




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek (PED24041) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-23-011, by NPG Planning Solutions Inc. (c/o Rob Fiedler) on behalf of SS Stoney Creek Inc., Owner**, by changing the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1” within the West Mountain Area (Heritage Green) Secondary Plan, to permit a nine storey mixed use building with a maximum density of 460 units per hectare, for lands located at 196, 198, 200 and 202 Upper Mount Albion Road, as shown on Appendix “A” attached to Report PED24041, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24041, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment 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) That **Zoning By-law Amendment Application ZAC-23-026, by NPG Planning Solutions Inc. (c/o Rob Fiedler) on behalf of SS Stoney Creek Inc., Owner**,

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for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone, to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use, for lands located at 196, 198, 200 and 202 Upper Mount Albion Road, as shown on attached Appendix "A" to Report PED24041, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED24041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) 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 and the West Mountain Area (Heritage Green) Secondary Plan subject to the adoption of the Official Plan Amendment;
- (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by including the Holding symbol 'H' to the proposed Mixed Use Medium Density (C5, 894, H171) Zone:

The Holding Provision 'H171', is to be removed conditional on the following:

- (1) That the owner upgrades the sanitary sewer from MH SA15A107 to SO20A007 along Cornerstone Drive, MH SA20A007 to HO18A031 along Cedarville Drive, and MH HO 18A031 to HO18A005 along Old Mud Street/Kingsview Drive, in accordance with the Functional Servicing Report prepared by Walter Fedy dated January 19, 2024, at the Owner's expense, and to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) That the owner makes satisfactory arrangements with the City's Growth Management Division to enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of the sanitary sewer improvements to the existing municipal infrastructure at the Owner's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;

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- (c) That approval be given for a modification to the Mixed Use Medium Density (C5) Zone in the Hamilton Zoning By-law No. 05-200, to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use for lands located at 196, 198, 200 and 202 Upper Mount Albion Road, Stoney Creek, as shown on Appendix “I” attached to Report PED24041 subject to the following:
- (i) That the draft By-law, attached as Appendix “I” to Report PED24041, be held in abeyance until such time as By-law No. 24-052, being a By-law to establish the Parking Regulations Zones is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “I” to Report PED24041, for enactment by City Council, once By-law No. 24-052 is in force and effect.

EXECUTIVE SUMMARY

The subject lands are municipally known as 196, 198, 200 and 202 Upper Mount Albion Road in Stoney Creek and are located on the east side of Upper Mount Albion Road north of Artfrank Drive. The applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment.

The purpose of the Official Plan Amendment application is to change the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1” within the West Mountain Area (Heritage Green) Secondary Plan. The change to “Block A-3-1” would have the effect of permitting a density of up to 460 units per net hectare on the subject lands, whereas the existing permitted density is 50-99 units per net hectare.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial uses, as shown on Appendix “E” to Report PED24041. Site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” attached to Report PED24041.

The proposed Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020);

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- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They will comply with the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan upon adoption of the Official Plan Amendment; and,
- The proposal is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

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 an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Application Details	
Owner:	SS Stoney Creek Inc.
Applicant:	NPG Planning Solutions Inc. (c/o Rob Fiedler).
File Number:	UHOPA-24-002 and ZAC-24-006.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	The purpose of the Official Plan Amendment application is to change the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1”, within the West Mountain Area (Heritage Green) Secondary Plan. The existing policies applicable to “Area Specific Policy – Area A, Block A-3” will remain and the new Area Specific Policy would have the effect of permitting a density of up to 460 units per net hectare in addition to the existing policies on the subject lands.

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Application Details	
Proposal: (Continued)	<p>The purpose of the Zoning By-law Amendment application is for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone.</p> <p>The effect of these applications is to facilitate the development of a nine storey mixed use building with 232 dwelling units, 337 square metres of ground floor commercial uses, 246 parking spaces, and 146 long term bicycle parking spaces with access to Upper Mount Albion Road.</p> <p>The development is proposed to include 64 studio units (28%), 60 one bedroom units (26%), 14 one bedroom plus den units (6%), 90 two bedroom units (39%) and four, two bedroom plus den units (1%). There are two levels of underground parking proposed with 116 spaces on each level and 13 spaces and one car share space are proposed on the surface behind the commercial units.</p>
Property Details	
Municipal Address:	196, 198, 200 and 202 Upper Mount Albion Road.
Lot Area:	0.505 ha.
Servicing:	Existing full municipal services.
Existing Use:	Single detached dwellings and a commercial vehicle rental establishment at 202 Upper Mount Albion Road.
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:	“Community Node” and “Mixed Use – Medium Density”.
Secondary Plan Existing:	“Mixed Use – Medium Density”, “Area Specific Policy – Area A, Block A-3”.
Secondary Plan Proposed:	“Mixed Use – Medium Density”, “Area Specific Policy – Area A, Block A-3-1”.

