



CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division**

TO: Chairs and Members Planning Committee	WARD(S) AFFECTED: WARD 8
COMMITTEE DATE: December 3, 2013	
SUBJECT/REPORT NO: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 83 - 89 Stone Church Road West (Hamilton) (PED13188) (Ward 8)	
SUBMITTED BY: Jo-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Timothy Lee (905) 546-2424 Ext. 1249
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Amended Zoning By-law Amendment Application ZAC-13-018, by Valery Homes, Owner**, for a change in zoning from the “D”-‘H’ (Urban Protected Residential - One and Two Family Dwelling) District, with a Holding Provision, the “C” (Urban Protected Residential) District, and the “AA” (Agricultural) District to the “DE-2/S-1700”-‘H’ (Multiple Dwellings) District, Modified, with a Holding Provision, to permit two 9-unit multiple dwellings (stacked townhouse), on lands located at 83-89 Stone Church Road West (Hamilton), as shown on Appendix “A” to Report PED13188, on the basis:
 - (i) That the draft By-law, attached as Appendix “B” to Report PED13188, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “DE-2/S-1700”-‘H’;

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- (iii) That the proposed modification in zoning conforms to the Urban Hamilton Official Plan.

- (b) That upon finalization of the implementing By-law, the Mewburn Neighbourhood Plan be amended by changing the designation of 83-89 Stone Church Road West (Hamilton) from “Single and Double Residential” to “Attached Housing”.

EXECUTIVE SUMMARY

The purpose of the application is to modify the Hamilton Zoning By-law on lands municipally known as 83-89 Stone Church Road West (Hamilton) in order to permit a residential development consisting of two 9-unit multiple dwellings (stacked townhouse), amenity space, internal private road, and visitor parking. The implementing By-law will establish site-specific regulations with respect to setbacks, parking and loading requirements, and the encroachment of exterior stairs into a required yard (see Appendix “B”). A Holding Provision has been added to ensure that the lands will merge prior to the development of the subject lands.

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, conforms to the Places to Grow Growth Plan, and the Urban Hamilton Official Plan. The proposal will allow for an efficient use of land and a redevelopment opportunity for an underutilized residential property, and will provide for a variety of housing types within a community that will have direct access to public transit.

Alternatives for Consideration - See Page 21.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The subject property, known as 83 - 89 Stone Church Road West (Hamilton), is located on the south-east corner of Stone Church Road West and West 5th Street

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(see Appendix "A"). The subject lands consist of two residential properties, which are proposed to merge in title to create one property. A Holding Provision has been included in the implementing By-law to ensure that the merging of the properties occurs. The two previously existing dwellings have now been demolished, and the lands are vacant.

The applicant originally proposed a residential multiple dwelling development consisting of stacked townhouses in two Buildings, a private condominium road, internal sidewalks, visitor parking, and a rear yard amenity space with access from Stone Church Road West (see Appendix "C").

Subsequently, the applicant revised the concept plan (see Appendix "D") consisting of the same number of dwelling units as the original concept plan. However, the access driveway has been relocated to front onto West 5th Street to prevent traffic conflicts from vehicles entering and exiting the property from Stone Church Road West. In addition, Building "A" has been relocated closer to the corner of the intersection in order to have a strong pedestrian and street presence.

The purpose of this application is to change the zoning from the "D"-H' (Urban Protected Residential - One and Two Family Dwelling) District, with a Holding Provision, from the "C" (Urban Protected Residential) District, and the "AA" (Agricultural) District, to the "DE-2" (Multiple Dwellings) District, with site-specific modifications, and a Holding Provision, with respect to setback requirements, parking and loading requirements, and encroachment into yard. A Holding Provision has been added to ensure that the lands will merge prior to the development of the subject lands.

Chronology:

June 17, 2013: Application ZAC-13-018 is deemed complete.

June 24, 2013: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120m of the subject lands.

August 7, 2013: Revised Concept Plan submitted to staff for review.

November 15, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

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Details of Submitted Application:

Location: 83 - 89 Stone Church Road West (Hamilton)

Owner: Valery Homes

Applicant: IBI Group

Property Description: (83 Stone Church Road West) **Lot Frontage:** 18.29 m.
Lot Depth: 88.51 m.
Total Lot Area: 1,618 sq. m.

Property Description: (89 Stone Church Road West) **Lot Frontage:** 28.58 m.
Lot Depth: 45.7 m.
Total Lot Area: 1,306 sq. m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant (Former Single Detached Dwellings Demolished)	“AA” (Agricultural) District; “C” (Urban Protected Residential) District, “D”-‘H’ (Urban Protected Residential - One and Two Family Dwellings) District, with a Holding Provision
<u>Surrounding Lands:</u>		
North	Townhouses	“RT-20” (Townhouse Maisonette Residential) District
South	Single Detached Dwelling	“AA” (Agricultural) District
East	Single Detached Dwelling	“C” (Urban Protected Residential) District
West	Townhouses	“RT-20” (Townhouse Maisonette Residential) District

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement policies that contribute to the development of healthy, liveable, and safe communities, as contained in Policy No. 1.1.1. In particular, the application is consistent with Policy No. 1.1.1b), where it accommodates an appropriate range of residential use to meet long term needs, and Policy No. 1.1.1d), which avoids development and land use patterns that would prevent the efficient expansion of settlement areas.

Also, the application is consistent with Policy No. 1.1.1e), which promotes cost-effective development standards to minimize land consumption and servicing costs, and Policy No. 1.1.3.2a), where land use patterns shall be based on densities and mix of land use which efficiently uses land, infrastructure, and resources.

