



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 20, 2018
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Jacob Larsen (905) 546-2424 Ext. 5277
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning & Chief Planner Planning and Economic Development
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-15, by Sammani 786 Inc. (Owner)**, to redesignate a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial” in the Western Development Area Secondary Plan; and to establish a Site Specific Policy Area to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors, for the lands known as 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road, and 175 Margaret Avenue (Stoney Creek), as shown on Appendix “A” to Report PED18065, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18065 be adopted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conform to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **City of Stoney Creek Zoning By-law Amendment Application ZAC-17-028, by Sammani 786 Inc. (Owner)**, for a change in zoning from the Single Residential “R2” Zone to the General Commercial “GC-57” Zone, Modified (Block 1), to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors; and from

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the Single Residential “R2” Zone to the Single Residential “R2-64” Zone, Modified (Block 2) to permit an existing single detached dwelling with a reduced lot area, for the lands known as 175 Margaret Avenue (Stoney Creek), as shown on Appendix “A” to Report PED18065, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18065, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That approval be given to add the lands located at 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue (Stoney Creek), to Zoning By-law No. 05-200, and to zone said lands as Neighbourhood Commercial (C2, 673) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18065, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to PED18065, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect.

## **EXECUTIVE SUMMARY**

The purpose and effect of the proposed Official Plan Amendment is to amend the Western Development Area Secondary Plan of Volume 2 of the Urban Hamilton Official Plan by changing the land use designation of a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial”, to establish a site specific policy to remove the maximum gross floor area of an individual business and to establish a maximum gross floor area of 1,800 sq m for any grouping of commercial uses.

The purpose and effect of the proposed Zoning By-law Amendment to the City of Stoney Creek Zoning By-law 3692-92 is to rezone the subject lands from the Single Residential “R2” Zone, to the General Commercial “GC-57” Zone, Modified, and the Single Residential “R2-64” Zone, Modified, and to introduce site specific performance

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standards in order to permit the development of a three storey commercial / office building with veterinary services on the ground floor and professional offices on the upper floors, as well as continued single detached residential use with a reduced lot area and reduced front and northerly side yards.

The proposed Official Plan Amendment and Zoning By-law Amendments have merit, and can be supported, as they are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and comply with the Urban Hamilton Official Plan, subject to the recommended amendment.

***Alternatives for Consideration – See Page 25***

**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**

**Proposal**

The subject lands, totalling approximately 0.49 ha in area, are located on the north side of Highway No. 8, between Millen Road and Margaret Avenue, with a frontage of approximately 61.0 m along Highway No. 8 and a depth of approximately 60.0 m, upon completion of the proposed severance required to implement this proposal. The subject lands are currently occupied by two single residential dwellings along Highway No. 8 which will be replaced, two single residential dwellings on lots on Millen Road and Margaret Avenue which will remain, and an existing hair salon in a converted residential dwelling which will remain on Highway No. 8 as shown as Appendix “A” to Report PED18065.

On May 17, 2012, the lands located at 175 Margaret Avenue were the subject of a Consent and Minor Variance application. The Consent application was to sever the rear portion of 175 Margaret Avenue and merge the severed portion with the lands at 423 Highway No. 8. The Minor Variance application legalized a reduced lot size of 416 sq m at 175 Margaret Avenue. The severance of this parcel lapsed before the required

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conditions were satisfied and the parcel of land was therefore not created. However, the Minor Variance for the reduced lot size is approved and remains in effect.

The proposed three storey building is a rectangular form and will contain a veterinary clinic on the ground floor and commercial / offices on the two upper floors. The building has a proposed front setback of 3.0 m to the main building face, and 2.0 m to the entrance feature (upon completion of the required ROW widening), a westerly side setback of 3.0 m to the main building face and 2.5 m to the building articulation (see Site Plan and Elevations attached as Appendix “E” to Report PED18065). The existing building located at 423 Highway No. 8 and operating as a hair salon, is a converted single detached residential dwelling and will remain. There are 59 parking spaces provided in the proposed development and shared between existing and proposed buildings. A portion of the lots on which the single detached dwellings located at 176 Millen Road and 175 Margaret Road will be severed and consolidated with the office / commercial use fronting onto Highway No. 8. The remainder of these lots will remain as single residential dwellings.

