



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 20, 2017
SUBJECT/REPORT NO:	Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at the rear portion of 688 Stone Church Road East (Block "1") and 22 Pathfinder Court (Block "2") (Hamilton) (PED17094) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Alicia West (905) 546-2424 Ext. 4672
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAR-17-021, by The Taha Group of Companies Inc (owners)**, for a change in zoning from the "AA" (Agricultural) District and "C/S-1560" (Urban Protected Residential, etc.) District, Modified to the "C/S-1749" (Urban Protected Residential, etc.) District, Modified, for the lands located at the rear portion of 688 Stone Church Road East (Block "1"), and 22 Pathfinder Court (Block "2"), Hamilton as shown on Appendix "A" to Report PED17094, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED17094, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix "B" to Report PED17094 be added to Schedule Zoning Map No. E-37c and E-38c of the City of Hamilton Zoning By-law No. 6593; and,
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and comply with the Urban Hamilton Official Plan (UHOP).

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EXECUTIVE SUMMARY

The purpose of the application is to rezone the rear portion of the lands known municipally as 688 Stone Church Road East that comprises Block “1” from the “AA” (Agricultural) District to a “C/S-1749” (Urban Protected Residential, etc.) District, Modified and 22 Pathfinder Court that comprises Block “2” from “C/S-1560” (Urban Protected Residential, etc.) District, Modified to “C/S-1749” (Urban Protected Residential, etc.) District, Modified, to facilitate the creation of two residential building lots through severance applications HM/B-12:23 and HM/B-12:24 which were tabled by the Committee of Adjustment. The requested modification to the “C” District is to include a maximum front yard setback of 9.0 metres. All other regulations of the “C” District will apply.

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

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 located on the south side of Stone Church Road East, between Upper Sherman Avenue and Upper Gage Avenue, in the City of Hamilton. The lands to be rezoned include the rear portion of 688 Stone Church Road East (Block 1), with an area of approximately 662.0 square metres, and 22 Pathfinder Court (Block 2), with an area of approximately 353.32 square metres (see Appendix “A” to Report PED17094).

The lands shown on Block “1” are vacant. The lands in their entirety have dual zoning for commercial and agricultural purposes.

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The lands shown on Block “2” is currently zoned “C/S-1560” (Urban Protected Residential, etc.) District, Modified. The site specific zone was established through an Ontario Municipal Board decision in 2007. The decision of the Ontario Municipal Board permitted a zone change from the “AA” (Agricultural) District to a site specific “C” (Urban Protected Residential, etc.) District to permit single detached dwellings having a minimum front yard setback of 4.5 metres to the dwelling and 6.0 metre front yard setback to the garage.

The applicant applied to sever the lands into two residential lots having frontage onto Pathfinder Court in 2012, through applications HM/B-12:23 and HM/B-12:24. At the request of the applicant to address staff concerns with the proposed lotting, the applications were tabled.

A Zoning By-law Amendment has been submitted to establish the land use to support the creation of two residential building lots. The applicant is requesting a site specific “C” (Urban Protected Residential, etc.) District to permit two single detached dwellings with a maximum front yard setback of 9.0 metres.

Chronology:

- April 3, 2012: Applications to sever tabled by the Committee of Adjustment.
- January 3, 2017: Application ZAR-17-021 received.
- February 15, 2017: Application ZAR-17-021 deemed complete.
- March 7, 2017: Notice of Complete Application and Preliminary Circulation were mailed to 117 property owners within 120 m of the subject lands.
- April 3, 2017: Initial Public Notice Sign was posted on the subject lands.
- May 24, 2017: Public Notice Sign updated to include date of Public Meeting.
- June 2, 2017: Circulation of Notice of Public Meeting to 117 property owners within 120 m of the subject lands.

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Details of Submitted Application:

Location: Rear portion of 688 Stone Church Road East (Block “1”) and 22 Pathfinder Court (Block “2”) (see Location Map attached as Appendix “A” to Report PED17094)

Owner: The Taha Group of Companies Inc.

Agent: Bousfields Inc. (c/o David Falleta)

Property Description: Proposed Lot A (refer to Appendix “C” to Report PED17094):

Lot Width: 12.0 metres

Lot Depth: 33.6 metres and 30 metres

Lot Area: 422 square metres

Proposed Lot B (refer to Appendix “C” to Report PED17094):

Lot Width: 14.2 metres

Lot Depth: 33.6 metres and 30 metres

Lot Area: 593 square metres

Services: Municipal Piped Water System
Municipal Sanitary Sewer System
Sewer Drainage

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Land	“C/S-1560” (Urban Protected Residential, etc.) District, Modified and “AA” (Agricultural) District

Surrounding Lands:

North	Commercial	“G-1/S-1086”(Designed Shopping Center) District, Modified
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South	Single Detached Dwelling	“C/S-1560” (Urban Residential, Modified etc.) District,
East	Single Detached Dwelling	“AA” (Agricultural) District
West	Single Detached Dwelling	“AA” (Agricultural) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the *Provincial Policy Statement* (PPS 2014), the *Growth Plan for the Greater Golden Horseshoe* (the Growth Plan) and the *Greenbelt Plan*. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. *The Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

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 and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a zone change complies with the Official Plan, 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*.

