SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92 for the Lands Located at the Southeast Corner of Dartmouth Gate and Palacebeach Trail (Stoney Creek) (PED09190) (Ward 11)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-08-016, by Marz Homes Holdings Inc., Owner**, for Official Plan Amendment No. to amend Schedule ‘A4’, Urban Lakeshore Area Secondary Plan (Trillium Neighbourhood) from “General Commercial” to “Medium Density Residential”, of the Official Plan for the City of Stoney Creek, for the lands located on Part of Block 1, Registered Plan 62M-1082, “Bridgeport - Phase 2” (Stoney Creek), as shown on Appendix “A” to Report PED09190, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09190, be held in abeyance until such time that the Owner has entered into a Development Agreement with the City of Hamilton, to the satisfaction of the Director of Development Engineering.

(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 **Amended Zoning Application ZAC-08-070, by Marz Homes Holdings Inc., Owner**, for changes in zoning from the General Commercial “GC” Zone to the Multiple Residential “RM2-18” Zone (Block 1), with a Special Exception (Zoning By-law 3692-92), and to the Conservation/Hazard Land (P5) Zone (Block 2) (Zoning By-law 05-200), for the lands located on Part of Block 1, Registered Plan 62M-1082, “Bridgeport - Phase 2” (Stoney Creek), as shown on Appendix “A” to Report PED09190, on the following basis:
(i) That the implementing Zoning By-laws, attached as Appendices “C” and “D” to Report PED09190, which have been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into a Development Agreement with the City of Hamilton, to the satisfaction of the Director of Development Engineering.

(ii) That the amending By-law, attached as Appendix “C”, be added to Schedule ‘A’, Map No. 2, of Zoning By-law No. 3692-92.

(iii) That the amending By-law, attached as Appendix “D”, be added to Schedule ‘A’, Map No. 1150, of Zoning By-law No. 05-200.

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon approval of OPA No. [number].

(c) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision once Official Plan Amendment No. [number] in Recommendation (a) is final and binding.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of these applications is to change the Official Plan designation and zoning in order to permit the construction of street townhouse dwellings, and to protect the open channel watercourse on the subject property.

The proposal has merit and can be supported since the changes in the Official Plan designation and zoning are consistent with the Provincial Policy Statement and the Provincial Growth Plan, and conform to the Hamilton-Wentworth Official Plan. The proposal is consistent with, and complementary to, the existing and proposed development in the immediate area.

The Owner is in the process of finalizing a Development Agreement with the City, which addresses outstanding concerns, including noise impacts, servicing connections and access, and grading for the proposed development. As such, it is appropriate to hold the implementing Official Plan and Zoning By-law Amendments in abeyance until the Development Agreement is finalized.
BACKGROUND:

Proposal

The purpose of the applications is to allow for multiple residential and open space land uses on the lands currently zoned and designated for general commercial uses in a manner that will complement the existing multiple residential and open space uses directly to the north.

The effect of the proposal is to allow for the future development of street townhouse units, and to protect the open watercourse channel and associated floodplain on the subject property.

A development concept plan was submitted with the application and is attached as Appendix “E” to this report. Within the proposed developable area (Block 1 on Appendix “A”), up to 14 street townhouses will front onto Palacebeach Trail, and up to 3 street townhouses will front onto Dartmouth Gate. The original application has been modified twofold: firstly, to incorporate the open channel watercourse along the easterly boundary of the subject property and to rezone it accordingly; and, secondly, to remove flankage yard from the list of permitted yard encroachments. The applicant is supportive of both modifications as the intent of the application, as submitted, was for zoning consistent with the zoning of the lands to the north of the subject property.

Details of Submitted Application

Location: Part of Block 1, Registered Plan 62M-1082 “Bridgeport - Phase 2” (Appendix “A”)

Owner/Applicant: Marz Homes Holdings Inc.

Agent: A. J. Clarke & Associates Ltd.

Property Description:

Block 1 (Street Townhouse Block)

Total Lot Frontage: 24.33m (Dartmouth Gate)

Total Lot Flankage: 131.17m (Palacebeach Trail)

Total Lot Area: +/- 3,191.37m²

Servicing: Full Municipal Services
Block 2
(Open Channel Watercourse)

**Total Lot Frontage:** 15.11m

**Total Lot Depth:** 83.82m

**Total Lot Area:** +/- 1,266.52m²

**Servicing:** N/A

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Land:</strong></td>
<td>Vacant</td>
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<td><strong>Surrounding Lands:</strong></td>
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<tr>
<td>North:</td>
<td>Street Townhouses</td>
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<td>West:</td>
<td>Vacant</td>
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<td>South:</td>
<td>Vacant</td>
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<td>QEW, North Service Road</td>
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<td>East:</td>
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**ANALYSIS/RATIONALE:**

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:

   (i) The proposed development is consistent with the Provincial Policy Statement and the Provincial Growth Plan.

   (ii) The proposed development conforms to the Hamilton-Wentworth Official Plan.