In addition, Policy No. 1.7.1(e) outlines that long term economic prosperity will be supported by planning, so that major facilities such as major transportation corridors and sensitive land uses are appropriately designed, buffered, or separated to prevent adverse effects from odour and noise. An Acoustical Study was submitted by the applicant. Staff are satisfied that the proposed development will not be affected by noise from Stone Church Road West.

Based on the foregoing, the proposal to permit two 9-unit multiple dwellings (stacked townhouse) is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Places to Grow Growth Plan. The application conforms to Section 1.2.2, where some of the guidance principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support a compact, efficient form.”

The application conforms to Section 2.2.2, in that the proposed development will reduce the dependence on the automobile through transit supportive urban environment, providing a balance of housing types in communities, reducing the need for long distance commuting through close access to public transit, and encouraging the development of complete communities with a diverse mix of land uses, and a range and mix of housing with easy access to local stores and services. The proposed

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development is located within close proximity to existing commercial uses, and is located along an existing transit bus route.

The proposal to permit two 9-unit multiple dwellings (stacked townhouse) conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

The Urban Hamilton Official Plan is now in force and effect, except for the residential intensification policies and other site specific appeals. Policies that remain under appeal and that subsequently are not in force and effect are reviewed as direction only, and for the purpose of this application, the Hamilton Official Plan policies are to be used.

The subject lands are designated “Neighbourhoods” on Schedule “E-1” - Land Use Designations, where Policy No. E.3.2.3a) permits residential dwellings, to which the proposed development is permitted. In addition, the proposed development meets Policy Goals E.3.1.3 and E.3.2.4 with respect to providing for a range of housing types and densities, contributing to affordable housing, and promoting a design which enhances and respects the character of the existing neighbourhood, which is comprised mainly of block townhouse dwellings. In addition, the following policies under the “Neighbourhoods” designation apply:

- “E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the “Neighbourhoods” designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
 - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a public street shall be minimized.
 - c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
 - d) Development shall improve existing landscape features and overall landscape character of the surrounding area.”

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The revised concept plan (see Appendix “D”) illustrates that the proposed buildings will be located parallel with West 5th Street, and will permit the building mass and landscaping to be located closer to the street to give an active street frontage, and to permit adequate and direct pedestrian access to the existing municipal sidewalk along Stone Church Road West. Based on the foregoing, the proposal conforms to the above policies. In addition, the garages are proposed to be located within the interior of the lot, which will not be the dominant feature along the street frontage, and will be located away from street view. Also, the proposed visitor parking will be located in the rear yard, which will be located away from street frontage.

Furthermore, the Urban Hamilton Official Plan identifies residential uses based on density. Based on the proposed development, the subject lands fall under Medium Density Residential. The following policies apply:

- “E.3.5.1 Medium Density Residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting onto collector roads.
- E3.5.2 Uses permitted in Medium Density Residential areas include multiple dwellings, except street townhouses.
- E.3.5.5 Medium Density Residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreation facilities, and local or district commercial uses.
- E.3.5.7 For Medium Density Residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- E3.5.8 For Medium Density Residential uses, the maximum height shall be 6-storeys.”

The revised concept plan (see Appendix “D”) will include 18 multiple-dwelling units in two 3-storey buildings, with an overall net density of approximately 61.6 units per ha. Policy No. E.3.5.7 identifies a net residential density range of between 60 to 100 units per net residential hectare. This policy provides for direction within a neighbourhood planning area with a general density target. Based on the foregoing, the proposed development meets the general intent of the policy. In addition, the proposal is located within a safe and convenient walking distance from public transit and nearby park. Based on the foregoing, the proposed development meets the general intent of the above policies.

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Under the Medium Density Residential, the following urban design policies apply:

- “E.3.5.9 Development within the Medium Density Residential category shall be evaluated on the basis of the following criteria:
- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
 - b) Development shall be integrated with other lands in the “Neighbourhoods” designation with respect to density, design, and physical and functional considerations.
 - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering, if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
 - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians, both on-site and on surrounding streets.”

The original concept plan (see Appendix “C”) proposed the access driveway from Stone Church Road West. Staff had initial concerns due to the close proximity of the access driveway to the intersection of Stone Church Road West and West 5th Street, which would potentially result in vehicles entering the subject property and causing a back-up of traffic on the street. Subsequently, a revised plan was submitted relocating the access driveway to West 5th Street, where it is anticipated to have fewer traffic conflicts due to lower traffic flows.

The above policies require development to integrate with abutting lands with respect to design, density, height, mass, and arrangement of buildings relative to the street and abutting properties. As shown in the revised concept plan, both Buildings “A” and “B” are located parallel to West 5th Street, where Building “A” is afforded direct access to the municipal sidewalk. Building “B” units have access to a landscaped internal walkway with a direct municipal sidewalk. Both buildings will be 3-storeys in height, which is in keeping with existing planned and proposed townhouse and single detached dwellings in the surrounding lands. In addition, there is adequate landscaping and

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amenity buffer on the south and east property lines, separating the development from existing residential uses.

Based on the foregoing, the proposed development conforms to the policies with respect to the “Neighbourhoods” designation and Medium Density Residential use.

Residential Intensification:

As the majority of the Residential Intensification policies are under appeal, the following policies in the Urban Hamilton Official Plan apply:

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form.

B.2.2.4.2 When considering an application for a residential intensification development within the “Neighbourhoods” designation, the following matters shall be evaluated:

- g) The ability to respect and maintain or enhance the streetscape patterns, including block lengths, setbacks, and building separations.”

