SUBJECT: Application for a Change in Zoning for Lands Located at 55 Onyx Drive, Hamilton (PED07110) (Ward 7)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-92, 1146663 Ontario Limited, (C. Pietroantonio), owner, for a change in zoning from the “B-2” (Suburban Residential) District to the “C” (Urban Protected Residential, etc.) District, to permit three single detached dwellings on separate lots, on lands located at 55 Onyx Drive, as shown on Appendix “A” to Report PED07110, on the following basis:

(a) That the subject lands be rezoned from the “B-2” (Suburban Residential) District to the “C” (Urban Protected Residential, etc.) District.

(b) That the Draft By-law, attached as Appendix “B” to Report PED07110, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton Wentworth and Hamilton Official Plans.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is to change the zoning of the subject lands to permit three single detached dwellings on separate lots. The application has been filed to facilitate a future severance of the lands to create the lots.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The proposal is compatible with existing and planned development in the neighbourhood.

BACKGROUND:

Proposal

The purpose of the application is to change the zoning from the current “B-2” (Suburban Residential) District to the “C” (Urban Protected Residential, etc.) District for lands located at 55 Onyx Drive (see Appendix “A”). The effect of the application is to permit future development of three single detached dwellings on separate lots (see Appendix “C”). This application will facilitate a future severance of the lands through consent approval.

Lands to the east of the site have draft plan approval (Arrowhead Heights of Rymal – Phase #2, 25T-91009B) and require an extension of Onyx Drive in front of the subject property for the registration of the future lots to the east. The City currently owns the north half of the future road allowance in front of the site.

Details of Submitted Application:

Owner/Applicant: 1146663 Ontario Limited (C. Pietronantonio).
Location: 55 Onyx Drive (see Appendix “A”).
Description: Frontage: 1.39m (Currently) - 36.18m after the extension of Onyx Drive.
Depth: 42.79m.
Area: 1,483.8 sq.m.
EXISTING LAND USE AND ZONING:

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<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td></td>
<td>Vacant Property</td>
<td>&quot;B-2&quot; (Suburban Residential) District</td>
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<th>Surrounding Lands:</th>
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<tr>
<td>North</td>
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<tr>
<td>Single Detached Dwellings</td>
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<tr>
<td>&quot;B-2&quot; (Suburban Residential) District</td>
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<td>South</td>
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<td>Vacant and Single Detached Dwellings</td>
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<td>&quot;C&quot; (Urban Protected Residential, etc.)</td>
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<td>District, &amp; &quot;R-4&quot; (Small Lot Single Family Detached) District</td>
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<tr>
<td>East</td>
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<td>Vacant Property</td>
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<td>&quot;C&quot; (Urban Protected Residential, etc.)</td>
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<tr>
<td>District</td>
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<tr>
<td>West</td>
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<tr>
<td>Single Detached Dwellings</td>
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<td>&quot;B-2&quot; (Suburban Residential) District</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and complies with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

   (ii) It implements the “Single and Double” Residential land use designation of the approved Chappel East Neighbourhood Plan.

   (iii) It is compatible with existing and planned uses in the immediate area and allows appropriate infilling.

   (iv) It facilitates a future severance of the lands.

2. The proposed zoning is compatible with, and a logical extension of, the current "C" (Urban Protected Residential, etc.) District for lands to the east, which have draft plan of subdivision approval (Arrowhead Heights of Rymal – Phase #2, 25T-91009B). The subject lands would have the same zoning as the lands to the south, and with the approval of minor variance application A-01:57, the zoning for the adjoining lands to the west is consistent with the proposed zoning.
amendment in terms of minimum lot frontage and side yard setbacks. Accordingly, the proposed zoning would be compatible with the existing scale and density of the surrounding residential development.

The subject lands currently have 11.39m of frontage on Onyx Drive, and after the road is extended the property will have a frontage of 36.18m. As shown on Appendix “C”, each lot will have 12.06m of frontage, and Lot 1 will have a lot area of 506.01 sq.m., Lot 2 will have a lot area of 506.9 sq.m., and Lot 3 will have a lot area of 470.92 sq.m. The proposed lot frontages and areas would comply with the regulations of the proposed “C” (Urban Protected Residential, etc.) District which requires a minimum frontage of 12m, a minimum side yard setback of 1.2m, and a minimum lot area of 360 sq.m. The “B-2” (Suburban Residential) District by comparison, requires a minimum lot frontage of 15m, a minimum side yard setback of 1.5m, and a minimum lot area of 540 sq.m.

