SUBJECT: Application for a Change in Zoning for Lands Located at 516 and 520 Fifty Road and Block 185 of Plan 62M-987 (Stoney Creek) (PED08222) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-08-023, by Max Cretaro, Owner, for changes in Zoning from the Neighbourhood Development “ND” Zone and the Rural Residential “RR” Zone to the Residential “R3-29” Zone and the Residential “R5-6” Zone, to permit the development of twelve single detached dwellings, for the lands located at 516 and 520 Fifty Road and Block 185 of Plan 62M-987 (Stoney Creek), shown as Blocks 1, 2 and 3 on Appendix “A” to Report PED08222, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08222, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A”, Map No. 4, of Zoning By-law No. 3692-92.

(c) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan
EXECUTIVE SUMMARY:

The purpose of the application is to rezone two lots with frontage on Fifty Road and a parcel of land at the rear of these lots with frontage on Springstead Avenue, to facilitate the development of the lands for 12 single detached dwellings.

The proposal has merit and can be supported since the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan. The proposal is compatible with the existing land uses in the surrounding area, and provides an opportunity for infill development in a fully serviced urban area.

BACKGROUND:

Proposal

The applicant proposes to amend the City of Stoney Creek Zoning By-law No. 3692-92 by changing the zoning on the subject lands from the Rural Residential “RR” Zone to a Residential “R3-29” Zone for the two properties on Fifty Road (Block 1), and from the Rural Residential “RR” Zone and the Neighbourhood Development “ND” Zone (Blocks 2 and 3) to a Residential “R5-6” Zone for the parcel of land fronting onto Springstead Avenue.

The effect of the application will be to allow for the development of five single detached residential dwellings fronting onto Fifty Road, and seven single detached residential dwellings fronting onto Springstead Avenue, as shown in the sketch attached as Appendix “C”.

Committee of Adjustment Applications SC/B-07:81 and SC/B-07:82

Applications SC/B-07:81 and SC/B-07:82 were approved by the Committee of Adjustment on July 25, 2007 (see Appendices “D” and “E”), and became final and binding on August 21, 2007. The purpose of these applications was to permit the rear portions of the lands, known as 516 and 520 Fifty Road, to be severed and added to the lands to the east, known as Block 185 on Plan 62M-987. The assembly of the lands into two parcels, one having frontage on Fifty Road and one having frontage on Springstead Avenue, facilitated the proper assembly of land to allow for the application of appropriate zoning designations and the future subdivision of the lands into 12 lots for single detached dwellings.

Details of Submitted Application

Location: 516 and 520 Fifty Road, and Block 185 of Plan 62M-987 (Springstead Avenue) (see Appendix “A”)

Owner/Applicant: Max Cretaro, Cretaro Homes Limited
Agent: IBI Group (formerly Planning and Engineering Initiatives Limited)

Property Description:

<table>
<thead>
<tr>
<th>Total Lot Frontage</th>
<th>516 Fifty Road</th>
<th>37.9 metres</th>
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</thead>
<tbody>
<tr>
<td>520 Fifty Road</td>
<td>27.4 metres</td>
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</tr>
<tr>
<td>Block 185, Plan 64M-987</td>
<td>65.1 metres</td>
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<table>
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<tr>
<th>Total Lot Depth:</th>
<th>516 Fifty Road</th>
<th>28.0 metres</th>
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<tbody>
<tr>
<td>520 Fifty Road</td>
<td>28.0 metres</td>
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</tr>
<tr>
<td>Block 185, Plan 64M-987</td>
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</table>

<table>
<thead>
<tr>
<th>Total Lot Area:</th>
<th>516 Fifty Road</th>
<th>1,058.2 square metres</th>
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<tbody>
<tr>
<td>520 Fifty Road</td>
<td>766.7 square metres</td>
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</tr>
<tr>
<td>Block 185, Plan 64M-987</td>
<td>1,949.9 square metres</td>
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</table>

Servicing: Municipal Servicing

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td>Vacant, 2 Single Detached Dwellings</td>
<td>Rural Residential “RR” Zone, Neighbourhood Development “ND” Zone</td>
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</tr>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Rural Residential “RR” Zone, Residential “R3-18” Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Residential “R2” and “R2-41” Zones</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>Residential “R1-13” and “R3-12” Zones</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Residential “R3-12” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
   - It is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.
   - It conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.
• The proposal will provide for the efficient use of land and existing services.

