

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 10
COMMITTEE DATE: April 2, 2013	
SUBJECT/REPORT NO: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 303 Highway No. 8 (Stoney Creek) (PED13060) (Ward 10)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424 Ext. 4283
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Official Plan Amendment Application OPA-12-018, by Dobra Properties Inc., Owner**, for Amendment No. [REDACTED], for a change in designation on Schedule “A” of the Stoney Creek Official Plan from “Residential” to “General Commercial”, and for a change in designation on Schedule “A1” from “Medium Density Residential” to “General Commercial”, in order to permit the conversion of a portion of the existing building for commercial uses, on the lands located at 303 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED13060, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13060, be adopted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to amend Schedule E-1 - Urban Land Use Designations from “Neighbourhoods” to “Mixed-Use - Medium Density”; to amend Map B.7.1-1 - Western Development Area Secondary Plan from “Low Density Residential 3c” to “Mixed-Use - Medium Density”; and to denote Site-Specific Policy Area [REDACTED] on Map B.7.1-1 with the appropriate text to permit the conversion of a portion of the existing building for commercial uses and to permit parking between the existing building and the street, attached as Appendix “C” to Report PED13060; to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 303 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED13060.
- (c) That approval be given to **Zoning Application ZAC-12-047, by Dobra Properties Inc., Owner**, for a change in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Multiple Residential “RM3-18” Zone to the General Commercial “GC-55” Zone, with a Special Exception, in order to permit a portion of the existing building to be converted for commercial uses, for the lands located at 303 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED13060, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED13060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That upon finalization of the implementing By-law, the subject lands within the Poplar Park Neighbourhood Plan be re-designated from “Medium Density Residential” to “General Commercial”.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Stoney Creek Official Plan and Zoning By-law in order to permit the rear portion of the existing building at 303 Highway No. 8 (see Appendix “A”) to be used for general commercial purposes. The front portion of the building (formerly a vacant 5 unit, multiple dwelling) will be demolished and replaced with parking and landscaping. See Appendix “E” for a preliminary site plan of the proposed development.

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The proposal has merit and can be supported, as the application is consistent with the Provincial Policy Statement, and conforms to Places to Grow, the Hamilton-Wentworth Official Plan, the Stoney Creek Official Plan, and the Ministry-Approved Urban Hamilton Official Plan. The proposed development allows for an extension of existing general commercial uses from the west onto an underutilized property, which is unkempt. It is compatible with existing townhouse developments to the rear and the east, and would improve the streetscape by providing a substantial increase in landscaped area and a paved parking lot.

Alternatives for Consideration - See Page 14.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The applicant has applied to change the designation on Schedule “A” of the Stoney Creek Official Plan from “Residential” to “General Commercial”, and for a change in designation on Schedule “A1” from “Medium Density Residential” to “General Commercial”. The applicant has also applied for a change in Zoning from the Multiple Residential “RM3-18” Zone to the General Commercial “GC-55” Zone, with a Special Exception, in order to permit the rear portion of the existing building at 303 Highway No. 8 (see Appendix “A”) to be used for general commercial purposes. The front portion of the existing building on the property will be demolished for an improved parking area, with landscaping (see Appendix “E”).

In order to implement the proposal, the following modifications to the Zone provisions are required:

- To recognize the existing lot frontage of 21.38m, whereas a minimum lot frontage of 45m is required;
- To recognize the existing rear yard setback of 5.2m, whereas 15m is required;

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- To permit a landscaped strip of 4.5m abutting Highway No. 8, whereas a 6.0m landscaped strip is required;
- To permit a 3m wide landscaped strip abutting the easterly lot line, whereas a 4.5m landscaped strip is required; and to permit no landscaped strip along the westerly lot line, whereas a 1.5m landscaped strip is required; and,
- To permit an existing timber retaining wall in a landscaped strip, whereas retaining walls are not permitted in a landscaped strip.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

Chronology:

February 29, 2012: Development Review Committee Meeting for Formal Consultation Application FC-12-008.

December 11, 2012: Official Plan Amendment and Zoning By-law Amendment Applications OPA-12-018 / ZAC-12-047 are deemed complete.

December 21, 2012: Notice of Complete Application and Preliminary Circulation for Official Plan Amendment and Zoning By-law Amendment Applications OPA-12-018 / ZAC-12-047 sent to all property owners and residents within 120m of the subject lands.

January 2, 2013: Public Notice sign erected on the subject lands.

March 28, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Applications:

Location: 303 Highway No. 8 (Stoney Creek)

Owner: Dobra Properties Inc.

Applicant: Grguric Architects Incorporated

Property Description:

<u>Area:</u>	0.1466 hectares
<u>Frontage:</u>	21.38m
<u>Depth:</u>	68.58m

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Servicing: Full Municipal Services (storm sewers available through abutting property to the west)

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	5 Unit Multiple Dwelling Attached to a Single Detached Dwelling	Multiple Residential "RM3-18" Zone
<u>Surrounding Lands:</u>		
North	Townhouses	Multiple Residential "RM3" Zone
South	Place of Worship (Opposite Side of Highway No. 8)	Community Institutional (I2) Zone
East	Townhouses	Multiple Residential "RM3" Zone
West	Commercial Office Building	General Commercial "GC-12" Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1. It also implements Policies 1.1.3.2 and 1.1.3.3 with respect to the promotion of land use patterns, based on a range of uses and opportunities for re-development, which take into account existing building stock, and efficiently uses land and resources. It also implements Policy 1.3.1, in that the proposal supports economic development and competitiveness by providing for an appropriate mix and range of employment uses and a diversified economic base.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

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

The subject lands are located within a “Built-up Area”, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated by planning and investing for a balance of jobs to reduce commuting, and through encouraging complete communities with a diverse mix of land uses. The proposed commercial development, in a mixed-use area abutting a new townhouse development to the east, would implement this policy.

