



City of Hamilton Report for Consideration

To: Chair and Members
Planning Committee

Date: May 23, 2025

Report No: PED25123

Subject/Title: Application for a Zoning By-law Amendment for
Lands Located at 255 Lewis Road, Stoney Creek

Ward(s) Affected: Ward 10

Recommendations

That **Zoning By-law Amendment application ZAC-25-014, by Ashenhurst Nouwens & Associates Inc (c/o Harry Kalantzakos), on behalf of 11323881 Canada Inc. (c/o Enzo Prato & Sharad Sharma), Owners**, for a change in zoning from the Agricultural Specialty (AS) Zone to a site specific Low Density Residential (R1) Zone, to permit the development of six street townhouse dwelling units on a portion of the lands located at 255 Lewis Road, Stoney Creek, as shown in Appendix A attached to Report PED25123, **BE DENIED** on the following basis:

- a) That the proposal is not consistent with the Provincial Planning Statement (2024) and does not comply with the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan as:
 - (i) It does not meet the intent of the Fruitland-Winona Secondary Plan's Block Servicing Strategies and applicable policies;
 - (ii) The proposal is premature as it has not demonstrated that adequate infrastructure capacity is available;
 - (iii) The proposal is premature as it lacks a Draft Plan of Subdivision for the remaining lands, preventing comprehensive and orderly development;
 - (iv) The submitted Noise Study has not adequately demonstrated that the proposed development will comply with all applicable provincial and municipal noise guidelines and standards; and,
 - (v) The proposal has not demonstrated that trees have been sufficiently protected, including the proposed removal of a Species at Risk.

Key Facts

- The application is for a Zoning By-law Amendment to change the zoning from the Agricultural Specialty (AS) Zone under the Stoney Creek Zoning By-law No. 3692-92 to a site specific Low Density Residential (R1) Zone under the City of Hamilton Zoning By-law No. 05-200.
- The proposed development includes six street townhouse dwelling units at the southeast corner of the subject lands, as shown in the Concept Plan in Appendix C attached to Report PED25123.
- The subject lands are designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “Low Density Residential 3” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, which permits street townhouse dwellings.
- Staff recommends denial of the proposed Zoning By-law Amendment application.

Financial Considerations

Not applicable.

Analysis

The subject lands are municipally known as 255 Lewis Road, Stoney Creek, located on the west side of Lewis Road in proximity to Highway No. 8 to the south. The proposed development will be located on the southeastern portion of the site. The existing land is vacant with treed areas in the south portions as well as a few trees with scattered shrubs across the site. The Concept Plan as shown in Appendix C attached to Report PED25123, identifies future development for the remainder of the subject lands. The portion of the subject lands subject to this application are approximately 0.13 hectares in size and have a rectangular shape with frontage along Lewis Road. Details on surrounding land uses are included in Appendix A1, the Concept Plan in Appendix C, and the Historical Background Factsheet in Appendix B attached to Report PED25123.

A full review of applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix D attached to Report PED25123.

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal for six street townhouse dwelling units is premature as it does not demonstrate adequate infrastructure capacity and lacks a Draft Plan of Subdivision application, preventing comprehensive and orderly development. This approach does

not align with long-term planning goals to transform undeveloped vacant lands into integrated urban communities through the division of land by a registered plan of subdivision where a new road or an extension to an existing road is required and where it is deemed in the public interest for the proper and orderly development of lands.

The proposal has not demonstrated whether it protects specialty crop areas. The lands south of Highway No. 8 are designated "Specialty Crop" in the Rural Hamilton Official Plan, and air drainage patterns exist between these lands and Lake Ontario over the subject property. Modifications to the street layout and building height could disrupt the air drainage patterns, yet no Air Drainage Analysis was submitted for review.

As the application for a Zoning By-law Amendment does not comply with the Urban Hamilton Official Plan, it is staff's opinion that the application is:

- Inconsistent with Section 3 of the *Planning Act*; and,
- Inconsistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject lands are further designated "Low Density Residential 3" Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan.

