SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Stoney Creek) (PED06032) (Ward 11)

RECOMMENDATION:

(a) That approval be given to the application by Seabreeze Estates Inc., owner, for Official Plan Amendment No. ____, for a portion of the property located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession, in the Trillium Neighbourhood (Stoney Creek), as shown on Appendix “A” to Report PED06032, for a change in designation on Schedule “A4” – Urban Lakeshore Area Secondary Plan, by redesignating a portion of the subject lands from “Neighbourhood Park” to “Low Density Residential”.

(b) That approval be given to Zoning Application ZAC-05-107, by Seabreeze Estates Inc., owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone, to permit single detached dwellings on the north side of Whitefish Crescent, as shown on Appendix “A” to Report PED06032, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED06032, 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. 3, 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 finalization of proposed Official Plan Amendment No. ___.
SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Stoney Creek) (PED06032) (Ward 11) - Page 2 of 8

(iv) That upon finalization of the implementing By-law, the Trillium Neighbourhood Plan be amended to reflect the change in designation from “Neighbourhood Park” to “Low Density Residential”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications is for an Official Plan Amendment and change in Zoning in order to permit 10 single detached dwellings on the north side of Whitefish Crescent (see Appendix “A”). The proposed change in zoning can be supported as they implement approved plan of subdivision 62M-1042, “Seabreeze Estates, Phase 2” (see Appendix “C”); are consistent with the approval of Zoning and Official Plan Amendment applications ZAC-05-21/OPA-05-03 (see Appendix “D”); and, is a condition of approval of Consent Applications SC/B-05:201 to SC/B-05-206 (see Appendix “E”). The proposal also implements the “Residential” designation of the City of Stoney Creek Official Plan. The proposed Official Plan Amendment, from the “Neighbourhood Park” to the “Low Density Residential” designation, can be supported, as the reduction in park size to approximately 1 hectare was supported by the Parks Staff Advisory Committee in 2004, based on a recommendation in former City of Stoney Creek Report PLT99-21 for amendments to the Trillium Neighbourhood Plan.

BACKGROUND:

Proposal

The purpose of the applications are for an Official Plan Amendment and change in Zoning in order to permit 10 single detached dwellings on the north side of Whitefish Crescent. The applications would rezone a portion of the subject lands from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone, consistent with the creation of 10 lots for single detached dwellings on the north side of Whitefish Crescent, approved through Consent Applications SC/B-05:201 to SC/B-05:206. The application also redesignates the subject land from the “Neighbourhood Park” to the “Low Density Residential” designation on Schedule “A4” – Urban Lakeshore Area Secondary Plan.

Consent Applications SC/B-05:201 to SC/B-05:206

Consent Applications SC/B-05:201 through SC/B-05:206 were approved by the Committee of Adjustment on November 16, 2005, and were final and binding on
December 14, 2005. The combined effect of the applications was to create 10 lots for single detached dwellings on the north side of Whitefish Crescent. The front portion of these lots was already established as 4 blocks of land within “Seabreeze Estates, Phase 2” (25T-200015(R)), and had already been rezoned and designated for residential uses. The Consent Applications served to combine land at the rear of Blocks 7, 8, 9, and 10 of “Seabreeze Estates Phase 2” (see Appendix “C”) with these blocks of land and to create internal lot lines, for a total of 10 lots for single detached dwellings. As a condition of approval, the owner/applicant must receive final approval of Official Plan Amendment Application OPA-05-19 and Zoning Application ZAC-05-107 (see Appendix “E”), as only the front portion of these lots had previously been rezoned and designated for residential uses.

Zoning Application ZAC-05-21 and Official Plan Amendment Application OPA-05-03

The applications were for a change in Zoning to the Single Residential “R3” Zone and the Open Space “OS” Zone, for lands located within “Trillium Estates, Phase 2” (25T-200015(R)), on the north side of Whitefish Crescent (Stoney Creek), and for an Official Plan Amendment from the “Neighbourhood Park” to the “Low Density Residential” designation. The purpose of the applications was to permit single detached dwellings on the north side of Whitefish Crescent by implementing the approved revisions to Draft Plan of Subdivision “Trillium Estates” (25T-200015(R)). The subdivision was also renamed as “Seabreeze Estates, Phase 2”. Appendix “D” is a copy of Schedule “A” of By-law No. 05-213, which identifies the lands that were rezoned to the Single Residential “R3” Zone (Blocks 1, 2, and 5).

