



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Zoning By-law Amendment for Lands Located at 1215 Barton Street, Stoney Creek (PED18233) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

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

- (a) That the draft By-law, attached as Appendix “B” to Report PED18233, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a modification to the Residential “R6” Zone in the Stoney Creek Zoning By-law No. 3692-92, to permit the development of two semi detached dwellings and one single detached dwelling for a total of five residential units, fronting onto Escarpment Drive. To accommodate the proposal, site specific

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modifications are proposed to the lot area, lot coverage and rear and side yard setbacks.

The Application has merit and can be supported because it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with existing development in the area and provides for additional residential uses using existing infrastructure.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Chronology:

December 23, 2016: Application ZAC-17-009 received.

January 6, 2017: Application ZAC-17-009 deemed complete.

January 19, 2017: Notice of Complete Application and Pre-Circulation was mailed to 76 property owners within 120 m of the subject property.

February 6, 2017: A Public Notice Sign was established on the property.

July 13, 2018: Revised concept plan submitted proposing semi detached dwellings instead of townhouse dwelling units.

November 14, 2018: Public Notice sign updated to reflect the date of Public Meeting.

November 23, 2018: Circulation of Notice of Public Meeting to 76 property owners within 120 m of the subject property.

Background:

The subject property is located on the northeast corner of the Barton Street / Escarpment Drive intersection and is municipally known as 1215 Barton Street. The subject lands are 0.25 ha in size and contain one single detached dwelling. A Consent Application SC/B-14:28 was submitted in support of this proposal. However, the application was tabled in 2015 since the Fruitland-Winona Secondary Plan had not been adopted by Council at the time.

The initial submission received by the City proposed four townhouse dwelling units and one single detached dwelling on the subject lands. The applicants amended their proposal to propose two semi detached dwellings and one single detached dwelling, thereby changing the built form but not the overall number of units.

Fruitland - Winona Secondary Plan

There are nine residential properties located along the north side of Barton Street, west of Winona Road in Stoney Creek, known municipally as 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, that are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan and “Low Density Residential 2” in the Fruitland-Winona Secondary Plan. These lands are remnant lands from a previous Official Plan Amendment and Local Planning Area Tribunal (formerly the Ontario Municipal Board (OMB)) decision, which converted adjoining properties from “Industrial” to “Residential” uses. These properties formed a small, isolated pocket of land that were formerly designated for industrial uses in an area primarily surrounded by lands designated for residential uses. Of the nine properties, only two are vacant and one is occupied by a Bell Canada transformer / utility office. The remaining parcels contain single detached residential dwellings.

These lands, including the lands under the purview of this application, were initially excluded from the original Winona Urban Community Secondary Plan in the former City of Stoney Creek Official Plan. The former City of Stoney Creek Official Plan also contained Special Policy Area “F” (SPA) which required the completion of a Secondary Plan for the Fruitland-Winona area. These lands were also not included in the SPA because they were already in the Urban Area.

On March 20, 2012, a motion was passed by Council, with regards to 1215 - 1239 Barton Street, directing staff to bring forward Official Plan Amendments for the subject lands to re-designate the properties from “Business Park” to “Neighbourhoods” within the Urban Hamilton Official Plan.

Staff were in the process of completing the Secondary Plan for Fruitland-Winona and it was deemed appropriate to include the subject lands within the Secondary Plan rather than carry out a separate amendment to the Urban Hamilton Official Plan at a later date.

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The lands are designated “Low Density Residential 2” on Map B.7.4-1 - Land Use Plan, in the Fruitland – Winona Secondary Plan, which was approved by the Local Planning Area Tribunal (LPAT) on June 22, 2018.

City Initiative CI-17-D (November 8, 2017)

On November 8, 2017, City Council approved a City Initiative (CI-17-D) to rezone the lands at 1215 – 1239 Barton Street, from Prestige Business Park “M3” Zone in Zoning By-law No. 05-200, to Neighbourhood Development “ND” Zone, in the City of Stoney Creek Zoning By-law No. 3692-92, to reflect the residential intent of the lands as set out in the Fruitland-Winona Secondary Plan. At the time of the City Initiative, the Fruitland-Winona Secondary Plan was still under appeal, therefore staff recommended the Neighbourhood Development “ND” Zone be applied which essentially represents a holding zone whereby no person shall use any building, structure or land in the “ND” Zone for any purpose other than that for which it was used on the date of passing of the Zoning By-law. The permitted uses in the “ND” Zone are limited in scope and include one single detached dwelling and related accessory buildings and / or uses existing at the date of the passing of the Zoning By-law.

Council Motion (June 27, 2018)

On June 27, 2018, City Council passed the following motion:

“That staff be directed to prepare an Official Plan Amendment and associated Zoning By-law changes for consideration at a public meeting of the Planning Committee no later than September 18, 2018, for the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, to recognize the existing single family dwellings and to permit the severing of single family lots, which would be in keeping with the existing homes”.

