SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 360 Barton Street and 4 Hale Street (Stoney Creek) (PED06130) (Ward 10)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-06-01, Matt Manzella, owner, for Official Plan Amendment No.______, to the Official Plan for the former City of Stoney Creek, on the lands municipally known as 360 Barton Street and 4 Hale Street, as shown on Appendix “A” to Report PED06130, on the following basis:

(i) That Schedule “A1”, Secondary Plan, Western Development Area, be amended from “Low Density Residential” to “Medium Density Residential”.

(b) That approval be given to Zoning Application ZAC-06-04, Matt Manzella, owner, for an amendment to Zoning By-law No. 3692-92 for the former City of Stoney Creek, from the Single Residential “R2” Zone to the Multiple Residential “RM2-13” Zone in order to permit street townhouse dwellings on the lands known as 360 Barton Street and 4 Hale Street, as shown on Appendix “A” to Report PED06130, on the following basis:

(i) That the draft By-law attached as Appendix “C” to Report PED06130, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 6, of Zoning By-law No. 3692-92.

(iii) That the zoning will be in conformity with the Official Plan for the former City of Stoney Creek upon the approval of Official Plan Amendment No. ____.
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 360 Barton Street and 4 Hale Street (Stoney Creek) (PED06130) (Ward 10) – Page 2 of 8

(c) That upon finalization of Official Plan Amendment No. ___ and the implementing Zoning By-law, that the approved Poplar Park Neighbourhood Plan be amended to change the designation from “Low Density Residential” to “Medium Density Residential”.

____________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of these applications is to permit the development of six street townhouse dwellings.

The proposal has merit and can be supported since the change in designation and zoning are consistent with the Provincial Policy Statement, and they conform to the Hamilton-Wentworth Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The applicant has applied to change the Official Plan designation from “Low Density Residential” to “Medium Density Residential”, and to change the zoning of the subject lands (see Appendix “A”) from the Single Residential “R2” Zone to the Multiple Residential “RM2-13” Zone, in order to permit the development of six street townhouse dwellings. Applications to the Committee of Adjustment for land severance to create the six lots have not yet been submitted.

The subject lands are comprised of two parcels of land. A single detached dwelling is located on 360 Barton Street, while 4 Hale Street is vacant. The applicant is proposing to develop the subject lands with six 2-storey street townhouse dwellings fronting onto Hale Street. Site-specific zoning is required to recognize the reduced lot areas proposed for the interior units and the end unit.

Details of Submitted Application

Owner/Applicant: Matt Manzella, Owner

Location: 360 Barton Street and 4 Hale Street
SUBJECT: Applications for an Amendment to the Official Plan and a Change in Zoning for Lands Known as 360 Barton Street and 4 Hale Street (Stoney Creek) (PED06130) (Ward 10) – Page 3 of 8

Description: Frontage: 22.6 metres (Barton Street) and 53.3 metres (Hale Street)
Lot Area: 1,201.3 square metres

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Single detached dwelling and Vacant</td>
<td>Single Residential “R2” Zone</td>
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<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Industrial</td>
<td>Small Scale Industrial “MS” Zone and Special Purpose Industrial “MSP” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</td>
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<tr>
<td>East</td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Single Residential “R2” Zone</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 as it represents an opportunity for residential intensification.
   (ii) The proposal conforms to the Hamilton-Wentworth Official Plan.
   (iii) With the approval of the proposed Official Plan Amendment, the change in Zoning will conform to the Official Plan for the former City of Stoney Creek.
   (iv) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. The proposed application represents an opportunity for residential intensification, which is consistent with the Provincial Policy Statement and the Stoney Creek Official Plan. The Official Plan contains a policy applicable to properties located on the south side of Barton Street in Stoney Creek which would permit the intensification of up to sixplexes on lands designated “Low Density Residential”. The proposed development of six street townhouse dwellings maintains the intent of the intensification policy and the built form can be regulated through Site Plan Control.
This proposal will make use of existing services and will be appropriately developed through Site Plan Control to ensure compatibility with the existing neighbourhood. The proposed development conforms to the locational criteria established in the Official Plan for “Medium Density Residential” development as the proposed townhouse dwellings will be located adjacent to an Arterial Road (Barton Street). Further, they conform to the density range of the Official Plan (approximately 30 to 49 dwellings per hectare) as 50 units per hectare are proposed.