Application for a Further Revision to Draft Plan of Subdivision “Trillium Estates” (25T-200015(R))

Draft Plan of Subdivision “Trillium Estates”, was originally draft approved in February 2003 and revised in August 2003, and was further revised on March 8, 2005, by the Director of Development and Real Estate (see Appendix “C”). The revisions included a straightening of proposed Whitefish Crescent, a revision to the block for parkland dedication, and the introduction of blocks on the north side of Whitefish Crescent for the future development of single detached dwellings in conjunction with adjoining lands. The subdivision was later renamed as “Seabreeze Estates”, and Phase 2 was registered on October 27, 2005, as Plan 62M-1042 (see Appendix “C”).
Property Description:

- **Width:** 125.42m (measured along south side of lands being rezoned)
- **Depth:**
  - 18.32m (west side)
  - 14.98m (east side)
- **Lot Area:** 0.21ha (portion of property being rezoned)

Servicing:

- Full municipal services on Whitefish Crescent

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Vacant</td>
<td>Single Residential “R3” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single detached dwellings</td>
<td>Rural Residential “RR” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Vacant (future park)</td>
<td>Neighbourhood Development “ND” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

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

   (i) It conforms with and implements the “Urban Area” designation in the Hamilton-Wentworth Official Plan.

   (ii) It conforms with and implements the “Residential”, “Low Density Residential”, and “Neighbourhood Park” designations of the Stoney Creek Official Plan upon finalization of the Official Plan Amendment.

   (iii) The proposed 1 hectare size of the neighbourhood park for passive recreational uses has been previously reviewed and approved by the Parks Staff Advisory Committee in 2004, based on a recommendation in former City of Stoney Creek Report PLT99-21 for amendments to the Trillium Neighbourhood Plan.
SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Stoney Creek) (PED06032) (Ward 11) - Page 5 of 8

(iv) It implements the provision for single detached dwellings on the north side of Whitefish Crescent, the front portion of which are identified as Blocks 7, 8, 9, and 10, Plan 62M-1042, “Seabreeze Estates Phase 2” (see Appendix “C”).

(v) It is consistent with the final approval of Zoning and Official Plan Amendment Applications ZAC-05-21/OPA-05-03, approved July 13, 2005, which rezoned and redesignated a portion of land on the north side of Whitefish Crescent to permit single detached dwellings (see Appendix “E” – Blocks 1, 2, and 5).

(vi) It implements conditions of approval for Consent Applications SC/B-05-201 through SC/B-05-206, which created 10 lots for single detached dwellings on the north side of Whitefish Crescent (see Appendix “E”).


The front 12m to 15m deep portion of the lots have already been rezoned to the Single Residential “R3” Zone, and redesignated “Low Density Residential” through applications ZAC-05-21/OPA-05-03 (see Appendix “D”). At that time, the applicants had not yet acquired land to the rear to complete the development, which has since been accomplished. Therefore, the current applications are needed as the rear approximately 18m of the lots has yet to be rezoned or redesignated. Approval of the applications to rezone the rear of the lots to the Single Residential “R3” Zone, and redesignate to “Low Density Residential”, is also a condition of approval of Consent Applications SC/B-05:201 to SC/B-05:206. These Consent Applications consolidated the portion of the subject property being rezoned and redesignated with Blocks 7, 8, 9, and 10 of Plan 62M-1042, “Seabreeze Estates, Phase 2” (see Appendix “C”), and created internal lot lines for the 10 lots for single detached dwellings.

3. The proposed reduction in size of the neighbourhood park has previously been reviewed and approved, initially by the former City of Stoney Creek through a recommendation of Report PLT99-21 as part of changes to the Trillium Neighbourhood Plan. It was recommended that the park size could be reduced to 1 hectare based on an analysis by the Recreation and Parks Department because the usage of the park would be more passive. The reduction in size was further reviewed and approved by the Parks Staff Advisory Committee in 2004. As a result, the reduction of the park size was formalized through the approved plan of subdivision by the introduction of Blocks “7” through “10” on the north side of Whitefish Crescent in Registered Plan of Subdivision 62M-1042, “Seabreeze Estates, Phase 2” (see Appendix “C”), and by the approval of Consent Applications SC/B-05:201 to SC/B-05:206 (see Appendix “E”).
4. The intent of the existing blocks of land on the north side of Whitefish Crescent is that they be developed with abutting land to the north such that sufficient lot depth is provided for single detached dwellings on the north side of Whitefish Crescent. The current applications serve to implement the same zoning and Official Plan designation as to what exists on Blocks 7, 8, 9, and 10 of Plan 62M-1042 (see Appendix “C”). The proposed lots for single detached dwellings would also have the same Single Residential “R3” zoning with existing lots to the west on Chiara Drive, and would be of a consistent size.