The Official Plan Amendment application is to re-designate a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial”. This is needed to permit the proposed use, to permit a maximum gross floor area for any grouping of local commercial uses of up to 1,800 sq m and to remove the maximum gross floor area cap for an individual business.

The Zoning By-law Amendment application is to change the zoning from the Single Residential “R2” Zone to a modified General Commercial “GC” Zone, for the lands identified as Block 1 on Schedule “A” of Appendix “C” to Report PED18065, to change the zoning from the Single Residential “R2” Zone, to a modified Single Residential “R2” Zone, the lands identified as Block 2 on Schedule “A” of Appendix “C” to Report PED18065; and to establish site specific zoning regulations in order to permit the proposed three storey commercial / office building on the subject lands and for modifications to the remaining residential uses. The proposed modifications to the zoning regulations pertaining to Block 1 include: reduced minimum front yard setback, reduced minimum landscaped open space, reduced minimum landscape strip abutting a street, and reduced minimum number of parking spaces. The proposed modification to the zoning regulations pertaining to Block 2 is for a reduction in the minimum lot area and front and northerly side yards.

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted. The portion of the subject lands consisting of 419, 421, and 423 Highway No. 8 have previously been included in this by-law as Neighbourhood Commercial (C2, 579) Zone. The portion of the subject lands consisting of 417 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue are not included within Zoning By-

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law No. 05-200. In anticipation of resolution of Ontario Municipal Board appeals pertaining to the CMU Zones in Q2 / 18 or Q3 / 18, a draft by-law has been prepared with this Report (attached as Appendix “D” to Report PED18065), to include 417 Highway No. 8, and the subject portions of 176 Millen Road and 175 Margaret Avenue into Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the General Commercial “GC-57” Zone in the Zoning By-law No. 3692-92 to recognize site specific zoning permissions.

**Chronology**

- March 7, 2017: Applications UHOPA-17-015 and ZAC-17-028 received.
- March 27, 2017: Applications UHOPA-17-015 and ZAC-17-028 deemed complete.
- April 4, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-015 and ZAC-17-028 to 166 property owners within 120 m of the subject lands.
- April 18, 2017: Public Notice Sign installed on subject lands.
- February 21, 2018: Public Notice Sign updated with Public Meeting Information.
- March 2, 2018: Circulation of the Notice of Public Meeting to 166 property owners within 120 m of the subject lands.

**Details of Submitted Applications:**

- Location:** 417, 419, 421 and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10)
- Owner / Applicant:** Sammani 786 Inc.
- Agent:** IBI Group (c/o Scott Arbuckle)
- Property Description:** Lot Frontage: 61.0 m  
Lot Depth: 60.0 m

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Lot Area: 4,877 sq m (0.49 ha)

Servicing: Existing Municipal Services

**Existing Land Use and Zoning**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Single Detached Dwelling; Hair Salon	Single Residential “R2” Zone in Zoning By-law No. 3692-92 and Neighbourhood Commercial (C2, 673) Zone, Modified, in Zoning By-law No. 05-200

**Surrounding**

**Land Uses**

<b>North</b>	Single Detached Dwellings	Single Residential “R2” Zone
<b>East</b>	Automotive Services	General Commercial “GC-51” Zone
<b>South</b>	Retail	General Commercial “GC-18” Zone
	Restaurant	General Commercial “GC” Zone
<b>West</b>	Single Detached Dwelling	Single Residential “R2” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

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

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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.

The PPS provides policies that support intensification and development, encourage a range and mix of housing, and promotes efficient development and land use patterns.

Section 1.1 of the Provincial Policy Statement states:

“Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns identifies that healthy, livable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) Accommodating an appropriate range and mix of residential (including second units, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries, and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;”

The proposed development will result in the consolidation of four existing lots for commercial / office use and the creation of two smaller residential lots, where the current and future proposed use is single detached dwellings. The proposed development is a more intensive use of the subject lands. As such the proposed development promotes efficient development and land use patterns which support the PPS.

The proposed development will result in additional employment opportunities to help the City meet its long-term employment projections and which can meet the needs of the surrounding community. The proposed development is located within the Urban Boundary of the City of Hamilton, in an area serviced by existing municipal water, wastewater, and electric infrastructure. The proposed development minimizes land consumption and better utilization of existing infrastructure reduces servicing costs.