3. As part of the review of this application, it was determined that site-specific zoning would be required since the proposed lot areas for the interior lots and the end lot do not meet the minimum required in the Multiple Residential “RM2” Zone. The Zoning By-law requires a minimum lot area of 180 square metres for an interior lot, and 240 square metres for an end lot. The applicant has proposed a minimum lot area for an interior lot of 155 square metres and a minimum lot area of 201 square metres for an end lot. The requirements for corner lots have been met. Staff can support the reduced lot areas since appropriately sized building envelopes can still be achieved on site and since all yards (front, rear and side) will still be provided. Further, these reduced lot areas are in keeping with current trends (i.e. the new Zoning By-law for the Downtown). The amending By-law, attached as Appendix “C”, addresses the reduced lot areas.

4. Similar forms of development exist elsewhere in Stoney Creek where street townhouses are located on streets coming south off of Barton Street into the neighbourhood. Examples can be found on Eastdale Boulevard and Meteor Boulevard. With each of these situations, street townhouses abut single detached dwellings and the two dwelling types complement each other.

5. Staff received three letters from adjacent residents, attached as Appendix “D”, one in support and two in opposition to this proposal as a result of the pre-circulation of this application. The concerns raised include the form of development, building height, maintaining the existing character, drainage, and property values. Each item of concern is addressed as follows:

**Form of Development/ Existing Character**

Mr. Webb’s letter states that developing the subject lands with two single detached dwellings is acceptable and the trend for single family dwellings should be maintained. It is noted that the subject lands are comprised of two lots and could be developed independently. However, the applicant has proposed to pursue a different form of development and has applied to make the necessary amendments. As previously noted, this proposal conforms with the locational criteria in the Official Plan for “Medium Density Residential” development as the subject lands are located on the periphery of the neighbourhood and adjacent to an arterial road. Staff is of the opinion that the form of development proposed will be complementary to the existing development and will maintain the residential character of the neighbourhood.
Building Height

Mr. Webb notes that there are no two storey dwellings in this area. The Zoning By-law does permit a maximum building height of 11 metres in all Residential Zones in Stoney Creek. Although there may not be any existing 2 storey dwellings in the immediate area, the Zoning By-law would permit 2 storeys to be built. As part of the Site Plan Control process, building elevations are required to be submitted and the plans are reviewed by staff to ensure compatibility with the surrounding uses. It is also noted that the applicant has not applied to increase the building height.

Drainage

Mr. Webb has stated that the proposed six townhouse dwellings would affect drainage already established on the subject lands. As part of the Site Plan review process the applicant will be required to submit a Grading Plan, prepared by a Professional Engineer, to address grading and drainage. It is noted that new development must maintain existing grades at lot lines and ensure that there is no impact on adjacent lands.

Property Values

Mr. Hertel's letter raises concerns about the proposed development decreasing property values. Planning staff has not been provided with any information that would confirm that property values would decrease as a result of the development of street townhouse dwellings on the subject lands.

ALTERNATIVES FOR CONSIDERATION:

Under the existing Single Residential “R2” Zone, a single detached dwelling could be built on 4 Hale Street, as this parcel is currently vacant. An existing single detached dwelling exists on 360 Barton Street.

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 to the Official Plan and Zoning By-law.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of Section 1.1.3, Settlement Area, of the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, as the nature of these applications is for a change to the Official Plan and to the existing zoning to allow for the development of six townhouse dwellings, the proposal conforms to the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject lands are designated “Low Density Residential” on Schedule “A1”, Secondary Plan, Western Development Area. This designation does not permit townhouse dwellings; therefore, the applicant has applied to change the designation to “Medium Density Residential”. The following Policies are applicable to this proposal:

“A.13.1.6

...those lands designated “Low Density Residential” and located on the south side of Barton Street may be zoned to permit duplexes, triplexes, fourplexes, fiveplexes and sixplexes.”

This policy was put in place by the City of Stoney Creek to allow residential intensification along the south side of Barton Street with the approval of Official Plan Amendment No. 73 in 1998. The Official Plan permits up to six units on these lands, therefore, the proposed amendment to permit six street townhouse dwelling units is considered to be in conformity with the general intent of the intensification policies for Barton Street.

