

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: May 19, 2006	Prepared by: Greg Macdonald (905) 546-2424, Ext. 4283
File: OPA-05-24/ZAC-05-125	

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9)

RECOMMENDATION:

- (a) That approval be given to the application by **HAD Developments (c/o Al Goulding), owner**, for Official Plan Amendment No.____, for a portion of the property located at 1050 Paramount Drive (Stoney Creek), as shown on Appendix "A" to Report PED06167, for a change in designation on Schedule "A" – General Land Use Plan from "Shopping Centres" to "Residential", and on Schedule "A3" – Secondary Plan West Mountain Planning District Heritage Green Section from "Neighbourhood Shopping Centre" to "Medium Density Residential".
- (b) That approval be given to **Zoning Application ZAC-05-125, by HAD Developments (c/o Al Goulding), owner**, for a change in zoning from the Local Commercial "LC-5" Zone to the Multiple Residential "RM2-14" Zone (Block "1"), to permit eight street townhouses having frontage onto Mistywood Drive, and for a further modification to the Local Commercial "LC-5" Zone (Block "2"), to permit a medical clinic within the existing commercial plaza, on the property located at 1050 Paramount Drive (Stoney Creek), as shown on Appendix "A" to Report PED06167, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED06167, 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. 10, of Zoning By-law No. 3692-92.

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) - Page 2 of 8

- (iii) That upon finalization of the implementing Zoning By-law, the Albion Neighbourhood Plan and the Heritage Green Neighbourhood Plan be amended to reflect the change in designation from “Commercial – Neighbourhood Shopping Centre” to “Medium Density Residential”, applicable to Block “1”, as shown on Appendix “A” to Report PED06167.
- (iv) 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. ____.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applications are for an Official Plan Amendment and change in zoning in order to permit the development of eight street townhouse dwellings having frontage onto Mistywood Drive (see Appendix “C”). In addition, the applicants have requested a further modification in zoning in order to permit the use of a medical clinic within the existing commercial plaza. As a result of the introduction of the townhouses on Mistywood Drive, the existing parking configuration for the commercial plaza will be revised. However, all 105 existing parking spaces will continue to be provided. The applications have merit and can be supported as they are consistent with the Provincial Policy Statement, and provide for residential development that is compatible with the existing residential character. The applications also conform with the Hamilton-Wentworth Official Plan and provide an appropriate infill residential development, while retaining the existing neighbourhood commercial uses. The proposed medical clinic conforms with and implements the “Neighbourhood Shopping Centre” designation of the City of Stoney Creek Official Plan.

BACKGROUND:

Proposal

The applications are for an Official Plan Amendment from the “Shopping Centres” and “Neighbourhood Shopping Centre” designations to the “Residential” and “Medium Density Residential” designations, and for a change in zoning from the Local Commercial “LC-5” Zone to the Multiple Residential “RM2-14” Zone, to permit eight street townhouses (Block “1”) with no maximum lot coverage requirement, and for a further modification to the Local Commercial “LC-5” Zone to permit a medical clinic (Block “2”).

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) - Page 3 of 8

Location: 1050 Paramount Drive (Stoney Creek)

Owner: HAD Developments (c/o Al Goulding)

Agent: Planning and Engineering Initiatives Limited

Property Description: Frontage: Approx. 150m (Paramount Drive)
Depth: 95.54m (along Mistywood Drive)
Lot Area: 1,686.4m² (proposed "RM2" Zone)
12,142m² (remnant "LC-5" Zone)

Servicing: Full municipal services

EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Commercial Plaza	Local Commercial "LC-5" Zone
North	Single detached dwellings	Single Residential "R2" Zone
South	Multiple Dwelling	Multiple Residential "RM5-4" Zone
East	Single detached dwellings and street townhouses	Single Residential "R3" Zone and Multiple Residential "RM2" Zone
West	Single detached dwellings and elementary school	Single Residential "R3" Zone and Small Scale Institutional "IS" Zone

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the principles and policies of the Provincial Policy Statement, in that the proposal implements Policies 1.1.3 and 1.4 pertaining to providing a mix of densities and land uses, which efficiently use land and resources, and provides for intensification and redevelopment that takes into account existing building stock.
 - (ii) It conforms with and implements the "Urban Area" designation of the Hamilton-Wentworth Official Plan.