The surrounding residential community to the south and east is in transition. It is characterized mainly by large remnant agricultural lands that are currently used for residential uses. The proposed development maintains the general character of the newer communities located north and west of the subject lands, which are also characterized by block townhouse units and single detached dwellings. The proposed development also respects and maintains the general streetscape pattern along Stone Church Road West, which is characterized by longer block lengths with fewer access driveways, block townhouse complexes with private condominium roads, and block arrangements where buildings face the street. The revised elevation promotes additional architectural detailing, such as additional glazing and a wraparound porch, to create an attractive streetscape along a street edge. These architectural elements would be secured through Site Plan approval.

Urban Design:

In addition to the Urban Design policies, as identified in Policy No. E.3.5.9 (see above), the following policies also apply:

“B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) Complementing and animating existing surroundings through building design and placement, as well as through placement of pedestrian amenities;
- b) Respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) Allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) Encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) Creating transitions in scale to neighbouring buildings;
- b) Ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) Minimizing the impacts of shadows and wind conditions.”

Buildings “A” and “B” are of appropriate scale to abutting residential uses with respect to the height, mass, and scale. There will be minimal impacts on shadowing and wind conditions on existing residential properties due to a maximum 3-storey height (see Appendix “D”). In addition, a 3.5m easterly side yard setback is proposed

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providing an appropriate transition in scale to abutting residential uses, and adequate buffering and landscaping. A pedestrian walkway is also proposed along the easterly side yard, which will provide direct access to the existing municipal sidewalk for residents of Building “B”. As shown in the concept plan (See Appendix “D”), the walkway will not be located within the required planting strip.

The overall built form of new development is assessed under Policy No. B.3.3.3.5, where a comfortable pedestrian environment is created through locating principal facades and primary building entrances parallel to and as close to the street as possible, to provide for ample glazing to create visibility to the public sidewalk, and to locate surface parking to the sides or rear of the subject lands. As shown in the concept plan, entrances to the lower and upper units within Building “A” will face West 5th Street. Furthermore, the elevation drawing shows distinctive architectural features, such as peaked roofs and wall treatments, in addition to additional glazing along the street frontages and wrap-around porches. This will create a distinctive and attractive built form which will be important at this intersection. Finally, surface parking spaces will be located in the rear of the property, and garages will be located in the interior of the subject lands where visibility will be minimized from the street. Additional landscaping will further reduce the visibility of surface parking from the street.

Based on the foregoing policies, the proposed development conforms to the Urban Hamilton Official Plan.

Mewburn Neighbourhood Plan:

The subject lands is designated “Residential - Single and Double” in the Mewburn Neighbourhood Plan. In accordance with Policy No. F.1.2.7, proposals must conform to the designations and policies of the Neighbourhood Plan. As the proposed development is to permit multiple dwellings, an amendment to the Neighbourhood Plan is required to change the designation to “Attached Housing”. The amendments to the Neighbourhood Plan can be supported, as the general intent of the Neighbourhoods designation is being maintained. The general intent of the Mewburn Neighbourhood Plan and the Urban Hamilton Official Plan is being maintained, as the proposed development conforms to the “Neighbourhoods” Designation of the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections to the proposed application:

- Source Water Protection, Public Works Department.
- Taxation Division, Corporate Services Department.
- Horizon Utilities.

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- Bell Canada.
- Canada Post.

Waste Management Section (Public Works Department):

The proposed development is eligible for weekly collection of garbage, recycling, organics, as well as leaf and yard waste. In addition, for the collection of waste on private roads, an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City. This will be addressed through Site Plan Approval.

Capital Budgets Section (Corporate Services Department):

Staff notes that the owner will be required to pay \$12,848.87 for the installation of sanitary sewer on Stone Church Road West.

Hamilton Municipal Parking System:

Staff have no concerns with the Zoning By-law Amendment application. However, it must be assured that the parking garage be properly dimensioned to be sure that they can operate as proper parking spaces, and that sufficient parking be provided on-site due to the inability to park on West 5th Street and Stone Church Road West.

Based on the revised plan (see Appendix "D"), there is sufficient resident and visitor parking provided on-site. Modifications have been requested to reduce the size of the parking space dimensions from 2.7m x 6.0m to 2.6m x 5.5m, which will be consistent with Hamilton Zoning By-law No. 05-200.

Corridor Management (Public Works Department):

The original concept plan (see Appendix "C") proposed an access driveway approximately 30m from the intersection of Stone Church Road West and West 5th Street. Staff had initial concerns with the close proximity of this access driveway due to the anticipated increase in the amount of traffic foreseen at the intersection. This could potentially pose traffic conflicts with respect to queues entering and exiting the proposed development and backing up traffic at the intersection.

Subsequently, the revised concept plan (see Appendix "D") relocated the access driveway to the West 5th Street frontage, where the anticipated amount of traffic is lower, and the incidence of traffic conflicts is lower. Staff is amenable to the revised concept and have no further objections to the application.

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Public Consultation:

In accordance with Council's Public Participation Policy, a Notice of Complete Application was circulated to 172 property owners within 120m of the subject property on June 27, 2013. To date, one letter of opposition has been received by staff. A Public Notice Sign was also posted on the subject lands on July 10, 2013.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act through circulation to property owners within 120m of the subject lands. The Public Notice Sign was updated on November 4, 2013, with respect to the date of the Public Meeting.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, which supports residential intensification within an Urban Area;
 - (ii) It conforms with the Places to Grow Growth Plan, which encourages the development of higher density housing forms within the built-up area;
 - (iii) It conforms to the Urban Hamilton Official Plan with respect to the redevelopment of underutilized lands; and,
 - (iv) The proposed development will contribute to a diverse housing type that caters to a segment of the population, while providing for affordable housing.

