



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | December 5, 2023 |
| SUBJECT/REPORT NO: | Application for a Zoning By-law Amendment for Lands Located at 1400 Limeridge Road East, Hamilton (PED23242) (Ward 6) |
| WARD(S) AFFECTED: | Ward 6 |
| PREPARED BY: | Spencer Skidmore, (905) 546-2424 Ext. 6340 |
| SUBMITTED BY: | Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-22-065 by MHBC Planning Ltd. (c/o Dave Aston and Stephanie Mirtitsch) on behalf of Valstar (Red Hill) Inc., Owner**, for a change in zoning from the "D/S-222" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the "RT-20/S-1833" (Townhouse – Maisonette) District, Modified, to permit the lands to be developed for 10 additional maisonette dwellings on lands located at 1400 Limeridge Road East, as shown on Appendix "A" attached to Report PED23242, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23242, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning 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.

EXECUTIVE SUMMARY

The subject property is municipally known as 1400 Limeridge Road East and is located east of Upper Kenilworth Avenue, south of Limeridge Road East and north of the Redhill Valley Parkway. The Owner has applied for a Zoning By-law Amendment to permit the development of 10 additional maisonette dwellings on the southern portion of the subject lands, which currently contain a total of 36 maisonette dwelling units and 54 parking spaces.

The existing site-specific zoning under the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, establishes a combined maximum of 105 total dwelling units on the subject lands and the lands adjacent to the west, municipally known as 1350 Limeridge Road East. The purpose of the Zoning By-law Amendment is for a change in zoning to a portion of the lands from the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the “RT-20/S-1833” (Townhouse – Maisonette) District, Modified, in City of Hamilton Zoning By-law No. 6593.

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

- It is consistent with the Provincial Policy Statement (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; and,
- The proposed development provides a compact built form that is compatible with the surrounding land uses in the immediate area, and represents good planning by, among other matters, increasing the supply of dwelling units, adding to the range and mix of housing types and tenures in the neighbourhood, and making efficient use of existing municipal infrastructure.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1400 Limeridge Road East, Hamilton (PED23242) (Ward 6) - Page 3 of 9

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

| Application Details | |
|------------------------------------|--|
| Owner: | Valstar (Red Hill) Inc. (c/o Ted Valeri) |
| Applicant: | MHBC Planning Ltd. c/o Dave Aston and Stephanie Mirtitsch |
| File Number: | ZAC-22-065 |
| Type of Application: | Zoning By-law Amendment |
| Proposal: | <p>The purpose of the Zoning By-law Amendment is for a change in zoning for a portion of the lands from the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the “RT-20/S-1833” (Townhouse – Maisonette) District, Modified, in City of Hamilton Zoning By-law No. 6593.</p> <p>The effect of the application is to facilitate the development of 10 maisonette dwellings planned at the southerly portion of the subject lands. Parking for the additional dwelling units is proposed within the existing surface parking areas containing 54 spaces. The proposal would increase the unit count to a total of 46 dwelling units on the subject lands, which would be serviced by the existing 54 parking spaces.</p> |
| Property Details | |
| Municipal Address: | 1400 Limeridge Road East |
| Lot Area: | 1.17 hectares. |
| Servicing: | Existing municipal services. |
| Existing Use: | Two storey maisonette dwellings. |
| Documents | |
| Provincial Policy Statement (PPS): | The proposal is consistent with the Provincial Policy Statement (2020). |

SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 1400 Limeridge Road East, Hamilton (PED23242) (Ward 6) - Page 4 of 9

| Documents | |
|---------------------------------|--|
| 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" in the Urban Hamilton Official Plan. |
| Zoning Existing: | "D/S-222" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified. |
| Zoning Proposed: | "RT-20/S-1833" (Townhouse – Maisonette) District, Modified. |
| Modifications Proposed: | <p>The following modifications are being proposed to the Zoning By-law No. 6593:</p> <ul style="list-style-type: none"> • To establish a maximum of 10 additional dwelling units on the subject lands; • To permit a minimum 4.3 metre yard abutting another lot, where there are windows to a habitable room facing the yard; • To permit a minimum 6.0 metre separation distance between exterior walls of buildings on the same lot, which have windows to a habitable room; • To remove the requirement for a privacy area for each single family dwelling unit; • To reduce the minimum parking requirement to 1.0 space per Class A dwelling unit for existing and proposed dwelling units; • To permit a minimum of 0.17 visitor spaces per Class A dwelling unit; and, • That no loading space shall be required. |
| Processing Details | |
| Received: | October 20, 2022. |
| Deemed complete: | November 10, 2022. |
| Notice of Complete Application: | Sent to 146 property owners within 120 metres of the subject property on November 17, 2022. |
| Public Notice Sign: | Posted on November 17, 2022 and updated with the public meeting date on November 17, 2023. |
| Notice of Public Meeting: | Sent to 146 property owners within 120 metres of the subject property on November 17, 2023. |

| Processing Details | |
|---------------------------|---|
| Public Consultation: | The Applicant advised that in the event the Ward Councillor requests a neighbourhood information meeting, the Applicant would present the development proposal and answer questions of the public. Staff note that a public meeting was not requested by the Ward Councillor. |
| Public Comments: | Five emails were received expressing concern about the proposed Zoning By-law Amendment or requesting to be notified of the Public Meeting (attached as Appendix "F" to Report PED23242). |
| Processing Time: | 411 days from date of receipt of the application. |