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Documents	
Zoning Existing:	Mixed Use Medium Density (C5, 319) Zone.
Zoning Proposed:	Mixed Use Medium Density (C5, 894, H171) Zone.
Modifications Proposed:	<p>The following modifications were proposed by the applicant and are supported by staff:</p> <ul style="list-style-type: none"> • To limit the permitted uses to Home Business, Multiple Dwelling, Financial Establishment, Office, Personal Service Establishment, Restaurant, Retail and Veterinary Service. • To establish a maximum density of 460 units per net hectare; • To establish a minimum landscaped area of 35%; • To decrease the minimum façade height along a street line from 7.5 metres to 6 metres; • To increase the building height from 22.0 metres to 31.0 metres; • To permit a wholly or partially enclosed structure belonging to an amenity area on the rooftop to be setback 3 metres from the north, south and west exterior walls of the storey directly beneath and to be setback 31 metres from the eastern property line; • To permit a minimum of one principal entrance for residential uses at grade and accessible from a pedestrian pathway connected to a municipal sidewalk; • To permit a minimum of one principal entrance for each commercial unit at grade and accessible from the municipal sidewalk; and, • To increase balcony encroachments from 1.0 metre to 1.6 metres into the rear yard. <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) have been included in the Held in Abeyance By-law (Appendix “I” attached to Report PED24041):</p> <ul style="list-style-type: none"> • To permit a minimum of 25% Electric Vehicle parking spaces of all parking spaces being provided. <p>A complete analysis of the proposed modifications is attached as Appendix “D” to Report PED24099.</p>

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Processing Details	
Received:	December 12, 2022.
Deemed Incomplete	January 5, 2023.
Deemed Complete:	January 30, 2023.
Notice of Complete Application:	Sent to 17 property owners within 120 metres of the subject property on January 27, 2023.
Public Notice Sign:	Posted February 13, 2023, and updated on July 17, 2024.
Notice of Public Meeting:	Sent to 17 property owners within 120 metres of the subject property on July 26, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "G" attached to Report PED24041.
Public Consultation:	In addition to the Public Notice Sign the applicants posted a sign that provided a micro-site (website) for further information on the proposal and provided a contact to the project planner for further engagement.
Public Comments:	Staff received one written submission, and one phone call requesting further information. The comments and summary response to comments is provided in Appendix "H" attached to Report PED24041.
Processing Time:	610 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwellings and a commercial vehicle rental establishment at 202 Upper Mount Albion Road.	Mixed Use Medium Density (C5, 319) Zone.
Surrounding Lands:		
North	Single detached dwelling	Mixed Use Medium Density (C5, 319) Zone.
South	Single detached dwellings.	Mixed Use Medium Density (C5, 319) Zone.

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Surrounding Lands (Continued):

East	Vacant.	Mixed Use Medium Density (C5, 319) Zone.
West	Commercial retail development.	Mixed Use Medium Density (C5, 319) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

A full review of the applicable Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) policies is provided in Appendix “F” attached to Report PED24041.

Provincial Policy Statement (2020)

The proposal supports the development of healthy, liveable, and safe communities. The subject site is located in a Community Node which is intended to further develop as a mixed-use area. Hamilton Street Railway operated bus routes are in proximity and the Heritage Green Terminal is less than 200 metres south of the subject site and the Eramosa Karst Conservation Area is located approximately 800 metres to the south. Commercial uses are also in the vicinity of the area west and south of the subject site.

Based on the foregoing, and subject to the Holding Provision, the proposal is consistent with the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)

The subject lands are located within the Urban Boundary and Built-up Area in a settlement area, with existing and planned municipal services. The proposed development supports the achievement of complete communities. It provides a mix of housing options, expands access to transportation options and public service facilities, and provides a more compact built form and a vibrant public realm.

Based on the foregoing, and subject to the Holding Provision, the proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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

The subject lands are identified as “Community Node”, designated “Mixed Use – Medium Density” in the Urban Hamilton Official Plan, and further designated “Mixed Use – Medium Density” and identified as “Area Specific Policy – Area A, Block A-3” in the West Mountain Area (Heritage Green) Secondary Plan. A policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “F” attached to Report PED24041.

The “Mixed Use – Medium Density” designation is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place. Newer areas designated “Mixed Use – Medium Density” shall evolve over time into compact, mixed use, people places where people can live, work, and shop.

The purpose of the Official Plan Amendment is to change the identification to “Area Specific Policy – Area A, Block A-3-1” and have the new identification apply to the subject lands to permit a density of up to 460 units per net hectare.

