storey single detached dwellings.

Scale and Design

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

Residential Uses – General Policies

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.

Low Density Residential

E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.2 Low density residential areas are characterized by lower profile, grade oriented built forms that generally have direct access to each unit at grade.

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triple and street townhouse dwellings.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 7 of 11

- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in the areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
 - b) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yard, heights, and other zoning regulations to ensure compatibility.”

The proposal is to rezone the rear portion of the property to facilitate the development of two single detached dwellings fronting onto Fortissimo Drive. The proposed development will be located in the interior of the neighbourhood, complies with maximum net residential density of 60 units per hectare as the density will be 20 units per hectare and will maintain the character of the neighbourhood by conforming to the required minimum lot width, area, setbacks and height of the “C” District, which is the predominant zoning in the surrounding area. As such the proposal complies with the UHOP.

Kernighan Neighbourhood Plan

The subject property is designated “Single and Double” in the Kernighan Neighbourhood Plan. The proposed single detached dwellings are permitted within the “Single and Double” designation, therefore the proposal conforms to the Kernighan Neighbourhood Plan.

Former City of Hamilton Zoning By-law 6593

The subject property is zoned “C” (Urban Protected Residential, etc.) District (front portion) and “AA” (Agricultural) District (rear portion). The “C” and “AA” Districts both permit single detached dwellings; however the frontage, lot area and yard setback requirements within the “AA” District are substantially larger than the “C” District as the intended use is for agriculture. The proposal is to rezone the rear portion of the property to facilitate the development of two single detached dwellings. This will allow for the

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 8 of 11

proposed development to comply with all provisions under the “C” (Urban Protected Residential, etc.) District and make the property a singular zone district under the Former City of Hamilton Zoning By-law No. 6593.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Alectra Utilities (formerly Horizon Utilities);
- Forestry and Horticulture, Public Works Department; and,
- Transit Division, Public Works Department.

The following Departments / Agencies have provided comments on the application:

Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department) have noted that the subject lands are eligible for waste collection services and have provided their general standards, which will be reviewed at the Building Permit stage.

Transportation Planning Section (Planning and Economic Development Department) advise that West 5th Street from Mohawk Road West to 90 m south of Stone Church Road West is subject to a future road widening to 30.480 m, which will be dedicated as part of Severance Applications HM/B-18:117 and HM/B-18:118.

Public Consultation

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 110 property owners within 120 m of the subject lands on May 4, 2018. A Public Notice sign was also posted on the property on May 9, 2018 and updated on December 11, 2018 with the date of the Public Meeting. Notice of the statutory Public Meeting was mailed out to 110 property owners on December 20, 2018.

No correspondence from the public was received on the application.

Public Consultation Strategy

The applicant submitted a Public Consultation Strategy with the initial submission of the application, indicating that a newsletter would be circulated to all property owners within 120 m of the subject lands. The newsletter was received by the City of Hamilton on September 13, 2018, and included a detailed description of the proposal, a concept plan and the applicant’s contact information. The newsletter was mailed out to property

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 9 of 11

owners within 120 m of the subject property on September 19, 2018. To date, no correspondence from the newsletter has been received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Horseshoe (2017);
 - (ii) It complies with the policies and land use designation of both the Urban Hamilton Official Plan and the Kernighan Neighbourhood Plan; and,
 - (iii) The proposed change in zoning is compatible and consistent with the surrounding area.
2. The purpose and effect of this application is for a change in zoning from the existing “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District for the rear portion of the subject lands to bring the subject property into one zone and to facilitate the development of two single detached dwellings fronting onto Fortissimo Drive, known municipally as 162 and 166 Fortissimo Drive. Staff are supportive of the Zoning By-law Amendment Application as the proposed development complies with the UHOP, conforms with all regulations of the “C” (Urban Protected Residential etc.) District including, front, side and rear yard setbacks, frontage and height and will facilitate the development of the two remaining residential lots of the Parkway Manor Phase Two Plan of Subdivision.
3. In order to facilitate the proposal, the applicant will be required to sever the rear portion of 865 West 5th Street into a 298 sq m block. This block will be further subdivided into two smaller blocks and added to the adjoining parcels, known municipally as 162 and 166 Fortissimo Drive (see Appendix “C” to Report PED19002). The applicant submitted the required Severance Applications (HM/B-18:117 and HM/B-18:118) on September 21, 2018 and received conditional approval on November 15, 2018 from the Committee of Adjustment (see Appendix “D” and Appendix “E” to Report PED19002).
4. As part of the Application submission, the Applicant submitted a Tree Protection Plan. Revisions to the Tree Protection Plan were required, including illustrating which trees were to be removed and retained. A revised Tree Protection Plan was submitted on October 24, 2018 and reviewed by staff. A total of nine trees have been inventoried; eight of these trees are to be retained and one is proposed to be removed. The Owner will be required to provide 1 to 1

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) - Page 10 of 11

compensation to the City for any tree (10 cm DBH or greater) that is proposed to be removed.

5. Development Engineering staff have advised that they have no concerns regarding the Zoning By-law Amendment application, however, the following conditions will be required as part of conditionally approved Severance Applications HM/B-18:117 and HM/B-18:118:
- That the Owner dedicate to the City of Hamilton by deed an approximate 5.14 m strip of land from the lands along the West 5th Street frontage to be retained for road allowance widening purposes of the subject lands to an ultimate road allowance width of 30.480 m for West 5th Street;
 - The owner make a cash payment to the City of Hamilton in the amount of \$7,540.00, plus adjustment based on Canadata Index, for the cost recoveries associated with Block 32 Plan 62M-1066 for the outstanding costs for removal of the North Temporary Turning Circle under West Bloom Estates Subdivision; and,
 - That the Owner enters into a Consent Agreement with the City and registers on the title the severed portion, to the satisfaction of the Manager of Engineering Approvals Section.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would continue to be used in accordance with the “C” (Urban Protected Residential etc.) District and the “AA” (Agricultural) District. The applicant would still be required to finalize the Severance Applications and any future development would be subject to both zone districts.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593 for
Lands Located at 865 West 5th Street, Hamilton (PED19002) (Ward 8) -
Page 11 of 11**

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Zoning By-law Amendment to By-law No. 6593

Appendix "C" – Concept Plan

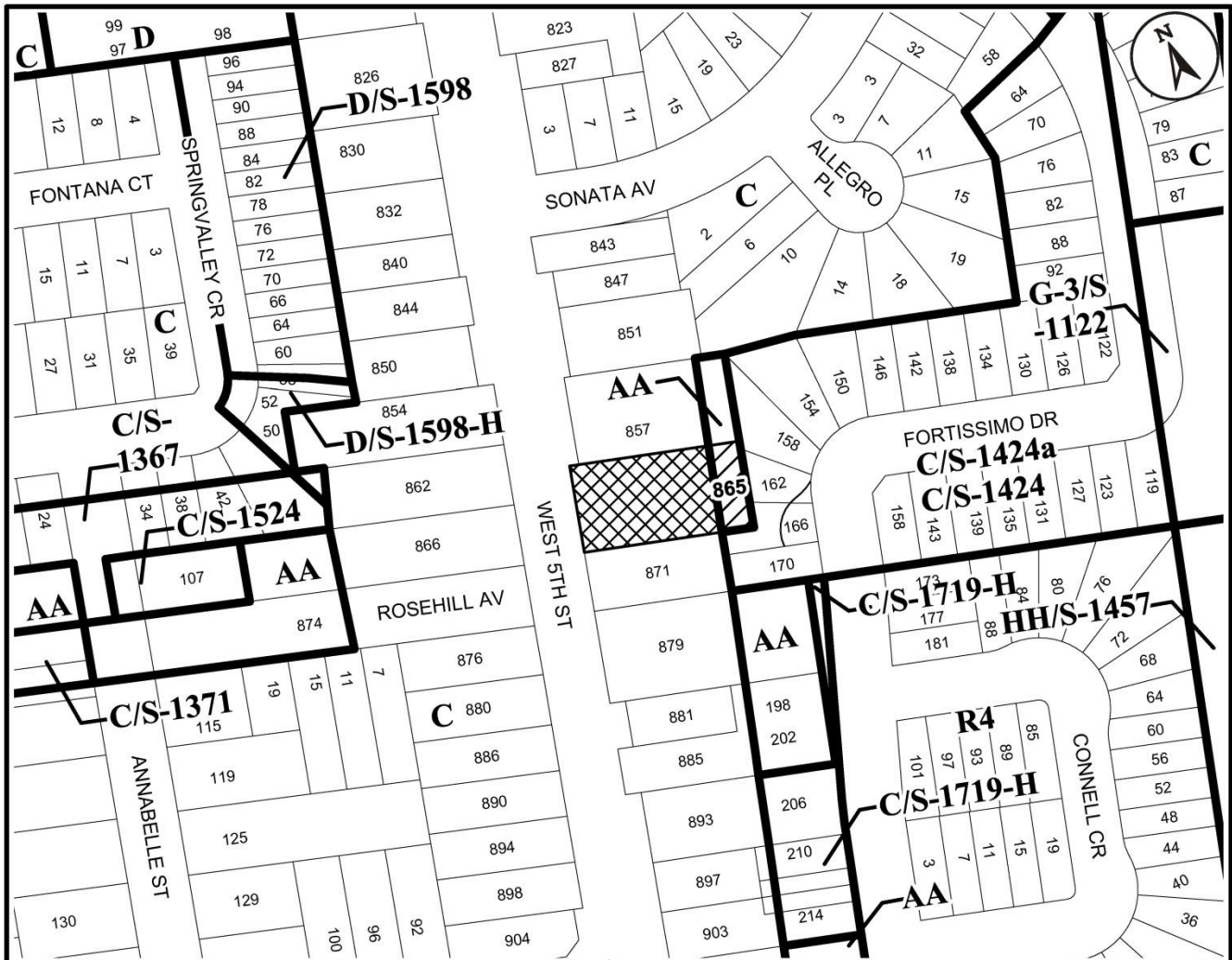
Appendix "D" – November 15, 2018 Committee of Adjustment Decision (HM/B-18:117)

Appendix "E" – November 15, 2018 Committee of Adjustment Decision (HM/B-18:118)

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● Site Location



Key Map - Ward 8

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-026

Date:
April 25, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
EM/AL

Subject Property

865 West 5th Street



Change in Zoning from
"AA" (Agricultural) District to the
"C" (Urban Protected Residential, etc.) District



Additional lands owned by Applicant

Authority: Item ,
Report (PED19002)
CM:
Ward: 8

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 Respecting Lands Located at 865 West 5th Street (Hamilton)

WHEREAS, the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

WHEREAS, the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton", and is the successor of the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

WHEREAS, the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS, the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

WHEREAS, the Council of the City of Hamilton, in adopting Item _____ of Report 19-_____, of the Planning Committee, at its meeting held on the _____ day of _____, 2019, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

WHEREAS, this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. W17c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing the zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District on the

lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements in Section 9 of this By-law.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this _____ , 2019.

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
---	--------------------------------------

<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 19-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	<p>Subject Property 865 West 5th Street</p> <p> Change in Zoning from "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc) District</p>
---	--

Scale: N.T.S.	File Name/Number: ZAR-18-026	
Date: Nov. 8, 2018	Planner/Technician: EM/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Committee of Adjustment
 Hamilton City Hall
 71 Main Street West, 5th floor
 Hamilton, ON L8P 4Y5
 Telephone (905) 546-2424, ext. 4221
 Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HM/B-18:117
SUBMISSION NO. B-117/18

APPLICATION NUMBER: HM/B-18:117
SUBJECT PROPERTY: 865 West 5th Street, Hamilton
APPLICANT(S): Agent WEBB Planning Consultants on behalf of the owner William Prior

PURPOSE OF APPLICATION: To sever a parcel of rear land to add to the adjoining parcel known as Block 32 (shown on the attached sketch) to create a new residential building lot.

Severed lands:
 Area of 208.7m^{2±}

Retained lands:
 28.8m² x 45.73m² and an area of 1,316.5m^{2±}

NOTE: This application is scheduled to be heard in conjunction with severance application HM/B-18:118

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The lands to be conveyed shall be merged in title with the lands to which they are to be added.

CERTIFIED A TRUE COPY¹²

 SECRETARY - TREASURER

HM/B-18:117

Page 2

3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, parking and landscaping, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. That the Owner dedicate to the City of Hamilton by deed a strip of land from the lands to be retained for road allowance widening purposes to establish the west property line of the subject lands adjacent to West 5th Street.
7. The owner make a cash payment to the City of Hamilton in the amount of \$7,540.00, plus adjustment based on Canadata Index, for the cost recoveries associated with Block 32 Plan 62M-1066 for the outstanding costs for removal of the North Temporary Turning Circle under West Bloom Estates Subdivision.
8. That the Owner enters into and register on the title of the severed portion of the lands a Consent Agreement with the City to the satisfaction of the Manager of Engineering Approvals Section
9. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 15th day of November, 2018.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mieczko

M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 22nd, 2018. HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 22nd, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS December 12th, 2018.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

HM/B-18:117

Page 3

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be added to Block 32, known as 162 Fortissimo Drive.
2. **"Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."



COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. HMB-18:118
 SUBMISSION NO. B-118/18

APPLICATION NUMBER: HM/B-18:118

SUBJECT PROPERTY: 865 West 5th Street, Hamilton

APPLICANT(S): Agent WEBB Planning Consultants on behalf of the owner William Prior

PURPOSE OF APPLICATION: To sever a parcel of rear land to add to the adjoining parcel known as Block 29 (shown on the attached sketch) to create a new residential building lot.

Severed lands:
 Area of 98.0m²*

Retained lands:
 28.8m² x 45.73m² and an area of 1,316.5m²*

NOTE: This application is scheduled to be heard in conjunction with severance application HM/B-18:117

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Urban Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The lands to be conveyed shall be merged in title with the lands to which they are to be added.

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 SECRETARY - TREASURER

HMB-18:118

Page 2

3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
4. The applicant shall receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner shall submit survey evidence that the lands to be retained, including the location of any existing structures, parking and landscaping, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
6. That the Owner dedicate to the City of Hamilton by deed a strip of land from the lands to be retained for road allowance widening purposes to establish the west property line of the subject lands adjacent to West 5th Street.
7. The owner make a cash payment to the City of Hamilton in the amount of \$7,540.00 plus adjustment based on Canadata Index for the cost recoveries associated with Block 29 Plan 62M-1066 for the outstanding costs for removal of the North Temporary Turning Circle under West Bloom Estates Subdivision.
8. That the Owner enters into and register on the title of the severed portion of the lands a Consent Agreement with the City to the satisfaction of the Manager of Engineering Approvals Section
9. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 15th day of November, 2018.

M. Dudzic (Chairman)

D. Serwatak

D. Smith

W. Pearce

V. Abraham

P. Mallard

N. Mleczo

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THE DATE OF GIVING OF THIS NOTICE OF DECISION IS November 22nd, 2018.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (November 22nd, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT) MAY BE FILED IS December 12th, 2018.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

HMB-18:118

Page 3

Notes:

1. Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be added to Block 29, known as 166 Fortissimo Drive.
2. **"Caution:** Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15)
WARD AFFECTED:	Ward 15
PREPARED BY:	Elyse Meneray 905-546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAR-18-043 by Richard Dean Raspberry, Kevin Mitchell Raspberry and Lois Leone Worrod (Owners)**, for a modification to the Rural (A2) Zone to permit a 3,300 sq m farm product supply building for lands located at 119 Highway No. 5 West (Flamborough), as shown on Appendix "A" to Report PED19003, be **APPROVED** on the following basis:

- a) That the Draft By-law, attached as Appendix "B" to Report PED19003, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- b) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan.

EXECUTIVE SUMMARY

The Applicant has applied for a Zoning By-law Amendment Application for a modification to the Rural (A2) Zone to permit a 3,300 sq m farm product supply building for the southern portion of the lands located at 119 Highway No. 5 West as shown on Appendix "A" to Report PED19003. The proposed development conforms to all other regulations of the Rural (A2) Zone and will not require any further modifications.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 2 of 12

The Application has merit and can be supported because it is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan. The proposal is considered to be compatible with and complementary to the existing and planned development in the immediate rural area.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject property is located on the north side of Highway No. 5 West, north of Millgrove Side Road, south of Highway No. 6 North, adjacent to the Urban Boundary limits and is municipally known as 119 Highway No. 5 West, Flamborough (see Location Map attached as Appendix “A” to Report PED19003). The subject property has a total area of 35.71 ha and is bisected by Borer’s Creek, which separates the property into a northern and southern portion. The northern portion is 24.86 ha in size and the southern portion is 10.85 ha. The southern portion of the property contains an existing single detached dwelling and associated farming buildings. The Zoning By-law Amendment Application applies only to the southern 10.85 hectare portion. The remainder of the southern portion will be used for agriculture, while the entire northern portion will continue to be used for agriculture.

The Application is to modify the Rural (A2) Zone to permit a 3,300 sq m farm product supply building, whereas the Rural (A2) Zone only permits a 500 sq m farm product supply building. The proposal includes a two storey, 1,993 sq m farm product supply building and a 557 sq m storage building. The proposal will have a total of 61 parking spaces consisting of 18 standard parking spaces and 42 angled parking spaces.

The proposal will require a Site Plan Control Application to facilitate the development. The proposed concept plan and building elevations are shown in Appendix “C” to Report PED19003. The existing single detached dwelling and associated farm buildings are to remain on site.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 3 of 12

Chronology:

<u>August 16, 2018:</u>	Zoning By-law Amendment Application (ZAR-18-043) received.
<u>August 20, 2018:</u>	Zoning By-law Amendment Application (ZAR-18-043) deemed complete.
<u>August 22, 2018:</u>	Notice of Complete Application was sent to 29 property owners within 120 m of the subject lands.
<u>September 6, 2018:</u>	Public Notice Sign posted on site.
<u>November 28, 2018:</u>	Applicant held Public Open House for property owners within 150 m of the subject property.
<u>December 11, 2018:</u>	Public Notice Sign updated with date of Public Meeting.
<u>December 20, 2018:</u>	Circulation of the Notice of Public Meeting mailed to 29 property owners within 120 m of the subject property.