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Staff note that the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). 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.”

The subject property meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Local knowledge associates areas with historic events / activities / occupations; and,
- 2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject applications. As such, staff have required an archaeological assessment. Consequently an Archaeological Assessment was prepared by AMICK Consultants Inc., and entered into the Ontario Public Register of Archaeological Reports. The Stage 1 & 2 Archaeological Assessment did not find any historical artifacts on the subject lands and archaeological potential has been addressed.

Therefore the proposal is consistent with the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (2017)**

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people’s needs for daily living throughout an entire lifetime.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

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“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) The vast majority of growth will be directed to *settlement areas* that:
  - i. have a *delineated built boundary*;
  - ii. have existing or planned *municipal water and wastewater systems*; and,
  - iii. can support the achievement of complete communities.

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
- d) expand convenient access to:
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;

The subject application proposes a mixed use development comprising both a veterinary clinic and other office uses. The proposed development supports the achievement of complete communities by proposing a mixed use development that utilizes existing infrastructure, including transit.

The Growth Plan outlines the following policies to manage future growth:

“2.2.5.1 Economic development and competitiveness in the *GGH* will be promoted by:

- a) making more efficient use of the existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;
- c) planning to better connect areas with high employment densities to transit;”

“2.2.5.3 Retail and office uses will be directed to location that support *active transportation* and have existing or planned transit.”

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The subject lands are located within the built-up area of Hamilton, along a Secondary Corridor where the City directs intensification. The subject lands are located where full municipal services are available, along an existing transit route, and contribute to creating complete communities by providing additional employment opportunities and services for the area.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan (UHOP)**

The subject lands are designated as “Neighbourhoods” on Schedule “E-1” of the Urban Hamilton Official Plan (UHOP). Further, the subject lands are located on a Secondary Corridor on Schedule “E” – Urban Structure of the UHOP. Within the Western Development Area Secondary Plan of the UHOP, the subject lands are designated “Local Commercial” and “Low Density Residential 2b”. As such, the following policies, amongst others, apply to the proposal.

**Secondary Corridor**

- “E.2.4.3      Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
  
- E.2.4.5      Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.
  
- E.2.4.10     The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
  
- E.2.4.11     Urban Corridors shall be a focus for intensification through the Neighbourhoods which they traverse. However, it is anticipated that intensification will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as Urban Corridors.
  
- E.2.4.12     Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary

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Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.

- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- E.2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.”

The subject lands are located along Highway No. 8 and the Official Plan directs higher densities and residential intensification along Highway No. 8, as it is a Secondary Corridor. The lands are serviced by #55 and #58 Stoney Creek bus routes, with a transit stop directly in front of the subject lands. Highway No. 8 is also a potential future high order transit corridor, specifically the potential future extension of the B-Line rapid transit line. As the proposal involves intensification on a Secondary Corridor, with a mixture of uses and services provided at grade, it complies with the Urban Corridors policies.

### Neighbourhoods

The policy goals for the Neighbourhoods designation include developing neighbourhoods as complete communities that are compact, mixed use, transit supportive, and active transportation friendly.

- “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*;
  - b) local commercial uses.
- E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be

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safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.
- e) Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.”

As the proposal involves a mix of commercial and office uses in accordance with the uses permitted under Policy E.3.2.3, the subject application complies with the intent and purpose of the Neighbourhoods general policies. The parking provided is located primarily behind the proposed building, and adequate pedestrian linkages are provided, as well as improvements to the overall landscape character of the area. Therefore, the proposal complies with the relevant policies related to the Neighbourhoods designation.

#### Noise

- “B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
  - b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification.”

A Noise Impact Study was prepared by HGC Engineering dated February 21, 2017, and submitted by the applicant. The study reviewed the acoustic requirements for this

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development with respect to traffic on Highway No. 8 and rooftop HVAC equipment. The Noise Report found that the potential noise from the proposed development on the nearest residential dwelling can comply with the Ministry of Environment and Climate Change (MOECC) criteria without any additional noise mitigation measures.

#### Urban 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.

B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping; and,
- c) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric.
- 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.

B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways.

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:

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- 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.”