Therefore, based on the above, the proposal conforms with Places to Grow.

Hamilton-Wentworth Official Plan:

The subject property is designated “Urban Area” in the Hamilton-Wentworth 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. A compact urban form, including mixed-use areas, should also be promoted.

Therefore, based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

Stoney Creek Official Plan:

The subject lands are designated “Residential” on Schedule “A” - General Land Use Plan and “Medium Density Residential” on Schedule “A1” - Western Development Area Secondary Plan. These designations reflect the previous use of the property as a 6 unit, multiple dwelling. Many of these units are currently vacant due to the poor condition of the front portion of the existing building, and the property is now proposed to be re-developed for commercial uses within the rear portion of the existing building, which will be renovated. Therefore, an Official Plan Amendment is required to re-designate the property to “General Commercial” on both Schedules “A” and “A1”.

The following policies, among others, are applicable to the subject lands:

- “A.3.2.1 Council recognizes that there is a range of Commercial categories in the City, namely, SHOPPING CENTRES, GENERAL COMMERCIAL, HIGHWAY COMMERCIAL, and LOCAL COMMERCIAL. Schedule "A", the General Land Use Plan, shows these various Commercial Categories exclusive of Local Commercial uses. The location and distribution of Local Commercial uses shall be identified in accordance with the policies of this Sub-section, Sub-sections A.1, A.13, and F.7, and other relevant

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policies of this Plan. The following General Policies are to be applied to all of the above mentioned categories.

- A.3.2.2 Commercial establishments or centres that are proposed adjacent to existing Commercial uses will be encouraged to integrate the design and dimensions of structures, parking areas, and access points with those of adjacent uses.
- A.3.2.3 In addition to the provisions of Sub-section D.3.3 "Public and Private Parking" of this Plan, adequate parking and loading space will be required in clearly-defined areas for all commercial development and re-development.
- A.3.2.7 Where Commercial uses are proposed to be developed adjacent to lands designated Residential, Council shall ensure that access drives, parking, and service areas will be screened and/or buffered so that noise, light, or undesirable visual effects emanating from the Commercial use are reduced. Particularly, light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent lands designated "Residential".
- A.3.3.2.1 The General Commercial designation applies to certain existing and proposed areas of individually managed commercial establishments located along highways and arterial roads. General Commercial uses benefit from accessibility and visibility and, thereby, provide a service to both pedestrian and automobile-borne trade.
- A.3.3.2.2 Land designated General Commercial by this Plan may be used for retail and service shops, offices, financial institutions, automobile sales, service and repair establishments, printing shops, restaurants, hotels, places of assembly and entertainment, commercial marinas, local institutional and community uses, and uses similar and accessory to the foregoing, including dwelling units.
- A.3.3.2.3 Development within existing General Commercial areas will be primarily through infilling and re-development in order to consolidate these areas. When considering such infilling and re-development proposals, Council shall encourage the joint use of access and shared parking facilities. New General Commercial areas designated by this Plan shall be developed through comprehensive planning in order to ensure the future integration of these areas.

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A.3.3.2.4 Council shall endeavour to maintain or improve the visual amenity and general attractiveness of General Commercial areas and, in so doing, shall:

- b) Encourage the re-location of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial uses to maximize the retail concentration;
- c) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial uses.

A.13.1 THE WESTERN DEVELOPMENT AREA - SECONDARY PLAN

A.13.1.1 Schedule A.1 and the policies of this Secondary Plan, in addition to other applicable policies of this Plan, constitute the Secondary Plan for the Western Development Area Planning District. It is expected that this Planning District will accommodate an ultimate population of approximately 25,000 persons, based on full Municipal services.

F.7.1 Neighbourhood Plans are intended to be a general guide plan for the development and re-development of the Urban Residential Neighbourhoods. Such Neighbourhood Plans shall comply with the provisions of this Official Plan, including Secondary Plans, and will reflect Council's intention regarding the Neighbourhood's ultimate development. Neighbourhood Plans are not intended to form part of this Official Plan.

F.7.4 Neighbourhood Plans may be revised from time-to-time by resolution of Council. Such revisions must be in conformity with the relevant policies of this Official Plan. No formal amendment to this Official Plan will be required for such revisions unless the proposed revision does not conform to the general intent and purpose of this Official Plan.”

Based on the above, the proposed development, which would include demolition of the front portion of the existing building and renovation to the rear portion of the building for commercial uses, would conform to the policies of the “General Commercial” designations. The subject property is unkempt, and currently contains a 6 unit, multiple dwelling, and a large informal parking area between the street and building face with minimal landscaping in the boulevard or on the property. The lands abutting to the east and north are townhouses, while the lands abutting to the west are an existing 2-storey, commercial office building with rear parking. Therefore, the subject lands cannot be developed concurrently with surrounding land uses. However, the owner of the subject lands is the same owner as the commercial building to the west, and it is proposed that shared walkways would be utilized. As a result, an extension of the existing “General

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Commercial” designation from the west onto the subject lands would be appropriate, as it consolidates an existing commercial area.

A 3m landscaped strip is proposed on the east property line and a visual barrier is also required, buffering the parking area from the adjacent townhouses. Rear landscaping is also proposed.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect.