“A.1.2.12 (b)

MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly town-house dwellings and walk-up apartments. Generally, these types of dwellings are to be located on the periphery of residential neighbourhoods adjacent to arterial roads and/or collector roads.”
The applicant is proposing six dwelling units on 0.12 hectares of land which represents a density of fifty units per net residential hectare. Since the Official Plan permits a maximum density of approximately forty-nine units, this proposal of fifty units per net residential hectare is considered to be in conformity with the Official Plan. Further, the subject lands are located on the periphery of the Poplar Park Neighbourhood adjacent to Barton Street, which is designated as an Arterial Road on Schedule “D”, Functional Road Classification of the Official Plan.

“A.1.2.20

In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following to achieve high standards of residential amenity:

a) Provision and maintenance of adequate off-street parking.

b) Provision, improvement and/or maintenance of on-site landscaping.

c) The provision and maintenance of adequate separation distances and the placement of buffering features between residential uses of differing densities as well as other land uses.

In addition, residential development and/or infilling within developed neighbourhoods shall not be on a scale so as to create a land use conflict with surrounding uses.”

The Zoning By-law requires two parking spaces to be provided per dwelling unit, so all required parking will be provided off-street. As part of the site plan application required prior to the development of these lands, the applicant will be required to submit a Landscape Plan, prepared by a Professional Landscape Architect. This plan will address on site landscaping and buffering between the existing single detached dwellings adjacent to the subject lands. Finally, it is noted that the proposed scale of this development is not considered to create a land use conflict with the surrounding residential land uses. The proposed building height has not been requested to be increased and building elevation plans are also required to be submitted as part of the site plan application to ensure compatibility.

Based upon the foregoing, Planning staff is of the opinion that the proposed change in designation will be in conformity with the Official Plan, upon approval of the Official Plan Amendment.

**Poplar Park Neighbourhood Plan**

The subject lands are designated “Low Density Residential” on the Poplar Park Neighbourhood Plan. This designation will be required to be changed to “Medium Density Residential” with the approval of these applications.
Agencies/Departments Having No Objection

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Forestry Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Public Health and Community Services Department.
- The Hamilton Wentworth District School Board.
- Bell Canada.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to ninety property owners within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. It is noted that staff received one letter in support of the redevelopment proposal and two letters in opposition (attached as Appendix “D”). The details of the letters of opposition are addressed under the Analysis/Rationale Section of this Report.

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 are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Existing services will be used as part of this development proposal.

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

:PAM
Attachs. (4)
Appendix “A” to Report PED06130
Page 1 of 1

Planning and Economic Development Department

Location Map

File Name/Number: ZAC-06-04/OPA-06-01  Date: January 23, 2006
Appendix “A”  Scale: N.T.S  Planner/Technician: PM/MF

Subject Property
360 Barton Street and 4 Hale Street

Ward 10
Keymap

N.T.S
Appendix “C” to Report No. PED06130
Page 1 of 3

Authority: Item , Planning and Economic Development Committee
Report 06- (PED06130)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 360 Barton Street and 4 Hale Street

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 municipality known as the “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 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 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 of the Planning and Economic Development Committee at its meeting held on the day of , 2006, 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. Map No. 6 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Single Residential
“R2” Zone to the Multiple Residential “RM2-13” Zone, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Section 6.9.6, “Special Exemptions”, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “RM2-13”, to include the following:

“RM2-13  360 Barton Street, 4 Hale Street, Schedule “A”, Map No. 6

Notwithstanding the provisions of paragraph (a) Minimum Lot Area, of Subsection 6.9.3, Zone Regulations, of Section 6.9. Multiple Residential “RM2” Zone, on those lands zoned “RM2-13”, the following provisions shall apply:

Minimum Lot Area

| Interior Unit | 155 square metres |
| End Unit      | 200 square metres |
| Corner Unit   | 270 square metres |

3. 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 Multiple Residential “RM2” Zone provisions, subject to the special requirement referred to in Section 2.

4. 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 , 2006.

MAYOR

CLERK

ZAC-06-04
Schedule "A"

Map Forming Part of
By-Law No. 06-

to Amend By-Law No. 3692-92

Subject Property
360 Barton Street and 4 Hale Street

Change from the Single Residential "R2" Zone
to the Multiple Residential "RM2-13" Zone.