• The proposed land uses will allow for a compatible form of residential development in keeping with the established road pattern.

2. The proposal represents good planning as it implements the development pattern contemplated by the approved Fifty Point Neighbourhood Plan, specifically the anticipated redevelopment of these lands to create residential lots on Springstead Avenue. The proposal will provide for residential development in a fully serviced urban area, allowing for the efficient use of existing infrastructure and amenities. The development, which will be facilitated by the changes in zoning, will be comprised of single detached houses. This is considered appropriate as this is the predominant housing type found on the surrounding lands.

3. The sketch attached as Appendix “C” shows the lot configuration which has been proposed by the applicant. Larger lot frontages are proposed for the lots fronting onto Fifty Road, as these lots are on the exterior of the Fifty Point neighbourhood. The Residential “R3” Zone, which is proposed for the lots on Fifty Road, will ensure that lot frontages of a minimum of twelve metres are maintained, recognizing that larger lot sizes are generally found along this road. To provide increased sensitivity to the adjacent lots along Fifty Road, the two lots on the exterior edges of the subject lands are proposed to have larger lot frontages and lot areas than the interior lots (i.e. 13.7 metre frontages).

A smaller lot size has been proposed for the seven lots on Springstead Avenue (see Appendix “C”). The proposed Residential “R5-6” Zoning is a site-specific zone, which has been applied to several areas within the Fifty Point Neighbourhood just east of the subject lands. This site-specific Zoning permits lots for single detached houses with an area of 210 square metres and a lot frontage of 9 metres. The proposed lots will exceed these requirements, in that the lot frontages will be 9.14 to 9.7 metres, and the lot areas will be 274 to 291 square metres. As the interior of the Fifty Point Neighbourhood is intended to accommodate a variety of lot sizes and housing types, and lot sizes similar to the proposed lots are located in the vicinity of the subject lands, the proposed zoning designation is appropriate. The adjacent existing lot to the south on Springstead Avenue is a larger lot, however, the proposed development is compatible as front yard, rear yard, side yard, and height requirements for the proposed zoning are the same as the zoning requirements for this adjacent lot. The existing lot to the north on Springstead Avenue has a somewhat smaller lot area and a frontage of approximately 12 metres, but the requirements for front yard, rear yard, and side yard requirements are greater by 1.5 metres, 0.5 metres, and 0.05 metres, respectively. However, this lot is located at a higher elevation than the subject property, and the existing dwelling has a large southern side yard adjacent to the subject lands. Therefore, the impact of these differences in yard requirements is considered to be minor.
4. A 3.0 metre road widening was requested along Fifty Road as a condition of the two previous Consent Applications, SC/B-07:81 and SC/B-07:82. This road widening has been dedicated to the City of Hamilton and, therefore, no additional road widenings are required for the subject lands. However, the road widening which was previously taken reduced the proposed lot areas for the lots fronting onto Fifty Road, such that the three interior lots do not meet the minimum lot area of 370 square metres. As a result, the applicants have requested that the “R3” Zone proposed for the lots along Fifty Road be modified by reducing the minimum lot area from 370 square metres to 350 square metres. The reduction in the lot area requirement is considered compatible as it is a minor change, and the lots meet all other regulations of the Residential “R3” zone.

5. Sewers and watermains are available on Fifty Road and Springstead Avenue to service the proposed new twelve lots. Future consent applications will be required to be submitted for the purpose of creating the new residential lots. The applicants will be required to enter into a Consent Agreement as a condition of the future consent applications.