2. Zoning By-law Amendment (ZAC-13-018):

The subject lands are being rezoned from the "D-H" (Urban Protected Residential – One and Two Family Dwelling) District, with a Holding Provision, from the "C" (Urban Protected Residential) District, and the "AA" (Agricultural) District, which permits primarily residential uses. To accommodate the proposed development, the property will be required to be rezoned to the "DE-2" (Multiple Dwellings) District, and a number of modifications are required, which are supported by the Urban Design Policies of the Urban Hamilton Official Plan, and are as follows:

Stone Church Road West as the Front Lot Line:

The subject lands front onto both Stone Church Road West and West 5th Street, and are considered a corner lot (see Appendix "D"). A site-specific modification

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has been added to the draft By-law specifying Stone Church Road West to be deemed as the front lot line, and effectively makes the West 5th Street lot line as the flankage (exterior side) lot line. Staff are in support of the modification, as it provides further clarity on identifying the front lot line.

Definition of Planting Strip:

Section 2(2)(H) defines planting strip as “an area of land growing ornamental shrubs or trees, or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a visual barrier or buffer”. Based on the definition, only shrubs, trees, and other vegetation are permitted in the planting strip, but other features such as accessory buildings and fencing are not permitted. An amendment to the definition of planting strip has been requested to permit an existing shed to remain within the planting strip on the date of the passing of the implementing By-law. The existing shed is owned by the abutting property at 77 Stone Church Road West, and partially encroaches onto the planting strip of the subject lands. In addition, the proposed pedestrian walkway to be located on the east side of the subject lands will not be located within the planting strip, as shown in the concept plan (See Appendix “D”).

Staff have no concerns to allow for the existing shed to be located on the planting strip as it is an interim situation until the shed is either demolished or relocated, and therefore the general intent of the planting strip continues to be met.

Minimum Side Yard Setback:

The general intent of providing for a minimum side yard setback is to ensure an appropriate separation between buildings for privacy and noise, and to provide for stormwater drainage between properties. Under the “DE-2” Zone provisions, the minimum side yard setback is determined by the height and length of the building, and the presence of balconies, sunroom, or any window to a habitable room that overlooks the side yard. Based on the foregoing, the minimum required side yard setback would range between 3.5m and 13.5m.

Based on the revised concept plan, the overall height of Buildings “A” and “B” is approximately 8.3m, and a building length of 31m. Due to the presence of a second floor balcony with windows to a habitable room overlooking the side yard, a minimum required side yard setback of 5.1m is required. A reduction has been requested to permit a westerly (exterior) side yard setback of 1.0m and an easterly (interior) side yard setback of 4.0m.

The minimum westerly (flankage) side yard setback has been requested to be reduced to 1.0m, in order to allow for Building “A” to be located as close to the

intersection corner as possible, in order to allow for the relocated access driveway to be located on West 5th Street and reinforce the street edge. In addition, the reduction in the westerly side yard setback will meet the general intent of Policy No. B.3.3.3.5 of the Urban Hamilton Official Plan with respect to locating principal facades and primary building entrances parallel to and within close proximity to the street.

As shown in the revised concept plan (see Appendix "D"), the westerly side yard setback ranges from 1.1m to 8.7m due to the daylight triangle at the intersection. Staff have no objection to the reduction, as the westerly side yard setback is at its minimum only at the corner of Building "A" closest to the intersection corner, and generally the 5.1m minimum side yard setback can be satisfied.

The minimum easterly (interior) side yard setback is requested to be reduced to 3.5m between the easterly lot line and the proposed Building "B". The reduction can be supported, as the general intent of providing for a side yard setback is still being satisfied. In addition, enhanced landscaping and visual barriers are proposed in the easterly side yard, where noise and privacy concerns will be mitigated, and to provide for a transition from the proposed development to abutting residential uses. Based on the foregoing, staff are in support of the requested modification.

Loading Space:

The purpose of requiring a loading space is to provide for a dedicated loading area for loading of goods, where loading spaces are particularly important for multiple dwellings with a larger number of units, or a high turnover of occupants (ie large rental apartment building). The applicant has requested an exemption to the loading spaces requirement. As the proposed development proposes 18 dwelling units, it is anticipated that the demand for a loading space is minimal. In addition, the revised concept plan (see Appendix "D") shows that there is sufficient space along the private condominium road to accommodate a loading truck. Based on the foregoing, staff have no objections to omitting the requirement for a loading space.

Parking Space Dimensions:

In accordance to Section 18A(7) of the Hamilton Zoning By-law, a minimum parking space dimension of 2.7m in width and 6.0m in length is required. A minimum requirement is to ensure that standard dimensions are established and prevent inconsistent parking space dimensions that could make parking of larger vehicles difficult.

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The applicant has requested a reduction in the dimensions in order to align with Hamilton Zoning By-law No. 05-200 parking space standards, which require 2.6m in width and 5.5m in length. Staff have no objections to the requested reduction, as Hamilton Zoning By-law No. 05-200 parking space dimensions are the future standard throughout the municipality. In addition, the reduction will result in requiring less land needed for the parking lot in order to accommodate the same number of parking spaces.