The new Urban Hamilton Official Plan designates the subject lands as a “Secondary Corridor” on Schedule “E” - Urban Structure and “Neighbourhoods” on Schedule “E-1” - Urban Land Use designations. The “Neighbourhoods” designation permits local commercial uses, subject to certain criteria. However, as the applicant has requested a range of permitted uses, that are not all considered as “Local Commercial” and, as the subject lands would extend an existing commercial area to the west that is designated “Mixed-Use - Medium Density”, an Official Plan Amendment to re-designate the lands “Mixed-Use - Medium Density” would be required. However, Policy E.4.6.21 does not permit parking to be located between a building and a street. As the proposed development includes the renovation of a portion of the existing building that is toward the rear of the site, it is not possible to comply with this policy and, therefore, it must be exempted. The exemption can be supported, as the proposed re-development is an improvement to the streetscape, as proper landscaping and a paved parking lot will be provided and represents an interim situation. Should the existing building be demolished at a future point in time, then the applicant will be required to develop the site in accordance with the applicable Urban Hamilton Official Plan provisions.

The subject lands are also designated “Low Density Residential 3c” on Map B.7.1-1, the Western Development Area Secondary Plan. A re-designation to “Mixed-Use - Medium Density” is required to permit the proposed development and to highlight the subject lands as an area subject to a Site-Specific Policy (as discussed above).

As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend it, as it is not in force and effect. Therefore, the proposed amendments to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, and following such final decision, the Planning and Economic Development Department will hold a Public Meeting, pursuant to the

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provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment.

Finally, as the proposed development constitutes removal of 6 rental units, Policy B.3.2.5.6 would apply. This policy permits demolition or re-development of rental apartments if the vacancy rate is above 2% (for the City of Hamilton and Stoney Creek) and if the rents charged are not significantly (more than 10%) lower than average. The applicant has provided data to show that vacancy rates for Hamilton and Stoney Creek were above 2% for 2010 and 2011, and that the previous rents charged were not significantly lower than the average. (Note: To date, CMHC has not released 2012 data). Therefore, the proposal complies with this policy of the Urban Hamilton Official Plan.

Neighbourhood Plan:

The subject property is designated “Medium Density Residential” in the Poplar Park Neighbourhood Plan. A re-designation to “General Commercial” is required in order to implement the proposal.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Forestry and Horticulture Section, Public Works Department.
- Recreation Division, Public Works Department.
- Strategic Planning, Public Works Department.
- Horizon Utilities.

The following Departments and Agencies submitted the following comments:

Traffic Engineering Section (Public Works Department) has advised that one of the parking spaces indicated on the site plan should be removed to allow a maneuvering area for vehicles, should all other parking spaces be full, to avoid vehicles reversing onto Highway No. 8. This matter will be addressed at the Site Plan Control stage of development.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation were circulated to 152 property owners and tenants within 120m of the subject property on December 21, 2012, requesting public input on the application. A Public Notice sign was also posted on the property on January 2, 2013, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, no letters or other correspondence from the public has been received.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms to the Hamilton-Wentworth Official Plan;
 - (iii) Upon re-designation from "Residential" and "Medium Density Residential" to "General Commercial", it conforms with the intent of the Stoney Creek Official Plan; and upon a similar re-designation, it conforms with the intent of the new Urban Hamilton Official Plan;
 - (iv) The proposed Site-Specific Policy to the Urban Hamilton Official Plan will allow parking on an interim basis between the existing building, and the street facilitates the introduction of substantial landscaping on the subject lands; the renovation and improvement of the façade of a portion of the existing dwelling; and a shared walkway between the subject lands and the abutting commercial development to the west;
 - (v) The proposal is compatible with the existing commercially zoned and designated property to the west, and completes an existing commercial node at the northeast corner of Highway No. 8 and Green Road; and,
 - (vi) The proposal is compatible with adjacent townhouse developments to the east and north, and provides appropriate landscaping and streetscape improvements, while providing ample parking.

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2. The subject lands currently contain a 6 unit, multiple dwelling, with informal front yard parking, are unkempt, and the proposed development (see Appendix “E”) is to demolish the front portion of the existing building, which contains 5 of the 6 dwelling units that currently exist. The rear 2-storey portion of the building, as well as a small, 1-storey portion would then be renovated to house a range of commercial uses. The existing front parking area would then be repaired and resurfaced, including the introduction of catch-basins, to provide 24 parking spaces. A shared walkway along the west property line would provide pedestrian access to the front of the building. Landscaping is proposed along the east property line as a buffer to the townhouse development on the abutting property. Landscaping is also proposed abutting Highway No. 8, both in the boulevard and on private property. It is not known, at this time, what the final use of the building may be, but the applicant has indicated that the range of uses permitted in the General Commercial “GC” Zone are adequate to provide flexibility.
3. As noted above, the property is currently developed for a medium density residential use, which is consistent with its designations in the Stoney Creek Official Plan. However, the building on the property is in a poor state of repair, with most of the units vacant and unable to be rented. This underutilized property is now surrounded by completed developments (townhouses to the north and east and a commercial development to the west). Although the lands are not large enough to accommodate a townhouse development, re-development for a new low-rise walk-up apartment could have been a potential alternative. However, commercial is also appropriate, as it would result in a minor extension of a small commercial node at the northeast corner of Highway No. 8 and Green Road, which is already zoned and designated for general commercial uses. Therefore, the proposed commercial development constitutes good planning, as it improves an underutilized property for a use compatible with surrounding uses on a major arterial road.
4. As discussed in the Policy Implications/Legislated Requirements section of this Report pertaining to the Urban Hamilton Official Plan, in addition to the necessary land-use designation changes, a Site-Specific Policy must be added to the Western Development Area Secondary Plan. This is to address Policy E.4.6.21, which does not permit parking to be located between a building and a street in the “Mixed-Use - Medium Density” designation. In order to animate the street frontage and promote the building as the principle element on the property instead of parking, the new Urban Hamilton Official Plan requires commercial buildings to be located at the street edge. However, this design element is not possible, as the applicant is renovating the rear portion of the existing building on the property.