6. Comments from the Forestry and Horticulture Section of the Public Works Department, discussed in detail in the Relevant Consultation section of this report, noted that several trees may be impacted by the future development of these lands. There is one mature tree located within the road allowance of 520 Fifty Road, and eight new trees which were planted in the road allowance along Springstead Avenue as part of the development of the Fifty Road Joint Venture Phase 2 Subdivision.

The applicant will be required to prepare a Tree Management Plan for the subject lands as a condition of the future consent applications which are necessary to create the proposed lots, to determine if any trees can remain. Any trees within the road allowance which must be removed will be subject to a replacement fee, as outlined in the City of Hamilton’s Reforestation Policy. As the applicant will also be required to enter into a Consent Agreement for the lots to be created, any specific conditions applied by the Forestry and Horticulture Section through the consent will be incorporated into the Consent Agreement to ensure that they are properly implemented.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the application, the applicant would not be able to proceed with the future development of twelve single detached dwellings. The use of the subject lands would continue to be regulated by the existing Rural Residential “RR” and Neighbourhood Development “ND” Zone provisions, which permit only one single detached dwelling on each of the two existing lots on Fifty Road, and which would not permit any development along Springstead Avenue.
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 a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement since Policy 1.1.3.1 states that ‘Settlement Areas’ shall be the focus of growth, and Policy 1.1.3.3 states that Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated.

Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Expressway, staff has requested that a noise assessment be conducted to investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. As the lands will be subject to future consent applications to create the twelve proposed lots, it is appropriate that the requirement for a noise assessment be applied as a condition at the time of the consent applications. The implementation of this condition, including the application of any necessary noise control measures, would be achieved through the Consent Agreement, which will be required for the proposed lots, ensuring that this concern will be addressed at the time of development of the subject lands. Therefore, a requirement for a noise assessment has not been included as a recommendation of this Zoning By-law Amendment Application.

Policy 2.6.2 of the plan also outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. As the subject site meets several of the Ministry of Culture’s and the City of Hamilton’s criteria for determining archaeological potential, an archaeological assessment should be completed, to the satisfaction of the Director of
Planning and the Ministry of Culture. Since the lands will be subject to future consent applications, it is appropriate that this also be applied as a condition of the future consent applications to ensure that this concern is addressed prior to development.

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

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant and complete communities” and to “optimize the use of existing and new infrastructure to support growth in a compact efficient form”. The application is consistent with these principles, as it proposes to build a more compact community by redeveloping an underutilized area of land in a location where full services and infrastructure already exist.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in 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. As well, the Urban Areas are intended to accommodate approximately (96%) of new residential housing units in the Region to the year 2020. Accordingly, the Plan encourages a compact mixed-use form of development, to maximize the efficient use of land and services. As the nature of the application is for changes in zoning to allow for residential development on residential lands in the urban area, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject property is designated “Residential” on Schedule ‘A’ - General Land Use Plan, and “Low Density Residential” and “Special Policy Area E” on Schedule “A4” - Urban Lakeshore Area Secondary Plan, in the City of Stoney Creek Official Plan. The following policies of the City of Stoney Creek Official Plan, among others, are applicable to the proposed development:

“Subsection A.1 Residential

A.1.2.11 All residential development within areas designated as Residential by this Plan will be directed to Planning Districts and Urban Residential Neighbourhoods, as identified on Schedule “E”. Council shall ensure that an adequate number of dwellings, parks, schools, and other community facilities are available, or will be available, to adequately serve the Residential Neighbourhoods. In this regard, permitted uses under the Residential designation will be located and developed in accordance with the Secondary Plan policies and related Schedules of Subsection A.13 and other relevant policies of this Plan.

A.1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:
a) LOW DENSITY - approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.