Details of Submitted Application:

<u>Owners:</u>	Richard Dean Raspberry, Kevin Mitchell Raspberry and Lois Leon Worrod
<u>Applicant:</u>	Vince Borgdorff (c/o WPE Equipment Ltd.)
<u>Agent:</u>	Ed Fothergill Planning & Development Inc. (c/o Ed Fothergill)
<u>Location:</u>	119 Highway No. 5 West, Flamborough (see Appendix "A" to Report PED19003)

<u>Property Description:</u>	<u>Lot Frontage:</u>	409.28 m (Highway No. 5 West)
	<u>Lot Depth:</u>	± 360.3 m
	<u>Lot Area:</u>	10.85 ha
	<u>Servicing:</u>	No Municipal Services

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 119 Highway No. 5 West, Flamborough
(PED19003) (Ward 15) - Page 4 of 12**

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Agriculture	Agriculture (A1) Zone and Rural (A2) Zone
<u>Surrounding Land Uses:</u>		
North	Agriculture	Agriculture (A1) Zone
South	Agriculture	Rural (A2) Zone
	Residential (Single Detached Dwellings)	Rural (A2) Zone
East	Industrial (Metrolinx), Vacant Land, Hickory Dickory Decks	General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Prestige Business Park (M3, 431) Zone and General Business Park (M2, 389) Zone
West	Golf Course	Open Space (P4, 80) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note the Cultural Heritage policies have not been updated within the RHOP in accordance with the PPS (2014). The following Policy of the PPS (2014) also applies:

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 5 of 12

Archaeology

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

A Stage 1-2 (P389-0323-2018) archaeological report was submitted to the City and the Ministry of Tourism, Culture and Sport as part of the Zoning By-law Amendment Application. Staff have reviewed the report and agree with the report recommendations that temporary fencing or other mitigation measures acceptable to the MTCS be installed around P1 (AhGx-777), P2 (AhGx-779) and H1 (AhGx-778) and their protective buffers. Staff are requesting a copy of the approval letter from the Ministry when available. Staff note that if future development occurs in the areas of P1 (AhGx-777), P2 (AhGx-779), and H1 (AhGx-778) then a Stage 3 archaeological assessment will be required. Staff also caution the Applicant that further development on the site may require further archaeological work, as per the wording of the archaeological assessment.

The following condition will be implemented at the Site Plan Control Stage:

- That the Application erect temporary protectionary fencing around P1 (AhGx-777), P2 (AhGx-779) and H1 (AhGx-778), establishing a 20 m zone in which disturbance cannot take place and a 50 m zone (70 m in total) in which monitoring from a licensed archaeologist must take place prior to or during any soil disturbance. The Applicant must provide confirmation of this step and provide monitoring updates to the City of Hamilton through signed letters by a licensed archaeologist.

As the Application for a change in zoning complies with the Official Plan, and based on staff’s review of the proposal, it is staff’s opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement; and,
- Conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan (RHOP)

The subject lands are identified as “Rural” on Schedule “D” – Rural Land Use Designations.

The following policies, amongst others, are applicable to the proposal.

SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 6 of 12

- “D.4.1 Uses permitted in the Rural designation are limited to the uses permitted in Section D.2.0, Agriculture Designation of this Plan, other resource – based rural uses and institutional uses serving the rural community.
- D.2.1.2 Agricultural-related uses are farm-related commercial and farm-related industrial uses that are small scale, producing products and services, wholly and directly related to a farming operation and which are required in close proximity to an agricultural use. They are uses necessary to support agricultural uses and are permitted provided the following conditions are met:
- a) The use must produce products or services directly related to a farming operation, and requires a location in close proximity to a farm operation. Permitted uses shall be limited to grain dryers, feed mills, grain and seed storage facilities, primary farm produce bulk storage and agricultural processing facilities, farm product supply dealers, livestock assembly points, agricultural research operations, and veterinary services for farm animals;
 - b) The use shall be located to minimize the amount of land removed from agricultural production;
 - c) The use shall be located where access is by a road capable of handling the traffic generated. Access to the site shall not create a traffic hazard due to inadequate sight lines or any other traffic hazard;
 - d) The use shall not negatively affect environmental features in accordance with section C.2.0, Natural Heritage System of this Plan; and,
 - e) Agricultural-related uses shall be subject to Site Plan approval to address appropriate setbacks, building size and location, parking, lighting, drainage, buffering, screening and landscaping, and any other matter.”

The Rural Hamilton Official Plan limits the permitted uses in the Rural Designation to the permitted uses in the Agricultural Designation and other resource based rural uses and institutional uses serving the rural community. As such, the Rural Designation permits Agricultural-related uses that are farm-related commercial and farm-related industrial uses that are small scale, produce products and services wholly and directly related to a farming operation, are required in close proximity to an agricultural use and are necessary to support agricultural uses.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 7 of 12

The function of a farm product supply dealer is to provide the necessary goods or materials used in agriculture, such as the storage of seeds and fertilizers and the repair and retail of farm equipment. The proposal is for a 3,300 sq m farm product supply building as part of the farm product supply dealer, which will provide farming equipment, generators, water pumps and tractor retail and repair services to the surrounding and immediate Rural Hamilton Area. The proposed development will produce products and services directly related to a farming use and provide the Hamilton farming community with the necessary supports needed to facilitate their farming operations.

The Rural Hamilton Official Plan defines small scale as a permitted agriculture-related or secondary use that is characterized by a size and intensity of activity that is clearly secondary to and does not negatively impact the predominant use of the lands for agricultural uses, and meets the maximum floor area, site coverage and other provisions of the Rural (A2) Zone. The Applicant is currently in the process of diversifying their business plan by transitioning to the retail and repair of agricultural equipment (tractors). In order to achieve this diversification, the company needs to expand their operations to accommodate the larger size requirements needed for the display, storage, retail and repair of agricultural equipment.

The proposed 3,300 sq m farm product supply building will have a total developable area of 1.97 ha or 0.05% lot coverage while the remaining 33.74 ha of the property will continue to be farmed. As only 0.05% of the subject lands will be developed for a farm product supply building, the proposed use can be considered secondary to the predominant agricultural operation.

The proposed development is situated entirely within the southern portion of the subject lands, contained to the west side of the parcel and will not negatively impact the existing agricultural operation as only 1.97 ha (0.05%) of farmland will be taken out of production. Although, the farm product supply building will be larger than what is permitted in the Rural (A2) Zone, the proposed development can be considered small scale as the development is clearly secondary to the existing agricultural operation, will not negatively affect the existing agricultural operation and conforms to all other regulations of the Rural (A2) Zone, including minimum lot area, front, side and rear yard setbacks, outdoor storage requirements and accessory retail requirements. Additionally, the development will be located in an area which will minimize the amount of farmland being removed from agricultural production and provide a necessary service to the Hamilton farming community.

The proposed development fronts onto Highway No. 5 West and is located adjacent to the Urban Boundary. As per MTO guidelines, the Applicant will be required to close the residential access and amalgamate the remaining accesses into one. MTO has reviewed the submitted Traffic Impact Study and advise that the access will be upgraded to MTO standards and be capable of handling the traffic generated by the

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 8 of 12

proposal. Requirements for sight lines and any other traffic hazards will be addressed at the Site Plan Stage.

The proposed building envelope is located more than 30 m away from Borer's Creek. The Functional Servicing Report recommends the implementation of a dry pond for the collection of stormwater. This will control the quality and quantity of storm water outletting into Borer's Creek and establish a preventative measure for erosion and sediment control. As such, the proposed development will not have a negative effect on Borer's Creek.

This is an appropriate location for the proposal as it is for a farm-related commercial and farm-related industrial use that is compatible with the surrounding context and adjacent properties. The proposed building is oriented horizontally along Highway No. 5 West and screens the majority of the open storage and loading areas from the public realm. Additionally, the main entrance and office component are visually prominent from the streetline, including ample fenestration and complementary building materials. The proposal also includes a generous landscape strip along Highway No. 5 West and suitable landscape buffers along all remaining sides of the development. The landscape strips will include naturalized plantings and manicured planting beds with trees. These combined design characteristics will minimize the visual impact of the development on the rural landscape and help maintain the rural character of the area.

Therefore, the proposal complies with the RHOP.

City of Hamilton Zoning By-law 05-200

The subject property is traversed by Borer's Creek, dividing the property into a northern and southern portion. The Zoning By-law Amendment Application applies to the southern 10.85 ha portion of the property. The northern portion of the property is zoned Agriculture (A1) Zone and the southern portion of the property is zoned Rural (A2) Zone. The Rural (A2) Zone permits a range of agricultural uses and agricultural related uses. Permitted uses within the Rural (A2) Zone are abattoir, agriculture, agricultural processing establishment – stand alone, agricultural storage establishment, farm product supply dealer, kennel, livestock assembly point, residential care facility, secondary uses to agriculture, single detached dwelling and veterinary service – farm animal.

The Application is to modify the Rural (A2) Zone to permit a 3,300 sq m farm product supply building, whereas the Rural (A2) Zone only permits a 500 sq m farm product supply building. The Zoning By-law Application is required in order to facilitate the development of a new farm product supply building, which will provide farm equipment, generators, water pumps, tractor retail and repair services and other products for the immediate and surrounding Rural Hamilton Area. The proposed development complies

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 9 of 12

with all other regulations of the Rural (A2) Zone and will not require any further modifications.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Alectra Utilities (formerly Horizon Utilities);
- Forestry and Horticulture, Public Works Department; and,
- Transit Planning & Infrastructure, Public Works Department.

The following Departments / Agencies have provided comments on the Application:

Corporate Assets and Strategic Planning Division (Public Works Department)

have noted that the subject lands are ineligible for waste collection services and have provided their standard comments, which will be further reviewed at the Site Plan Control Stage.

Healthy Environments Division staff have advised that any existing well on the property must be properly decommissioned according to Regulation 903 under the *Ontario Water Resources Act* to protect the local aquifer, which is overseen by the Ministry of Environment, Conservation and Parks (MOECP). Additionally, the Healthy Environments Division advises that if a septic tank exists on the property that is decommissioned in the future, then the septic tank should be emptied by an MOECP licensed sewage hauler and then filled with soil to reduce the likelihood of a future safety hazard.

Transportation Planning Section (Planning and Economic Development Department) have reviewed the Traffic Impact Study (TIS) and Transportation Demand Management Study prepared by Paradigm Transportation Solutions Limited, dated June 2018. Transportation Planning have advised that the TIS is satisfactory for the Zoning By-law Amendment Stage, but further review may be required at the Site Plan Control Stage.

Source Water Protection (Public Works Department) have reviewed the Hydrogeological Report prepared by Peto MacCallum Ltd, dated July 2018. Source Water Protection staff have advised that the Hydrogeological Study required revisions to demonstrate that the septic system discharges will constitute an improvement to the property. A revised Hydrogeological Response Letter prepared by Peto MacCallum Ltd, was submitted on November 13, 2018 and reviewed by Source Water Protection. Staff have advised that the revised Hydrogeological Response Letter is satisfactory for the Zoning By-law Amendment Stage as nearby sampling and the change in use will likely

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 10 of 12

show improvements to the property. Hamilton Water will require a revised Hydrogeological Report at the Site Plan Control Stage.

Hamilton Conservation Authority have reviewed the functional servicing report, erosion and grading plan, tree protection plan and site servicing plan. HCA have advised that the reviewed reports are satisfactory for the Zoning By-law Amendment Stage, but revisions will be required at the Site Plan Control Stage. They also note that the Applicant will need to obtain a permit and / or a letter of permission for the new development at the Site Plan Control Stage.

The Ministry of Transportation have advised that in principle they do not object to the proposed Zoning By-law Amendment Application; however the following conditions will be required at the Site Plan Control Stage:

1. That the City of Hamilton provide the Ministry of Transportation written confirmation that the proposed development and operation will be allowed on the property within the farmland / residential zoning according to the municipality's policy;
2. That the Owner / Applicant amalgamate both entrances by closure of the Highway No. 5 West existing residential entrance and upgrade the existing filed entrance to the higher usage, to the satisfaction of the Ministry of Transportation; and,
3. That the Owner / Applicant obtain an MTO Building and Land Use Permit prior to any construction, to the satisfaction of the Ministry of Transportation.

For information purposes, MTO has also noted that according to their Highway Access Management Guide the first principle is one lot – one access connection to the ministry highway. The current lot of record has a residential access on the east side of the lot and a field access located in the middle of the existing frontage. MTO will only allow one entrance to the Ministry highway for the entire lot of record. Furthermore, the subject lands are located within the Ministry's permit control area and the future development will require the Ministry's review and approval.

Public Consultation

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 29 property owners within 120 m of the subject lands on August 22, 2018. A Public Notice sign was also posted on the property on September 6, 2018 and updated on December 11, 2018 with the date of the Public Meeting. Notice of the statutory public meeting was mailed out to 29 property owners on December 20, 2018.

To date, no correspondence has been received for the Application.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 11 of 12

Public Consultation Strategy

As per the statutory requirements of the *Planning Act*, the Applicant submitted a Public Consultation Strategy which identified their intention to have a Public Open House. The Public Open House is scheduled for November 28, 2018 and notice will be sent to property owners within 150 m of the subject property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment Application has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan (2017);
 - (ii) It complies with the Rural policies of the Rural Hamilton Official Plan; and,
 - (iii) That the proposed change in zoning is compatible with the existing and planned development in the immediate rural area.

2. **Zoning By-law Amendment**

The Application for the Zoning By-law Amendment is to modify the Rural (A2) Zone to permit a maximum 3,300 sq m farm product supply building. A farm product supply building is a permitted use within the Rural (A2) Zone, but is limited to a maximum gross floor area of 500 sq m. The proposed development will provide farm equipment, generators, water pumps, tractor retail and repair services and other products for the immediate and surrounding Rural Hamilton Area. The proposal can be defined as small scale as the development is secondary to the existing agricultural operation with 0.05% of the property being developed for a farm product supply building and 99.95% of the property is being used for agriculture. The proposal will not negatively affect the existing agricultural operation as only 0.05% of farmland is being removed from production and the building will be situated in an area that will minimize the impact on the property. Furthermore, the proposal conforms to all other regulations of the Rural (A2) Zone, including minimum lot area, front, side and rear yard setbacks, outdoor storage requirements and accessory retail requirements. Therefore, staff are supportive of the amendment because the proposal is providing a use that is necessary to support agriculture, is small scale, will be located in an area that will minimize the amount of land being removed from agricultural production and will not negatively impact the existing agricultural operation.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 119 Highway No. 5 West, Flamborough (PED19003) (Ward 15) - Page 12 of 12

3. A Tree Protection Plan was submitted as part of the Zoning By-law Amendment Application. Revisions to the Tree Protection Plan will be required as part of the Site Plan Control Application.
4. As part of the Application submission, the Applicant submitted a Functional Servicing Report, site servicing plan and grading plan. Development Engineering staff have advised that the Functional Servicing Report, site servicing plan and grading plan are satisfactory for the purposes of the Zoning By-law Amendment Application, however, a revised Functional Servicing Report, site servicing plan and grading plan will be required at the Site Plan Control Stage.

ALTERNATIVES FOR CONSIDERATION

Should the Application be denied, the subject property would remain Rural (A2) Zone in the City of Hamilton Zoning By-law No. 05-200 and could be developed in accordance with the Rural (A2) Zoning By-law regulations, which permits a 500 sq m farm product supply building.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

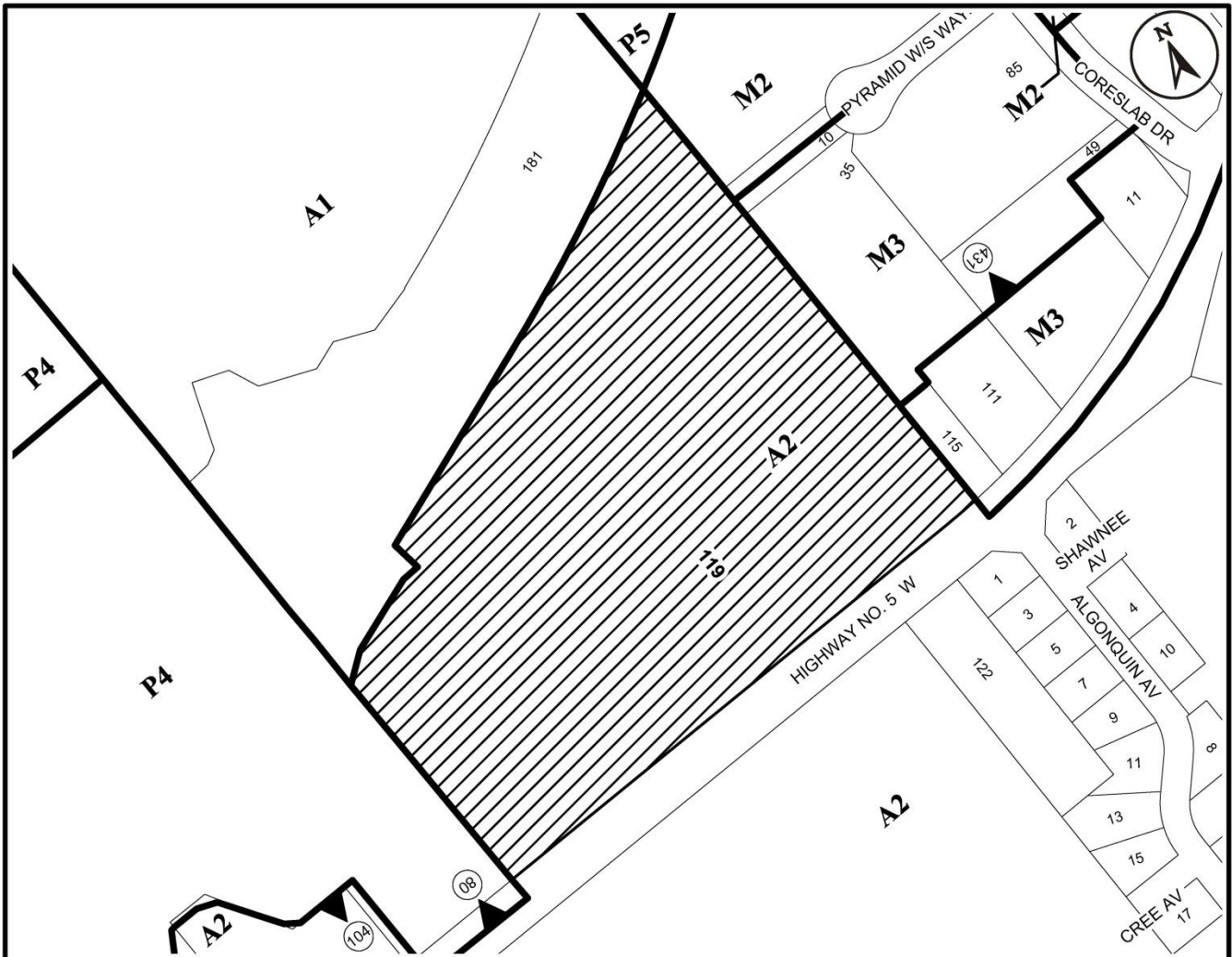
Appendix “B” – Zoning By-law Amendment to By-law No. 05-200

Appendix “C” – Concept Plan and Building Elevations

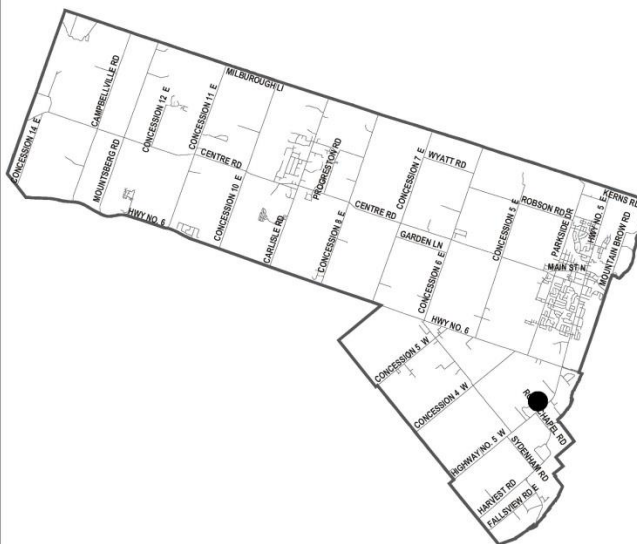
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● Site Location



Key Map - Ward 15

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-043

Date:
August 16, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
EM/AL

Subject Property

119 Highway No. 5 West



Change in Zoning from Rural (A2) Zone to Rural (A2, 715) Zone

Authority:
Ward: 15
Bill No.