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Refusing to implement a Site-Specific Policy to allow parking between the building and the street would not improve the streetscape as the existing situation would just continue, but without the landscaping and parking lot improvements that are proposed. Therefore, the proposed Site-Specific Special Policy, implemented as part of the required amendment to the Urban Hamilton Official Plan, can be supported; however, the amendment is worded such that it would only apply to an existing building. Therefore, should a complete re-development of the property occur in the future, it will be subject to all applicable Urban Hamilton Official Plan policies and new zoning regulations that will be brought forward as part of Zoning By-law No. 05-200 that may introduce maximum setbacks or other zone provisions to ensure new development is located close to the street.

5. Commercial development, including the proposed exterior works, is subject to Site Plan Control. Matters such as the final layout of the parking and access driveway, fencing, landscaping, grading, drainage, and servicing will be addressed at the Site Plan Control stage of development.
6. In order to implement the development as proposed on the Preliminary Site Plan (see Appendix "E"), a number of zoning modifications are required. A review of the required modifications is as follows:

Modifications to Recognize Existing Lot Frontage and Rear Yard Setback:

The existing lot has 21.38m of frontage, and has a 5.2m rear yard setback. The General Commercial "GC" Zone requires 45m of frontage and a 15m rear yard setback (as the property abuts a residential zone to the rear). These modifications represent an existing situation, and can be supported. The Preliminary Site Plan (see Appendix "E") shows that the property is wide enough to accommodate the development, and recognizing the existing rear yard setback would not have any impacts on the townhouses to the rear. In addition, the 5.2m existing rear setback is to a small, existing, 1-storey rear addition, whereas most of the building provides a 7.5m setback.

Front Yard Setback Modification:

As discussed elsewhere in this Report, to ensure that any future re-development of the property is consistent with the intent of the Urban Hamilton Official Plan to have buildings located close to the street, a modification has been included to provide a maximum 3.0m front yard setback for any future new building upon demolition of the existing building.

Landscaped Strip Modifications:

The applicant is proposing a 4.5m landscaped strip abutting Highway No. 8 instead of 6m; a 3m landscaped strip along the easterly property line instead of 4.5m; and no landscaped strip along the westerly property line instead of 1.5m. The proposed landscaping constitutes a substantial increase in landscaping than the existing situation, as only minimal landscaping is provided currently. The 4.5m front landscaped strip is also in addition to the proposed 5.7m wide landscaped boulevard, so the actual amount of landscaping between the sidewalk and parking area will exceed 10m in width. It is not possible to expand the amount of landscaping along the side lot lines, as this would result in the elimination of an entire row of parking (half of the proposed 24 parking spaces). Landscaping along the west property line would not serve a buffering purpose, as the side wall of the abutting commercial property and a shared sidewalk are located there. The 3m proposed landscaped strip along the east property line is in addition to a visual barrier, and the 3m is wide enough to accommodate substantial buffer plantings. Therefore, the modifications can be supported.

Finally, a modification is required to permit an existing timber retaining wall at the rear of the property to be in a landscaped strip. This is an existing situation, and the existence of the retaining wall will not impede future plantings in that area.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands could be developed in accordance with the current Multiple Residential "RM3-18" Zone provisions, which would permit a range of medium-density residential uses.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & 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

1.1 Continue to grow the non-residential tax base.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Official Plan Amendment to the Stoney Creek Official Plan
- Appendix "C": Draft Official Plan Amendment to the Urban Hamilton Official Plan
- Appendix "D": Draft Zoning By-law Amendment
- Appendix "E": Site Plan

:GM

Attachs. (5)



● Site of the Application



Ward 10 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-12-047_OPA-12-018

Date:
February 1, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/KA

Subject Property

303 Highway No. 8



Official Plan Amendment from "Residential" and "Medium Density Residential" to "General Commercial" and Change in Zoning from the Multiple Residential "RM3-18" Zone to the General Commercial "GC-55" Zone, Modified.

--DRAFT--

Amendment

to the

Official Plan of the City of Stoney Creek

The following text, together with Schedule "A" - General Land Use Plan and Schedule "B" (Schedule "A1" - Secondary Plan Western Development Area), attached hereto, constitutes Official Plan Amendment No. [REDACTED].

Purpose:

The purpose of this Amendment is to re-designate the subject lands from "Residential" and "Medium Density Residential" to "General Commercial", in order to permit commercial uses on the subject lands.

Location:

The lands affected by this Amendment, being approximately 0.147ha, are located at 303 Highway No. 8, on the north side of Highway No. 8, east of Green Road and west of Ellington Avenue, in the City of Stoney Creek.

Basis:

- It is consistent with the Provincial Policy Statement, and conforms to Places to Grow and the Hamilton-Wentworth Official Plan;
- The proposal is compatible with the existing commercially zoned and designated property to the west, and completes an existing commercial node at the northeast corner of Highway No. 8 and Green Road; and,
- The proposal is compatible with adjacent townhouse developments to the east and north, and provides appropriate landscaping and streetscape improvements, while providing ample parking.

Actual Changes:

Schedule Changes

1. Schedule "A" - Land Use Concept - be revised by changing from the "Residential" designation to the "General Commercial" designation, as shown on the attached Schedule "A" to this Amendment; and,
2. Schedule "A1" - Secondary Plan Western Development Area - be revised by changing from the "Medium Density Residential" designation to the "General Commercial" designation, as shown on the attached Schedule "B" to this Amendment.