Planning and Economic Development Department
Hamilton

File Name/Number:
ZAC-06-04 / OPA-06-01

Date:
January 2006

Planner/Technician:
PM/MF

This is Schedule "A" to By-Law No. 06—
Passed the ...................... day of ......................, 2006

Clerk

Mayor
Moore, Paul A

From:  
Sent:  Friday, February 10, 2006 3:05 PM  
To:  Moore, Paul A  
Subject: My disapproval for rezoning

Dear Paul,

This email is in response to file no. OPA-06-01 & ZAC-06-04. I am strongly against changing the low density residential to medium density residential. I live at 34 Seaton Place Drive, directly beside the property in question and I feel that this change will have significant downsides to the value of my property. I am currently paying premium property taxes on my home as a single residential and if there is a group of town homes built right next to my house, it will definitely cause my property value to decrease and the chances of selling my house for fair market value will be very difficult. I feel that if this rezoning happens, it will cause all types of issues in our neighborhood such as parking for these new tenants...where is the parking going to be? In front of my property? The security of our home and neighborhood will be jeopardized by the possibility of 20 or so people moving in next door.

I have lived in my home since my parents built it in 1968 and moved it here in 1973. My uncle owned the property in question at one time and he was unable to build a house in the backyard because of zoning bylaws so he just left the back property as fruit trees and a garden, so when I got the letter from you stating a six unit townhouse complex was being considered, I was shocked.

When Mr. Manzella purchased the property he stated to us that he was going to build two houses...one facing Hale and the other facing Barton. That was acceptable to us, and still is, as it is zoned for single residential homes, but a group of six town homes is unreasonable. The Property has always been single residential and we wish it to remain that way. I am not an unreasonable person and can understand that things do not remain the same for long, but I feel that a townhouse complex would cause great strain on our close knit group of neighbors who I'm sure feel the same way as I do.

Please consider my concerns as you make this decision, I am very concerned with losing my home value and resale value because of a town home complex being built directly next to my driveway. Two nice new homes is more acceptable and will increase my property value, but a town house complex is just ridiculous.

Thank you very much

Brian Hertel
34 Seaton Place Drive
Stoney Creek

2/10/2006
RE: Application OPA-06-01

Moore, Paul A

From:
Sent: Thursday, February 16, 2006 1:07 PM
To: Moore, Paul A
Cc: 
Subject: RE: Application OPA-06-01

This note is in response to the Preliminary Circulation and Notice of Public Meeting letter we received on February 10, 2006.

We are against the application to amend the Stoney Creek Official Plan from "Low Density Residential" to "Medium Density Residential" and amending the By-Law No. 3692-92. We believe this would not be in the best interest of the community and that the trend of single housing in this area should be maintained. There is room on this property for two single homes to be built and that would be acceptable. There are also no two storey buildings in the immediate area, so this would again take away from the plan of single, one storey planning that must have existed when the current houses were built. We also believe that squeezing six houses into this lot would affect the proper drainage that has already been established for the existing housing at the far south end of the property. We plan on attending the Public meeting on this subject on May 2, 2006.

Larry Webb
Moore, Paul A

From: Moore, Paul A
Sent: Monday, February 13, 2006 2:06 PM
To: 'Norman and Judy'
Subject: RE: File No. OPA-06-01 & ZAC-06-04

Good afternoon
I just spoke with the owner/applicant about your questions.
The intent is for these dwelling units to be freehold units. Severance applications are required to be submitted to create the individual lots. The owner is intending on these dwellings to be traditional freehold units and has not applied for any kind of provincial funding to do a geared to income project. The zoning By-law does not regulate how many people make up a family. All parking associated with this development is required to be provided on site. Each unit is required to provide a minimum of 2 parking spaces. Please let me know if there is anything else I can help you out with.

Thanks

Paul A. Moore, MCIP, RPP
Senior Planner
Planning and Development Department
Development and Real Estate Division
Development Planning Section

Phone # 905-546-2424 ext. 1262

-----Original Message-----
From: Norman and Judy
Sent: Monday, February 13, 2006 11:48 AM
To: Moore, Paul A
Subject: File No. OPA-06-01 & ZAC-06-04

Dear Mr. Moore:

My husband (Norm) and myself (Judy) Cuthbert, have lived at 27 Seaton Place Drive, Stoney Creek for 31 years coming up shortly. Anything you allow to be put on the said property will be welcomed I'm sure, rather than the eyesore we have endured over the past few years.

In having said this, we would like to know the following.

1 - Are these homes going to be freehold?
2 - Do you plan on putting alternate parking on Hale Street?
3 - Are these homes going to be geared to income?
4 - How many occupants are allowed in such a living space?

We are looking forward to these answers.