




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2024
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 582 and 584 Highway No. 8, Stoney Creek (PED24180) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Official Plan Amendment application UHOPA-21-006, by WEBB Planning Consultants c/o James Webb on behalf of Simnat Consulting Inc., Owner**, to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a Site Specific Policy Area in the Western Development Area Secondary Plan to increase the permitted height to four storeys and permit a maximum density of 164 units per hectare, for lands located at 582 and 584 Highway No. 8, as shown on Appendix “A” attached to Report PED24180, be **APPROVED** on the following basis:
- (i) That the draft Amended Official Plan Amendment, attached as Appendix “B” attached to Report PED24180, be adopted by City Council;
 - (ii) That the proposed Amended Official Plan Amendment is consistent with the Provincial Planning Statement (2024) and conforms to the Niagara Escarpment Plan (2017).
- (b) That **Amended Zoning By-law Amendment application ZAC-21-011, by WEBB Planning Consultants c/o James Webb on behalf of Simnat Consulting Inc., Owner**, for a change in zoning from the Single Residential “R2” Zone (Block 1)

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and the Neighbourhood Development “ND” Zone (Block 2) to the Multiple Residential “RM3-75(H)” Zone, Modified, Holding, to permit a four storey multiple dwelling containing 50 dwelling units and 65 parking spaces, for lands located at 582 and 584 Highway No. 8, as shown on Appendix “A” attached to Report PED23089, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED24180, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the draft By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ as a suffix the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-75(H)” Zone, Modified, Holding, is to be removed conditional upon:

- (1) That the owner confirms that the construction of the municipal sanitary sewer along DeWitt Road has been completed and is fully operational to provide sewer capacity for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
 - (2) That the owner has paid a proportionate share of the costs associated with the municipal sanitary sewer construction along DeWitt Road, to the satisfaction of the Director of Growth Management and Chief Development Engineer; and,
- (iii) That the proposed changes in zoning are consistent with the Provincial Planning Statement (2024), conform to the Niagara Escarpment Plan (2017, as amended), and will comply with the Urban Hamilton Official Plan and the Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.

EXECUTIVE SUMMARY

The subject lands are municipally known as 582 and 584 Highway No. 8, Stoney Creek and are located on the south side of Highway No. 8 between DeWitt Road and Regalview Drive. The applicant has applied for an amendment to the City’s Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92.

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The purpose of the Amended Official Plan Amendment application is to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a Site Specific Policy in the Western Development Area Secondary Plan to increase the permitted height to four storeys and permit a maximum density of 164 units per hectare.

The purpose of the Amended Zoning By-law Amendment application is for a change in zoning from the Single Residential “R2” Zone (Block 1) and the Neighbourhood Development “ND” Zone (Block 2) to the Multiple Residential “RM3-75(H)” Zone, Modified, Holding, to permit development of a four storey multiple dwelling containing 50 dwelling units and 65 parking spaces, as shown on Appendix “E” attached to Report PED24180. Site specific modifications to the “RM3” Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” attached to Report PED24180.

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 Planning Statement (2024);
- They conform to the Niagara Escarpment Plan (2017, as amended);
- They comply with the general intent of the Urban Hamilton Official Plan and Western Development Area Secondary Plan;
- They conform with the DeWitt Neighbourhood Plan; and,
- The development 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, and support developing a complete community.

Alternatives for Consideration – See Page 12

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

Report Fact Sheet

Application Details	
Owner:	Simnat Consulting Inc. (c/o Joseph Trombetta).
Applicant:	WEBB Planning Consultants Inc. (c/o James Webb).
File Number:	UHOPA-21-006 and ZAC-21-011.
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	<p>The purpose of the Amended Official Plan Amendment is to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a Site Specific Policy in the Western Development Area Secondary Plan to increase the permitted height to four storeys and permit a maximum density of 164 units per hectare.</p> <p>The Official Plan Amendment was amended by staff to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3”. The applicant requested to establish a Site Specific Policy without redesignation. The “Medium Density Residential 3” designation is appropriate as the designation is intended for multiple dwellings at higher densities and located on arterial roads.</p> <p>The purpose of the Amended Zoning By-law Amendment is for a change in zoning from the Single Residential “R2” Zone and the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-75(H)” Zone, Modified, Holding.</p> <p>The effect of these applications is to facilitate the development of a four storey multiple dwelling containing 50 dwelling units, including 28 one-bedroom units and 22 two-bedroom units, and 65 parking spaces (seven surface parking spaces and 58 underground parking spaces), and a loading space with access to Highway No. 8.</p>