3. There are existing municipal water and sanitary sewer services in the immediate neighbourhood. These will be extended to service the proposed lots.

The subject lands do not, at the present time, have adequate frontage on a municipal road or service lines in front to accommodate three dwellings. Once Onyx Drive is extended, the subject property will have adequate frontage and services. The provision for the road and service extensions will be addressed as a condition of consent approval. The City currently owns the north half of the future road allowance in front of the site, while the other half is owned by Casablanca Properties Inc.

Once Onyx Drive has been extended, the applicant will be required to obtain access permits for each lot they propose to create.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of uses permitted in the “B-2” (Suburban Residential) District, and can pursue severing the property into two single detached dwelling lots.

**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 change in zoning.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal is consistent with the principles and policies of the Provincial Policy Statement (PPS), which focus growth in settlement areas, Policy 1.1.3.1.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. As the nature of the application is to allow for three dwelling units instead of two in an area where full municipal services are available, the proposal conforms to the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A” – Land Use Concept. Policy 2.1.1 permits a variety of residential dwelling types including single detached dwellings, and Policy 2.1.9 iv states that Council encourages the clustering of units. The proposal allows three residential units instead of two, and lots of a size which will be compatible with the surrounding residential area. Based on the foregoing, the proposal complies with the “Residential” policies of the Hamilton Official Plan.

Neighbourhood Plan

The property is located within the Chappel East Neighbourhood and is designated, “Single and Double” Residential. The proposal, therefore, implements the Chappel East Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments having No Comment of Objections

- Budget and Finance, Corporate Services Department.
- Tax Administration and Banking, Corporate Services Department.
- Forestry and Horticulture, Operations and Maintenance, Public Works Department.
- Strategic & Environmental Planning, Public Works Department.
- Planning, Transit Division, Public Works Department.
- Open Space Development, Capital Planning & Implementation, Public Works Department.
- Hamilton Emergency Services and Communications Department.
Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, pre-circulation of this application was given to property owners within 120 metres of the property, and a sign was posted on the property. To date, no comments have been received as a result of this pre-circulation.

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
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes  ☐ No
Impact of all ecological functions is reduced.

Economic Well-Being is enhanced. ☑ Yes  ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:DB
Attaches. (3)
Appendix “A” to Report PED07110 (Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAR-06-92
Date: March 16, 2007

Appendix “A”
Scale: N.T.S.
Planner/Technician: DB/IF

Subject Property
55 Onyx Drive

Change in Zoning from “B-2” (Suburban Residential) District to “C” (Urban Protected Residential, etc.) District

Ward 7 Keymap N.T.S
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-Law No. 6593 (Hamilton),
Respecting lands located at 55 Onyx Drive

WHEREAS the City of Hamilton Act, 1999, Statues 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 Hamilton” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton Wentworth;

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section __ of Report of the Economic Development and Planning Committee at its meeting held on the day of ____, 2007, recommended that Zoning By-Law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-Law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet No. E27e of the District Maps, appended to and forming part of By-Law No. 6593 (Hamilton), as amended, is hereby amended by changing the zoning from the “B-2” (Suburban Residential) District to the “C” (Urban Protected Residential, etc.) District, the lands, 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 or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “C” District 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 [date] day of [date], 2007.

_____________________________    _______________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                             City Clerk

ZAR-06-92
This is Schedule "A" to By-Law No. 07-
Passed the .......... day of ..................., 2007

Schedule "A"
Map Forming Part of
By-Law No. 07-____
to Amend By-law No. 3692-92

Subject Property
55 Onyx Drive, Hamilton

Change in zoning from "B-2" (Suburban Residential)
District to "C" (Urban Protected Residential, etc.) District.

Scale: N.T.S.
File Name/Number: ZAR-06-92
Date: March 7, 2007
Planner/Technician: DB/KA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT