



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 14, 2022
<b>SUBJECT/REPORT NO:</b>	Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 541 and 545 Fifty Road (PED22126) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Rino Dal Bello (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Zoning By-law Amendment Application ZAC-21-045, by IBI Group (c/o Jared Marcus) on behalf of Fifty Road Inc. (Owner)**, for a change in zoning from Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone to Single Residential “R3-45” Zone, Modified, to permit 11 residential units for single detached dwellings and a private road as part of a Vacant Land Condominium for the lands located at 541 and 545 Fifty Road, as shown on Appendix “A” attached to Report PED22126, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED22126 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 (2020), and conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 2 of 19**

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- (iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan;
- (b) That **Draft Plan of Condominium Application (Vacant Land) 25CDM-202120, by IBI Group (c/o Jared Marcus) on behalf of Fifty Road Inc. (Owner)**, to establish a Draft Plan of Condominium (Vacant Land) on lands located at 541 and 545 Fifty Road (Stoney Creek), as shown on Appendix “A”, attached to Report PED22126, be **APPROVED** subject to the following:
  - (i) That this approval apply to the Draft Plan of Condominium (Vacant Land) Application 25CDM-202120, prepared by IBI Group and certified by S.D. McLaren, O.L.S., dated September 1, 2021, consisting of 11 vacant land units for single detached dwellings, a private condominium road with associated sidewalks, 11 visitor parking spaces, two barrier free parking spaces and centralized mailboxes, attached as Appendix “D” to Report PED22126, subject to the owner entering into a standard form condominium approval agreement as approved by City Council, and with Special Conditions attached as Appendix “E” to Report PED22126;
  - (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council;
  - (iii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this development.

## **EXECUTIVE SUMMARY**

The Owner, Fifty Road Inc., has applied for an amendment to the Stoney Creek Zoning By-law No. 3692-92 to change the zoning from Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone to a site specific Single Residential “R3” Zone to permit 11 vacant residential units for single detached dwellings fronting onto a private condominium road with 11 visitor parking spaces including two barrier free parking, as shown on Appendix “A” attached to Report PED22126 for the lands municipally known as 541 and 545 Fifty Road.

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A vacant land condominium is one in which the units need not be constructed upon at the time the condominium is registered. A vacant land condominium can consist only of bare land and at least one unit must have no buildings or structures on it.

The purpose of the Draft Plan of Condominium (Vacant Land) application is for 11 vacant land units for single detached dwellings and to establish a private condominium road with associated sidewalks, visitor parking, two barrier free parking spaces and centralized mailboxes.

Prior to registration of the Draft Plan of Condominium (Vacant Land), the owner shall apply for a Site Plan Control application. The Application will be required to address architectural design, landscaping, site lighting design, stormwater management, preliminary grading, road design and water and wastewater servicing.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (PPS, 2020);
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP) and the Urban Lakeshore Area Secondary Plan; and,
- The proposal is compatible with the surrounding area and represents good planning which will assist in meeting the current demand for housing in the City and provide economic benefits to the neighbourhood while also maintaining the goals and objectives of the Urban Hamilton Official Plan.

**Alternatives for Consideration – See Page 18**

**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 and Draft Plan of Condominium (Vacant Land).

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**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Fifty Road Inc.
Applicant/Agent:	IBI Group (c/o Jared Marcus)
File Number:	ZAC-21-045
Type of Application:	Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land).
Proposal:	The purpose of the Zoning By-law amendment Application is to permit 11 residential units for single detached dwellings fronting onto a condominium road with the associated 11 visitor parking spaces including two barrier free parking spaces. The zoning amendment to permit the proposed development will include site specific modifications to the Zoning By-law.
<b>Property Details</b>	
Municipal Address:	541 and 545 Fifty Road, Stoney Creek
Lot Area:	±0.701 hectares (1.73 acres) (irregular)
Servicing:	The property is serviced by municipal services.
Existing Use:	One single detached dwelling on each lot.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended.
Official Plan Existing:	“Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“Low Density Residential 2b” – Urban Lakeshore Area Secondary Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 5 of 19**