The proposed amendments can be supported as the proposed development will provide a greater range of housing types and achieve the planned urban structure. The current “Mixed Use – Medium Density”, “Area Specific Policy – Area A, Block A-3” designation and identification of the West Mountain Area (Heritage Green) Secondary Plan permits mixed use buildings up to nine storeys at a density of 50-99 units per net hectare.

The proposed increase in density can be supported as there will be sufficient municipal infrastructure to support the population anticipated for the development, provided the Holding Provision is placed on the subject lands. The proposed development meets the criteria to permit height above six storeys. The proposed development contains a mix of unit sizes, incorporates sustainable building and design principles, which will be determined during the future Site Plan Control Stage, does not have any adverse shadow impacts, provides appropriate setbacks from adjacent residential development, and minimizes height appearance from the street, as outlined in Appendix “F” attached to Report PED24041.

Based on the foregoing, and subject to the Holding Provision, the proposal complies with the Urban Hamilton Official Plan and West Mountain Area (Heritage Green) Secondary Plan subject to the adoption of the Official Plan Amendment.

City of Hamilton Zoning By-law No. 05-200

The proposed Zoning By-law Amendment is for a change in zoning from the Mixed Use Medium Density (C5, 319) Zone to the Mixed Use Medium Density (C5, 894, H171) Zone to permit a nine storey mixed use building with 232 dwelling units and 337 square metres of ground floor commercial use. Modifications to the Mixed Use Medium Density (C5) Zone are required to facilitate the development. Staff also completed a review of the proposal against the Council approved parking regulations recently adopted through By-law No. 24-052. These regulations are currently not in-force as they are subject to appeals. Accordingly, staff have included a second by-law that includes the necessary modifications to By-law No. 24-052, which is to be held in abeyance until such time as the appeals are resolved and By-law No. 24-052 is in force and effect (refer to Appendix “I” attached to Report PED24041). All requested modifications are summarized in the Report Fact Sheet above and further discussed in Appendix “D” attached to Report PED24041.

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 general intent and purpose of the Urban Hamilton Official Plan and the West Mountain Area (Heritage Green) Secondary Plan subject to the adoption of the Official Plan Amendment; and,
 - (iii) It is compatible with existing development in the immediate area, and represents good planning by, among other things, providing a compact and efficient urban form, achieves the planned urban structure and supports developing a complete community.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to change the identification from “Area Specific Policy – Area A, Block A-3” to “Area Specific Policy – Area A, Block A-3-1”, within the West Mountain Area (Heritage Green) Secondary Plan to permit an increase in density to 460 units per net hectare on the subject lands, whereas 50-99 units per net hectare is permitted.

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The Official Plan Amendment can be supported as the proposed development supports the development of healthy, liveable, and safe communities. The proposed development represents a compatible form of development. It will provide a greater range of housing types and achieve the planned urban structure. The increased density will support the use of existing and planned transit and commercial uses.

Based on the foregoing and the analysis provided in Appendix “F” of Report PED24041, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Mixed Use Medium Density (C5, 319) Zone in Zoning By-law No. 05-200. The Zoning By-law Amendment proposes to change the zoning to the Mixed Use Medium Density (C5, 894, H171) Zone. Staff are satisfied that the proposal meets the intent of the “Mixed Use – Medium Density” designation policies in the Urban Hamilton Official Plan and the “Mixed Use – Medium Density” designation policies in the West Mountain (Heritage Green) Secondary Plan upon adoption of the proposed Official Plan Amendment, and the applicable urban design policies of the Urban Hamilton Official Plan as outlined in Appendix “F” to Report PED24041.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “D” to Report PED24041.

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

4. Holding Provisions

The proposed Zoning By-law Amendment includes a proposed Holding Provision (H171) which requires the owner to upgrade sanitary sewers along portions of Cornerstone Drive, Cedarville Drive, and along Old Mud Street/Kingsview Drive, and requires the Owner enter into and register on title an External Works Agreement for the sanitary sewer improvements. Upon completion of the conditions, the Holding Provision can be lifted.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property can be used in accordance with the Mixed Use Medium Density (C5, 319) Zone in Zoning By-law No. 05-200.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24041 – Location Map
Appendix "B" to Report PED24041 – Amendment to Urban Hamilton Official Plan
Appendix "C" to Report PED24041 – Amendment to Zoning By-law No. 05-200
Appendix "D" to Report PED24041 – Zoning Modification Table
Appendix "E" to Report PED24041 – Concept Plan
Appendix "F" to Report PED24041 – Policy Review
Appendix "G" to Report PED24041 – Staff and Agency Comments
Appendix "H" to Report PED24041 – Public Comments
Appendix "I" to Report PED24041 – Held in Abeyance Zoning By-law Amendment

JVR:sd