



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 for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 90 Creanona Boulevard (Stoney Creek) (PED19024) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone and the Single Residential “R2” Zone to the Single Residential “R3-43” Zone, Modified (Block 1) and the Single Residential “R2-65” Zone (Blocks 3 and 4), to permit the development of four lots for single detached dwellings and recognize the existing single detached dwelling and accessory structure, on lands located at 90 Creanona Boulevard (Stoney Creek), as shown on Appendix “A” to Report PED19024, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED19024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That **Amended Zoning By-law Amendment Application ZAR-17-033, Frank and Brenda Pyringer, Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Lands (P5, 717) Zone, on

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lands located 90 Creanona Boulevard (Stoney Creek) as shown on Appendix “A” to Report PED19024, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19024, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the application is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3-43” Zone, Modified (Block 1), Conservation / Hazard Lands (P5, 717) Zone (Block 2) and Single Residential “R2-65” Zone, Modified (Blocks 3 and 4) to permit the development of four lots for single detached dwellings fronting onto Montreal Circle, to retain the existing single detached dwelling and accessory structure having access from Creanona Boulevard and to recognize the watercourse in the Zoning By-law. The Applicant has requested modifications to the Single Residential “R3” Zone, specifically to permit reduced front and side yard setbacks and an increase in lot coverage from 40% to 45%. In addition, modifications to the setbacks are required for the existing dwelling and accessory structure.

The proposed Zoning By-law Amendment has merit, and can be supported, since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan. The proposal is considered to be compatible with existing development in the area and provides for a compact and efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

Alternatives for Consideration – See Page 14

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 land, totalling 11,118.9 sq m in area, is located within the interior of the Winona North and Fifty Point Neighbourhoods, which is bounded by Winona Road to the west and Fifty Road to the east. The subject land is located north of the Queen Elizabeth Way (QEW), south of the Lake Ontario shoreline, with frontage along both Creanona Boulevard and Montreal Circle and is municipally known as 90 Creanona Boulevard (see location map attached as Appendix “A” to Report PED19024).

Currently, there is one single detached residential dwelling and an accessory structure with access onto Creanona Boulevard on the subject lands. The City of Hamilton has a watermain and sanitary sewer which runs east to west over a portion of the land extending from Creanona Boulevard to Montreal Circle as shown on Appendix “D” to Report PED19024. Easements have been registered on title (Instruments No. CD298810 and LT515566) ensuring further development does not occur and any development will be limited to the southern portion of the subject lands. The Applicant is proposing to construct four single detached dwellings with frontage on Montreal Circle in addition to retaining the existing single detached dwelling and accessory structure. Consent Applications SC/B-16:68 and SC/B-16:69 have been submitted to sever the lands, however, the Consent Applications have been tabled, subject to the completion of the Zoning By-law Amendment Application to establish the residential land use.

The Applicant has requested modifications to the Single Residential “R3” Zone, specifically to permit reduced front and side yard setbacks and an increase in lot coverage from 40% to 45%. Staff have reviewed the application and have made further amendments to implement the proposal including to rezone a portion of the subject lands (Blocks 3 and 4) to the Single Residential “R2-65” to recognize the existing single detached dwelling and the existing accessory structure. As well, a portion of the lands will be rezoned to the Conservation / Hazard Lands (P5) Zone as there is a watercourse (Stoney Creek Watercourse No. 10.1) which runs through the subject lands.

Chronology:

- March 27, 2017: Application ZAC-16-075 received.
- May 8, 2017: Application ZAC-16-075 deemed complete.
- May 16, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for ZAR-17-033 was mailed to 79 property owners within 120 m of the subject property.
- May 23, 2017: A Public Notice sign was established on the property.

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December 11, 2018: Public Notice sign updated to reflect the date of Public Meeting.

December 20, 2018: Circulation of Notice of Public Meeting to 78 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATION:

Owner: Frank and Brenda Pyringer

Applicant: A.J. Clarke and Associates Ltd. c/o Stephen Fraser

Location: 90 Creanona Boulevard (Stoney Creek) (see Appendix "A" to Report PED19024)

Property Description:

Frontage	15.24 m (Creanona Boulevard)
Area	11.11 ha
Depth	237.48 m

Services: Municipal piped water system and Sanitary Sewer system

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling	Neighbourhood Development "ND" Zone and Single Residential "R2" Zone
<u>Surrounding Lands:</u>		
North	Lake Ontario	N/A
	Single Detached Dwelling	Single Residential "R2" Zone
East	Lake Vista Park / Stormwater Management Pond	Open Space "OS" Zone
	Single Detached Dwellings	Single Residential "R4-18" Zone, Modified
South	Single Detached Dwellings	Single Residential "R3-32" Zone, Modified

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Natural Hazards

- “3.1.1 Development shall generally be directed to areas outside of:
- a. hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
 - b. hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and,
 - c. hazardous sites.”