CITY OF HAMILTON
BY-LAW NO.

**To Amend Zoning By-law 05-200 Respecting Lands Located at
119 Highway No. 5 West, Flamborough**

WHEREAS Council approved Item ___ of Report PED19003 of the Planning Committee, at its meeting held on January 15, 2019;

WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. RU85 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended as follows:
 - a) by changing the zoning from the Rural (A2) Zone to the Rural (A2, 715) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 be amended by adding a special exception as follows:
 715. Within those lands zoned Rural (A2) Zone, identified on Maps RU85, of Schedule "A" – Zoning Maps and described as:

Property address	Map number
119 Highway No. 5 W.	RU85

The following special provision shall apply:

- a) Notwithstanding Section 12.2.3.3 e), the maximum gross floor area for a farm product supply dealer shall be 3,300 square metres.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
 4. That no building or structure shall be erected, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Rural (A2) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

To Amend Zoning By-law 05-200 Respecting Lands Located at
119 Highway No. 5 West, Flamborough

PASSED this XX day of XXX, 2019.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk



This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Map 85

Subject Property

119 Highway No. 5 West



Change in Zoning from Rural (A2) Zone to
Rural (A2, 715) Zone

Scale:
N.T.S.

File Name/Number:
ZAR-18-043

Date:
Nov. 1, 2018

Planner/Technician:
EM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "B" to Report PED19003
Page 4 of 4

To Amend Zoning By-law 05-200 Respecting Lands Located at
119 Highway No. 5 West, Flamborough

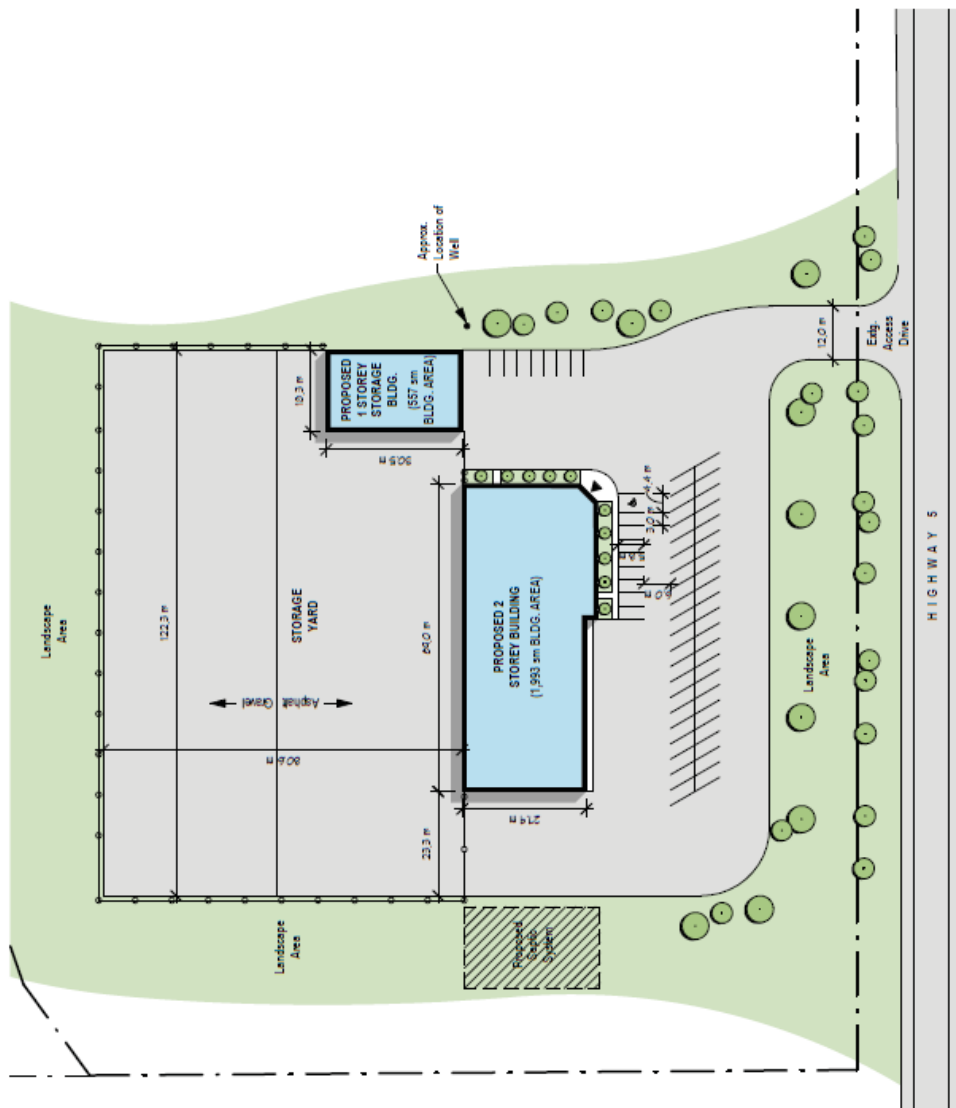
For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? Yes		
Committee: Chair and Members	Report No.: PED19003	Date: 10/31/2018
Ward(s) or City Wide: Ward: 15		(MM/DD/YYYY)

Prepared by: Elyse Meneray	Phone No: 6360
<i>For Office Use Only, this doesn't appear in the by-law</i>	



Building Area	
Main Building	21,456 sf (1,993.3 sm)
Ground Floor	7,240 sf (672.6sm)
Second Floor	
Total GFA	28,696 sf (2,665.9 sm)
Storage Building	
Storage Building	6,000 sf (557 sm)
Site Area	11.07 ha
Total Property Area	40.40 ha



DETAILED DEVELOPMENT PLAN

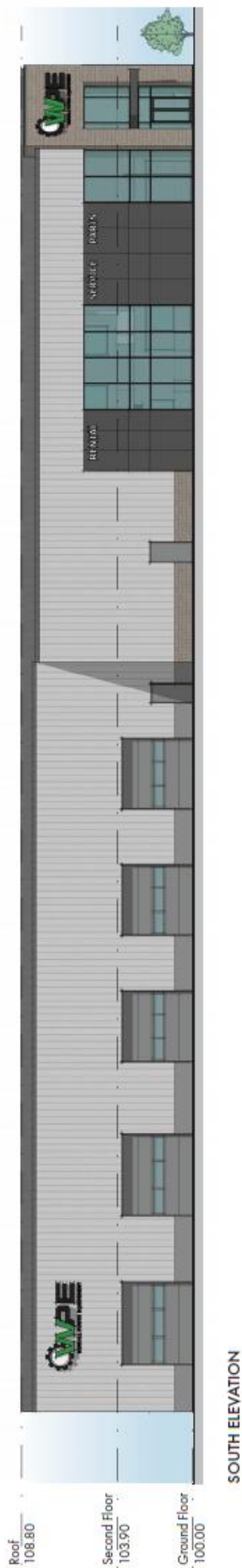
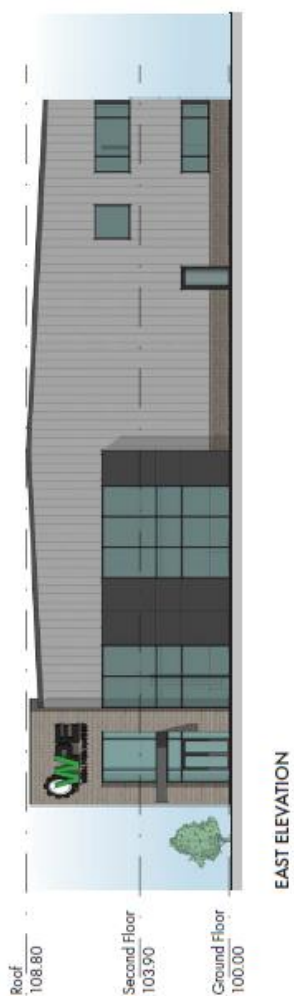
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NEW FACILITY FOR WPE
 119 Highway 5, Dundas, ON
 July 9, 2018



PERSPECTIVE VIEW

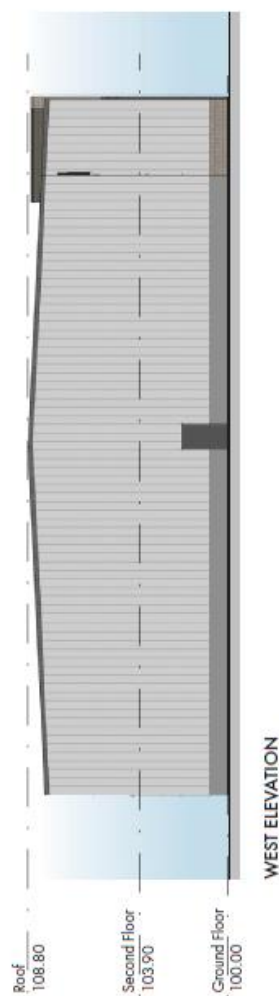
NEW FACILITY FOR WPE
119 Highway 5, Dundas, ON
March 7, 2018



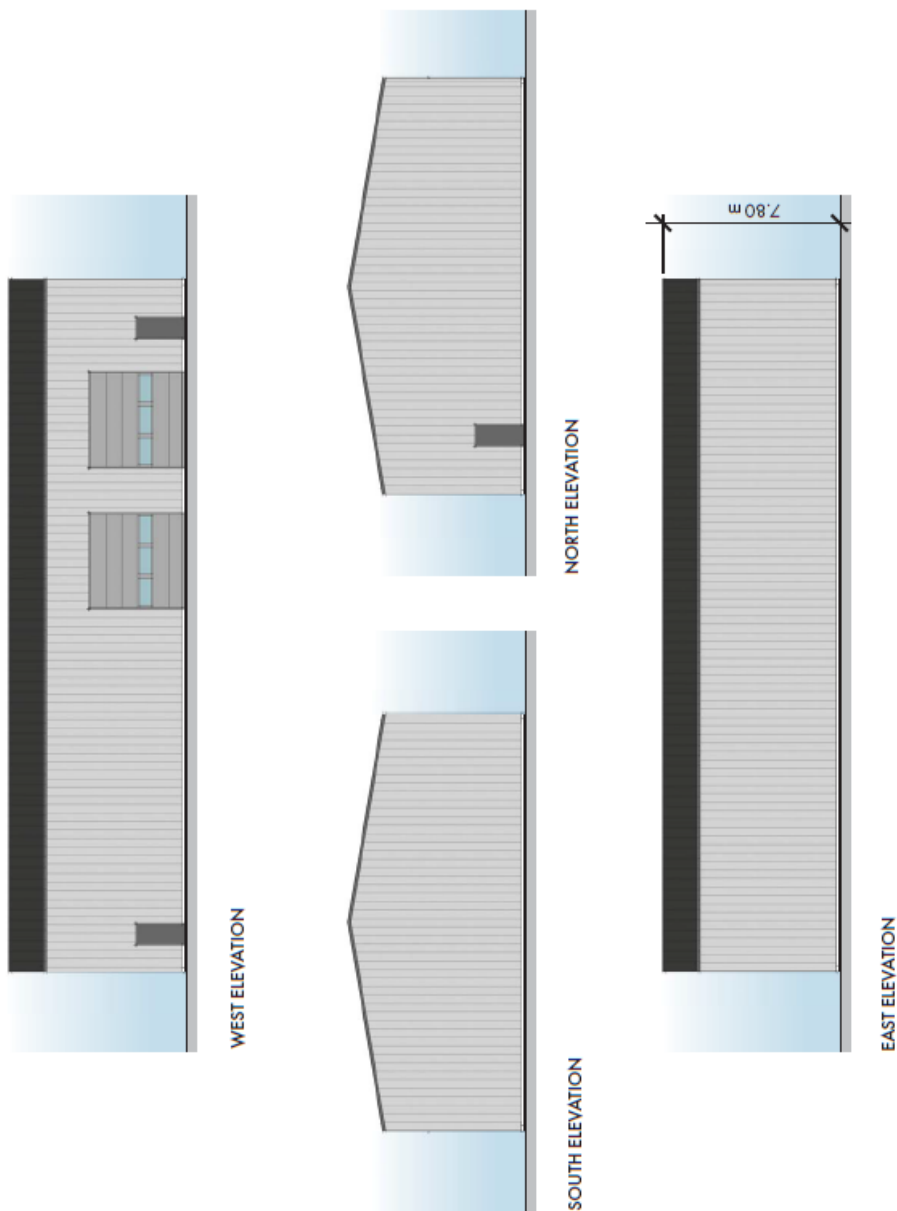
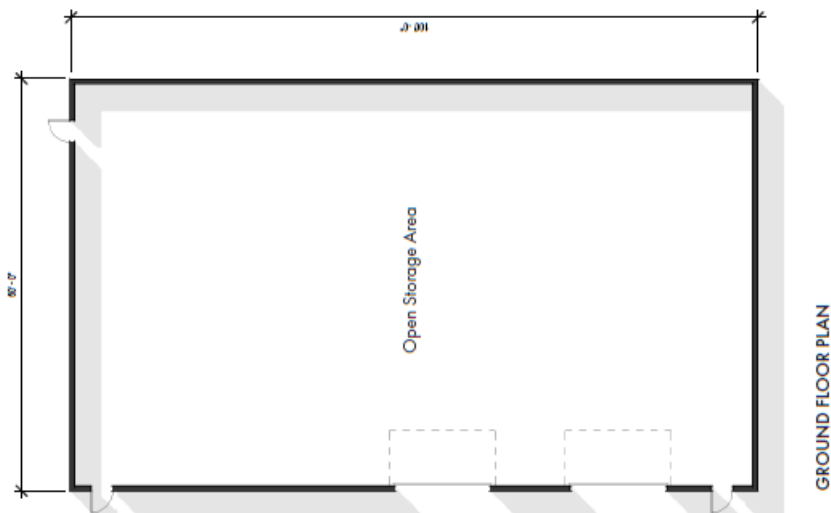
ELEVATIONS

Scale 1:200

NEW FACILITY FOR WPE
119 Highway 5, Dundas, ON
March 7, 2018



ELEVATIONS
Scale 1:200
NEW FACILITY FOR WPE
119 Highway 5, Dundas, ON
March 7, 2018



STORAGE BUILDING PLAN & ELEVATIONS
Scale 1:200
NEW FACILITY FOR WPE
119 Highway 5, Dundas, ON
March 7, 2018



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone and the Single Residential “R2” Zone to the Single Residential “R3-43” Zone, Modified (Block 1) and the Single Residential “R2-65” Zone (Blocks 3 and 4), to permit the development of four lots for single detached dwellings and recognize the existing single detached dwelling and accessory structure, on lands located at 90 Creanona Boulevard (Stoney Creek), as shown on Appendix “A” to Report PED19024, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That **Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Lands (P5, 717) Zone, on

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SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) - Page 2 of 14

lands located 90 Creanona Boulevard (Stoney Creek) as shown on Appendix “A” to Report PED19024, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the application is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-43” Zone, Modified (Block 1), Conservation / Hazard Lands (P5, 717) Zone (Block 2) and Single Residential “R2-65” Zone, Modified (Blocks 3 and 4) to permit the development of four lots for single detached dwellings fronting onto Montreal Circle, to retain the existing single detached dwelling and accessory structure having access from Creanona Boulevard and to recognize the watercourse in the Zoning By-law. The Applicant has requested modifications to the Single Residential “R3” Zone, specifically to permit reduced front and side yard setbacks and an increase in lot coverage from 40% to 45%. In addition, modifications to the setbacks are required for the existing dwelling and accessory structure.

The proposed Zoning By-law Amendment has merit, and can be supported, since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan. The proposal is considered to be compatible with existing development in the area and provides for a compact and efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

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SUBJECT: Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10) - Page 3 of 14

HISTORICAL BACKGROUND

The subject land, totalling 11,118.9 sq m in area, is located within the interior of the Winona North and Fifty Point Neighbourhoods, which is bounded by Winona Road to the west and Fifty Road to the east. The subject land is located north of the Queen Elizabeth Way (QEW), south of the Lake Ontario shoreline, with frontage along both Creanona Boulevard and Montreal Circle and is municipally known as 90 Creanona Boulevard (see location map attached as Appendix "A" to Report PED19024).

Currently, there is one single detached residential dwelling and an accessory structure with access onto Creanona Boulevard on the subject lands. The City of Hamilton has a watermain and sanitary sewer which runs east to west over a portion of the land extending from Creanona Boulevard to Montreal Circle as shown on Appendix "D" to Report PED19024. Easements have been registered on title (Instruments No. CD298810 and LT515566) ensuring further development does not occur and any development will be limited to the southern portion of the subject lands. The Applicant is proposing to construct four single detached dwellings with frontage on Montreal Circle in addition to retaining the existing single detached dwelling and accessory structure. Consent Applications SC/B-16:68 and SC/B-16:69 have been submitted to sever the lands, however, the Consent Applications have been tabled, subject to the completion of the Zoning By-law Amendment Application to establish the residential land use.

