



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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

RECOMMENDATION

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

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

EXECUTIVE SUMMARY

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

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

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

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

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

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

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

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

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

Chronology:

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

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

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

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

Details of Submitted Application:

Owner/Applicant: William Gordon Prior

Agent: Webb Planning Consultants c/o James Webb

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

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

Lot Depth: ± 94 m (irregular)

Lot Area: 4,249 sq m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

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

Surrounding Land Uses:

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

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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

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

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

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

Urban Hamilton Official Plan (UHOP)

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

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

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

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

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

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

Scale and Design

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

Residential Uses – General Policies

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

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

Low Density Residential

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

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

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

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

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

Kernighan Neighbourhood Plan

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

Former City of Hamilton Zoning By-law 6593

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

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

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

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

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

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

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

Public Consultation

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

No correspondence from the public was received on the application.

Public Consultation Strategy

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

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

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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

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

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

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Healthy and Safe Communities

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

Clean and Green

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Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

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

Appendix "C" – Concept Plan

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

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

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