<b>Documents</b>	
Zoning Proposed:	Single Residential "R3-45" Zone, Modified
Modifications Proposed:	<ul style="list-style-type: none"> <li>• A condominium road shall be deemed to be a street, and parking, landscaping and amenity areas shall be permitted within the condominium road;</li> <li>• In addition to the definition of a Lot in Part 2 of Zoning By-law No. 3692-92, that for the purposes of this Zone "R3-45", a vacant land condominium unit within a draft approved or registered plan of condominium shall be considered a Lot;</li> <li>• To reduce the minimum interior lot frontage from 12.0 metres to 9.0 metres;</li> <li>• To reduce the minimum front yard to 6.0 metres to a garage, and 4.5 metres to a dwelling unit;</li> <li>• To reduce the minimum Side Yard from 3.0 metres for corner lots to 1.25 metres on a corner lot abutting a private road;</li> <li>• To increase the maximum building height from 11.0 metres to 12.0 metres;</li> <li>• To increase the maximum lot coverage from 40% to 56%;</li> <li>• No parking space shall be provided closer than 1.5 metres to any lot line or closer than 2.7 metres to any dwelling unit located on a lot other than the said lot whereas 3.0m is required;</li> <li>• To permit parking spaces for physically challenged persons to have a width of not less than 2.8 metres and a length of not less than 5.8 metres, and to have an additional painted aisle adjacent to the space of not less than 1.5 metres in width;</li> <li>• To permit a single step to project not more than 0.3 metres into the required length or width of a parking space to 0.6 metres; and,</li> <li>• To permit balconies, canopies, unenclosed porches, including a cold cellar underneath same, to project into any required side yard abutting a flankage lot line to a maximum of 1.5 metres.</li> </ul>
<b>Processing Details</b>	
Received:	September 13, 2021.
Deemed Complete:	October 12, 2021.
Notice of Complete Application:	Sent to 157 property owners within 120 m of the subject lands on October 15, 2021.
Public Notice Sign:	Posted November 11, 2021 and updated on May 18, 2022.
Notice of Public Meeting:	Sent to 157 property owners within 120 m of the subject lands on May 27, 2022.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 6 of 19**

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Processing Details	
Public Open House	September 9, 2021.
Public Comments:	Four written comments were received, attached as Appendix “G” to Report PED22126.
Processing Time:	273 days from the date of receipt of the Application.

**Existing Land Use and Zoning**

	Existing Land Use	Existing Zoning
<b>Subject Lands:</b>	Residential	Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone.
<b>Surrounding Land Uses:</b>		
North	Residential	Residential “R4-18” Zone.
South	Residential	Rural Residential “RR” Zone.
East	Residential	Residential “R-36” Zone and Residential “R1-13” Zone.
West	Residential	Residential “R4-18” Zone.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2020), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended. The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 7 of 19**

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, 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 are reviewed and discussed in the UHOP analysis below.

As the Applications for Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) comply with the UHOP it is staff's opinion that the Applications are:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020); and,
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

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

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Low Density Residential 2b" on Land Use Plan Map B.7.3-1 – Urban Lakeshore Area Secondary Plan. The following policies, amongst others, apply to the proposal.

### **Urban Design Policies**

- "B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:
- a) Complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
  - d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
  - e) Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm;

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 8 of 19**

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- B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) Creating transitions in scale to neighbouring buildings;
  - b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
  - c) Minimizing the impacts of shadows and wind conditions;
- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions; and,
- B.3.3.3.4 New development shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law;

### **Neighbourhoods**

- E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads;
- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area;
- 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; and,
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”



**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 9 of 19**

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The surrounding area is characterized by existing single detached dwellings ranging in height from one to two storeys and located close to the street line. The proposed massing is also consistent with the existing area. Based on the size, scale, setbacks, and orientation of the proposed single detached units, adequate privacy will be provided to neighbouring properties. The proposed development will not create shadow and overlook impacts on adjacent dwellings (Policy B.3.3.3.2, B.3.3.3.4, B.3.3.2.6 a).

**Urban Lakeshore Area Secondary Plan**

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

“7.3.1.3 Low Density Residential 2b Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2b on Map B.7.3-1 – Urban Lakeshore Area - Land Use Plan:

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

The development is proposing 11 vacant land condominium units for single detached dwellings on 0.7 net residential hectares, which equates to 16 units per net residential hectare which is consistent with the adjacent properties in the surrounding area and complies with the intent of the Low Density Residential 2b Designation.

Based on the foregoing, Staff are of the opinion that the proposal complies with the applicable policies of the Urban Lakeshore Area Secondary Plan.

**Stoney Creek Zoning By-law No. 3692-92**

The subject lands are currently zoned Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone under the Stoney Creek Zoning By-law No. 3692-92.

The Rural Residential “RR” Zone permits a single detached dwelling per lot; uses, buildings or structures accessory to a permitted use; and a home occupation.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 10 of 19**

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The Neighbourhood Development “ND” Zone permits one single detached dwelling and uses, buildings or structures accessory per lot. Any additions to, or reconstruction of a single detached dwelling shall comply with Section 5.4.3 or any accessory building shall comply with the provisions of Section 5.4.3 and Section 5.4.6.