The Applicant has requested modifications to the Single Residential "R3" Zone, specifically to permit reduced front and side yard setbacks and an increase in lot coverage from 40% to 45%. Staff have reviewed the application and have made further amendments to implement the proposal including to rezone a portion of the subject lands (Blocks 3 and 4) to the Single Residential "R2-65" to recognize the existing single detached dwelling and the existing accessory structure. As well, a portion of the lands will be rezoned to the Conservation / Hazard Lands (P5) Zone as there is a watercourse (Stoney Creek Watercourse No. 10.1) which runs through the subject lands.

Chronology:

- March 27, 2017: Application ZAC-16-075 received.
- May 8, 2017: Application ZAC-16-075 deemed complete.
- May 16, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for ZAR-17-033 was mailed to 79 property owners within 120 m of the subject property.
- May 23, 2017: A Public Notice sign was established on the property.

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December 11, 2018: Public Notice sign updated to reflect the date of Public Meeting.

December 20, 2018: Circulation of Notice of Public Meeting to 78 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATION:

Owner: Frank and Brenda Pyringer

Applicant: A.J. Clarke and Associates Ltd. c/o Stephen Fraser

Location: 90 Creanona Boulevard (Stoney Creek) (see Appendix "A" to Report PED19024)

Property Description:

Frontage	15.24 m (Creanona Boulevard)
Area	11.11 ha
Depth	237.48 m

Services: Municipal piped water system and Sanitary Sewer system

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Neighbourhood Development "ND" Zone and Single Residential "R2" Zone
<u>Surrounding Lands:</u>		
North	Lake Ontario	N/A
	Single Detached Dwelling	Single Residential "R2" Zone
East	Lake Vista Park / Stormwater Management Pond	Open Space "OS" Zone
	Single Detached Dwellings	Single Residential "R4-18" Zone, Modified
South	Single Detached Dwellings	Single Residential "R3-32" Zone, Modified

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Natural Hazards

- “3.1.1 Development shall generally be directed to areas outside of:
- a. hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
 - b. hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and,
 - c. hazardous sites.”

The northern property line of the subject land is located along the Lake Ontario shoreline and, Stoney Creek Watercourse No. 10.1 which outlets into Lake Ontario traverses the property. The development is along the shoreline of Lake Ontario and is subject to erosion, flooding and dynamic beach hazards associated with Lake Ontario. The HCA reviewed the Meander Belt Width Assessment prepared by GEO Morphix Ltd. dated July 11, 2018 and the Shoreline Hazards Assessment prepared by Shoreplan Engineering Ltd. dated March 22, 2018. The Meander Belt Width Assessment determined that an erosion hazard assessment was required to determine the erosion hazard extent. The report determined that a 13.5 m width for the watercourse hazard limit is required. These lands have been zoned Conservation / Hazard Lands (P5, 717) Zone in Hamilton Zoning By-law No. 05-200 ensuring no development occurs within the area to avoid any natural hazards.

The Shoreline Hazards Assessment report assessed the natural hazards at 90 Creanona Boulevard and provided comments on development setbacks. Both reports were deemed satisfactory to the HCA who concurred with the shoreline and watercourse hazard limits as delineated. The subject lands lakeward of the “development setback with existing protection works” line shown on Figure 1 of the “Shoreline Hazards Assessment” and identified within the meander belt width shown in Appendix A of the “Meander Belt Width Assessment” report are proposed to be zoned a site specific Conservation / Hazard Land (P5) Zone in order to ensure they no development occurs within the area to avoid any natural hazards.

Based on the foregoing and subject to the proposed Zoning By-Law, the subject proposal is consistent with the PPS (2014).

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Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built up area as defined by the Growth Plan. The proposal conforms to the Guiding Principles, Section 1.2.1, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households.

Furthermore, Policy Section 2.2.1 provides direction on managing this growth whereby population and employment growth:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

In review, the subject lands are located within the Urban Boundary and Built Up Area in a settlement area where full municipal services are available, and will provide for a complete community through the addition of dwelling units with a compact design in an area with a diverse range and mix of housing types.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. Further, the subject lands are designated “Low Density Residential “2b” in the Urban Lakeshore Secondary Plan of Volume 2. The following policies, amongst others, apply to the application.

Natural Heritage System

“B.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.

B.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. Core Areas of the City’s Natural Heritage System

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also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new *Core Areas* are identified.

- B.2.3.2 *Core Areas* include *key natural heritage features, key hydrological features* and provincially significant and *local natural areas* that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions.
- B.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.”

Core Areas, identified as Stoney Creek Watercourse No. 10.1 and Lake Ontario are located on a portion of the subject lands. The watercourse and the shoreline of Lake Ontario are located within the Hamilton Conservation Authority (HCA) regulated area. The intent of the above policies is that development or site alteration within or adjacent to Core Areas shall not negatively impact natural features or their ecological functions. Vegetation removal and encroachment into Core Areas is generally not permitted and appropriate vegetation protection zones (VPZs) are required. While the existing dwelling is approximately 6 m from the Top of Slope of the Stoney Creek Watercourse No. 10.1, no new development is proposed for the existing dwelling. In addition, the lot identified as Part 7 as shown on Appendix “D” to Report PED19024 is oversized, having an additional 15 m in width to provide for an increased setback from the watercourse. Furthermore, the City of Hamilton has a watermain and sanitary sewer which runs east to west over a portion of the subject lands extending from Creanona Boulevard to Montreal Circle as shown on Appendix “D” to Report PED19024. Easements have been registered on title (Instruments No. CD298810 and LT515566) ensuring further development over this portion will not be permitted and will be limited to the southern portion of the subject lands.

The four proposed lots fronting Montreal Circle will be located outside the watercourse and approximately 150 m from Lake Ontario. The development of these four lots will not impact the function of the watercourse. The Meander Belt Width Assessment and Shoreline Hazards Assessment were deemed satisfactory to the HCA who concurred with the shoreline and watercourse hazard limits as delineated. In order to protect the watercourse and the Vegetative Protection Zone, a portion of the lands are recommended to be zoned a site specific Conservation / Hazard Lands (P5) Zone.

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In addition, there are trees located along the southwestern property boundary which will be removed to facilitate this development. A Tree Protection Plan (TPP) will be required as a condition of the Consent Application. Staff are satisfied that given the scoped area of development the Natural Heritage features of the subject lands will be protected.

Urban Lakeshore Secondary Plan

The subject lands are designated “Low Density Residential 2b” on Map B.7.3-1 – Urban Lakeshore Secondary Plan Land Use Plan. The following policies, amongst others apply to this proposal:

“B.7.3.1 Residential Designations

The following residential policies define the location and scale of each type of residential use, and help ensure that a variety of residential types are provided to meet the needs of the area residents.

B.7.3.1.1 The residential areas are designated Low Density Residential 2, Low Density Residential 2b, Low Density Residential 2e, Low Density Residential 3, Low Density Residential 3c and Medium Density Residential 3 as identified on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan.

B.7.3.1.3 Low Density Residential 2b Designation

Notwithstanding Policies E.3.4.3 and E.3.4. 4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b on Map B.7.3 - 1 – Urban Lakeshore Area - Land Use Plan:

- a) the permitted uses shall be single, semi detached and duplex dwellings; and,
- b) the density shall range from 1 to 29 units per net residential hectare.”

The proposal is for four single detached residential dwellings within the interior of an existing neighbourhood. The subject lands have frontage on both Creanona Boulevard and Montreal Circle, both of which are local roads, ensuring no direct access is provided to a Major or Minor Arterial Road. The Applicant has not requested amendments with regards to height and staff are of the opinion that the proposed lots being 609.5 sq m in area are in keeping with the existing character and streetscape of the neighbourhood. The subject lands are located within an existing residential area, bounded by low density residential development to the south, east and west. The Applicant has requested amendments to the lot coverage, and required front and side yard setbacks.

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Staff note that the existing adjacent lots have zoning which is comparable to the proposed zoning. Staff are of the opinion that the increase in lot coverage and reduction in front and side yard setbacks recognize the existing lot configuration and still provide for a building envelope that is consistent with surrounding development, allows for a continuous streetscape and maintains the character of the neighbourhood. The proposed four new lots for single detached dwellings will have a density of 12 units per hectare.

Therefore, the proposal complies with the UHOP.

City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Neighbourhood Development “ND” Zone and Single Residential “R2” Zone, in Stoney Creek By-law No. 3692-92, as shown on Appendix “A” to Report PED19024.

The Neighbourhood Development “ND” Zone only permits dwellings existing at the date of the passing of the By-law. The purpose of the Zoning By-law Amendment Application is to rezone the subject lands from the Neighbourhood Development “ND” Zone and Single Residential “R2” Zone to a site specific Single Residential “R2” Zone and Single Residential “R3” Zone, in the City of Stoney Creek Zoning By-law No. 3692-92, to allow for the development of four single detached residential dwellings and recognize the existing single detached dwelling and accessory building. The amendment will also address provisions regarding the minimum required front yard and side yard setbacks and lot coverage. The proposed site specifics are discussed in greater detail in Appendix “E” of Report PED19024 and the Analysis and Rationale Section.

City of Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment proposes to incorporate a portion of the lands into Hamilton Zoning By-law No. 05-200 to be zoned a site specific Conservation / Hazard Lands (P5) Zone to ensure the preservation of Stoney Creek Watercourse No. 10.1 and Lake Ontario. The proposed site specifics are discussed in greater detail in Appendix “E” of Report PED19024 as well as the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Recreation Division, Community and Emergency Services Department;
- Landscape Architectural Services, Public Works Department; and,
- Environmental Services Division, Public Works Department.

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The following Departments and Agencies have provided comments on the application:

Transportation Planning, Public Works Department requested that the proposal provide sidewalks. The request for a sidewalk will be addressed through the Consent Agreement which will be a condition of Consent approval.

Corridor Management, Public Works Department provided the following comments:

“Any new or change in a residential access requires an access permit from Parking.

A minimum of 1.2 m separation must be provided within the City’s road allowance area between an access and any utility, fire hydrant, tree, sign, etc. Any costs for traffic sign or utility relocation are the sole responsibility of the applicant / owner. It is the Applicant’s responsibility to coordinate with the appropriate departments ahead of time.

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Road Occupancy permit must be obtained from the Corridor Management Section. Should long-term occupancy be required (three months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane / sidewalk closures, crane locations, and truck haul routes.”

These comments have been forwarded to the Applicant for their information and future reference as the concept plan has not demonstrated the location of the proposed single detached dwellings or driveway location.

Forestry and Horticulture Section, Public Works Department have advised that there are municipal tree assets on site and therefore a Tree Management Plan will be required. In addition to the required review fee, the Owner will be required to provide payment for four street trees. The required review of the Tree Management Plan and fees will be addressed through the Consent Agreement which will be a condition of Consent approval.

Hamilton Conservation Authority (HCA) have reviewed the revised Meander Belt Width Assessment report prepared by GEO Morphix Ltd. dated July 11, 2018 and the Shoreline Hazards Assessment prepared by Shoreplan Engineering Ltd. dated March 22, 2018. The revised documents were satisfactory to the HCA and Staff concurred with the shoreline and watercourse hazard limits as delineated. As such, the HCA has no further objection to rezoning the remainder of the subject lands provided the lands lakeward of the “development setback with existing protection works” line are identified and appropriately zoned as Conservation / Hazard Land (P5) Zone.

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Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 79 property owners within 120 m of the subject property on May 16, 2017, for the proposed Zoning By-law Amendment Application.

To date, two submissions were received and attached as Appendix “E” to Report PED19024. The concerns are summarized in the Analysis and Rationale Section of this Report.

A Public Notice Sign was posted on the property on May 23, 2017, and updated on December 11, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 20, 2018.

Public Consultation Strategy

As per the Applicant’s Public Consultation Strategy, the contact information of A.J. Clarke and Associates (agent for the Applicant) was posted on the statutory Public Notice sign erected on the subject lands. This information enabled residents to contact the Applicant’s agent to obtain details and provide feedback.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) which encourages the development of compact communities within built-up areas;
 - ii) It complies with the Urban Hamilton Official Plan (UHOP) and the Urban Laksore Secondary Plan; and,
 - iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area.
2. The Applicant has requested a change in zoning to a site specific Single Residential “R3” Zone, to facilitate the development of four single detached dwellings. The proposed “R3” zoning is consistent with the zoning that applies to surrounding properties, complies with the policies of the UHOP and is in keeping with and compatible with existing and planned development in the surrounding

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- area. Therefore, staff support the rezoning application. The proposed modifications to the Single Residential “R3” Zone are discussed in Appendix “E” to Report PED19024.
3. Staff have reviewed the application and recommended that a portion of the subject lands (Blocks 3 and 4) be rezoned to the Single Residential “R2-65” Zone to recognize the existing single detached dwelling and the existing accessory structure. As the modifications to the Single Residential “R2” Zone are to recognize an existing situation, staff are of the opinion that the streetscape and character will not be negatively impacted and support the modification. The proposed modifications to the Single Residential “R2” Zone are discussed in Appendix “E” to Report PED19024.
 4. A portion of the lands are proposed to be incorporated into Hamilton Zoning By-law No. 05-200 and zoned a site specific Conservation / Hazard Lands (P5) Zone to protect Stoney Creek Watercourse No. 10.1 and Lake Ontario. The proposed zone boundary identified has been deemed satisfactory to both the Hamilton Conservation Authority and Staff. The proposed modification to the Conservation / Hazard Lands (P5) Zone is further discussed in Appendix “E” to Report PED19024.
 5. The Applicant submitted two Consent Applications, SC/B-16:68 and SC/B-16:69 which were tabled at the Committee of Adjustment meeting of October 6, 2016 until the Zoning By-law Amendment Application is completed. The consent applications sought to permit the creation of four lots for single detached dwellings fronting onto Montreal Circle, establish maintenance easements for the lots being created and retain the existing single detached dwelling and accessory structure having access from Creanona Boulevard. The owner will be required to receive approval of the Consent Applications in order to proceed with the development.
 6. There is a 200 mm watermain, 250 mm Sanitary Sewer and 600 mm Storm Sewer fronting the property on Montreal Circle that will service the proposed lots. The Required Fire Flow has been deemed satisfactory. The Lot Grading and Servicing Plans along with the Stormwater Management Brief will be required as a condition of the future Consent Application. Development Engineering Staff have advised that they have no further objection to the Zoning By-law Amendment Application.
 7. To date, two submissions from the public have been received in response to the public circulation (see Appendix “F” to Report PED19024). The first inquiry requested further detail and explanation of the development in addition to the public notice received. Staff note that no further correspondence or objection was

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submitted after the additional information was provided. The second public submission received raised concern with regards to the Stoney Creek Watercourse No. 10.1 and the addition of a new roadway. Staff note that development is to occur south of the watercourse and the watercourse will be zoned Conservation / Hazard Land (P5) Zone. No disruption or alteration of the watercourse is proposed and the Hamilton Conservation Authority is satisfied with the location of the proposed lots. In addition, Transportation Planning are satisfied with the proposal and have not raised any concern with regards to additional access driveways along Montreal Circle. In addition, there will not be any additional roadways constructed as part of this development proposal.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands will remain zoned Neighbourhood Development “ND” Zone which only permits uses permitted on the date that Zoning By-law No. 3692-92 was passed.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law No. 3692-92 Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

Appendix “D” – Concept Plan

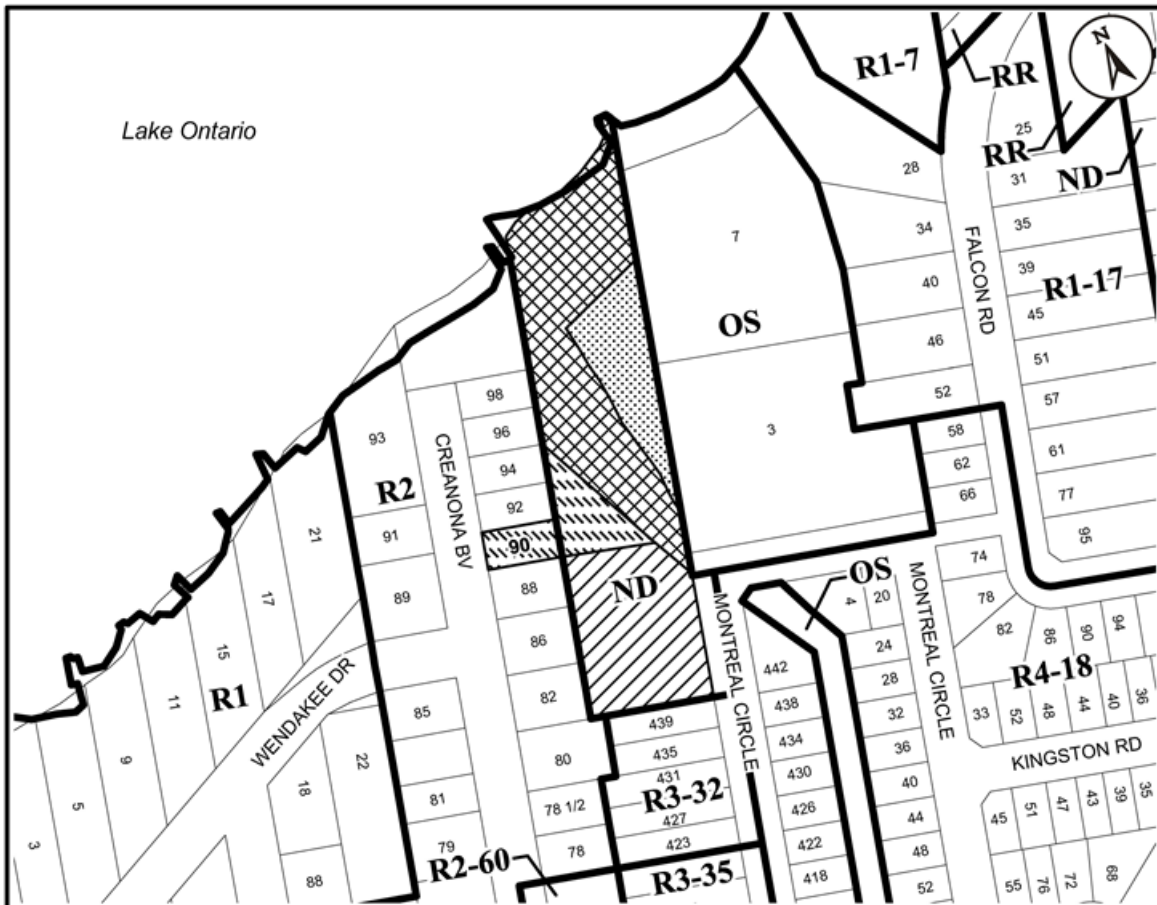
Appendix “E” – Zoning Modification Chart

Appendix “F” – Public Submissions

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

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: ZAR-17-033	Date: November 28, 2018
Appendix "A"	Scale: N.T.S.
Planner/Technician: MF/AL	

Subject Property
90 Creanona Boulevard

-  **Block 1** - Change in zoning from Neighbourhood Development "ND" Zone to the Single Residential "R3-43" Zone, Modified
-  **Block 2** - Lands to be added to the Hamilton Zoning By-law 05-200 and zoned Conservation / Hazard Lands (P5, 717)
-  **Block 3** - Change in zoning from the Neighbourhood Development "ND" Zone and Single Residential "R2" Zone, to the Single Residential "R2-65" Zone, Modified
-  **Block 4** - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2-65" Zone, Modified

Authority: Item ,
Report (PED19XXX)
CM:
Ward: 10

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 90 Creanona Boulevard**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 19-_____ of the Planning Committee, at its meeting held on the 15th day of January, 2019, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - a. by changing the zoning from Neighbourhood Development "ND" Zone and Single Residential "R2" Zone to the Single Residential "R3-43" Zone, Modified (Block 1) and Single Residential "R2-65" Zone, Modified (Blocks 3 and 4), on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A";

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 90 Creanona Boulevard**

2. That Subsections 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R3-43", as follows:

"R3-43" 90 Creanona Boulevard, Schedule "A" Map No. 4

- (i) Notwithstanding the provisions of Paragraphs (c), (d) and (g) of Subsection 6.4.3 of the Single Residential "R3" Zone, on those lands zoned "R3-43" Zone, Modified (Block 1) by this By-law, the following shall apply:

- | | | |
|-----|----------------------|--|
| (c) | Minimum Front Yard | 3.0 m to the face of the dwelling and 5.8 metres to the face of the garage. |
| (d) | Minimum Side Yard | No part of any dwelling shall be located closer than 1.2 metres to a side lot line, except 0.6 metres on the side of the dwelling not containing an attached garage or attached carport provided that a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of each of the abutting lots. |
| (g) | Maximum Lot Coverage | 40%, except 45% for a one storey single detached dwelling. |

3. That Subsection 6.3.7, "Special Exemptions" of Section 6.3, Single Residential "R2" Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, "R2-65", as follows:

"R2-65" 90 Creanona Boulevard, Schedule "A" Map No. 4

- (i) Notwithstanding the provisions of Subsections 6.3.2 and 6.3.5 "Zone Regulations" of the Single Residential "R2" Zone, on those lands zoned Single Residential "R2-65" Zone, Modified (Block 3), only the accessory building existing on the date of the passing of the By-law shall be permitted.