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Property Details	
Municipal Address:	582 and 584 Highway No. 8.
Lot Area:	0.33 ha.
Servicing:	Existing full municipal services.
Existing Use:	582 Highway No. 8 – Vacant. 584 Highway No. 8 – Vacant.
Documents	
Provincial Planning Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Niagara Escarpment Plan:	The proposal conforms to the Niagara Escarpment Plan (2017).
Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“Low Density Residential 3c” on Western Development Area Secondary Plan Map B.7.1-1 – Land Use Plan Map.
Secondary Plan Proposed:	“Medium Density Residential 3” with a new Site Specific Policy Area on Western Development Area Secondary Plan Map B.7.1-1 – Land Use Plan Map to increase the permitted height to four storeys and permit a maximum density of 164 units per hectare.
Neighbourhood Plan:	“Medium Density Residential” in DeWitt Neighbourhood Plan.
Zoning Existing:	582 Highway No. 8 – Single Residential “R2” Zone. 584 Highway No. 8 – Neighbourhood Development “ND” Zone.
Zoning Proposed:	Multiple Residential “RM3-75(H)” Zone, Modified, Holding.
Modifications Proposed:	The following modifications are being proposed to Zoning By-law No. 3692-92 and supported by staff: <ul style="list-style-type: none"> To permit unenclosed porches, stairs, sidewalks / walkways, and points of ingress and egress within a

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<p>Modifications Proposed: (continued)</p>	<p>landscaped strip; To permit unenclosed porches and associated stairs to project 2.0 metres into a front yard;</p> <ul style="list-style-type: none"> • To permit partially enclosed stairs to project 5 metres into a rear yard; • To permit balconies and decks to project 4.5 metres into a privacy area of a townhouse development; • To permit any deck or patio less than 0.3 metres in height within any yard; • To reduce the minimum lot area to 3,060 square metres; • To reduce the minimum front yard to 3.1 metres; • To reduce the minimum westerly side yard to 3.1 metres, except 9.5 metres for any portion of a building exceeding 5.5 metres in height; • To reduce the minimum westerly side yard to 2.8 metres, except 9.5 metres for any portion of a building exceeding 5.5 metres in height. • To increase the minimum easterly side yard to 2.8 metres, except 9.5 metres for any portion of a building exceeding 5.5 metres in height; • To reduce the minimum rear yard to 8.1 metres; • To increase the maximum density to 164 units per hectare; • To increase the maximum building height to 13.3 metres; • To increase the maximum lot coverage to 42%; • To modify the minimum landscaped open space to 40% of the lot area; • To reduce the minimum landscape strip adjacent to a street to 3.1 metres; and, • To reduce the minimum number of parking spaces to 1.3 parking spaces for each dwelling unit. <p>A complete analysis of the proposed modifications is included in Appendix “D” attached to Report PED24180.</p>
<p>Processing Details</p>	
<p>Received:</p>	<p>February 19, 2021.</p>
<p>Deemed Complete:</p>	<p>March 3, 2021.</p>
<p>Notice of Complete Application:</p>	<p>Sent to 257 property owners within 120 m of the subject property on March 12, 2021.</p>
<p>Public Notice Sign:</p>	<p>Posted March 18, 2021, and updated with Public Meeting date November 6, 2024.</p>

