SUBJECT: Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Rear Portion of the Lands Located at 1307 Highway No. 8 (Stoney Creek) (PED08158) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-07-13 by Melissa Bos, owner, for Official Plan Amendment No. _____, to amend Schedule ‘A’, General Land Use Plan, from “General Commercial” to “Residential”, and Schedule ‘A2’, Winona Urban Community Secondary Plan, from “General Commercial” to “Low Density Residential”, of the Official Plan for the former City of Stoney Creek, on the rear portion of the lands known as 1307 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED08158, on the following basis:

   (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08158, 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.

(b) That approval be given to Zoning By-law Amendment Application ZAC-07-050 by Melissa Bos, owner, for a change in Zoning from the Local Commercial “LC” Zone to the Residential “R2” Zone, to permit the future development of one single detached dwelling on a separate lot for the lands located at the rear of 1307 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED08158, on the following basis:

   (i) That the draft By-law, attached as Appendix “C” to Report PED08158, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.
SUBJECT: Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Rear Portion of the Lands Located 1307 Highway No. 8 (Stoney Creek) (PED08158) (Ward 11) - Page 2 of 8

(ii) That the amending By-law be added to Schedule ‘A’, Map No. 9, of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Official Plan of the City of Stoney Creek upon the approval of Official Plan Amendment No. ____.

(c) That upon finalization of the implementing By-law, the Winona South Neighbourhood Plan be amended to change the designation of the rear portion of the subject lands from “Commercial” to “Low Density Residential”.

__________________________
Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications is to facilitate the future creation of one new residential lot for the development of a single detached dwelling.

The proposal has merit and can be supported since the changes in designation and zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan. The proposal is compatible with the existing land uses in the surrounding area and represents an opportunity for infill development.

BACKGROUND:

Proposal

The purpose of the application is to amend the Stoney Creek Official Plan and Zoning By-law by re-designating from “General Commercial” to “Residential” on Schedule ‘A’, General Land Use Plan, and from “General Commercial” to “Low Density Residential” on Schedule ‘A2’, Winona Urban Community Secondary Plan, and to change the zoning from the Local Commercial “LC” Zone to the Residential “R2” Zone, for the rear portion of 1307 Highway No. 8 (see Appendix “A”). The effect of the proposal is to allow for the future for development of one new single detached dwelling on a separate lot.

Location: 1307 Highway No. 8, Stoney Creek (see Appendix “A”)
Owner: Melissa Bos
Applicant: Paul Beraldo
Agent: A.J. Lakatos Planning & Design (c/o Andrew J. Lakatos)
SUBJECT: Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Rear Portion of the Lands Located 1307 Highway No. 8 (Stoney Creek) (PED08158) (Ward 11) - Page 3 of 8

Property Description (total rezoned lands):

<table>
<thead>
<tr>
<th>Property Description (total rezoned lands):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width: 24.38 metres</td>
</tr>
<tr>
<td>Depth: 31.09 metres</td>
</tr>
<tr>
<td>Area: 757.97 square metres</td>
</tr>
</tbody>
</table>

Servicing: Full municipal services on Silverlace Circle

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands</td>
<td>Veterinary Clinic</td>
</tr>
<tr>
<td>Surrounded Land Uses</td>
<td>Local Commercial “LC” Zone</td>
</tr>
<tr>
<td>North</td>
<td>Residential - Single Detached Dwellings</td>
</tr>
<tr>
<td>South</td>
<td>Commercial and Residential - Single Detached Dwellings</td>
</tr>
<tr>
<td></td>
<td>Local Commercial “LC” Zone and Single Residential “R1” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Residential - Single Detached Dwellings</td>
</tr>
<tr>
<td>West</td>
<td>Residential – Single Detached Dwellings</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms to the Hamilton-Wentworth Official Plan.

   (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area and represents an opportunity for infill development.

2. The subject lands are currently designated “General Commercial” in the Stoney Creek Official Plan. A re-designation of a portion of the subject lands to “Residential” is required to permit the proposed future single detached dwelling. The proposal is viewed as a logical extension of the existing residential designation, and will allow the rear portion of the subject lands to be merged with a portion of 49 Silverlace Circle (Part 2 - Appendix “D”) to create a new
residential lot for single detached residential purposes, as illustrated on Appendix “D”. A future consent to sever application would be required to create the new lot.

