



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 4, 2019
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 514-516 Barton Street, and 293 Dewitt Road (Stoney Creek) (PED19106) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Melanie Schneider (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-36, by Khmer Kampuchea Krom Temple (c/o Alex Young, Owner)**, to redesignate the lands known as 514 Barton Street and 293 Dewitt Road from “Low Density Residential 2b” to “Institutional” in the Western Development Area Secondary Plan, to permit the lands to be used for institutional purposes in conjunction with an existing place of worship on the abutting lands known as 516 Barton Street (Stoney Creek), as shown on Appendix “A” to Report PED19106, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19106 be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended City of Stoney Creek Zoning By-law Amendment Application ZAC-17-079, by Khmer Kampuchea Krom Temple (c/o Alex Young, Owner)**, for a change in zoning from the Single Residential “R2” Zone in the Stoney Creek Zoning By-law No. 3692-92 (Block 1) and Neighbourhood Institutional (I1) Zone

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(Block 2) to the Neighbourhood Institutional (I1, 726) Zone to permit an institutional use with ancillary residential for the lands located at 514-516 Barton Street and 293 Dewitt Road (Stoney Creek), as shown on Appendix “A” to Report PED19106, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19106, 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, and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

### **EXECUTIVE SUMMARY**

The purpose of the applications is to recognize the existing place of worship (Khmer Kampuchea Krom Temple) and two existing associated single detached dwellings as a comprehensive development.

The Official Plan Amendment is for an amendment to the Western Development Area Secondary Plan of Volume 2 of the Urban Hamilton Official Plan by redesignating a portion of the subject lands from “Low Density Residential 2b” to “Local Institutional”.

The Zoning By-law Amendment is for a change in zoning from the Single Residential “R2” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 to a site specific Neighbourhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit two single detached dwellings on the same lot as part of the existing place of worship. To accommodate the proposal, modifications to the (I1) Zone are required, which include adding two single detached dwellings as permitted uses, modifications to the required parking ratio, and modifications to the front, side, and rear yard setbacks. These modifications are required to recognize existing buildings and existing uses on site. A future Site Plan Control application will be required to permit the parking area, which has not been formalized to date.

The proposed Official Plan Amendment and Zoning By-law Amendment have 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 and complies with the Urban Hamilton Official Plan, subject to the recommended amendment.

### **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 applications for amendments to the Official Plan and Zoning By-law.

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject lands, totalling approximately 0.25 hectares in area, are an irregular shaped parcel located on the south side of Barton Street, between Dewitt Road and Puritan Street. The site has frontage of approximately 38.0 m along Barton Street, with a depth of approximately 61.4 m, and a frontage of approximately 12.6 m on Dewitt Road, together forming an “L” shaped parcel. The site was formerly comprised of three separate lots, known municipally as 514 and 516 Barton Street and 293 Dewitt Road that have since been merged on title.

The site currently contains a one and a half storey single detached dwelling and detached garage at 514 Barton Street, a one storey single detached dwelling at 293 Dewitt Road, and the one storey Khmer Kampuchea Krom Temple and outdoor covered deck located at 516 Barton Street. All four buildings are proposed to remain and no new buildings are proposed on site. The monks who practice at the Temple reside in the the dwellings on the subject lands.

In 2014, a covered deck was constructed to the rear of the existing Temple prior to issuance of a building permit. The City issued an Order to Comply (14-121886-00 EN) on June 14, 2014, ordering that work be stopped immediately and that a permit be obtained for the covered deck. A Preliminary Site Plan application (PSR-14-139) was then submitted and reviewed by City staff for the portion of the site that is known municipally as 516 Barton Street, and not the entire site, for the construction of the rear yard covered deck. Staff’s review of the application noted concerns with zoning conformity related to the ratio and configuration of parking and the use of adjacent residential properties for access purposes.

In order to address the parking and access requirements of the Temple, the three properties were merged in title to form one parcel of the land, being the subject lands. This application aims to zone the lands under a site specific Neighbourhood Institutional (I1) Zone and to permit modified front, rear, and side yard setbacks for existing

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structures and to modify parking requirements. The Urban Hamilton Official Plan Amendment is required to recognize the dwellings as part of the institutional use.

