



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 14, 2023
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Located at 238 Barton Street, Stoney Creek (PED23040) (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:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-19-003, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners**, to redesignate the southern portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c” within the Western Development Area Secondary Plan to permit the development of 11 block townhouse dwellings with a maximum residential density of 46 units per hectare on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment 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);

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- (b) That **Zoning By-law Amendment Application ZAC-19-007, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified, to permit the development of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be **APPROVED** on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23040, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment 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);
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That **Draft Plan of Subdivision Application 25T-201901, by A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of My Maruti Construction Inc. (c/o Mike Patel), Owners**, on lands located at 238 Barton Street, Stoney Creek, as shown on Appendix “A” attached to Report PED23040, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Barton Estates” 25T-201901, prepared by A. J. Clarke and Associates Ltd., and certified by Nicolas P. Muth, O.L.S., dated November 20, 2022, consisting of one block for proposed townhouses (Block 1) and one block for a right-of-way widening (Block 2), attached as Appendix “F” to Report PED23040, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23040;
 - (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton responsibility for cost sharing for this subdivision;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building

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permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The Applicant has applied for an Urban Hamilton Official Plan Amendment (UHOPA), a Zoning By-law Amendment, and a Draft Plan of Subdivision to permit the development of 11 block townhouse dwellings with two parking spaces each and six visitor parking spaces.

The purpose of the Official Plan Amendment (OPA) application is to redesignate the southern portion of the subject lands from "Low Density Residential 2b" to "Low Density Residential 3c" within the Western Development Area Secondary Plan with a maximum residential density of 46 units per hectare.

The purpose of the Zoning By-law Amendment application is to change the zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-71" Zone, Modified. Staff are supportive of the requested modifications.

The proposed Draft Plan of Subdivision consists of one block to facilitate the creation of Parcels of Tied Land for the proposed 11 block townhouse dwellings tied to a Common Element Condominium roadway and one block for a right-of-way widening.

Future Site Plan Control and Draft Plan of Condominium applications will be required to implement the proposal.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), complies with the general intent of the Urban Hamilton Official Plan (UHOP), and will comply with and implement the policies of the Western Development Area Secondary Plan upon approval of the UHOPA.

The proposed development represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned development in the surrounding area. The addition of 11 block townhouse dwellings is supportable, as they provide a built form that is compatible with existing development in the area and enhance the character of the neighbourhood through intensification. The subject site has adequate transportation systems available

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and existing servicing with sufficient capacity to support the proposed development. The development ensures efficient use of land and infrastructure and is recommended for approval.

Alternatives for Consideration – See Page 22

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 an OPA and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	My Maruti Construction Inc. (c/o Mike Patel)
Applicant/Agent:	A. J. Clarke and Associates Ltd. (c/o Ryan Ferrari)
File Number:	UHOPA-19-003 ZAC-19-007 25T-201901
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	Two blocks consisting of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces (see Concept Plan attached as Appendix “E” to Report PED23040).
Property Details	
Municipal Address:	238 Barton Street, Stoney Creek
Lot Area:	±0.2382 ha

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Property Details	
Existing Use:	An existing single detached dwelling to be demolished.
Servicing:	Full municipal services.
Documents	
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 – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No changes proposed.
Secondary Plan Existing:	“Low Density Residential 2b” and “Low Density Residential 3c” Designations in the Western Development Area Secondary Plan.
Secondary Plan Proposed:	“Low Density Residential 3c” Designation in the Western Development Area Secondary Plan.
Zoning Existing:	Neighbourhood Development “ND” Zone.
Zoning Proposed:	Multiple Residential “RM3-71” Zone, Modified.
Modifications Proposed:	<p>The Applicant proposed the following modifications:</p> <ul style="list-style-type: none"> • To deem the lands one lot for the purposes of zoning regulations and not from individual properties created by registration of a condominium plan or Part Lot Control; • Minimum Lot Area from 4,000 to 2,400 square metres; • Minimum Lot Frontage from 50 to 41 metres; • Minimum Front Yard from 7.5 to 2.4 metres; • Minimum Side Yard from 6 to 2.4 metres; • Minimum Rear Yard from 7.5 to 7.5 metres; • Minimum Distance Between Buildings on the Same Lot from 15 metres to 11 metres; • Maximum Density from 40 to 47 units per hectare; • Minimum Landscaped Area from 50% to 35% of land area; • Minimum Landscaped Strip width from 4.5 to 2.4 metres abutting a street and none required between privacy areas and lot lines; and, • To permit door swings into an interior garage parking space.