Existing Land Use and Zoning

| | Existing Land Use | Existing Zoning |
|-----------------------|----------------------------------|--|
| Subject Lands: | Townhouse (Maisonette) dwellings | "D/S-222" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified |

Surrounding Land Uses:

| | | |
|-------|---|--|
| North | Mohawk Sports Park | City Wide Park (P3) Zone |
| South | Single detached dwellings | Low Density Residential (R1) Zone and "D/S-222" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified |
| East | Escarpment Rail Trail and single detached dwellings | Open Space (P4) Zone and "B-2/S-1822" (Suburban Agriculture and Residential, etc.) District, Modified |
| West | Townhouse dwellings | "D/S-222" and "D/S-1822" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified |

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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 Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for Zoning By-law Amendment complies with the Urban Hamilton Official Plan 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

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are located at the northern periphery of the Trenholme Neighbourhood with Limeridge Road East being the northern boundary of the neighbourhood.

The intent of the "Neighbourhoods" designation is to permit a full range of residential dwelling types, densities and supporting uses to function as a complete community. The medium density residential category of the "Neighbourhoods" designation is characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting onto collector roads. The proposed development of the subject lands would meet the intent by developing 10 additional maisonette dwellings on a site containing 36 existing maisonette dwellings with frontage on a collector road (Limeridge Road East) in proximity to a minor arterial road (Mountain Brow Boulevard).

Development within the medium density residential category of the “Neighbourhoods” designation is evaluated on the basis of the criteria outlined in Policy E.3.5.9 of the Urban Hamilton Official Plan. The development has direct access onto a collector road; that is appropriately integrated within the neighbourhood; that is a suitable size to provide adequate landscaping, amenity features, on-site parking, and buffering if required; that the height, massing, and arrangement of buildings and structures be compatible with existing and future uses in the surrounding area; and, that appropriate access be provided for both vehicles and pedestrians. The proposal has been evaluated against these criteria and conforms.

The proposal was evaluated against the residential intensification criteria of Policy B.2.4.1.4 and B.2.4.2.2. The proposal satisfies these criteria by proposing a built form that builds upon the established character, patterns and built forms of the existing neighbourhood. The proposal also contributes to the range and mix of dwelling types and tenures within the neighbourhood. Further, the proposal provides additional residential density that can be adequately serviced by existing municipal infrastructure, is located with frontage on a collector road, and is well serviced by existing transit, recreational and community service facilities.

The materials submitted by the Applicant indicate that two trees are proposed to be removed as a result of the proposed development. In accordance with Policy C.2.11.1 the City supports the protection and enhancement of trees and forests. The Applicant has since confirmed they will retain the southerly tree and committed to obtaining an arborist prior to development at the Site Plan Control stage to evaluate protection options for the northerly tree. The Applicant is required to replace any removed privately owned trees at a compensation rate of 1 to 1, which will be implemented through a Landscape Plan at the Site Plan Control stage.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan. The full review of the policies of the Urban Hamilton Official Plan is attached as Appendix “D” to Report PED23242.

Zoning By-law No. 6593

The proposed Zoning By-law Amendment is for a change in zoning from the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified to the “RT-20-S/1833” (Townhouse – Maisonette) District, Modified. The effect of this Zoning By-law Amendment will permit development of 10 additional maisonette dwellings on the subject lands. Modifications to the “RT-20” District are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “D” attached to Report PED23242.

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 complies with the general intent and purpose of the Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation, residential intensification, medium density residential and urban design policies; and,
 - c. The proposal is compatible with the surrounding uses in the immediate area, and represents good planning by, among other matters, providing a compact and efficient urban form along a collector road that adds to the range of housing types and tenures by introducing a multiple dwelling built form on lands where the use already exists to support the development of a complete community.
2. The subject lands are zoned the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, in Zoning By-law No. 6593. The Zoning By-law Amendment proposes to change the zoning to the “RT-20/S-1833” (Townhouse – Maisonette) District, Modified, as outlined in the Report Fact Sheet on page 4.

Staff are satisfied that the proposed Zoning By-law Amendment complies with the “Neighbourhoods” designation policies, in particular the criteria outlined in Policy E.3.5.9 for medium density residential development, as the proposal:

- Is located on a parcel with frontage on a collector road;
- Is appropriately integrated within the neighbourhood with respect to density, design, and physical and functional considerations;
- Provides an appropriate amount of landscaping, amenity area, and on-site parking;
- Is compatible with surrounding development in terms of height, massing and arrangement of structures; and,
- Provides adequate pedestrian and vehicular access to the property.

Therefore, staff support the proposed Zoning By-law Amendment.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the “D/S-222” and “D/S-1822” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, in Zoning By-law No. 6593.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23242 – Location Map

Appendix “B” to Report PED23242 – Amending By-law to Zoning By-law No. 6593

Appendix “C” to Report PED23242 – Concept Plan

Appendix “D” to Report PED23242 – Zoning Modification Table

Appendix “E” to Report PED23242 – Policy Review

Appendix “F” to Report PED23242 – Public Comments

Appendix “G” to Report PED23242 – Staff and Agency Comments

SS:sd