A.1.2.27 In the evaluation of residential development or redevelopment proposals, adequate provisions for noise attenuation features, to the satisfaction of the Ministry of the Environment, may be required.

**Subsection A 12.5 Special Policy Area ‘E’**

A.12.5.1 Special Policy Area “E”, as identified on Schedule “A4”, located on the east side of Fifty Road north of Baseline Road, is intended for residential development which features a range of housing including single-detached, semi-detached and townhouses. Notwithstanding Policy A.1.2.12, a maximum of 637 dwelling units will be permitted. All development shall be subject to Policy A.13.4.11 (below) and other applicable policies of this plan.

**Subsection A 13.4 Lakeshore Area – Secondary Plan**

A.13.4.3 As the Queen Elizabeth Way is located in proximity to the Lakeshore Area, these lands are subject to higher levels of noise from highway traffic. Accordingly, Council shall require any residential development or redevelopment to conform to the minimum noise levels, as established by the Ministry of the Environment and Energy. In this regard, an open space buffer in the form of a landscaped berm, or combination earthen berm and noise wall, shall be provided between the North Service Road and lands designated for residential uses for the purpose of noise attenuation.

A.13.4.10 A Plan for development of Special Policy Area “E”, as shown on Schedule A.4 within the Fifty Point Neighbourhood, will incorporate design feature considerations to enhance the physical setting of the area, and to create a visually and aesthetically distinct neighbourhood. Principles embodied in the design of this area shall include;

b) Streetscape features such as decorative light standards, enhanced landscaping of boulevards, special intersection treatments, entrance features and traffic circle islands with pedestrian amenities, decreased front yards, front porches and recessed or detached garages. The actual yard requirements will be determined by the City at the time of its review of zoning and subdivision applications.
c) A geographic gradation of densities with the lowest densities being provided in the northerly part of the area, and the higher density development being interspersed throughout the area, but with a greater concentration in the southerly part of the area.

f) Architectural and urban design guidelines for the Special Policy Area “E” portion of the Plan are to be prepared by a “qualified architectural consultant”. The architectural and urban design guidelines are intended to achieve an attractive and coordinated built form and community design with features to enhance the neighbourhood and to create architecturally complementary streetscapes. The architectural and urban design guidelines shall address, but not be limited, to the following:

- The prescription of architectural designs and forms to ensure distinctive and high quality buildings and a strong neighbourhood character;

A.13.4.11 In accordance with the provisions of Subsection E.5 of this Plan, the implementing Neighbourhood Plan shall make provisions to incorporate historical resources within the overall design of the Fifty Point Neighbourhood in order to minimize adverse effects that may detract from these resources and provide for their preservation.

Subsection E.5 - Historic and Architectural Resources

E.5.2.1 Council shall consider historic and cultural resources, including recognized archaeological sites, in the review of any proposal for development and redevelopment. Such development and redevelopment, either public or private, should, wherever possible, incorporate these resources into the overall design in a manner which minimizes adverse impact and encourages maintenance and protection.

The proposal conforms with the “Residential” policies as it provides for residential development in an area where full services and amenities already exist. The proposed single detached dwellings are compatible with the surrounding area, which is comprised primarily of single detached dwellings, and the area designated as “Low Density Residential” does not exceed the maximum density of 29 units per hectare outlined in the “Low Density Residential” policies.

The parcel of land fronting directly onto Springstead Avenue (Block 185, Plan 62M-987) is part of Special Policy area “E”. Since Special Policy Area “E” is limited to a maximum of 637 dwelling units, the 7 new proposed units fronting Springstead Avenue must not cause this number to be exceeded. As a total of 622 dwelling units were constructed as part of the original development of Special Policy Area “E”, this proposal would increase the number of dwelling units within the area to 629 units. Therefore, the proposal complies with this policy.
As part of the previous development of Special Policy Area “E”, architectural and urban design guidelines were prepared in accordance with Policy A.13.4.10 (f) above. The proposed development along Springstead Avenue will be required to comply with the same guidelines to ensure that the character of the interior of the Fifty Point Neighbourhood remains consistent. The application of these guidelines will be implemented through the future consent applications and the Consent Agreement required for the subject lands.