The proposed three storey office / commercial building has been designed to respect and enhance the existing character, development patterns and built-form of the area. This form is characterized by a mix of one to two storey single detached residential and local commercial uses fronting onto Highway No. 8. The proposal provides for an appropriate building typology along a major arterial road, which will contribute to the evolution of the Secondary Corridor into higher order, mixed use buildings. The site is organized so that the building is close to the street and is connected to the public realm via municipal sidewalks and proposed landscaping.

**Western Development Area Secondary Plan**

The subject lands are designated “Low Density Residential 2b” and “Local Commercial” in the Western Development Area Secondary Plan. The following policies for “Low Density Residential 2b” and “Local Commercial” from the Western Development Area Secondary Plan apply to the proposal:

- “7.1.1.3 Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 2b designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:
- a) the permitted uses shall be single, detached, and duplex dwellings and,
  - b) the density shall range from 1 to 29 units per net residential hectare.”

The single detached residential dwellings located at 176 Millen Road and 175 Margaret Avenue will remain and comply with the Secondary Plan policies.

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For the portion of the subject lands currently designated Local Commercial, the following policy applies to the proposal:

7.1.1.2 Notwithstanding Policy E.3.8.6 of Volume 1, on Lands designated Local Commercial on Map. B.7.1-1 Western Development Area – Land Use Plan, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum gross floor areas of any grouping of local commercial uses shall be 1,500 square metres.”

The proposed Urban Hamilton Official Plan Amendment is necessary to re-designate the portion of the subject lands currently designated “Low Density Residential 2b” as “Local Commercial”, which will permit the proposed use. Additionally, a site specific policy is necessary to permit the proposed gross floor areas of local commercial uses. This will be discussed in greater detail in the Analysis and Rationale for Recommendation section of the Report.

**Stoney Creek Zoning By-law No. 3692-92**

The subject lands are currently zoned Single Residential “R2” Zone, in the former City of Stoney Creek Zoning By-law No. 3692-92. This zoning permits a single detached dwelling, a Home Occupation, and uses, buildings or structures accessory to a permitted use. There is also a previous Minor Variance for a reduced lot area for the lands located at 175 Margaret Avenue.

A Zoning By-law Amendment is required to facilitate the proposed redevelopment and would rezone the lands located at 417, 419, 421 and 423 Highway No. 8 and the rear portion of the lands located at 176 Millen Road and 175 Margaret Avenue from Single Residential “R2” Zone to a site specific General Commercial “GC” Zone. Additionally, a site specific rezoning on the residential portion of 175 Margaret Avenue is being requested to recognize the reduced lot area and reduced front and northerly side yards.

Site specific modifications will be required to implement the proposal, and are further discussed in the Analysis and Rationale for Recommendation section of Report PED18065.

**Hamilton Zoning By-law No. 05-200**

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted. The portion of the subject lands consisting of 419, 421, and 423 Highway No. 8 have previously been included in this by-law as Neighbourhood Commercial (C2, 579) Zone. The portion of the subject lands consisting of 417 Highway

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No. 8, 176 Millen Road, and 175 Margaret Avenue are not included within Zoning By-law No. 05-200. In anticipation of resolution of Ontario Municipal Board appeals pertaining to the CMU Zones, a draft by-law has been prepared with this report (attached as Appendix “D” to Report PED18065), to include 417 Highway No. 8, and the subject portions of 176 Millen Road and 175 Margaret Avenue into Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the General Commercial “GC-57” Zone in the Zoning By-law No. 3692-92 to recognize site specific zoning permissions.

### **RELEVANT CONSULTATION**

The following internal departments and external agencies had no comments or objections to the applications:

- Corporate Assets and Strategic Planning Division, Public Works Department;
- Horizon Utilities;
- Recreation Planning, Community Services Department;
- Operations Support, Business Programs, Public Works Department; and,
- Trails, Parks and Open Space, Public Works Department.

The following Departments and Agencies submitted the following comments:

**Hamilton Street Railway** has advised that the #55 Stoney Creek Central and #58 Stoney Creek Local bus routes provide direct service to the subject lands and that street orientation, pedestrian entrances, short walking distances between buildings and transit service are preferable, and that establishing new employment uses within an easy walk of transit service will contribute positively to the long term sustainability of the Stoney Creek transit operations.