Parking Area Location to Stone Church Road West:

In accordance with Sections 18A(11) and 18A(12), a parking area of more than 5 parking spaces shall be 3.0m from the street line. As shown in the revised concept plan (see Appendix "D"), a private condominium road, which provides internal access to the garages, terminates approximately 2.2m from the Stone Church Road West lot line, which is proposed to ensure sufficient space for vehicles to enter and exit the private garages of Unit 9 in Building "A" and Unit 10 in Building "B". Staff have no objection to this reduction, as this facilitates Official Plan Policy No. B.3.3.3.5 of the Urban Hamilton Official Plan with respect to locating principal facades and primary building entrances parallel to and within close proximity to the street. This will provide for an attractive street presence along an arterial road. Additional landscaping will be required at the Site Plan Control stage to screen the private road from the public realm along Stone Church Road West.

Planting Strip for a Parking Area:

The purpose of providing a 1.5m planting strip along a parking area adjoining a residential district boundary is to provide a buffer between the parking area and the adjoining residential use, and to prevent overhanging vehicles from damaging visual barriers. The applicant has requested to modify Section 18A(12) for a reduction from the minimum required 1.5m planting strip along a parking area to a 1.0m planting strip along the southerly side yard lot line. Staff have no objection to the reduction, as there is still sufficient space to provide for landscaping. In addition, as a manoeuvring area is being proposed along the southerly side yard lot line, as shown in the revised concept plan (see Appendix "D"), there will be no issues with parked vehicles damaging the visual barrier.

Projection of Open Stairway onto a Required Side Yard:

The purpose of requiring a maximum encroachment of an open stairway onto a required yard is to prevent open stairs from taking up a large portion of the required yard away from landscaping or driveway space. In accordance Section 18(3)(vi)(c) of the Hamilton Zoning By-law, an open stairway may project into a

required side yard of not more than one-third of its width, or 1.0m, whichever is lesser.

The revised concept plan (see Appendix “D”) shows that each upper unit will have a dedicated open stairway and a vestibule at the door entrance, located at the flankage yard, the easterly side yard, and the lot line accommodating the daylighting triangle (which is considered as a side yard). Due to the height of the upper floors, it is required that each open stairway be measured at approximately 2.8m in length to accommodate the number of steps on the stairway. As a result, a site-specific exception has been requested to permit the projection of an open stairway into a required side yard of not more than 2.8m.

Staff are in support of the requested modification, as the proposal meets the general intent of the zone provision with respect to providing landscaping along the required side yards. In addition, the requested modification is to facilitate the development of this type of built form due to the height of the main entrance of the upper units.

Access Driveway Adjacent to Residential District:

In accordance with Section 18A(25) of the Hamilton Zoning By-law, a minimum distance of 3.0m is required from a common lot line of a residential district that does not permit a multiple dwelling, townhouse dwelling, or maisonette dwelling. The intent is to provide a buffer from abutting properties from traffic generated by residential development.

The original concept plan (see Appendix “C”) proposed an access driveway on Stone Church Road West. Staff had concerns with the proposal with respect to potential traffic conflicts at the intersection, and subsequently relocated the access driveway to West 5th Street, as shown in the revised concept plan. To accommodate the driveway in the preferred location, modifications are required to reduce the minimum distance of an access driveway from a residential district to 1.0 m. Staff have no objection to the requested variance, as a visual barrier and landscaping will be required at the Site Plan Control stage to address privacy and noise from passing vehicles. In addition, as the proposal is to facilitate 18 dwelling units, it is anticipated that the amount of traffic generated will be minimal. Finally, the relocation of the access driveway will result in reduced traffic conflicts along Stone Church Road West with respect to stacking of vehicles.

Holding Provision for Land Assembly:

The application involves two separate parcels (83 and 89 Stone Church Road West). In order to facilitate the proposed development, the two properties are required to be merged in title to create one larger parcel. A Holding Provision has been added to the implementing By-law to ensure that the lands will merge prior to the development of the subject lands.

3. The original concept plan (see Appendix “C”) proposed 18 dwelling townhouse units within two, 3-storey buildings. The entrances to each dwelling unit faced the side yard lot lines, with the garages facing the private condominium road, located in the centre of the subject lands. The private road provided ingress and egress on Stone Church Road West. Nine visitor parking spaces and an amenity space are proposed to the rear of the subject lands. Staff had a number of concerns with the proposal, which included the following:

Access Driveway on Stone Church Road West: Staff initially had concerns with proposing an access driveway on Stone Church Road West due to the close proximity to the intersection with West 5th Street and the current and projected traffic counts anticipated for Stone Church Road West. This would result in potential traffic conflicts as vehicles enter and exit the subject lands. Staff were amendable to relocating the access driveway to West 5th Street, as it is anticipated that there will be fewer traffic conflicts.

Urban Design: Staff reviewed the original concept plan and raised the following issues. Firstly, the original concept plan identified two building blocks with minimal landscaping along the side yard lot lines. In addition, there was excessive paving for the access driveway and private condominium road. It was recommended that the private road be reduced in width to allow for additional landscaping and to reduce the amount of impervious surface. This will effectively create a more inviting street presence and reduce stormwater requirements.

In addition, the original concept plan shows both the side and front elevations of Buildings “A” and “B” facing the street lot lines. This provides for a street presence along both street lot lines. However, additional glazing and street presence would add to the attractiveness in the architectural detailing and ensure a greater relationship between the proposed buildings and the street, in particular, the side elevation facing Stone Church Road West. A second concern was that Building “A” was set further back from the daylighting corner, which resulted in an unusable green space.

