



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 18, 2014
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Joe Muto (905) 546-2424 Ext. 7859
SUBMITTED BY:	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Official Plan Amendment (OPA) Application OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner**, for Amendment No. [REDACTED] to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, on the following basis:
 - (i) That the draft OPA, attached as Appendix “B” to Report PED14042, be adopted by Council; and,
 - (ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That approval be given to amended **Zoning Application ZAC-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner**, for changes in zoning to By-law No. 3692-92 from the Single Residential “R2” Zone, to the Multiple

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Residential “RM3-53” Zone, with a Special Exception (Block 1), and for the removal of lands in Zoning By-law No. 05-200 zoned Neighbourhood Institutional (I1) Zone, and placing them into the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 2), as shown on Schedule “A” to Appendices “C” and “D” to Report PED14042, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Schedule “A”, Map No. 6 of Zoning By-law No. 3692-92.
 - (iii) That the draft By-law, attached as Appendix “D” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (iv) That the amending By-law be removed from Schedule “A”, Map No. 1198 of Zoning By-law No. 05-200; and,
 - (v) That the proposed changes in zoning will be in conformity with the UHOP upon finalization of OPA No. [REDACTED].
- (c) That upon finalization of the implementing By-law, the Poplar Park Neighbourhood Plan be amended by changing the designation of 257, 259 and 261 Millen Road (Stoney Creek) from “Low Density Residential” to “Medium Density Residential”.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the UHOP, City of Stoney Creek Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200. The applicant is proposing the development of the lands for a three-storey, 40-unit apartment building, with associated parking and landscaped areas.

The proposal has merit and can be supported since the applications are consistent with the PPS, and conform with the Growth Plan for the Greater Golden Horseshoe. The proposed development is an appropriate infill development that respects the built form and existing land uses on the neighbouring lands.

Alternatives for Consideration - See Page 23.

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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 applications for Amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

The subject lands are located on the west side of Millen Road, between Barton Street and Highway No. 8, in the former City of Stoney Creek. Two of the three properties each contain a single detached dwelling, and the third property has a former institutional building on it (i.e. a place of worship). The lands are municipally known as 257, 259 and 261 Millen Road, and have total land area of 0.41 ha. (see Appendix “A”).

Proposal:

The applicant has submitted applications to redesignate and rezone the lands to allow an apartment building, marketed towards adult lifestyle. The proposed three-storey building will contain 40 apartment units. Enhanced landscaping and 54 parking spaces are also proposed (see Appendix “E”). The current proposal for the change in zoning is seeking to delete the lands zoned Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200, and to rezone all the lands to the Multiple Residential “RM3-53” Zone, Modified. This Zone will permit the proposed apartment building and incorporate modified regulations.

Official Plan Amendment:

The subject lands are designated as “Low Density Residential 2b” on Map B.7.1-1 Western Development Area Secondary Plan in the UHOP. The proposal is to redesignate the lands as “Medium Density Residential 3”. The OPA is required based on the use, as well as the proposed built form and height, and was initially an amendment to the Stoney Creek Official Plan. Since an OPA to the UHOP is also required, the applicant submitted an OPA application to amend the UHOP on December 5, 2013 in order to comply with the statutory provisions of the Planning Act. This is discussed further below.

Zoning By-law Amendment:

The subject lands have dual zoning. The lands known as 259 and 261 Millen Road are currently zoned Single Residential “R2” Zone in Stoney Creek Zoning By-law

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No. 3692-92. The property at 257 Millen Road is zoned Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200, and will be removed from By-law No. 05-200, through the current Zoning By-law application. This is further discussed in the Analysis/Rationale for Recommendation section below.