**Chronology**

November 23, 2017: Applications UHOPA-17-036 and ZAC-17-079 deemed complete.

January 9, 2018: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-036 and ZAC-17-079 to 163 property owners within 120 m of the subject lands.

January 25, 2018: Public Notice Sign installed on subject lands.

May 8, 2019: Public Notice Sign updated with Public Meeting Information.

May 17, 2019: Circulation of the Notice of Public Meeting to 163 property owners within 120 m of the subject lands.

**Details of Submitted Applications:**

**Location:** 514-516 Barton Street & 293 Dewitt Road, (Stoney Creek) (Ward 10)

**Owner / Applicant:** Khmer Kampuchea Krom Temple (c/o Alex Young, Owner)

**Agent:** GSP Group Inc. (c/o Stuart Hastings)

**Property Description:**

<u>Lot Frontage:</u>	38.0 m (Barton Street) 12.6 m (Dewitt Road)
<u>Lot Depth:</u>	61.4 m (from Barton Street) 65.5 m (from Dewitt Road)
<u>Lot Area:</u>	2,501 m <sup>2</sup>
<u>Servicing:</u>	Existing Municipal Services

**Existing Land Use and Zoning**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Two single detached dwellings, place of worship, detached garage	Single Residential “R2” Zone and Neighbourhood Institutional (I1) Zone

**Surrounding Land Uses**

<b>North</b>	Automotive Sales	Prestige Business Park (M3) Zone
<b>East</b>	Motor Vehicle Repair Service	Neighbourhood Commercial (C2, 579) Zone
<b>South</b>	Single Detached Dwelling	Single Residential “R2” Zone
<b>West</b>	Townhouses	Multiple Residential “RM3” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The PPS provides policies that support intensification and development, encourage a range and mix of housing, and promotes efficient development and land use patterns. The following policies, amongst others, apply to this proposal.

Section 1.1 of the Provincial Policy Statement states:

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

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

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- c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) Promoting cost-effective development standards to minimize land consumption and servicing costs.”

The proposed development promotes efficient development patterns by ensuring that the current use as a place of worship and associated ancillary dwellings may continue to operate on its existing site. This mix of uses is located within an existing settlement area and minimizes land consumption and servicing cost.

“1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered, and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.”

The proposal includes recognizing an existing place of worship and existing residential uses, which are both considered sensitive land uses, which front onto Barton Street and are across the street from existing employment uses, both being major facilities. Since no development activity is proposed for the existing buildings, a noise impact study is not required at this time. Should the lands be redeveloped for sensitive land uses in the future, a noise impact study may be required. The owner is advised that noise impact may occur as a result from activity at the employment use on the north side of Barton Street.

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

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

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

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section

2.6.2 of the *Provincial Policy Statement* apply to the subject applications. However, as no soil disturbance is proposed, an archaeological assessment is not required. However, should the subject lands be comprehensively redeveloped at a future point in time, then an archeological assessment or monitoring during construction will be required.

Based on the above, the applications are consistent with the PPS.

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

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

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

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

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

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

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

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

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- i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*.”

The subject lands are located within the Urban Boundary of the City of Hamilton. The lands are located within the built up area of a mixed use neighbourhood. The continued use of the site for Institutional purposes will continue to contribute to the range of uses in the area and a more compact built form; will support transit because of its location on a bus route; and, contribute to the reduction of dependence on the automobile. Therefore, the proposal conforms to the Growth Plan.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The lands are also designated “Low Density Residential 2b in the Western Development Area Secondary Plan. The following policies, amongst others, apply to the proposal:

#### **Neighbourhoods**

- “E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*;
  - c) *local community facilities / services*;
- E.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.
- E.3.10.1 Community facilities/services uses include public and private uses serving the cultural, religious, health, welfare, and educational needs of a neighbourhood. Community facilities/services may include community and recreation centres, arenas, parks, healthcare and social service facilities,

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long term care facilities, day care centres, seniors' centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, universities and colleges, and libraries.”

The applicant is proposing the continued use of the entire site for institutional purposes, which includes two single detached dwellings associated with the place of worship. Residential dwelling units and a place of worship are permitted within the Neighbourhoods designation. The applicants is proposing to retain all existing buildings, complying with adaptive reuse Policy E.3.2.15.

