




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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 18, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton (PED24172) (Ward 6)
<b>WARD(S) AFFECTED:</b>	Ward 6
<b>PREPARED BY:</b>	Shaival Gajjar (905) 546-2424 Ext. 5980
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That amended **Zoning By-law Amendment application ZAC-22-037, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of Zeina Homes (5025299 Ontario Inc. and 1376412 Ontario Ltd.), Owner**, for a change in zoning from “AA” (Agricultural) District, “C/S-1822” (Urban Protected Residential, etc) District, Modified, and Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone, to permit the development of 15 residential lots, for single and semi detached dwellings on lands located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, as shown in Appendix “A” attached to Report PED24172, be **APPROVED** on the following basis:
  - (i) That the Draft By-law attached as Appendix “B” to Report PED24172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed change in zoning 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);
  - (iii) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024);
  - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan;
- (b) That amended **Draft Plan of Subdivision application 25T-202207, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari), on behalf of Zeina Homes (5025299 Ontario Inc. and 1376412 Ontario Ltd.), Owner**, on lands located at 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive (Hamilton), as shown on Appendix “A” attached to Report PED24172, be **APPROVED** in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision 25T-202207, prepared by A.J. Clarke and Associates Ltd., and certified by Nicholas P. Muth, O.L.S., dated August 22, 2024, consisting of two lots for semi detached dwellings (Lots 1 and 2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management (Block 16), and the extension of Mentino Crescent, as shown on Appendix “G” attached to Report PED24172;
  - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown in Appendix “F” attached to Report PED24172;
  - (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202207, as shown in attached Appendix “F” to Report PED24172, be received and endorsed by City Council;
  - (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
  - (v) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building

permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton and are located to the south of Stone Church Road East, east of Eleanor Avenue, west of Enola Avenue, and north of Dulgaren Street. The subject lands have frontage onto Eleanor Avenue and access from Mentino Crescent. The applicant has submitted Zoning By-law Amendment and Draft Plan of Subdivision applications to facilitate the development of two semi detached dwellings, 13 single detached dwellings, and the extension of Mentino Crescent.

The purpose of the amended Zoning By-law Amendment application (ZAC-22-037) is to change the zoning from "AA" (Agricultural District) District, "C/S-1822" (Urban Protected Residential, etc) District, Modified, and Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone in Hamilton Zoning By-law No. 05-200 (as shown on the Draft By-law in Appendix "B" attached to Report PED24172). Site specific modifications are proposed to the Low Density Residential – Small Lot (R1a) Zone to accommodate the proposed development, which are discussed in detail in Appendix "C" attached to Report PED24172.

The amended Draft Plan of Subdivision application 25T-202207 proposes to create fifteen lots for residential development; two lots for semi detached dwellings (Lots 1 and 2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management (Block 16), and the extension of Mentino Crescent, which would connect Dulgaren Street with Enola Avenue. There is an existing easement on the subject lands, which will be conveyed to the City as a storm servicing block (Block 16), which will provide a stormwater connection from Eleanor Avenue to Mentino Crescent.

The submitted Zoning By-law Amendment and Draft Plan of Subdivision applications were amended through the addition of adjacent lands, municipally known as 65 Eleanor Avenue, which are also owned by the applicant. The additional lands were included as a result of Development Engineering requiring the conveyance of Block 16 for stormwater management purposes. These amended applications were received on August 27, 2024, and deemed complete on September 20, 2024. The Public Notice Sign on the subject lands was updated with the additional lands on September 24, 2024.

The proposed amended Zoning By-law Amendment and Draft Plan of Subdivision applications have merit and can be supported as:

- They are consistent with the Provincial Policy Statement (2020);
- They are consistent with the Provincial Planning Statement (2024);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the general intent and purpose of the Urban Hamilton Official Plan; and,
- The proposal is considered good planning by providing a compact compatible residential development that contributes to a complete community through the establishment of housing forms and densities 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.

**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. Bill 23 amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	Zeina Homes (5025299 Ontario Inc. and 1376412 Ontario Ltd.)
Applicant/Agent:	A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari)
File Number:	ZAC-22-037 25T-202207
Type of Applications:	Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	To create two semi detached and 13 single detached lots, one block for stormwater management purposes, and the extension of Mentino Crescent.

Proposal: <b>(continued)</b>	On August 27, 2024, additional lands, municipally known as 65 Eleanor Avenue were added to the submitted applications as a result of Development Engineering requiring the conveyance of lands for stormwater management purposes.
<b>Property Details</b>	
Municipal Address:	65 and 69 Eleanor Avenue, 177 Mentino Crescent, and 224 Eaglewood Drive, Hamilton.
Lot Area:	± 8,449.68 m <sup>2</sup> (± 0.85 ha).
Servicing:	Full municipal services.
Existing Use:	Vacant lands.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
Provincial Planning Statement	The proposal is consistent with the Provincial Planning Statement (2024).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
<b>Documents</b>	
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Zoning Existing:	City of Hamilton Zoning By-law No. 05-200: <ul style="list-style-type: none"> <li>• Low Density Residential (R1) Zone.</li> </ul> Former City of Hamilton Zoning By-law No. 6593: <ul style="list-style-type: none"> <li>• “AA” (Agricultural District) District; and,</li> <li>• “C/S-1822” (Urban Protected Residential, etc.) District.</li> </ul>
Zoning Proposed:	City of Hamilton Zoning By-law No. 05-200: <ul style="list-style-type: none"> <li>• Low Density Residential – Small Lot (R1a, 910) Zone.</li> </ul>
Modifications Proposed:	The following modifications are being proposed to Zoning By-law No. 05-200: Low Density Residential – Small Lot (R1a, 910) Zone: <ul style="list-style-type: none"> <li>• To reduce the Minimum Setback from a Side Lot Line from 1.2 metres to 0.6 metres on one side;</li> <li>• To reduce the Minimum Setback from a Flankage Lot Line from 3.0 metres to 1.2 metres; and,</li> </ul>

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	<ul style="list-style-type: none"> <li>To reduce the Minimum Setback from the Rear Lot Line from 7.5 metres to 6.5 metres.</li> </ul>
<b>Processing Details</b>	
Received:	June 9, 2022 (original) August 27, 2024 (amended)
Deemed Complete:	June 15, 2022 (original) September 20, 2024 (amended)
Notice of Complete Application:	Sent to 133 property owners within 120 metres of the subject lands on June 30, 2022 (original). Sent to 144 property owners within 120 metres of the subject lands on September 27, 2024 (amended).
Public Notice Sign:	Posted June 23, 2022, and updated with Public Meeting date and addition of added lands on September 24, 2024.
Notice of Public Meeting:	Sent to 144 property owners within 120 metres of the subject lands on September 27, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "E" attached to Report PED24172.
Public Consultation:	The following Public Consultation was completed for the proposed development:  Residents within 120 metres of the subject lands were sent information letters about the proposed Zoning By-law Amendment and Draft Plan of Subdivision.
Public Comments:	No comments were received from the public.
Processing Time:	863 days from receipt of application.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant Lands	Low Density Residential (R1) Zone. "AA" (Agricultural District) District; and, "C/S-1822" (Urban Protected Residential, etc.) District, Modified.

**Surrounding Land Uses:**

North	Single Detached Dwellings and Vacant Lands.	Low Density Residential (R1) Zone and “C/S-1822” (Urban Protected Residential, etc.) District, Modified.
South	Single Detached Dwellings	Low Density Residential (R1) Zone.
East	Single Detached Dwellings	Low Density Residential (R1) Zone.
West	Single Detached Dwellings and Vacant Lands.	“C/S-1822” (Urban Protected Residential, etc.) District, Modified.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and the Provincial Planning Statement (2024)**

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.

It is noted that the Provincial Planning Statement (2024) comes into effect, and the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe are being repealed, on October 20, 2024. As the Province has not released transition policies related to the new Provincial Planning Statement (2024), the proposal has been evaluated for consistency against both the Provincial Policy Statement (2020) and the Provincial Planning Statement (2024), as well as for conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

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 amended 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 the Provincial Planning Statement (2024); 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 "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations. Lands designated "Neighbourhoods" are characterized as complete communities that include a range of residential dwelling types, densities and supporting uses to serve local residents. The proposed development would facilitate the development of two semi detached and 13 single detached dwellings on the subject lands. The lands fall into the Low Density Residential category of the "Neighbourhoods" designation, which permits single and semi detached dwelling units. As the proposal is considered greenfield development, the Residential Greenfield Design policies of Section E.3.7 apply, and the proposal conforms. The proposal has also been evaluated against Policy F.14.1.2 and it complies with the criteria for Draft Plans of Subdivision. The submitted amended Draft Plan of Subdivision is attached as Appendix "G" to Report PED24172. A review of the applicable Official Plan policies is attached as Appendix "D" to Report PED24172.

The proposal contributes to the achievement of creating complete communities by providing family friendly homes on vacant lands and by expanding the existing right-of-way to further improve the connectivity of the area and completing the existing road network.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan.

### **Eleanor Neighbourhood Plan**

The subject lands are located in the Eleanor Neighbourhood Plan and are identified as "Single and Double". The Neighbourhood Plan permits single and double housing in the interior of the neighbourhood. The subject lands are located in the interior of the neighbourhood and the proposal conforms to the Eleanor Neighbourhood Plan.



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

The proposed amended Zoning By-law Amendment is for a change in zoning from “AA” (Agricultural) District, “C/S-1822” (Urban Protected Residential, etc) District, Modified, and Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone, to permit the development of 15 residential dwelling units (two semi detached and 13 single detached dwellings). To facilitate the proposed development, the applicant has proposed the following modifications:

- To reduce the minimum Setback from a Side Lot Line from 1.2 metres to 0.6 metres on one side of a dwelling;
- To reduce the minimum Setback from a Flankage Lot Line from 3.0 metres to 1.2 metres; and,
- To reduce the minimum Setback from the Rear Lot Line from 7.5 metres to 6.5 metres.

For further analysis on the proposed modifications, please refer to Appendix “C” attached to Report PED24172.

### **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), the Provincial Planning Statement (2024) 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; and,
  - (iii) The proposal represents good planning by, among other things, incorporating a compatible residential development that contributes to the achievement of a complete community through the establishment of housing forms and densities that are in keeping with the existing and planned character of the area, while making efficient use of a vacant parcel of land that efficiently uses land, municipal services, and transportation infrastructure.
2. The amended application for Zoning By-law Amendment is to rezone the subject lands to Low Density Residential – Small Lot (R1a) Zone to permit the development of 15 residential dwelling units (two semi detached and 13 single detached dwellings).

The proposed amendment to Hamilton Zoning By-law No. 05-200 will remove a portion of the subject lands that are zoned "AA" (Agricultural) District and "C/S-1822" (Urban Protected Residential, etc) District, Modified, in the Former Hamilton Zoning By-law No. 6593 and add them to Hamilton Zoning By-law No. 05-200 as Low Density Residential – Small Lot (R1a, 910) Zone, and rezone the remaining portion of lands from Low Density Residential (R1) Zone to Low Density Residential – Small Lot (R1a, 910) Zone.

Modifications are requested to the proposed zoning and are discussed in Appendix "C" attached to Report PED24172.

Staff are satisfied that the proposal complies with Urban Hamilton Official Plan and are supportive of the proposed amended Zoning By-law Amendment, as the proposal complies with policies of the Urban Hamilton Official Plan with respect to residential greenfield design, the "Neighbourhoods" designation, and plans of subdivision, among others. An analysis of the requested modifications is provided in Appendix "B" attached to Report PED24172.

3. The amended application for Draft Plan of Subdivision consists of two lots for semi detached dwellings (Lots 1 and 2), 13 lots for single detached dwellings (Lots 3-15), one block for stormwater management purposes (Block 16), and the extension of Mentino Crescent. In review of Subsection 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
  - (i) It is consistent with the Provincial Policy Statement (2020), the Provincial Planning Statement (2024), and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
  - (iii) It complies with the applicable policies of the Urban Hamilton Official Plan;
  - (iv) It completes the street network envisioned by the Eleanor Neighbourhood Plan and the proposed road will adequately service the proposed subdivision and will connect with the current road system, subject to applicable conditions of draft plan approval;
  - (v) The land is suitable for the purposes for which it is to be divided;
  - (vi) The dimensions and shape of the lots and blocks are appropriate;

- (vii) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and the Subdivision Agreement;
- (viii) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as conditions of draft plan approval;
- (ix) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the Subdivision Agreement; and,
- (x) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the conditions of draft plan approval, Standard Subdivision Agreement, and final registration of the Plan of Subdivision.

Therefore, staff are supportive of the proposed amended Draft Plan of Subdivision and recommend its approval subject to the Special Conditions outlined in Appendix "F" attached to Report PED24172.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject property could be developed in accordance with the "AA" (Agricultural) District, "C/S-1822" (Urban Protected Residential, etc.) District, Modified, and Low Density Residential (R1) Zone.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24172 – Location Map  
Appendix "B" to Report PED24172 – Draft By-law  
Appendix "C" to Report PED24172 – Modification Chart  
Appendix "D" to Report PED24172 – Summary of Policy Review  
Appendix "E" to Report PED24172 – Department & Agency Comments  
Appendix "F" to Report PED24172 – Special Subdivision Conditions  
Appendix "G" to Report PED24172 – Draft Plan of Subdivision

SG/mb