



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 30, 2024
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 560 Grays Road, Stoney Creek (PED24085) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Amended Zoning By-law Amendment Application ZAC-24-005, by Arcadis (c/o Jared Marcus) on behalf of Rose (Grays) Inc., Owners**, for a further modification to the Multiple Residential “RM3-58” Zone, Modified, to permit four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces, for lands located at 560 Grays Road, Stoney Creek, as shown on Appendix “A” attached to Report PED24085, be **APPROVED** on the following basis:

- (a) That the draft By-law attached as Appendix “B” to Report PED24085, 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.

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## **EXECUTIVE SUMMARY**

The subject property is municipally known as 560 Grays Road and is bounded by Grays Road to the west, Frances Avenue to the north, Parkedge Drive (formerly Drakes Drive) to the east, and North Service Road to the south (see Appendix “A” attached to Report PED24085).

The purpose of the Zoning By-law Amendment is for a further modification to the Multiple Residential “RM3-58” Zone, to permit the lands to be developed with four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces.

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 in particular, the function, scale, and design of the “Neighbourhoods” designation;
- The proposal represents good planning by, among other considerations, providing a compatible residential development that contributes to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area; and,
- The proposed development of four blocks of four storey multiple dwellings with a total of 94 units is an efficient use of land that provides intensification in an area supported by the planned public road network and makes efficient use of existing infrastructure within the urban boundary.

## **Alternatives for Consideration – See Page 11**

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a public meeting to consider an application for a Zoning By-law Amendment application. In accordance with Section 34(10.12), if the City makes a decision on a Zoning By-law Amendment within 90 days after the receipt of the application, the City shall not refund the fee.

## **HISTORICAL BACKGROUND**

The subject lands are bounded by Grays Road to the west, Frances Avenue to the north, Parkedge Drive (formerly Drakes Drive) to the east, and North Service Road to the south (see Appendix “A” attached to Report PED24085). The subject site is presently vacant.

The site was subject to three previous Official Plan and Zoning By-law Amendment applications as a result of different proposed development concepts. The details of each of the previous applications are summarized below.

### **Official Plan Amendment Application (OPA-12-010) and Zoning By-law Amendment Application (ZAC-12-027)**

The site was subject to an Official Plan Amendment application (OPA-12-010) and Zoning By-law Amendment application (ZAC-12-027) in 2012 to permit 36 townhouse units on a private condominium road. Site servicing concerns were identified at that time with the determination that the proposed servicing strategy had not demonstrated adequate sustainable services for the number of proposed units. An appeal was filed by the applicant to the Ontario Land Tribunal for a lack of decision. It was subsequently established through further analysis and discussion that site servicing for the proposed development could be appropriately addressed. The appeal was withdrawn and a revised development proposal with a new Zoning By-law Amendment application was submitted in December 2015, being application ZAC-16-008.

### **Zoning By-law Amendment Application (ZAC-16-008)**

The purpose of the Zoning By-law Amendment application (ZAC-16-008) was to remove the portion of the subject lands located within the City of Hamilton Zoning By-law No. 6593 and add the lands to the City of Stoney Creek Zoning By-law No. 3692-92, and to rezone the entirety of the property to the Medium Density Residential “RM3” Zone, with site specific modifications to permit the development of a four storey building containing 106 dwelling units.

Council passed By-law No. 16-227 on August 12, 2016. The decision was appealed to the Ontario Land Tribunal by a neighbourhood community group, but the appeal was subsequently withdrawn.

### **Zoning By-law Amendment Application (ZAC-18-017)**

The applicant applied for a Zoning By-law Amendment to further modify the Multiple Residential “RM3-58” Zone to permit the development of a six storey multiple dwelling with a L-shaped orientation, adjacent to Grays Road and North Service Road that

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terminated with a four storey portion adjacent to Frances Drive and the existing residential development to the north. A total of 151 dwelling units with 191 underground and 58 surface parking spaces were proposed.

An additional modification was added to establish a 14 metre setback adjacent to North Service Road to comply with Ministry of Transportation requirements and access to the proposed development was to be via Parkedge Drive (formerly Drakes Drive). Council passed By-law No. 19-014 on January 19, 2019.