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Notice of Public Meeting:	Sent to 257 property owners within 120 m of the subject property on November 15, 2024. Please note, delivery may have been impacted due to Canada Post labour disruptions. The Statutory Public Notice was published in the Hamilton Spectator on November 22, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “G” attached to Report PED24180.
Public Consultation:	A Neighbourhood Information Meeting was held on September 4, 2024, in the Stoney Creek Municipal Service Centre at 777 Highway No. 8. A circulation radius of 240 metres was utilized, which is greater than the standard 120 metre radius. Based on the meeting summary provided by the applicant, eight individuals attended the meeting. Individuals expressed concern about building tenure, sustainable building practices, and perimeter fencing. A summary of this public consultation is included in the public comment summary provided in Appendix “H” attached to Report PED24180.
Public Comments:	One email from the public and a petition with 123 names were received expressing concern about the proposed applications (attached as Appendix “H” attached to Report PED24180).
Processing Time:	1,383 days, 83 days from receipt of amended application.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	582 Highway No. 8 – Vacant.	Single Residential “R2” Zone.
	584 Highway No. 8 – Vacant.	Neighbourhood Development “ND” Zone.
Surrounding Lands:		
North	Townhouse dwellings.	Multiple Residential “RM3” Zone.

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South	Single detached dwellings and block townhouse dwellings.	Low Density Residential (R1) Zone and Multiple Residential “RM3-6” Zone, Modified.
East	Single detached dwelling.	Neighbourhood Development “ND” Zone.
West	Single detached dwelling.	Single Residential “R2” Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

A full review of the applicable Provincial Planning Statement (2024) and Niagara Escarpment Plan (2017) policies is provided in Appendix “F” attached to Report PED24180.

Provincial Planning Statement (2024)

The proposal supports the development of healthy, liveable, and safe communities. The subject site is located adjacent to Highway No. 8 which is intended to further develop as a commercial and mixed use corridor. Hamilton Street Railway operated bus routes are located along Highway No. 8 and Highway No. 8 has been identified as a potential rapid transit route. Bicycle lanes are located along Highway No. 8. An elementary school is located within the surrounding neighbourhood and a secondary school is located north of Highway No. 8. And finally, DeWitt and Mapledene neighbourhood parks and Sherwood Meadows community parks are in proximity to the subject lands.

Based on the foregoing, and subject to the Holding Provision, the proposal is consistent with the Provincial Planning Statement (2024).

Niagara Escarpment Plan (2017, as amended)

The subject lands are identified as “Urban Area” within the Niagara Escarpment Plan. The lands are not located within the development control area and therefore do not require a permit from the Niagara Escarpment Commission. The application was circulated to the Niagara Escarpment Commission who recommended landscaped screening to minimize the visual impact of the development. The proposed development will include landscaped screening to minimize the visual impact of the development.

Based on the foregoing, and subject to the Holding Provision, the proposal conforms to the Niagara Escarpment Plan (2017, as amended).

Hamilton Official Plan and Western Development Area Secondary Plan

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and are identified as “Low Density Residential 3c” on Map B.7.1-1– Western Development Area - Land Use Plan. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “C” attached to Report PED24180.

The “Neighbourhoods” designation is intended to include a full range of residential types and densities. The “Low Density Residential 3c” designation permits low rise multiple dwellings with a density of 30 to 49 units per net residential hectare. The purpose of the Amended Official Plan Amendment is to amend the Western Development Area Secondary Plan to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a Site Specific Policy Area to permit a maximum density of 164 units per hectare. The “Medium Density Residential 3” designation is appropriate as the designation is intended for multiple dwellings at higher densities and located on arterial roads.

A Site Plan and Elevation Drawings, prepared by Lintack Architects Inc. dated November 15, 2023, were submitted in support of the proposed development. The Elevation Drawings show that the proposed development has been designed to ensure an appropriate transition from existing adjacent residential buildings. Yard requirements and setbacks within the proposed Zoning By-law will implement this design (see Appendix “C” attached to Report PED24180). The Site Plan shows increased setbacks towards the rear of the building adjacent to the existing residential dwelling located to the west. The Site Plan also shows that the building is located close to the street with individual street facing entrances which will enhance the streetscape along Highway No. 8. Parking is primarily located underground with seven surface parking along the rear of the property. This will reduce the impact on the streetscape.

An Urban Design Brief prepared by Lintack Architects Inc. dated February 2021, was submitted in support of the proposed development. Staff find that the design encourages development of a pedestrian friendly environment and that setbacks and stepbacks are an appropriate transition in height. The design includes ground level units designed with individual porches and walkway connections to the sidewalk. Use of building materials will be used to emphasize the stepback, which will be addressed at the future Site Plan Control stage.