The Application is to amend the Stoney Creek Zoning By-law No. 3692-92 from the Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone to the Single Residential “R3-45” Zone with site specific modifications to permit residential units on the subject lands. The proposed development consists of 11 vacant land lots for single detached dwellings, a private condominium road which will include sidewalks, 11 visitor parking spaces, and centralized mailboxes.

An analysis of the proposed modifications is provided in the Zoning By-law Site Specific Modifications Table contained in Appendix “F” attached to Report PED22126.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
<ul style="list-style-type: none"> <li>Public Works Department, Strategic Planning Section</li> <li>Planning and Economic Development Department, Real Estate Section and Commercial Districts and Small Business Section.</li> </ul>		No Comment
<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Planning and Economic Development Department	<p>The subject properties (541 and 545 Fifty Road) are subject to cost recoveries along the entire frontage of the lots along Fifty Road for Road works and the sanitary sewer. The Applicant / Owner shall pay their share of cost recoveries as a special condition of the Site Plan Control Application.</p> <p>Detailed cross-sections will be required along the north, west, and south property lines to demonstrate that neighbouring properties are not negatively impacted by the proposed development.</p>	Development Engineering has requested Easements be added to the Draft Plan of Condominium for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton for the future single detached dwellings only.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 11 of 19**

Department	Comment	Staff Response
<p>Development Engineering Approvals Section, Planning and Economic Development Department <b>(Continued)</b></p>	<p><b>Water Servicing Review</b></p> <p>The required fire flow (RFF) has been calculated as 9000 L/min (150 L/s) using the Ontario Building Code (OBC) Fire Protection Water Supply Guideline. This calculation was based on a building footprint of 2395 m<sup>2</sup>, a building height of 6.1 m, a water supply coefficient of 23, and a spatial coefficient of 1.0.</p> <p>The City's most recent hydrant testing at the closest municipal hydrants on Fifty Road (SA01H021 and SA01H022, dated July 18, 2019 and July 5, 2019 respectively) resulted in theoretical available flows of 2340 IGPM (177 L/s) and 2471 IGPM (187 L/s), respectively, at 20psi.</p> <p>The information is satisfactory to support the Zoning Bylaw Amendment and Draft Plan of Condominium Applications and there are no concerns from a water servicing perspective at this time. Updated domestic water usage and RFF calculations, based on the final design of the proposed buildings, will be required at the time of detailed design.</p> <p>Development Engineering is able to support this Application moving forward. Detailed review and comments/conditions will be provided upon submission of the Site Plan and Draft Plan of Condominium Applications.</p>	<p>The requirement for the registration of the easements on the lands is addressed as Condition No. 1 in Appendix "E" attached to Report PED22126.</p>

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 12 of 19**

Department	Comment	Staff Response
<p>Transportation Planning and Parking Division, Planning and Economic Development Department</p>	<p>Transportation Impact study was waived. Transportation Planning supports the proposed Zoning By-law amendment (ZAC-21-045) and the Draft Plan of Vacant Land Condominium (25CDM-202120). Right-of-Way dedications are required.</p> <p>Visibility triangles must be provided for the driveway access.</p>	<p>Visibility triangles will be addressed at the Site Plan Control Stage.</p> <p>Concept plan shows the right-of-way dedication. A survey will be required by the Applicant to determine the ultimate dimensions for the right-of-way to be dedicated at the Site Plan Control Stage.</p>
<p>Growth Planning Section, Growth Management Division</p>	<p>The municipal addressing for the proposed development will be finalized as part of the Site Plan Control Application.</p>	<p>The municipal address will be finalized through the Site Plan Control Stage.</p> <p>Staff have added a note for the Draft Plan of Condominium advising of the lapsing date, refer to Note No. 1 in Appendix "E" attached to Report PED22126.</p> <p>The proposed single detached units will have Condominium tenure which will be established through approval of the Condominium Application.</p>
<p>Capital Budgets and Development, Corporate Services Department.</p>	<p>Payment of the Municipal Act Sanitary Sewer and Connection Charge under By-law No. 02-307 for 541 and 545 Fifty Road in the total amount of \$18,348.04.</p>	<p>The Municipal Act fee will be required to be paid as a condition of the Draft Plan of Condominium, refer to Condition No. 12 in Appendix "E" attached to Report PED22126.</p>
<p>Public Works Department</p>	<p>Cash in lieu of parkland will be required.</p>	<p>Cash for parkland will be collected at the building permit stage.</p>

