

26 Winona Road



1290 South Service and Vince Mazza Way



1400 South Service Road



BACKGROUND

Prior to the submission of this development application, the land was approved by Council to be brought into 05-200 Zoning as part of the Commercial & Mixed Use Zones. That rezoning was appealed by the owners and is part of the “Site Specific Group” under appeal PL171450 at the Ontario Land Tribunal. As per the most recent Procedural Order agreed upon by all the parties to the appeals, the site specific group of appeals will be heard sometime following the “City-wide Group” hearing which is scheduled for 5 weeks commencing on February 14, 2022.

Prior to the current appeal, in 2015, at the request of the owner the land was rezoned from Agricultural Specialty Zone to SC 2-8-H (Shopping Centre). Hence, the subject land is still legally governed by the Stoney Creek Zoning ByLaw Regulations 3682-92

Issue #1 – We note that the planning process has been measured against Zoning 05-200.

Zoning 05-200 is not in force and effect for the subject land. It is premature to measure the proposed OPA/ZBLA against 05-200. The proposed OPA/ZBLA should be measured against 3682-92.

OPA/ZBLA

The proposal is for a development consisting of 23 buildings:

- 1 – Maintenance Waste Building
- 16 – Residential Only buildings (70%)
- 1 – Commercial Only building
- 6 – Mixed Use buildings (26%)

The proposal is a “Residential & Mixed Use”. It is not a “Commercial & Mixed Use” proposal.

Issue #2 – A change in land use to ‘residential & mixed use’ should be governed by 3692-92 Stoney Creek Zoning Regulations due to the absence of Residential Zones in 05-200.

OPA/ZBLA

The applicant has requested a C5 zoning. As per the intent of C5 zoning “although residential uses are permitted, either as single or mixed-use buildings, this zone is predominantly commercial”.

As per our DC By-law, a “mixed use development” means “a building (emphasis added) used, designed or intended for use for both (emphasis added) residential and non-residential use”

Issue #3 – The proposal is not predominantly commercial, is not predominantly mixed-use and therefore does not adhere to the general intent of the zoning regulations and bylaws.

PRECEDENTS

The applicant recently completed a similar development of stacked townhomes in Stoney Creek. In May 2018, Council approved a RM3 zoning under the residential zones of 3692-92. RM3 allows for ground floor commercial. There are other similar developments through out Hamilton that were also measured against Residential zoning standards.

Issue #4 – More appropriate alternatives that are more consistent with the general intent of zoning standards exist within the Zoning Regulations available on the shelf.

VARIANCES

There are an exorbitant amount of variances requested. It is our opinion this is because a Mixed Use Commercial standard is used as the foundation for what is a Residential development proposal. The standards for a building with ground floor commercial were written after a very lengthy and extensive public process. Those standards are not an appropriate basis to measure the impact deviations have when a building is residential only.

This proposal has 23 buildings and what appears to be **@ 90% of the gross ground floor area dedicated to residential**; uses accessory to residents. (amenities, front door access/walkways, parking ingress/egress, etc) Yet, those variances have been measured against a commercial intended standard.

Issue #5 – The residents are of the opinion, that collectively, the volume & deviations of the variances will result in unacceptable impacts to the surrounding neighbourhood and that it is not appropriate to defer significant challenges such as but not limited to:

- **Reduced Barrier Free parking spaces**
- **Reduced Barrier Free parking dimensions**
- **Significant features within the MTO setbacks**
- **Significant features (expansive grassed boulevards, sitting areas, infrastructure) within the municipal owned lands**
- **Waste Collection – insufficient turning movements**
- **Unknown size & tenure of Commercial units (“guess” parking requirements)**
- **No conventional public transit**
- **Reduced landscaped areas**
- **Increased yard encroachments.**
- **Zero parking requirements for Commercial units written in to the Zoning by-law (proposed does not ensure provided)**
- **Reduced on-site short term bicycle spaces**
- **Reduced front yard setbacks fronting onto municipal land**