The following policy, amongst others, of the PPS (2014) is applicable to the application:

“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.”

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A Stage 1-2 Archaeological Assessment (MTCS Project No. P038-0863-2016) was submitted to the City and the Ministry of Tourism, Culture and Sport. The report found that the site does not have sufficient cultural heritage value or interest to warrant additional work. The Ministry of Tourism, Culture and Sport has not signed off on the reports for compliance with licensing requirements. Cultural Heritage staff concurs with the findings of the report that municipal interest in the archaeology of this portion of the site have been satisfied but staff ask that a copy of the Ministry of Tourism, Culture and Sport sign off be provided when available.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, are applicable to the application.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of the 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, triplex and street townhouse dwellings.
- 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.”

The applicant is proposing to amend the Zoning By-law to a zone that will support the creation of two single detached dwellings having frontage on Pathfinder Court. Pathfinder Court is located within the interior of the Eleanor Neighbourhood. The creation of two residential building lots will not exceed the maximum density of 60 units per hectare in low density residential areas since the proposal has a density of 20 units per hectare. The existing residential neighbourhood is comprised of predominantly single detached dwellings, street townhouse dwellings as well as commercial uses.

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The single detached dwellings being proposed are consistent with the type of units surrounding the site and fronting on Pathfinder Court. Based on the foregoing, it is Staff’s opinion that the proposed Zoning By-law amendment complies with the above noted requirements of the UHOP.

“E.3.4.6 *Development* in 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.
- c) 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, yards, heights, and other zoning regulations to ensure *compatibility*.
- d) *Development*, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

Pathfinder Court is a local road providing direct access for the proposed development and is not classified as a major or minor arterial road. Additionally, the proposed lots are similar in size to the neighbouring residential properties where the lot fabric ranges in size from 385.0 to 563.0 square metres. The proposed lot sizes are in keeping with the existing character of the surrounding neighbourhood.

No new public streets or road extensions are being proposed through this application. As such, the existing lotting pattern will remain.

Planning staff are of the opinion that the proposal meets the intent of this policy.

Intensification

The proposal has also been evaluated based on the UHOP’s residential intensification criteria, namely, policies B.2.4.1.4 and B.2.4.2.2:

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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;

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- 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;
- 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.”

The proposed residential use will be consistent with the existing character of the neighbourhood as the amendment to the Zoning By-law will facilitate the creation of two residential building lots in a neighbourhood that is comprised of low density dwelling units. Currently, the rear portion of lands to be rezoned are vacant, with a commercial use situated on the portion of the property adjacent to and having direct access to Stone Church Road East, an arterial road. The proposal respects and enhances the streetscape of Pathfinder Court since the new lots will complete the development around the cul-de-sac on land that is currently vacant.

Although the “AA” (Agricultural) District zoning applicable to Block “1” permits a single detached dwelling, the provisions with regard to setbacks, frontage and area are not consistent with an urban setting, the existing lot fabric and built form within the neighbourhood. Based on the foregoing, the proposed Zoning By-law Amendment to the “C” (Urban Protected Residential, etc.) District to facilitate the development of two single detached dwellings maintains the character of the neighbourhood.

There is similarity in massing, height, setbacks and amenity space throughout the existing built neighbourhood. The proposal will be consistent with the lot fabric and enhance and maintain the existing street line. By incorporating a maximum front yard setback of 9.0 metres with the minimum front yard setback of 6.0 metres will ensure that a continuous street line is maintained and is complimentary to the existing street line.

A noise brief was submitted as part of the application, referencing specific noise sources from Stone Church Road as well as the established commercial use, being Shopper’s Drug Mart, located to the north. The noise brief has been reviewed by Staff

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and concluded that no noise mitigation measures are required as part of the application. Based on the information provided and reviewed, the proposal development will not be impacted by noise from the abutting commercial use or from road noise.

The area is fully serviced with municipal services and no concerns were raised by Engineering Staff.

Based on the foregoing, as the subject lands are located within an established low density area, are proposed to be developed with existing and appropriate infrastructure and is compatible with and complement the existing function of the neighbourhood, the proposal complies with the UHOP.

