



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 7, 2020
SUBJECT/REPORT NO:	Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 16 to 30 Foothills Lane, 40 Zinfandel Drive, and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Urban Hamilton Official Plan Amendment application UHOPA-19-09 by MHBC Planning Inc., on behalf of 5000933 Ontario Inc., owner** to redesignate the subject lands from “Low Density Residential 2” to “Low Density Residential 3”, removing the lands from “Area Specific Policy – Area H”, and adding lands to “Area Specific Policy – Area I” and to revise the text of “Area Specific Policy – Area I” to permit a density range of 40 to 49 units per hectare over the entirety of the Special Policy Area, to permit the development of a range of dwelling types within the Foothills of Winona - Phase 3 Subdivision, as shown on Appendix “A” to Report PED20075, be **APPROVED** on the following basis:

- (a) That the Draft Official Plan Amendment attached as Appendix “B” to Report PED20075, be adopted by City Council; and,
- (b) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 2 of 18

EXECUTIVE SUMMARY

The proposed Urban Hamilton Official Plan Amendment seeks to increase the maximum permitted density of 40 units per hectare to a range of 40 to 49 units per hectare, consistent with the Local Planning Appeal Tribunal (LPAT) Decision PL120721, which permitted a maximum density of 49 units per hectare within Stoney Creek Zoning By-law No. 3692-92 and the Stoney Creek Official Plan in force and effect at the time of the OMB (now LPAT) approval. The application also seeks to clarify that the density range will be applied to the affected lands as a whole to acknowledge the general intent of the original OMB / LPAT Decision.

Alternatives for Consideration – See Page 17

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, the City shall hold at least one Public Meeting to consider an application for an Official Plan Amendment.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	MHBC Planning on Behalf of 5000933 Ontario Inc.
File Number:	UHOPA-19-009
Type of Application:	Urban Hamilton Official Plan Amendment
Proposal:	To permit a density range of 40 to 49 units per hectare, consistent with LPAT Decision PL120721.

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 3 of 18

Property Details	
Municipal Address:	1329 and 1335 Barton Street, 339 and 347 Fifty Road, 16 to 30 Foothills Lane, and Blocks 13, 14, 18 and part of Block 9 of Registered Plan No. 62M-1241.
Lot Area:	5.6 hectares
Servicing:	Full municipal services
Existing Use	Vacant land
Documents	
Provincial Policy Statement (PPS)	Proposal is consistent with the PPS.
A Place to Grow:	Proposal conforms to A Place to Grow (2019).
Official Plan Existing:	<ul style="list-style-type: none"> Neighbourhoods <p>Fruitland-Winona Secondary Plan</p> <ul style="list-style-type: none"> “Low Density Residential 2”, Area Specific Policy – Area H, Area Specific Policy – Area I Permits all forms of townhouses Maximum density of 40 units per hectare
Official Plan Proposed:	<p>Fruitland-Winona Secondary Plan</p> <ul style="list-style-type: none"> “Low Density Residential 3” with a site specific policy to permit: Permits all forms of townhouses; density range of 40 to 49 units per hectare; and, density calculated over all affected lands.
Zoning Existing:	<ul style="list-style-type: none"> Multiple Residential “RM2-37” Zone, Modified Multiple Residential “RM2-38” Zone, Modified Multiple Residential “RM3-47” Zone, Modified Multiple Residential “RM3-48” Zone, Modified

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 4 of 18

	<ul style="list-style-type: none"> Multiple Residential “RM3-49” Zone, Modified
Zoning Proposed:	No change
Processing Details	
Received:	May 3, 2019
Deemed Complete:	May 16, 2019
Notice of Complete Application:	Sent to 81 property owners within 120 m of the subject property on June 3, 2019.
Public Notice Sign:	Sign posted on June 26, 2019 and updated on June 10, 2020.
Notice of Public Meeting:	June 19, 2020
Public Consultation:	To reach out to the local ward councillor’s office to coordinate community meetings or to offer information to the councillor to be included in upcoming newsletters. As no responses were received, no further follow up was required.
Public Comments:	No responses received.
Processing Time:	431 days

Previous Applications

On May 6, 2013, the Ontario Municipal Board (now LPAT) issued Decision PL120721 on applications OPA-11-005, ZAC-11-042, and 25T-201107 for the Foothills of Winona Phase 3 Draft Plan of Subdivision. The Decision included approval of an amendment to the former Town of Stoney Creek Official Plan to designate the subject lands as “Medium Density Residential” and “Special Policy F” and permitted a maximum density of 49 units per hectare. The designation permitted all forms of townhouses and walk-up apartments.

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 5 of 18

The Urban Hamilton Official Plan received approval from the Ministry of Municipal Affairs and Housing on March 16, 2011 and came into effect on August 16, 2013. Additionally, the Fruitland-Winona Secondary Plan was adopted by Council on May 14, 2014 and was subsequently appealed to the OMB. The majority of the appeals have now been resolved and the Secondary Plan is in full force and effect as of June 22, 2018, except for lands affected by site-specific appeals. Due to the timing of the Foothills of Winona Phase 3 Subdivision and the approval of the City's Official Plan and Secondary Plan, the density permissions contained in Decision PL120721 were not implemented in the Fruitland-Winona Secondary Plan in the UHOP.

Minor Variance Application

Minor Variance Application SC/A-17:433 was received on November 22, 2017 and scheduled for a Committee of Adjustment hearing on January 18, 2018. The application was subsequently tabled to allow the proposal and requested variances to be reviewed comprehensively with the Development Review Team Meeting for Preliminary Site Plan Control Application PSR-17-224 that was scheduled for January 24, 2018. The Minor Variance application was revised to incorporate feedback from City Staff through the DRT meeting, several follow up meetings and revisions to the site layout.

On October 18, 2018, the Committee of Adjustment approved application SC/A-17:433 to permit variances to the Stoney Creek By-law for the development of 70 dwelling units, comprised of block townhouses and maisonette units accessed by a private road network. Modifications were approved relating to yard setbacks, maximum building height, landscaped area, and to permit a maximum density of 66.2 units per hectare, whereas the By-law permits a maximum density of 49 units per hectare.

The variances were approved under the Clergy Principle as the application was submitted prior to the Fruitland-Winona Secondary Plan coming into force and effect, allowing for the development to be reviewed under the Medium Density Residential policies of the UHOP, which permit a density range of 60 to 100 units per hectare. The decision for Minor Variance Application SC/A-17:433 came into force and effect on November 8, 2018.

Site Plan Control Applications

DA-19-044 received Conditional Approval on May 9, 2019 for the development of 71 block townhouse and maisonette dwellings within Blocks 17, 20, and 30 of the Foothills of Winona Phase 3 Subdivision. The development is in accordance with the approved Minor Variance application SC/A-17:433.

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 6 of 18

Site Plan Control Application DA-18-192 received Conditional Approval on March 5, 2019 for the development of 10 block townhouse dwellings having access from Barton Street through a private road within Block 16 of the Foothills of Winona Phase 3 Subdivision. To date, no conditions have been cleared and the file is still active.

Site Plan Control application DA-18-175 was submitted for the development of 41 block townhouses within Block 27 and part of Block 28 of the Foothills of Winona Phase 3 Subdivision. The development exceeds the permitted density within the Town of Stoney Creek Zoning By-law No. 3692-92 and the Fruitland-Winona Secondary Plan. As a result, the development has been held in abeyance until the requested Official Plan Amendment could be considered by Planning Committee and Council.

Proposal

The applicant proposed to designate the subject lands as “Medium Density Residential 3”. The original submission proposed a total of 632 units, including a high density block of 350 units having a maximum height of eight storeys adjacent to Fifty Road and the CN Rail, shown as Block 18 of Plan 62M-1241. Staff identified concerns with the high density block as there was insufficient information, such as a sun shadow study, urban design report, and air flow assessment to adequately review the proposal.

A second submission was received which decreased the number of street townhouses in Blocks 13 and 14 of Plan 62M-1241 but increased the number of units in Block 18 to 420 units for a total of 671 units. As per the original submission, similar concerns were identified with this proposal by staff.

While the applicant has since amended the application to remove a high density component from the application, the applicant proposed to redesignate the lands to “Medium Density Residential 3”. Staff have amended the application to redesignate the subject lands from “Low Density Residential 2”, “Area Specific Policy - Areas H and I” to “Low Density Residential 3” and “Area Specific Policy – Area I” and to revise the text of the Area Specific Policy to permit a density range of 40 to 49 units per hectare, measured over the entire subject lands instead of on a per development block basis and to ensure that all grade oriented uses, including low rise apartment buildings, are permitted. Staff’s amendment represents a more accurate representation of the proposed density and permitted built forms for this application. A total of 277 units are now proposed, with Block 18 comprised of 79 block townhouse and maisonette dwellings.