5. Sidewalks will be provided on the north side of Whitefish Crescent, which will connect to the sidewalk on the north side Whitefish Crescent to the west. As Whitefish Crescent is a local road, sidewalks are only required on one side of the street and no sidewalks are provided on the south side of Whitefish Crescent. The requirement to pay the required commutation amount of Municipal Act Charges has been addressed as a condition of approval of Consent Application SC/B-05:201 (see Appendix “E”).

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications be denied, single detached dwellings would not be able to be developed on the north side of Whitefish Crescent as the existing blocks of land for single detached dwellings are of insufficient depth. The existing Neighbourhood Development “ND” Zone would only permit existing uses, which is vacant land, and any other uses for the lands would require additional applications for changes in zoning or Official Plan Amendments. In addition, should it be determined that the lands on the north side of Whitefish Crescent be acquired for parkland purposes, the lands must be purchased by the City of Hamilton, as they could not be acquired through parkland dedication.

**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 applications for an Official Plan Amendment and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal is within an established urban area with municipal services. The proposal effectively uses land, resources, and infrastructure. Therefore, the proposal is consistent with the Provincial Policy Statement (PPS).
SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Stoney Creek) (PED06032) (Ward 11) - Page 7 of 8

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. The proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject lands are designated “Residential” on Schedule ‘A’ – General Land Use Plan, “Neighbourhood Park” on Schedule “A4” – Urban Lakeshore Area Secondary Plan, and “Lakeshore Protection Area” on Schedule B, Stoney Creek Open Spaces & Natural Environment System in the City of Stoney Creek Official Plan. The proposal conforms to the “Residential” designation, in that the proposal serves to implement previous planning decisions to permit single detached dwellings on the north side of Whitefish Crescent.

The change in designation from the “Neighbourhood Park” to the “Low Density Residential” designation implements both the approved subdivision, the recommendations of the Parks Staff Advisory Committee, and a condition of approval of Consent Applications SC/B-05:201 to SC/B-05:206. The proposal also conforms to the “Lakeshore Protection Area” designation, in that the development is not abutting Lake Ontario. All conditions of approval from the Hamilton Conservation Authority have been addressed through conditions of draft plan approval.

Neighbourhood Plan

The subject lands are designated “Neighbourhood Park” in the approved Trillium Neighbourhood Plan. An amendment is required to redesignate the subject lands from the “Neighbourhood Park” to the “Low Density Residential” designation.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Hamilton-Wentworth District School Board.
- Public Works Department (Forestry and Horticulture Section).
- Public Works Department (Traffic Engineering and Operations Section).
- Public Works Department (Open Space Development and Park Planning Section).
- Ministry of Transportation.

Hamilton Street Railway has advised that public transit service is presently provided by Trans-Cab from the HSR fixed route transfer point at Stoney Creek Municipal Service Centre; that development densities and the desire of the municipality to continue to levy additional transit taxes will determine whether this area receives fixed route bus service; and, that walkways on both sides of all streets should be provided.
Corporate Services Department (Budgets Section) has advised that a Municipal Act Sanitary Sewers charge of $5,997.28 would apply.

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the applications were circulated to 55 property owners within 120 metres of the subject property. In addition, a Public Notice sign was erected on the property. As a result of the circulation, comments were received from one neighbouring property owner who expressed concerns regarding the reduction in the size of the future park (see Appendix “D”). In this regard, the remaining park size of 1 hectare was approved by the Parks Staff Advisory Committee who had advised that as the park would function for passive recreational uses, a 1 hectare sized park would be of sufficient size. The decision to introduce single detached dwellings on the north side of Whitefish Crescent has also been previously supported through the approval of the subdivision, Zoning and Official Plan Amendment Applications ZAC-05-21/OPA-05-03, and most recently, through Consent Applications SC/B-05:201 to SC/B-05:206, all of which involved public consultation. No appeals were received on any of these related planning applications.