It should be noted that in addition to Block 185, Plan 62M-987, subject to this application, there are two additional remnant blocks within Special Policy Area “E” where future development may be possible (Block 68 on Plan 62M-1057 and Block 186 on Plan 62M-987). Any future development proposals for these lands must also comply with the maximum of 637 dwelling units and the urban design guidelines for the Special Policy Area.

Due to the proximity of the subject lands to the Queen Elizabeth Way (QEW), any proposed development on the subject lands must ensure that noise concerns are dealt with satisfactorily. To ensure that Policies A.1.2.27 and A.13.4.3 of the Official Plan (noted above) have been met, a noise assessment will be required as a condition of approval for the future consent applications for the subject lands to determine any noise control measures that are necessary to meet the Ministry of the Environment’s sound level limits.

To ensure compliance with Policy E.5.2.1, the future consent applications for the subject lands will also require the completion of an archaeological assessment, to make sure that any archaeological resources on the site have been investigated and protected.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Communications Section, Hamilton Emergency Services
- Taxation Division, Corporate Services Department
- Strategic Planning Section, Public Works Department
- Environmental Planning Section, Public Works Department
- Open Space Development Section, Public Works Department
- Traffic Engineering and Operations Section, Public Works Department
- Transit (HSR) Section, Public Works Department
- Ministry of Natural Resources
- Ministry of Transportation
- Horizon Utilities Corporation
- Hydro One
- Union Gas
- Bell Canada
- Cogeco Cable Canada Inc.
- Halton-Hamilton Source Protection Authority
- Niagara Peninsula Source Protection Authority
- Hamilton-Wentworth District School Board
The following Departments and Agencies submitted comments:

Forestry and Horticulture Section, Public Works Department

An assessment of the Zoning By-law Amendment Application by Cretaro Homes, which would permit twelve single family residential lots, five on Fifty Road and seven on Springstead Avenue, show that there are Municipal Urban Forestry concerns and potential conflicts. These concerns are not cause for the Forestry and Horticulture Section to challenge this application, but the following comments will apply during the Consent Application Process:

There is one mature tree {Asset 205491, 25cm d.b.h Pear}, located on the road allowance in front of number 520 Fifty Road, and eight new caliper trees {Assets 205495 to 205611, 50mm Ash} planted on the road allowance of Springstead Avenue at the rear of both 516 and 520 Fifty Road. These trees are governed under the City of Hamilton Tree By-law 06-151. With the current information provided, it appears that these Municipal Tree Assets will be impacted.

Therefore, the Forestry and Horticulture Section requests that all trees within this proposed development area be accurately plotted on a Tree Management Plan prepared by a Landscape Architect. The following category of trees must be addressed so a final determination of construction impact can be made:

- All trees on the Municipal Road Allowance or other municipally owned property.

All trees shall be surveyed and plotted accurately on the plan. The determination of ownership of all trees is the responsibility of the applicant, and any civil issues which may exist between property owners with respect to trees must also be resolved by the applicant. Proposed grade and surface treatment changes within the driplines, as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads, must be accurately shown on the submission.

If it is determined that existing trees can remain, a Tree Protection Zone Detail, with notes showing Tree Preservation Techniques, shall be included on the submission, as per the Tree Preservation and Protective Measures for Trees Affected by Construction Policy. All possible protective measures shall be fully implemented, as indicated in the policy, before work may commence, and not removed until its completion. The writer of the comments must be contacted to conduct a site review of the completed Tree Protection Zones before grading may commence.

All healthy trees on Municipal property which are found to be in conflict with this proposed development, and do not meet our criteria for removal, will be subject to a replacement fee, as outlined in the Reforestation Policy - Municipally Owned Lands.
After approval, all Municipal tree and stump removals will be the responsibility of the Developer and shall be removed during the construction process.