This motion directed staff to complete amendments to the Urban Hamilton Official Plan and to the Stoney Creek Zoning By-law No. 3692-92 now that the Fruitland-Winona Secondary Plan had been approved by the Local Planning Area Tribunal (LPAT). The amendments were approved by Council on September 26, 2018, which established an area-specific policy over the subject lands to permit a density of 0 to 40 units per hectare in the Fruitland-Winona Secondary Plan, and changed the zoning from Neighbourhood Residential “ND” Zone to the Residential “R6” Zone in the Stoney Creek Zoning By-law No. 3692-92.

Zoning By-law Amendment (ZAC-17-009)

The purpose of the Application is for a modification to the Residential “R6” Zone for the development of two semi detached dwellings and one single detached dwelling for a

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total of five residential units on the subject lands. Site Specific modifications have been proposed regarding the following:

- Minimum lot area;
- Maximum lot coverage;
- Minimum rear yard; and,
- Minimum side yard.

The details of the proposed modifications are further discussed in Appendix “D” to Report PED18233.

DETAILS OF SUBMITTED APPLICATION:

Owner: Losani Homes (1998) Ltd.

Agent: WEBB Planning Consultants

Location: 1215 Barton Street (Stoney Creek) (see Appendix “A” to Report PED18233)

Property Size:

Frontage	52.667 m (Escarpment Drive)
	27.1 m (Barton Street)
Area	0.25 ha
Depth	52 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant / Single Detached Dwelling	Residential “R6” Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	Single Residential “R3-30” Zone, Modified
East	Single Detached Dwelling	Residential “R6” Zone
South	Single Detached Dwelling	Rural Residential “RR” Zone

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West

Vacant land

Small Scale Industrial “MS”
Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent LPAT (formerly the OMB) approval of the Urban Hamilton Official Plan, 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 update to the Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and as such, is reviewed separately.

As this application complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, the application is therefore:

- Consistent with Section 3 of the *Planning Act*, and,
- Consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

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 proposed Zoning By-law Amendment conforms to these Guiding Principles in that it supports the achievement of a complete community that is designed to support healthy and active living, meeting people’s needs for daily living throughout an entire lifetime.

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

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

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- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and public service facilities;”

The Zoning By-law Amendment will implement the residential intent of the lands as set out in the Fruitland-Winona Secondary Plan. The Amendment is in keeping with the Growth Plan’s emphasis on supporting growth towards the achievement of complete communities. The Zoning By-law Amendment will support the Fruitland-Winona Secondary Plan land use objectives towards the development of a complete community that offers a diversity of land uses including residential, and access to a range of commercial, services, and facilities. Therefore, the proposed Amendment conforms to the Growth Plan.

Urban Hamilton Official Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The following policies, amongst others, apply to the proposal:

Noise

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

The subject lands have direct frontage on Barton Street, which is a designated Major Arterial Road. Accordingly, a Noise Feasibility Study prepared by HGC Engineering Ltd, dated December 22, 2016 and a revised Noise Feasibility Study dated February 9, 2017, were submitted in support of the development. A 2.0 m high acoustical barrier will be required for the single detached dwelling adjacent to Barton Street and warning clauses for each dwelling unit to be included in all future purchase / sale and lease agreements. A final Detailed Noise Study will be required as part of the Consent Applications to finalize the details of the required acoustical barrier.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.3 Uses permitted in low density residential areas include single-detached, semi detached, duplex, triplex, and street townhouse dwellings.

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E.3.4.5 For low density residential areas, the maximum height shall be three storeys.

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 to adjacent to major or minor arterial roads shall be discouraged.”

The proposal includes two semi detached dwellings and one single detached dwelling, fronting onto a local road (Escarpment Drive), which are permitted uses, per Policy E.3.4.3. The height of the dwelling units will be restricted to 11.0 m, approximately three storeys, per the “R6” Zone requirements.

Fruitland-Winona Secondary Plan

The subject lands are designated “Low Density Residential 2” in the Fruitland-Winona Secondary Plan, which came into force and effect on June 22, 2018. The following policies, amongst others, apply to the proposal:

“B.7.4.18.13 For the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235 and 1239 Barton Street and designated Low Density Residential 2, as shown as Area Specific Policy – Area M on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy B.7.4.4 a), the net residential density shall be 0 to 40 units per hectare.”

The applicant proposes two semi-detached dwellings and one single detached dwelling for a total of five residential units. The proposal has a density of 36.9 units per hectare (uph) to ensure density targets in Policy B.7.4.4.4 a) are maintained.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan.

Stoney Creek Zoning By-law No. 3692-925

The applicant proposes a modification to the Residential “R6” Zone in support of the proposed development, which permits both semi detached and single detached dwellings. The following modifications are proposed:

- Minimum lot area;
- Maximum lot coverage;

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- Minimum rear yard; and,
- Minimum side yard.

An evaluation of the proposed modifications is included in Appendix “D” to Report PED18233.

RELEVANT CONSULTATION

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

- Recreation Division, Community and Emergency Services Department; and,
- Corporate Assets & Strategic Planning Division, Public Works Department.

