



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 17, 2022
SUBJECT/REPORT NO:	Appeal of Zoning By-law Amendment Application ZAC-18-049 and Draft Plan of Subdivision Application 25T-202109 for Lands Located at 860 and 884 Barton Street (Stoney Creek) (PED22114) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with Subsections 34(11) and 51(34) of the *Planning Act*, a Zoning By-law Amendment Application and a Draft Plan of Subdivision Application may be appealed by the Applicant to the Ontario Land Tribunal (OLT) after 90 and 120 days, respectively, if Council has not made a decision on the respective Applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of Council's non-decision, pursuant to the *Planning Act*, was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OLT.

The following information is provided to Planning Committee with regards to Zoning By-law Amendment Application ZAC-18-049 and Draft Plan of Subdivision Application 25T-202109, which has been appealed by the proponent for non-decision.

The appeal of the Zoning By-law Amendment and Draft Plan of Subdivision Applications, filed by Jennifer Meader, counsel for Losani Homes (1998) Limited, was received by the City Clerk's Office on March 17, 2022, 1,275 and 238 days,

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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.

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respectively, after the receipt of the initial Applications (refer to Appendix “D” attached to Report PED22114).

Background:

The subject property is municipally known as 860 and 884 Barton Street (refer to Appendix “A” attached to Report PED22114). The Applicant, MHBC Planning c/o Dave Aston, on behalf of Losani Homes (1998) Limited (Owner), applied for a Zoning By-law Amendment (Application No. ZAC-18-049) and a Draft Plan of Subdivision (Application No. 25T-202109) to permit residential development consisting of maisonette townhouses, two and three storey townhouses, stacked townhouses, a neighbourhood park, and a stormwater management facility.

The subject property is ‘L’-shaped with a lot area of ±7.084 ha and is located at the southwest corner of the intersection of Barton Street and Glover Road. An occupied single detached dwelling and accessory structures are located on the northwest lands located at 860 Barton Street (to be retained), a vacant single detached dwelling and accessory structures are located on northeast lands located at 884 Barton Street (to be removed), and otherwise, the subject lands are vacant with sparse vegetation.

The Zoning By-law Amendment Application was received on September 19, 2018 and was deemed complete on October 11, 2018; and, the Draft Plan of Subdivision Application was received on July 22, 2021 and was deemed complete on August 19, 2021. The details of the proposal are outlined below.

Urban Hamilton Official Plan, Fruitland-Winona Secondary Plan, and Stoney Creek Zoning By-law No. 3692-92

The subject lands are identified as “Neighbourhoods” and “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”, “Medium Density Residential 2”, and “Neighbourhood Park”, located in “Area Specific Policy Area H” and “Area Specific Policy Area K”, and located in “Servicing Strategy Area – Block 2” in the Fruitland-Winona Secondary Plan (FWSP).

The Block 2 Servicing Strategy (B2SS) was adopted by Council on September 12, 2018 to further refine the policy direction of the FWSP. The local road network, boundaries of land use designations, and preferred stormwater management, grading, and servicing strategies are detailed in the B2SS.

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The subject property is currently zoned Agricultural Specialty “AS” Zone in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED22114.

Zoning By-law Amendment Application

Application ZAC-18-049 is a Zoning By-law Amendment Application to change the zoning from the Agricultural Specialty “AS” Zone to a site specific Multiple Residential “RM3” Zone, Single Residential “R1” Zone, Park “P” Zone, and Open Space “OS” Zone.

The proposed modifications to the Multiple Residential “RM3” Zone include reductions to minimum side and rear yards, minimum landscaped open space, minimum visitor parking requirements; elimination of privacy area for maisonette units and landscaped strips; and, increases to maximum density and maximum building height.

The requested site specific modifications are shown conceptually on the Concept Plan in Appendix “B” attached to Report PED22114.

Draft Plan of Subdivision Application

The Draft Plan of Subdivision Application, 25T-202109, consists of one block to retain an existing dwelling (Block 1), one block for 251 units in the form of maisonette townhouses, two and three storey townhouses, and stacked townhouses (Block 2), one block for a 0.793 hectare portion of a neighbourhood park (Block 3), one block for a 1.738 hectare stormwater management facility (Block 4), one block for a road widening (Block 5), two blocks for 0.3 m reserves (Blocks 6 and 7), and a public road (Street A) (refer to Appendix “C” attached to Report PED22114).

The following issues/concerns were raised through circulation of the Applications:

- Alignment to the local road network and land use designations of the Block 2 Servicing Strategy (B2SS) and FWSP as new developments are required to comply with the B2SS in accordance with the FWSP policies; and,
- Compliance with the Official Plan and Secondary Plan policies and City standards with respect to compatibility and coordination with adjacent land uses, proper and orderly development of lands, analysis of natural heritage impacts with associated mitigation measures and recommendations, air drainage patterns for the tender fruit areas to the south, stormwater management, topography, grading and drainage, and transportation and servicing infrastructure.

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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 for the Zoning By-law Amendment Application was sent to 80 property owners within 120 m of the subject lands on October 30, 2018. The Draft Plan of Subdivision Application was sent to 116 property owners within 120 m of the subject lands on September 10, 2021.

To date staff have received a total of 12 written submissions by residents expressing concerns with the proposed development. Issues raised by the public relate to consistency with the Block 2 Servicing Strategy (B2SS), including the street and block patterns and the location of the Neighbourhood Park, the Application process and submission requirements to amend the Zoning By-law and B2SS, proposed land use and density, the existing watercourse, the proposed stormwater management and grading scheme, servicing, privacy, and trespass.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22114 - Location Map
Appendix “B” to Report PED22114 - Concept Plans
Appendix “C” to Report PED22114 - Draft Plan of Subdivision
Appendix “D” to Report PED22114 - Letter of Appeal

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