




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 5, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 286 Lewis Road, Stoney Creek (PED24206) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Mark Michniak (905) 546-2424 Ext. 1224
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Official Plan Amendment Application UHOPA-24-007, by Glen Schnarr & Associates Inc. (c/o Maurice Luchich) on behalf of Lewis 286 Development Inc. (c/o Tomide Olaniyi), Owner**, to redesignate the lands from “Low Density Residential 2”, “Low Density Residential 3”, and “Medium Density Residential 2” to “Low Density Residential 3” and “Medium Density Residential 2”, and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit a maximum density of 82 units per net hectare, for lands located at 286 Lewis Road, as shown in Appendix “A” attached to Report PED24206, be **DENIED** on the following basis:
 - (i) That the proposal is not consistent with the Provincial Planning Statement (2024) and does not comply with the general intent of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan as:
 - (1) It does not comply with the City’s Block 3 Servicing Strategy;
 - (2) It does not meet the intent of the City’s urban design policies;
 - (3) It does not meet the intent of the Fruitland-Winona Secondary Plan’s general residential policies nor the “Low Density Residential 3” and “Medium Density Residential 2” designations;

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- (4) The proposal is premature as it has not demonstrated that adequate infrastructure capacity is available;
 - (5) It has not demonstrated that there will not be any downstream flooding or erosion hazards;
 - (6) It has not demonstrated that areas of archaeological potential are sufficiently assessed;
 - (7) It has not demonstrated that it maintains the integrity of adjacent heritage resources;
 - (8) It has not demonstrated that trees have been sufficiently protected; and,
 - (9) It has not demonstrated that it protects the long-term viability of employment uses;
- (b) That **Zoning By-law Amendment Application ZAC-24-022, by Glen Schnarr & Associates Inc. (c/o Maurice Luchich) on behalf of Lewis 286 Development Inc. (c/o Tomide Olaniyi), Owner**, for a change in zoning from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to site specific Multiple Residential “RM3” Zones in Stoney Creek Zoning By-law No. 3692-92 and from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to a site specific Low Density Residential (R1) Zone and the Conservation/Hazard Land (P5) Zone in Hamilton Zoning Bylaw No. 05-200, to permit 309 townhouse dwellings, for lands located at 286 Lewis Road, as shown in Appendix “A” attached to Report PED24206, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Planning Statement (2024) and the general intent of the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan as:
 - (1) It does not comply with the City’s Block 3 Servicing Strategy;
 - (2) It does not meet the intent of the City’s urban design policies;
 - (3) It does not meet the intent of the Fruitland-Winona Secondary Plan’s general residential policies nor the “Low Density Residential 3” and “Medium Density Residential 2” designations;
 - (4) The proposal is premature as it has not demonstrated that adequate infrastructure capacity is available;
 - (5) It has not demonstrated that there will not be any downstream flooding or erosion hazards;
 - (6) It has not demonstrated that areas of archaeological potential are sufficiently assessed;
 - (7) It has not demonstrated that it maintains the integrity of adjacent heritage resources;
 - (8) It has not demonstrated that trees have been sufficiently protected;

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- (9) It has not demonstrated that it protects the long-term viability of employment uses; and,
 - (10) It is not considered to be good planning as the cumulative impact of reduced setbacks, increased yard encroachments, reduced lot size, height, and density results in overdevelopment of the site.
- (c) That **Draft Plan of Subdivision Application 25T-202402, by Glen Schnarr & Associates Inc. (c/o Maurice Luchich) on behalf of Lewis 286 Development Inc. (c/o Tomide Olaniyi), Owner**, on lands located at 286 Lewis Road, as shown in Appendix “A” attached to Report PED24206, be **DENIED**, 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 the Draft Plan of Subdivision is not consistent with the Provincial Planning Statement (2024);
 - (ii) That the Draft Plan of Subdivision does not appropriately address the criteria set out in Sub-Section 51(24) of the *Planning Act*;
 - (iii) That the Draft Plan of Subdivision does not comply with the general intent of the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan as:
 - (1) It is not in the public interest nor an orderly development of land;
 - (2) It does not comply with the City’s Block 3 Servicing Strategy;
 - (3) It does not meet the intent of the Urban Hamilton Official Plan policies relating to the protection of cultural heritage and natural heritage resources nor the Fruitland-Winona Secondary Plan’s general residential policies and “Low Density Residential 3” and “Medium Density Residential 2” designations;
 - (4) The proposal is premature as it has not demonstrated that adequate infrastructure capacity is available;
 - (5) It has not demonstrated that it protects the long-term viability of employment uses; and,
 - (6) It has not demonstrated that there will not be any downstream flooding or erosion hazards.