3. Should the application be approved, an amendment to the Winona South Neighbourhood Plan would be required to re-designate the northern portion of the subject lands from “Commercial” to “Low Density Residential”. This amendment can be supported since the proposal is compatible with existing adjacent residential uses in the neighbourhood and represents an opportunity for infill development.

4. The proposal allows for a logical extension of the Single Residential “R2” Zone along Silverlace Circle, while maintaining the existing commercial use (Veterinarian Clinic) on the remaining portion of the subject lands. The scale and character of the existing residential area will be maintained, since the proposed zoning requires compatible lot frontage, lot area, building height, and setbacks as those existing in the surrounding neighbourhood.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the applications, the lands would then be subject to the existing “General Commercial” policies, and the Local Commercial “LC” Zone provisions.

**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.

**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.
Policy 2.6.2 of the PPS 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. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site will be permitted. The subject property has been identified as having potential for the discovery of archaeological resources, as per the Ministry of Culture’s criteria for determining archaeological potential. The applicant has undertaken an archaeological assessment of the subject property, which concluded that the subject property is free from archaeological concern. The assessment was submitted to both the Ministry of Culture and planning staff, who concurs with the report. As such, staff is satisfied that the archaeological concerns have been addressed.

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. This policy is further defined in Ontario Regulation 153/04, which states that when a property undertakes a change of use from a commercial use (Veterinarian Clinic) to a residential use, as proposed in this application, a mandatory filing of a Record of Site Condition (RSC) is required. The applicant has conducted a RSC, which was filed with the Environmental Site Registry on April 18, 2008. As such, staff concerns have been addressed.

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

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

The application is consistent with the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification.

This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes to create an additional residential unit on a currently under-utilized site within the Urban Area.

**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. As the nature of the application is to amend the existing Official Plan designation and change the existing zoning category to allow for future residential development on a portion of the property, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. The subject property has been identified as having potential for the discovery of archaeological resources. As noted earlier, staff’s concerns have been addressed.

Policy B-2.3 states that identification of contaminated sites is essential, and redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. As noted earlier, the applicant has filed a Record of Site Condition with the Environmental Site Registry, which has addressed staff’s concerns.

City of Stoney Creek Official Plan

The subject property is designated “General Commercial” on Schedule ‘A’ - General Land Use Plan, and “General Commercial” on Schedule ‘A2’ - Winona Urban Community 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:

“A.3.2.14 In the consideration of commercial development or redevelopment proposals, Council shall be satisfied that the proposal will enhance the character and function of the Planning District which it is to be located, and that it will not have a detrimental effect on abutting land uses.

A.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.3.2.3 Development within existing General Commercial areas will be primarily through infilling and redevelopment in order to consolidate these areas. When considering such infilling and redevelopment 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.

A.6.2.1 The primary uses permitted in the area designated on Schedule ‘A’ as the WINONA URBAN COMMUNITY shall be for single family detached dwellings and apartment units, as identified in the relevant Secondary Plan policies of Subsection A.13.2. Uses that are deemed necessary to serve adequately the needs of local residents and the surrounding area, and which are compatible with surrounding development, may also be
permitted provided they comply with the Secondary Plan provisions of this Plan. Such uses include, but are not limited to:

a) Limited individual or groups of local commercial uses (excluding Automobile Service Stations), in accordance with the Local Commercial policies and General Provisions set out in Subsection A.3 of this plan;

A.13.2.2 The lands generally located around the intersection of Highway No. 8 and Winona Road, and schematically shown on Schedule A.2, are defined as the WINONA CENTRE. This Centre may be used for residential, commercial, institutional, and public uses provided that the uses are in compliance with Policy A.6.2.1 and other relevant policies of this Plan. Such uses include, but are not limited to, retail stores, professional offices, personal service shops, libraries, schools, churches, government and community facilities, and similar uses necessary to serve the community and surrounding area.”

Based on the “General Commercial” designation of the subject property, the general intent and purpose of the Stoney Creek Official Plan, more specifically the Winona Urban Community Secondary Plan, is to allow small scale “Local and General Commercial” uses that are intended to serve the local community, and to ensure that redevelopment proposals are compatible with the existing neighbourhood. The proposed re-designation of the rear portion of the subject lands allows for the retention of the existing commercial (Veterinary Clinic) use, and permits the logical extension of the “Low Density Residential” designation and Single Residential “R2” Zone along Silverlace Circle. In addition, the development of a single detached dwelling on the rear portion of the subject property is considered compatible with the existing abutting residential development and represents an opportunity for infill development.