**Site Plan Control Application (DA-19-056)**

The applicant applied for a Site Plan Control application (DA-19-056) to develop the subject lands with a six storey multiple dwelling having 151 dwelling units with 191 underground and 58 surface parking spaces in accordance with By-law No. 19-014. The applicant received Conditional Approval on August 22, 2019; however, Final Approval has not been issued to date.

<b>Application Details</b>	
Owner:	Rose (Grays) Inc.
Applicant/Agent:	Arcadis (c/o Jared Marcus)
File Number:	ZAC-24-005
Type of Applications:	Zoning By-law Amendment
Proposal:	<p>The purpose of the Zoning By-law Amendment is to further modify the Multiple Residential "RM3-58" Zone.</p> <p>The purpose of the application is to facilitate the development of four blocks of four storey multiple dwellings (stacked back-to-back townhouses) with a total of 94 dwelling units, with 110 surface parking spaces inclusive of 16 visitor parking spaces. The proposed development will have vehicular access from Parkedge Drive with the dwellings located along the perimeter of subject lands, providing a 139 square metre central amenity area. The proposed development will result in the extension of municipal sidewalks along Frances Avenue and Parkedge Drive and will contribute to the pedestrian connection internal to the subject lands and to the existing neighbourhood to the north.</p>
<b>Property Details</b>	
Municipal Address:	560 Grays Road, Stoney Creek
Lot Area:	± 1.07 ha (generally rectangular).

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<b>Property Details</b>	
Servicing:	Existing full municipal services.
Existing Use:	Vacant.
<b>Documents</b>	
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-1 – Urban Land Use Designations.
Zoning Existing:	Multiple Residential “RM3-58” Zone, Modified
Zoning Proposed:	Multiple Residential “RM3-58” Zone, Modified
Modifications Proposed:	<p>The following additional modifications are proposed to the Multiple Residential “RM3-58 Zone in Zoning By-law No 3692-92:</p> <ul style="list-style-type: none"> <li>• To modify the definitions of Dwelling Group and add Dwelling – Stacked Back-to-Back Townhouse;</li> <li>• To permit Stacked Back-to-Back Townhouse dwellings;</li> <li>• To reduce the front yard setback from 7.5 metres to 2.0 metres;</li> <li>• To reduce the side yard setbacks from 9.0 metres to 2.0 metres;</li> <li>• To increase the rear yard setbacks from 6.0 metres to 14.0 metres;</li> <li>• To reduce the minimum distance between buildings on the same lot from 15 metres, except 3 metres between end walls and 9 metres between an end wall and a rear wall to 8.0 metres;</li> <li>• To increase the maximum density from 40 units per hectare to 99 units per hectare;</li> <li>• To increase the maximum building height from 11.0 metres to 15.0 metres;</li> <li>• To reduce the minimum privacy area depth from 4.5 metres to 1.5 metres;</li> <li>• To reduce the minimum required landscape area from 50 percent to 37 percent;</li> <li>• To remove the requirement for landscaping adjacent to the portion of the lot abutting the hypotenuse of the daylight triangle; and,</li> <li>• To reduce the minimum distance of a parking space to a lot line from 3.0 metres to 1.4 metres.</li> </ul>

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<b>Documents</b>	
Modifications Proposed: <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• To reduce the minimum distance of a parking space to a dwelling unit from 5.0 metres to 2.0 metres;</li> <li>• To permit an increase in height for an accessory structure from 4.5 metres to 6.0 metres;</li> <li>• To reduce the minimum yard from the hypotenuse of the daylight triangle of Frances Avenue and Parkedge Drive from 3.0 metres to 2.0 metres; and,</li> <li>• To require one parking space and 0.15 visitor parking space for each Stacked Back-to-Back Townhouse Dwelling unit.</li> </ul> <p>The previous modifications made through By-law No. 19-014 for Apartment Dwellings are being maintained through this amendment.</p>
<b>Processing Details</b>	
Received:	February 13, 2024.
Deemed Complete	February 13, 2024.
Notice of Complete Application:	Sent to 40 property owners within 120 metres of the subject property on March 1, 2024.
Public Notice Sign:	Posted on March 7, 2024.
Notice of Public Meeting:	Sent to 40 property owners within 120 metres of the subject property on April 19, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "E" attached to Report PED24085.
Public Consultation:	<p>The following Public Consultation was completed for the proposed development:</p> <ul style="list-style-type: none"> <li>• Neighbourhood Open House meeting was held on November 20, 2023, to present the proposed development to the public;</li> <li>• Residences within 120 metres of the subject property were notified through individual notice dated November 7, 2023, which were hand delivered to each residence;</li> <li>• Presentation boards were displayed identifying various aspects, including the Concept Plan and development statistics, elevations, land use designation, zoning, and the surrounding context; and,</li> <li>• Three people signed in however, five residents were in attendance, and all submitted a comment sheet.</li> </ul>