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Documents	
Modifications Proposed Continued:	<ul style="list-style-type: none"> Parking location from 3.0 metres to 0.4 metres to any lot line (except adjacent to a dwelling). <p>(See Appendix “E” attached to Report PED23040.)</p>
Processing Details	
Received:	December 18, 2018
Deemed Complete:	January 2, 2019
Notice of Complete Application:	Sent to 179 property owners within 120 m of the subject lands on January 16, 2019.
Public Notice Sign:	Posted January 16, 2019 and updated with Public Meeting date January 18, 2023.
Notice of Public Meeting:	Sent to 179 property owners within 120 m of the subject lands on January 27, 2023.
Public Comments:	No submissions received to date.
Revised Submissions Received:	<ul style="list-style-type: none"> September 15, 2020; September 21, 2021; and, May 9, 2022.
Processing Time:	1,519 days from receipt of initial application, 281 days from receipt of final submission.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling	Neighbourhood Development “ND” Zone.
Surrounding Land Uses:		
North	Employment Uses	Prestige Business Park (M3) Zone.
South	Single Detached Dwellings	Single Residential “R2” Zone.

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East	Single Detached Dwellings; and, Townhouse Dwellings	Multiple Residential “RM3-14” Zone, Modified, Multiple Residential “RM3-20” Zone, Modified; and, Single Residential “R2” Zone.
West	Commercial Uses	Neighbourhood Commercial (C2, 579) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

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

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;
- 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;
 - e) Support *active transportation*; and,
 - f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated; and,

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of

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suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The proposed development is located within a settlement area. The development of block townhouse dwellings is an efficient use of land and represents an appropriate intensification of the site which will further enable the completion of the surrounding neighbourhood. The subject lands are well serviced by a comprehensive street network and bus route, which will encourage active transportation.

Noise

“1.2.6.1 *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands front Barton Street, which is identified as a minor arterial road on Schedule C – Functional Road Classification in the UHOP. The subject lands are also in proximity to commercial uses to the west and commercial and employment uses located north of Barton Street.

Staff have reviewed the environmental noise impact study titled “Environmental Noise Feasibility Study – Proposed Residential Townhouse Development”, prepared by Valcoustics Canada Limited and dated October 2, 2018, and addendum letter dated February 4, 2020. The study identified the acoustic mitigation requirements for this development with respect to road noise from Barton Street and stationary noise sources (primarily HVAC equipment) from the commercial uses to the west and north. Staff concur with the recommendations of the study that warning clauses, provisions for central air conditioning, building components, and a noise barrier will be required. Provisions for central air conditioning and building components will be addressed at the future Site Plan Control stage, and warning clauses will be addressed at the future Draft Plan of Condominium stage. The required noise barrier is addressed as Condition No. 7 of Appendix “G” attached to Report PED23040 and is discussed further in the Urban Hamilton Official Plan section below.

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Archaeology

“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 three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 2) In an area of sandy soil in areas of clay or stone; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. A Stage 1-2 (P017-0657-2018) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated July 29, 2019. Staff are of the opinion that the municipal interest in the archaeology of this site has been satisfied.

Based on the foregoing, the proposal is consistent with the PPS (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The proposal conforms with the Guiding Principles stated in Section 1.2.1 of A Place to Grow (2019), as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this 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*;

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- 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:
 - 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*;

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, and convenient access to local stores, services, and *public service facilities*; and,
- e. Provide for a more *compact built form* and a vibrant *public realm*, including public open spaces.”

The subject lands are within the Urban Boundary in a settlement area and the proposal will provide an opportunity to increase residential density where there are existing municipal services and a mix of land uses. The proposed development provides an efficient use of land with appropriate densities while being well serviced by a comprehensive street network and bus route, which will encourage active transportation.

Based on the foregoing, the proposal conforms with the applicable policies of 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 “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal.

Noise

- “B.3.6.3.8 Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:
- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
 - b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.
 - c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
 - d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
 - e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.
- B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:
- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible;

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- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed;
- d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.”