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 7 of 18

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	Vacant	Multiple Residential “RM2-37” Zone, Modified, Multiple Residential “RM2-38” Zone, Modified, Multiple Residential “RM3-47” Zone, Modified, Multiple Residential “RM3-48” Zone, Modified, Multiple Residential “RM3-49” Zone, Modified

Surrounding Land Uses:

North	CN Tracks	Agricultural Specialty “AS” Zone
East	Greenbelt lands, vacant	Agricultural Specialty “AS” Zone, Agricultural (A1) Zone
South	St. Gabriel Elementary School, Winona Park, vacant land	Neighbourhood Institutional (I1) Zone, Community Park (P2) Zone, Agricultural Specialty “AS” Zone
West	Vacant, street townhouses (under construction), single detached dwelling, St. Gabriel Elementary School	Multiple Residential “RM2-37” Zone, Modified, Multiple Residential “RM2-38” Zone, Modified, Single Residential “R2-61” Zone, Modified, Neighbourhood Institutional (I1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The application has been reviewed with respect to the Provincial Policy Statement (PPS), which came into force and effect on May 1, 2020.

The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

The PPS encourages intensification of land within urban areas, promotes efficient use of existing infrastructure and the support of public transit. The provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents is also an important target. The proposed development seeks to allow a range of housing types from single detached dwellings to street townhouses, block townhouses, maisonette units, and low rise apartments. The

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 9 of 18

proposed moderate increase in density represents an efficient use of recently approved infrastructure which is currently being installed for the Foothills of Winona Phase 2 Subdivision. This will ensure an efficient use of land and services by using existing and planned infrastructure to avoid unjustified and uneconomical expansion. In addition, the high density component of the development has been reduced to avoid land use patterns which may cause environmental or public health and safety concerns.

“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.”

As a part of previous applications, ZAC-11-042, OPA-11-005 and 25T-201107, a Stage 1 and 2 archaeological assessment of the subject property was required as part of the Foothills of Winona, Phase 2 development. A Stage 1-2 archaeological report (P.I.F # P017-253-2012) has been submitted to the Ministry of Heritage, Sport, Tourism and Culture and was received by staff in June of 2013. The Province accepted the report for compliance with licensing requirements in a letter dated July 23, 2013. Staff have no further concerns with the development from an archeological perspective.

In the opinion of staff, the proposed amendment is consistent with the policies of the PPS (2020).

A Place to Grow (2019)

The following policies, amongst others, apply to the proposal.

“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;
- c) within settlement areas, growth will be focused in:

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 10 of 18

- i. delineated built-up areas;
- ii. strategic growth areas;
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
- iv. areas with existing or planned public service facilities;"

The subject lands are located within a settlement area, outside of the built-up boundary as shown on Appendix "G" – Boundaries Map of the UHOP. The proposal seeks to increase the density of the existing, previously approved Subdivision to ensure a more efficient use of land.

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

- 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;
- e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;"

The proposal seeks to ensure a range of compact dwelling types are provided within the Foothills of Winona Subdivision, ranging from single detached, street and block townhouses, to maisonette dwellings. A transit hub is also planned directly north of the subject lands to ensure the lands are serviced by planned transit and will contribute to achieving a complete community by being located within walking distance of local parkland to the south, school to the southeast, and commercial uses to the north, across from the CN lands.

Based on the foregoing, the proposal conforms with A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods, Secondary Corridor" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations. The lands are also designated "Low Density Residential 2,

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 11 of 18

Special Policy – Areas I and H” on Map B.4.7-1 – Fruitland-Winona Secondary Plan Land Use Plan. The following policies, amongst others, apply to the proposal.

- “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.3.4.1 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, semidetached, duplex, triplex, and street townhouse dwellings.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
 - a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
 - c) 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, yards, heights, and other zoning regulations to ensure compatibility.”

The proposal seeks to permit an increase in density to achieve a range of dwelling types from street townhouses, block townhouses, maisonette dwellings, and grade oriented apartments within the Foothills of Winona Phase 3 Subdivision. The subject lands are bound by Barton Street and Fifty Road, which are both identified as major arterial roads on Schedule “C” - Functional Road Classification, and CN tracks. Direct access is not permitted from Fifty Road and only limited access is proposed from Barton Street. The design of the development is focused towards the local road network and away from the edge of the neighbourhood to address Policy E.3.4.1. The development is characterized by low density built forms including townhouses having heights of two to three storeys, with access provided at grade. The development also provides for a

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 12 of 18

range of lot widths and sizes compatible with the Foothills of Winona Phase 2 Subdivision to the west of the lands.

Fruitland-Winona Secondary Plan

The subject lands are designated “Low Density Residential 2”, “Special Policy - Areas I & H” in the Fruitland-Winona Secondary Plan. The following policies, amongst others, apply to the proposal.

“B.7.4.4.4 Low Density Residential 2 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 2 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policy shall apply:

- a) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density shall be greater than 20 units per hectare and shall not exceed 40 units per hectare.