**Transportation Management, Public Works Department** advised that the Transportation Demand Management Initiatives initially included did not meet the City’s Transportation Demand Management (TDM) objectives. In response, the applicant submitted a memo outlining on-site bicycle parking and travel planning resources which would be made available in a central location, such as a lobby. Transportation Management also advises that providing no more than the minimum number of motor vehicle parking spaces is strongly supported by TDM. TDM measures will be finalized at the Site Plan Control stage.

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**Forestry and Horticulture, Public Works Department** advised that no Tree Management Plan is required as there are no municipal tree assets of significance on site. A Landscape Plan will be required at the Site Plan Control stage.

**Corridor Management, Public Works Department** has reviewed the Transportation Impact Study. The current Right of way width of the subject properties vary along Highway No. 8, with the smallest being 20.4 m. The Right of way requirements for Highway No. 8 according to the Volume 1 of the Urban Hamilton Official Plan - Schedule C-2 is 36.58 m. As a condition of Site Plan approval, the owner will be required to dedicate sufficient lands across the frontage of the subject properties adjacent to this roadway. The current Right of way width for the frontage of Millen Road at this location is 20.4 m. According to the Schedule C-2, the designated road allowance of Millen Road is 26.213 m. Therefore, as a condition of Site Plan approval, the owner will be required to dedicate sufficient lands across the frontage of the subject properties adjacent to this roadway. These requirements have been incorporated into the proposed concept.

During construction, all vehicles, equipment and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. A Road Occupancy permit must be obtained from Corridor Management should occupancy of the roadway be required. The applicant will also require an access permit to change the access from the existing access on Highway No. 8. A 5.0 m by 5.0 m visibility triangle is required between the driveway limits and the road allowance limits and the applicant must ensure that the areas adjacent to the driveways at the municipal roadways are clear of visual encumbrances. These items will be reviewed at the Site Plan Control stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 166 property owners within 120 m of the subject lands on April 4, 2017. A Public Notice sign was also posted on the property on April 18, 2017 and updated with the Notice of the Public Meeting on February 21, 2018 with the Public Meeting date.

To date, one email was received from a local resident, with questions relating to privacy concerns of adjoining uses, construction and phasing. This written submission is appended as Appendix "F" to Report PED18065. A review of the concerns raised, including those raised in the neighbourhood information meeting, is contained in the Analysis and Rationale for Recommendation section of this Report.

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Public Consultation Strategy

Pursuant to the requirements of Bill 73 *Planning Act* changes, the applicant submitted a Public Consultation Strategy, dated March 1, 2017. This strategy included a neighbourhood meeting, attended by the local Ward Councillor and staff, held on June 22, 2017. Notification was sent to residents within 120 m of the subject lands and based on the sign-in sheets, eight people attended the information meeting. In addition to this meeting, the strategy identified existing requirements under the *Planning Act*, including the installation of a public notice sign on the property and circulation of a notification letter to property owners within 120 m of the property boundary.

**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;
  - (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,
  - (iii) The proposal is a form of compatible employment intensification, fulfilling key UHOP policies regarding the creation of complete communities and promoting a compact and efficient urban form of development and an efficient use of existing infrastructure.
2. The purpose of the proposed Official Plan Amendment is to re-designate a portion of the lands from the “Low Density Residential 2b” designation to the “Local Commercial” designation with a site specific policy to remove the restriction on gross floor area for a single local commercial use and to permit a gross floor area for any grouping of local commercial uses up to a maximum of 1,800 sq m.

As previously noted, the lands are located on a Secondary Corridor, on the periphery of the neighbourhood, on a major arterial road, where there is a mix of residential, commercial, and institutional uses. The subject lands are in close proximity to schools, places of worship, parks, institutional and community uses, retail and services uses. Two bus routes currently service the subject lands, and the bus stop is located on Highway No. 8 in front of the subject lands.

The BLAST network, as shown on Appendix B of Volume 1 of the UHOP, identifies Highway No. 8 as part of the B-Line. Phase 1 of the B-Line, which will extend to the Queenston traffic circle, has committed funding and is expected to commence

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construction in 2019. Phase 2 of the B-Line, to be constructed to Eastgate Square, will be a continuation of the LRT line. As per the BLAST network in the UHOP, it is intended to continue this rapid transit corridor along Highway No. 8 to Fruitland Road.