Implementation:

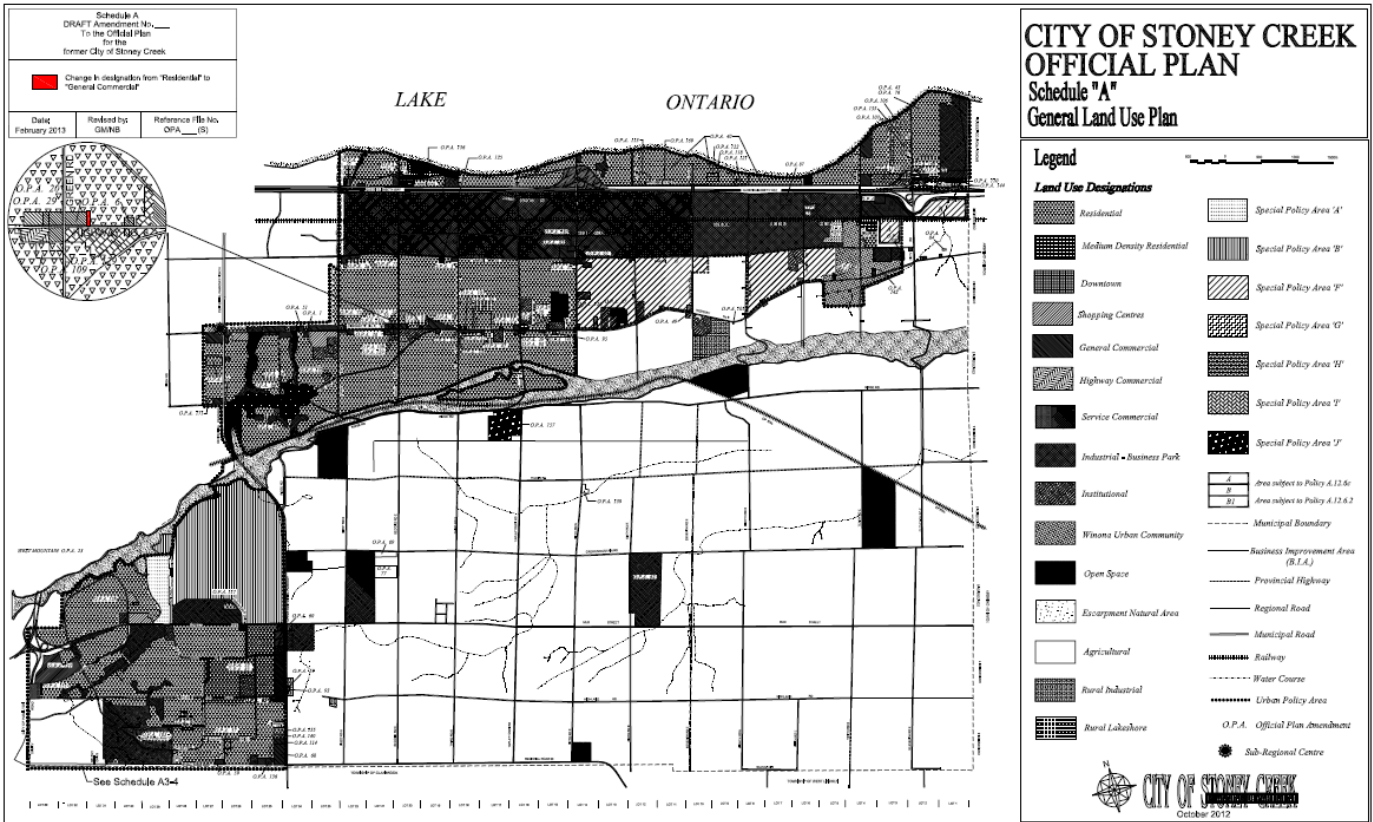
An implementing Zoning By-law Amendment and Site Plan Application will give effect to the intended uses on the subject lands.

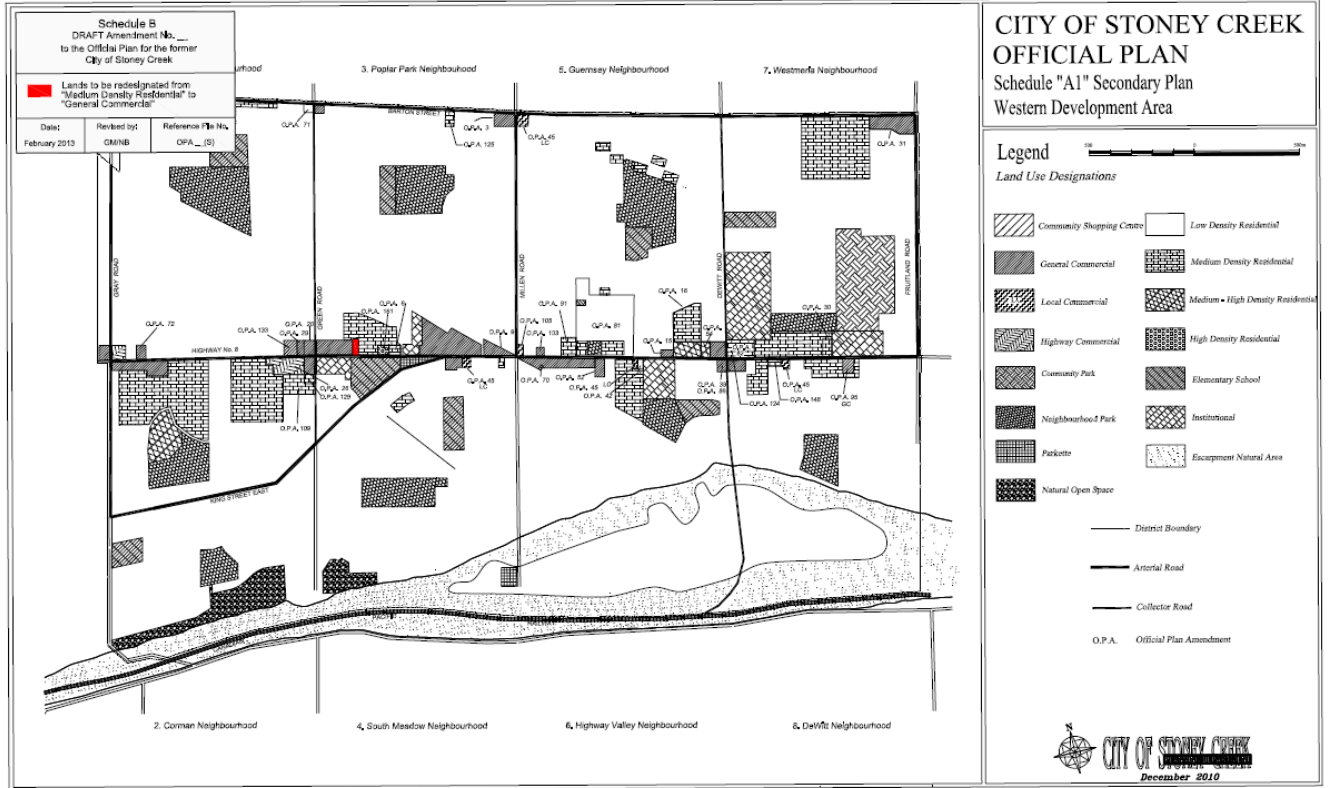
This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2013.