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 90 Creanona Boulevard**

- (ii) Notwithstanding the provisions of Paragraph (e) of Subsection 6.3.3 of the Single Residential "R2" Zone on those lands zoned Single Residential "R2-65" Zone, Modified (Block 4), the single detached dwelling existing on the date of the passing of the By-law shall be permitted.

- 4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Single Residential "R2" Zone and Single Residential "R3" Zone provisions, subject to the special requirements referred to in Section 2.

- 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

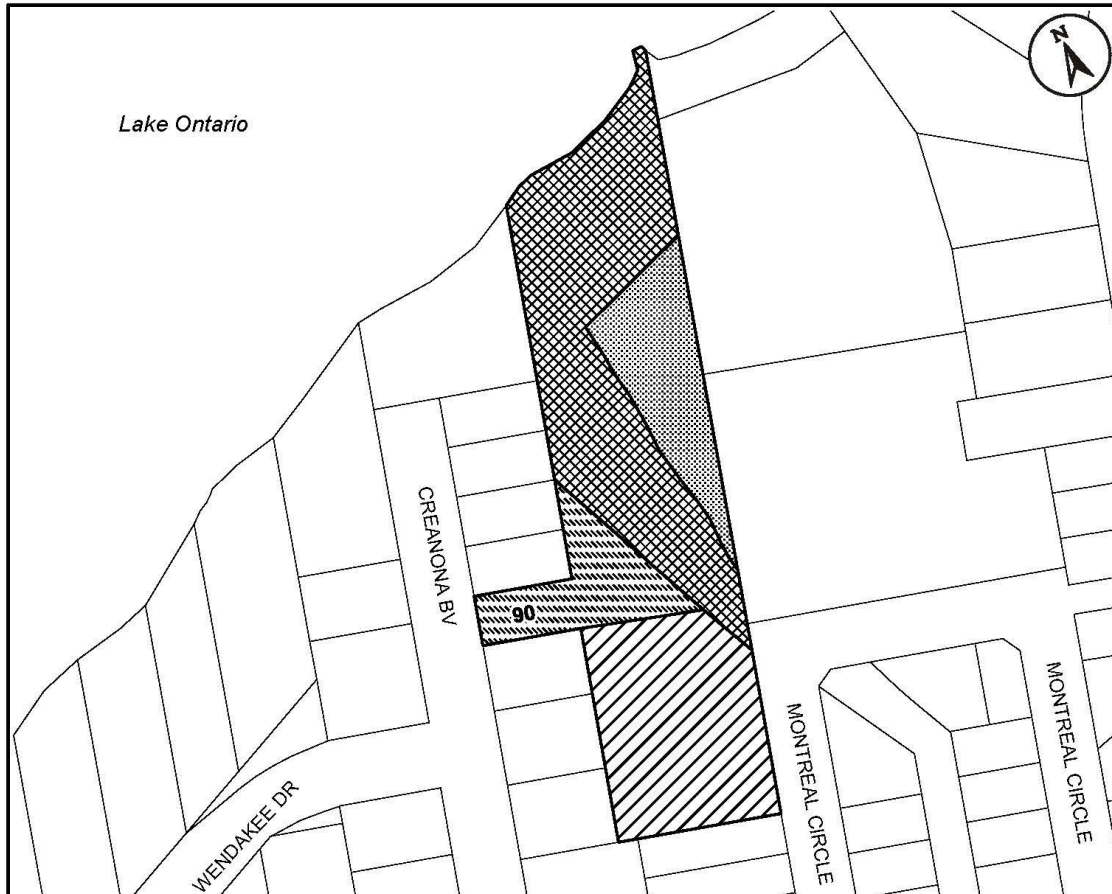
PASSED and ENACTED this _____ day of _____, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-033

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands Located at 90 Creanona Boulevard**



This is Schedule "A" to By-law No. 19-
Passed the day of, 2019

Mayor





Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 3692-92

Subject Property
90 Creanona Boulevard

-  **Block 1** - Change in zoning from Neighbourhood Development "ND" Zone to the Single Residential "R3-43" Zone, Modified
-  **Block 2** - Lands to be added to the Hamilton Zoning By-law 05-200 and zoned Conservation / Hazard Lands (P5, 717) Zone
-  **Block 3** - Change in zoning from the Neighbourhood Development "ND" Zone and Single Residential "R2" Zone, to the Single Residential "R2-65" Zone, Modified
-  **Block 4** - Change in zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2-65" Zone, Modified

Scale: N.T.S.	File Name/Number: ZAR-17-035	
Date: Dec. 3, 2018	Planner/Technician: MF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		Hamilton

Authority: Item ,
Report (PED19XXX)
CM:
Ward: 10

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**To Amend Zoning By-law No. 05-200 (Hamilton)
Respecting Lands Located at 90 Creanona Boulevard**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at its meeting held on January 15, 2019;

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan No.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1205 on Schedule A - Zoning Maps, to Zoning By-law No. 05-200 is amended by incorporating additional Conservation / Hazard Lands (P5) Zone, for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule A.
2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by passing the following site specific Conservation / Hazard Lands (P5, 717) Zone:
 - "717. Within the lands zoned Conservation / Hazard Lands (P5, 717) Zone, identified on Map 1205 of Schedule "A" – Zoning Maps and described as 90 Creanona Boulevard, the following special provision shall apply:
 - a) Section 4.23 Special Setbacks d) shall not apply the existing single detached dwelling and accessory structure.
 - b) In addition to Section 7.5 Conservation / Hazard Land (P5) Zone, a private driveway access shall be permitted to access the existing single detached dwelling.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
4. That no building or structure shall be erected, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in

**To Amend Zoning By-law No. 05-200 (Hamilton)
Respecting Lands Located at 90 Creanona Boulevard**

accordance with the Conservation / Hazard Land (P5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.

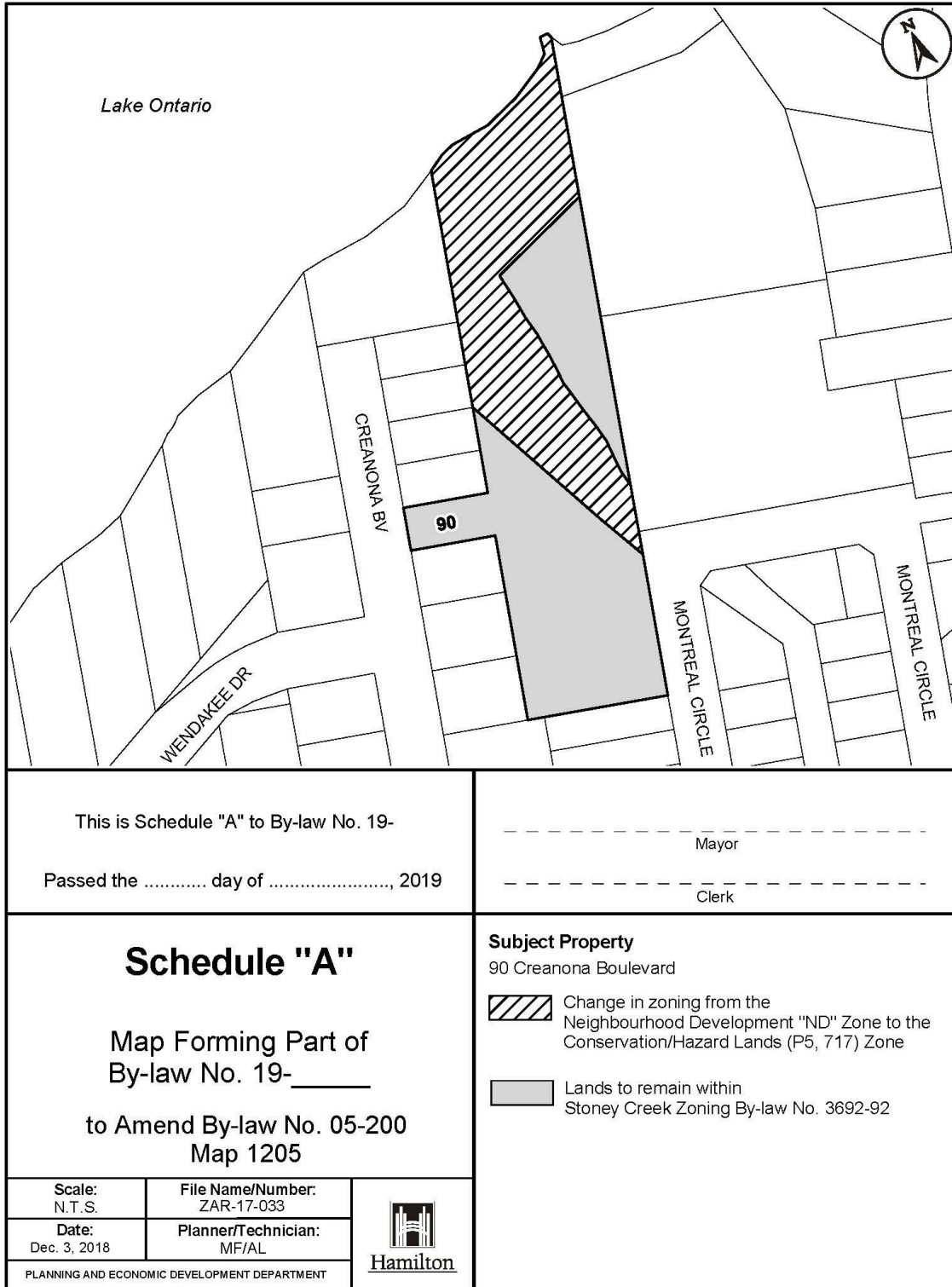
PASSED this _____ , _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAR-17-033

**To Amend Zoning By-law No. 05-200 (Hamilton)
Respecting Lands Located at 90 Creanona Boulevard**



This is Schedule "A" to By-law No. 19-
Passed the day of, 2019

Mayor


Clerk


Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Map 1205

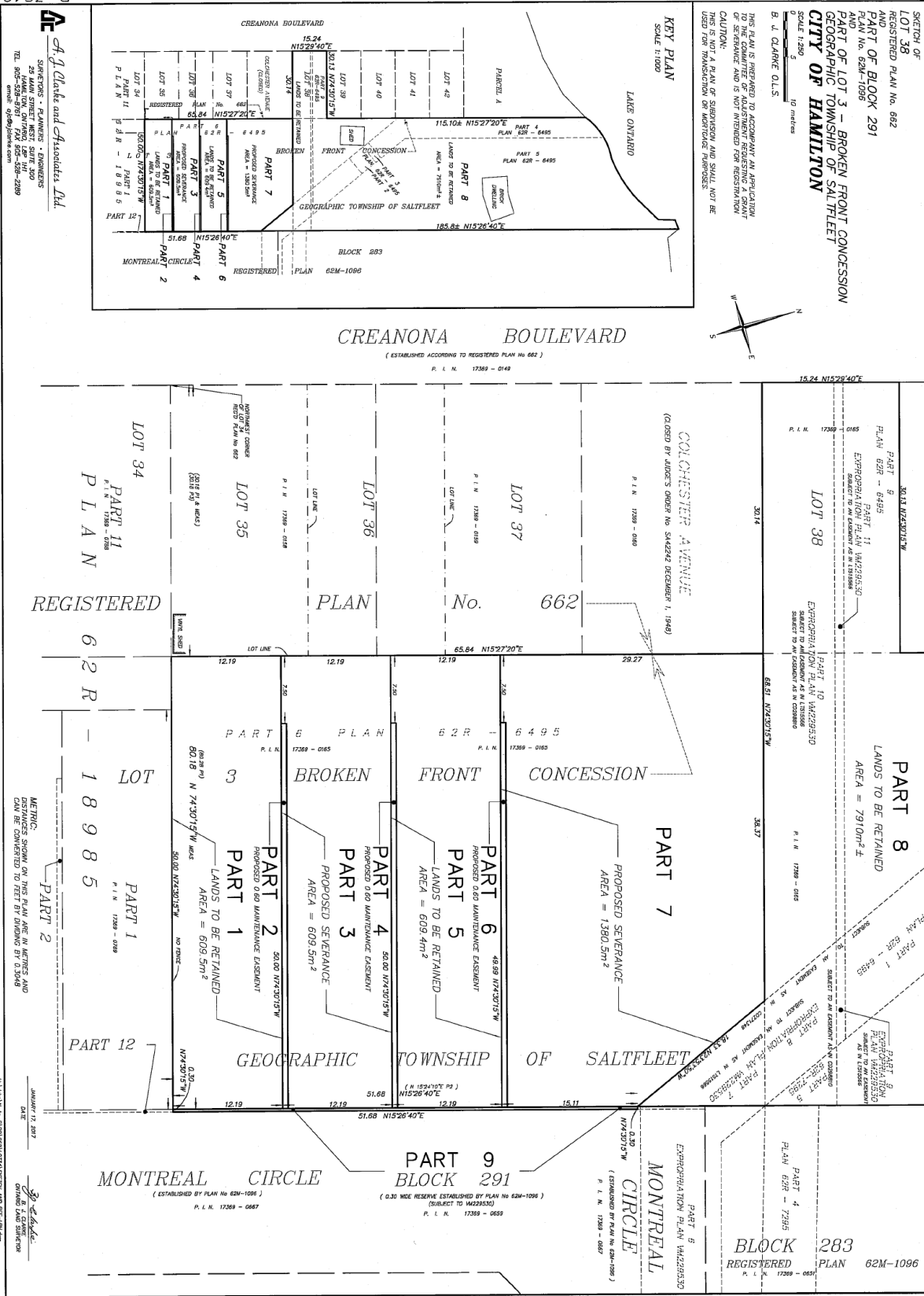
Subject Property
90 Creanona Boulevard

 Change in zoning from the Neighbourhood Development "ND" Zone to the Conservation/Hazard Lands (P5, 717) Zone

 Lands to remain within Stoney Creek Zoning By-law No. 3692-92

Scale: N.T.S.	File Name/Number: ZAR-17-033	
Date: Dec. 3, 2018	Planner/Technician: MF/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

R-3840



AJ
A. J. Clarke and Associates Ltd.
 SURVEYORS - PLANNERS - ENGINEERS
 25 MAIN STREET WEST SUITE 100
 LAMINGTON, ONTARIO L9M 1A9 - 2099
 TEL. 905-882-8888
 EMAIL: aj@ajclarke.com

SKETCH OF
 LOT 38
 REGISTERED PLAN No. 682
 AND
 PART OF BLOCK 291
 PLAN No. 62M-1096
 AND
 PART OF LOT 3 - BROKEN FRONT CONCESSION
 GEOGRAPHIC TOWNSHIP OF SALT FLEET
 CITY OF HAMILTON
 SCALE 1:250
 B. J. CLARKE O.L.S.
 10 metres

THIS PLAN IS PREPARED TO ACCOMPANY AN APPLICATION
 OF SEWERAGE AND IS NOT INTENDED FOR REGISTRATION
 CAUTION:
 THIS IS NOT A PLAN OF SUBDIVISION AND SHALL NOT BE
 USED FOR TRANSACTION OR MORTGAGE PURPOSES.