Infrastructure Planning and Source Water Protection Section, Public Works Department

Please be informed that the City, in conjunction with local Conservation Authorities and adjacent Municipalities, are undertaking an exercise to identify protection zones for municipal drinking water intakes along the shores of Lake Ontario.

The Niagara Peninsula Conservation Authority has received a preliminary delineation of the intake protection zone for the Grimsby drinking water intake. The subject property is within the preliminary zone (Draft IPZ-2). The IPZ-2 is an area defined through simulation techniques to be all areas where a release of contaminant at the surface has the ability to reach the drinking water intake at Lake Ontario within a two hour time period (under several conditions up to and including a storm event with a ten year return period). As the area is yet to be finalized, there are no conditions concerning land use, however, the proponent should be advised that conditions may be attached to future proposals should land proposed for development reside within the finalized IPZ-2.

Considering the above mentioned information, we further recommend that this application be circulated to Halton-Hamilton Source Protection Authority and Niagara Peninsula Source Protection Authority for their review.

To address these comments, the subject application was circulated to the Halton-Hamilton Source Protection Authority and the Niagara Peninsula Source Protection Authority subsequent to the initial circulation of the application. No comments or concerns were noted by these organizations.

Hamilton Conservation Authority

The subject property is located on the east side of Fifty Road, between Panorama Way and the North Service Road, within the Fifty Creek subwatershed area, and has previously been reviewed by staff from the Hamilton Conservation Authority in conjunction with two recent severance applications, File SC/B-07:81 and File SC/B-07:82. We note that the two lots do not contain any significant natural heritage features, nor are they located within natural hazard lands. As such, the subject properties are not affected by the Authority’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04.

Parking Services, Hamilton Municipal Parking System

Staff has reviewed this application and has no concerns with the zoning amendment. However, the applicant should ensure that all existing and future parking requirements are met on-site. The applicant should also ensure that on-site parking spaces are suitably dimensioned, and that driveways are aligned in such a way that will maximize the availability of on-street parking, by allowing a minimum of 6.5 metres of curb space between driveway approaches.
Health Protection Division, Public Health Services

Public Health Services has no objection to the proposed Rezoning By-law Amendment Application, provided any existing or proposed dwelling(s) constructed on the severed or retained lots are properly connected to the available municipal sewers and water supply. If you are aware that a septic tank exists on the subject property, it is recommended that it be emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil. This is to reduce the likelihood of a safety hazard. If you are aware of the existence of a water well on the subject property that is, or will no longer be used, it is recommended that the water well be abandoned according to Regulation 903 under the Ontario Water Resources Act. The Ministry of the Environment (MOE) is the agency that oversees this legislation.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 103 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on May 9, 2008, requesting comments or support for the application. To date, no comments have been received from any members of the public.

Further, a Public Notice sign was posted on the property on June 6, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The proposal will aid in the creation of complete communities.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The principles of intensification and best use of available land are applied.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:MP

Attachs. (5)
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 516 and 520 Fifty Road, and Block 185 of Plan 62M-987

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 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 ______ of Report ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of _______, 2008, recommended that Zoning By-law No. 3692-92 (Stoney Creek), 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 Stoney Creek); approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 4 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
by changing the zoning from the Rural Residential “RR” Zone to the Residential “R3-29” Zone, the lands comprising “Block 1”;

(b) by changing the zoning from the Rural Residential “RR” Zone to the Residential “R5-6” Zone, the lands comprising “Block 2”; and,

(c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Residential “R5-6” Zone, the lands comprising “Block 3”;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.4.7, “Special Exemptions”, of Section 6.4 Residential “R3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “R3-29”, as follows:

“R3-29” - 516 and 520 Fifty Road, Schedule “A”, Map No.4

Notwithstanding the provisions of Paragraph (a) of Subsection 6.4.3 of the Residential “R3” Zone, on those lands zoned “R3-29” by this by-law, the minimum lot area for an interior lot shall be 350 square metres.