The City of Hamilton

R. Bratina
Mayor

Rose Caterini
Clerk





**DRAFT Amendment No. [REDACTED]
to the
Urban Hamilton Official Plan**

The following text constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to re-designate the subject lands from "Neighbourhoods" and "Low Density Residential 3c" to "Mixed-Use - Medium Density". The effect of the Amendment is to allow for a range of commercial uses on the property, and to add a Site-Specific Policy to allow for parking in front of the existing building.

2.0 Location:

The property affected by this Amendment is located at 303 Highway No. 8, which is on the north side of Highway No. 8, east of Green Road, within the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows; the Amendment:

- Is consistent with the Provincial Policy Statement, and conforms to Places to Grow;
- The proposal is compatible with the existing commercially zoned and designated property to the west, and completes an existing commercial node at the northeast corner of Highway No. 8 and Green Road; and,
- The proposal is compatible with adjacent townhouse developments to the east and north, and provides appropriate landscaping and streetscape improvements, while providing ample parking.

4.0 Changes:

4.1 Text Changes:

Volume 2, Chapter B.7 – Secondary Plans

4.1.1 Volume 2, Chapter B.7 – Stoney Creek Secondary Plans – Western Development Area Secondary Plan is amended by adding a new Site-Specific Policy area, as follows:

Site Specific Policy – Area [REDACTED]

"7.1.5. [REDACTED] Notwithstanding Policy E.4.6.21 of Volume 1, for the lands located at 303 Highway No. 8, identified as Site-Specific Policy – Area [REDACTED] on Map B.7.1-1 – Western Development Area – Land Use Plan, parking shall be permitted between the existing building and the street.

4.2 Mapping Changes:

4.2.1 Urban Hamilton Official Plan Volume 1, Schedule E-1 – Urban Land Use Designations is revised by:

a) Re-designating lands from "Neighbourhoods" to "Mixed-Use – Medium Density", as shown on Appendix "A" attached.

4.2.2 Urban Hamilton Official Plan Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan is amended by:

a) Identifying the property at 303 Highway No. 8 as Site-Specific Policy – Area [REDACTED], and by re-designating the lands from "Low Density Residential 3c" to "Mixed-Use - Medium Density", as shown on Appendix "B", attached.

5.0 Implementation:

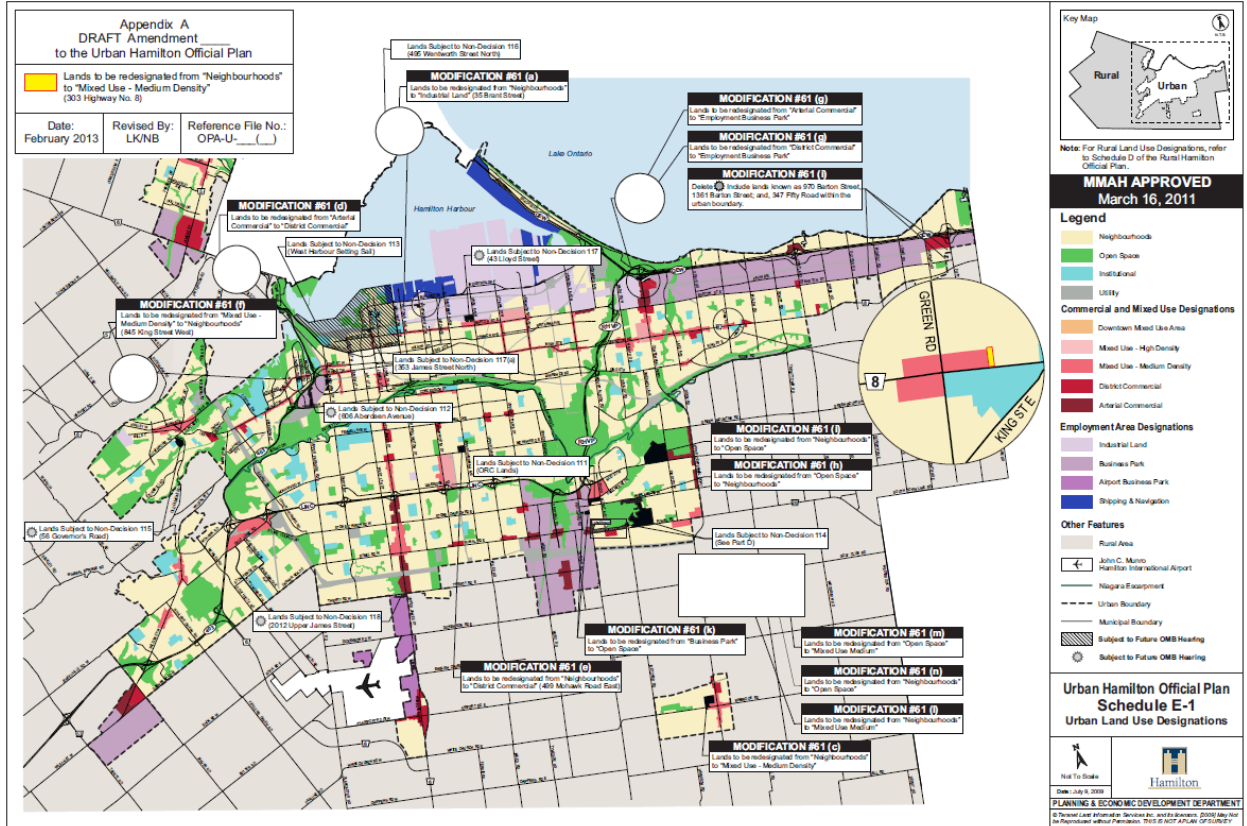
An implementing Zoning By-law Amendment and Site Plan Control Application will give effect to this Amendment.