### Ancillary Uses

The proposed change designation is to permit two single detached dwellings associated with the existing place of worship. While religious facilities are typically within the Institutional designation, the following policies provide additional direction for institutional uses:

“E.3.2.5 Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.

E.6.2.4 Residential uses ancillary to an institutional use, such as student residences, convents, and continuing care projects may be permitted provided the following conditions are met:

b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density residential, inclusive.

c) Adequate on-site parking shall be provided.

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

The subject lands are located on a minor arterial road as identified on Schedule C – Function Road Classifications and are less than 4 hectares in size. Based on the evidence of past parking demand for the existing place of worship supplied in the Planning Justification Report submitted, sufficient parking is provided on site. The single detached dwellings are part of the existing housing stock.

Transportation

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- d) Minor arterial roads, subject to the following policies:
    - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.
  - e) Collector roads, subject to the following policies:
    - ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C2 – Future Right-of-Way Dedications.”

Barton Street has been identified as a minor arterial road whereas Dewitt Road is identified as a collector road. Schedule C-2 – Future Right-of-Way Dedications identifies that this portion of Barton Street requires an ultimate right-of-way width of 36.576 m and Dewitt Road requires an ultimate width of 26.213 m. Should the lands be redeveloped in the future, or additions proposed having a floor area of 30% or more of existing gross floor area, road widenings of approximately 8.5 m from the Barton Street frontage and approximately 3 m from the Dewitt Road frontage will be required. Since the required Site Plan application would only address the parking area with no increase in gross floor area, road widenings will not be required at this time.

**Western Development Area Secondary Plan**

As previously noted, the subject lands are designated Low Density Residential 2b and Local Institutional in the Western Development Area Secondary Plan. The following policies apply to the subject lands:

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

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- b) the density shall range from 1 to 29 units per net residential hectare.”

Since the lands are being used for institutional purposes, particularly the rear of the lands which contain the parking area, the proposal does not comply with the above noted policies.

The following policies apply to Institutional uses within the Secondary Plan:

“B.7.1.4.1 Sections B.3.5 – Community Facilities/Services Policies, E.3.10 - Community Facilities/Services, and E.6.0 - Institutional Designation shall apply to the lands designated Institutional on Map B.7.1-1 – Western Development Area – Land Use Plan.”

Since the proposal is to redesignate the lands to “Institutional” to permit the existing single detached dwellings as associated uses with the existing place of worship, the proposal meets the intent of the policies noted above.

**Stoney Creek Zoning By-law 3692-92**

514 Barton Street and 293 Dewitt Road are currently zoned Single Residential “R2” Zone, in the former City of Stoney Creek Zoning By-law 3692-92. This zoning permits a single detached dwelling, a Home Occupation, and uses, buildings or structures accessory to a permitted use. These lands are currently occupied with two single detached dwellings, which are residences for monks associated with the Temple located at 516 Barton Street.

A Zoning By-law Amendment is required to rezone the portions of the site (514 Barton Street and 293 Dewitt Road) that are zoned Single Residential “R2” to a Modified Neighbourhood Institutional (I1) Zone in By-law No. 05-200, to permit the use of the entire subject lands as a place of worship with associated residential uses and to add site specific modifications that address the existing location of the two dwellings and their use.

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

516 Barton Street is currently zoned Neighbourhood Institutional (I1) Zone, in the City of Hamilton Zoning By-law No. 05-200. This zoning permits a range of neighbourhood institutional uses including the following: Community garden; Day nursery; Duplex dwelling; Educational establishment; Emergency shelter; Museum; Place of worship; Residential care facility; Retirement home; Semi-detached dwelling; Single detached dwelling; Urban farm; and Urban farmers market.

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A modification to the Neighbourhood Institutional (I1) Zone in Zoning By-law No. 05-200 is required to permit reductions to front, rear, and side yards to existing buildings and to adjust parking requirements. The proposed modifications are further discussed in Appendix "D" to Report PED19106.

## **RELEVANT CONSULTATION**

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

- Hamilton Conservation Authority; and,
- Recreation Planning.

The following Departments and Agencies submitted the following comments:

**Growth Planning** has identified no concerns with the proposal recognize existing uses, though has advised that because the lands are located across from lands designated as "Business Park" and the land use is considered sensitive, a noise study should be completed where required in the future to ensure adequate mitigation is incorporated. As the uses proposed are existing, a noise study has not been required.

