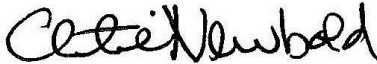




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

| | |
|---------------------------|---|
| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | September 7, 2021 |
| SUBJECT/REPORT NO: | Application to Remove Part Lot Control from Part of Block 68, Registered Plan No. 62M-1057, and Further Described as Parts 1 and 2 of Reference Plan 62R-21651, Hamilton (PED21175) (Ward 10) |
| WARD(S) AFFECTED: | Ward 10 |
| PREPARED BY: | Michael Fiorino (905) 546-2424 Ext. 4424 |
| SUBMITTED BY: | Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: |  |

RECOMMENDATION

That **Part Lot Control Application PLC-21-006 , Fifty Road Joint Venture Inc., Silvio Guglietti owner**, to remove Part Lot Control from Part of Block 68, Registered Plan No. 62M-1057, for the purpose of creating one lot for future lot consolidation (Parts 1 and 2 inclusive) and a maintenance and encroachment easement (Part 2) on lands located at 99 Springstead Avenue, as shown on Appendix “A” to Report PED21175, be approved on the following basis:

- (a) That the draft By-law attached as Appendix “C” to Report PED21175, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council;
- (b) That the said By-law be restricted to a two-year effective time period, to expire on September 15, 2023.

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EXECUTIVE SUMMARY

The subject land is located within the former municipality of Stoney Creek, east of the intersection of Fifty Road and North Service Road. The subject lands are contained within Registered Plan No. 62M-1057 which was registered on April 7, 2006.

The application is to remove Part Lot Control from Part of Block 68, Registered Plan No. 62M-1057, for the purpose of creating one lot for future lot consolidation (Parts 1 and 2 inclusive) including a maintenance and encroachment easement (Part 2).

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

| Application Details | |
|----------------------------|---|
| Applicant /Owner: | Fifty Road Joint Venture Inc. c/o Silvio Guglietti (owner) |
| Agent: | A. J Clarke and Associates c/o Franz Kloibhofer |
| File Number: | PLC-21-006 |
| Type of Application: | Part Lot Control Application |
| Proposal | For the purpose of creating one lot for future lot consolidation (Parts 1 and 2 inclusive) and a maintenance and encroachment easement (Part 2), as shown on Appendix B to Report PED21175. |
| Property Details | |
| Municipal Address: | 99 Springstead Drive, Stoney Creek (see Location Map attached as Appendix “A” to Report PED21175) |
| Lot Area | 321.3 m ² |

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| | |
|-----------------------------------|--|
| Servicing: | Existing Municipal Services |
| Existing Uses: | Vacant |
| Proposed Use: | Intended for future lot consolidation with the adjacent property to the west (508 Fifty Road). |
| Documents | |
| Provincial Policy Statement (PPS) | The proposal is consistent with the PPS. |
| A Place to Grow: | The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019. |
| Official Plan Existing: | Neighbourhoods on Schedule "E" – Urban Structure and on Schedule "E-1" – Urban Land Use Designations in the UHOP. Furthermore, the subject lands are designated "Low Density Residential 2e" in the Urban Lakeshore Area Secondary Plan. |
| Official Plan Proposed: | N/A |
| Zoning Existing: | Neighbourhood Development "ND" Zone (Stoney Creek Zoning By-law No. 3692-92). |
| Zoning Proposed: | N/A |
| Processing Details | |
| Received: | April 9, 2021 |
| Deemed Complete: | May 5, 2020 |
| Reference Plan Deposited | March 11, 2021 |

EXISTING LAND USE AND ZONING

| | Existing Land Use | Existing Zoning |
|-----------------------|-------------------|-------------------------------------|
| Subject Lands: | Vacant | Neighbourhood Development "ND" Zone |