4. The revised concept plan (see Appendix “D”) was submitted to staff based on the issues as identified above, and includes the following:

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- The access driveway has been relocated to the West 5th Street lot line to minimize traffic conflicts on Stone Church Road West and the intersection;
- The access driveway and the private condominium road have been reduced in width to 6.0m. This effectively reduced the amount of impervious surface, while permitting a two-way driveway and provided opportunity for additional landscaping;
- Building “A” has been located closer to the daylight corner to provide for a greater street presence at the intersection, and eliminate the unusable green space that was proposed in the original concept plan;
- Additional landscaping proposed along the east side lot line for additional buffering and appropriate transition from the abutting residential lots; and,
- The side elevations have been revised to include wrap-around porches and additional glazing for the lower unit, which adds to the architectural detailing of the building and provides for additional amenity space in the porch.

Staff have no further objection to the application, which will be facilitated through a Site Plan Control application.

5. There are existing municipal sanitary sewers and watermains along Stone Church Road West and West 5th Street, which is sufficient to service the property, with a preference that the subject lands be connected to one of the watermains along Stone Church Road West for proper servicing.

The existing right-of-way width for both Stone Church Road West and West 5th Street is 25.2m, where the ultimate width for both streets is 30.48m. Based on the foregoing, a land dedication, with a width of 5.28m, will be required along the Stone Church Road West and West 5th Street lot lines to satisfy road widening requirements. In addition, there is a portion of West 5th Street where future plans will include the urbanization of the street. The revised concept plan (see Appendix “D”) accommodates the proposed road widening, as required.

There is an existing 7.7m x 7.7m daylighting triangle at the south-east corner of the intersection of Stone Church Road West and West 5th Street. As an ultimate daylighting triangle of 12.19m x 12.19m will be required, lands will be required to be conveyed to the City. The revised concept plan (see Appendix “D”) accommodates the proposed land conveyance for the daylight triangle. Land conveyance for road widening and daylight triangle will be addressed at the Site Plan Control stage.

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Currently there is an existing municipal sidewalk on West 5th Street, which is not to current municipal standards. As part of the Site Plan Control approval, an agreement with the City will be required for the owner to install a 1.5m sidewalk along the frontage of the subject lands.

6. A total of one letter of opposition and/or concern with respect to the proposed development was received (see Appendix "E"). The issues included the following:

Mewburn Neighbourhood Plan:

The Mewburn Neighbourhood Plan was approved by Council on July 28, 1987, which identified the extent of the neighbourhood area, and also the designations of existing and proposed uses. The Neighbourhood Plan was subsequently updated in 2008 (see Appendix "F") to also show the proposed road network. The subject lands are designated "Residential - Single and Double", where an amendment to the Mewburn Neighbourhood Plan is required to facilitate the proposed development.

Staff notes that there are a number of ongoing development applications currently under review or appeal in close proximity to the subject condominiums. The objective of staff is to ensure these applications are comprehensively dealt with in order to allow effective and appropriate development that is co-ordinated and functional. The current proposal is not considered to jeopardize this approach. The proposal is self-contained and would not be required to provide access to adjacent site. Concerns by adjacent applicants are that there are currently multiple applications within the Mewburn Neighbourhood Plan (25T-201209 located at 1125 West 5th Street, and 25T-201202 located at 1155 West 5th Street), and a more comprehensive review of all of the applications in the neighbourhood should be sought to address density, land use, road pattern, built form, local sanitary servicing, and stormwater. Each item is discussed below:

Density: Staff have no objections that the proposed development will include higher density along arterial roads, such as West 5th Street and Stone Church Road West. This is to meet objectives with respect to providing sufficient densities along transit routes, to provide for affordable housing along these transit routes, and to provide for a high level of urban design, which includes built form, massing, and height along arterial roads and at intersections.

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Land Use: The subject lands are designated for residential uses under the Mewburn Neighbourhood Plan. Staff have no objection to the proposed development, as the residential use is being maintained. An amendment to the Neighbourhood Plan is required to permit the proposed built form of the residential development (attached housing).

Road Pattern: The proposal will include an internal private road with access to West 5th Street. No vehicular connections with abutting properties are proposed. As shown in the Mewburn Neighbourhood Plan (see Appendix “F”), it is anticipated that the proposed street network will not affect the proposed development, as the subject lands will function independently from the remainder of the neighbourhood.

Servicing: The subject lands will be properly serviced by existing watermain and sanitary sewer lines in existence along Stone Church Road West. Staff had no concerns with respect to the servicing of the subject lands.

As the above issues have been addressed through the revisions to the concept plan, staff are satisfied and have no further objections to the application.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property could be developed for residential uses in accordance with the provisions of the “D”-‘H’ (Urban Protected Residential - One and Two Family Dwelling) District, with a Holding Provision, from the “C” (Urban Protected Residential) District, and the “AA” (Agricultural) District, of the Hamilton Zoning By-law.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:

A Prosperous and Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

- 1.5 Support the development and implementation of neighbourhood and City Wide strategies that will improve the health and well-being of residents.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law
- Appendix "C": Original Concept Plan
- Appendix "D": Revised Concept Plan
- Appendix "E": Resident Letter
- Appendix "F": Mewburn Neighbourhood Plan

:TL

Attachs. (6)

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13183)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 05-200, as Amended,
Respecting Lands Located at 307 and 325 Fiddlers Green Road, (Ancaster)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law 05-200 be amended as hereinafter provided;

AND WHEREAS the By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013 in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1334, of Schedule "A" to Zoning By-law No. 05-200, is amended, by:
 - (a) Changing the zoning from the Community Institutional (I2) Zone to the Community Institutional (I2, 457) Zone, Modified applicable to Block "1" boundaries for the lands, the extent and boundaries, of which are shown on Schedule "A" ; and,
 - (b) Incorporating the Community Institutional (I2, 457) Zone, applicable to

Block 2, boundaries for the lands, the extent and boundaries of which are shown on Schedule "A".