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 13 of 19**

<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Forestry supports the proposed Zoning By-law amendment and approved the landscape plan.	Staff have added a Condition for the Draft Plan of Condominium in regard to the requirement for a landscape plan and payment of all applicable fees, refer to Condition No. 5 in Appendix "E" to Report PED22126.
Waste Management Division, Public Works Department	The proposed development is not eligible for municipal waste collection service subject to meeting the City's requirements for serviceability.	Staff have added notes for the Draft Plan of Condominium Approval, refer to Notes No. 2 to 4 in Appendix "E" attached to Report PED22126.
Bell Canada	Requested conditions regarding easements be included in the draft plan of condominium.	These requirements have been included as Conditions No. 9 and No. 10 in Appendix "E" attached to Report PED22126.
Canada Post	Requested conditions regarding centralized mailboxes be included in the draft plan of condominium.	This requirement has been included as Condition No. 6 in Appendix "E" attached to Report PED22126.
Alectra Utilities	Requested condition regarding easements for utilities be included in draft plan of condominium.  For Residential/Commercial electrical service requirements, the Developer needs to contact our ICI and Layouts Department at 1-877-963-6900 ext: 25713 or visit our web site at <a href="http://www.alectrautilities.com">www.alectrautilities.com</a>	This requirement has been included as Condition No. 13 in Appendix "E" attached to Report PED22126.
Union Gas	Requested condition regarding easements be included in draft plan of condominium.	This requirement has been included as Condition No. 11 in Appendix "E" attached to Report PED22126.
Rogers	Requested condition regarding easements be included in draft plan of condominium.	This requirement has been included as Conditions No. 7 and No. 8 in Appendix "E" attached to Report PED22126.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 14 of 19**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Parking issues in the area.	Not enough parking to accommodate the resident's and guest's parked vehicles in the proposed development. Living on Kingston Rd. already presents congested, and at times, dangerous parking and driving situations. There is a risk that not having enough parking spaces in the proposed development will force cars to park on already congested adjacent streets, such as Kingston Road.	The proposed development is providing sufficient parking for the proposed units and additional parking for visitors. The development does satisfy the parking requirements as set out in the Zoning By-law.
Construction Parking	Concern raised regarding where workers would park, as street parking is limited in the neighbourhood and this will cause an issue for residents who must park on the street.	The Applicant will be required to submit a construction management plan during the site plan review process which will include details related to parking for construction workers.
Shadowing and obscuring sun	Shadowing and obscuring of sun to existing properties that surround the proposed development.	The surrounding area consists of single detached units that are one to two storeys in height and the development is proposing single detached, low density development. The proposed massing of the proposed units in respect to height is consistent with the existing area. Based on the size, scale, setback, and orientation of the proposed single detached units, adequate privacy and sunlight will be provided to neighbouring properties and will not create shadow and overlook impacts.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 15 of 19**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Lighting	Concerns regarding lighting and the spill effect it will create into existing properties, including additional street lights and or any lighting to the houses for example, bright pot lights along the back side of the homes.	Lighting from any pole will be required to be contained on the subject lands and will be reviewed as part of the Site Plan Control Application.
Removal of Mature trees	<p>Concerns were raised regarding removal of mature trees. Despite efforts to replant the same number of trees, this will not be sufficient to replace the current level of green space that is present and enjoyed by the local residents.</p> <p>Concerns regarding the mature trees that not only line all existing properties but also the larger ones that fill both properties. Concern is to save at least the perimeter trees that line all existing properties.</p>	The Applicant has submitted a Tree Protection Plan and a Landscape Plan. These plans have been reviewed by staff and it has been determined that the plans are satisfactory and meet all the guidelines set out by the City's policies. These plans will be implemented at the Site Plan Control Stage.
Traffic Congestion	Traffic congestion created on Fifty Road, from cars waiting to turn into the proposed development.	Transportation Planning has determined, without setting a precedent that minimal vehicle traffic will be generated by this development and is unlikely to have a perceptible negative impact on the area road network.
Animals	There are many birds, owls, rabbits, possums, and raccoons that live on those properties and will be losing their homes. What steps will be taken to safely move these animals to a new location?	There are no Core Areas or natural features contained on the subject properties. The timing of any vegetation removals will be coordinated to ensure that it occurs outside of breeding and nesting season.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 16 of 19**

<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Snow placement	Snow placement limitations during the Winter months, given limited land space in the proposed development.	Snow will be removed off site during heavy snow falls. This will be further reviewed at the Site Plan Control Stage.
Visual Sight Lines	Visual sight lines created into existing housing.	Based on the size, scale, setback, and orientation of the proposed single detached units, adequate privacy will be provided to neighbouring properties.
Number of Homes	Why not replace two homes with two homes? 11 is excessive.	The development is providing additional residential units to increase the current housing stock as per the UHOP policy 7.3.1.4.
Fencing	The developers stated they would not be putting up fences before/during/after the build and a concern was raised that dangerous equipment, machines, and materials would be left open to adjacent properties.	The developer is required to place construction fencing around the perimeter of the subject lands during construction. The developer and/or owners of the units can erect a fence on their property as per the Fence By-law.