Surrounding Lands:

| | | |
|--------------|---------------------------|--|
| North | Single detached dwellings | Single Residential – Three “R3-12” Zone, Modified |
| South | Vacant | Neighbourhood Development “ND” Zone |
| East | Single detached dwellings | Single Residential – Three “R3-12” Zone, Modified |
| West | Single detached dwellings | Rural Residential “RR” Zone |

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The *Planning Act* permits Council to pass a by-law to exempt a lot or a block of land within a Registered Plan of Subdivision from Part Lot Control for the purpose of subdividing the land. On October 16, 2001, Council granted the authority to approve an application for exemption from Part Lot Control for lands within the City of Hamilton and to prepare and present to City Council the implementing By-law, to the General Manager, Planning and Economic Development Department (Report PD01184).

The exception to the delegated authority, outlined in Report PD01184, is that it is appropriate for staff not to process any requests for exemption from Part Lot Control which will have the effect of creating additional lots within existing communities, or to re-align lots within existing residential plans of subdivision to create additional building lots, unless the development proposed under the exemption from Part Lot Control request has been subject to a previous planning application (e.g., rezoning), which clearly indicates the proposed changes to the lot configuration and which involves public participation.

The subject land was subject to a previous *Planning Act* application; however, they were zoned Neighbourhood Development “ND” Zone in the Stoney Creek Zoning By-law No. 3692-92 as the intended use of the lands had not been determined and the proposed lot configuration had not been reviewed. As such, this proposal does not fall within the delegated authority outlined in Report PD01184 and Council approval is required.

RELEVANT CONSULTATION

| | Comment | Staff Response |
|---|---|---|
| Growth Management Section | Identified that the municipal address of 99 Springstead Avenue will be assigned to Parts 1 and 2 of the submitted Reference Plan 62R-21651. | No action is required. |
| Building Engineering and Zoning Section | Staff identified that all development shall comply with Stoney Creek Zoning By-law No. 3692-92, as amended. In addition, all proposed development is subject to the issuance of building permits in the normal manner. | The owner will be subject to future <i>Planning Act</i> applications to develop the lands. |
| Finance | Staff identified that outstanding Municipal Act Sewer charge must be paid with the future development application. | No action is required. Future <i>Planning Act</i> applications will be subject to the payment of outstanding fees. |
| Development Engineering Approvals | Staff identified that this application is for land assembly therefore we have no comments at this time. Further comments will be provided under a formal application. We do not recommend lifting the 0.3 m reserve at this time. | No action is required. The 0.3 m reserve along Springstead Avenue will be reviewed through future <i>Planning Act</i> applications. |

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are designated “Low Density Residential 2e” in the Urban Lakeshore Area Secondary Plan which permits single and semi detached dwellings, duplex, link dwellings, and cluster homes.

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The subject lands are zoned Neighbourhood Development “ND Zone, in the City of Stoney Creek Zoning By-law No. 3692-92. The zoning permits existing uses at the time of passing of the By-law. The purpose of this application is for land assembly with the adjacent lands to the west (508 Fifty Road) for a comprehensive development which will require a Zoning By-law Amendment application. The 0.3 metre reserve along the frontage of the property will remain in place until future planning approvals are granted.

The proposal to remove Part Lot Control from Part of Block 68 of Registered Plan of Subdivision No. 62M-1057, complies with the Urban Hamilton Official Plan, conforms to the City of Stoney Creek Zoning By-law No. 3692-92, and is consistent with Registered Plan 62M-1057.

Based on the foregoing, the request to remove Part Lot Control for the purpose of creating one lot for future lot consolidation including a maintenance and encroachment easement can be supported.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Part Lot Control Application not be approved, the lands will remain as one block (Block 68) and vacant until such time that future *Planning Act* Applications, such as an Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision, are approved.

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

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

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APPENDICES AND SCHEDULES ATTACHED

Appendix A to Report PED21175 – Location Map

Appendix B to Report PED21175 – Deposited Reference Plan, 62M-1057

Appendix C to Report PED21175 – By-law

Appendix D to Report PED21175 – Registered Plan, 62R-21561