Chronology:

- November 10, 2010: Submission of Formal Consultation Application FC-10-107.
- December 8, 2010: FC-10-107 is discussed at the Development Review Committee, and shortly thereafter a Formal Consultation Document is issued to the applicant identifying the requisite list of planning applications, studies, and reports necessary to deem any future Planning Act application(s) complete.
- January 11, 2012: Applications OPA-12-001 and ZAC-12-001 are received. Applications are deemed complete on February 6, 2012.
- February 8, 2012: Applications OPA-12-001 and ZAC-12-001 are circulated to the relevant departments and agencies.
- February 10, 2012: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 m. of the subject lands.
- August 8, 2013: Through subsequent review and submissions, the applicant submitted the final concept with associated sun/shadow study, to address urban design principles.
- August 11, 2013: The OMB approves, in part, the UHOP.
- December 5, 2013: Application for OPA to the UHOP is received and deemed complete.
- December 17, 2013: Notice of Complete Application is mailed to all residents within 120 m. of the subject lands.
- January 28, 2014: Ward Councillor hosted a resident meeting at the Stoney Creek Municipal Centre that included planning staff, the applicant, and their planning consultant to discuss the development proposal.
- February 28, 2014: Notice of Public Meeting is mailed to all residents within 120 m. of the subject lands.

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DETAILS OF SUBMITTED APPLICATIONS:

Location: 257, 259 and 261 Millen Road, in the former City of Stoney Creek (See Appendix “A”).

Owners: 1333664 Ontario Inc. (c/o Valvasori Properties)

Agent: IBI Group Inc. (c/o Matt Johnston)

Property Size:

<u>Area:</u>	0.41 ha. (Gross)
<u>Frontage:</u>	62 m. (along Millen Road)
<u>Depth:</u>	67 m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling/Vacant Institutional Building	Single Residential “R2” Zone and Neighbourhood Institutional (I1) Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling	Single Residential “R2” Zone
South	Single Detached Dwelling	Single Residential “R2” Zone
East	Single Detached Dwelling	Single Residential “R2” Zone
West	Single Detached Dwelling	Single Residential “R2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The applications have been reviewed with respect to the PPS. Policy No. 1.1.1 (b) states that healthy, liveable, and safe communities are sustained by promoting efficient

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development and land use patterns, as well as accommodating an appropriate range and mix of residential uses to meet long-term goals. Further, staff recognize that the applications are consistent with the policies that focus growth in Settlement Areas, Policy No. 1.1.3, as it relates to density, intensification, and redevelopment. Policy No. 1.4.3 (d) and (e) provides direction for planning authorities to provide for an appropriate range of housing types and densities. More specifically, the policy intention is to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit where it exists. Further, it also identifies that authorities are to establish development standard for residential intensification, redevelopment and new residential development, which minimizes the cost of housing and facilitates compact form, while maintaining appropriate levels of public health and safety. In this regard, the proposed development is consistent with this policy direction, and meets the intent of the PPS.

Further, Policy No. 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety. In this regard, staff note that since the subject lands are intended to be developed for residential purposes, are located adjacent to Millen Road, and are located within approximately 290 m. of Barton Street, the proximity of the proposed sensitive land-use to road-noise source, triggers the requirement for a noise study. As such, noise mitigation and attenuation measures will be assessed through a noise study, this requirement will be addressed through the Site Plan Control review process (see Appendix "C").

Policy No. 2.6.2 of the PPS provides policy related to archaeological potential. The subject lands will be subject to Site Plan Control to address Archaeological concern to the satisfaction of the Ministry of Tourism and Culture and City of Hamilton. Staff are of the opinion that the Provincial interest has been appropriately addressed, as noise and archeological concern will be addressed at Site Plan Control (see Appendix "C").

Based on the foregoing, the applications are consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe (Places to Grow):

Policy No. 2.2.3 of the Plan identifies general intensification policies. More specifically, and in keeping with the PPS, this policy identifies that all municipalities will develop and implement, thorough Official Plans and other supporting documents, a strategy and policies to phase in and achieve intensification. One of the suggested strategies is to encourage intensification generally throughout the built-up area, including the appropriate type and scale of development. Other strategies include, but are not limited

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to, encouraging intensification generally throughout the built-up area, facilitating and promoting intensification, as well as planning for a range and mix of housing, taking into account affordable housing needs.

Similar to the PPS, the Growth Plan defines 'intensification' as "a site or area at a higher density than currently exists through:

- a) Redevelopment, including the reuse of brownfield sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; or,
- d) The expansion or conversion of existing buildings."