The northern property line of the subject land is located along the Lake Ontario shoreline and, Stoney Creek Watercourse No. 10.1 which outlets into Lake Ontario traverses the property. The development is along the shoreline of Lake Ontario and is subject to erosion, flooding and dynamic beach hazards associated with Lake Ontario. The HCA reviewed the Meander Belt Width Assessment prepared by GEO Morphix Ltd. dated July 11, 2018 and the Shoreline Hazards Assessment prepared by Shoreplan Engineering Ltd. dated March 22, 2018. The Meander Belt Width Assessment determined that an erosion hazard assessment was required to determine the erosion hazard extent. The report determined that a 13.5 m width for the watercourse hazard limit is required. These lands have been zoned Conservation / Hazard Lands (P5, 717) Zone in Hamilton Zoning By-law No. 05-200 ensuring no development occurs within the area to avoid any natural hazards.

The Shoreline Hazards Assessment report assessed the natural hazards at 90 Creanona Boulevard and provided comments on development setbacks. Both reports were deemed satisfactory to the HCA who concurred with the shoreline and watercourse hazard limits as delineated. The subject lands lakeward of the “development setback with existing protection works” line shown on Figure 1 of the “Shoreline Hazards Assessment” and identified within the meander belt width shown in Appendix A of the “Meander Belt Width Assessment” report are proposed to be zoned a site specific Conservation / Hazard Land (P5) Zone in order to ensure they no development occurs within the area to avoid any natural hazards.

Based on the foregoing and subject to the proposed Zoning By-Law, the subject proposal is consistent with the PPS (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The subject lands are located within the built up area as defined by the Growth Plan. The proposal conforms to the Guiding Principles, Section 1.2.1, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of housing options to serve varying sizes, incomes, and ages of households.

Furthermore, Policy Section 2.2.1 provides direction on managing this growth whereby population and employment growth:

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

- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

In review, the subject lands are located within the Urban Boundary and Built Up Area in a settlement area where full municipal services are available, and will provide for a complete community through the addition of dwelling units with a compact design in an area with a diverse range and mix of housing types.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. Further, the subject lands are designated “Low Density Residential “2b” in the Urban Lakeshore Secondary Plan of Volume 2. The following policies, amongst others, apply to the application.

Natural Heritage System

“B.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.

B.2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. Core Areas of the City’s Natural Heritage System

also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new *Core Areas* are identified.

B.2.3.2 *Core Areas* include *key natural heritage features, key hydrological features* and provincially significant and *local natural areas* that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions.

B.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.”

Core Areas, identified as Stoney Creek Watercourse No. 10.1 and Lake Ontario are located on a portion of the subject lands. The watercourse and the shoreline of Lake Ontario are located within the Hamilton Conservation Authority (HCA) regulated area. The intent of the above policies is that development or site alteration within or adjacent to Core Areas shall not negatively impact natural features or their ecological functions. Vegetation removal and encroachment into Core Areas is generally not permitted and appropriate vegetation protection zones (VPZs) are required. While the existing dwelling is approximately 6 m from the Top of Slope of the Stoney Creek Watercourse No. 10.1, no new development is proposed for the existing dwelling. In addition, the lot identified as Part 7 as shown on Appendix “D” to Report PED19024 is oversized, having an additional 15 m in width to provide for an increased setback from the watercourse. Furthermore, the City of Hamilton has a watermain and sanitary sewer which runs east to west over a portion of the subject lands extending from Creanona Boulevard to Montreal Circle as shown on Appendix “D” to Report PED19024. Easements have been registered on title (Instruments No. CD298810 and LT515566) ensuring further development over this portion will not be permitted and will be limited to the southern portion of the subject lands.

The four proposed lots fronting Montreal Circle will be located outside the watercourse and approximately 150 m from Lake Ontario. The development of these four lots will not impact the function of the watercourse. The Meander Belt Width Assessment and Shoreline Hazards Assessment were deemed satisfactory to the HCA who concurred with the shoreline and watercourse hazard limits as delineated. In order to protect the watercourse and the Vegetative Protection Zone, a portion of the lands are recommended to be zoned a site specific Conservation / Hazard Lands (P5) Zone.