2. That Section 8.2, Community Institutional (I2) Zone, of Zoning By-law No. 05-200 (Hamilton), as amended, is hereby further amended by adding the following Sub-section:

(I2, 457)

Notwithstanding any provisions to the contrary of Section 8.2.1 Permitted Uses, and Section 8.1.3, Regulations, of Section 8.1.1, Community Institutional "I2" Zone, of By-law No. 05-200 (Hamilton), the following use and special provisions shall apply to the lands zoned (I2, 457):

Permitted Use:

A Retirement Home consisting of 100 suites and not exceeding 120 residents.

Provisions:

In accordance with Section 8.2.3 and Section 5 of By-law 05-200 with the following special provisions:

Minimum Landscaping Strip:	6.5 m. along northerly lot line.
Maximum Building Coverage:	27.7%
Minimum Parking	55 spaces
Minimum Northerly Side Yard	23.9 m.
Minimum Southerly Side Yard	7.5 m.
Minimum Front Yard	18 m.
Minimum Landscaped Area	51.5%

3. That the Existing Residential "ER" Zone, pertaining to Block "2" of the said lands,

be removed from Map "1" of Schedule "B" of Zoning By-law No. 87-57.

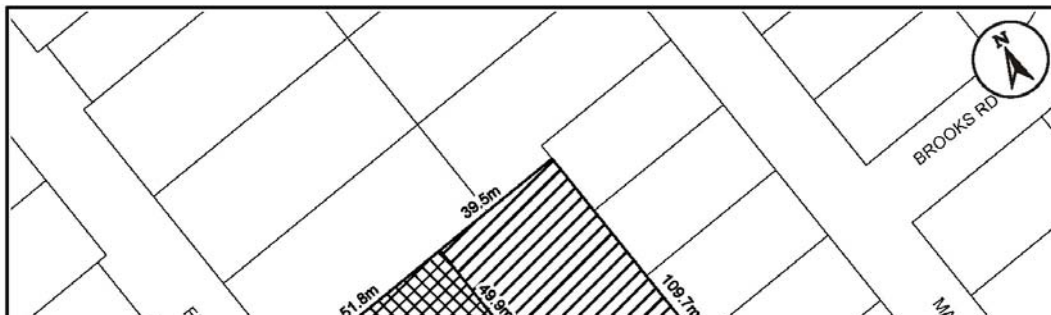
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
5. That this By-law No. [REDACTED] shall come into force and be deemed to have come into force, in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as provided by the said Sub-section.

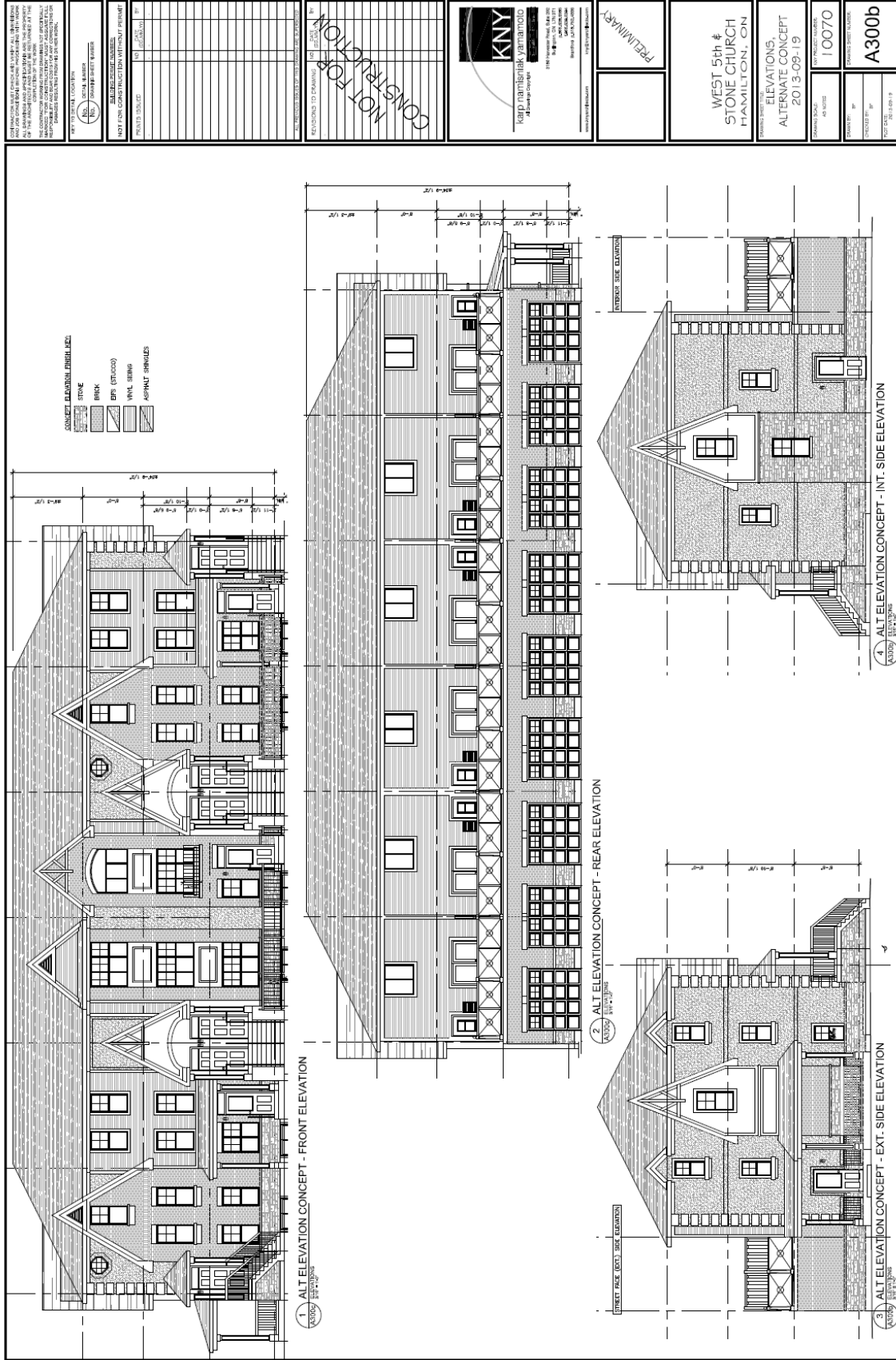
PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-12-021