METRIC:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
 CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

JANUARY 12 2017
 DATE
 B. J. CLARKE
 O.L.S.
 ONSHORE REGISTRATION SECTION AND REG-1004/4

R-3840

Site Specific Modifications to the Single Residential “R3” Zone

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	6.0 m	3.0 m to the face of the dwelling and 5.8 metres to the face of the garage	The proposed modification will ensure compatibility with the surrounding area in terms of built form / massing, setbacks from the street and building separation and will provide adequate area to accommodate landscaping, access and parking. The reduced front yard setback is consistent with surrounding development and maintains the character of the neighbourhood by aligning with the existing dwellings along Montreal Circle. Therefore, Staff support the proposed modification.
Minimum Side Yard	1.25 m	No part of any dwelling shall be located closer than 1.2 metres to a side lot line, except 0.6 metres on the side of the dwelling containing an attached garage or attached carport provided that a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of each of the abutting lots.	The proposed modification is a minor reduction that reflects standard development within the area. The lands to the south contain the same zoning provision and staff are of the opinion that the reduction will allow for the streetscape and character to be continuous. Therefore, the modification is reasonable and supported by staff.
Maximum Lot Coverage	40%	40%, except 45% for a one storey single detached dwelling unit.	The proposed modification is minor and comparable to the existing zoning abutting to the south. The 5.0% increase in lot coverage will not adversely impact the character of the neighbourhood and will still allow for appropriate drainage to

			occur. Therefore, Staff support the proposed modification.
--	--	--	--

Site Specific Modifications to the Single Residential “R2” Zone

Regulation	Required	Modification	Analysis
Minimum Rear Yard Setback	7.5 m	Recognize the dwelling existing on the date of the passing of this By-law.	The proposed modification is required to recognize the location of the existing single detached dwelling. As the subject land has frontage on both Creanona Boulevard and Montreal Circle the lot is considered a through lot and the existing single detached dwelling abutting the easterly lot line (rear lot line) does not comply with the required 7.5 metre rear yard setback requirement. As this is an existing situation, Staff support the modification.
Regulations For Accessory Buildings	Accessory buildings are permitted in accordance with Section 4.5 and 6.1.4.	Recognize the accessory building existing on the date of the passing of the By-law.	The proposed modification is required to recognize the location of the existing accessory building. In addition, no further development is possible within Block 3 (as identified on Appendix “A” to Report PED19024) due to the size and location, as it is situated between a Servicing easement and Stoney Creek Watercourse No. 10.1. As this is an existing situation, staff support the modification.

Site Specific Modifications to the Conservation/Hazard Land “P5” Zone

Regulation	Required	Modification	Analysis
Setback from a Conservation / Hazard Land (P5) Zone	All buildings or structures located on a property shall be setback a minimum of 7.5 metres from a P5, P7 and P8 Zone boundary.	Section 4.23 Special Setbacks d) shall not apply to the existing single detached dwelling and accessory structure	The proposed modification is minor and is recognizing the setback established to the existing single detached dwelling and accessory building as a result of the Conservation / Hazard Lands (P5) Zone. The subject lands are regulated by the Hamilton Conservation Authority and will be subject to an Environmentally Significant Area Site Plan Control Application, therefore any further redevelopment or expansion will require further Planning and Conservation Authority approvals. As such, Staff support the modification.
Conservation / Hazard Land (P5) Zone	No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Conservation/Hazard Land (P5) Zone for any purpose other than one or more of the following uses, or uses accessory thereto.	In addition to Section 7.5 Conservation / Hazard Land (P5) Zone, a private driveway access shall be permitted to access the existing single detached dwelling	The proposed modification is recognizing the existing driveway access to the existing single detached dwelling and accessory building. The subject lands are regulated by the Hamilton Conservation Authority and will be subject to an Environmentally Significant Area Site Plan Control Application, therefore any further redevelopment or expansion will require further Planning and Conservation Authority approvals. As such, staff support the modification.

From: Derek Brodie <brodiederek@gmail.com>
Sent: June-01-17 8:23 AM
To: Fiorino, Michael
Subject: Plan on Montreal Circle

Hi Michael,

I have been playing phone tag with you, sorry for this. I am inquiring about the revised plans across from my home at 442 Montreal circle in Stoney Creek. Can you please tell me some information about this project and how many houses are going in?

Thanks,

Derek

Fiorino, Michael

From: Patrick Stickland <patrick@syer.ca>
Sent: June-08-17 11:17 PM
To: Rybensky, Yvette
Cc: Johnson, Brenda; Fiorino, Michael
Subject: Regarding Application ZAR-17-033
Attachments: Stickland.pdf; Property Map.pdf; Watercourse.pdf

Please find attached our comments in regards to Zoning By-Law Amendment for Lands Located at 90 Creanona Blvd. file ZAR-17'-003.

Kind Regards

Patrick Stickland
96 Creanona Blvd.
Stoney Creek, Ontario
L8E 5T3

905-667-2007

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

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Alicia Syer & Patrick Stickland
96 Creanona Blvd.
Stoney Creek, ON, L8E 5T3

June 8, 2017

City of Hamilton
Planning & Economic Development Department
Development Planning, Heritage & Design – Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5
Attn: Yvette Rybensky

RE: Zoning By-law Amendment Application ZAR-17-033

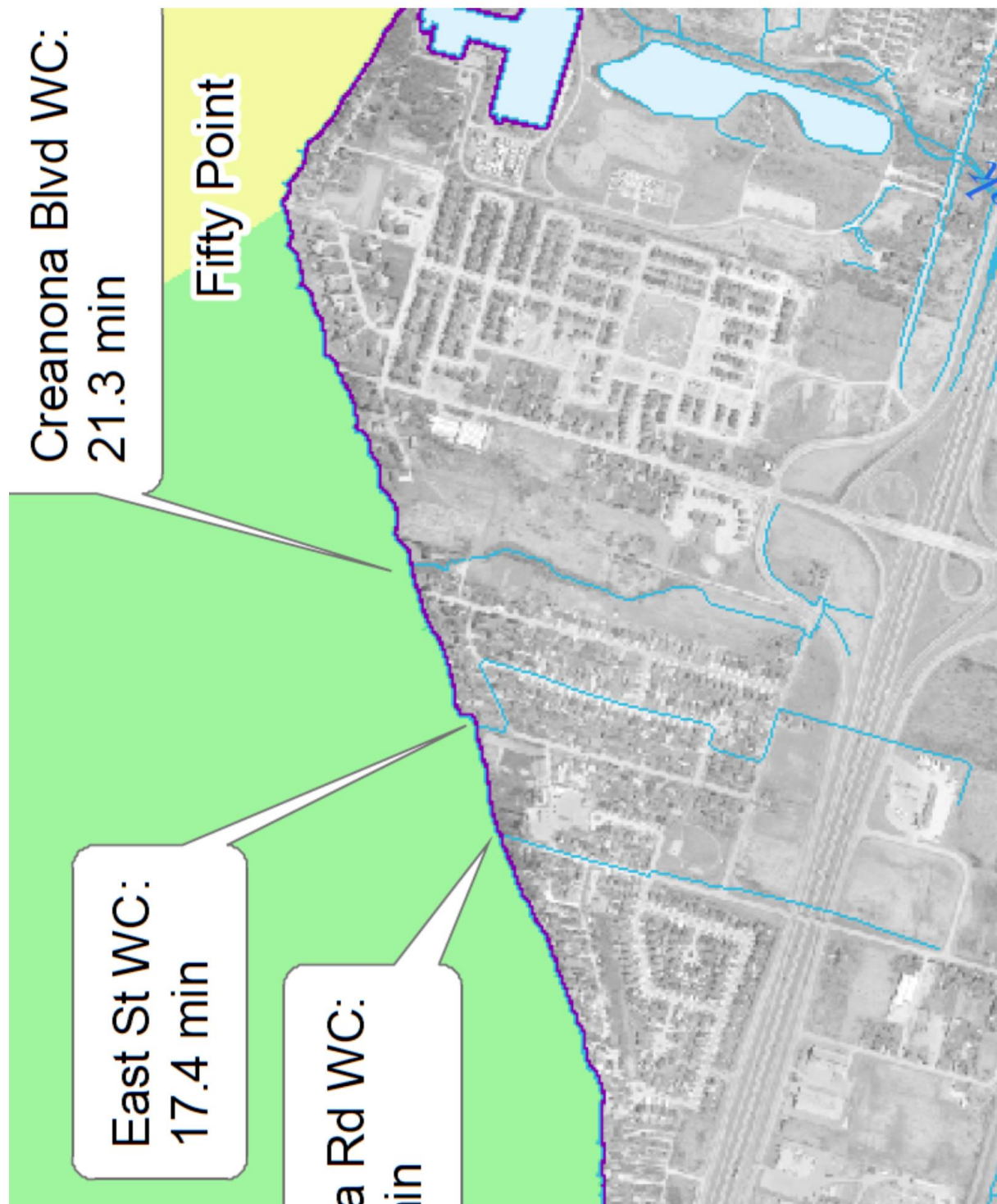
This letter is in regards to the application by Massimo & Melissa Cretaro for a Zoning By-Law Amendment for Lands Located at 90 Creanona Boulevard (Stoney Creek) (Ward 11) Application ZAR-17-033

- The creek that runs behind several properties and empties into the lake serves the valuable purpose of diverting heavy rains and spring thaw thereby preventing flooding. It is our opinion that converting this creek into residential land will require substantial re-grading and will threaten the integrity of our homes and properties. It is also a watercourse (Image Attached) for our community stretching to the QEW.
- Our property deed includes an area approximately ten feet deep that runs behind our home (labeled Part 5, Plan 62R-5186 on attached drawing). We were informed by the previous owner of our home as well as long-time members of our community that this area is considered a "one hundred year flood plain" and therefore protected from any further development of any kind. The wooded lot behind us heavily influenced our decision to buy our property. Our quality of life will be greatly impacted if this green space is developed.
- Preserving this land is integral to the survival of many at-risk birds and animal species. The area of trees and vegetation that would be cleared in the development provide a noise barrier from the adjacent park as well as oxygen, shade, wind protection and much-needed green space to an already well-developed neighborhood.
- Developing this land will increase population density, automobile traffic, pollution, noise and will require roads emptying into the busy Montreal Circle curve where there have already been multiple motor vehicle and pedestrian altercations or will require a new roadway onto Creanona Court which will endanger the safety of our children and alter our community beyond recognition.

In closing, we found your application confusing and lacking clarification of future development and planning. As we previous stated regarding application SC/B-16:68 and SC/B-16:69 is confusing, misleading and inaccurate and needs further clarification and study.

Yours Truly,

Alicia Syer & Patrick Stickland





CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 15, 2019
SUBJECT/REPORT NO:	Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Jennifer Roth (905) 546-2424 Ext. 2058
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-18-017, by Silvestri Homes, (Owner)** to further amend the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling containing 151 dwelling units on the lands known as 560 Grays Road (Hamilton and Stoney Creek), as shown on Appendix “A” to Report PED19001, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan;
- (b) That upon the finalization of the amending By-law, the subject lands be re-designated from “Medium Density Residential” to “High Density Residential” in the Lakeshore Neighbourhood Plan.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 2 of 22

- (c) That in accordance with the City of Hamilton Financial Policies, that there will be no City share for the costs associated with the stormwater management infrastructure upgrades associated with this development.

EXECUTIVE SUMMARY

The purpose of the Application is for a further modification to the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling consisting of 151 dwelling units, 191 underground parking spaces and 58 surface parking spaces. An increase in the maximum building height and density are proposed to facilitate the development. The owner is required to receive approval for the storm sewer outfall alignment and the detailed design at the Site Plan Control stage.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS 2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with existing and planned development in the area and represents good planning by providing a compact and efficient urban form.

Alternatives for Consideration – See Page 21

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject lands are bounded by Grays Road to the west, Frances Avenue to the north, Drakes Drive to the east, and North Service Road to the south (see Appendix “A” to Report PED19001). The subject site is presently vacant.

Previous Applications

The site was subject to an Official Plan Amendment Application (OPA-12-010) and Zoning By-law Amendment Application (ZAC-12-027) in 2012 for the purpose of

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SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 3 of 22

developing 36 townhouse units on a private condominium road. Site servicing concerns were identified at that time with the determination that the proposed servicing strategy had not demonstrated adequate sustainable services for the number of proposed units. An appeal was filed to the Ontario Municipal Board with respect to the Official Plan Amendment Application and Zoning By-law Amendment Application for failure of Council to make a decision on the Applications in accordance with the applicable provisions of the *Planning Act*. It was subsequently established through further analysis and discussion that site servicing for the proposed development could be appropriately addressed. The appeal was withdrawn and a revised development proposal with a new Zoning By-law Amendment Application was submitted in December, 2015, being Application ZAC-16-008 and subsequently By-law 16-227 was passed by Council on August 12, 2016.

By-law 16-227 added the portion of the subject lands zoned "AA" (Agricultural) District located within the City of Hamilton Zoning By-law No. 6593 to the City of Stoney Creek Zoning By-law No. 3692-92 and zoned said lands Multiple Residential "RM3-58" Zone, Modified. By-law 16-227 further changed the zoning on the remainder of the subject lands in the City of Stoney Creek Zoning By-law No. 3692-92 from the Highway Commercial (Holding) "HC(H)" Zone to the Multiple Residential "RM3-58" Zone, Modified, to permit the development of a four storey multiple dwelling containing 106 dwelling units. The Lakewood Community Council appealed the decision to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT), but the appeal was subsequently withdrawn.

Current Application

The applicant has applied for a Zoning By-law Amendment to further modify the Medium Density Residential "RM3-58" Zone to permit the development of a six storey multiple dwelling with a L-shaped orientation, adjacent to Grays Road and North Service Road that terminates with a four storey portion adjacent to Frances Drive and the existing residential development to the north. A total of 151 dwelling units with 191 underground and 58 surface parking spaces are proposed. The proposal consists of a combination of unit types including:

- 5 studio suites;
- 44 one bedroom suites;
- 69 one bedroom plus den suites;
- 22 two bedroom suites; and,
- 10 two bedroom plus den suites.

A separation distance of greater than 70.0 m has been provided between the six storey portion of the building, adjacent to North Service Road, and the residential development to the north, while the four storey portion maintains a 12.5 m setback to Frances Drive.

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SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 4 of 22

Landscaped areas are provided on all sides of the building, including immediately adjacent to the residential development to the north and to screen the surface parking. A 14 m setback is provided adjacent to North Service Road to comply with Ministry of Transportation requirements. Access to the proposed development will be via Drakes Drive, as identified on the proposed concept plan attached as Appendix “B” to Report PED19001.

January 18, 2018: Zoning By-law Amendment Application ZAC-18-017 by IBI Group, on Behalf of Silvestri Homes submitted.

January 28, 2018: Zoning By-law Amendment Application ZAC-18-017 deemed complete.

January 29, 2018: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-18-017 to 61 property owners within 120 m of the subject lands.

March 21, 2018: Public Notice Sign erected on the subject property.

April 19, 2018: Community Meeting.

December 11, 2018: Public Notice Sign updated with Public Meeting Information.

December 20, 2018: Circulation of the Notice of Public Meeting to 61 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 560 Grays Road (see Appendix “A” to Report PED19001)

Owner/Applicant: Silvestri Homes

Agent: IBI Group (c/o John Ariens)

Property Description: Lot Frontage: ± 69 m (Frances Avenue)

Lot Depth: 117.90 m

Lot Area: ± 1.07 ha (Irregular)

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SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 5 of 22

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Medium Density Residential “RM3-58” Zone, Modified
<u>Surrounding Land Uses:</u>		
North	Single Detached Residential	“C” (Urban Protected Residential, etc.) District and Single Residential “R4” Zone
South	Queen Elizabeth Way and Business Park on the south side of the highway	Prestige Business Park (M3, 361) Zone
East	Vacant Lands	General Commercial “GC-33” Zone, Modified and Community Commercial (C3) Zone
West	Parkland (Confederation Park)	City Wide Park (P3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS 2014.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board (OMB), now known as the Local Planning Appeals Tribunal (LPAT), approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

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SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 6 of 22

Staff note that the current Cultural Heritage policies of the UHOP have not yet been updated in accordance with the PPS 2014. As such, the following policy of the PPS 2014 also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

As part of the previous Zoning By-law Amendment Application ZAC-16-008, Stage 1 and 2 Archaeological Assessment were submitted for review along with a copy of the Ministry clearance letter dated November 30, 2005. As such, there is no further interest in the subject property with respect to archaeology.

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

An Environmental Noise Impact Study, dated September 2017 and a Noise Addendum, dated March 28, 2018, both completed by dBA Acoustical Consulting, provided adequate detail and mitigation measures to ensure the long term viability of the QEW is not impacted and that adequate building materials and warning clauses will be included in future agreements of purchase and sale. These requirements will be secured at the Site Plan Control stage.

Therefore, the proposal is consistent with the PPS 2014.

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any Planning decision.

The subject lands are within the delineated built boundary of the City of Hamilton and the proposal will contribute to the achievement of complete communities by providing a different dwelling type in the area and supporting local infrastructure while contributing to a range of housing forms and tenures. In addition, this development provides further support for a new LRT and the Confederation GO station that will be located within close proximity to this site.

Therefore, the proposal conforms with the applicable policies of the Growth Plan (2017).

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SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 7 of 22

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure and on Schedule E-1 – Urban Land Use Designations.

The following policies, amongst others, apply to the proposal.

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*.”

As the proposed development is for a six storey multiple dwelling, it contributes to the provision of complete communities by providing a different dwelling type than what exists in the surrounding neighbourhood.

Scale

- “E.3.6.6 In high density residential areas, the permitted net residential densities, identified on Appendix G – Boundaries Map shall be:
- b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.”

The proposed 141 units per net residential hectare within the proposed six storey multiple dwelling complies with the density range for high density residential in the Neighbourhoods designation.

High Density Residential

- “E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.

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- E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.
- E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
 - b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and / or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
 - d) Development shall:
 - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
 - ii) be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
 - e) In accordance with the policies of Section B.3.3 – Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
 - i) surface parking areas;
 - ii) parking structures;

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- iii) utility and service structures such as garbage enclosures; and,
- iv) expanses of blank walls.”

Staff note that this proposal is classified as High Density given the proposed density of 141 units per net residential hectare. The High Density category permits multiple dwellings. It is envisioned that such developments be located on the periphery of neighbourhoods in proximity to Minor Arterial Roads, being Grays Road and the North Service Road, as noted on Schedule “C” Functional Road Classification of the UHOP. The site has access to Confederation Park and the Waterfront Trail. The site is in close proximity to the proposed Confederation Park Go Station and the proposed increase in density will support ridership of the GO train.

The proposed development functions as an appropriate transition between the Queen Elizabeth Way (QEW) and North Service Road context, and the neighbourhood to the north, given the stepping of the building design from six to four storeys (see concept plan attached as Appendix “C” to Report PED19001). Further, the site is in close proximity to the Employment Area on the south side of the QEW, which is desirable for high density residential uses as noted in Policy E.3.6.5.

