



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 5, 2019
SUBJECT/REPORT NO:	Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9)
WARD(S) AFFECTED:	Ward 9
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

That **Zoning By-law Amendment Application ZAR-18-030, Parkside Developments Ltd., Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R2” Zone (Block 1) and for a change in zoning from the Single Residential “R4-24” Zone, Modified to the Single Residential “R2” Zone (Block 2), to facilitate the development of a single detached dwelling on lands located at 222 First Road West (Stoney Creek), as shown on Appendix “A” to Report PED19026, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED19026, 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 “R2” Zone and from the Single Residential “R4-24” Zone, Modified, to the Single Residential “R2” Zone, to facilitate the

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development of a single detached dwelling fronting onto First Road West. A small portion to the rear of the “L” shaped lands is to remain zoned Single Residential “R4-24” Zone, Modified and will be merged with 88 Bellroyal Crescent. These lands are subject to Consent Application SC/B-18:15, which was approved at the Committee of Adjustment meeting on April 26, 2017 and is subject to the completion of a Zoning By-law Amendment to fulfil the conditions of severance.

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 9

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 1,970 sq m in area, is located in the Felker Neighbourhood, bounded by First Road West to the west, Upper Centennial Parkway to the east and south of Mud Street East. Frontage is currently on First Road West and the lands are municipally known as 222 First Road West (see location map attached as Appendix “A” to Report PED19026).

The subject lands are currently vacant. The applicant is proposing to create a lot for one single detached dwelling fronting onto First Road West which will be zoned Single Residential “R2” Zone. A small portion to the rear of the “L” shaped lands is to remain Single Residential “R4-24” Zone, Modified and is to be merged with 88 Bellroyal Crescent, as shown on Appendix “C” to Report PED19026.

Ontario Municipal Board Hearing

Staff note that as part of the Ontario Municipal Board (OMB) hearing, for Penny Lane Estates, the lands to the east were required to be dedicated to the City for future road

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allowances, in the form of temporary cul-de-sacs, for a period of five years. The five year period was required to by the Ontario Municipal Board to provide time for the applicant to acquire lands fronting onto First Road West in order to redevelop this area comprehensively and provide a public right-of-way to First Road West. The applicant was unable to acquire sufficient lands within the five year time frame to First Road West and is now proceeding to finish off the Penny Lane Estates subdivision and returning the lots to residential albeit large lots.

The applicant is proposing to rezone the existing lot fronting on First Road West back to the Single Residential “R2” Zone, leaving the small portion of the rear of the lot as Single Residential “R4-24” Zone, Modified. This will facilitate the rear portion of the lands being added to 88 Bellroyal Crescent. The redevelopment of the temporary cul-de-sacs in the Penny Lane Subdivision includes nine severances in order to create a total of 12 lots fronting onto Bellroyal Crescent. The applicant submitted Consent Application, SC/B-18:15, which was approved at the Committee of Adjustment meeting on April 26, 2017 and is subject to the completion of a Zoning By-law Amendment to fulfil the conditions of severance.

Chronology:

<u>May 4, 2018:</u>	Application ZAR-18-030 received.
<u>June 5, 2018:</u>	Application ZAR-18-030 deemed complete.
<u>July 6, 2018:</u>	Circulation of Notice of Complete Application and Preliminary Circulation for ZAR-18-030 was mailed to 110 property owners within 120 m of the subject property.
<u>July 11, 2018:</u>	A Public Notice sign was established on the property.
<u>January 9, 2019:</u>	Public Notice sign updated to reflect the date of Public Meeting.
<u>January 18, 2019:</u>	Circulation of Notice of Public Meeting to 110 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATION:

<u>Owner:</u>	Parkside Developments Ltd.
<u>Applicant:</u>	IBI Group c/o Kristen Boulard

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Location: 222 First Road West (Stoney Creek) (see Appendix “A” to Report PED19026)

Property Description:

Frontage	20.12 m (First Road West)
Area	1,970 sq m
Depth	87.20 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>	Vacant	Neighbourhood Development “ND” Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling	Single Residential “R2” Zone
East	Single Detached Dwelling, Future Single Detached Dwelling	Single Residential “R4-24” Zone, Modified
South	Single Detached Dwellings	Single Residential “R2” Zone
West	Single Detached Dwellings	Single Residential “R2” 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 Local Planning Appeal Tribunal formerly known as the Ontario Municipal Board) approval of the City of 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 (i.e. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

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Staff also note the UHOP has not been updated with respect to Cultural Heritage policies with the PPS. The following policy of the PPS 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 four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- a) Within 250 metres of known archaeological sites;
- b) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- c) Local knowledge associates areas with historic events/activities/occupations; and,
- d) Along historic transportation routes.

These criteria define the property as having archaeological potential. Stage 1, 2, 3 and 4 Archaeological Reports (P049-255-2008, P049-302-2008, P049-303-2008, P049-304-2008) have been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. The Province signed off on the reports for compliance with licensing requirements in a letter dated January 22, 2010. Staff concur with the recommendations made in the report and are of the opinion that the municipal interests in the archaeology for these lands have been satisfied.