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<b>Processing Details</b>	
Public Consultation: <b>(Continued)</b>	Residents' concerns were summarized and were categorized including drainage, amenity area, parking, traffic, transit, timing of construction and snow removal (see Appendix "G" attached to Report PED24085).
Public Comments:	Staff received one e-mail expressing concern with the proposed Zoning By-law Amendment (attached as Appendix "G" to Report PED24085).
Processing Time:	78 days from receipt of application.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant	Medium Density Residential "RM3-58" Zone, Modified
<b>Surrounding Land Uses:</b>		
North	Single Detached Dwellings and Street Townhouse Dwellings	Low Density Residential (R1) Zone and Low Density Residential – Small Lot (R1a) Zone
South	Queen Elizabeth Way and Business Park on the south side of the highway	Prestige Business Park (M3, 361) Zone
East	Vacant Lands	Community Commercial (C3) Zone
West	Parkland (Confederation Park)	City Wide Park (P3) Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial 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 approval by the Ontario Land Tribunal, the City of Hamilton has established the Urban Hamilton Official Plan which contains local policies 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 Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff's opinion that the applications are:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (2020); and,
- Conform 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 "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan.

The intent of the "Neighbourhoods" designation is to develop neighbourhoods as complete communities. The proposal meets the intent by adding to the range of residential dwelling types and supports residential intensification in an appropriate location. The proposed four storey multiple dwellings are a compatible use within a neighbourhood primarily consisting of single detached dwellings and is considered a compatible form of intensification. The layout includes clear and convenient connections with the adjacent neighbourhood and considers the use of a private road to further promote a compact development that is compatible with the existing and future land uses in the area.

The Urban Hamilton Official Plan describes "Medium Density Residential" as multiple dwellings on the periphery of neighbourhoods adjacent to minor arterial roads with a maximum height of six storeys. The subject lands are located along North Service Road (Minor Arterial Road), along the periphery of the neighbourhood.

A Functional Servicing Report and a Stormwater Management Report were submitted in support of the application. Development Engineering staff are supportive of the Zoning By-law Amendment from a servicing perspective. Development Engineering staff will require an External Works Agreement with the City and obtain an Environmental Compliance Approval and Form 1 approval with the Province and Hamilton Conservation Authority. All further detailed design for domestic water usage and



Required Fire Flow (RFF) calculations will be addressed at the future Site Plan Control application through final design of the proposed buildings.

Trees have been identified within the subject property and are proposed to be removed as part of the development. A total of 38 of the 42 trees on site are proposed to be removed. The decision to retain trees is to be based on vigour, condition, aesthetics, age, and species. Many of these trees are undesirable species or are in very poor health. While it is recognized that there is limited opportunity to retain and preserve trees on site, staff are of the opinion that due to the condition, aesthetics, age, and species, the removal of undesirable vegetation and new plantings of native species will be of the most benefit to the subject property and the surrounding area.

Furthermore, the subject property has frontage on four sides of the property and Core Areas are located across the street to the east (Grays Road) and west Parkedge Drive). The property is in a location which provides temporary refuge for migratory birds. Staff have not approved the Tree Protection Plan but recommend that compensation should be addressed through the Landscape Plan at the future Site Plan Control stage. With the subject property located across the street from two Core Areas on the east and west, staff advise that although a Vegetation Protection Zone is not required, it is imperative to ensure quality compensation plantings and that compensation be of native species which contributes to the overall quality and diversity of species found within the City.