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
Opportunities for physical activity are supported and enhanced.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

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

:GM
Attachs. (6)
Subject Property
Lot 15 and Part of Lots 14 & 16,
Registered Plan 635 and Part of Lot 9,
Broken Front Concession

Official Plan Amendment to redesignate
from “Neighbourhood Park” to
“Low Density Residential”
and
Change in Zoning from the Neighbourhood
Development "ND" Zone to the Single
Residential "R3" Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession

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 06- 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 is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, as amended by Official Plan Amendment No. proposed by the Corporation of the City of Hamilton as By-law No. ____, but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 3 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone, 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, 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 "R3" 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 , 2006.

MAYOR

CLERK

ZAC-05-107/OPA-05-19
Schedule "A"

Map Forming Part of By-Law No. 06-____
to Amend By-Law No. 3692-92

Subject Property
Lot 15 and Part of Lots 14 & 16, Registered Plan 635 and Part of Lot 9, Broken Front Concession

Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3" Zone
Appendix “D” to Report PED06032 (Page 1 of 1)

By-law respecting Seabreeze Estates Phase 2

Block 4

Block 5

Block 1

Block 3

NORTHERN SERVICE ROAD

QUEEN ELIZABETH WAY

This is Schedule “A” to By-Law No. 05-213

Passed the 13th day of July 2005

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 05-213

to Amend By-Law No. 3992-92

Planning and Economic Development Department

Subject Property

Trillium Estates (Seabreeze Estates) Ph. 2, Stoney Creek

Block 1 - Lands to be rezoned from the Multiple Residential-
Holding "RM2-8(1)" Zone to the Single Residential "R3" Zone

Block 2 - Lands to be rezoned from the Multiple Residential-
Holding "RM2-6(1)" Zone to the Single Residential "R3" Zone

Block 3 - Lands to be rezoned from the Multiple Residential-
Holding "RM2-8(1)" Zone to the Open Space "OS" Zone

Block 4 - Lands to be rezoned from the Neighborhood Development "ND" Zone to the Open Space "OS" Zone

Block 5 - Lands to be rezoned from the Neighborhood Development "ND" Zone to the Single Residential "R3" Zone

Scale: Not to Scale

Date: June, 2005

File Name/Number: ZAC-05-21

Planner/Technician: GML/MM

T&C File Name:
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 numbers 67 - 85 Sea breeze Crescent, 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 Sea breeze Estates Inc. (Peter DeSantis), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land having a width of 125.42m (411.4''), and an area of 0.2108ha ± (0.52 acres) to be added to the lands to the south (Blocks 7 - 10 on attached sketch) for single family residential purposes, and to retain an irregular shaped vacant parcel of land having a frontage on Sea breeze Crescent of 165.6m (543''), and an area of 1.21ha ± (2.96 acres) for single family 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.


4. That the owner/applicant receive final approval of Draft Plan of Subdivision 25T-200015 (Sea breeze Estates, Phase 2).

5. The lands to be conveyed shall be registered in the same name and title as the lands to which they are to be added.

6. That the owner/applicant pay the required commutation amount of Municipal Act Charges to Budgets & Finance, City Hall, 1st Floor.

DATED AT HAMILTON this 16th day of November, 2005.

M. Dudzic, Chairman

C. Lewis

D. DeLullo

R. Nairn

The period of appeal has expired and no such appeal has been filed.
THIS DECISION IS NOW FINAL AND BINDING (s. 53 of The Planning Act).
CERTIFIED A TRUE COPY, acc. 11/6/1

D. Servatuk

Secretary Treasurer

V. Abraham
Appendix “F” to Report PED06032 (Page 1 of 1)

Macdonald, Greg

From: glenn mcconnell
Sent: Monday, December 19, 2005 12:04 PM
To: Macdonald, Greg
Subject: file no. opa-05-19/zac-05-107

Attn. Greg Macdonald, Senior Planner

Dear Greg

My name is Glenn McConnell, we live at 66 Seabreeze Cres, in Stoney Creek. We are absolutely against the proposed By-Law amendment. We cannot believe that the city would consider shrinking the proposed park land to put in single detached dwellings. We do not have any kind of park within walking distance of where we live now. The park that was proposed was small enough. Making it smaller would just not be acceptable. There are several new homes in the area with a great number of small children who would use the park for recreation. I hope city council does not approve this proposal.

Best Regards

Glenn McConnell