



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 14, 2023
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202302, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston), on behalf of 256 First Road West Inc. (c/o Nicole Cimadamore), Owner**, on lands located at 250 First Road West, as shown on Appendix “A” attached to Report PED23233, be **APPROVED** in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:

- (a) That this approval apply to the Draft Plan of Subdivision 25T-202302, certified by Rob. A. McLaren, O.L.S., dated December 22, 2022, consisting of one development block for townhouse dwellings (Block 1), one block for a daylight triangle dedication (Block 2) and one block for a road right of way dedication (Block 3), as shown on Appendix “B” attached to Report PED23233;
- (b) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix “C” attached to Report PED23233;

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.

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- (c) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202302, as shown on Appendix “C” attached to Report PED23233, be received and endorsed by City Council;
- (d) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (e) 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 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 subject property is municipally known as 250 First Road West, Stoney Creek as shown on Appendix “A” attached to Report PED23233. The lands are located on the southeast corner of First Street West and Mud Street West and have an area of 0.59 ha.

The Applicant has submitted a Draft Plan of Subdivision application to establish three blocks as shown on Appendix “B” attached to Report PED23233. Block 1 is intended for the development of 25 townhouse units along with a private roadway, sidewalk and visitor parking, which is the subject of Site Plan Control application DA-22-097 as shown on Appendix “D” attached to Report PED23233 and Draft Plan of Condominium (Common Element) application 25CDM-202303. Block 2 is a daylight triangle dedication measuring 12.19 metres by 12.19 metres at the intersection of First Road West and Mud Street West. Block 3 is a road right of way dedication of 3.05 metres along First Road West. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

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), and complies with the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan. The proposed development is compatible with the existing development in the area and will make full use of available municipal services.

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A future Part Lot Control application and Draft Plan of Condominium application will be required to create the individual townhouse lots and the condominium (private) road and associated parking areas.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a statutory public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Application Details	
Owner:	256 First Road West Inc. (c/o Nicole Cimadamore).
Applicant/Agent:	UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston).
File Number:	25T-202302.
Type of Application:	Draft Plan of Subdivision.
Proposal:	The Draft Plan of Subdivision proposes to create three blocks. Block 1 is intended for the development of 25 townhouse units along with a private roadway, sidewalk and visitor parking. Block 2 is a daylight triangle dedication measuring 12.19 metres by 12.19 metres at the intersection of First Road West and Mud Street West. Block 3 is a road right of way dedication of 3.05 metres along First Road West, as shown on Appendix “B” attached to Report PED23233.
Property Details	
Municipal Address:	250 First Road West.
Lot Area:	0.56 ha.
Servicing:	Full municipal services.
Existing Use:	Vacant.

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Documents	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (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.
Secondary Plan Existing:	“Low Density Residential 3c” on Map B.7.6-1 of the West Mountain Area (Heritage Green) Secondary Plan.
Zoning Existing:	Multiple Residential “RM3-70(H)” Zone, Modified, Holding.
Processing Details	
Received:	December 23, 2022
Deemed Complete:	February 6, 2023
Notice of Complete Application:	Sent to 46 property owners within 120 m of the subject lands on February 17, 2023.
Public Notice Sign:	Posted February 21, 2023 and updated with Public Meeting date on October 18, 2023.
Notice of Public Meeting:	Sent to 46 property owners within 120 m of the subject lands on October 27, 2023.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED23233.
Public Consultation:	The applicant submitted a Public Consultation Strategy in support of the application. A micro-site for the project was created to provide project information and collect feedback. The micro-site was advertised on the sign posted on the subject property for the Zoning By-law Amendment application. The applicant did not receive any feedback with concerns as a result of their consultation.
Public Comments:	Two letters from the public were received with regards to traffic, privacy, and construction (see Appendix “G” attached to Report PED23233).
Processing Time:	326 days from date of receipt of the application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant.	Multiple Residential “RM3-70(H)” Zone, Modified, Holding.
Surrounding Lands:		
North	Temporary sales centre building.	Arterial Commercial (C7, 587) Zone.
South	Single detached dwellings.	Single Residential “R2” Zone.
East	Stormwater management pond.	Conservation/Hazard Land (P5) Zone.
West	Single detached dwellings.	Single Residential “R4” Zone.

Related Files

The following applications were submitted and are currently under review by City staff to facilitate the development of the proposed 25 townhouse dwellings fronting onto a common element condominium road:

Site Plan Control Application DA-22-097

A Site Plan Control application has been submitted to facilitate the development of 25 townhouse dwellings. The application received conditional approval on August 25, 2022.

Draft Plan of Condominium (Common Element) Application 25CDM-202303

The Draft Plan of Condominium (Common Element) application is comprised of a private road, 12 visitor parking spaces, and sidewalk. The application was received on December 23, 2022 and is currently under review.

Part Lot Control Application PLC-23-002

The Part Lot Control Application is comprised of 25 townhouse lots, one common element condominium road, and seven easements. The application was received on December 23, 2022 and is currently under review.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement.

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 Plan, 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 (i.e., efficiency of land use) are discussed in the Official Plan analysis that follows.

As the application for a Draft Plan of Subdivision complies with the Official Plan and the relevant policies in the Provincial Policy Statement (2020), it is staff's opinion that the application is:

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

Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The lands are also designated "Low Density Residential 3c" on Map B.7.6-1 – West Mountain Area (Heritage Green) Secondary Plan – Land Use Plan. A review of applicable policies is contained in Appendix "E" attached to Report PED23233.