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In addition, there are trees located along the southwestern property boundary which will be removed to facilitate this development. A Tree Protection Plan (TPP) will be required as a condition of the Consent Application. Staff are satisfied that given the scoped area of development the Natural Heritage features of the subject lands will be protected.

Urban Lakeshore Secondary Plan

The subject lands are designated “Low Density Residential 2b” on Map B.7.3-1 – Urban Lakeshore Secondary Plan Land Use Plan. The following policies, amongst others apply to this proposal:

“B.7.3.1 Residential Designations

The following residential policies define the location and scale of each type of residential use, and help ensure that a variety of residential types are provided to meet the needs of the area residents.

B.7.3.1.1 The residential areas are designated Low Density Residential 2, Low Density Residential 2b, Low Density Residential 2e, Low Density Residential 3, Low Density Residential 3c and Medium Density Residential 3 as identified on Map B.7.3-1 – Urban Lakeshore Area – Land Use Plan.

B.7.3.1.3 Low Density Residential 2b Designation

Notwithstanding Policies E.3.4.3 and E.3.4. 4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b on Map B.7.3 - 1 – Urban Lakeshore Area - Land Use Plan:

- a) the permitted uses shall be single, semi detached and duplex dwellings; and,
- b) the density shall range from 1 to 29 units per net residential hectare.”

The proposal is for four single detached residential dwellings within the interior of an existing neighbourhood. The subject lands have frontage on both Creanona Boulevard and Montreal Circle, both of which are local roads, ensuring no direct access is provided to a Major or Minor Arterial Road. The Applicant has not requested amendments with regards to height and staff are of the opinion that the proposed lots being 609.5 sq m in area are in keeping with the existing character and streetscape of the neighbourhood. The subject lands are located within an existing residential area, bounded by low density residential development to the south, east and west. The Applicant has requested amendments to the lot coverage, and required front and side yard setbacks.

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Staff note that the existing adjacent lots have zoning which is comparable to the proposed zoning. Staff are of the opinion that the increase in lot coverage and reduction in front and side yard setbacks recognize the existing lot configuration and still provide for a building envelope that is consistent with surrounding development, allows for a continuous streetscape and maintains the character of the neighbourhood. The proposed four new lots for single detached dwellings will have a density of 12 units per hectare.

Therefore, the proposal complies with the UHOP.

City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Neighbourhood Development “ND” Zone and Single Residential “R2” Zone, in Stoney Creek By-law No. 3692-92, as shown on Appendix “A” to Report PED19024.

The Neighbourhood Development “ND” Zone only permits dwellings existing at the date of the passing of the By-law. The purpose of the Zoning By-law Amendment Application is to rezone the subject lands from the Neighbourhood Development “ND” Zone and Single Residential “R2” Zone to a site specific Single Residential “R2” Zone and Single Residential “R3” Zone, in the City of Stoney Creek Zoning By-law No. 3692-92, to allow for the development of four single detached residential dwellings and recognize the existing single detached dwelling and accessory building. The amendment will also address provisions regarding the minimum required front yard and side yard setbacks and lot coverage. The proposed site specifics are discussed in greater detail in Appendix “E” of Report PED19024 and the Analysis and Rationale Section.

City of Hamilton Zoning By-law No. 05-200

The Zoning By-law Amendment proposes to incorporate a portion of the lands into Hamilton Zoning By-law No. 05-200 to be zoned a site specific Conservation / Hazard Lands (P5) Zone to ensure the preservation of Stoney Creek Watercourse No. 10.1 and Lake Ontario. The proposed site specifics are discussed in greater detail in Appendix “E” of Report PED19024 as well as the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Recreation Division, Community and Emergency Services Department;
- Landscape Architectural Services, Public Works Department; and,
- Environmental Services Division, Public Works Department.

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

Transportation Planning, Public Works Department requested that the proposal provide sidewalks. The request for a sidewalk will be addressed through the Consent Agreement which will be a condition of Consent approval.

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 (three 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 as the concept plan has not demonstrated the location of the proposed single detached dwellings or driveway location.

Forestry and Horticulture Section, Public Works Department have advised that there are municipal tree assets on site and therefore a Tree Management Plan will be required. In addition to the required review fee, the Owner will be required to provide payment for four street trees. The required review of the Tree Management Plan and fees will be addressed through the Consent Agreement which will be a condition of Consent approval.