In this regard, the proposed development is considered an infill development, which is appropriate and designed at a scale which is considerate of the neighbouring properties. Based on the foregoing, this proposal conforms to Places to Grow.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new UHOP. The Ontario Municipal Board approved the UHOP, in part, on August 16, 2013. At this time, the majority of the policies in the UHOP are now in effect. Some of the intensification policies remain under appeal and are noted below. As a statutory requirement under the Planning Act, a formal OPA application to the UHOP was made on December 5, 2013.

The subject lands are designated "Neighbourhoods" on Schedule "E" - Urban Structure Plan, and on Schedule "E-1" - Urban Land Use Designations. They are also designated "Low Density Residential 2b" on Map B.7.1-1 - Western Development Area Secondary Plan Land Use Plan. An OPA is required to redesignate the lands from "Low Density Residential 2b" to "Medium Density Residential 3". Based on a net lot area (after dedication of the required road widening), the proposed density will be 100 units per hectare, whereas Policy No. E.3.5.7 states that the maximum density within the "Medium Density Designation" shall be "...not greater than 100 units per hectare". Further the redesignation, the inclusion of site-specific text which ensures that the maximum height shall not be greater than three-storeys is also proposed. Staff are supportive of the redesignation, as it situated on an arterial roadway, along an existing transit route, and will be designed in a fashion which is compatible to the existing neighbourhood. Staff are of the opinion that the proposed redesignation is in keeping with other uses in close proximity (Queenston Road and Barton Street), and provides

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for a much needed dwelling type within the neighbourhood. The proposed building will be situated in a fashion that maintains the same front yard setback similar to existing dwellings along Millen Road and centred in the middle of the subject lands, which provides for the greatest setback from the neighbouring lot lines, while maintaining a height of no greater than three storeys, which allows for minimal shadow impact.

Neighbourhoods:

The general policy goals of the “Neighbourhoods” designation, is to develop compact, mixed-use, transit-supportive, friendly, neighbourhoods, where people can live, work, shop, learn, and play. More importantly, one of the primary goals is to develop a complete community, which provides for a range of housing types and densities, and promote residential intensification that is appropriate in scale. Staff are of the opinion that the proposed development is considered compatible with the surrounding area in terms of scale and design.

As identified above, the subject lands are designated “Neighbourhoods”. The permitted uses in this designation include residential dwellings. The Plan states that “...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.” The Plan defines “compatibility/compatible” as “...land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.” The applicant has provided subsequent development concepts and study which attempted to address the design impacts of the proposed building. In conjunction, they also provided a sun/shadow study which assessed the potential impact of the proposed building on neighbouring properties. In this regard, staff are of the opinion that the proposal meets the tests of compatibility, and would conform with the “Neighbourhoods” designation.

Intensification and Urban Design:

Chapter B provides policies regarding General Residential Intensification and Urban Design Policies, which are as follows:

“2.4.1 General Residential Intensification Policies

2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E - Urban Systems and Designations and Chapter F - Implementation.

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2.4.1.2 The City's primary intensification areas shall be the Urban Nodes and Urban Corridors as illustrated on Schedule E - Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- a) The Downtown Urban Growth Centre shall be planned to accommodate approximately 20% of the intensification target.
- b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.
- c) 40% of the residential intensification target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E - Urban Structure.

2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) 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; **(still under appeal)**
- b) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
- c) 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;
- d) The development's contribution to achieving the planned urban structure as described in Section E.2.0 - Urban Structure;
- e) Infrastructure and transportation capacity; and,
- f) The ability of the development to comply with all applicable policies.

2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.1 Residential intensification within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations, shall comply with Section E.3.0 - Neighbourhoods Designation.

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;
- 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; **(still under appeal)**
- 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.

3.3 Urban Design Policies

3.3.1 Urban Design Goals

The following goals shall apply in the urban area:

- 3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.
- 3.3.1.2 Provide and create quality spaces in all public and private development.
- 3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- 3.3.1.4 Create communities that are transit-supportive and promote active transportation.
- 3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.
- 3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes.
- 3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.
- 3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.