**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 of the proposal were sent to 157 property owners within 120m of the subject lands on October 15, 2021. A Public Notice Sign was posted on the property on November 11, 2021 and updated on May 18, 2022. A Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* to 157 property owners within 120m of the subject lands on May 27, 2022.

At the time of writing this report, four letters have been submitted expressing concerns with the proposed development. The written letters are attached as Appendix “H” to Report PED22126. These concerns have been summarized in the table above.

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## **Public Consultation Strategy**

In addition to the requirements of the *Planning Act*, a virtual community meeting, hosted by the Applicant, was held on September 9, 2021. The Applicant presented the proposal to the members of the public and addressed questions and concerns associated with the Application. A notice of the meeting was mailed by the agent to the surrounding property owners. An email from the Ward Councillor's office was sent advising residents of the meeting to inform the community of the virtual meeting.

## **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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended;
  - ii. It complies with the policies of the UHOP and the Urban Lakeshore Area Secondary Plan; and,
  - iii. The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, providing low-density residential housing and making efficient use of the land and existing infrastructure within the urban boundary.
2. The Zoning By-law Amendment Application is for a change in zoning from Rural Residential "RR" Zone and Neighbourhood Development "ND" Zone to a site specific Single Residential "R3-45" Zone, Modified under the Stoney Creek Zoning By-law No. 3692-92.

The implementing by-law proposes modifications to the Single Residential "R3" Zone with respect to the minimum front yard, side yard, maximum building height, lot coverage, distance of a parking space to a lot line, accessible parking spaces to be AODA compliant, parking spaces with residential garages with steps projecting into the garage, and that balconies, canopies, unenclosed porches, including a cold cellar may project into any required side yard abutting a flankage lot line. Staff have reviewed the site-specific modifications that are being requested and are of the opinion that the site-specific modifications are suitable for the proposed development and support the proposal as it complies with the UHOP.

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**SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 541 and 545 Fifty Road, Stoney Creek (PED22126) (Ward 12) - Page 18 of 19**

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3. The proposed Draft Plan of Condominium (Vacant Land) is for 11 vacant land units for single detached residential dwellings and common elements for a private road as well as 11 visitor parking spaces and sidewalks, as shown on the attached plan, marked as Appendix “D” attached to Report PED22126. The private condominium road will provide access to Fifty Road. All 11 lots will be accessed from the private condominium road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix “E” to Report PED22126.
4. Prior to registration of the Draft Plan of Condominium (Vacant Land), a Site Plan Control Application will be required to address, but not limited to, architectural design, landscaping, site lighting design, stormwater management, preliminary grading, road design, dedication of road right-of-way, provisions of sidewalks, and water and wastewater servicing (Condition No. 3 of Appendix “E” attached to Report PED22126). Development cannot occur until the Vacant Land Condominium is registered to create the individual units.
5. That the final Draft Plan of Condominium (Vacant Land) shall comply, in all respects with all of the applicable provisions of the Zoning By-law and, with the final approved Site Plan Control Application (Condition No. 4 of Appendix “E” attached to Report PED22126).
6. That the owner must include warning clauses in all purchase and sale agreements to advise perspective purchasers that the City of Hamilton will not provide maintenance or snow removal; that garages and visitor parking are for parking; and, home mail delivery will be from a community mail box (Condition No. 2 of Appendix “E” attached to Report PED22126).

### **ALTERNATIVES FOR CONSIDERATION**

Should the Applications be denied, the subject property would remain zoned Rural Residential “RR” Zone and Neighbourhood Development “ND” Zone, in the Stoney Creek By-law No. 3692-92 which would permit one single detached dwelling per lot, greenhouse, urban farm, community garden, buildings or structures accessory to a permitted use, and a home occupation.

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## **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” to Report PED22126 – Location Map

Appendix “B” to Report PED22126 – Amendment to Zoning By-law No.3692-92

Appendix “C” to Report PED22126 – Concept Site Plan

Appendix “D” to Report PED22126 – Draft Condominium Plan (Vacant Land)

Appendix “E” to Report PED22126 – Draft Condominium Plan Conditions

Appendix “F” to Report PED22126 – Zoning By-law Site Specific Modifications - Chart

Appendix “G” to Report PED22126 – Public Comments

RDB:sd

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