AIRD & BERLIS LLP

Barristers and Solicitors

Steven A. Zakem

July 24, 2013

Our File No. 112323

BY EMAIL

Timothy Lee
City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – West Section
71 Main Street West, 5th Floor
Hamilton, Ontario L8P 4Y5

Dear Mr. Lee:

**Re: Notice of Complete Application
Application to Amend the Zoning By-law
83 and 89 Stone Church Road West
Municipal File No. ZAR-13-018**

We act on behalf of DiCenzo Construction Company Limited ("DCCL"). DCCL is the registered owner of the lands municipally known as 1125 West 5th Street (the "DCCL Lands"). The DCCL lands are located on the east side of West 5th Street, south of the lands municipally known as 83 and 89 Stone Church Road West (the "Site"), which are the subject of the above-noted zoning by-law amendment application (the "Application"). Both the DCCL Lands and the Site are located within the Mewburn Neighbourhood Plan area.

We have received the above-referenced Notice and are writing at this time to provide preliminary comments on the Application.

The Application is one of several active development applications within the Mewburn Neighbourhood Plan area. To the best of our knowledge, the following are active or pending applications within the Mewburn Neighbourhood Plan area:

1. DCCL has filed applications with respect to its lands located at 1125 West 5th Street;
2. Sonoma Homes Inc. has filed applications for Zoning By-law Amendment, Plan of Subdivision and Plan of Condominium (File Nos.: ZAC-12-005, 25T-201202, 25CDM-201201) with respect to the lands located at 1155 West 5th Street; these applications have been approved by the City of Hamilton and appealed to the Ontario Municipal Board;

July 24, 2013

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3. 1804487 Ontario Inc. has filed Official Plan Amendment and Zoning By-law Amendment applications (File Nos.: 12-024, 12-070) with respect to the lands located at 1041 West 5th Street;
4. LPF Retail Inc. has filed Official Plan Amendment and Zoning By-law Amendment applications as well as an application for consent to sever a rear portion of its lands for the purposes of a stormwater management facility. These applications pertain to 1400 Upper James Street;
5. We understand that applications are pending with respect to the former School Board property located to the east of our client's property.

The Site is designated "Residential" by the in-force City of Hamilton Official Plan and is within the Mewburn Neighbourhood. In accordance with Section D2.9 of the Official Plan, Council will refer to, and be guided by, the adopted Neighbourhood Plan when considering development proposals, subdivisions, street works, other public works and other municipal actions or approvals.

The Mewburn Neighbourhood Plan was approved by Council on July 28, 1987 and sets out a comprehensive land use plan and an integrated road system for the plan area. In accordance with the Mewburn Neighbourhood Plan, the Site is designated "Single and Double".

The Application proposes the development of the site with two rows of block townhouse buildings, each containing nine units, for a total of 18 units. Vehicular access to the development is proposed via a private driveway from Stone Church Road West. The driveway would bisect the site, providing rear access to each of the proposed townhouse blocks. Our client is concerned with the density proposed for the site, the location of the private driveway in proximity to the intersection of Stone Church Road West and West 5th Street and the rear lotting pattern proposed. In our opinion, the Application does not conform to the Mewburn Neighbourhood Plan in terms of density, road pattern or built form.

As previously stated, there are five current planning applications proposed for large parcels of lands within the Mewburn Neighbourhood Plan area. Each of these applications propose a density greater than that contemplated by the Mewburn Neighbourhood Plan. In our view, approval of any application within the Mewburn Neighbourhood Plan area should not proceed in isolation of a comprehensive review of the Neighbourhood Plan. Such comprehensive analysis should include, without limitation, analysis of appropriate land uses and built form, consideration of future road access and traffic concerns along West 5th Street and Stone Church Road, stormwater and other servicing issues relating to the overall development area, and the capacity of recently installed local sanitary sewers, given that the densities proposed by the active applications within the Mewburn Neighbourhood are well in excess of those utilized for the sizing of such sewers.

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A comprehensive analysis of the Mewburn Neighbourhood Plan is required to determine the appropriate land use plan, form of development and road pattern given that the Mewburn Neighbourhood Plan was adopted in 1987 and may not represent the existing expression of planning direction for this area and recognizing the potential for the rapid development of this area.

Kindly provide the undersigned with any written notice associated with the Application, including notice of any future public meetings or notice of decision.

Should you require any further information or clarification please do not hesitate to contact the undersigned. Thank you very much.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem

SAZ/ee

cc. Anthony DiCenzo
Allan Buist
Steve Fraser

14966710.1

Appendix "F" to Report PED13188 (Page 1 of 1)