   (iii) The proposed use would be in keeping with the City of Stoney Creek’s Trillium Neighbourhood Plan, which designates the subject lands as “Medium/High Density Residential”.

   (iv) The proposal is compatible in scale, density, and form with the existing and planned development in the area.
(v) The proposal will not jeopardize the future development of the remaining commercial lands.

2. The applicant has provided a planning justification report, driveway access review, noise study and engineering design drawings in support of the proposal. Details of the documents are presented below:

(i) A Planning Justification Report was prepared for the proposed development, as the subject lands are designated and zoned for commercial purposes as part of the original subdivision approval in January, 2005. In providing justification for the proposal, relevant policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, as well as the Regional Official Plan and Stoney Creek Official Plan were cited, and the site-specific modifications to the “RM2” Zone were presented. The report recognized that a Development Agreement would be required in order to address engineering-related matters, and that such an agreement must be registered prior to the corresponding Part Lot Control By-law being passed by Council to create the individual lots required for conveyance of the street townhouses.

(ii) An Access Review had been prepared by Paradigm Transportation Solutions Ltd. in order to determine whether the driveway arrangements for the proposed development would operate safely and efficiently. The review provided an analysis of the existing and future traffic conditions on Dartmouth Gate and North Service Road. The document concluded, and traffic staff concurs, that vehicular traffic and manoeuvring in the vicinity of the planned driveway connections to Dartmouth Gate will operate safely and efficiently.

(iii) An Addendum to the Road Traffic Noise Feasibility Study for the Bridgeport Subdivision, dated July 14, 2009, was completed by HGC Engineering. The Addendum has recommended that a permanent noise barrier, with a height of 3 metres, be provided to the rear of the townhouse units to mitigate the noise in the Outdoor Living Areas (OLAs) of these units. However, a 3 metre high wall will only mitigate noise levels in the OLAs to 62 dBA, until such time as the commercial plaza to the south is constructed. This exceeds the Ministry of Environment criteria, which states that noise levels in OLAs shall be no greater than 55 dBA, with a possible exceedance of 5 dBA if appropriate warning clauses are in place. Noise levels greater than 60 dBA must be mitigated with a noise barrier to below 60 dBA, and as close to 55 dBA as feasible. In addition, Policy 13.4.3 of the Stoney Creek Official Plan, regarding the Lakeshore Area, states that any residential development must conform to the minimum noise levels, as established by the Ministry of Environment. Therefore, if development of the adjoining commercial plaza does not proceed, then a 5 metre high noise wall would be required to the rear of the proposed units, in the location shown on Figure 2 of the Addendum, which will mitigate the noise levels in the OLA to 60 dBA.
However, staff acknowledges that when the commercial plaza to the south is constructed, it will function as a noise barrier between the townhouse units and the QEW. The Addendum to the noise study states that once the commercial plaza is in place, noise levels in the OLAs would be mitigated to 58 dBA with a 3m high wall. Therefore, should permits be issued for construction of the commercial plaza at the same time as, or prior to construction of, the townhouse units, staff would consider a noise wall of a lower height at that time.

The Addendum also recommends that the townhouse units will require central air conditioning, special window and wall construction, and warning clauses to be registered on title warning future occupants of potential noise interference, which staff is in agreement with, and will be implemented through a Development Agreement.

(iv) Engineering design drawings illustrating the proposed servicing connections, driveway approaches, curbing, boulevard sodding, road restoration, etc., as well as a grading plan detailing the existing and proposed grade elevations, were submitted for staff review since the subject lands were originally intended for commercial purposes, as part of the “Bridgeport - Phase II” Subdivision, Registered Plan 62M-1082. These plans are currently being finalized to be included in the required Development Agreement.

3. The applicant has requested a site-specific Multiple Residential “RM2-18” Zone for the subject lands, based on the “RM2-11” zoning regulations for the lands to the north (see Appendix “F”). However, the applicant has requested additional modifications to the “RM2-11” Zone, specifically a slight decrease in minimum lot area, an increase in the minimum front yard setback, a decrease in minimum side yard setback for the corner unit, and a decrease in yard encroachments for all required yards, which are required due to the configuration of the subject lands to facilitate the development of seventeen (17) street townhouses on the subject lands. As the existing properties to the north of the subject lands are zoned Multiple Residential “RM2-11”, a detailed comparison of the requirements of the existing and proposed zones is shown in Appendix “G” to this report.

Having reviewed and compared the general Multiple Residential “RM2” Zone and “RM2-11” Zone provisions with the proposed “RM2-18” Zone, staff is satisfied that the built form will be similar to the townhouses across the street, and that the further modifications to the zoning are consistent with the residential policies of the Stoney Creek Official Plan.