EXECUTIVE SUMMARY

The subject property is municipally known as 286 Lewis Road and is located on the east side of Lewis Road between Barton Street and Highway No. 8. The applicant has

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applied for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.

The purpose of the Official Plan Amendment application is to redesignate the lands from “Low Density Residential 2”, “Low Density Residential 3”, and “Medium Density Residential 2” to “Low Density Residential 3” and “Medium Density Residential 2” and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit a maximum density of 82 units per net hectare.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to site specific Multiple Residential “RM3” Zones in Stoney Creek Zoning By-law No. 3692-92 and from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to a site specific Low Density Residential (R1) Zone and the Conservation/Hazard Land (P5) Zone in Hamilton Zoning By-law No. 05-200, to permit the development of a residential subdivision containing a total of 309 townhouse dwelling units.

The Draft Plan of Subdivision application consists of 13 street townhouse blocks (Blocks 1-13), two townhouse condominium blocks (Blocks 14 and 15), one residential reserve block (Block 16), three stormwater management blocks (Blocks 17-19), three road widening blocks (Blocks 20-22), two 0.3 metre reserve blocks (Blocks 23 and 24), and two public rights-of-way (Street ‘A’ and Street ‘B’), as shown on the Draft Plan of Subdivision in Appendix “B” attached to Report PED24206.

The subject property is located within the City’s Block 3 Servicing Strategy area as shown on the Block 3 Servicing Strategy Concept Plan in Appendix “G” attached to Report PED24206. In addition to land uses, the Block 3 Servicing Strategy sets out the road network and servicing design for the lands. The proposed development deviates from the concept plan and servicing design. These changes will have impacts beyond the subject property and does not represent orderly development.

The proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision do not have merit and therefore cannot be supported for the following reasons:

- The proposal is not consistent with the Provincial Planning Statement (2024) and does not address natural hazards and does not demonstrate that it protects the long-term viability of employment uses;
- The proposal does not appropriately address the criteria set out in Sub-Section 51(24) of the *Planning Act*;
- The proposal is not in the public interest nor an orderly development of land;
- The proposal does not comply with the City’s Block 3 Servicing Strategy;

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- The proposal does not meet the intent of the Urban Hamilton Official Plan policies relating to the protection of cultural heritage and natural heritage resources nor the Fruitland-Winona Secondary Plan’s general residential policies and “Low Density Residential 3” and “Medium Density Residential 2” designations;
- The proposal is premature and does not demonstrate that adequate infrastructure capacity is available;
- The proposal has not demonstrated that there will not be any downstream flooding or erosion hazards; and,
- The proposal is not considered to be good planning as the cumulative impact of reduced setbacks, increased yard encroachments, reduced lot size, height, and density results in overdevelopment of the site.

Alternatives for Consideration – See Page 20

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. *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

Report Fact Sheet

Application Details	
Owner:	Lewis 286 Development Inc. (c/o Tomide Olaniyi).
Applicant:	Glen Schnarr & Associates Inc. (c/o Maurice Luchich).
File Number:	UHOPA-24-007, ZAC-24-022, and 25T-202402.
Type of Applications:	Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.
Proposal:	The purpose of the Official Plan Amendment is to redesignate the lands from “Low Density Residential 2”, “Low Density