Corridor Management, Public Works Department provided the following comments:

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

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

During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Road Occupancy permit must be obtained from the Corridor Management Section. Should long-term occupancy be required (3 months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane / sidewalk closures, crane locations, and truck haul routes.”

These comments have been forwarded to the applicant for their information and future reference.

Forestry and Horticulture Section, Public Works Department have identified that a Tree Management Plan would be required with future development applications. The applicant will be required to submit a Tree Management Plan in support of future Consent Applications to create each individual lot.

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Hamilton Conservation Authority has no concerns with the proposal but note the following:

“Staff have reviewed the revised functional servicing brief and associated grading and erosion control and site servicing plans, prepared by S. Llewellyn and Associates Ltd. and dated July 12, 2018 and July, 2018, respectively, and are satisfied the stormwater management design for the proposed development will effectively mitigate potential impacts of the development associated with drainage from the site. Staff have reviewed the revised functional servicing brief and associated grading and erosion control and site servicing plans, prepared by S. Llewellyn and Associates Ltd. and dated July 12, 2018 and July, 2018, respectively, and are satisfied the stormwater management design for the proposed development will effectively mitigate potential impacts of the development associated with drainage from the site.”

Health Protection Division, Public Health Department have noted that all existing and proposed stormwater management facilities servicing this development shall be constructed to ensure mosquito populations are limited. They have also requested a Pest Control Plan in support of the application, which can be addressed at the future Consent Applications.

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 of the proposal was sent to 76 property owners within 120 m of the subject lands on January 19, 2017. A Public Notice Sign was posted on the property on February 6, 2017, and updated with the Public Meeting date on November 14, 2018. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. Six submissions were received as a result of the circulation and are discussed in the Analysis and Rationale for Recommendation Section of Report PED18233.

Public Consultation Strategy

As part of the applicant's Public Consultation Strategy, the applicant proposed to consult with the local Ward Councillor to determine an appropriate meeting format with the public. When the Strategy was initially prepared, the proposal included street townhouses, which were a new dwelling type along Barton Street. Due to the multiple Council Motions to change the land uses on these lands, the proposal now seeks to modify design standards for existing permitted uses, being a single detached dwelling and two semi detached dwellings, for a total of five residential units. Based on the scope of the modifications proposed and involvement of several Council directions, the applicants have amended their Public Consultation Strategy to reach out to members of

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the public directly based on their submissions to the City, via phone calls. To date, no outreach to the public has been warranted due to the scope of public submissions.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal 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 (Places to Grow), which encourages the development of compact communities within built-up areas;
 - (ii) It complies with and implements the policies of the Fruitland-Winona Secondary Plan; and,
 - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area and uses existing infrastructure.
2. The applicant will be required to submit Consent Applications in order to facilitate the proposed future residential development. As a condition of approval, the Owner will be required to enter into and register an External Works Agreement (EWA) with the City of Hamilton due to the number of private sewer and water services to be constructed and required asphalt road overlay along the frontage of the lands on Escarpment Drive to the intersection of Barton Street. This is to ensure that the roadway is reinstated to its current condition (full roadway asphalt overlay). This Agreement will also ensure that drainage from this parcel will be contained and directed to the appropriate outlet without affecting adjacent properties. Further, conditions associated with these Consent Applications may include detailed Noise Impact studies and Tree Protection Plans.
3. The proposed modifications to the Residential “R6” Zone are discussed in Appendix “D” to Report PED18233.
4. There are public watermains and sanitary sewers fronting the property on Barton Street and public watermains and both sanitary and storm sewers along the flankage of the lands on Escarpment Drive. There is also an existing 0.3 m reserve along the west limit of the new lot adjacent to Escarpment Drive (Block 91, 62M-1194). The applicant will be required to provide a cash payment towards the existing municipal sewers and watermain located on Escarpment Drive prior to the lifting of this 0.3 m reserve as a condition of future Consent approvals. There are no existing private service connections located on Escarpment Drive to service these lands. New connections will have to be constructed.

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Barton Street is substandard at this location. The applicant will be responsible to provide urbanization costs towards the future upgrades of this roadway in accordance with the City of Hamilton New Roads Servicing Rate Policies.

5. To date, six submissions from the public have been received in response to the public circulation (see Appendix “E” to Report PED18233). The overall issues from the public circulation are generally summarised as follows:

All submissions received by the public have requested that the subject lands be used as a public park instead of the development of residential uses. Staff note that the minimum size of land required for a public park would be approximately 2 ha, whereas the subject lands are approximately 0.25 ha in size. Further, the lands have been specifically designated under the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan, and zoned in the Stoney Creek Zoning By-law 3692-92 for residential purposes. The nearest parkland from this property is adjacent to the Winona Elementary Public School, which is approximately 390 m from the subject lands.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the property would remain under the Residential “R6” Zone, which would permit either a semi detached or single detached dwelling. The applicant would be required to revise their proposal in order to conform to the regulations of the “R6” Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Healthy and Safe Communities

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Draft Zoning By-law
- Appendix “C” – Concept Plan
- Appendix “D” – Zoning Modification Chart
- Appendix “E” – Public Input

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