Area Specific Policy – Area H

B.7.4.18.8 For the lands located at:

- iii) 1361 Barton Street; and,
- iv) 347 Fifty Road;

and as shown as Area Specific Policy - Area H on Map B.7.4-1 - Fruitland-Winona Secondary Plan - Land Use Plan, the following policy shall apply:

- a) Sections and policies of the Greenbelt Plan, including Section 5.2.1, permit the implementation of the urban land use designations and policies of this Plan, as described in Chapter F – Implementation of Volume 1.

Area Specific Policy – Area I

B.7.4.18.9 For the lands located at 339 and 347 Fifty Road and 1329 and 1335 Barton Street (“Foothills of Winona Phase 2 and Phase 3”) and as shown

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 13 of 18

as Area Specific Policy - Area I on Map B.7.4-1 - Fruitland-Winona Secondary Plan - Land Use Plan, the following policy shall apply:

- a) In addition to Section E.3.4 - Low Density Residential, all forms of townhouses, shall be permitted.”

The applicant proposed to redesignate the lands from “Low Density Residential 2” to “Medium Density Residential 3”. The overall density of the affected lands is 46.6 uph which exceeds the current maximum permitted density of 40 uph in the “Low Density Residential 2” designation. The Stoney Creek Zoning By-law No. 3692-92 permits a maximum density of 49 units per hectare and therefore, the requested increase seeks to ensure the policies of the UHOP are consistent with the implementing Zoning By-law. At the time that the Secondary Plan was adopted by Council, a portion of the lands were still within the Greenbelt Plan but have since been removed. Therefore, Area Specific Policy - Area H is no longer necessary. The proposal seeks to maintain all forms of grade oriented dwelling units as permitted uses within the subject lands. Based on the proposed housing form and density, an amendment to the Secondary Plan is required to designate the lands “Low Density Residential 3” instead of “Medium Density Residential 3”, to reflect the most appropriate fit in the Fruitland-Winona Secondary Plan.

B.7.4.4.5 Low Density Residential 3 Designation

In addition to Section E.3.4 – Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 3 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) In addition to the uses permitted in Policy E.3.4.3 of Volume 1, the following additional uses shall be permitted:
 - i) All forms of townhouse dwellings;
- b) Notwithstanding Policy E.3.4.4 of Volume 1, for lands designated Low Density Residential 3 the net residential density shall be greater than 40 units per hectare and shall not exceed 60 units per hectare.”

The development conforms to the “Low Density Residential 3” Designation and Policy E.3.4.3 in terms of density and built form by providing a range of townhouse dwellings

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 14 of 18

with an overall density of 46.6 uph, consistent with Policy B.7.4.4.5. Area Specific Policy – Area I is a reiteration of the permitted uses within Policy B.4.4.5 a)i), and therefore, can be revised to reflect the proposed density calculation. The proposal also seeks to maintain grade oriented apartments as permitted uses. The proposed amendment is discussed further in the Analysis and Rationale for Recommendation section of Report PED20075.

Based on the foregoing, the development complies with the general intent of the Urban Hamilton Official Plan subject to the approval of the proposed Urban Hamilton Official Plan Amendment.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Multiple Residential “RM2-37” Zone, Modified, Multiple Residential “RM2-38” Zone, Modified, Multiple Residential “RM3-47” Zone, Modified, Multiple Residential “RM3-48” Zone, Modified, and Multiple Residential “RM3-49” Zone, Modified in the City of Stoney Creek Zoning By-law No. 3692-92. These zones permit a range of townhouse dwellings and low rise apartments having an overall maximum density of 49 units per hectare. No changes are proposed to the applicable zoning.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none">• Recreation Division, Healthy and Safe Communities Department; and,• Landscape Architectural Services, Public Works Department.	No comments	
	Comment	Staff Response
CN Rail	<ul style="list-style-type: none">• Lands are located adjacent to CN's right of way.• No overall concerns	Noted

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 15 of 18

	<p>with proposal.</p> <ul style="list-style-type: none"> • CN to be circulated on future Site Plan Control applications to review stormwater management and noise impacts when more detailed information is available. 	
Development Engineering	The proposal seeks to permit additional units within the Foothills of Winona Phase 3 Subdivision. Upgrades to approved servicing infrastructure will be required to facilitate the development as part of the Stage 2 servicing works for the Subdivision and future / current Site Plan Control applications.	Site Plan Control Applications DA-18-192 and DA-19-044 have received Conditional Approval for several of the blocks subject to this application. Conditions relating to site servicing, wastewater and water service demands have been applied to ensure any necessary upgrades are addressed.
Hamilton Conservation Authority	Functional Servicing and stormwater management designs will be reviewed through applicable Site Plan Control applications.	Noted.
Healthy Environments Division, Healthy & Safe Communities Department	The development should follow the Urban Hamilton Official Plan in terms of pedestrian connectivity, providing cycling infrastructure, and to orientate dwellings towards the public realm.	These comments are addressed through applicable Site Plan Control applications.