At three storeys, the proposed building is comparable in scale with respect to the two storey automotive service building to the east and the single storey detached residential building to the west along Highway No. 8. A landscaped front yard setback of 3.0 m (2.0 m to main entrance feature) will ensure the building relates directly to the street, while a rear yard setback of 33.9 m will provide sufficient buffer distance to single detached residential dwellings to the north. A landscape strip and tree plantings are also proposed along the rear and side lot lines, which will provide additional visual screening. The parking area associated with the proposed new commercial / office building will be separated from the remaining buildings located at 176 Millen Road and 175 Margaret Avenue by landscape areas ranging from 3.0 to approximately 10 m for the former, and 1.77 m to approximately 8 m for the latter.

To the west of the subject lands at 415 Highway No. 8, there is a single detached dwelling set back approximately 4.0 m from the shared property line. With a proposed side yard setback of 2.7 m (2.5 m from building articulation), and a zoning requirement for a minimum of 50% non-transparent glass in west-facing windows, the privacy concerns of the immediate neighbour are taken into account. Parking and loading will take place in the parking area located to the east and north of the building. A waste enclosure is proposed to be added alongside the existing hair salon.

The proposal has been designed to be a compatible built form with the neighbouring land uses, maintaining and respecting the character of the neighbourhood. The proposal is consistent with the pattern of development being introduced in the area, and is contributing to providing a range of employment types. Recognizing this transition toward greater local commercial uses, the proposal will preserve development opportunities with respect to potential redevelopment of the three existing residential uses to the west of the subject lands. Consolidation of these lots will allow future commercial redevelopment which is functionally and visually compatible with the proposed development. The removal of the Gross Floor Area (GFA) cap for an individual business and the increase in maximum GFA from 1,500 sq m to 1,800 sq m for any grouping of local commercial uses can be supported since the proposed development is comparable in scale to adjacent local commercial uses and would therefore not have a negative impact on the character of the neighbourhood.

Therefore staff are in support of the proposed Official Plan Amendment.

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3. The proposed Zoning By-law Amendment is required in order to implement the office/commercial portion of this development. As part of this proposed site specific amendment, modifications to the zoning regulations are also proposed in order to permit the development concept as submitted. The following modifications to the General Commercial “GC” Zone are proposed:

Permitted Uses

To ensure conformity with Section E.3.8.2 of the Urban Hamilton Official Plan, detailing Local Commercial policies, the site specific zoning restricts permitted uses to: Animal Hospital only if wholly enclosed within a building; Art Galleries; Athletic Clubs; Bakeries; Banks or Financial Institutions; Business or Commercial Schools; Car Washing Establishments; Convenience Food Stores; Day Nurseries; Dry Cleaning Depots; Equipment Rental, Sales or Repairs; Medical Clinics; Food Stores; Funeral Homes; Gasoline Bars; and Office.

Minimum Front Yard

Based on this proposed building design, the front yard setback varies from 2.03 m (rounded to 2.0 m for the proposed Zoning By-law) to 3.0 m. The Zoning By-law requires a minimum front yard setback of 7.5 m. The proposed reduction to the front yard setback allows for the building to be brought closer to the street, creating a more pedestrian friendly environment along Highway No. 8. Additionally, reduced front yard setbacks achieve compliance with City Urban Design guidelines. The front of the building is also in line with the front of the hair salon to the east, thereby further establishing a consistent street edge. Therefore, the reduced front yard setback is appropriate and supported by staff.

Minimum Landscape Open Space

The proposed development requires a reduced landscape strip of 1.75 m instead of the required 3.0 m landscape strip abutting a street. This reduction in the landscaped strip abutting a street is required to facilitate the reduced front yard setback and achieve the design and site layout envisioned for these lands.

The proposed development also involves a reduced landscape strip below the required 6.0 m landscaping strip abutting any other zone than commercial or industrial. A minimum 1.5 m landscaped strip has been proposed on property lines abutting any zone other than a commercial or industrial zone. The modification is minor and only required for approximately one third of the residential lot. In other locations a minimum of 3.0m will be maintained. Additionally, fencing and screening will be provided around the perimeter of the site to help reduce any potential impacts

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from the commercial lands on the neighbouring residential lands. Additionally, a 2.0 m landscape strip is proposed along the abutting commercial lands. Staff are in support of the proposed modifications.