4. The original application was amended in response to the Hamilton Conservation Authority’s concerns with respect to the proposed Multiple Residential “RM2-11” zoning of the open channel watercourse on the eastern portion of the subject lands. The Conservation/Hazard Land (P5) Zone in the Zoning By-law 05-200 permits conservation, flood and erosion control facilities, as well as passive recreational activities. Since the open channel watercourse is a component of the flood and
erossion control facilities within the greater community, the (P5) Zone is the most
appropriate of the Open Space and Park Zones of Zoning By-law No. 05-200. The
recommendation to zone the watercourse (P5) is complementary to the Open Space
"OS" Zone of Zoning By-law No. 3692-92 on other portions of the watercourse,
which continues directly north of the subject lands towards Lake Ontario.

5. There are existing municipal services (storm, sanitary and water) available for the
proposed development. However, since the subject lands were intended for
commercial purposes, private sewer and water drain connections were not
constructed to the property line. Both Dartmouth Gate and Palacebeach Trail have
been constructed with basecourse asphalt. The applicant has been advised that
they will be responsible for all road restoration, including the placement of asphalt
overlay following the installation of services. This will be implemented through the
Development Agreement.

6. Since on-street parking is not provided on Dartmouth Gate, Traffic Engineering and
Operations staff recommended that the driveways of those street townhouses
fronting Dartmouth Gate be two-car width to ensure that all parking requirements are
met on-site. However, considering that only three units are proposed to front onto
Dartmouth Gate, planning staff is convinced that any visitor parking can be
adequately accommodated along the flankage yard of the corner unit along
Palacebeach Trail. Likewise, since the proposed minimum frontage is 6.0 metres for
all units, the requirement of two-car width driveways would be detrimental to the
streetscape as only a small portion of the frontage would remain for landscaping.

7. A three (3) storey commercial building is proposed to be constructed by Marz
Homes Holdings Inc. on the abutting lands to the south. As a condition of approval
for Site Plan Control Application DA-09-021, the owner/applicant is required to
submit an acoustical study, to the satisfaction of the City of Hamilton. This
acoustical study will investigate any noise levels produced from the commercial
facility (e.g. rooftop mechanical equipment), and will recommend any mitigation
measures required to ensure that Ministry of Environment sound level limits are
complied with.

8. The applicant has submitted the required engineering drawings and is finalizing the
noise study addendum for the subject lands. As such, rather than placing the
subject lands in a ‘H’ Holding zone, it is appropriate that the draft By-laws, attached
as Appendices “C” and "D", be held in abeyance until such time that the Owner has
entered into a Development Agreement with the City of Hamilton, which will require
the completion of the following:

(i) Revision of the Road Traffic Noise Impact Feasibility Study (dated May 29,
2006) for the Bridgeport Subdivision, to reflect the proposed residential
development, to the satisfaction of the City of Hamilton, Director of Planning.
Staff notes that an addendum to the 2006 noise study has been received and
reviewed by staff, as discussed in Paragraph 2(iii) above. The final
recommendations of the noise study addendum, as revised by staff, will be implemented through the Development Agreement.

(ii) Submission of engineering design drawings illustrating proposed servicing connections, driveway approaches, curbing, boulevard sodding, road restoration, etc. The applicant will also be required to provide a detailed grading plan, along with cost estimate schedules prepared by a qualified engineer, to the satisfaction of the Director of Development Engineering.

(iii) Submission of a grading plan detailing the existing and proposed grade elevations, in addition to documentation identifying any changes to the original approved stormwater management plan as a result of the proposed changes, to the satisfaction of the Director of Development Engineering.

The applicant has agreed that the City will hold the By-laws in abeyance vis-à-vis the pending finalization of the Development Agreement, given that the agreement is anticipated to be finalized by September 1, 2009, and that this approach avoids any unnecessary delays in allowing for the development to proceed.

**ALTERNATIVES FOR CONSIDERATION:**

In the event that Council does not support the applications, the lands would remain subject to the existing “General Commercial” policies of the Official Plan and the General Commercial “GC” Zone provisions of the Zoning By-law, which would permit a range of commercial uses.

**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 Policy 1.1.3.1, which places the focus of growth within settlement areas.
Policy 1.7.1 (e) of the PPS outlines that long term economic prosperity will be supported by planning so that major facilities 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 proposed residential dwellings in relation to the QEW, staff requires that the subject lands be subject to a Development Agreement requiring the Road Traffic Noise Impact Feasibility Study for the Bridgeport Subdivision be revised to reflect the proposed changes, to the satisfaction of the City of Hamilton, Director of Planning. The revised study may be subject to a Peer Review, and all costs associated with this review shall be borne by the owner/applicant.

Policy 2.6.2 of the PPS outlines that development and site alteration shall only be permitted on lands containing areas of archaeological potential if archaeological significant resources have been conserved. An archaeological assessment had been prepared and cleared by the Ministry of Culture as a condition of approval of the Bridgeport Subdivision in a letter dated October 9, 2003.

Therefore, the proposed development is consistent with the Provincial Policy Statement.

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

The Provincial Growth Plan provides a framework for guiding decisions on a wide range of issues, including land-use planning, in the interest of promoting economic prosperity. In support of the Plan’s guiding principles, the proposed development will:

- Contribute to building compact, vibrant, and complete communities;
- Protect, conserve, enhance, and wisely use the valuable natural resource of land for current and future generations; and,
- Optimize the use of existing and new infrastructure to support growth in a compact, efficient form.

In consideration of the policies of the Growth Plan, the proposal is consistent with those policies in Section 2.2.2.1 that promote the accommodation of population and employment growth through intensification where full servicing is in place, ensuring the availability of sufficient employment lands, and encouraging the development of complete communities.

Based on the foregoing, the proposal conforms to Places to Grow.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan, and Section C-3.1 outlines that a wide range of urban uses will be concentrated in the Urban Areas, which are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.
Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources in the review of development applications. As indicated previously, an archaeological assessment had been prepared and cleared by the Ministry of Culture, thus fulfilling the requirements of Policy B-9.2 of the Hamilton-Wentworth Official Plan.

The proposal is also consistent with the policies in Section 3.1.1 concerning sustainable development, such as accommodating growth by building on vacant land, and encouraging infill on full municipal services that is at a density comparable to the existing neighbourhood.

The proposed development conforms to the Hamilton-Wentworth Official Plan.

**Stoney Creek Official Plan**

The subject property is designated “Residential” on Schedule ‘A’ General Land Use Plan and “General Commercial” on Schedule ‘A4’ Urban Lakeshore Area Secondary Plan in the Stoney Creek Official Plan.

The following Residential Objectives of the Official Plan are supported by the proposed development:

“A.1.1.1 To ensure that a sufficient supply of land is available to accommodate expected population growth and changing demands for residential development.

A.1.1.2 To provide a range of housing types and densities of varied styles, while ensuring the provision of amenities necessary for local residents.

A.1.1.3 To ensure that new Residential development or re-development is compatible with surrounding existing and proposed development, and is not subject to noxious environmental elements.”

The proposed development also upholds the Residential policies that provide for a full range of housing types, including Sections A.1.2.6 and A.1.2.9 and, with an approximate density of 46.7 units per hectare (upha), it is within the estimated density range for the medium density designation (30 - 49 upha), upholding the character of the surrounding neighbourhood.

The remaining lands within Block 1 of Registered Plan 62M-1082, “Bridgeport - Phase 2”, will continue to be subject to the “Commercial” policies of the Official Plan. Staff is satisfied that the following Commercial Objectives will be upheld:
“A.3.1.1 To encourage the provision of a sufficient level and variety of retail activity in the City to accommodate the demand of residents.

A.1.1.2 To ensure that commercial development not have adverse effects on adjacent land uses, and that such development occur in an orderly and highly aesthetic manner, readily and safely accessible to local residents.”

As the future commercial development to the south of the subject property is subject to site plan control, staff will ensure that adequate measures are provided to meet the requirements of Section A.1.2.21, as follows:

“A.1.2.21 The introduction of compatible permitted non-residential uses in the Residential area shall:

(a) be required to provide adequate yards, off-street parking and loading, landscaping, screening, buffering or such other site planning measures, as determined by Council;

(b) not be of a nature so as to have a detrimental effect on the adjacent residential uses; and,

(c) in the instance of public utilities and similar uses, these facilities shall be so treated as much as practical to be in keeping with the general character of surrounding buildings, structures and landscape features.

In addition to the above, where compatible non-residential uses are proposed, the policies of Subsection A.13, F.3 and other relevant policies of this Plan shall apply.”

Staff is satisfied that the development potential of the remaining commercial lands will not be adversely affected by the subject application.

In accordance with Sections A.1.2.20 (c), below, staff will require that the Road Traffic Noise Impact Feasibility Study for the Bridgeport Subdivision be revised to reflect the proposed development in order to ensure that the local environment is suitable for residential development (Paragraph 9 (i)).

“A.1.2.20 Council shall ensure that the local residential environment is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council shall:

. . . (c) Require appropriate measures to attenuate the effects of noise in accordance with Guidelines on Noise and New Residential Development Adjacent to Freeways; and visual
intrusion or other undesirable effects on new residential development adjacent to freeways, inter-regional highways, arterial roads, railways and other environmentally incompatible land uses in consultation with the Ministry of the Environment; . . . “

This requirement is also in keeping with the Urban Lakeshore Secondary Plan policy, which requires that residential development within the Secondary Plan Area conforms to minimum noise level requirements, as established by the Ministry of Environment and Energy (Section A.13.4.3).

The proposed development conforms to the general intent of the Stoney Creek Official Plan with respect to land use compatibility, noise and housing needs. As such, the official plan amendment can be supported.

New Urban Official Plan

The new Urban Official Plan for the City of Hamilton was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect.

The lands are designated as “Neighbourhoods” on the Urban Land Use Designations Schedule, which is consistent with the land uses being proposed by the Official Plan Amendment.