3.3.3 Built Form

Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design of the City, therefore attention to each building is an important step in the city building process. Built form plays a large role in defining the character of an area. New development shall serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

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- 3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.
- 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.
- 3.3.3.3 New development shall be massed to respect existing and planned street proportions.
- 3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.”

The proposed development has been reviewed against the above noted intensification and urban design policies and staff are of the opinion that the proposed development is compatible, as the proposed design is tolerant to the existing neighbourhood, and capable of existing together. This is further discussed below in the Analysis/Rationale for Recommendation section of the report.

The Implementation policies of the UHOP (Chapter F) provide direction with respect to interpretation. In this regard, the Plan is to be read as a whole document in order to understand its comprehensive policy intent for priority setting and decision making purposes. Further, with respect to Neighbourhood Plan conformity, schedules and maps in the UHOP are considered to be part of the Plan, and appendices shall be considered as information only.

Based on the foregoing, the proposal meets the overall intent of the UHOP policies and, therefore, would be in keeping with the general intent of the UHOP.

Former City of Stoney Creek Official Plan:

With respect to the UHOP Intensification policies currently under appeal, staff are of the opinion that the general intensification and infill policies are sufficient to facilitate the proposed infill development. However, for those policies which remain under appeal in the UHOP, the former Stoney Creek Official Plan established an intensification policy also. They are as follows:

- “1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:
- a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;
 - b) The height, bulk and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing and/or expected development of the surrounding area. In this regard Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;
 - c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,
 - d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.”

Staff are of the opinion that the proposed development meets the intent of these former policies, among others and therefore meets the intent of the intensification policies in the former Plan which continue to be applicable. Staff are satisfied that the increased residential density would not impact the existing neighbourhood as it relates to the existing school and commercial facilities, and that through additional design review, the height, bulk and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing development. In addition, at the request of the City, the applicant prepared a shadow study. Further, staff are satisfied that there will be no harmful effect upon adjacent areas as it relates to perceived shadow impact. Lastly, the intensification policy in the former Plan also provides direction with respect to appropriate parking and landscaping areas for the protection of abutting residential use. Staff are satisfied that the proposed concept plan can adequately accommodate these provisions on-site.

Western Development Area Secondary Plan:

The proposed development is within the Western Development Area Secondary Plan which establishes lands uses and development standards to guide the development and redevelopment. The OPA is required in order to redesignate the subject plans in the Secondary Plan from “Low Density Residential 2b” to “Medium Density Residential 3” in order to permit the form of development.

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As mentioned above, the proposal meets the overall intent of the UHOP policies and, therefore, would be in keeping with the general intent of the UHOP.

Poplar Park Neighbourhood Plan:

The subject lands are located within the Poplar Park Neighbourhood Plan, and are identified as “Low Density Residential”. A change to the Neighbourhood Plan will be required to recognize the proposed change to “Medium Density Residential”.

RELEVANT CONSULTATION

Traffic Engineering and Operations Section, Operations and Maintenance Division (Public Works Department) advised that they have no objection to the proposed OPA; however, they provide the following with respect to the rezoning application:

They have advised that a loading space be identified for the subject lands as they had raised concern with loading from Millen Road. Staff are of the opinion that with the latest concept, any proposed loading activity can be accommodated for onsite in a temporary fashion and not from Millen Road, as the proposed loading area into the building will be at the rear. Therefore, staff are proposing to eliminate the loading requirement through the implementing Zoning By-law. This is further discussed below.

Staff are satisfied that any future technical traffic concerns can be reviewed and assessed at the Site Plan control stage.

Hamilton Conservation Authority (HCA) advised that through consultation with the applicant they would provide technical review and comment on stormwater management at the Site Plan control stage.