Minimum Number of Loading Spaces

The Stoney Creek Zoning By-law requires one loading space for a commercial building with a gross floor area of 1,000 sq m – 1,999 sq m. The proposed development does not include loading spaces as the intended uses of the building do not result in the need for a dedicated loading space to be provided. Periodic loading of goods or materials will take place via the parking area, using the rear building doors. Staff are therefore in support of the proposed modification.

Minimum Number of Parking Spaces

The Stoney Creek Zoning By-law requires one parking space per 30 sq m of Business, Professional, and Medical Offices not located in a shopping centre and one parking space per 18.5 sq m of Personal Service Shops; based on the concept plan provided, this equates to 64 parking spaces. The proposal is to reduce the required parking on the subject lands from 64 spaces in Stoney Creek Zoning By-law No. 3692-92 and 63 parking spaces in Hamilton Zoning By-law No. 05-200 to 59 spaces, for all uses on the subject lands. The intention of this is that any future use on the lands will be deemed to comply with the Zoning By-law. Additionally, a Parking Study was prepared to justify the proposed reduction, and found that the reduction of five spaces was appropriate on the subject lands. Staff are supportive of the reduction of the number of parking spaces, as the subject lands are served by transit and alternative modes of transportation. Travel Demand Management measures such as the provision of bicycle parking spaces will encourage alternative modes of transportation to the automobile.

Parking Space Dimensions

The Stoney Creek Zoning By-law requires a minimum parking space size of 2.75 m wide and 5.80 m in length. While the concept plan reflects the current required minimum parking space dimensions, the applicant is requesting a site specific amendment in anticipation of potential changes to the minimum parking size to 2.75 m by 5.8 m in Hamilton Zoning By-law No. 05-200. In the event of such changes, this amendment will ensure a future Site Plan Control application is able to comply with the minimum number of spaces required by the adoption of this amendment. This space size has been considered by planning staff and deemed to be sufficient for this commercial use. This modification is minor in nature and is considered appropriate as the parking space sizes remain adequate in size and allows for

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sufficient space for vehicle parking and vehicle entry and exit. As such, staff are supportive of this modification.

Non-Vision Glass

The Stoney Creek Zoning By-law does not limit transparent vision glass; however, to mitigate concerns with respect to overlook on the existing residential use located at 415 Highway No. 8, limitations on vision glass on the west-facing windows of the proposed office / commercial building have been incorporated. The site specific Zoning By-law will therefore include a maximum of 50% of glazing on west-facing windows which shall be composed of transparent glass. This site specific requirement will ensure that west-facing windows mitigate overlook concerns while maintaining the building's coherent appearance. Staff are in support of this modification.

Maximum Gross Floor Area

The Stoney Creek Zoning By-law does not limit the maximum gross floor area of a permitted use or uses in the General Commercial "GC" Zone. However, to ensure alignment with the proposed Official Plan Amendment, the maximum gross floor area for combined commercial uses within a building will be 1,800 sq m. As By-law No. 3692-92 contains no limitation on the gross floor area for an individual commercial use within a building, no site specific zoning regulation is required.

4. Single Residential "R2-64" Zone

The creation of site specific General Commercial "GC-57" Zone entails the consolidation of portions of 176 Millen Road and 175 Margaret Avenue. In the case of 175 Margaret Avenue, this will require the creation of a site specific Single Residential "R2-64" Zone. The modifications to the zoning include permitting a reduced lot area of 420 sq m, a minimum front yard of 4.75 m, a minimum side yard on the north side of 1 m, the projection of a bay window and porch into the front yard, and the projection of an air conditioner within northerly side yard no closer than 0.4 m from the side lot line. The reduced lot area has been approved under Minor Variance SC/A-12:68. However, these permissions will be lost with the passage of the proposed site specific zoning by-law. The reduced front and northerly side can be supported as this is considered minor, and is a condition observed at a nearby single detached residential dwelling on Margaret Avenue. The projection of the air conditioner within the side yard, as well as the projection of the bay window and porch into the front yard, are similarly considered minor in nature, and were existing prior to this application. Therefore, staff are in support of the modifications.

