SUBJECT: Application to Amend City of Stoney Creek Zoning By-Law No. 3692-92 for the Property Located at 500 Glover Road (Stoney Creek) (PED06159) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-06-23, by Pinewood Construction, c/o Joe Italiano, owner, for a change to Zoning By-law No. 3692-92, from the Neighbourhood Development “ND” Zone to a modified Single Residential “R3-27” Zone, to permit the creation of seven lots for single detached dwellings, and one part lot for future development in conjunction with the adjoining lands, for lands located at 500 Glover Road, as shown on Appendix “A” to Report PED06159, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED06159, which has been prepared in a form satisfactory to the City Solicitor, be forwarded to Council for enactment.

(b) That the amending By-law be added to Schedule “A”, Map No. 3 of Zoning By-law No. 3692-92.

(c) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and the Stoney Creek Official Plan.
EXECUTIVE SUMMARY:

The applicant is requesting a Zoning By-law Amendment to permit the subject lands to be developed for seven single detached residential dwelling lots, and a part lot for future development in conjunction with the adjoining lands (see Appendix "B"). The proposed Zoning By-law Amendment has merit, as it is consistent with the "Residential" policies of the Stoney Creek Official Plan and implements a condition of severance approval. The proposal is an appropriate infill development that efficiently uses urban land and existing municipal services.

BACKGROUND:

Proposal

The purpose of the application is to provide for a change in zoning from the Neighbourhood Development “ND” Zone to a modified Single Residential “R3-27” Zone. The effect of the application is to permit the creation of seven lots for single detached dwellings, and a part lot located on the southerly portion of the subject lands for future development in conjunction with the adjoining lands (see Appendix “B”). The proposed site-specific modification to the zoning regulations is to reduce the minimum lot area requirement for three interior lots shown as Parts 2, 3, and 4. The attached zoning sketch identifies a 3.04 metre remnant piece of land shown as Part 8. With respect to this portion of the lands, the applicant has advised that his intentions are to enter into an agreement with the abutting land owner to the southeast to ensure that the remnant lands are appropriately developed through future land assembly. This remnant sliver of land is also subject to the four concurrent consent applications mentioned below.

Consent Applications (Files SC/B-06:64, SC/B-06:65, SC/B-06:66, and SC/B-06:67)

The applicant has concurrently submitted four consent applications to the Committee of Adjustment in order to sever the subject lands into the seven building lots and one partial lot for future residential (see Appendix “B”). The consent applications were approved by the Committee of Adjustment on May 17, 2006, subject to conditions, including the subject rezoning.

Zoning Application (File No. ZAC-05-30)

Last year, the lands to the west fronting Glover Road (500 Glover Road) were also subject to concurrent severance applications and a change in zoning to facilitate the creation of four building lots for single detached dwellings. The proposed applications were approved, subject to two Holding provisions. These provisions were for the requirement of receiving final approval of a Consent Application to sever a 4.5 metre wide strip of land and the completion of an archaeological assessment, to the satisfaction of the Director of Development and Real Estate and the Ministry of Culture. The Holding provisions were lifted by Council on September 14, 2005. Development on those lands has proceeded accordingly.
The lands to the south of the subject site comprise Block 19 in the draft approved plan of subdivision known as “506 Glover Road” (see Appendix “D”). This subdivision is also related to Zoning Application ZAC-05-27. The subject lands abut this larger tract of land, which is located to the east. The intent of the approved Draft Plan is to subdivide the lands into eighteen building lots for single detached residential dwellings, as per the modified Single Residential “R4-13” Zone approved by Council on July 13, 2005. The owner is progressively fulfilling conditions of draft plan approval and moving towards plan registration. The road identified in the draft approved plan (now known as “Springbreeze Heights”) would serve as access to the subject lands from Glover Access Road.

**Location:**
500 Glover Road (Stoney Creek)

**Owner/Applicant:**
Pinewood Construction c/o Joe Italiano

**Property Description:**
- **Frontage:** 91.696 metres along new subdivision road (now called Springbreeze Heights)
- **Flankage:** 28.956 metres along Glover Access Road
- **Lot Area:** 2,724.841 square metres

**Existing Land Use and Zoning**

<table>
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<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
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**Surrounding Lands:**

| North:          | Single Detached Dwellings | Rural Residential “RR” Zone |
| East:           | Vacant and Single Detached Dwellings | Single Residential “R4-13” Zone |
| South:          | Single Detached Dwellings | Rural Residential “RR” Zone |
| West:           | Vacant and Single Detached Dwellings | Single Residential “R3-24” Zone |
ANALYSIS/RATIONALE:

1. The proposed Zoning Amendment has merit and can be supported for the following reasons:

   i) The proposal is consistent with the Provincial Policy Statement.
   
   ii) The proposal conforms with, and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan.
   
   iii) The proposal is consistent with the “Residential” designation of the Official Plan, and the “Low Density Residential” designation of the Urban Lakeshore Area Secondary Plan.
   
   iv) The proposed development is compatible with existing and planned single detached residential dwellings in the neighbourhood, and is in keeping with the character of the surrounding area.
   
   v) It implements a condition of severance approval.

2. The proposed residential development is within 100 metres of Lake Ontario, and thereby may have archaeological potential. As part of the previous change in zoning (File No. ZAC-05-30) for the west portion of the lands at 500 Glover Road in 2005, the applicant had earlier retained a professional archaeologist to conduct an assessment for all of the lands municipally known as 500 Glover Road in order to potentially mitigate, through preservation or resource removal and documentation, any adverse impacts to any significant archaeological resources found. That assessment has since been completed to the satisfaction of the Director of Development and Real Estate, and Ministry of Culture.

3. To implement the proposed development, a modification in zoning is required with respect to the minimum lot area for three interior lots (Parts 2, 3, and 4 on Appendix “B”). The applicant is proposing a minimum interior lot area of 350 square metres, whereas 370 square metres is required. This modification can be supported as the decrease in area is minor in nature, thereby maintaining the intent of the Zoning By-law.

ALTERNATIVES FOR CONSIDERATION:

Should the application for a change in zoning not be approved, development of the subject lands for the construction of only one single detached dwelling pursuant to the Neighbourhood Development “ND” Zone could occur.
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 Zoning By-law Amendment.

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 policy of focusing growth in settlement areas (1.1.3.1).

**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 Urban Areas. As well, Policy 3.1 outlines that these areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The application conforms to the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan**

The subject property is designated “Residential” on Schedule ‘A’ – General Land Use Plan, and “Low Density Residential” on Schedule ‘A4’ – Urban Lakeshore Area Secondary Plan of the City of Stoney Creek Official Plan. The following policies, among others, would be applicable to the proposed development:

**Residential**

1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21 and A.1.2.22 and other policies of the Plan.

1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:
a) LOW DENSITY – approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential neighbourhoods adjacent to local roads.

1.2.14 Within each of the Secondary Plan's Residential Density designations outlined in Policy 1.2.12 of this Subsection, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation. Such restrictions will be implemented to preserve the character of a neighbourhood and to promote compatibility of dwelling unit types with surrounding existing and proposed land uses.

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 in order 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; and,

   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.

Historic and Architectural Resources

5.2.3 Should sites with archaeological significance within the City warrant conservation, Council shall consult with the appropriate Provincial Ministry for advice concerning the conservation and protection of such sites.”

This proposal conforms to the City of Stoney Creek Official Plan Policies.

Neighbourhood Plan

The subject lands are identified as “Low Density Residential” in the approved Trillium Neighbourhood Plan. The proposed development conforms to the Neighbourhood Plan.
RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Public Works Department (Traffic Engineering & Operations Section)
- Public Works Department (Operations and Maintenance - Forestry Section)
- Corporate Services (Budgets and Finance)

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application was pre-circulated to 63 property owners within 120 metres of the subject lands, and a Public Notice sign has been posted on the property. To date, no comments have been received from the public. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes □ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes □ No
Human health and safety are protected.

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

:JM
Attachs. (4)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 500 Glover Road

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 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;

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

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

   i) By changing from the Neighbourhood Development “ND” Zone to the Single Residential “R3-27” Zone, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R3-27", as follows:

"R3-27" 500 Glover Road, Schedule "A", Map No. 3

Notwithstanding the provisions of Paragraph (a) of Subsection 6.4.3 Zone Regulations, of the Single Residential “R3” Zone, on those lands zoned “R3-27” by this By-law, a minimum interior lot area of 350 square metres shall be provided and maintained.

3. That 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, and 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-06-23
This is Schedule “A” to By-Law No. 06—

Passed the .................... day of ...................., 2006

Clerk

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule “A”

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

Subject Property
500 Glover Road, Stoney Creek

Change in Zoning from the Neighbourhood Development “ND” Zone to the site-specific Single Residential “R3-27” Zone