The following Departments and Agencies had no comments or objections:

- Recreation (Community Services Department).
- Forestry and Horticulture (Public Works Department).
- Environment and Sustainable Infrastructure Division (Public Works Department).
- Hamilton Municipal Parking System.
- Hamilton Street Railway.
- Hydro One.
- Bell Canada.
- Horizon Utilities.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 117 property owners within 120 m. of the subject lands on February 10, 2012, and a Public Notice sign was posted on the property on February 17, 2012. On December 17, 2013, a subsequent Notice of Complete Application was circulated to property owners advising of the requirement for a UHOP Amendment. After the 2012 circulation, three letters of concern were received by staff. After the more recent 2013 circulation, three letters were also received including a 61-person petition against the proposed development (see Appendix “F”). As a result of the more recent public involvement, the Ward Councillor scheduled a resident meeting on January 28, 2014, in which 34 residents attended (see Appendix “F”). All of the issues raised, are discussed in the Analysis/Rationale for Recommendation section of the Report. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The applications have merit and can be supported for the following reasons:
 - (i) They are consistent with the PPS, and conform with Places to Grow.
 - (ii) They will conform to the UHOP upon approval of the OPA.
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the area as it is a compatible infill development that is sympathetic in design to the neighbouring properties.
2. The subject lands will require a redesignation in the Western Development Area Secondary Plan from “Low Density Residential 2b” to “Medium Density Residential 3” in order to permit the form of development proposed. The land use change will also include minor modifications to the policy text (see Appendix “B”). The first amendment to the parent policy is to limit the maximum height to three-storeys, whereas the current designation permits a maximum of nine-storeys. The other text change is to permit a maximum density of 100 units per net residential ha., whereas the parent policy is 99 units per net residential ha.

Further to what has been provided in the UHOP discussion above, the “Neighbourhoods” designation provides general city-wide policy as it relates to densities. In this regard, Section 3.5 “Medium Density Residential” provides that multiple dwelling forms should be on the periphery of neighbourhoods in the proximity to major or minor arterial roads. With respect to scale, the policy

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provides that net residential density for “Medium Density Residential” uses shall be greater than 60 units per hectare, but not greater than 100 units per hectare. Therefore, the proposed maximum density of 100 units per net residential hectare is in keeping with the “Neighbourhoods” designation.

Staff are supportive of the redesignation and text changes, as the proposed concept maintains the overall intent of the UHOP, as it relates to appropriate intensification and infill development, the change in density is minor and is consistent with the PPS and Places to Grow.

3. When considering infill proposals, in conjunction with urban design policies noted above, the UHOP also provides direction with respect to scale and design within the context of the “Neighbourhoods” designation. The main objective and focus of these policies is to enhance and ensure that prospective residential intensification is compatible with the scale and character of the existing residential neighbourhood. Further, such proposals are to be evaluated with respect to:
 - compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping;
 - access to a collector or major or minor arterial road shall be preferred; and,
 - provision of adequate off-street parking with appropriate buffering and landscaping from residential uses.

Staff are of the opinion that the proposal, as amended, has been evaluated against the above criteria and respects them. Further, staff are of the opinion that the proposal is desirable and enhances the character of the existing community as the proposed built form, including the massing and style, are respectful of the existing buildings and character. In this regard, staff have engaged the applicant to provide a harmonious design through a compatible approach to infilling, which minimizes the impacts of shadowing and maximizes light to adjacent properties. Staff are of the opinion that, through the development of good design and built form (while maintaining a maximum height of three-storeys), the density of the development is minimized and, therefore, is considered good planning.

4. The applicant submitted an Urban Design Brief dated December 9, 2011, prepared by KNY Architects Inc. Subsequent addendums were also prepared and submitted for staff review. The final review was a revised Site Plan which shows a single rectangular three-storey building footprint located towards the

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middle of the site (see Appendix “E”). The elevation plan identifies the building with a maximum of three-storeys in height (see Appendix “G”). The location and design of the built-form on the site now achieves the following:

- i. It provides ability to transition from the proposed building toward the adjacent low-density detached housing surrounding the site, in a manner sensitive to the adjacent low-density detached housing. As an accepted rule of thumb, a sensitive transition could be accomplished if the distance to the surrounding uses is equivalent to the proposed height, so as to achieve an angular plane of 45 degrees. The proposed building is farther away than its height and achieves a more desirable, lesser angular plane than 45 degrees (see Appendix “H”).
- ii. Lessens and mitigates the potential impact of shade and shadow falling on the adjacent properties. This has been confirmed by the updated sun/shadow analysis.
- iii. Along the perimeter of the site, a landscape buffer which will be used for tree (planted at 8 m. apart) and shrub planting, to provide a visual buffer and provide the adjacent uses with an enhanced sense of privacy. The final details of the buffer will be reviewed further and implemented at the Site Plan control stage.
- iv. Increased distance between the building face and the street line and is potentially aligned with the neighbouring dwellings.
- v. To create a terrace facing the street, the architectural treatment of the facades of the building, to apply masonry to the first two-storeys to create a building podium or base, and visually lighter material to the third-storey, creates a visual impression of a mostly two-storey building. This diminishes the perceived height of a building by applying changes in materials and colours to create a visually dominant treatment at bottom, and a less visually dominant treatment with a lighter material to the top (see Appendix “G”). This will be reviewed further at the Site Plan control stage.

Through various conceptual submissions and reviews, it was determined that with the latest concept and design of one single building versus the initial two buildings, staff required the applicant to conduct a sun/shadow study as well as investigate the angular plane of the building to determine appropriate setbacks. In this regard, the applicant provided staff a final assessment in June 2013 which satisfactorily met the outstanding staff concerns, which related to:

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- i. An updated sun/shadow study;
- ii. An updated urban design brief with a special focus on how the proposal uses the 45 degree angular plane as a leading strategy to achieve sensitivity, and fit with respect to the neighbouring built-form (see Appendix “F”); and,
- iii. Updated elevations showing in principle either or both of the architectural techniques discussed above.

Based on the above, the urban design policy and principles of the UHOP have been achieved. The proposed development will be further reviewed at the Site Plan control stage to ensure that the recommendation of the urban design study and sun/shadow study are implemented.

5. The property at 257 Millen Road is presently zoned Neighbourhood Institutional (I1) Zone in Hamilton Zoning By-law No. 05-200, which recognized the place of worship use on the subject lands at the time of passage of this institutional rezoning in 2008. An implementing Zoning By-law has been prepared which removes these lands from By-law No. 05-200 (see Appendix “D”). The intent of the removal is to consolidate the zoning for the subject lands.

The applicant has requested amendments to City of Stoney Creek Zoning By-law No. 3692-92, in order to provide regulations to implement the proposed form of development with modifications to the parent Multiple Residential “RM3” Zone. The proposed Zone modifications are discussed below:

Minimum Front Yard

Relief is being sought for a minimum front yard of 6.35 m. to the building, whereas the “RM3” provisions require 7.5 m. for a front yard. The future road widening impacts this provision, as it decreases the front yard setback, however, this request is considered appropriate and corresponds with guiding principles of urban streetscape character and design, while generally maintaining consistency with the existing front yards along Millen Road. The applicant had also requested a modified provision of 5.0 m. to the balcony for the front yard. Staff advise that this is considered redundant as Section 4.19 (d) of Zoning By-law 3692-92 allows balconies to encroach 1.5 m. into the front yard.

Maximum Density

The applicant also requires relief to allow 100 units per ha. (uph), whereas the RM3 Zone permits a maximum of 40 units per ha. Staff are of the opinion that

since the UHOP “Medium Density Residential 3” policy permits “...no greater than 100 units per hectare”, it would be considered appropriate to permit 100 uph in the implementing By-law, as it complies with the intent of UHOP. Further, the proposed development is situated on an arterial roadway, along an existing transit route, and will be designed in a fashion which is compatible to the existing neighbourhood. The proposed increase in density is in keeping with the UHOP and the current Provincial policies related to development and growth, and considered good planning and an appropriate infill development.

Minimum Landscaped Open Space

The applicant is proposing that the minimum landscape open space not be less than 22 per cent of the required area being located in a yard other than the front yard, whereas 25 per cent required. Staff are satisfied that a reduction of 3 per cent is considered minor and still maintains the intent of the Official Plan and the Zoning By-law. Through the Site Plan control stage, staff will ensure an enhanced level of landscaping is provided for the development.

Parking Spaces

The parent “RM3” provides the following regulations for parking:

(a) Minimum Number of Parking Spaces

1. 2 parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
2. 1.25 parking spaces and 0.35 visitor parking spaces for each bachelor or one bedroom dwelling unit other than a townhouse or maisonette.
3. 1.5 parking spaces and 0.35 visitor parking spaces for each two bedroom dwelling unit other than a townhouse or maisonette.
4. 1.75 parking spaces and 0.35 visitor parking spaces for each dwelling unit other than a townhouse or maisonette.