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) - Page 4 of 8

- (iii) It conforms with and implements the “Residential” intensification policies of Subsection A.1.2.9 of the City of Stoney Creek Official Plan, which also supports the provision of a full range of housing types and prices.
 - (iv) The proposed townhouses are an example of an infill residential development supporting the principles of intensification, and provides for a use compatible with the residential character of the surrounding land uses.
 - (v) The proposed medical clinic is consistent with existing commercial uses in the commercial plaza and would provide medical services to the local residential community.
2. The applicant proposes to construct eight street townhouses on a portion of a property currently containing two commercial buildings (see Appendix “C”). One building is a commercial plaza with a range of uses, and the other is a bank. The proposed street townhouses would have frontage on Mistywood Drive and would be located to the east of an existing driveway to the plaza. Each townhouse would provide 2 parking spaces, one in an attached garage and one in the driveway. The location of the townhouses is located on an undeveloped portion of the commercial property. However, to accommodate the townhouses, a relocation of some parking spaces would be required to ensure that the existing commercial development continues to provide the required 105 parking spaces. It is intended that upon approval of the necessary zoning, the townhouses would be subdivided into individual freehold lots, rather than be developed for rental or condominium units.
3. The applicant has proposed to rezone the portion of the property for townhouses to the Multiple Residential “RM2” Zone (Block “1” on Appendix “A”). The eight proposed lots for street townhouses would conform to the Multiple Residential “RM2” Zone, except for the requirement for maximum lot coverage of 50%. The proposed lots would have a coverage of 51% and the applicant has indicated that due to the design of the units, a reduction to 50% is not possible. The proposed townhouses would conform to all minimum front, side, and rear yard setback requirements, and would provide the required privacy areas and landscaped open space.
- Should the townhouses be built to the maximum size the setbacks would allow, a lot coverage of approximately 56.5% would be provided. Therefore, as dwelling size can be adequately regulated through minimum setback requirements, a modification to delete the minimum lot coverage requirement can be supported.
4. The proposed townhouses are subject to site plan control. In this regard, matters such as landscaping, fencing, grading and drainage, and servicing will be addressed through an application for Site Plan Control. Revisions to the existing parking area for the commercial plaza and landscaping to buffer the proposed townhouses would require an amendment to the previously approved site plan.

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) - Page 5 of 8

5. The applicants have also requested a further modification to the existing Local Commercial “LC-5” Zone (Block “2”) in order to permit a medical clinic within the existing commercial plaza. The applicant has advised that the requirement for the change in zoning was identified when building permits were initiated for internal renovations to introduce the use into a portion of the plaza. However, it should be noted that based on a site visit, it appears that the medical office has since opened. The Planning and Economic Development Department does not condone the introduction of any use prior to final zoning approval.

The proposed medical clinic is consistent with other uses already permitted within the existing Local Commercial “LC-5” Zone, including veterinary clinic, bakery shop, day nurseries, banks, personal service shops, retail stores, and professional offices (such as offices for accountants, lawyers, travel agencies, or other consultants), and would provide health services to the local community. Medical uses are permitted within similar local/neighbourhood commercial zones in both the former Township of Glanbrook and the City of Hamilton Zoning By-laws, and the existing 105 parking spaces for the commercial plaza conforms to the Zoning By-law. The subject property is designated “Neighbourhood Shopping Centre” in the City of Stoney Creek Official Plan (West Mountain Planning District Heritage Green Section Secondary Plan), not “Local Commercial”. Therefore, the proposed medical clinic is consistent with the type of commercial uses envisioned within the “Neighbourhood Shopping Centre” designation and serves to implement this designation.

ALTERNATIVES FOR CONSIDERATION:

Should the applications be denied, the lands can only be utilized for commercial uses subject to the provisions of the Local Commercial “LC-5” Zone. The proposed infill townhouses would not be permitted nor would the medical clinic be permitted to be located within the existing plaza.

