



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 7
COMMITTEE DATE: February 19, 2013	
SUBJECT/REPORT NO: Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (PED13032) (Ward 7)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Kate Mihaljevic (905) 546-2424 Ext. 4424
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Zoning By-law Amendment Application ZAR-12-002, by Chappel South Developments, Owners**, for changes in zoning from the “RT-20/S-1252” (Townhouse - Maisonette) District, Modified (Block 1) and the “AA” (Agriculture) District (Block 2) to the “R-4” (Small Lot Single Family Detached) District, to facilitate the construction of a new single detached dwelling, following the re-alignment of Jessica Street, in accordance with approved Draft Plan of Subdivision “Chappel Estates - Phase 4” (25T200202), on the lands located at 0 Jessica Street (Hamilton), as shown on Appendix “A” to Report PED13032, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED13032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

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EXECUTIVE SUMMARY

The purpose of the proposed application is to facilitate the construction of a new single detached dwelling following the re-alignment of Jessica Street from south of Onyx Drive to Vineberg Drive in Hamilton, in accordance with the deposited Reference Plan 62R-19312 (see Appendix “C”). The proposed changes in zoning will permit a small lot, single detached dwelling in accordance with the “R-4” (Small Lot Single Family Dwelling) District, consistent with the uses and zoning immediately north of the subject lands contained within Draft Approved Plan of Subdivision “Chappel Estates - Phase 4” (25T200202) (see Appendix “D”).

Alternatives for Consideration - See Page 7.

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

Proposal:

The subject lands are known as 0 Jessica Street, located east of Upper Wentworth Street at the intersection of Jessica Street and Vineberg Drive. At the present time, the subject lands are made up of a portion of the municipal road known as Jessica Street (Block 1) and a portion of lands known as 600 Rymal Road East (Block 2) (see Appendix “A”). To facilitate the construction of a future single detached dwelling on the lands currently occupied by the road, this proposal seeks to re-zone the subject lands from the “RT-20/S-1252” (Townhouse - Maisonette) District, Modified (Block 1) and the “AA” (Agricultural) District (Block 2) to the “R-4” (Small Lot Single Family Dwelling) District, to be consistent with the lands to the north (see Appendix “A”). The road construction, land exchanges, and new lots for single detached dwellings have been managed through deposited Reference Plan 62R-19312 (see Appendix “C”), consistent with Draft Approved Plan of Subdivision “Chappel Estates - Phase 4” (25T200202) to the north of the subject lands (see Appendix “D”). The proposal and re-alignment is consistent with the development plan for the area. A formal municipal address will be assigned following the re-alignment of the road.

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Chronology:

- February 2, 2012: Submission of Application ZAR-12-002 by Chappel South Developments, but was deemed incomplete due to insufficient information on application.
- March 13, 2012: Application ZAR-12-002 is deemed complete.
- March 23, 2012: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120m of the subject lands.
- February 1, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Application:

Location: 0 Jessica Street (Hamilton)
Owner/Applicant: Chappel South Developments
Agent: Liam Doherty

Property Description:

Lot Frontage: Block 1 (road) 22.64m
Block 2 (residential) 9.48m

Lot Depth: Block 1 (road) 9.7m
Block 2 (residential) 7.26m

Total Lot Area: 290.0 sq. m

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Municipal Road (Jessica Street) and Vacant	“RT-20/S-1252” (Townhouse - Maisonette) District, Modified and “AA” (Agricultural) District
<u>Surrounding Lands:</u>		
North	Municipal Road (Jessica Street)	“R-4” (Small Lot Single Detached Dwellings) District

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South	Condominium Townhouses	“RT-20/S-1252” (Townhouse- Maisonette) District, Modified
East	Vacant	“AA” (Agricultural) District
West	Condominium Townhouses	“RT-20/S-1252” (Townhouse - Maisonette) District, Modified

POLICY IMPLICATIONS

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 Section 1.1.1. In particular, the application is consistent with Section 1.1.1b), where it accommodates an appropriate range and mix of residential and employment uses to meet long-term needs, and Section 1.1.1e), which promotes cost-effective development standards to minimize land consumption and servicing costs.

However, Policy 1.1.1(c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Further, Policy 3.2.2 states that contaminated sites shall be re-mediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. Staff notes that Ontario Regulation 153/04 defines a roadway as a Community use. Further, as the subject proposal entails a change in land use from **Community** to **Residential**, a mandatory filing of a Record of Site Condition (RSC) is triggered under Ontario Regulation 153/04.

The Record of Site Condition was filed on December 3, 2012, and, therefore, considered cleared. The proposal 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. Staff notes that the subject lands are located within a designated Greenfield area, as defined by P2G. Policy 2.2.7.2 states that the designated Greenfield area of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare. As the lands are part of a larger residential subdivision development, also

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consisting of one institutional block for the existing Ray Lewis Elementary Public School, the proposal conforms to the Places to Grow Plan.