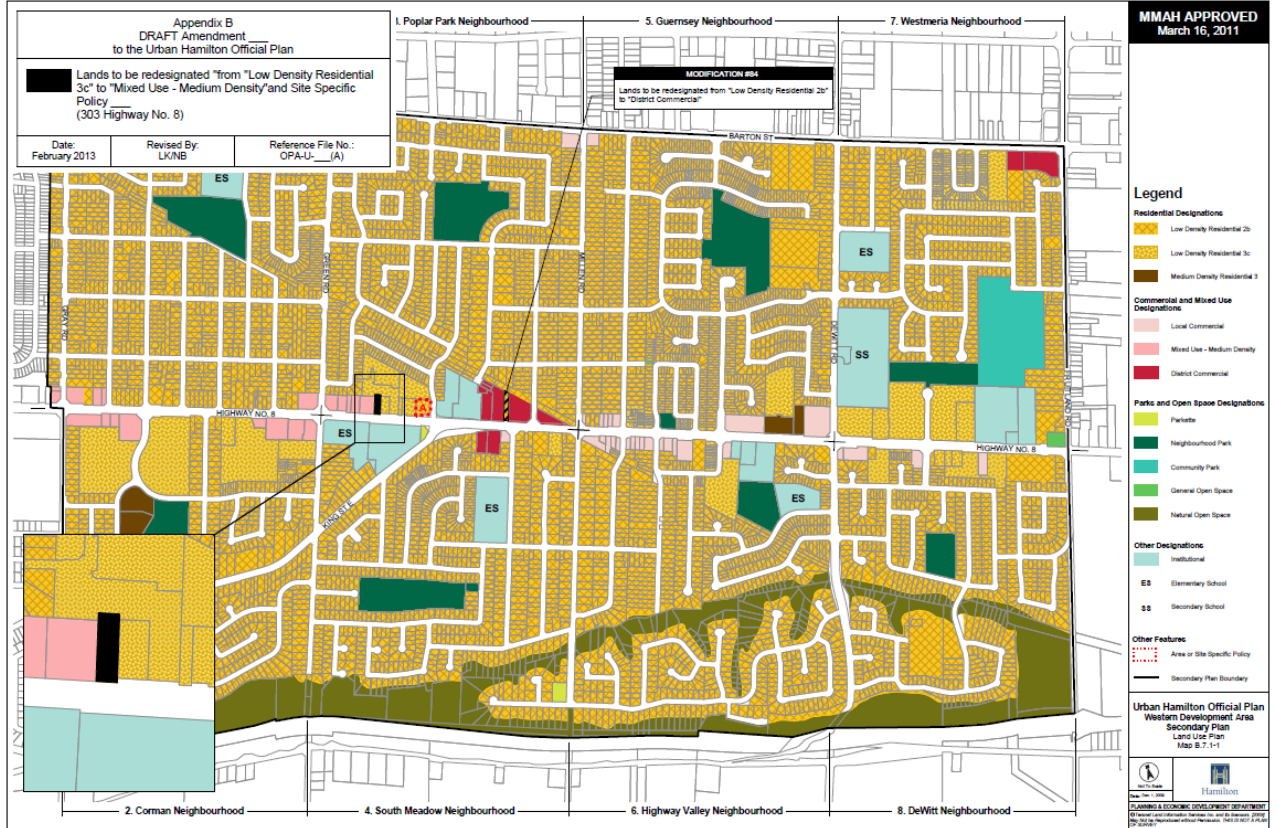
This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2013.

**The
City of Hamilton**

R. Bratina
MAYOR

Rose Caterini
CLERK





Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13060)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 303 Highway No. 8

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. 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 Stoney Creek" and is the successor to 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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

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. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek) upon approval of Official Plan Amendment No. [REDACTED].