Transitions in height from six to four storeys, setbacks and roadways separate the proposed development from adjacent low profile residential uses. Screening and / or design features shall be incorporated into the design to mitigate adverse impact on adjacent low profile residential uses through the future Site Plan Control Application. Landscaping shall be provided to buffer and screen the proposed development from the adjacent residential development. Adequate on-site parking, amenity features and access to the property for vehicles and pedestrians will be provided on site with the detailed design occurring at the Site Plan Control stage.

The proposed development will contribute to an attractive public realm by screening surface parking areas and providing separation distance from the road, as well as providing a large portion of the parking below grade. Further, the garbage enclosure is located below grade and will be brought to the surface on collection days. Expanses of blank walls will be minimized with the detailed design of the building elevations occurring at the Stage Plan Control stage.

Residential Intensification

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

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“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

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- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

Land uses in the vicinity of the subject land is predominately single detached dwellings. The proposed multiple dwelling has been designed to be compatible with the low density residential neighbourhood by incorporating a setback of 12.5 m from Frances Avenue to the four storey portion of the building, a stepback to the six storey portion and sufficient area for enhanced landscaping along Frances Avenue, which will be secured at part of the detailed design at the Site Plan Control stage.

The unit type, comprised of studio units, one bedroom units, two bedroom units, and two bedroom plus den units, contributes to achieving a range of dwelling types for this community. The transportation capacity has been deemed to be sufficient as discussed in further detail in the Analysis and Rationale for Recommendation section of this Report. The infrastructure capacity has been deemed to be adequate with regards to sanitary and water servicing.

The stormwater management design will be altered from the previously approved design from Zoning By-law Amendment Application ZAC-16-008 to reduce impacts to Confederation Park and the redevelopment of that site. As a result the Engineering Approvals Section and Hamilton Conservation Authority has requested that the Owner obtains approval for the storm sewer outfall alignment and the detailed design during the Site Plan Control stage.

The building design and site layout (shown in Appendix “C” to Report PED19001) have been adequately designed to integrate into the existing neighbourhood by locating the six storeys adjacent to Grays Road and North Service Road and maintaining the four storey built form adjacent to Frances Drive and the existing residential development to the north. The combination of the 12.5 m setback from Frances Avenue, the width of Frances Avenue right of way, the L-shaped orientation of the building, the 23 m stepback to the six storey portion of the building and being under the 45 degree angular plane will eliminate overlook and shadow impacts on the residential development to the north.

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The development itself provides for a central common amenity area as well as setbacks along the perimeter of the site to accommodate landscaping and plantings. The six storey portion of the development proposed along North Service Road and a portion of Grays Road is proposed to be designed to provide noise mitigation from the QEW. Overall, the proposed building design and layout, separation distance, transition in height and landscaping opportunities offer adequate transitional elements between the proposed development and the residential development to the north. The proposed development maintains and enhances the residential character of the neighbourhood by providing a new form of residential dwelling. Design matters are discussed further in the review of design policies that follow.

Design

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

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The Site Plan Control Application will include detailed design, including the provision of adequate landscaping, amenity features, on-site parking, and buffering to minimize conflicts.

The site has been designed with both underground and at grade parking to reduce the visual and stormwater impacts of parking on the existing development in the area. At the Site Plan Control stage, adequate screening and landscaping will be secured to further minimize the impacts of the surface parking. Additionally, the garbage enclosures will be located below grade and will be brought to the surface parking area on collection days.

With respect to built form, the following policies, amongst others, apply:

“B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate.”

The proposed development provides an appropriate transition in built form between the neighbourhood to the north and the QEW and employment lands to the south with four storeys along Frances Avenue before stepping up to the ultimate six storey height. This is further enhanced by focusing the proposed development towards Grays Road and North Service Road, which provides a transition to the existing neighbourhood to the north. Staff have recommended a high degree of vertical and horizontal wall articulation to, in part, ensure a smoother transition towards the traditional residential architecture of the neighbourhood and landscape features on site to provide a visual and physical barrier from the QEW and Grays Road.

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Finally, the orientation of the building has resulted in surface parking being provided at the front of the building, in a central site location as opposed to the rear or side of the building. However, the proposed site layout, combined with a generous setback from Frances Avenue and sufficient space for enhanced landscaping along Frances Avenue, the proposed multiple dwelling achieves a number of objectives and has been determined to achieve an appropriate balance in the overall design.

Road Widening

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

d) Minor arterial roads, subject to the following policies:

- i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- ii) Land accesses shall be permitted with some controls.
- iii) The basic maximum right of way widths for minor arterial roads shall be 36.576 m unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications. (OPA 109)”

Schedule “C-2” - Future Road Widenings of the UHOP identifies this portion of North Service Road as having an ultimate right of way width of 26.213 m instead of the maximum right of way width of 36.576 m. As a result, a right of way widening of approximately 6 m from the subject lands adjacent to North Service Road is required to be dedicated to the City in order to bring the width of the right of way up to 26.213 m. A 12.19 m by 12.19 m daylighting triangle at the intersection of North Service Road and Drakes Drive will be required from the widened limits of the intersection of North Service Road and Drakes Drive. The applicant has shown on Schedule “C” to Report PED19001 the required right of way and daylight triangle dedications. The applicant will be required to dedicate the lands as part of the future Site Plan Control Application.

Servicing

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

As detailed in the comments from the City’s Development Engineering Approvals Section and as discussed in the Analysis and Rationale for Recommendation Section, the owner must obtain approval for the storm sewer outfall alignment and the detailed

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design to the satisfaction of the Manager of Development Approvals and the Hamilton Conservation Authority and enter into an external works agreement, with no cost to the City, as part of the future Site Plan Control Application.

Noise

Policy Section B.3.6.3.1 of Volume 1 of the UHOP requires that:

“B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

As previously discussed, noise concerns have been satisfactorily addressed.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

Lakeshore Neighbourhood Plan

The previous application, ZAC-16-008 (Report PED16158) amended the Lakeshore Neighbourhood Plan from “Highway Commercial” to “Medium Density Residential”. A further amendment to the Lakeshore Neighbourhood Plan is required to change the designation from “Medium Density Residential” to “High Density Residential”. Given the introduction of the Confederation GO station and future supportive transit in close proximity, its frontage on two Minor Arterial Roads, the stepped back design, its function as a transitional use between the QEW and the low density residential development to the north and that it complies with the UHOP, the redesignation can be supported for “High Density Residential”.

City of Stoney Creek Zoning By-law No. 3692-92

The subject property is currently zoned Multiple Residential “RM3-58”, Zone, Modified, in Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED19001.

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The “RM3-58” Zone, Modified permits the development of a four storey multiple dwelling containing 106 dwelling units and reflects a previous development proposal.

In order to permit the 151 unit, six storey multiple dwelling, a further modification to the Multiple Residential “RM3-58” Zone is required. Further, site specific modifications for an increase in the maximum density and an increase in the maximum building height are proposed to facilitate the development. The modifications are discussed in further detail in Appendix “D” to Report PED19001.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the application:

- Operations Division, Public Works Department;
- Landscape Architectural Services, Strategic Planning Division, Public Works Department;
- Asset Management, Strategic Planning Division, Public Works Department; and,
- Construction Services, Strategic Planning Division, Public Works Department.

The following departments and agencies submitted comments:

Forestry and Horticultural Section, Public Works Department have reviewed the submitted Landscape Plan and require revisions which can be completed at the Site Plan Control stage. Forestry acknowledges receipt of the Tree Management Plan review fee.

Public Health, Health Protection Division, Community Services provided the requirements for Cooling Towers and pools.

Hamilton Public Health Services is requesting a Pest Control Plan and a written dust mitigation plan. The dust mitigation plan should identify all potential sources of dust generation from site clearance to final construction and lot development. Both plans will be reviewed at the Site Plan Control stage.

Hamilton Conservation Authority (HCA) has no objection to the approval of the Zoning By-law Amendment Application and will require the submission of detailed engineering drawings, including a Site Drainage Plan, a Site Grading Plan, a Site Servicing Plan, an Erosion and Sediment Control Plan and Storm Sewer Calculation Sheets at the Site Plan Control stage. HCA has indicated that the water levels in Teal Pond must remain unchanged by the proposal. The detailed storm sewer outfall alignment and detailed design will be reviewed to the satisfaction of HCA at the Site Plan Control stage. Further, HCA has noted that a permit will be required for the

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construction of the storm sewer and outfall structure within HCA's regulated area associated with Stoney Creek and the Lake Ontario shoreline, which will be secured at the Site Plan Control stage.

Ministry of Transportation (MTO) note that the site is within the Ministry Permit Control Area. As such, the applicant is required to obtain the following Ministry Permits:

- Building and Land Use Permit prior to any construction on site; and,
- Sign Permits if any signs are installed, namely development or real estate signs.

MTO has no objection to the Zoning By-law Amendment and has advised that nothing except at grade surplus parking can be located within the required 14.0 m setback from the highway limits. The MTO permit will be a requirement of the future Site Plan Control Application. Staff note that only landscaping is proposed within the 14.0 m setback.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 61 property owners within 120 m of the subject property on January 29, 2018 for the proposed Zoning By-law Amendment Application.

A Public Notice Sign was posted on the property on March 21, 2018, and updated on December 11, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 20, 2018.

Two letters (attached as Appendix "E" to Report PED19001) and one phone call were received from the public through this circulation and are summarized in the Analysis and Rationale for Recommendation Section of this Report.

A community meeting was held with respect to the development proposal, on April 19, 2018. Neighbourhood concerns raised included parking, traffic generated from the site, access to and from the site, stormwater management, urbanization of roads, and impacts during construction to residents. Additional concern was expressed as it relates to the submission of a Zoning By-law Amendment Application during the two year period from the last Zoning By-law Amendment (August 12, 2016) as per the new Bill 139 rules. The Meeting Minutes from the community meeting are included in Appendix "F" to Report PED19001 and are addressed in the Analysis and Rationale for Recommendation Section of this Report.

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ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan (2017);
 - (ii) It complies with the UHOP;
 - (iii) The proposed development is considered to be compatible with the existing development in the surrounding area; and,
 - (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form.

2. A portion of the subject lands was previously located in both the City of Hamilton Zoning By-law No. 6593 with the remaining lands within the City of Stoney Creek Zoning By-law No. 3692-92. The site was placed, in its entirety, in the City of Stoney Creek Zoning By-law No. 3692-92 by By-law No. 16-227 which permitted the development of a four storey multiple dwelling for 106 residential units and associated parking.

The subject application (ZAC-18-017) will further modify the Multiple Residential “RM3-58” Zone, Modified to permit the development of a six storey multiple dwelling for 151 dwelling units and 191 below grade and 58 surface parking spaces. Given the transition in storeys, the proposed setbacks to residential development to the north, the site’s location, the opportunities for perimeter and interior landscaping, and that it complies with the UHOP, the proposed Zoning By-law Amendment can be supported.

The implementing by-law will further modify the maximum density and height of the Multiple Residential “RM3-58” Zone, Modified. The specific modifications are discussed in Appendix “D” to Report PED19001.

3. With respect to Engineering details, the Development Engineering Approvals Section has indicated that they have no concerns with the Zoning By-law Amendment Application proceeding to approval provided that the owner obtains approval for the storm sewer outfall alignment and the detailed design as part of the future Site Plan Control Application.

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All outstanding servicing, stormwater management, grading, municipal road improvements, road widening dedications, etc. will be reviewed in more detail at the Site Plan Control stage. The following more detailed comments were also provided.

Water Servicing

There is no objection to the proposed rezoning as the applicant has demonstrated that the municipal water system has the capacity to provide the required domestic and fire demands for the proposed development.

Source Protection Planning

There are no concerns from a Source Protection perspective, but the applicant should be advised that the subject location is within the delineation of the Intake Protection Zone for Hamilton's Municipal Water Intake. The proposed land use is acceptable within this regulated area. The proponent should be advised that conditions may be attached to future proposals if modifications to the development occur or if the land use changes in the future.

Due to the proposed underground parking and the shallow ground water levels found on site, it has been identified that any dewatering discharge must comply with the City of Hamilton Sewer Use By-law standards.

Stormwater Management

The owner must obtain approval for the storm sewer outfall alignment and the detailed design to the satisfaction of the Manager of Development Approvals at the Site Plan Control stage. The proposed alignment of the stormwater pipes is through Confederation Park, which is currently subject to a Site Plan Control Application (SPA-18-004). A Special Condition will be required at the Site Plan Control stage for the owner to obtain approval for the storm sewer outfall alignment and the detailed design to the satisfaction of the Manager of Development Approvals and the Hamilton Conservation Authority. Additional details including pipe sizes, alignment / route through Confederation Park, zone of influence and impact, number of manholes and type of pipe will be required prior to the clearance of the Special Condition. Further, cross sections of the proposed storm sewer alignment on Grays Road and Confederation Park and details related to the outlet and Oil-Grit Separator unit will also be required prior to the clearance of the Special Condition.

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The owner will be required to enter into an external works agreement, with all costs borne by the developer, for the construction of the storm sewer outfall works as part of the Site Plan Control Application. The owner will be required to complete the construction of the storm sewer outfall at their cost prior to issuance of the Building Permit.

Further, the stormwater should be self-contained on the site and diverted to an outlet with an ultimate outlet into Lake Ontario. The peripheral municipal lands will continue to drain into the existing ditches and continue to drain into Teal Pond to the northeast of the site. The drainage area plan should delineate the catchment area within the Confederation Park lands for a five year flow, subject to an appropriate overland route to Lake Ontario.

Additional Comments

The Owner is required to dedicate sufficient lands adjacent to North Service Road and dedicate daylight triangle requirements at the Site Plan Control stage. Further, a site grading plan, site servicing plan, construction management plan, erosion and sediment control plan, securities, external works agreement and a special storm sewer service agreement will be required at the Site Plan Control stage.

4. Staff will be reviewing the detailed site plan to ensure that bird-friendly design elements are included in the final design of the building at the Site Plan Control stage as the site is surrounded by Core Areas and a Linkage, which may provide temporary refuge for migratory birds and butterflies.

Staff further require the submission of a Vegetation Management Plan and a Landscape Plan at the Site Plan Control stage. The applicant submitted preliminary plans that staff have reviewed, but further clarification and approval, along with 1 for 1 compensation of trees (10 cm DBH or greater) will occur at the Site Plan Control stage.

5. To date, two letters of correspondence and one phone call have been received through public circulation, and additional comments were received at the community meeting (attached as Appendices "E" and "F" to Report PED19001). The comments can be summarized as follows.

Infrastructure

Submissions have been made expressing concern as it relates to sidewalks, ditches and storm sewers. Comments provided by Development Engineering state that sidewalks will be provided along Frances Avenue and along Drakes

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Drive to the entrance of the site. Further, Development Engineering has stated that the owner must obtain approval for the storm sewer outfall alignment and the detailed design as part of the future Site Plan Control application.

There was concern expressed at the community meeting related to the use of 100 year storm calculations and their sufficiency. Calculations using the 100 year storm are acceptable to the City.

Parking

Comments from the community meeting included the provision of sufficient parking for future residents and visitors. The applicant is providing 191 underground and 58 surface parking spaces for a total of 249 parking spaces which meets the requirements of Zoning By-law No. 3692-92.

Traffic and Access

Comments from the community meeting included concerns as they related to a second access point for the proposed development and if there would be a roundabout at the intersection of Drakes Drive and North Service Road. The Transportation Impact Study, completed by Paradigm Transportation Solutions Limited, dated December 2017, states that only one access point is required to the site and that a future signal will be located at the Drakes Drive and North Service Road intersection as there is insufficient space for a roundabout.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Medium Density Residential “RM3-58” Zone, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Application for Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED19001) (Ward 10) - Page 22 of 22

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Zoning By-law No. 3692-92 Amendment

Appendix "C" – Concept Plan

Appendix "D" – Zoning By-law Amendment Summary

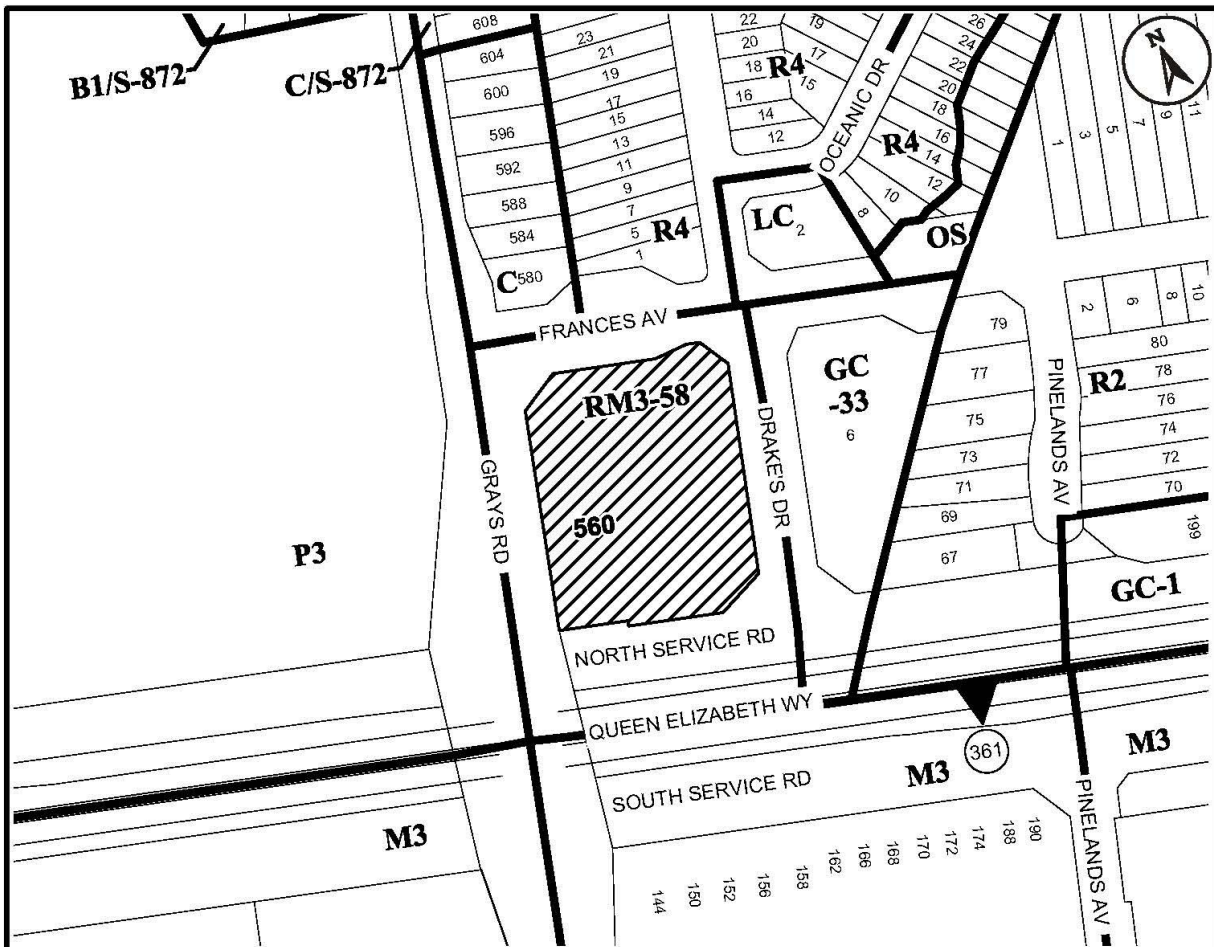
Appendix "E" – Public Submissions

Appendix "F" – Meeting Minutes

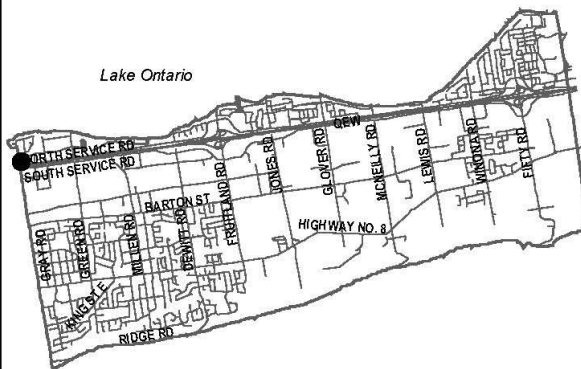
OUR Vision: To be the best place to raise a child and age successfully.