(b) No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached or duplex dwellings.

(c) For maisonettes or townhouses, only one of the required parking spaces per unit may be provided in the required front yard.

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- (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line or closer than 5 metres to any dwelling unit located on a lot other than the said lot, except that the provisions of this clause shall not apply to any parking space located within a private garage, or underground garage.
- (e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 3 metres to any dwelling unit located on the same lot, except that the provisions of this clause shall not apply to any parking space located within an underground garage.

The applicant is requesting to modify the above noted regulations to permit a minimum of 1.0 parking space per unit, and 0.35 visitor parking spaces per unit (54 spaces for 40 units), for each one-bedroom dwelling unit, including spaces for special needs within the limits of the future condominium. The By-law requires that 1.25 parking spaces and 0.35 visitor parking spaces be provided for each one-bedroom dwelling unit other than a townhouse or maisonette (64 spaces for 40 units). In this regard, the relief being sought is a difference of 10 parking spaces. Municipal Parking staff are supportive of the applications; however, they recommend that a clause be placed in each purchase/lease agreement regarding parking needs. This clause will be addressed through the Site Plan Control process. Based on the concept provided, staff are supportive of the requested relief, as it is considered minor.

Further, the applicant is seeking relief for the common parking area to be located 1.5 m. from a Zone for single detached, semi-detached or duplex dwellings, whereas the By-law requires 3.0 m. Also, they are seeking that no parking space shall be provided closer than 1.5 m. to the northerly lot line and 2.0 m. to the westerly lot line, whereas the By-law requires 3 m. and 5 m. respectively. The applicant is also seeking that no parking space shall be provided closer than 1.5 m. to the building on the same lot, whereas the By-law requires 3.0 m. In regard to these requests, there will be appropriate measures in place which include an enhanced level of landscaping and privacy fencing along the periphery of the corresponding lot lines. Section 3.0 of the Site Plan guidelines identifies that buffer strips and landscaping should *generally* be 3.0 m. in width, however, with respect to infill developments, the guidelines identify that it is inappropriate to have new infill development attempt to meet current standards, and that development should try to meet the intent of the Site Plan guidelines to the extent possible. In this regard, the proposed site design incorporates features to further enhance the development and therefore, the reduced buffer is considered appropriate. Therefore, staff are supportive of the proposed parking modifications, as they can achieve an adequate number of parking spaces on-

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site. Further, the proposed development is targeting an aging resident market that will not demand excessive parking allocations.

The applicant has also requested modification to the parking space size. Specifically, the parking space size will be a minimum width of 2.6 m. and a minimum length of 5.5 m., whereas the By-law requires a width of 2.75 m. by a length of 5.8 m. This dimension is consistent with the requirement in Hamilton Zoning By-law No. 05-200. The relief being sought is minor and staff are supportive of the modification. Staff will ensure that these measures are incorporated and maintained through the Site Plan control process.

Loading Space

In keeping with newer multiple residential developments within the City, the applicant is requesting that no loading space be provided, whereas one loading space is required. The applicant has advised that deliveries will generally be accommodated for onsite, and larger deliveries will be managed through the future condominium corporation. Staff are in support of the modification as it is considered minor, as loading can still be accommodated onsite.

6. The subject lands meet two criteria for determining archaeological potential. In this regard, staff are satisfied that archaeology potential can be reviewed and addressed through the Site Plan Control process. Through review of the applications, the applicant was advised that a noise study would be required. Once again, staff are satisfied that noise impact can be reviewed and addressed through the Site Plan control process.
7. Growth Management staff have reviewed the applications, and advise that they have no objections. However, they recommend that a revised stormwater management report will be required at the Site Plan control stage, given the current concept of one building rather than the initial proposal for two buildings. Further, they advise that a 3.0 m. road widening dedication will be required along the frontage of Millen Road. The applicant/owner will be responsible for all costs related to the preparation and registration of legal documents, and a reference plan for the road widening. This will be a condition of Site Plan control. In this regard, the current concept takes into account the road widening and, as a result, the implementing Zoning By-law has accommodated the necessary modification.
8. Three letters were sent in by neighbouring residents as part of the Preliminary Circulation process and Notice of Complete application in 2012 (see Appendix "F"). On December 17, 2013, a subsequent Notice of Compete Application was sent out the public, as the applicant was statutorily required to amend the UHOP, as it was the current plan in force and effect. Based on the additional concerns