Hamilton-Wentworth Official Plan:

The subject property is designated “**Urban Area**” within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

However, Policy B-2.3 states that the identification of contaminated sites is essential. Re-development must not occur until it has been demonstrated that a proposal will not put people in significant risk. As noted above, Ontario Regulation 153/04 defines a roadway as a Community use. Further, as the subject proposal entails a change in land use from **Community** to **Residential**, a mandatory filing of a Record of Site Condition (RSC) is triggered under Ontario Regulation 153/04.

The Record of Site Condition was filed on December 3, 2012, and, therefore, considered cleared. The proposal conforms to the Hamilton-Wentworth Official Plan.

New Urban Official Plan (Council-Adopted):

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan received ministerial approval on March 17, 2011, but has been appealed to the Ontario Municipal Board (OMB) and is, therefore, not yet in force and effect. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 Urban Land Use Designations. The following policies apply:

“E.3.1.2 Develop neighbourhoods as part of a *complete community*, where people can live, work, shop, learn, and play; and,

E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve local residents.”

The change in zoning to facilitate a new single detached dwelling, which is consistent with the development pattern to the north, would conform to the policies of the New Urban Hamilton Official Plan.

City of Hamilton Official Plan:

The subject property is designated “Residential” on Schedule “A”, Land Use Concept Plan, in the City of Hamilton Official Plan. In accordance with Policy A.2.1.1, dwellings shall be the primary permitted use in the “Residential” Designation. The change in zoning to facilitate a new single detached dwelling, which is consistent with the development pattern to the north, conforms to the City of Hamilton Official Plan.

Chappel East Neighbourhood Plan:

The subject property is designated “Single and Double” Residential under the approved Chappel East Neighbourhood Plan. The re-alignment of the road and the change in zoning for a single detached dwelling conforms to the Neighbourhood Plan.

RELEVANT CONSULTATION

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

- Urban Forestry, Public Works Department.
- Horizon Utilities.
- Bell Canada.
- Canada Post.

Corridor Management (Public Works Division):

Traffic Engineering provided the following comments:

As a condition of lifting the 0.3m reserve, we advise the Applicant that this office must be involved with the engineering design of the new road to ensure that the existing southerly access to the school can still function (i.e. radius for buses are appropriate), as required. We advise the Applicant that any changes required to the school access will be at the Applicant’s expense. Details regarding how school buses enter and exit the site should be obtained and incorporated into the new access design.

Planning staff has confirmed that these items have been addressed through the Draft Plan of Subdivision for the road re-alignment.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 151 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120m of the subject property on March 23, 2012, requesting public input on the application. To date, no comments have been received.

Further, a Public Notice sign was posted on the property on March 27, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Growth Plan;
 - (ii) It conforms to the policies of the Hamilton-Wentworth Official Plan, City of Hamilton Official Plan, and the new Urban Hamilton Official Plan; and,
 - (iii) It implements the Chappel East Neighbourhood Plan.
2. The proposal is for changes in zoning from the "RT-20/S-1252" (Townhouse - Maisonette) District, Modified (Block 1) and the "AA" (Agricultural) District (Block 2) to the "R-4" (Small Lot Single Family Dwelling) District to facilitate a new single detached dwelling lot (see Appendix "A"), which will be created following the re-alignment of the municipal road known as Jessica Street (see Appendix "C"). On December 12, 2012, Council passed a By-law to open the re-aligned Jessica Street and close the right-of-way for the old road location. At the same Council meeting, Council passed a Part Lot Control By-law, which created the single detached dwelling lots consistent with the draft plan of subdivision to the north (see Appendices "C" and "D"). The City of Hamilton will convey the old right-of-way back to the applicant, in accordance with deposited Reference Plan 62R-19312, which contains 8 single detached dwelling lots, including the subject lands.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed Zoning By-law Amendment application be denied, the property would remain zoned "RT-20/S-1252" (Townhouse - Maisonette) District, Modified, and "AA" (Agricultural) District. However, the subject lands are too small to facilitate development of townhouses at this time.