Specific map changes to the Urban Lakeshore Area Secondary Plan will be incorporated into the Urban Official Plan once the Official Plan Amendment in Recommendation (a) of this report is final and binding.

RELEVANT CONSULTATION:

Agencies/Departments Having No Concern or Objections:

- Open Space Development Section and Park Planning, Capital Planning and Implementation Division.
- Health Protection Branch, Health Protection Division.
- Taxation Division.
- Budgets and Finance Division.
- Public Works Department, Capital Planning and Implementation Division, Open Space Development and Park Planning Section.
- Hamilton Police Service.
• Emergency Services.
• Horizon Utilities Corporation.
• Municipal Property Assessment Corporation.
• Union Gas.
• Canada Post.
• Cogeco Cable Canada Inc.
• Hamilton-Wentworth District School Board.
• Hamilton-Wentworth Separate School Board.
• French Public School Board.
• French Catholic School Board.
• Hydro One Networks Inc.

Bell Canada

Bell Canada expressed an interest in being circulated on any future development application that will implement the Official Plan and Zoning amendments in order to provide a more detailed review and comments concerning servicing requirements. A site plan application is not required for the proposed street townhouses. However, Bell’s servicing requirements were taken into consideration at the plan of subdivision stage for “Bridgeport - Phase II”.

Hamilton Conservation Authority

The subject property was previously reviewed by Conservation Authority staff in conjunction with the “Bridgeport - Phase 2” Draft Plan of Subdivision. Through the subdivision process, both the Ministry of Natural Resources and the Conservation Authority approved a 15 metre wide Open Space block along the east side of Block 1 to contain the watercourse channel and the floodplain associated with Stoney Creek Watercourse No. 6.1, which traverses the east side of Block 1, and outlets into Lake Ontario to the north. A permit issued by the Conservation Authority subsequently authorized the channelization of the watercourse and, in order to ensure that development adjacent to the watercourse is located outside the floodplain and maintains the appropriate fisheries buffers, the Conservation Authority requested an amendment to the original application to include the entire 15 metre channel block and zone it Open Space. The draft Zoning By-law Amendment, included as Appendix “D”,
addresses the Hamilton Conservation Authority’s requirement by rezoning the channel block to the Conservation/Hazard Land (P5) Zone.

**Ministry of Transportation**

Building/Land Use Permits and Sign Permits are required from the Ministry of Transportation prior to any construction being undertaken. The Ministry will require the following documentation to be submitted for their review and subsequent approval before such permits can be issued; namely:

1. A full-size ‘to-scale’ site plan (preferably 1:500) detailing all above and below ground structures. The highway right-of-way limits, and the limits of the North Service Road, must be clearly identified on the site plan (3 copies).

2. All above and below ground structures, (including, but not limited to, fire routes, parking, stormwater management ponds, etc.) must be set back a minimum distance of 14 metres from the north limits of the North Service Road.


As the Ministry of Transportation has its own permit process, the Owner will be required to satisfy these requirements separate from any municipal requirements prior to grading and construction.

**Public Works Department, Operations and Maintenance Division, Forestry and Horticulture Section**

The Forestry and Horticulture Section advises that there are no municipal tree assets located on the road allowance of the subject property and no Urban Forestry conflicts. Although a Tree Management Plan will not be required, the applicant must ensure the proposed development conforms to the City of Hamilton Tree By-law 06-151.

**Public Works Department, Operations and Maintenance Division, Traffic Engineering and Operations Section**

Staff recommends that those street townhouses fronting Dartmouth Gate should be two-car width, as on-street parking is not provided on Dartmouth Gate. This concern is addressed in Paragraphs #6 and #8 (ii), in the Analysis/Rationale section of the report.

**Public Works Department, Water and Wastewater Division, Infrastructure Planning and Source Water Protection**

Staff advises that the proposed development can be serviced through an extension of the existing watermain on South Service Road, Watershore Drive, or Jones Road. However, a looped network would be the best solution for the future development. Static pressures at the street line are on average in the range of 70-80 p.s.i. Fire flow
capacity is sufficient, however, the hydrant coverage should be adequate following the completion of the watermain extension for the proposed development.

Public Works Department, Strategic Planning Section

The proponent should be aware of the Watercourse 5 and 6 Municipal Class EA and Stormwater Quality Management Strategy for the Community of Stoney Creek.

In addition, recommendations of The City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans due to the increase of impervious area.

Development Engineering should provide detailed stormwater management comments regarding the updated Storm Drainage Policy and Criteria and Guidelines for Stormwater Infrastructure Design.

Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 32 property owners within 120 metres of the subject property on December 15, 2008. No letters of support or opposition for this proposal were received.

A Public Notice sign was erected on the subject property on January 23, 2009, and Notice of the Public Meeting was given in accordance with 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 logical extension of housing on an existing street enhances the character of the community.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposed rezoning will recognize the open channel watercourse and contain development in the settlement area.