**Transportation Planning, Public Works Department** advised that should the applicant choose to pursue further development of the site, a Memo following the TDM for Development policies, addressing 3.A Residential and 3.E Institutional, will be required.

The current right of way width for Barton Street at this location is approximately 28 m. The Right-of-way requirements according to the Volume 1 of the Urban Hamilton Official Plan - Schedule C-2 is 36.58 m. The current Right of way width for Dewitt Road at this location is approximately 23 m. According to the Schedule C-2, the designated road allowance of Millen Road is 26.213 m. Should redevelopment of the site occur in the future, Right-of-way dedications may be required through the Site Plan Control process.

**Recycling and Waste Collection** advised that the Place of Worship is eligible for municipal waste collection services. Waste from ancillary buildings such as a banquet hall or child care centre shall be collected by a private contractor. The garbage container limit is based on the City's Solid Waste Management By-Law 09-067, as amended. The container limit may change when the By-Law is amended.

**Forestry and Horticulture, Public Works Department** advised that no Tree Management Plan is not required as there are no municipal tree assets of significance on site. A Landscape Plan will not be required at the Site Plan control stage.

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## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 163 property owners within 120 m of the subject lands on January 9, 2018. A Public Notice sign was also posted on the property on January 25, 2018 and updated with the date of the Public Meeting.

No correspondence was received from members of the public.

### **Public Consultation Strategy**

Pursuant of the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which proposed a letter mail out to be delivered to surrounding residential and commercial properties, within and somewhat beyond a 120m radius. The information letter describes the proposal and the effect of the Official Plan Amendment and Zoning By-law Amendment applications. The letter notice was delivered on March 4, 2019. To date, no submissions have been received by the City.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe;
  - (ii) The proposal is considered to be compatible with the existing and planned neighbourhood; and,
  - (iii) The proposal complies with the UHOP policies regarding residential uses ancillary to institutional uses and the institutional requirements of the Western Development Area Secondary Plan.
2. The purpose of the proposed Official Plan Amendment is to redesignate the lands from the "Low Density Residential 2b" designation to the "Institutional" designation to permit two existing single detached dwellings and parking areas to operate with the existing place of worship use on site. This redesignation reflects that the lands have been merged on title and function as one comprehensive site.

As previously noted, the lands are located on a Minor Arterial road, on the periphery of the neighbourhood, where there is a mix of residential, commercial, and employment uses. The subject lands are in close proximity to schools, places of worship, parks, institutional and community uses, retail and services uses. One bus

route currently services the subject lands, with the bus stop located on Barton Street in front of the subject lands.

At one storey, the four buildings on site, which will remain, are comparable in scale with respect to the single storey townhouses to the west and the single storey detached residential building to the south. The two single detached dwellings at 514 Barton Street and 293 Dewitt Road will be ancillary to the place of worship at 516 Barton Street, which is best reflected in the “Institutional” designation of the Secondary Plan. As no new building or development is contemplated as part of this application, the proposal remains consistent with the pattern of development in the area. The proposal allows for the consolidated, efficient use of the lands.

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

3. The proposed Zoning By-law Amendment to the Hamilton Zoning By-law No. 05-200 is required in order to include the two residential dwellings as part of the place of worship, as well as a number of site specific modifications that are further discussed in Appendix “E” to Report PED19106. Applying the (I1) Zone to the entirety of the site ensures that future use of the lands will not permit several single detached dwellings on one lot, while allowing comprehensive use of the site for institutional purposes.
4. With respect to engineering details, Development Engineering advises that they have no concerns with the Official Plan or Zoning By-law Amendment applications proceeding to approval. All outstanding servicing, stormwater management, grading, municipal road improvements, etc. will be reviewed in more detail at the Site Plan application review and approval stage.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be used in accordance with the existing Single Residential “R2” Zone and Neighbourhood Institutional (I1) Zone provisions.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

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

### **Economic Prosperity and Growth**

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

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**Built Environment and Infrastructure**

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

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Official Plan Amendment

Appendix "C" – Draft Zoning By-law Amendment for Hamilton Zoning By-law No. 05-200

Appendix "D" – Zoning Chart

Appendix "E" – Concept Plan

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