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<p>Proposal: (continued)</p>	<p>Residential 3”, and “Medium Density Residential 2” to “Low Density Residential 3” and “Medium Density Residential 2” and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit a maximum density of 82 units per net hectare.</p> <p>The purpose of the Zoning By-law Amendment is for a change in zoning from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to site specific Multiple Residential “RM3” Zones in Stoney Creek Zoning By-law No. 3692-92 and from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to a site specific Low Density Residential (R1) Zone and the Conservation/Hazard Land (P5) Zone in Hamilton Zoning Bylaw No. 05-200, to permit the development of 309 townhouse dwelling units.</p> <p>The Draft Plan of Subdivision consists of 13 street townhouse blocks (Blocks 1-13), two townhouse condominium blocks (Blocks 14 and 15), one residential reserve block (Block 16), three stormwater management blocks (Blocks 17-19), three road widening blocks (Blocks 20-22), two 0.3 metre reserve blocks (Blocks 23 and 24), and two public right-of-way (Street ‘A’ and Street ‘B’), as shown in Appendix “B” attached to Report PED24206. The effect of these applications is to facilitate the development of a total of 309 townhouse dwelling units, a stormwater management pond, two pedestrian walkways, and two public roads, as shown in Appendix “C” attached to Report PED24206.</p>
<p>Property Details</p>	
<p>Municipal Address:</p>	<p>286 Lewis Road.</p>
<p>Lot Area:</p>	<p>7.89 ha.</p>
<p>Servicing:</p>	<p>Existing full municipal services.</p>
<p>Existing Use:</p>	<p>Single detached dwelling and vacant.</p>
<p>Documents</p>	
<p>Provincial Planning Statement:</p>	<p>The proposal is not consistent with the Provincial Planning Statement (2024).</p>

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Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“Low Density Residential 2”, “Low Density Residential 3”, “Medium Density Residential 2”, “Storm Water Management”, and Proposed Roads” on Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map.
Secondary Plan Proposed:	“Low Density Residential 3” and “Medium Density Residential 2” and to create a new Site Specific Policy Area on Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map to permit a maximum density of 82 units per net hectare.
Zoning Existing:	Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone.
Zoning Proposed:	<ul style="list-style-type: none"> • Site Specific Multiple Residential “RM3” Zones; • Site Specific Low Density Residential (R1) Zone; and, • Conservation/Hazard Land (P5) Zone.
Modifications Proposed:	<p>The following modifications to the Low Density Residential (R1) Zone in Hamilton Zoning By-law No. 05-200 are being requested:</p> <ul style="list-style-type: none"> • To increase the encroachment of a porch, deck, or canopy into any yard from 1.5 metres to 3.0 metres; • To increase the maximum encroachment of a balcony into a front yard from 1.0 metre to 2.0 metres; • To increase the maximum encroachment of a balcony into a rear yard from 1.0 metre to 3.0 metres; • To increase the maximum encroachment of a bay window or alcove, without foundation, into any yard from 0.6 metres to 0.9 metres; • To reduce the minimum setback from a Conservation/Hazard Land (P5) Zone from 7.5 metres to 1.2 metres; • To reduce the front yard landscape requirement from 50% to 0% of the yard area for a single detached dwelling, semi-detached dwelling, duplex dwelling, or street townhouse dwelling;

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<p>Modifications Proposed: (continued)</p>	<ul style="list-style-type: none"> • To reduce the flankage yard landscape requirement from 50% to 0% of the yard area for a single detached dwelling, semi-detached dwelling, duplex dwelling, or street townhouse dwelling; • To remove the minimum tree planting area; • To remove the rear yard parking landscaping requirements for fourplex dwellings; • To reduce the minimum lot area for street townhouse dwellings from 180.0 square metres to 160.0 square metres; • To increase the minimum setback from the front lot line for a street townhouse dwelling from 4.0 metres to 4.5 metres, except 6.0 metres to an attached garage; • To introduce a minimum setback from a side lot line for a street townhouse dwelling of 0.5 metres from a daylight triangle and 0.3 metres from an unenclosed porch and deck; • To reduce the minimum setback from a flankage lot line for a street townhouse dwelling from 3.0 metres to 2.3 metres; • To reduce the minimum setback from the rear lot line for a street townhouse dwelling from 7.5 metres to 6.0 metres • To increase the building height for street townhouse dwelling from 10.5 metres to 13.5 metres; and, • To remove the requirement for electric vehicle parking spaces. <p>The following modifications to the Multiple Residential “RM3” Zone in Stoney Creek Zoning By-law No. 3692-92 are being requested for “Condo Block ‘B’ as shown in Appendix “C” attached to Report PED24206:</p> <ul style="list-style-type: none"> • To modify the definition of “Dwelling – Maisonette” to permit back-to-back townhouse dwellings, containing not more than sixteen dwelling units; • To modify the definition of “Highway” and “Street” to include condominium roads; • To modify the definition of “Lot – Line” to apply to zoning boundary lines; • To establish the westerly lot line as the front lot line; • To establish all other lot lines as flankage lot lines;
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<p>Modifications Proposed: (continued)</p>	<ul style="list-style-type: none"> • To increase the encroachment of stairs into any yard from 0.0 metres to 3.5 metres; • To increase the maximum encroachment of a porch, deck, or canopy into a front yard from 1.5 metres to 2.0 metres and into a rear yard from 4.0 metres to 4.5 metres; • To increase the maximum encroachment of a balcony into a front yard from 1.5 metres to 2.0 metres and into a side yard from 0.0 metres to 2.0 metres; • To reduce the maximum encroachment of a balcony into a rear yard from 4.0 metres to 2.0 metres; • To reduce the maximum encroachment of a balcony and deck into a privacy area for a townhouse development from 4.5 metres to 0.0 metres; • To remove street townhouses, apartment dwellings, dwelling groups, a home occupation, and accessory uses from the permitted uses; • To reduce the minimum front yard from 7.5 metres to 3.0 metres except 5.8 metres to a garage; • To reduce the minimum side yard for a maisonette or townhouse dwelling from 6 metres to 2.0 metres including a flankage yard; • To modify the minimum rear yard for a maisonette or townhouse dwelling to include a 2.0 metre yard from an end wall; • To remove the minimum 7.5 metre rear yard for a maisonette, townhouse, and dwelling group abutting a zone for single detached or semi-detached dwelling; • To reduce the minimum distance between buildings on the same lot from 15 metres, except 3.0 metres between end walls and 9.0 metres between an end wall and a rear wall to 12.0 metres between front walls and 2.4 metres between end walls of a block townhouse and / or a block maisonette unit; • To increase the density from 40 units per hectare to 65 units per hectare; • To increase the building height from 11 metres to 13.5 metres; • To reduce the maximum lot coverage from 35% to 0%; • To reduce the minimum privacy area depth for a townhouse dwellings from 4.5 metres to 3.5 metres;
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<p>Modifications Proposed: (continued)</p>	<ul style="list-style-type: none"> • To modify the minimum privacy area for a maisonette dwelling from a minimum depth of 4.5 metres to a balcony with an area of 5.0 square metres; • To reduce the minimum landscape open space from 50% to 20%, to remove the requirement for a 1.5 metre landscape strip between a privacy area and a lot line, and to remove the requirement for the 4.5 metre landscape strip adjacent to a lot line abutting a street; • To remove parking location restrictions when four or more parking spaces are required; • To reduce the minimum parking space setback from a dwelling from 3.0 metres to 1.2 metres for groups of three or more spaces; and, • To reduce the number of required visitor parking spaces from 0.5 per dwelling unit to 0.2 per dwelling unit. <p>The following modifications to the Multiple Residential “RM3” Zone in Stoney Creek Zoning By-law No. 3692-92 are being requested for “Condo Block ‘A’ as shown in Appendix “C” attached to Report PED24206:</p> <ul style="list-style-type: none"> • To add a definition for “Stacked Townhouse”; • To modify the definition of “Dwelling – Maisonette” to permit back-to-back townhouse dwellings, containing not more than sixteen dwelling units; • To establish the lot line adjacent to Highway No. 8 as the front lot line; • To establish the northerly lot line as the rear lot line; • To modify the definition of “Lot – Line” to apply to zoning boundary lines; • To restrict direct access to dwellings from Highway No. 8; • To reduce the setback from a daylight triangle from 3 metres to 1.8 metres and 0.5 metres for stairs and walkways; • To increase the maximum encroachment of stairs into any yard from 0 metres to 2.0 metres; • To increase the maximum encroachment of a balconies, canopies, unenclosed porches, and decks into any yard from 0 metres to 2.0 metres; • To reduce the maximum encroachment of a balcony and deck into a privacy area for a townhouse development from 4.5 metres to 0.0 metres;
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<p>Modifications Proposed: (continued)</p>	<ul style="list-style-type: none"> • To remove apartment dwellings, dwelling groups, a home occupation, and accessory uses from the permitted uses; • To add stacked townhouse to the permitted uses; • To reduce the minimum front yard from 7.5 metres to 4.0 metres; • To reduce the minimum side yard to 1.8 metres from 6 metres; • To reduce the minimum flankage side yard from 7.5 metres to 3.0 metres; • To remove the minimum 7.5 metre side yard for a maisonette, townhouse, and dwelling group dwelling abutting a zone for single detach or semi-detached dwelling; • To reduce the minimum rear yard from 6 metres to 2.5 metres; • To remove the minimum 7.5 metre rear yard for a maisonette, townhouse, and dwelling group abutting a zone for single detach or semi-detached dwelling; • To increase the density from 40 units per hectare to 90 units per hectare; • To increase the building height from 11 metres to 13.5 metres; • To reduce the maximum lot coverage from 35% to 0%; • To establish no privacy area requirement for stacked townhouse dwellings; • To reduce the minimum privacy area depth for a townhouse dwellings from 4.5 metres to 6.0 metres; • To modify the minimum privacy area for a maisonette dwelling from a minimum depth of 4.5 metres to a balcony with an area of 5.0 square metres; • To reduce the minimum landscape open space from 50% to 25%, to remove the requirement for a 1.5 metre landscape strip between a privacy area and a lot line, and to remove the requirement for the 4.5 metre landscape strip adjacent to a lot line abutting a street; • To remove parking location restrictions when four or more parking spaces are required; • To reduce the minimum parking space setback from a dwelling from 3.0 metres to 1.2 metres for groups of three or more spaces; and,
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Modifications Proposed: (continued)	<ul style="list-style-type: none"> To reduce the number of required visitor parking spaces from 0.5 per dwelling unit to 0.2 per dwelling unit.
Processing Details	
Received:	July 23, 2024.
Deemed Complete:	July 30, 2024.
Notice of Complete Application:	Sent to 46 property owners within 120 m of the subject property on August 16, 2024.
Public Notice Sign:	Posted August 6, 2024.
Notice of Public Meeting:	Sent to 46 property owners within 120 m of the subject property on October 25, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "E" attached to Report PED24206.
Public Consultation:	<p>A Public Consultation meeting was held on March 8, 2024, at Winona Elementary School at 301 Lewis Road. Invitations were sent to 208 addresses. A circulation radius of 300 metres was utilized, which is greater than the standard 120 metre radius.</p> <p>Based on the summary provided by the applicant, approximately 32 individuals attended the meeting. Individuals expressed concern about impacts on local agricultural operations, traffic, height, and density.</p> <p>A summary of this public consultation is included in the public comment summary provided in Appendix "F" attached to Report PED24206.</p>
Public Comments:	At the time of writing of this report, one email from the public has been received expressing concern with building height, air drainage, and the impact on adjacent agricultural operations. Written submissions are provided in Appendix "F" attached to Report PED24206.
Processing Time:	105 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single detached dwelling and vacant.	Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone.
Surrounding Lands:		
North	Single detached dwellings.	Rural Residential “RR” Zone.
South	Single detached dwellings and agriculture.	Rural Residential “RR” Zone and Agriculture (A1) Zone.
East	Vacant and single detached dwellings.	Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone.
West	Hotel, restaurant, single detached dwellings, elementary school, and vacant.	Highway Commercial “HC” Zone, Agricultural Specialty “AS” Zone, Rural Residential “RR” Zone, Rural Residential “RR-2” Zone, Modified, and Small Scale Institutional “IS” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Statement (2024)

A full policy review has been provided for the Provincial Planning Statement (2024) in Appendix “D” attached to Report PED24206.

The proposed development has not demonstrated that there are no downstream flooding or erosion hazards as a result of the proposed development. A Stormwater Management Report, prepared by Urbantech dated May 2024, was submitted and was not consistent with the findings and recommendations of an approved Watercourse No. 9 quantitative analysis to ensure there is no impact from downstream flooding and erosion hazards as a result of the proposed development. The Watercourse No. 9 quantitative analysis has not yet been completed.

The subject lands are located within 300 metres of employment areas as the lands located on the north side of Barton Street are designated as an employment area. The proposed development has not demonstrated that it protects the long-term viability of these employment uses.

The proposed development has not demonstrated the protection of specialty crop areas. The lands south of Highway No. 8 are designated “Specialty Crop” in the Rural Hamilton Official Plan. Air drainage patterns exist between these lands and Lake Ontario over the subject lands. Modifications to the street layout and building height have the potential to disrupt these drainage patterns. An Air Drainage Analysis, prepared by WSP and dated April 12, 2024, submitted with the applications is limited in study area and found that modifications to the street layout and building height have the potential to alter existing air drainage patterns. As such, the Air Drainage Analysis has not been approved.

Based on the foregoing, the proposal is not consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations and further designated “Low Density Residential 2”, “Low Density Residential 3”, “Medium Density Residential 2”, “Storm Water Management”, and “Proposed Roads” on Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map. A full policy analysis of the applicable Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan policies are in Appendix “D” attached to Report PED24206.

The Fruitland-Winona community is generally low density with higher density housing in appropriate locations. The Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan follows this vision. Lands designated “Medium Density Residential 2” are located adjacent to Barton Street to support the planned pedestrian promenade and rapid transit route. Lands designated “Low Density Residential 2” are located at the centre of blocks, away from arterial roads.

The subject property is located within the City’s Block 3 Servicing Strategy area as shown on the Block 3 Servicing Strategy Concept Plan in Appendix “G” attached to Report PED24206. In addition to land uses, the Block 3 Servicing Strategy sets out the road network and servicing design for the lands. The proposed development deviates from the concept plan and servicing design.

The proposed development alters the concept plan by moving lands designated “Medium Density Residential 2” from the north of the property to the south adjacent to

Highway No. 8, removing lands designated “Low Density Residential 2” located in the centre of the block, removing local roads and replacing them with condominium roads, and reorienting blocks from a north-south orientation to an east-west orientation. The proposed development alters the servicing design by connecting the services to Lewis Road instead of Barton Street via adjacent lands to the east. According to Policies B.7.4.14.1 c) and B.7.4.17.2 of the Fruitland-Winona Secondary Plan, all development applications within an area with an approved block plan shall demonstrate that they comply with the Block Servicing Strategy.

These changes will have impacts beyond the subject property which need to be evaluated. Therefore, changes to the Block 3 Servicing Strategy Concept Plan by individual landowners does not represent orderly development. In addition to the deviations from the Block 3 Servicing Strategy Concept Plan, the proposed increase of maximum building height to 13.5 metres has the potential to impact air drainage on the adjacent lands designated “Specialty Crop” located south of the subject property.

The proposed development does not meet the intent of City’s urban design policies. The numerous modifications proposed within the site specific Multiple Residential “RM3” Zones and site specific Low Density Residential (R1) Zone, including reduced setbacks, increased yard encroachments, reduced lot size, and increased height, will result in an overdevelopment of the lands.

The proposed development does not create a sense of community pride and identity. The Development Concept Plan (Ultimate), prepared by Glen Schnarr & Associates Inc. dated May 23, 2024, in Appendix “C” attached to Report PED24206 does not demonstrate that the proposal is designed to respect the surrounding environment, built heritage, appropriate streetscape, nor respect prominent views. The proposed development does not create opportunity for views of the Niagara Escarpment, which is located south of the proposed development. The Concept Plan shows a row of stacked townhouse dwellings without any view corridors aligned to public streets. Further, the proposed development has not demonstrated that it protects the designated heritage property located at 265 Lewis Road.

The proposed development does not create quality spaces that are accessible and easy to navigate and does not demonstrate that the new buildings and streets are organized in a logical manner. The development lacks pedestrian connections, streets are misaligned, open space is disconnected, views of the Niagara Escarpment are obscured, and streetscapes are repetitive. The proposed development does not promote the reduction of greenhouse gas emissions, nor does it enhance the well-being of citizens. The proposed development does not demonstrate adequate pedestrian connections, which discourages active transportation and does not support transit as it

SUBJECT: Application for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 286 Lewis Road, Stoney Creek (PED24206) (Ward 12) - Page 16 of 20

proposes to remove density from proximity of a proposed rapid transit route along Barton Street.

As noted above, the proposed development does not comply with the Block 3 Servicing Strategy. A Block Servicing Strategy was prepared by Urbantech West, A Division of Leighton-Zec West Ltd. dated March 2020. A Concept Plan was included in the Block 3 Servicing Strategy, as shown in Appendix “G” attached to Report PED24206. The proposed development significantly deviates from the Block 3 Servicing Strategy Concept Plan. The proposed road network has been significantly altered by reducing the number of local roads resulting in longer distances between intersections which reduces pedestrian connections and impacts the pedestrian experience and discourages active transportation.

A portion of the land designated “Medium Density Residential 2” have been relocated from Barton Street to Highway No. 8 at the southern edge of the subject property. Barton Street is intended to develop as a pedestrian corridor and rapid transit route supported by medium density residential uses. Removing density from this location does not support the creation of a pedestrian corridor nor rapid transit. As per the Block 3 Servicing Strategy Concept Plan lower density residential uses were planned to be located at the centre of the development to provide a mix of housing types and the proposed development removed these uses from the Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map.

The City’s Block 3 Servicing Strategy sets out the sanitary and storm design for the Block 3 Area, however, the proposed development deviates from this design. In addition, the proposed development does not demonstrate that the municipal water system can support the proposed increase in density.

A Tree Protection Plan, prepared by Adesso Design Inc. dated June 3, 2024, was submitted in support of the development. A total of 57 trees have been inventoried and 25 trees have been proposed to be removed. The Tree Protection Plan has not been approved. The decision to retain trees is to be based on condition, aesthetics, age, and species. There are eight trees (three Black Walnut, two Sugar Maple, two Basswood, and one Ironwood) proposed to be removed that are identified as being in fair to good condition. Opportunities to retain more trees are to be explored. In addition, five trees (two Green Ash, one Eastern Red Cedar, one White Cedar, one Silver Maple) have been identified as boundary trees and it has not been demonstrated that permission has been granted for their removal from neighbouring landowners.

A Scoped Cultural Heritage Impact Assessment, prepared by NPG Planning Solutions Inc. dated June 4, 2024, was submitted in support of the proposed development. The proposed development is adjacent to 265 Lewis Road, which is located on the west side

of Lewis Road and is a designated property under the *Ontario Heritage Act*. Staff require revisions to the Cultural Heritage Impact Assessment to address the impact of the stacked townhouses on Block 15 and the townhouses along Lewis Road on Blocks 9 and 10.

The subject property is located within 250 metres of known archaeological sites, within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody, in an area of sandy soil in areas of clay or stone, in areas of pioneer Euro-Canadian settlement, and along historic transportation routes. These are five of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism for determining archaeological potential. The applicant prepared a Stage 1-2 (P038-1241-2023) archaeological assessment which examined the archaeological potential of the site. The assessment recommended that a Stage 3 archaeological assessment be completed to address the archaeological potential of the 23-192H1 (AhGv-58) Site. Staff concur with this recommendation.

Former City of Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200

The proposed Zoning By-law Amendment application is for a change in zoning from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to site specific Multiple Residential “RM3” Zones in Stoney Creek Zoning By-law No. 3692-92 and from the Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone to a site specific Low Density Residential (R1) Zone and the Conservation/Hazard Land (P5) Zone in Hamilton Zoning By-law No. 05-200. The applicant has requested a number of site specific modifications to the Multiple Residential “RM3” Zone and Low the Density Residential (R1) Zone which are summarized in the Report Fact Sheet on pages 7 to 11 of this Report. Analysis of the Zoning By-law Amendment is provided below in the Analysis and Rationale for Recommendation section.

Based on the foregoing, the proposal does not comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal does not have merit and cannot be supported for the following reasons:
 - (i) It is not consistent with the Provincial Planning Statement (2024) as it does not address natural hazards and it does not demonstrate that it protects the long-term viability of employment uses;

- (ii) That the Draft Plan of Subdivision does not appropriately address the criteria set out in Sub-Section 51(24) of the *Planning Act*;
- (iii) It is not in the public interest nor an orderly development of land;
- (iv) It does not comply with the City's Block 3 Servicing Strategy;
- (v) It does not meet the general intent of the Urban Hamilton Official Plan policies relating to the protection of cultural heritage and natural heritage resources nor the Fruitland-Winona Secondary Plan's general residential policies and "Low Density Residential 3" and "Medium Density Residential 2" designations;
- (vi) The proposal is premature as it has not demonstrated that adequate infrastructure capacity is available;
- (vii) It has not demonstrated that there will not be any downstream flooding or erosion hazards; and,
- (viii) It has not considered to be good planning as the cumulative impact of reduced setbacks, increased yard encroachments, reduced lot size, height, and density results in overdevelopment of the site.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to redesignate the subject lands from "Low Density Residential 2", "Low Density Residential 3", and "Medium Density Residential 2" to "Low Density Residential 3" and "Medium Density Residential 2" and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit a maximum density of 82 units per net hectare. A detailed evaluation of the policies of the Urban Hamilton Official Plan is provided in Appendix "D" attached to Report PED24206.

As noted in the report, the proposal does not comply with the general intent of the Urban Hamilton Official Plan, the Fruitland-Winona Secondary Plan and the approved Block 3 Servicing Strategy.

Therefore, staff does not support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Agricultural Specialty “AS” Zone and Rural Residential “RR” Zone in Zoning By-law No. 3692-92. The Zoning By-law Amendment proposes to change the zoning to site specific Multiple Residential “RM3” Zones in Stoney Creek Zoning By-law No. 3692-92 and to a site specific Low Density Residential (R1) Zone and the Conservation/Hazard Land (P5) Zone in Hamilton Zoning Bylaw No. 05-200.

The applicant has requested a number of site specific modifications to the Multiple Residential “RM3” Zone and the Low Density Residential (R1) Zone which are summarized in the Report Fact Sheet on pages 7 to 11 of this Report. Among the modifications is an increase of building height to 13.5 metres and various reductions to setback requirements and yard encroachment allowances.

In the opinion of staff, the cumulative effect of reducing the setback requirements and increasing the yard encroachment results in an overdevelopment of the site which exceeds the maximum densities set out in the Fruitland-Winona Secondary Plan.

As noted in the report, the proposal does not comply with the general intent of the Urban Hamilton Official Plan, the Fruitland-Winona Secondary Plan and the approved Block 3 Servicing Strategy. In addition, the proposal has not demonstrated that adequate infrastructure capacity is available.

Therefore, staff do not support the proposed Zoning By-law Amendment.

4. Draft Plan of Subdivision

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is not consistent with the Provincial Planning Statement (2024);
- (b) It is premature and not in the public interest;
- (c) It does not comply with the applicable policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan;
- (d) It is not suitable for the purposes for which it is to be divided;
- (e) The number and location of proposed roads are not adequate;

- (f) The dimensions and shapes of the lots are not appropriate;
- (g) It does not demonstrate that downstream flooding hazards have been addressed;
- (h) It will not be adequately serviced; and,
- (i) The lands to be dedicated for public purposes are not adequate.

Therefore, staff do not support the proposed Draft Plan of Subdivision.

ALTERNATIVES FOR CONSIDERATION

1. Should the applications be approved, that staff be directed to prepare the Official Plan Amendment, Zoning By-law Amendments, and Draft Plan of Subdivision Special Conditions consistent with the submitted Draft Plan of Subdivision provided in Appendix "B" attached to Report PED24206 and Concept Plan provided in Appendix "C" attached to Report PED24206 with the inclusion of Holding 'H' Provision(s) to address matters including, but not limited to, the submission or resubmission of a revised Functional Servicing Report, Stormwater Management Report, Watermain Hydraulic Analysis, Archaeological Assessment, Cultural Heritage Impact Assessment, Tree Protection Plan, Transportation Impact Study, Air Drainage Analysis, quantitative analysis of downstream flooding and erosion hazards, and any other necessary items to implement Council's direction. However, staff are not recommending this alternative because the Air Drainage Assessment, and other urban design consideration, will require a complete re-design of the proposal to comply with the policies on the Fruitland-Winona Secondary Plan and the Block 3 Servicing Strategy.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" to Report PED24206 – Location Map
- Appendix "B" to Report PED24206 – Proposed Draft Plan of Subdivision
- Appendix "C" to Report PED24206 – Concept Plan
- Appendix "D" to Report PED24206 – Policy Review
- Appendix "E" to Report PED24206 – Staff and Agency Comments
- Appendix "F" to Report PED24206 – Public Comments
- Appendix "G" to Report PED24206 – Block 3 Servicing Strategy Concept Plan

MM/mb