Transportation Planning have reviewed the revised Transportation Impact Study, prepared by C.F. Crozier & Associates Inc. dated January 2024, and have determined that the revised study and proposal will result in a minimal impact and can be supported without concern as network improvements are scheduled to the intersection of North Service Road and Parkedge Drive. Additional recommendations include increasing the minimum driveway access width to 7.5 metres at the property line and the extension of the sidewalk along the entire frontage of Parkedge Drive to North Service Road. Staff are satisfied the proposed revisions can be accommodated and the above noted requirements and detailed design will be addressed through the future Site Plan Control stage.

Based on the policy analysis provided in Appendix “D” attached to Report PED24085 and the foregoing, the proposal complies with the Urban Hamilton Official Plan.

### **Lakeshore Neighbourhood Plan**

The previous application amended the Lakeshore Neighbourhood Plan from “Medium Density Residential” to “High Density Residential”. The “High Density Residential” designation would contemplate the proposed development and therefore the proposal conforms to the Lakeshore Neighbourhood Plan.

**City of Stoney Creek Zoning By-law No. 3692-92**

The purpose of the Zoning By-law Amendment is for a further modification to the Multiple Residential “RM3-58” Zone. The effect of this Zoning By-law Amendment is to permit the development of four blocks of four storey multiple dwellings with a total of 94 dwelling units, 110 surface parking spaces inclusive of 16 visitor parking spaces.

The applicant is seeking to repeal and replace the previous site specific provisions of By-law No.19-014. Staff have amended the application to append further modifications to the existing site specific zoning regulations and not repeal the existing site specific modifications to the Multiple Residential “RM3-58” Zone, Modified. The amended application will enable the proposal for four blocks of four storey multiple dwellings in addition to recognizing the previous approval for a multiple dwelling.

The Multiple Residential “RM3” Zone does permit various medium density uses however, the specific built form of the proposed stacked back-to-back townhouse dwelling (multiple dwelling) is not captured by the various dwelling definitions in the Stoney Creek Zoning By-law No. 3692-92. Therefore, a Zoning By-law Amendment is required to allow the use and establish specific built form standards. The additional modifications to the Multiple Residential “RM3-58” Zone, Modified, required to facilitate the stacked back-to-back townhouse (multiple) dwellings are summarized in the report Fact Sheet above and further discussed in Appendix “F” attached to Report PED24085.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) 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);
  - (ii) It complies with the Urban Hamilton Official Plan, in particular, the function, scale, and design of the “Neighbourhoods” designation, and supports residential intensification by introducing compact housing forms to the area; and,
  - (iii) The proposal represents good planning by providing, among other things, a compatible residential development that contributes to a complete community through the establishment of additional housing forms that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land that ensures land, municipal services, and transportation systems are used efficiently.

2. Zoning By-law Amendment

The Zoning By-law Amendment application is for further modifications to the Multiple Residential “RM3-58” Zone, Modified, to permit the development of four blocks of four storey multiple dwellings with a total of 94 dwelling units, including 110 surface parking spaces inclusive of 16 visitor parking spaces.

Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies and applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “D” attached to Report PED24085.

The proposed site layout and building design demonstrates compatible residential intensification with the surrounding area, supports the objectives outlined in the Urban Hamilton Official Plan, and provides a range of dwelling types and densities to support the creation of complete communities (see Appendix “C” attached to Report PED24085). The proposed development along the periphery of the neighbourhood will transition to the existing residences internal to the neighbourhood to the north and east of the subject lands. Staff have reviewed the proposal and determined that it complies with the Urban Hamilton Official Plan and that the modifications to the Stoney Creek Zoning By-law No. 3692-92 can be supported. An analysis of the site specific modifications are discussed in Appendix “F” attached to Report PED24085.

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

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the lands could be developed in accordance with the current Medium Density Residential “RM3-58” Zone, Modified.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24085 – Location Map  
Appendix “B” to Report PED24085 – Draft Amendment to Zoning By-law No. 3692-92  
Appendix “C” to Report PED24085 – Concept Plan  
Appendix “D” to Report PED24085 – Summary of Policy Review  
Appendix “E” to Report PED24085 – Department and Agency Comments  
Appendix “F” to Report PED24085 – Zoning Modification Table  
Appendix “G” to Report PED24085 – Public Comments  
Appendix “H” to Report PED24085 – Applicant Summary and Responses to Public

MF/sd