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

:DM
Attachs. (7)
Appendix "A" to Report PED09190 (Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-08-073/OPA-08-016
Date: March 25, 2009

Appendix "A"

Subject Property

Block 1 - Official Plan Amendment from "General Commercial" to "Medium Density Residential" Land Use Designation.

Change in Zoning from General Commercial "GC" Zone to a Modified Multiple Residential "RM2-15" Zone.

Block 2 - Change in Zoning from General Commercial "GC" Zone to Conservation Hazard Land (P5) Zone.
Amendment No.  

Schedule “1”

to the

Official Plan for the former City of Stoney Creek

The following text together with Schedule “A” - Schedule “A”, General Land Use Plan and Schedule “B” - Schedule “A4”, Secondary Plan Urban Lakeshore Area (Trillium Neighbourhood) of the Official Plan of the former City of Stoney Creek, attached hereto, constitutes Official Plan Amendment No.  .

Purpose:

The purpose of this Amendment is to amend the City of Stoney Creek Official Plan, and redesignate the subject lands from “General Commercial” to “Medium Density Residential” in order to permit townhouse development.

Location:

The lands affected by this Amendment are located at the southeast corner of Dartmouth Gate and Palacebeach Trail in Stoney Creek.

Basis:

The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement.

- The proposed development is consistent with the Hamilton-Wentworth Official Plan and the general intent of the City of Stoney Creek Official Plan.

- The proposal is compatible in scale, density, and form with the existing and proposed development in the area.

- The proposal will not jeopardize the future development of the remaining commercial lands.

Actual Changes:

Schedule Changes

1. Schedule “A”, General Land Use Plan, be revised by identifying the subject lands as OPA No.  , as shown on the attached Schedule “A” to this Amendment.
2. Schedule “A4”, Secondary Plan Urban Lakeshore Area be revised by:

(i) Redesignating the subject lands from “General Commercial” to “Medium Density Residential”, and identifying the subject lands as OPA No. [redacted], 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. [redacted], passed on the [redacted] day of [redacted], 2009.

The

City of Hamilton

_______________________  ________________________
Fred Eisenberger        Kevin C. Christenson
Mayor                   Clerk

OPA-08-016
CITY OF HAMILTON

BY-LAW NO. 3692-92

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at the Southeast Corner of Dartmouth Gate and Palacebeach Trail, Part of Block 1, Registered Plan 62M-1082, “Bridgeport - Phase 2”, Former City of Stoney Creek

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 09- of the Economic Development and Planning Committee at its meeting held on the day of , 2009, 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 (the Official Plan of the former City of Stoney Creek); approved by the Minister under the Planning Act on May 12, 1986, upon the approval of Official Plan Amendment No. :
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 2 of Schedule “A”, appended to and forming part of Zoning By-law No. 3692-92 (Stoney Creek), is amended as follows:

   (a) by changing the zoning from the General Commercial “GC” Zone to the Multiple Residential “RM2-18” Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.9.6, “Special Exemptions”, of Section 6.9 Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “RM2-18”, as follows:

   “RM2-18” Southeast Corner of Dartmouth Gate and Palacebeach Trail, Schedule “A”, Map No. 2

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d) and (h) of Section 6.9.3, the following zone regulations shall apply:

   (a) Minimum Lot Area: 175 square metres (all units)

   (b) Minimum Lot Frontage: 6.0 metres (all units)

   (c) Minimum Front Yard: 5.8 metres

   (d) Minimum Side Yard: 1.2 metres (end units)
   2.0 metres (corner unit)

   (h) Maximum Building Height: 12.6 metres

In addition to the regulations of Section 4.19 “Yard Encroachments”, porches, alcoves, etc., including foundation walls, may project not more than 0.5 metres into any required yard.

Notwithstanding Section 4.13.1 “Special Setbacks - Daylight Triangles”, and Paragraphs (b) and (d) of Section 4.19.1 “Yard Encroachments - General Application”, the following provision shall apply: Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building; 0.5 metres for a porch, including foundation walls; and 0.0 metres for eaves or gutters.

Notwithstanding the provisions of Paragraphs (a) and (b) of Section 4.10.3 “Dimensions of Parking Spaces”, and Paragraph (d) of Section 6.1.8 “Parking Restrictions in Residential Zones”, the following provision shall apply: Each of the required two (2) parking spaces, including the required parking space within an attached private residential garage, shall not be less than 2.7 metres in width and not less than 5.8 metres in length.
An acoustical barrier having a minimum height of 2.0m shall be provided and maintained along the rear and/or side lot line abutting a commercial zone.

All other provisions of the Multiple Residential “RM2” Zone shall apply.

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 __, 2009.

______________________________  ________________________________
Fred Eisenberger               Kevin C. Christenson
Mayor                           Clerk

ZAC-08-070
Appendix "C" to Report PED09190 (Page 4 of 4)

This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ......................, 2009

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Schedule "A"

Map Forming Part of By-Law No. 09-_____

to Amend By-law No. 3692-92

Subject Property

Part of Block 1, Registered Plan 62M-1082

Block 1 - Change in Zoning from General Commercial "GC" Zone to a Modified Multiple Residential "RM2-18" Zone.