The subject property falls within the City's Block 3 Servicing Strategy area, which outlines land uses, road networks, and servicing design. The proposed development focuses only on a single block located in the southeast portion of the subject lands, and the applicant has not submitted a Draft Plan of Subdivision application that would detail the plans for the entire property, including alignment and dedication of the interior collector and local road network for the immediate neighbourhood. This lack of a comprehensive plan and failure to demonstrate adequate infrastructure capacity make the proposal for six street townhouse dwelling units premature. It also hinders the development of a cohesive, integrated urban community. As such, the proposal does not align with long term planning goals aimed at transforming undeveloped vacant lands into a well-planned, fully serviced urban area.

An Arborist Report prepared by Urban Arboretum, dated October 1, 2024, proposes the removal of two endangered Butternut trees, which fall under the jurisdiction of the Ministry of Environment, Conservation, and Parks. A Butternut Health Assessment, as well as correspondence from the Ministry authorizing the removal of the Butternut trees, have not been provided. Therefore the Tree Preservation Plan has not yet been approved.

Based on the policy analysis provided in Appendix D attached to Report PED25123, the proposal does not comply with the Urban Hamilton Official Plan or the Fruitland-Winona Secondary Plan.

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

The amended Zoning By-law Amendment application proposes a change in zoning of the subject lands from the Agricultural Specialty (AS) Zone to the site-specific Low Density Residential (R1) Zone under Hamilton Zoning By-law No. 05-200, to permit the development of Block 1 for six street townhouse dwelling units on the subject lands located at 255 Lewis Road, Stoney Creek, as shown in Appendix A attached to Report PED25123.

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);
 - (ii) It does not comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan; and,
 - (iii) The proposal is considered premature and not an orderly development due to the absence of a Draft Plan of Subdivision application.
2. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to rezone a portion of the subject lands from the Agricultural Specialty (AS) Zone to a site specific Low Density Residential (R1) Zone to permit the development of six street townhouse dwelling units.

Staff are not satisfied that the proposed Zoning By-law Amendment complies with the policies of the Urban Hamilton Official Plan or the Fruitland-Winona Secondary Plan. The proposal is considered premature due to the lack of a comprehensive plan, the absence of a Draft Plan of Subdivision application, and the failure to demonstrate adequate infrastructure capacity, as further outlined in the detailed policy analysis in Appendix D of report PED25123.

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

Alternatives

Should the applications be approved, that staff be directed to prepare a Zoning By-law Amendment, in a form satisfactory to the City Solicitor, to add the portion of the subject lands to a site specific Low Density Residential (R1) Zone with modifications consistent with the Concept Plan provided in Appendix C, and with inclusion of Holding 'H' Provision(s) to address matters including but not limited to the submission or resubmission of an updated Hydrogeological Assessment Report, Landscape Plan, Tree Protection Plan, Air Drainage Assessment, Butternut Health Assessment, as well as correspondence from Ministry of Environment, Conservation and Parks, a complete Draft Plan of Subdivision application, if required, an Official Plan Amendment application, Urban Design considerations, road right-of-way dedications, and other necessary items to implement Council's direction.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.
- Priority 2: Safe & Thriving Neighbourhoods
 - Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to the comment summary and responses provided in Appendix E attached to Report PED25123.

The public consultation strategy for 255 Lewis Road included a mailout and a Public Meeting organized by Ashenhurst Nouwens & Associates Inc. The mailout, sent to 14 residences within a 400 metre radius of the subject lands, provided an overview of the proposal, included a site plan for reference, and invited feedback to address public concerns throughout the application process. The Public Meeting featured a presentation covering the proposal, strategic plan, site location, proposed road alignment, concept plan, site plan, and building elevations, followed by a question-and-answer period. A total of 14 people attended the meeting.

Appendices and Schedules Attached

Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Historical Background Report Fact Sheet
Appendix C:	Concept Plan
Appendix D:	Policy Review
Appendix E:	Department and Agency Comments

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