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CORPORATE STRATEGIC PLAN

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

Healthy Community

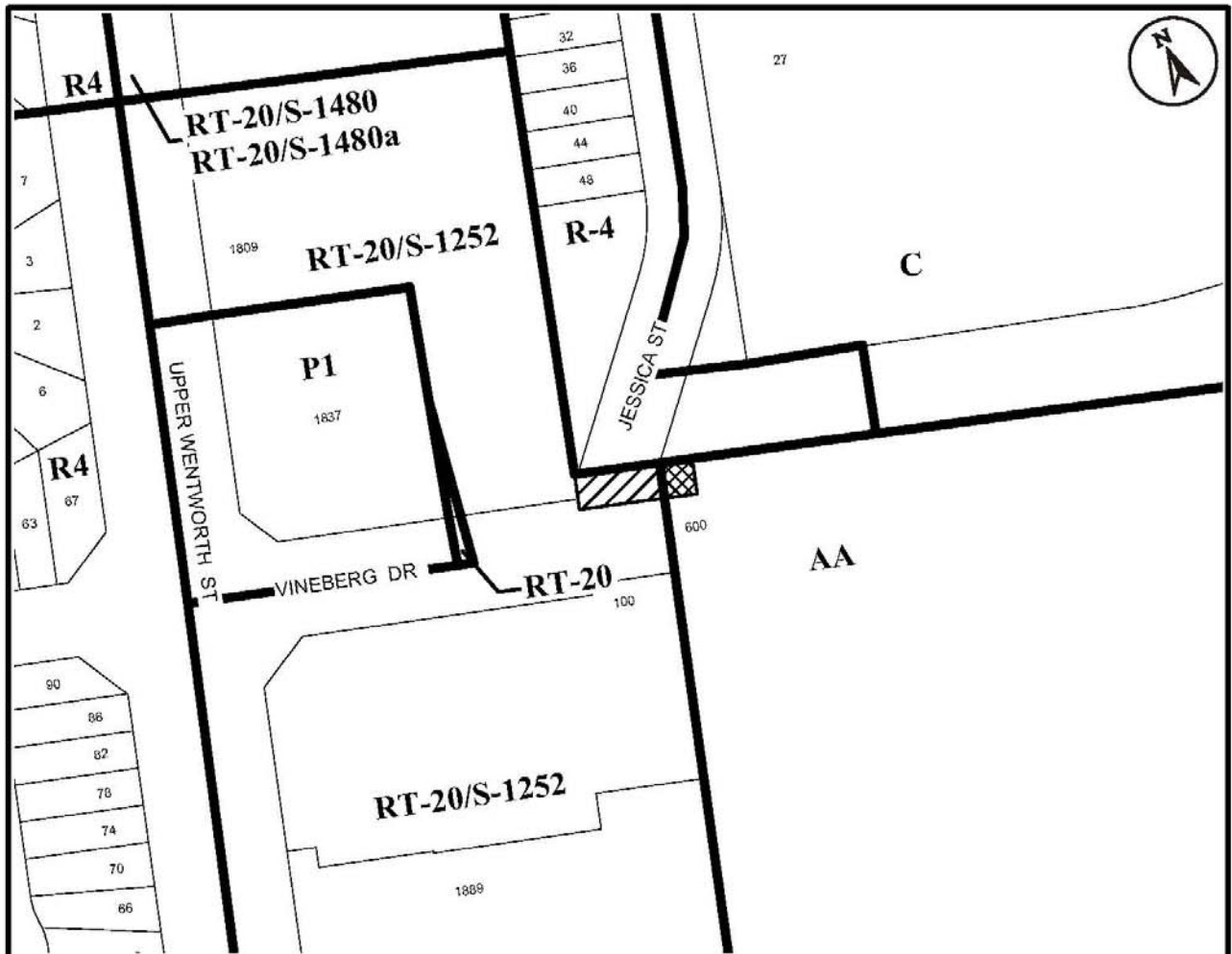
- ◆ Plan and manage the built environment.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law
- Appendix "C": Reference Plan 62R-19312
- Appendix "D": Draft Approved Plan of Subdivision "Chappel Estates - Phase 4"
(25T200202)

:KM

Attachs. (4)



● Site of the Application



Ward 7 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-12-002

Date:
March 19, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KM/AL

Subject Property

Jessica Street



Block 1 - Change in Zoning from the "RT-20/S-1252" (Townhouse - Maisonette) District to the "R-4" (Small Lot Single Family Dwelling) District.



Block 2 - Change in Zoning from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District.

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13032)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law 6593 (Hamilton) Respecting Lands Located at 0 Jessica Street (Hamilton)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton" and is the successor of the former Regional Municipality, namely, "the Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

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 No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Hamilton) in accordance with the provisions of the Planning Act.

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

1. That Sheet Nos. E28e and E27b of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended as follows:
 - (a) That Block 1 be re-zoned from the "RT-20/S-1252" (Townhouse - Maisonette) District, Modified, to the "R-4" (Small Lot Single Family Dwelling) District; and,
 - (b) That Block 2 be re-zoned from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District;on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

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

R. Bratina
Mayor

Rose Caterini
Clerk

ZAR-12-002





This is Schedule "A" to By-Law No. 13-
 Passed the day of, 2013

 Mayor

 Clerk

Schedule "A"
 Map Forming Part of
 By-Law No. 13-_____
 to Amend By-law No. 6593

Subject Property
 Jessica Street
 **Block 1** - Change in Zoning from the "RT-20/S-1252" (Townhouse - Maisonette) District to the "R-4" (Small Lot Single Family Dwelling) District.
 **Block 2** - Change in Zoning from the "AA" (Agricultural) District to the "R-4" (Small Lot Single Family Dwelling) District.

Scale:
 N.T.S.

File Name/Number:
 ZAR-12-002

Date:
 January 16, 2013

Planner/Technician:
 KM/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