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raised by the residents, the Ward Councillor held a resident information meeting on January 28, 2014, to further discuss the proposal. Their general concerns are identified below with staff's response to each:

Property Values

One of the letters mentions a concern of devalued property as a result of the proposed development. Staff are not aware of any existing data regarding the decrease of property value. It is staff's opinion that new development has the potential to increase the resale value of existing housing stock, as new development tends to spark interest of homes in an existing neighbourhood. This proposal will also be subject to Site Plan control, at which time, the City will further review and evaluate the proposal. Staff is of the opinion that the proposed development will not negatively impact the existing single detached dwellings, as it has been designed to be respectful of the neighbouring properties.

Privacy (Landscaping and Fencing)

Two of the letters indicated that they had a concern related the loss of privacy and the overall impact of the development. Staff note that the proposed development will provide for privacy fencing (as per the City's Site Plan Guidelines) along the periphery of the lands abutting the single detached dwellings in conjunction with an enhanced level of landscaping and plantings. With respect to landscaping, the applicant is providing 22 percent landscaping whereas the By-law requires 25 percent, in conjunction with a 6.0 m. setback. Staff are of the opinion that the reduced setback is minor and the proposed development is still maintaining an acceptable level of landscaping in conjunction with a visual barrier. Therefore, this will be further evaluated at the Site Plan control stage. Further, in response to these concerns, staff requested that the applicant revisit the original concept of two buildings, with a proposal of a single building centrally located on the lands which, as revised, are now further removed from the existing single detached dwellings. This is the current concept, and it is staff's opinion that this addresses the concern raised about privacy. During the resident meeting on January 28, 2014, the issue of the proposed balconies was also raised with respect to loss of privacy. Staff are of the opinion that proposed balconies are far enough removed (see angular plane in Appendix "H") from the neighbouring amenity areas, and that the proposed landscaping and fencing would provide for an adequate mitigation measure. Therefore, staff are satisfied that the proposed balconies would not negatively impact the neighbouring properties.

Stormwater Runoff

A stormwater management brief was submitted with the applications. A preliminary review of the report was completed by engineering staff. They advised that, in principle, they were supportive of the report, however, would require an updated report at the detailed Site Plan control stage. Staff are satisfied that the proposed development will not impact neighbouring properties as it relates to stormwater runoff.

Building Height

One of the letters raised an issue with respect to the overall height of the building. Staff had considered similar concerns with the original submission of the application, in particular due to the proposed location of the two buildings in the original concept which were shown along both the southern and northern property lot lines. In this regard, staff advised the applicant to revisit the proposal by centrally locating the building and providing revised urban design criteria, including an angular plane review and sun/shadow study. By doing so, the impact of height is drastically reduced, especially since the OPA restricts the maximum height to three-storeys. Further, the parent Multiple Residential “RM3” Zone provision for height is not being modified. Therefore, staff believe that the proposed infill development is considered compatible and appropriate.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed 40 apartment units. As a portion of the lands is zoned Neighbourhood Institutional (I1) Zone, those lands can be developed for institutional and residential uses, which includes duplex, semi-detached, single detached dwellings, a residential care facility and/or a retirement home. For those lands zoned Single Residential “R2” Zone, they can be developed for single detached dwellings and/or uses, buildings or structures, accessory to a permitted use.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

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Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Draft Zoning By-law Amendment (3692-92)
- Appendix “D”: Draft Zoning By-law Amendment (05-200)
- Appendix “E”: Concept Site Plan
- Appendix “F”: Public Comments
- Appendix “G”: Concept Elevation Plan
- Appendix “H”: Angular Plane Study

:JM

Attachs. (8)