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

1. That Map No. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing from the Multiple Residential "RM3-18" Zone to the General Commercial "GC-55" Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Sub-section 8.3.8, "Special Exemptions", of Section 8.3 General Commercial "GC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "GC-55", as follows:

"GC-55" - 303 Highway No. 8, Schedule "A", Map No. 6

Notwithstanding the provisions of Paragraphs (a), (c), (e), and (g) of Section 8.3.3 "Zone Regulations", and the definition of "Landscaped Strip" contained in Part 2 of Zoning By-law No. 3692-92, on those lands zoned "GC-55" by this By-law, the following shall apply for all uses, including those uses specified in Sections 8.3.4, 8.3.5, 8.3.6, and 8.3.7:

- (a) Minimum Lot Frontage - 21m.
- (c) Maximum Front Yard - 3.0m, except that a minimum front yard of 7.5m shall be provided and maintained for the building or a portion of the building existing on the date of the passing of this By-law, being the [REDACTED] day of [REDACTED], 2013.
- (e) Minimum Rear Yard - 5m.
- (g) Minimum Landscaped Open Space - 10 percent of the lot area, a portion of which shall include the following, where applicable:
 1. A landscaped strip having a minimum width of 4.5m shall be provided and maintained adjacent to every portion of any lot line that abuts a street, except for points of ingress and egress.
 2. A landscaped strip having a minimum width of 4.5m shall be provided and maintained adjacent to every portion of any lot line that abuts any zone other than a commercial or industrial zone, except that a landscaped strip having a minimum width of 3.0m is permitted along the easterly side lot line.

3. No landscaped strip shall be required adjacent to a portion of any lot line that abuts a commercial or industrial zone.
4. A retaining wall is permitted in a landscaped strip.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "GC" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
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.

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

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-12-047/OPA-12-018

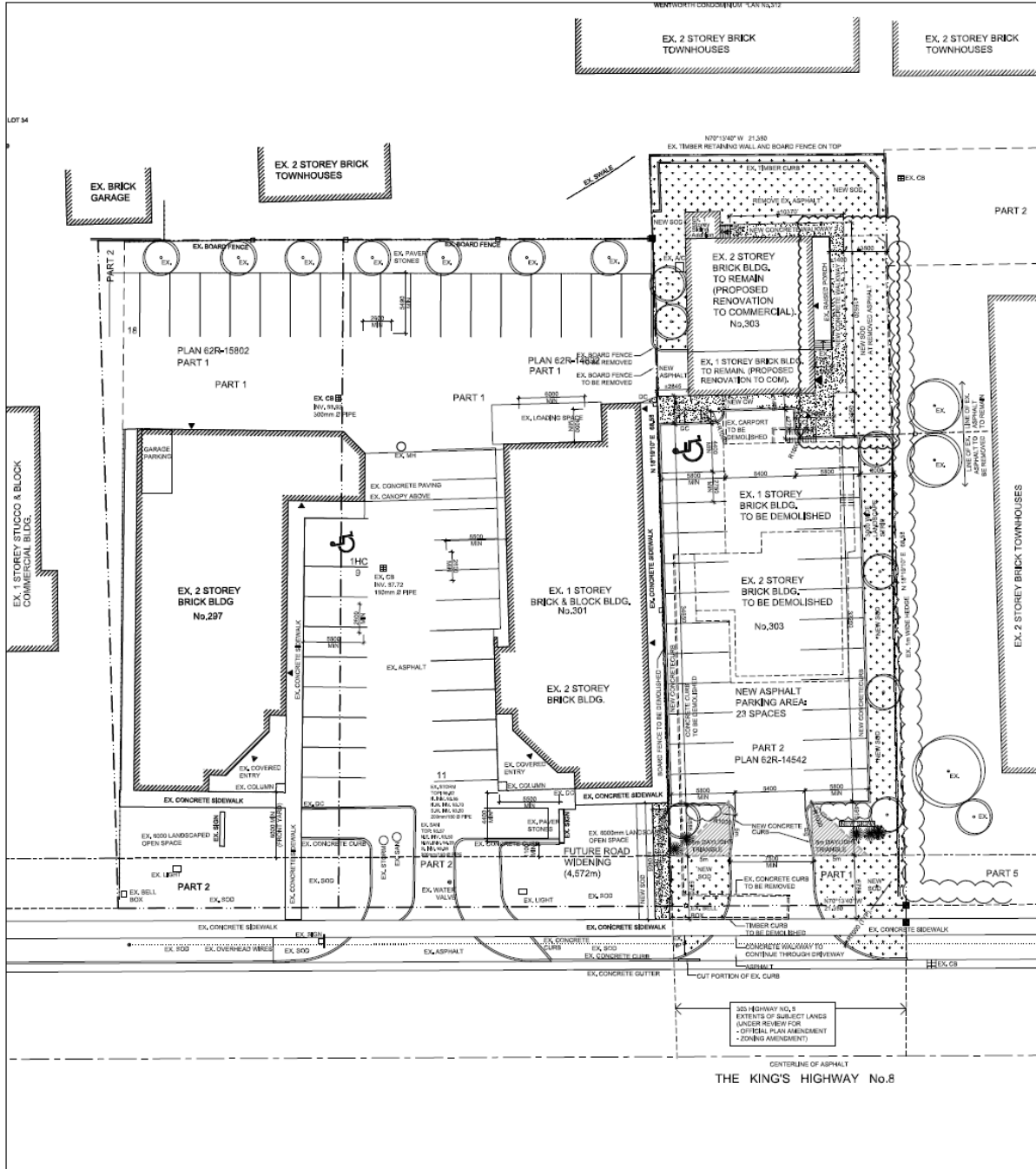


This is Schedule "A" to By-Law No. 13- Passed the day of, 2013	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-Law No. 13-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 3692-92</h3>	Subject Property 303 Highway No. 8 Change in Zoning from the Multiple Residential "RM3-18" Zone to the General Commercial "GC-55" Zone.
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Scale: N.T.S.	File Name/Number: ZAC-12-047_OPA-12-018	Hamilton
Date: February 1, 2013	Planner/Technician: GM/KA	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix "E" to Report PED13060 (Page 1 of 1)



1 PROPOSED SITE PLAN
SCALE: 1:200