The "Low Density Residential 3c" designation permits townhouses at a density of 30 to 49 units per net residential hectare. The proposal is for the development of 25 townhouse units which are a permitted form of residential use. The proposed

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development will have a density of 45 units per net residential hectare. As such, the proposal meets the intent of the “Neighbourhoods” and “Low Density Residential 3c” designations.

There are trees present on the subject lands, therefore a Tree Protection Plan is required. A Landscape Plan is required for all areas not covered by buildings, structures, loading areas, or parking areas. These matters are being addressed through Site Plan Control application DA-22-097. A Tree Protection Plan, Landscape Plan, and cash payment have been included as Condition Nos. 13, 15 and 16 of Appendix “C” attached to Report PED23233.

A Noise Study, prepared by HGC Engineering, dated March 30, 2020, and an Addendum Letter, dated July 5, 2021 were submitted in support of the previous Zoning By-law Amendment application. The study reviewed the acoustic requirements for the proposed development with respect to acoustic noise from vehicular traffic along First Road West and Mud Street East. Based on the results of the Study, a noise barrier will be required along the rear yards of the units facing Mud Street West and a noise barrier will be required along the rear yards of the units facing the Stormwater Management Pond to the east. Additionally, noise warning clauses will be required to be included in all agreements of purchase and sale or lease and all rental agreements. Condition Nos. 14 and 17 of Appendix “C” attached to Report PED23233 has been included to ensure that the appropriate warning clauses are included into all agreements of purchase and sale or lease and all rental agreements.

A Landfill Impact Assessment was prepared by Ortech Environmental (Ortech), dated April 6, 2020, and peer reviewed by Golder Associates Ltd (Golder), was submitted and required as part of the Zoning By-law Amendment application. Golder required updates to the original Assessment and a revised Landfill Impact Assessment, dated July 21, 2021, was received and reviewed. The Landfill Impact Assessment reviewed the requirements of the Ministry of Environment, Conservation and Parks (MECP) D4 - Land Use on or Near Landfills and Dumps Guidelines in relation to the adjacent TerraPure Landfill. Condition No. 18 of Appendix “C” attached to Report PED23233 has been included to ensure that the appropriate warning clauses be included into any offer of purchase and sale agreement or lease or rental Agreement to advise prospective buyers of the potential noise and odour nuisances associated with the adjacent landfill.

The Draft Plan of Subdivision includes a road right-of-way dedication of 3.048 metres for Mud Road West and a daylight triangle dedication of 12.19 metres by 12.19 metres, as shown on Appendix “B” attached to Report PED23233. The dedications have been included as Condition Nos. 22 and 23 in Appendix “C” attached to Report PED23233. As such, the proposal meets the intent of the Road Network policies.

Therefore, the proposal complies with the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan.

Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Multiple Residential “RM3-70(H)” Zone, Modified, Holding in Stoney Creek Zoning By-law No. 3692-92. The proposed use is permitted in the “RM3-70(H)” Zone. The Holding Provision requires that adequate sanitary service capacity and appropriate sanitary sewer connections be demonstrated, and that the development demonstrate how it will incorporate adequate methane mitigation measures related to the Terrapure Environmental Stoney Creek Landfill prior to development of the lands. The Draft Plan of Subdivision complies with the “RM3-70(H)” Zone subject to removal of the Holding Provisions. Condition No. 19 of Appendix “C” attached to Report PED23233 has been included to ensure that the Holding Provision is removed prior to registration of the plan of subdivision.

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 46 property owners within 120 m of the subject lands on February 17, 2023.

A Public Notice Sign was installed on the property on February 21, 2023 and updated on October 18, 2023, with the Public Meeting date.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included creating a digital micro-site for the project, to provide project information and collect feedback.

The applicant sent letters to residents within 120 m of the subject lands with information of the micro-site. The applicant did not receive any feedback with concerns from the micro-site.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (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) It conforms with the general intent and purpose of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan; and,
 - (c) The proposed development provides dwelling units in the area and is considered to be compatible with the existing land uses in the immediate area, and represents good planning by, among other things, increasing the supply of housing units and making efficient use of lands and existing infrastructure.
2. Staff reviewed the application against the criteria set out in the *Planning Act* sub-section 51(24) to assess the appropriateness of the proposed subdivision, staff advise that:
- (a) The proposal 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 it is in the public interest;
 - (c) The proposal complies with the general intent and purpose of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan and with adjacent plans of subdivision;
 - (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
 - (e) The proposal will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
 - (f) The dimensions and shape of the proposed blocks generally conform to the Zoning By-law and are sufficient to accommodate the proposed development;
 - (g) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval (see Appendix “C” attached to Report PED23233) and in the Subdivision Agreement;
 - (h) Natural heritage features have not been identified on the subject property nor is the site located within an area regulated by a conservation authority;

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- (i) Adequate utilities and municipal services are available to service the proposed development block, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement;
- (k) Adequate land for right of way is being dedicated to the City;
- (l) The proposal will provide residential dwellings in a compact and efficient form; and,
- (m) The proposal is subject to Site Plan Control.

Based on the above, staff recommend approval of the Draft Plan of Subdivision.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Draft Plan of Subdivision not be approved, the townhouse dwellings would be permitted in accordance with the Multiple Residential “RM3-70(H)” Zone, Modified, Holding, but would limit the tenure of the proposed townhouses.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23233 – Location Map
Appendix “B” to Report PED23233 – Draft Plan of Subdivision
Appendix “C” to Report PED23233 – Special Conditions of Draft Plan of Subdivision
Appendix “D” to Report PED23233 – Site Plan
Appendix “E” to Report PED23233 – Policy Review
Appendix “F” to Report PED23233 – Comment Review
Appendix “G” to Report PED23233 – Public Comments

MM:sd