Based on the foregoing, 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.

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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.”

The subject lands are located within the Urban Boundary and Built Up Area in a settlement area where full municipal services are available. The proposal will provide for a complete community through the addition of a dwelling unit 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 and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. Further, the lands are designated “Low Density Residential “2b” in the West Mountain / Heritage Green Secondary Plan of Volume 2.

West Mountain / Heritage Green Secondary Plan

The subject lands are designated “Low Density Residential 2b” on Map B.7.6-1 – West Mountain / Heritage Green Secondary Plan Land Use Plan. The following policies, amongst others apply to this proposal:

“B.7.6.2 Residential Designations

B.7.6.2.2 Notwithstanding Section E.3.4 –Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b and Low Density Residential 3c on Map B.7.6-1 – West Mountain Area (Heritage Green) – Land Use Plan:

- a) Low Density Residential 2b designation:
 - i) the permitted uses shall include single detached dwellings, duplex and semi-detached dwellings; and,

- ii) the density shall not exceed 29 units per net residential hectare.”

The proposal complies with the above noted policies as single detached dwellings are permitted and is well within the permitted density range of the Low Density Residential 2b designation as it will be a density of 10 units per hectare. Furthermore, as the applicant is requesting the zoning that currently exists on adjacent properties without modifications, the proposed building envelopes 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.

Based on the above policies, 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 “R4-24” Zone, Modified, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED19026.

The Neighbourhood Development “ND” Zone only permits dwellings existing at the date of the passing of this By-law. The Zoning By-law Amendment application is to rezone the subject lands from the Neighbourhood Development “ND” to the Single Residential “R2” Zone (Block 1) and for a change in zoning from the Single Residential “R4-24” Zone, Modified to the Single Residential “R2” Zone (Block 2), in the City of Stoney Creek Zoning By-law No. 3692, to allow for the development of a single detached dwelling. Staff note that a small portion of the “L” shaped lot, at the rear of the property, is to remain zoned Single Residential “R4-24” Zone, Modified and is to be merged with 88 Bellroyal Crescent as per the Consent Application SC/B-18:15 approved on April 26, 2017. The proposed zoning for the subject lands is discussed in greater detail in the Analysis and Rationale Section.

RELEVANT CONSULTATION

The following Departments / Agencies have no comments or objections:

- Environmental Services Division, Public Works Department.

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

Transportation Planning, Planning and Economic Development 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.

Forestry and Horticulture Section, Public Works Department have advised that there are no municipal tree assets on site, therefore a Tree Management Plan and Landscape Plan will not be required.

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 110 property owners within 120 m of the subject property on July 6, 2018, for the proposed Zoning By-law Amendment Application. To date there has been one public submission received requesting the Concept Plan for the development.

A Public Notice Sign was posted on the property on July 11, 2018, and updated on January 9, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 18, 2019.

Public Consultation Strategy

As per the Applicant's Public Consultation Strategy, the contact information of IBI Group (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 West Mountain / Heritage Green 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 the Single Residential "R2" Zone (Blocks 1 and 2) to facilitate the development of a single detached dwelling

fronting onto First Road West. The proposed “R2” Zoning is consistent with the zoning that applies to surrounding properties on First Road West. The proposal complies with the policies of the UHOP, specifically the Low Density Residential 2b designation of the West Mountain / Heritage Green Secondary Plan as single detached dwellings are a permitted use and the proposal is compatible with existing and planned development in the surrounding area. Furthermore, the regulations in the Zoning By-law will ensure compatibility with the surrounding area in terms of built form, setbacks from the street and building separation. As there are no site specific modifications being requested to the Zoning By-law, the proposal will be keeping with the character, as the lot area is consistent with surrounding residential lots and maintains the character of the neighbourhood to align with the existing dwellings First Road West and Bellroyal Crescent. Therefore, staff support the proposed rezoning.

3. This proposal represents an infill development. The lands to the east (abutting the subject lands) were intended for the completion of the cul-de-sacs. The time required for acquiring the lands has expired and the lands to the east will be developed for single detached dwellings to complete the subdivision.
4. The applicant submitted Consent Application, SC/B-18:15, which was approved at the Committee of Adjustment meeting on April 26, 2017 but is subject to conditions which include the completion of a Zoning By-law Amendment. The owner will be required to complete the remainder of the conditions of the Consent Applications in order to proceed with the development.
5. Growth Management have identified that they do not have any concerns with the proposed Zoning By-law Amendment Application proceeding. The required Grading, Servicing, Erosion and Sediment Control Plans, and road widening will be reviewed in detail through the Consent Agreement review process. Staff have advised that they have no further objection to the Zoning By-law Amendment Application.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands will remain zoned Neighbourhood Development “ND” Zone and Single Residential R4-24” Zone, Modified and could not be developed for the proposed single detached dwelling.

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” – Concept Plan

Appendix “D” – Public Submission

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.