Eleanor Neighbourhood Plan

The Eleanor Neighbourhood Plan identifies the subject lands as “Single and Double Residential”. A single detached dwelling is a permitted use.

City of Hamilton Zoning By-law No. 6593

The rear portion of the subject lands that comprises Block “1” is currently zoned “AA” (Agricultural) District and Block “2” is zoned “C/S-1560” (Urban Protected Residential, etc.) District, Modified in the Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED17094. While a single family dwelling is a permitted use in the “AA” (Agricultural) District, the development criteria applicable to this zoning are not consistent with the surrounding urban residential neighbourhood. Similarly, many of the other permitted uses in the “AA” (Agricultural) District are not appropriate for this site.

A remnant portion of the previous subdivision has been retained by the applicant, municipally known as 22 Pathfinder Court (Block “2”) and is proposed to be developed in conjunction with the proposed residential lots. The site is currently zoned “C/S-1560” (Urban Protected Residential, etc.) District, Modified, in the Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED17094. The current site specific modification requires a minimum front yard setback of 4.5 metres to the dwelling structure and a minimum front yard setback of 6.0 metres to the garage. These provisions will not be carried forward. Although the current zoning permits a single detached dwelling, it is being re-zoned in conjunction with the adjacent lands to provide a consistent and comprehensive zoning to accommodate residential development.

The application to rezone the subject lands to “C/S-1749” (Urban Protected Residential, etc.) District, Modified will facilitate the creation of two low density residential building lots. A further site specific modification will allow a maximum front yard setback of 9.0

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metres to ensure that the development complements and provides minimal impact on existing residences and maintains an appropriate streetscape. This will be discussed in the Analysis and Rationale for Recommendation Section.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Geomatics & Corridor Management Division, Public Works Department.

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 117 property owners within 120 m of the subject property on March 7, 2017, for the proposed Zoning By-law Amendment application.

To date, no public submissions have been received.

A Public Notice Sign was posted on the property on April 3, 2017, and updated on May 24, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 2, 2017.

The applicant submitted a Public Consultation Strategy in support of the proposal. Based on the small scale of this application, the applicant provided contact information, in addition to the City’s standard contact information, should the public have any concerns or require additional information. Staff is satisfied that the Consultation Strategy has been undertaken since the target audience, being the immediate neighbours have been notified through *Planning Act* Regulations and City of Hamilton’s Public Participation Policy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
 - (ii) It complies with the UHOP; and,

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- (iii) The proposed development is compatible with and complementary to the existing development in the immediate area.
2. The applicant is proposing to amend the Hamilton Zoning By-law from an “AA” (Agricultural) District and “C/S-1560” (Urban Protected Residential, etc.) District Modified, to a “C/S-1749” (Urban Protected Residential, etc.) District, Modified, to facilitate the development of two residential building lots with frontage on Pathfinder Court. While the all provisions of the “C” (Urban Protected Residential, etc.) District can be met, the applicant has requested a specific modification to include a maximum front yard setback of 9.0 metres, whereas the “C” District does not have a provision for the maximum front yard setback but does have a minimum front yard setback of 6.0 metres. The 9.0 metre maximum front yard setback is to ensure that appropriate amenity space in the rear yard is maintained and ensure a consistent street line. On this basis, staff support this modification.
3. The irregular site municipally known as 22 Pathfinder Court (Block “2”) is a remnant parcel from the Stoneridge Subdivision. Since the overall intent of the neighbourhood is to comprehensively complete development on Pathfinder Court, amending the Zoning By-law to combine the Block “1” with Block “2” to facilitate the creation two residential building lots can be supported. As part of the future severance, staff will recommend that Block “2” be merged with Block “1” to ensure its comprehensive development. The proposed development will not preclude the ultimate development of Pathfinder Court and Mitton Court in the event the owner of 694 Stone Church was to redevelop the subject lands.
4. Should the application to amend the Zoning-By-law be successful, a commercial zone would abut a residential zone. Zoning By-law No. 6593 requires that any commercial zone that abuts residential is required to provide a 3 metre landscape strip as a buffer between two uses. While redevelopment is not proposed on the commercial portion, a 1.82 metre board on board fence to be constructed at time of occupancy has been mutually discussed and agreed to by the applicant. The installation of a fence will aid in providing privacy and an additional buffer between the residential and commercial use.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the existing “AA” (Agricultural) District and “C/S-1560” (Urban Protected Residential, etc.) District, Modified provisions. However, no new residential building lots would be permitted through a consent application since the zoning provisions could not be met.

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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.

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 Amendment
- Appendix “C” Concept Plan

AW:jp