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 16 of 18

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 81 property owners within 120 m of the subject property on June 3, 2019. A Public Notice Sign was posted on the property on June 26, 2019, and updated on June 10, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 19, 2020.

Public Consultation Strategy

The applicant's public consultation strategy sought to provide follow up with individual respondents once feedback was received through the City's statutory Notice of Complete Application and Preliminary Circulation. As no responses were received by the public, no further public consultation was required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019) in terms of providing a range of housing forms in complete communities;
 - ii) It complies with the general intent and purpose of the UHOP, in particular, the function and scale of the Neighbourhoods Designation; and,
 - iii) The proposed amendment to the Fruitland-Winona Secondary Plan will provide a better reflection of the OMB Decision PL120721 which sought to permit a range of townhouse forms at a density of 49 units per hectare.
2. The Urban Hamilton Official Plan Amendment seeks to redesignate the lands from "Low Density Residential 2", "Area Specific Policy - Areas H and I" to "Low Density Residential 3" to ensure the applicable policies provide the correct policy direction for the permitted built form in the Fruitland-Winona Secondary Plan. The current designation does not reflect the approved density under OMB Decision PL120721 of 49 uph, whereas 40 uph is currently permitted. The new proposed designation is required to recognize the original intent of the OMB Decision. Since the density would be applied to the overall lands, the total number of units would provide an

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 17 of 18

overall density of approximately 46.6 uph, which is consistent with the original maximum density of 49 uph.

Since the Urban Hamilton Official Plan is now in full force and effect, the lands are no longer within the Greenbelt Plan (2017). Therefore, Area Specific Policy - Area H is no longer applicable and can be removed from the subject lands.

The “Low Density Residential 3” Designation also permits all forms of townhouse dwellings, including maisonette dwellings, which is consistent with Area Specific Policy - Area I. Therefore, this Area Specific Policy can also be revised to provide clarification on how the density will be calculated for the subject lands, without having an impact on the permitted housing forms of street townhouses, block townhouses, and maisonette dwellings. The Area Specific Policy also clarifies that low rise apartments are also permitted, which is consistent with the original intent of the OMB Decision and the Stoney Creek Zoning By-law, which is in force and effect and does not propose to be changed at this time.

Some Blocks subject to this application provide a housing form that is under the minimum permitted density of 40 units per hectare while other Blocks are over the maximum density of 60 uph as permitted in the “Low Density Residential 3” designation. Since the lands are meant to be developed comprehensively as part of the subdivision process it is appropriate to calculate the density over the entire Phase 3 subdivision to achieve the overall intent of the OMB Decision. To ensure this interpretation is maintained, the revised Area Specific Policy – Area I is required to confirm this calculation, per Appendix “B” to Report PED20075. Based on the foregoing, staff support the application. While this application proposes to deal with the Official Plan in a comprehensive manner for this site, it should be noted that any future development must conform with the applicable Zoning By-law requirements which establish a maximum density of 49 units per hectare. Future Zoning By-law Amendment applications or Minor Variance approval from the Committee of Adjustment may be required for any proposed increases beyond these permissions.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Multiple Residential “RM2-37” Zone, Modified, Multiple Residential “RM2-38” Zone, Modified, Multiple Residential “RM3-47” Zone, Modified, Multiple Residential “RM3-48” Zone, Modified, and Multiple Residential “RM3-49” Zone, Modified which permits the built form anticipated in the OMB Decision PL120721. Should the form of development change and the applicant wishes to seek approval for a Minor Variance from the

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.

SUBJECT: Application to Amend the Urban Hamilton Official Plan for Lands Located at 1329 and 1335 Barton Street, 339 and 347 Fifty Road, 40 Zinfandel Drive, 16 to 30 Foothills Lane and Blocks 13, 14, 18 and part of Block 9 of Registered Plan 62M-1241 (PED20075) (Ward 10) - Page 18 of 18

Committee of Adjustment, the variances may not meet the intent of the UHOP in terms of density and may not meet one or more of the four tests against which a minor variance is assessed. On this basis, the variances could not be supported by staff.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

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” - Draft Official Plan Amendment

Appendix “C” - Foothills of Winona Phase 3 Subdivision Plan 62M-1241