Block 2 - Refer to By-Law No.05-200

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CITY OF HAMILTON

BY-LAW No.

To Amend Zoning By-law No. 05-200,
Respecting Lands Located at the Southeast Corner of Dartmouth Gate and
Palacebeach Trail, Part of Block 1, Registered Plan 62M-1082, “Bridgeport -
Phase 2”, Former City of Stoney Creek

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply
to the different areas incorporated into the City by virtue of the City of Hamilton

AND WHEREAS the City of Hamilton is the lawful successor to the former
Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May,
2005;

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 , 2009, recommended that Zoning By-law
No. 05-200 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), approved by the Minister
under the Planning Act on May 12, 1986, upon approval of Official Plan
Amendment No. ;

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

1. That Map No. 1150 of Schedule “A” to Zoning By-law No. 05-200 is
amended by incorporating additional Conservation/Hazard Land (P5)
Zone boundaries for the applicable lands, the extent and boundaries of
which are shown as Block 2 on a plan hereto annexed as Schedule “A”;
2. 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.

3. That this By-law No. _____ shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said subsection.

**PASSED and ENACTED** this _____ day of _____, 2009.

__________________________  ____________________________
Fred Eisenberger            Kevin C. Christenson
Mayor                        Clerk

ZAC-08-070/OPA-08-016
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ......................, 2009

Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No.05-200

Subject Property

Part of Block 1, Registered Plan 62M-1082

- Block 1 - Refer to By-Law No.3692-92
- Block 2 - Lands to be zoned Conservation/HazardLand (P5) Zone.
Appendix “F” to Report PED09190
(Page 1 of 2)

A. J. Clarke and Associates Ltd.
SURVEYORS - PLANNERS - ENGINEERS

A. J. Clarke, O.L.S.
Geoff Aldworth, O.L.S.
B. Clarke, O.L.S., C.I.S.
Stephen Fraser, M.C.I.P., R.P.P.
Adi Iron, P.Eng.
Claudio Giannarco, P.Eng.

April 28, 2009

The City of Hamilton, Planning Division
Planning and Economic Development Department
77 James Street North, 4th Floor, Ste. 400
Hamilton, Ontario
L8R 2K3

Attn: Ms. Delia McPhail, MCIP, RPP
Planner II - East Team

Re: Palacebeach Trail & Dartmouth Gate, Stoney Creek
Part of Block 1, Plan 52M-1082 (Bridgeport Phase 2)
Rezoning and Official Plan Amendment Application(s)
City Files: OPA-08-016 & ZAC-08-070

Dear Delia:

Further to our recent correspondence and as required, please be advised that our client has agreed to the 1.5m flankage yard setback for the proposed corner unit. As such, please incorporate the following amendments into the ‘draft’ by-law and provide same to the undersigned for review prior to the public meeting.

- Notwithstanding the provisions of paragraphs (a), (b), (c), (d) and (h) of Section 6.9.3 “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned Multiple Residential “RMZ” Modified by this By-law, the following shall apply:

  (a) Minimum Lot Area = 175m².
  (b) Minimum Lot Frontage = 6.0m.
  (c) Minimum Front Yard = 5.8m.
  (d) Minimum Side Yard (end units) = 1.2m. Minimum Flankage Yard (corner unit) = 1.5m.
  (h) Maximum Building Height = 12.6m.

- In addition to the regulations of Section 4.19 “Yard Encroachments”, alcoves, etc., including foundation walls, may project into any required yard 0.5 metres. Except as specifically amended in this memorandum, the regulations of Section 4.19 should apply to the provisions in the amending by-law.

- Notwithstanding Section 4.13.1 “Special Setbacks – Daylight Triangles” and paragraphs (b) and (d) of Section 4.19.1 “Yard Encroachments –General Application” the following provision shall apply: Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building; 0.5 metres for a porch, including foundation walls; and, 0.0 metres for eaves or gutters.
Notwithstanding the provisions of paragraphs (a) and (b) of Section 4.10.3 "Dimensions of Parking Spaces" and paragraph (d) of Section 6.1.8 "Parking Restrictions in Residential Zones" of Zoning By-law No. 3692-92, on those lands zoned Multiple Residential "RM2" Modified by this By-law, the following shall apply: Each of the required two (2) parking spaces, including the required parking space within an attached private residential garage, shall not be less than 2.7 metres in width or less than 5.8 metres in length.

With respect to placing the subject lands within a "H" Holding Zone, we recommend that the City hold the amended By-law in abeyance before it is passed by Council until the following items are addressed:

(i) The Road Traffic Noise Impact Feasibility Study for the Bridgeport Subdivision shall be revised to reflect the proposed changes, to the satisfaction of the City of Hamilton, Director of Planning. The revised study may be subject to a Peer review and all costs associated with this review shall be borne by the owner/applicant.