As discussed in the Provincial Policy Statement (2020) section above, the environmental noise impact study titled “Environmental Noise Feasibility Study – Proposed Residential Townhouse Development”, prepared by Valcoustics Canada Limited and dated October 2, 2018, and addendum letter dated February 4, 2020, identified that a noise barrier will be required at the northeast corner of this development to mitigate road noise from Barton Street. While a 2.7 metre tall noise barrier would mitigate sound levels at all units to 55 dBA or below (as shown in the Concept Plan attached to Appendix “E” to Report PED23040), in accordance with Policy B.3.6.3.8 d) the proponent provided justification that it would not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA as the existing fence located at the adjacent property to the south is measured at ± 2.0 metres in height. For aesthetic consistency, a 2.0 metre tall noise barrier is recommended to reduce sound levels in the outdoor living areas for Unit 11 to up to 59 dBA, which is within provincial guidelines for outdoor living areas. Staff are satisfied with this approach and appropriate warning clauses will be addressed at the future Draft Plan of Condominium stage.

The description of the sound barrier wall within the report was assessed based on flat topology and will be confirmed once grading information is available. The required noise barrier would be less than 8.0 metres in length along Barton Street. The Applicant explored alternative noise mitigation measures to address urban design policies of the UHOP and demonstrated that no other measures are practical or feasible for the proposed built form.

The applicant advised that the noise barrier would be comprised of 2 in (5 cm) cedar tongue and groove boards to form the acoustic barrier with no gaps, cracks or holes and having a minimum surface density of 20 kg/m². Planning staff are of the opinion that the length and height of the required noise barrier is minimal, and the proposed wood noise fence design would not greatly differ aesthetically from a standard wood privacy fence, which is compatible with the existing and planned development for the surrounding neighbourhood and the Barton Street corridor.

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The required noise barrier is addressed as Condition No. 7 of Appendix “G” attached to Report PED23040. A detailed noise study and design of the noise barrier, along with landscaping and other design elements to screen the noise barrier and animate the Barton Street corridor, will be further reviewed at the future Site Plan Control stage, and long term maintenance and replacement as well as other matters identified in the Provincial Policy Statement (2020) section above (including warning clauses) will be addressed at the future Site Plan Control and Draft Plan of Condominium stages.

Built Form

“B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;”

As shown on the site plan and elevations in Appendix “E” attached to Report PED23040, the façade design of the north elevation of “Building 1” provides the appearance of a typical side elevation and not of an end unit providing dual frontages which address the street. At the future Site Plan Control stage, staff will require that the proponent revise the façade design to also address Barton Street.

Tree Protection

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified in and around the subject property. Staff have reviewed the Existing Conditions and Tree Management Plan, prepared by Hill Design Studio Inc. (Aaron Hill, landscape architect) and dated September 20, 2021. A total of 19 trees have been inventoried (including one within the municipal right-of-way), of which 16 (including the public tree) have been identified for removal. As the root zones of the trees proposed to be removed conflict with the required grading for development of the subject lands, there are limited opportunities for retention of these trees. Implementation of the approved tree protection plan is addressed as Condition No. 5 of Appendix “G” attached to Report PED23040.

To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. The compensation required for this development is 15 private trees

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and one public tree. This matter is addressed as Condition No. 6 of Appendix “G” attached to Report PED23040.

Right-of-Way Widening

“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...;”

Barton Street is classified as a Minor Arterial with a future right-of-way width of 36.576 metres, as specified in Schedule C – Functional Road Classification of the UHOP. A right-of-way widening of ± 4.7 metres to provide a right-of-way width of 18.288 metres from the road centreline is required, which is addressed as Condition No. 1 of Appendix “G” attached to Report PED23040.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- b) The plan of subdivision implements the City’s staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,

- g) The plan of subdivision meets all requirements of the *Planning Act*.”

The proposed Draft Plan of Subdivision is to facilitate the creation of Parcels of Tied Land for the proposed 11 block townhouse dwellings tied to a Common Element Condominium roadway, and one right-of-way widening block. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides housing opportunities, complies with the general intent of the UHOP, will not adversely impact upon the transportation system or the natural environment, and will integrate well with the existing development in the area.

Western Development Area Secondary Plan

The subject lands are designated “Low Density Residential 2b” and “Low Density Residential 3c” on Map B.7.1-1 – Western Development Area Secondary Plan. The proposed amendment is to re-designate the portion of the subject lands designated “Low Density Residential 2b” to “Low Density Residential 3c” in the Secondary Plan so that there is one designation on the subject lands to permit block townhouse dwellings. The following policies, amongst others, apply to the proposal.