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5. Lands comprised of 419, 421, and 423 Highway No. 8 are currently zoned Neighbourhood Commercial (C2, 579), Modified, in Zoning By-law No. 05-200. A draft by-law has been prepared to add 417 Highway No. 8 and portions of 176 Millen Road and 175 Margaret Avenue to Zoning By-law No. 05-200 and establish a new modified Neighbourhood Commercial (C2) Zone. The implementing by-law will be held in abeyance until the Commercial and Mixed Use Zones are in force and effect, at which time the draft by-law will be brought forward to City Council for enactment.

The implementing By-law for Zoning By-law No. 05-200 attached as Appendix “D” to Report PED18065, proposes a modified Neighbourhood Commercial (C2) Zone. A number of site specific modifications are proposed to be carried forward from the General Commercial “GC-57” Zone into Zoning By-law No. 05-200 to reflect the proposed development. The proposed modifications are as follows:

- Minimum number of parking spaces reduced;
  - Parking design standards do not apply;
  - Increase in the maximum building setback from the street line to the existing building;
  - Increase in maximum height;
  - A limit in the proportion of transparent vision glass located on the west facing windows;
  - A limit on the maximum gross floor area for commercial uses on a lot; and,
  - Minimum interior side yard reduced.
6. This proposal will be subject to Site Plan Control. As part of this application, the applicant will be required to submit a Landscape Plan. These plans will address the landscaping provisions of the draft Zoning By-law Amendment. In addition, additional design matters will be further reviewed at the Site Plan Control stage relating to pedestrian access / circulation, barrier-free accessibility, grading, drainage, right-of-way dedications, and site details for the visitor parking spaces and architectural design and materials. Furthermore, should any encroachment agreements be required to permit the landscaping and walkway features on the City right-of-way, these would also be secured through the Site Plan Control process.
7. With respect to engineering details, Development Engineering advises that they have no concerns with the Official Plan or Zoning Amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage.

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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. If dewatering is required for construction activities, the proponent is reminded that any dewatering discharge leaving the site must conform to City of Hamilton sewer by-laws.

Water service for the proposed development can be provided by the existing 400 mm diameter municipal watermain on Highway No. 8. At the time of the Site Plan Control application, the proponent shall update the domestic and fire flow demands in order to demonstrate that water servicing requirements have been satisfied.

Separated systems are available on Highway No. 8 for collection of storm water from the redevelopment. The proposed design is to capture and manage site runoff up to the 100-year storm event and convey flows to the Highway 8 storm sewer. In an emergency overland flow situation (an event greater than the 100-year storm event) runoff is conveyed north, as is the case under existing site conditions.

For Site Plan Control, the applicant is required to submit a "detailed submission" with an illustration of all private networks both for sanitary and minor storm water management. The submission should address comments received from Development Engineering.

The proponent shall ensure that the Fire Department / Building Department is satisfied with the hydrant coverage, accessibility and provisions for firefighting within the development.

8. To date, one submission from the neighbouring property owner has been received. In addition, Planning staff was in attendance at a neighbourhood meeting where comments and concerns were raised. The letter received is attached as Appendix "F" to Report PED18065 and the concerns are discussed further below.

Loss of Sunlight / Lack of Privacy

The immediately adjacent resident expressed some concern with the potential shadow impact of the proposed building on the rear yards of their property. Privacy and overlook concerns have been addressed through provision in the site specific by-law to use non-transparent glazing on a minimum of 50% of the second and third storey windows on the west-facing wall. There is no shadow impact on this residence, as the shadow would be cast at the northern limit of any adjacent property by the sun located in the southern portion of the sky.

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Construction Issues

Concerns were also raised about the contractors' responsibilities with respect to adjacent properties. A Construction Management Plan will be required prior to issuance of a building permit.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be developed in accordance with the existing Single Residential "R2" Zone and Neighbourhood Commercial (C2, 579) Zone provisions.

**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.*

**Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

**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": Draft Official Plan Amendment
- Appendix "C": Draft Zoning By-law Amendment for Stoney Creek Zoning By-law No. 3692-92
- Appendix "D": Draft Zoning By-law Amendment for Hamilton Zoning By-law No. 05-200
- Appendix "E": Concept Site Plan and Elevations
- Appendix "F": Public Submissions

JL:mo