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● Site Location



Key Map - Ward 10

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-017

Date:
Dec. 3, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JR/VS

Subject Property

560 Grays Road



Change in Zoning from the Multiple Residential "RM3-58" Zone to Multiple Residential "RM3-58" Zone, Modified.

Authority: Item ,
Report (PED19001)
CM:
Ward: 11

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law 3692-92 (Stoney Creek) Respecting lands located at 560 Grays Road

WHEREAS the *City of Hamilton Act 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report PED 19001 of the Planning Committee, at its meeting held on the 15th day of January, 2019, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided; and

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by further modifying the zoning of the Multiple Residential "RM3-58" Zone, Modified.
2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92, be repealed and replaced with the following:

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting lands located at 560 Grays Road
(Stoney Creek and Hamilton)**

“RM3-58” 560 Grays Road, Schedule “A”, Map No. 1

Notwithstanding Part 2 – Definition and the provisions of Paragraphs (c), (e), (g), (i) and (j) of Subsection 6.10.3 “Zone Regulations” of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-58” by this By-law, the following shall apply:

1. Definitions
 - (a) Frances Avenue shall be deemed to be the front lot line.
2. Regulations
 - (c) Front Yard

	Minimum 12.0 metres for that portion of the building located between 9.0 metres and 40.0 metres from Grays Road.
	Minimum 89.0 metres for that portion of the building between 9.0 metres and 61.0 metres from Drakes Drive.
 - (e) Rear Yard

	14.0 metres
--	-------------
 - (g) Side Yard (westerly)

	Minimum 9.0 metres
--	--------------------
 - (g) Side Yard (easterly)

	Minimum 9.0 metres for that portion of the building between 14.0 metres and 24.5 metres from North Service Road, excluding the daylight triangle.
	Minimum 61.0 metres for that portion of the building 24.0 metres from Frances Avenue.
 - (i) Maximum Density

	141 units per net residential hectare
--	---------------------------------------
 - (j) Maximum Building Height

	15.0 metres (4 storeys).
	Maximum Building Height may be equivalently increased as the front yard increases beyond the front lot line to a

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting lands located at 560 Grays Road
(Stoney Creek and Hamilton)**

maximum of 25.0 metres and 6
storeys.

That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

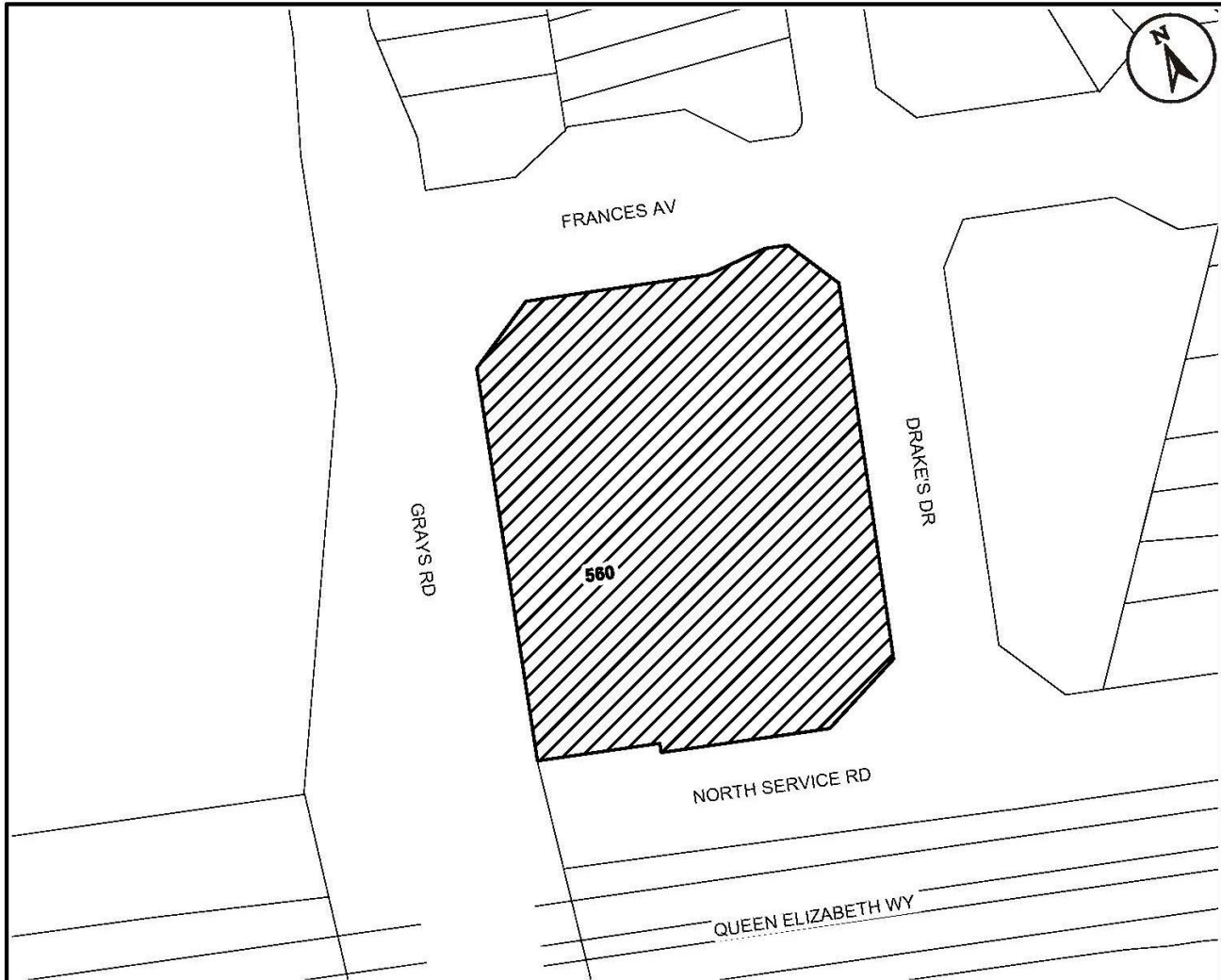
PASSED and ENACTED this _____ day of _____, 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-18-017

**To Amend Zoning By-law 3692-92 (Stoney Creek)
Respecting lands located at 560 Grays Road
(Stoney Creek and Hamilton)**



This is Schedule "A" to By-law No. 19-
Passed the day of, 2019


Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 3692-92

Subject Property
560 Grays Road
 Lands to be further amended from Multiple Residential "RM3-58" Zone, Modified to Multiple Residential "RM3-58" Zone Modified.

Scale:
N.T.S.
Date:
Nov. 14, 2018

File Name/Number:
ZAC-18-017
Planner/Technician:
JL/NB





Specific Modification to the RM3-58 Zone

Regulation	Required	Modification	Analysis
Definition – Front Lot Line	In the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line	Frances Avenue shall be deemed to be the front lot line	For clarity purposes, Frances Avenue has been clearly stated to be the front lot line so that the definition of Building Height could be adequately controlled. In this case, Frances Avenue was already considered to be the front lot line, however for clarity purposes, it has been included as a clear modification. Therefore, staff are supportive of the modification to denote Frances Avenue as the front lot line.

Regulation	Required	Modification	Analysis
Front Yard	7.5 metres	<p>Minimum 12.0 metres for that portion of the building located between 9.0 metres and 40.0 metres from Grays Road.</p> <p>Minimum 89.0 metres for that portion of the building between 9.0 metres and 61.0 metres from Drakes Drive.</p>	<p>For clarity purposes, an increase in the minimum front yard has been noted so that the proposed “L-shaped” configuration of the building will be maintained. In this case, a minimum front yard of 12.0 metres for the 4 storey portion and a minimum front yard of 89.0 meters for the remainder of the building is required, provided that the side yard setbacks are observed. Given that the modification is for an increase in the setback and not for relief from the setback, staff are supportive of the modification to permit an increased minimum front yard.</p>
Rear Yard	11.0 metres	14.0 metres	<p>In the existing site specific, a reduced rear yard was approved. The increase of the minimum rear yard requirement to 14.0 metres is to accommodate the Ministry of Transportation setback requirements and to ensure that the proposed “L-shaped” configuration of the building is maintained. Therefore, staff are supportive of the modification to permit an increased minimum rear yard.</p>

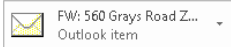
Regulation	Required	Modification	Analysis
Side Yard (westerly)	1/2 the height of the building but in no case less than 6 metres, except 7.5 metres for a flankage yard, and 9 metres abutting a zone for single detached or semi-detached dwellings	Minimum 9.0 metres	The westerly side yard of 9 metres is zoning compliant. This modification has been included for clarity purposes given the proposed “L-shaped” configuration of the building. Therefore, staff are supportive of the modification to permit an increased minimum side yard.

Regulation	Required	Modification	Analysis
Side Yard (easterly)	1/2 the height of the building but in no case less than 6 metres, except 7.5 metres for a flankage yard, and 9 metres abutting a zone for single detached or semi-detached dwellings	<p>Minimum 9.0 metres for that portion of the building between 14.0 metres and 24.5 metres from North Service Road, excluding the daylight triangle.</p> <p>Minimum 61.0 metres for that portion of the building 24.0 metres from Frances Avenue.</p>	This modification has been included for clarity purposes given the proposed “L-shaped” configuration of the building. The proposed setbacks exceed the existing minimum requirements, however the increased minimum requirements have been included to ensure that the “L-shaped” configuration of the building will be constructed, provided the minimum front and rear yard setbacks are observed. Therefore, staff are supportive of the modification to permit an increased minimum side yard.

Regulation	Required	Modification	Analysis
Maximum Density	99 units per hectare	141 units per hectare	<p>The applicant has proposed a maximum density of 141 units per net residential hectare, whereas the current regulations permit a maximum density of 99 units per hectare. The proposed density is appropriate for the subject property as it complies with the High Density Residential policies of Section E.3.6 of the UHOP with respect to locational criteria, built form, compatibility, function and design. Therefore, staff are supportive of the modification to permit a maximum density of 134 units per hectare.</p>
Maximum Building Height	15.0 metres	15.0 metres; and shall be equivalently increased as the front yard increases beyond the front lot line to a maximum of 25.0 metres, in accordance with the setbacks	<p>The applicant is proposing a maximum building height of 25.0 metres instead of 15.0 metres to permit an additional two storeys on the portion of the building that is adjacent to North Service Road and Grays Road. The 25.0 metre height is appropriate because it is setback from the single detached dwellings greater than 20.0 metres. Four storeys are proposed at the intersection of Grays Road and Frances Drive which provides for an appropriate and compatible transition from the residential development on the north side of Frances Drive. Further, the six storey portion has been located adjacent to North Service Road where it will have no impacts on the residential development to the north.</p> <p>The increase in building will equivalently increase as the front yard increases provided the side yard setbacks are observed. This modification maintains the “L-shaped” configuration of the building as proposed. Therefore, staff are supportive of the requested increase in building height.</p>

Appendix "E" to Report PED19001
Page 1 of 1


 Mon 5/07/18 12:18 PM
 Roth, Jennifer
 FW: 560 Grays Road ZBLA & Infrastructure
 To: lakewoodbeachcc@hotmail.com



Sent: Monday, April 20, 2018 8:37 AM
 To: Zegarac, Mike; Thorne, Jason; Rybensky, Yvette; McKinnon, Dan
 Cc: John Ariens; Pearson, Maria
 Subject: 560 Grays Road ZBLA & Infrastructure

Good Morning All!

We would like one, or all of you, to please provide us with clear & concise information regarding the infrastructure in our community. It is extremely difficult to garner support for increased density when we're provided with conflicting information.

Last night we were told repeatedly that Full Signalization is currently being implemented for the intersection at Greens Road & North Service Road and the intersection at Drakes Road & NSR will be considered in 2020.

Based on the Council approved 2018 Capital Budget, months ago, we advised the community Drakes Road signalization, with pedestrian signalization, would be completed by 2019 & Green Road intersection is unfunded; hence no completion date contemplated at this time.

1. Please advise which intersections are funded, approved by Council, and their projected completion dates.

In addition, there was a great deal of confusion & conflicting information provided regarding sidewalks, ditches, and storm sewers/rainfall drainage.

- (a) Councillor Pearson advised there will be no ditches surrounding this lot and sidewalks will be put in (presumably this also requires stormwater pipes under those sidewalks)
- (b) Angelo, the applicant's engineer, advised the ditches will remain. (I do believe that the stormwater servicing report on file confirms this and the projections he used to support the development still show the rainfall water being captured in the existing ditches, flowing directly into the stream behind Pinelands which will the eventual flow to the Big Pond)
- (c) John, the applicant's planner, I believe, advised that the applicant will be responsible for putting in sidewalks on the interior of the development, but any exterior sidewalks/storm water drains on municipal property surrounding the lot, would be the city's responsibility to fund and approve via our Capital Budget process; and
- (d) Yvette, I believe, stated sidewalks would be the applicant's responsibility along the Frances Ave roadway & partial Drakes lot lines (to the egress); which I took to mean the ditches would remain along the balance of Drakes as well as along the NSR.

It appears to me, that John and Angelo's information was the most correct. Typically, a developer is responsible to capture the water within their property boundary lines and perhaps provide the city with a payment towards sidewalks should Planning Staff deem that type of additional infrastructure is required. Not unlike the development currently being done at 2 Oceanic. Rather than requiring that developer to actually build/provide an identified need, they have provided the city with funding for a sidewalk along their Frances Avenue property line. Historically however, in our area, those funds and/or DCs, usually don't make their way back to our area. The volume of 'sidewalks to no where', and sidewalks that force users into vehicular traffic/asphalt roads in our community are taking it's toll on people's patience.

2. Please advise which information is correct in regards to new sidewalks/ditches and their projected completion dates.

While it might appear to some that the anxiety felt by residents re: stormwater/potential flooding is unwarranted, it might help you to know that the home at Pinelands/Frances was flooded yet again this past weekend. 2x in the past 2 years. The culvert from 560 Grays flows into that stream in their backyard and the Grays Road property & surrounding roads slope east towards that home, the stream, and our Big Pond. We are entitled to clear, concise details on what is, or isn't, going to be captured so we know what the impact will be.

Respectfully,

Viv Saunders

Lakewood Beach Community Council



IBI GROUP
200 East Wing – 360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

Minutes

To/Attention	Jennifer Roth, MCIP, RPP City of Hamilton	Date	April 20, 2018
From	Brienne Comley, CPT IBI Group	Project No	105013 – 560 Grays Road (Silvestri Homes)
Subject	Neighbourhood Meeting Minutes Stoney Creek Municipal Centre 777 Highway No. 8, Stoney Creek, L8E 5J4 Saltfleet Room 2018-04-19 at 6:00pm		
Present	Bob & Marg Duffield, Jim & Sue Langdon, Selena Visser, John ___, J. Childs, M. Guitard, Casey VanDeMarel, Carl & Yolanda Henershot, Bob & Bev Corsini, Deena & Wes Burns, Lynn Phillips, Viv Saunders, Councilor Pearson, Mariana Ceric, Jill Juhlke, Angelo Cutaia, John Ariens, Angela Buonamici & Brienne Comley		

PRESENTATION INFORMATION

- Owner: Silvestri Homes
- Traffic Consultants: Paradigm
- Engineer Consultants: Amec Foster Wheeler
- Planning Consultants: IBI Group

NEIGHBOURHOOD CONCERNS

- 2 year zoning freeze – interpreted as comprehensive zoning only
- Parking
 - Make sure there is enough parking for future residents and their visitors
 - Trades parking during construction of development needs to be addressed
 - Bike parking and long term storage requirements
- Traffic & Access
 - Left turning lane concern
 - Traffic study shows that there is still capacity on the existing road network to accommodate the development
 - There are no sightline issues, safety concerns and no driveways are proposed onto Grays Road, Frances Avenue and North Service Road – only one access point at Drakes Drive
 - Traffic study suggests that by 2020 a proposed signalized light at Drakes Drive and North Service Road will be required

Neighbourhood Meeting Minutes
Stoney Creek Municipal Centre
777 Highway No. 8, Stoney Creek, L8E 5J4
Saltfleet Room
2018-04-19 at 6:00pm

Page 2 of 2

- Sufficient short-term and long-term bicycle parking is being proposed
 - Resident questioned about potential roundabout at Drakes Drive and North Service Road – not sufficient space to accommodate this
 - Resident questioned if there is a second access point option for the site
 - Will there be introduction of a bike lane linking Confederation Park to Fruitland Road
- Infrastructure
 - Storm Water Management (rain & snow melt runoff issues) – will be collected on site, stored in tank on site and then piped under Grays Road to the outlet at Stoney Creek Pond then to Lake Ontario
 - Urbanization of the development will occur at site plan stage addressing the concerns about ditches
 - Question was raised about using a 300 or 500 year storm rather than only 100 year storm for calculations – this is not the standard and will not be used
 - Hydro, electricity, telephone and cable hook-ups all available for this development – residents looking for notification if setting up servicing for development will affect their services (example utility cut)