Residential Designations

“B.7.1.1.2 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 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, semi detached and duplex dwellings;
- b) the density shall range from 1 to 29 units per net residential hectare; and,
- c) lands designated Low Density Residential 2b, located on the south side of Barton Street and fronting Barton Street, permitted uses may include triplexes, fourplexes, fiveplexes, and sixplexes. (OPA 64)

7.1.1.3 Low Density Residential 3c Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential 3c designation identified on Map B.7.1-1– Western Development Area - Land Use Plan:

- a) the permitted uses shall be low rise apartments, and townhouse dwellings and,
- b) the density shall range from 30 to 49 units per net residential hectare.”

The north portion of the site is designated “Low Density Residential 3c”. To provide a comprehensive development, an amendment to the Western Development Area Secondary Plan is required to redesignate the southern portion of the lands from the “Low Density Residential 2b” designation to the “Low Density Residential 3c” designation in order to facilitate the proposed development. As the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding residential intensification and built form, the proposed re-designation can be supported. The Urban Hamilton Official Plan (UHOP) Amendment is discussed in greater detail in the Analysis and Rationale for Recommendation section of this Report.

Stoney Creek Zoning By-law No. 3692-92

The subject property is currently zoned Neighbourhood Development “ND” Zone, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED23040. In order to permit the proposed development, the proposed Zoning By-law Amendment application is to rezone the subject property from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified. The proposed zoning is discussed in the Analysis and Rationale for Recommendation section of this Report, and an evaluation of the proposed modifications to the “RM3” Zone is included in Appendix “D” to Report PED23040.

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RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Transit Planning and Infrastructure, Transit Operations Division, Public Works Department. 		No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> There is an existing 400 mm\varnothing water main, 500 mm\varnothing sanitary sewer, and a 1050 mm\varnothing storm sewer fronting the property on Barton Street. \pm4.7 metres are to be dedicated to the Barton Street municipal right-of-way. Stormwater management, servicing, and grading matters will be addressed through future detailed design. 	<ul style="list-style-type: none"> Road right-of-way dedication is addressed as Condition No. 1 of Appendix "G" to Report PED23040. A dust control plan, detailed stormwater management report, detailed engineering design and cost estimates are addressed as Condition Nos. 2 - 4 of Appendix "G" attached to Report PED23040.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> The Tree Management Plan, prepared by Hill Design Studio (Aaron Hill, landscape architect) and dated September 20, 2021, is approved for the removal of one City-owned tree. The applicant paid the Forestry's Permit and Loss of Canopy Fees on June 30, 2022; and, A landscape plan is required. 	<ul style="list-style-type: none"> The landscape plan is addressed as Condition No. 6 of Appendix "G" attached to Report PED23040 and payment of applicable street tree planting fees is addressed as Condition 2.8 of the City's Standard Conditions of Subdivision Approval.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Municipal addressing for the units within the development will be determined after Draft Plan approval is given; and, Requested that a note be included in the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<ul style="list-style-type: none"> Municipal addressing is addressed as Condition No. 8 of Appendix "G" attached to Report PED23040; and, Approval limitation has been added as Note No. 1 on the conditions of Draft Plan of Subdivision approval attached as Appendix "G" to Report PED23040.

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	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Vehicular impact of the proposed development is generally minor and the proposal can be supported by the surrounding road network; and, • In order to protect the existing and future pedestrian realm, cycling infrastructure and road network, ± 4.7 metres are to be dedicated to the Barton Street municipal right-of-way, 5.0 metre x 5.0 metre visibility triangles are required at the driveway access to Barton Street (encroachment for the proposed visitor parking stall shall be permitted), and on-site short-term bicycle racks are to be provided. 	<ul style="list-style-type: none"> • Road right-of-way dedication is being addressed as Condition No. 1 of Appendix "G" attached to Report PED23040; • Visibility triangles and short-term bicycle racks are shown on the Concept Plan attached as Appendix "E" to Report PED23040; and, • Visibility triangles and short-term bicycle racks will be confirmed at the future Site Plan Control stage.
Waste Management Operations Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • This development is eligible for municipal waste collection service subject to meeting the City's requirements; and, • Waste collection will take place at the municipal curb, which shall be noted on site plan drawings as well as agreement for purchase and sale or lease. If curbside collection within the development is the desired level of service, a private waste hauler shall be retained at the expense of the development. 	<ul style="list-style-type: none"> • Waste collection requirements are addressed as Condition No. 9 and Note No. 2 on the conditions of Draft Plan of Subdivision approval attached as Appendix "G" to Report PED23040.
Canada Post Corporation	<ul style="list-style-type: none"> • Owners / developers are required to notify purchasers of Centralized Mailbox locations; and, • Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> • This requirement is a Standard Condition of Draft Approval.