Hamilton Conservation Authority (HCA) have reviewed the revised Meander Belt Width Assessment report prepared by GEO Morphix Ltd. dated July 11, 2018 and the Shoreline Hazards Assessment prepared by Shoreplan Engineering Ltd. dated March 22, 2018. The revised documents were satisfactory to the HCA and Staff concurred with the shoreline and watercourse hazard limits as delineated. As such, the HCA has no further objection to rezoning the remainder of the subject lands provided the lands lakeward of the “development setback with existing protection works” line are identified and appropriately zoned as Conservation / Hazard Land (P5) Zone.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 79 property owners within 120 m of the subject property on May 16, 2017, for the proposed Zoning By-law Amendment Application.

To date, two submissions were received and attached as Appendix “E” to Report PED19024. The concerns are summarized in the Analysis and Rationale Section of this Report.

A Public Notice Sign was posted on the property on May 23, 2017, and updated on December 11, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 20, 2018.

Public Consultation Strategy

As per the Applicant’s Public Consultation Strategy, the contact information of A.J. Clarke and Associates (agent for the Applicant) was posted on the statutory Public Notice sign erected on the subject lands. This information enabled residents to contact the Applicant’s agent to obtain details and provide feedback.

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 (2017) which encourages the development of compact communities within built-up areas;
 - ii) It complies with the Urban Hamilton Official Plan (UHOP) and the Urban Laksore 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.
2. The Applicant has requested a change in zoning to a site specific Single Residential “R3” Zone, to facilitate the development of four single detached dwellings. The proposed “R3” zoning is consistent with the zoning that applies to surrounding properties, complies with the policies of the UHOP and is in keeping with and compatible with existing and planned development in the surrounding

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- area. Therefore, staff support the rezoning application. The proposed modifications to the Single Residential “R3” Zone are discussed in Appendix “E” to Report PED19024.
3. Staff have reviewed the application and recommended that a portion of the subject lands (Blocks 3 and 4) be rezoned to the Single Residential “R2-65” Zone to recognize the existing single detached dwelling and the existing accessory structure. As the modifications to the Single Residential “R2” Zone are to recognize an existing situation, staff are of the opinion that the streetscape and character will not be negatively impacted and support the modification. The proposed modifications to the Single Residential “R2” Zone are discussed in Appendix “E” to Report PED19024.
 4. A portion of the lands are proposed to be incorporated into Hamilton Zoning By-law No. 05-200 and zoned a site specific Conservation / Hazard Lands (P5) Zone to protect Stoney Creek Watercourse No. 10.1 and Lake Ontario. The proposed zone boundary identified has been deemed satisfactory to both the Hamilton Conservation Authority and Staff. The proposed modification to the Conservation / Hazard Lands (P5) Zone is further discussed in Appendix “E” to Report PED19024.
 5. The Applicant submitted two Consent Applications, SC/B-16:68 and SC/B-16:69 which were tabled at the Committee of Adjustment meeting of October 6, 2016 until the Zoning By-law Amendment Application is completed. The consent applications sought to permit the creation of four lots for single detached dwellings fronting onto Montreal Circle, establish maintenance easements for the lots being created and retain the existing single detached dwelling and accessory structure having access from Creanona Boulevard. The owner will be required to receive approval of the Consent Applications in order to proceed with the development.
 6. There is a 200 mm watermain, 250 mm Sanitary Sewer and 600 mm Storm Sewer fronting the property on Montreal Circle that will service the proposed lots. The Required Fire Flow has been deemed satisfactory. The Lot Grading and Servicing Plans along with the Stormwater Management Brief will be required as a condition of the future Consent Application. Development Engineering Staff have advised that they have no further objection to the Zoning By-law Amendment Application.
 7. To date, two submissions from the public have been received in response to the public circulation (see Appendix “F” to Report PED19024). The first inquiry requested further detail and explanation of the development in addition to the public notice received. Staff note that no further correspondence or objection was

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submitted after the additional information was provided. The second public submission received raised concern with regards to the Stoney Creek Watercourse No. 10.1 and the addition of a new roadway. Staff note that development is to occur south of the watercourse and the watercourse will be zoned Conservation / Hazard Land (P5) Zone. No disruption or alteration of the watercourse is proposed and the Hamilton Conservation Authority is satisfied with the location of the proposed lots. In addition, Transportation Planning are satisfied with the proposal and have not raised any concern with regards to additional access driveways along Montreal Circle. In addition, there will not be any additional roadways constructed as part of this development proposal.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands will remain zoned Neighbourhood Development “ND” Zone which only permits uses permitted on the date that Zoning By-law No. 3692-92 was passed.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law No. 3692-92 Amendment

Appendix “C” – Zoning By-law No. 05-200 Amendment

Appendix “D” – Concept Plan

Appendix “E” – Zoning Modification Chart

Appendix “F” – Public Submissions