3. 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 day of , 2008.

_____________________________  ______________________________
Fred Eisenberger                 Kevin C. Christenson
Mayor                            Clerk

ZAC-08-023
Appendix "B" to Report PED08222 (Page 3 of 3)

This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ................., 2008

Schedule "A"

Map Forming Part of
By-Law No. 08-_____

to Amend By-law No. 3692-92

Subject Property

- Block 1 - Change in Zoning from the Rural Residential "RR" Zone to the Residential "R3-29" Zone

- Block 2 - Change in Zoning from the Rural Residential "RR" Zone to the Residential "R5-6" Zone

- Block 3 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Residential "R5-5" Zone
Appendix “D” to Report PED08222 (Page 1 of 2)

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-07:81
SUBMISSION NO. B-81/07

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1):

AND IN THE MATTER OF the Premises known as Municipal number 516 Fifty Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Planning and Engineering Initiatives Ltd. on behalf of the owner Max Cretaro, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a rear parcel of land measuring 37.7m² (123.68±) x 20.8m± (68.24±) containing a portion of an existing garage (to be demolished) to be added to the lands to the east (Block 185) for future residential purposes, and to retain a parcel of land measuring 37.8m² (124.2±) x 30.95m± (101.5±) containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor’s Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant submit a Deposited Ontario Land Surveyor’s Reference Plan to the Development Planning East Team.

3. That the Owner dedicate sufficient land across the entire frontage of the property onto Fifty Road by deed to the City of Hamilton to establish the property line 13.10 m (43 feet) from the centerline of the original Fifty Road Road right of way. All costs associated with the preparation and registration of a reference plan and legal documents must be borne by the applicant.

4. That the lands to be added be merged in the same name and title as the lands to be added to, shown as Block 185 on the subject application;

5. That the owner/applicant apply for a demolition permit and demolish the existing garage straddling the proposed property line, to the satisfaction of the Planning and Economic Development Department (Building Services Division).

6. That the owner pay the required commutation amount of Local Improvement Charges to Corporate Services, Budgets & Finance Section.

DATED AT HAMILTON this 25th day of July, 2007.

M. Dudzic, Chairman
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (August 1st, 2008) OR THE APPLICATION SHALL BE DEEMED TO BE
REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Appendix "E" to Report PED08222 (Page 1 of 2)

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT LAND SEVERANCE

APPLICATION NO. SC/B-07:82
SUBMISSION NO. B-32/07

IN THE MATTER OF the Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 520 Fifty Road, formerly in the City of Stoney Creek, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Planning and Engineering Initiatives Ltd. on behalf of the owner Max Cretaro, for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a rear parcel of land measuring 27.43m² (89.92') x 20.8m² (68.24') containing an existing shed (to be removed) to be added to the lands to the east (Block 185) for future residential purposes, and to retain a parcel of land measuring 27.43m² (89.92') x 30.35m² (101.54') containing an existing single family dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team;

3. That the lands to be added be merged in the same name and title as the lands to be added to, shown as Block 185 on the subject application; and,

4. That the Owner dedicate sufficient land across the entire frontage of the property onto Fifty Road by deed to the City of Hamilton to establish the property line 13.10 m (43 feet) from the centerline of the original Fifty Road Road road allowance. All costs associated with the preparation and registration of a reference plan and legal documents must be borne by the applicant.

5. That the owner shall pay the required commutation amount of Local Improvement Charges to Corporate Services, Budgets & Finance Section

6. The owner shall pay outstanding realty taxes and/or all other charges owing to the City Treasurer.

DATED AT HAMILTON this 25th day of July, 2007.

M. Dudzic, Chairman

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HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS
NOTICE OF DECISION (August 1st, 2006) OR THE APPLICATION SHALL BE DEEMED TO BE
REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.