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	Comment	Staff Response
Enbridge Gas Inc.	<ul style="list-style-type: none">Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them.	<ul style="list-style-type: none">This requirement is a Standard Condition of Draft Approval.

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 179 property owners within 120 m of the subject lands on January 16, 2019.

A Public Notice Sign was posted on the property on January 16, 2019, and updated on January 18, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 27, 2023.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included mailing out a public information letter to residents within 120 m of the subject lands. The applicant did not receive any feedback as a result of their consultation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - ii) It complies with the general intent of the Urban Hamilton Official Plan as it relates to residential intensification and complete communities in the Neighbourhoods designation;

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- iii) It will comply with and implement the policies of the Western Development Area Secondary Plan upon approval of Urban Hamilton Official Plan Amendment No. XX; and,
- iv) The proposed development of 11 block townhouse dwellings is supportable, as they provide a built form that is compatible with existing development in the area and enhances the character of the neighbourhood through intensification. The subject site has adequate transportation systems available and existing servicing with sufficient capacity to support the proposed development.

2. Western Development Area Secondary Plan Amendment

The proposed Urban Hamilton Official Plan (UHOP) Amendment is required to amend the Western Development Area Secondary Plan to redesignate the southern portion of the subject lands from “Low Density Residential 2b” to “Low Density Residential 3c”.

As per the UHOP policies identified above, the proposed re-designation can be supported as the development proposal meets the intent of the policies of Volume 1 of the UHOP regarding residential intensification, respects the scale of the neighbourhood, is consistent with the higher densities contemplated in current Provincial policies, is in an area where full municipal services are available, which ensures the efficient use of land and infrastructure, and is a compatible residential development that contributes to a complete community. The proposed re-designation will result in a consistent designation and permitted dwelling forms across the lands. Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-71” Zone, Modified to permit the development of 11 block townhouse dwellings with two parking spaces per unit and six visitor parking spaces. Given that:

- The proposed development complies with the general intent of the Urban Hamilton Official Plan and will comply with the Western Development Area Secondary Plan upon approval of the proposed UHOPA;

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- Will provide a built form that is compatible with existing development in the area and respects and enhances the character of the neighbourhood; and,
- Has adequate transportation systems available and existing servicing with capacity sufficient for the proposed development, ensuring efficient use of land and infrastructure;

Staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Multiple Residential “RM3” Zone, which are discussed in Appendix “D” to Report PED23040.

4. Draft Plan of Subdivision

The proposed Draft Plan of Subdivision will consist of one block for proposed block townhouse dwellings (Block 1) for the creation of Parcels of Tied Land for a future Common Element Condominium and one right-of-way dedication block (Block 2).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) 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);
- (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It will comply with the applicable policies of the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon approval of the UHOPA;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision consists of a single development block for the purposes of a future common element condominium for block townhouse dwellings, which will be appropriately zoned, and will be compatible with

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the existing road network and block pattern of the surrounding neighbourhood;

- (f) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (g) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (h) The application will not have any negative impact on the City's finances.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with Neighbourhood Development "ND" Zone, which permits uses including, but not limited to, agricultural uses and one single detached dwelling existing at the date of the passing of this By-law.

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 PED23040 – Location Map

Appendix "B" to Report PED23040 – Draft Official Plan Amendment

Appendix "C" to Report PED23040 – Draft Amendment to Zoning By-law No. 3692-92

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Appendix "D" to Report PED23040 – Zoning Modification Chart

Appendix "E" to Report PED23040 – Concept Plans

Appendix "F" to Report PED23040 – Proposed Draft Plan of Subdivision

Appendix "G" to Report PED23040 – Draft Plan of Subdivision Special Conditions

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