Neighbourhood Plan

The subject lands are designated “General Commercial” in the approved Winona South Neighbourhood Plan. An amendment to the Winona South Neighbourhood Plan is required to re-designate the northern portion of the site from “General Commercial” to “Low Density Residential”.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Taxation Division (Corporate Services Department).
- Traffic Engineering and Operations Section (Public Works Department).
- Forestry and Horticulture Section (Public Works Department).
- Strategic and Environmental Planning Section (Public Works Department).
- Niagara Peninsula Conservation Authority.
- Horizon Utilities Corporation.
- Union Gas.
SUBJECT: Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Rear Portion of the Lands Located 1307 Highway No. 8 (Stoney Creek) (PED08158) (Ward 11) - Page 8 of 8

- Bell Canada.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Public School Board.
- French Catholic School Board.

Public Consultation

In accordance with the Planning Act and Council’s Public Participation Policy, notice of complete application and preliminary circulation of these applications were sent to 85 property owners within 120 metres of the subject lands on September 12, 2007. To date, no submissions have been received. In addition, a Public Notice sign was posted on the property on October 4, 2007. Notice of the Public Meeting of the Economic Development and Planning Committee has been 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 public is involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Applying the principles of intensification and best use of available land.

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

:DF
Attachs. (4)
Location Map

File Name/Number: ZAC-07-050 / OPA-07-013
Date: Sept. 11, 2007

Appendix "A"

Subject Property

Official Plan Amendment for a change in designation from "Commercial" to "Low Density Residential", and change in zoning from the Local Commercial "LC" Zone to the Residential "R2" Zone.
Schedule “1”

Amendment No.

to the

Official Plan for the former City of Stoney Creek

The following text, together with Schedule “A”, General Land Use Plan, and Schedule “A2”, Secondary Plan - Winona Urban Community, of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. .

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “General Commercial” to “Residential” on Schedule “A”, General Land Use Plan, and to redesignate the subject lands from “General Commercial” to “Low Density Residential” on Schedule “A2”, Secondary Plan Winona Urban Community, in order to permit a low density residential development of the rear portion of the subject property.

Location:

The lands affected by this Amendment are known municipally as 1307 Highway No. 8 in Stoney Creek. The affected lands are located to the rear of the property.

Basis:

The intent of the Amendment is to permit a low density residential development in the form of a single detached dwelling on the rear portion of the subject property. The basis for the redesignation is as follows:

- The proposal allows for the consolidation of the subject lands with a remnant parcel and logically extends the “Residential” (Schedule “A”) and “Low Density Residential” (Schedule “A2”) designation along Silverlace Circle; and,

- The proposal is compatible with the existing adjacent single detached residential uses in the neighbourhood and represents an opportunity for infill development.

Actual Changes:

1. Schedule “A”, General Land Use Plan, be revised by redesignating the subject lands from “General Commercial” to “Residential”, and identifying the subject lands as OPA No. , as shown on the attached Schedule “A” to this Amendment.
2. Schedule "A2", Secondary Plan Winona Urban Community, to be revised by redesignating the subject lands from "General Commercial" to "Low Density Residential", and identifying the subject lands as OPA No. ______, as shown on the attached Schedule "B" to this Amendment.

**Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. ______, passed on the ______ day of ______, 2008.

The

City of Hamilton

__________________________  __________________________
FRED EISENBERGER           KEVIN C. CHRISTENSON
MAYOR                      CLERK
CITY OF HAMILTON

BY-LAW NO. 1

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at the Rear of 1307 Highway No. 8, Stoney Creek

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 Section of Report 07- 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 will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), upon approval of Official Plan Amendment No. .

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

1. That Map No. 9 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
(a) by changing the zoning from the Local Commercial “LC” Zone to the Single Residential “R2” Zone, the land comprised in Block “1”;

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

2. 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 Single Residential “R2” Zone provisions.

3. 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
MAYOR

KEVIN C. CHRISTENSON
CLERK

ZAR-07-050
Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No. 3692-92

Subject Property
Official Plan Amendment for a change in designation from "Commercial" to "Low Density Residential", and change in zoning from the Local Commercial "LC" Zone to the Residential "R2" Zone.

Scale: N.T.S.
File Name/Number: ZAC-07-250 / OPA-07-013
Date: July 10, 2008
Planner/Technician: DF/MF

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

Clerk
Mayor