(ii) The submission of engineering design drawings illustrating proposed servicing connections, driveway approaches, curbing, boulevard sodding, road restoration, etc. The applicant will also be required to provide a detailed grading plan along with cost estimate schedules prepared by a qualified engineer.

(iii) The submission of a grading plan detailing the existing and proposed grade elevations, in addition to documentation identifying any changes to the original approved stormwater management plan, as a result of the proposed changes.

Items (i) to (iii) have been submitted to the City for review, comment and approval. Kindly provide an update on the status of each item.

Our office and client would be pleased to discuss this matter further if needed. We hope this correspondence will enable City Staff to schedule the public meeting as soon as possible.

I trust this is satisfactory and thank you for your co-operation in this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours very truly,

Stephen Fraser, MCIP, RPP
Planner
A. J. Clarke and Associates Ltd.

Encl.

Copy via email: Mr. Stephen Robichaud, City of Hamilton
Mr. Dan Gabriele, Marz Homes
Mr. Adi Irani, A. J. Clarke and Associates Ltd.
<table>
<thead>
<tr>
<th>Type of Residential</th>
<th><strong>“RM2”</strong></th>
<th><strong>“RM2-11”</strong> (North side of Palacebeach Trail)</th>
<th>Modified <strong>“RM2-18”</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>180 m² (interior unit)</td>
<td>240 m² (end unit)</td>
<td>270 m² (corner unit)</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>6.0 metres (interior unit)</td>
<td>8.0 metres (end unit)</td>
<td>9.0 metres (corner unit)</td>
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<tr>
<td>Minimum front yard setback</td>
<td>6.0 metres</td>
<td>3.0 metres</td>
<td>5.8 metres</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
<td>2.0 metres (end unit)</td>
<td>1.2 metres (end unit)</td>
<td>1.2 metres (end unit)</td>
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<td>Minimum rear yard setback</td>
<td>7.5 metres</td>
<td>5.0 metres</td>
<td>Same as RM2 Zone</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>11.0 metres</td>
<td>12.6 metres</td>
<td>Same as RM2-11 Zone</td>
</tr>
</tbody>
</table>

**Other requirements**

**Accessory Buildings in Residential Zones (Section 6.1.4 (a) & (b))**

An accessory building may be located in any yard except the front yard, and shall be located a minimum distance of 8 metres from the front lot line, 0.5 metres from any other lot line, and the maximum building height shall be 4.5 metres; except that a detached garage or detached carport which fronts on the flankage lot line shall be located at least 5.5 metres from the flankage lot line.

The total lot coverage for all accessory buildings shall not exceed 10 percent of the total lot area but in no case shall the total lot coverage of all buildings on a lot exceed the maximum lot coverage permitted in the respective zone.

The minimum interior side yard for a detached garage shall be 0.0 metres. All other regulations of paragraph (a) of Section 6.1.4 shall apply.

Paragraph (b) of Section 6.1.4 shall not apply to detached garages abutting a private common element condominium driveway.

**Yard Encroachments (Section 4.19)**

Silent on required flankage yard.

Not more than 4.0 metres for required rear yard.

Porches and balconies, including foundation walls, may project 1.5 metres into the required flankage yard.

Porches, alcoves, etc., including foundation walls, may project 0.5m into any required yard.

**Special Setbacks – Daylight Triangles (Section 4.13.1)**

Any lot located at the intersection of two or more roads or railway rights-of-way will require a minimum yard of 3.0 metres from the hypotenuse of the daylight triangle.

Eaves or gutters, for other than an accessory building, which may project into any

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building; 0.5 metres for a porch, including porch foundation walls; and, 0.0 metres for eaves or gutters.

Same as RM2-11 Zone
<table>
<thead>
<tr>
<th>Dimensions of Parking Spaces (Section 4.10.3 (a) &amp; (b))</th>
<th>Required parking spaces for 90° perpendicular parking shall have minimum rectangular dimensions of 2.75 metres by 5.8 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose. For other than 90° perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 3 metres in width or less than 6 metres in length exclusive of any land used for access, manoeuvring, driveways or a similar purpose. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.</th>
<th>One parking space within a private residential garage shall not be less than 2.7 metres in width or less than 5.8 metres in length. Each of the required two (2) parking spaces, including the required parking space within an attached private residential garage, shall not be less than 2.7 metres in width or less than 5.8 metres in length.</th>
</tr>
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<tbody>
<tr>
<td>Parking Restrictions in Residential Zones (Section 6.1.8 (d))</td>
<td>Required yard a distance of not more than 0.5 metres. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 1.5 metres. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Balconies and decks may project into a privacy area of a townhouse development not more than 4.5 metres. Notwithstanding the foregoing, any deck or patio which is less than .3 metres in height may be located in any required yard.</td>
<td>Modified “RM2-18” (North side of Palacebeach Trail)</td>
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