Based on the foregoing, and subject to the Holding Provision, the proposal complies with the Urban Hamilton Official Plan and Western Development Area Secondary Plan upon adoption of the Official Plan Amendment.

DeWitt Neighbourhood Plan

The subject lands are located in the DeWitt Neighbourhood Plan, which is bound by Highway No. 8 to the north, Regalview Drive to the east, Canadian Pacific railway to the south, and DeWitt Road to the east. The subject lands are designated “Medium Density Residential” in the Dewitt Neighbourhood Plan which permits multiple dwellings.

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

The proposed Zoning By-law Amendment is for a change in zoning from the Single Residential “R2” Zone and the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-75(H)” Zone, Modified, Holding. The effect of this Zoning By-law Amendment is to permit a four storey multiple dwelling containing 50 dwelling units and 65 parking spaces. Modifications to the Multiple Residential “RM3” Zone are required to facilitate the development and are summarized in the report Fact Sheet above and further discussed in Appendix “D” attached to Report PED24180.

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 Planning Statement (2024);
 - (ii) It conforms to the Niagara Escarpment Plan (2017, as amended);
 - (iii) It complies with the general intent and purpose of the Urban Hamilton Official Plan upon adoption of the Official Plan Amendment;
 - (iv) It conforms to the DeWitt Neighbourhood Plan; and,
 - (v) It is compatible with the existing development in the immediate area and, it represents good planning by, among other things, providing a compact and efficient urban form and supports developing a complete community.
2. Official Plan Amendment

The purpose of the Official Plan Amendment is to amend the Western Development Area Secondary Plan to redesignate the subject lands from “Low Density Residential 3c” to “Medium Density Residential 3” and to establish a Site Specific Policy to increase the permitted height to four storeys and permit a maximum density of 164 units per hectare. The Official Plan Amendment originally submitted by the applicant proposed to maintain the “Low Density

Residential 3c” designation for the lands. However, the maximum density permitted by the “Low Density Residential 3c” designation is 49 units per net residential hectare whereas the proposed density is 164 units per net residential hectare. Staff recommend redesignation to the “Medium Density Residential 3” designation as this designation more appropriately reflects the proposed development. The “Medium Density Residential 3” designation permits multiple dwellings, and the maximum density is 99 units per net residential hectare.

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 infill 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, commercial uses, and active transportation as bicycle lanes exist adjacent to the site.

Therefore, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Single Residential “R2” Zone (Block 1) and Neighbourhood Development “ND” Zone (Block 2) in Zoning By-law No. 3692-92. The Zoning By-law Amendment proposes to change the zoning to the Multiple Residential “RM3-75(H)” Zone, Modified, Holding, as outlined in the table on page five. Staff are satisfied that the proposal meets the intent of the “Neighbourhoods” designation policies, the “Low Density Residential 3c” designation upon adoption of the proposed Official Plan Amendment, and the applicable intensification policies of the Urban Hamilton Official Plan as outlined in Appendix “F” attached to Report PED24180.

The proposed amendments meet the general intent of the Zoning By-law. An analysis of the requested modifications is provided in Appendix “D” attached to Report PED24180.

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

4. Holding Provisions

Holding “H” Provisions are proposed to be added to the subject lands for the purpose of requiring the completion of a municipal sanitary sewer along DeWitt Road and payment of proportional costs associated with the construction of the

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municipal sanitary sewer along DeWitt Road. Upon completion of the above noted 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 Single Residential “R2” Zone and the Neighbourhood Development “ND” Zone in Zoning By-law No. 3692-92.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” to Report PED24180 – Location Map
- Appendix “B” to Report PED24180 – Amendment to Urban Hamilton Official Plan
- Appendix “C” to Report PED24180 – Amendment to Zoning By-law No. 3692-92
- Appendix “D” to Report PED24180 – Zoning Modification Table
- Appendix “E” to Report PED24180 – Concept Plan
- Appendix “F” to Report PED24180 – Policy Review
- Appendix “G” to Report PED24180 – Staff and Agency Comments
- Appendix “H” to Report PED24180 – Public Comments

MM/mb