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 Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. Policy 1.1.3.2 provides that land use

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) - Page 6 of 8

patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources. Policy 1.1.3.3 provides that planning authorities shall identify and promote opportunities for intensification and redevelopment. In addition, the housing policies of Section 1.4 also promote the provision of a range of housing types and densities through residential intensification and redevelopment. In this regard, the proposal is consistent with the principles and policies of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

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

City of Stoney Creek Official Plan

The subject property is designated “Shopping Centres” on Schedule “A”, General Land Use Plan and “Neighbourhood Shopping Centre” on Schedule “A3”, West Mountain Planning District Heritage Green Section Secondary Plan in the City of Stoney Creek Official Plan. An Official Plan Amendment is required to redesignate the portion of the subject lands that the proposed townhouses would be located on (Block “1” on Appendix “A”) from “Shopping Centres” and “Neighbourhood Shopping Centre” to “Residential” and “Medium Density Residential”, in order to permit the proposed residential development. The following policy of the City of Stoney Creek Official Plan pertaining to the proposed townhouses, among others, is applicable to the proposed development:

“A.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.”

In addition, the following policy pertaining to the proposed medical clinic is applicable to the proposed development:

“A.3.3.1.2 The Shopping Centre designation applies primarily to a broad range of commercial uses including department stores, retail shops and personal service shops, restaurants, offices, places of entertainment, recreation and assembly, financial institutions, automobile service stations, motor vehicle sales rooms and motor vehicle sales lots, and uses similar and accessory to the foregoing...”

Neighbourhood Plan

The subject property is designated “Commercial – Neighbourhood Shopping Centre” in the approved Albion Neighbourhood Plan. An amendment to the plan (applicable only to Block “1” on Appendix “A”) is required to re-designate the portion of the property for street townhouses to “Medium Density Residential”.

SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Property Located at 1050 Paramount Drive (Stoney Creek) (PED06167) (Ward 9) - Page 7 of 8

RELEVANT CONSULTATION:

Hamilton Street Railway has advised that route #11, Parkdale, and route #43, Stone Church, operate along Paramount Drive; that in-fill developments close to transit routes provide opportunities to generate additional ridership; that mixed land uses contribute to a healthy transit operation; and, that suitable pedestrian amenities should be provided.

Bell Canada has advised that an easement may be required to service the subject property and that a more detailed review will occur under any applications for draft plan of subdivision, draft plan of condominium or site plan.

Public Works Department (Forestry and Horticulture Section) has advised that there are Municipal Forestry conflicts due to five Locust trees located on or adjacent to the Mistywood Drive road allowance. A tree management plan will be required as part of any application for site plan control.

Public Works Department (Traffic Engineering and Operations Section) has advised that the driveway for the westerly most townhouse unit should be situated on the east side of the unit so as to not interfere with the radius limits of the adjacent commercial driveway off Mistywood Drive.

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the applications were circulated to 328 property owners within 120 metres of the subject property. In addition, a Public Notice sign was erected on the property on January 27, 2006. As a result of the circulation, comments were received from one neighbouring property owner (see Appendix "D") in opposition to the application with specific concern that the development may bring more social housing (rent geared to income) into the neighbourhood. It should be noted that zoning cannot be utilized to regulate tenure of a development (rental or condominium), nor can it be utilized to regulate the type of people that may purchase or rent a unit, or whether the townhouses would be part of any affordable housing program of the City of Hamilton. However, the applicant has advised that there is no intent on developing the townhouses under any affordable housing program and no applications for funding under any of these programs have been submitted. It is the applicant's intent to create eight freehold street townhouses to be sold to individual property owners.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. Yes No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

**SUBJECT: Applications for an Official Plan Amendment and Change in Zoning
for the Property Located at 1050 Paramount Drive (Stoney Creek)
(PED06167) (Ward 9) - Page 8 of 8**

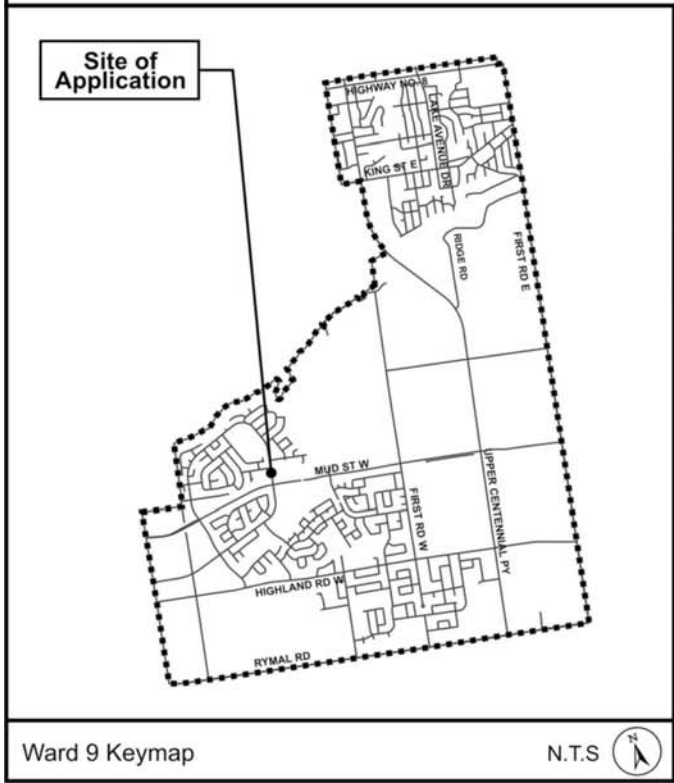
Environmental Well-Being is enhanced. Yes No
Human health and safety are protected.





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. (4)



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		 Hamilton
<h2 style="margin: 0;">Location Map</h2>		
File Name/Number: ZAC-05-125 / OPA-05-24		Date: December 22, 2005
Appendix "A"	Scale: N.T.S.	Planner/Technician: GM/MC
<p>Subject Property 1050 Paramount Drive, Stoney Creek</p> <p> Block 1 - Change in Zoning from the Local Commercial "LC-5" Zone to the Multiple Residential "RM2-14" Zone and Official Plan Amendment from "Local Commercial" to "Medium Density Residential"</p> <p> Block 2 - Modification to the Local Commercial "LC-5" Zone</p>		
Ward 9 Keymap		N.T.S. 

Authority: Item , Planning and Economic
Development Committee
Report: 06- (PED06167)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property
Located at 1050 Paramount Drive**

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. That Map No. 10 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Local Commercial "LC-5" Zone to the Multiple Residential "RM2-14" Zone, the lands comprised of Block "1", the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 6.9.6, "Special Exemptions", of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision "RM2-14", to include the following:

"RM2-14 1050 Paramount Drive (Mistywood Drive), Schedule "A", Map No. 10

That the provisions of Paragraph (i), Maximum Lot Coverage, of Subsection 6.9.6 Zone Regulations of the Multiple Residential "RM2" Zone shall not apply to those lands zoned "RM2-14" by this By-law."

3. That Subsection 8.2.4, "Special Exemptions", of Zoning By-law No. 3692-92 (Stoney Creek), be amended by modifying the special requirements of the "LC-5" Zone by adding the words ", medical clinic" after "a veterinary clinic" in the second line of the first paragraph so that it shall read as follows:

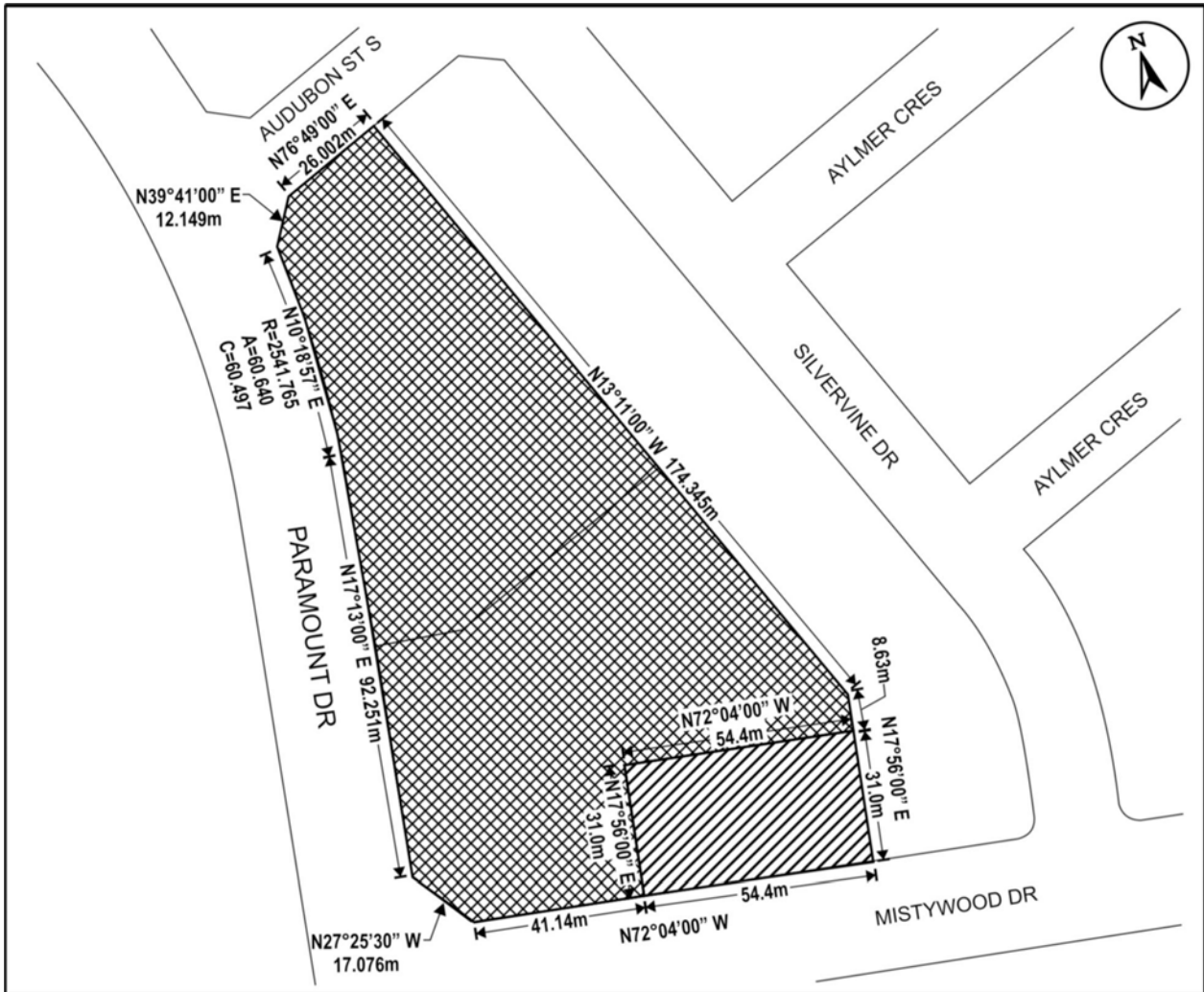
"In addition to the uses permitted in Section 8.2.2 of the Local Commercial "LC" Zone, on those lands zoned "LC-5" by this By-law, a veterinary clinic, medical clinic and bakery shop may also be permitted"

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM2" Zone provisions, subject to the special requirement referred to in Section 2, and the Local Commercial "LC-5" provisions, subject to the special requirement referred to in Section 3.
5. 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



This is Schedule "A" to By-Law No. 06 —

Clerk

Passed the day of, 2006

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

1050 Paramount Drive, Stoney Creek



Block 1 - Change in Zoning from the Local Commercial "LC-5" Zone to the Multiple Residential "RM2-14" Zone



Block 2 - Modification to the Local Commercial "LC-5" Zone

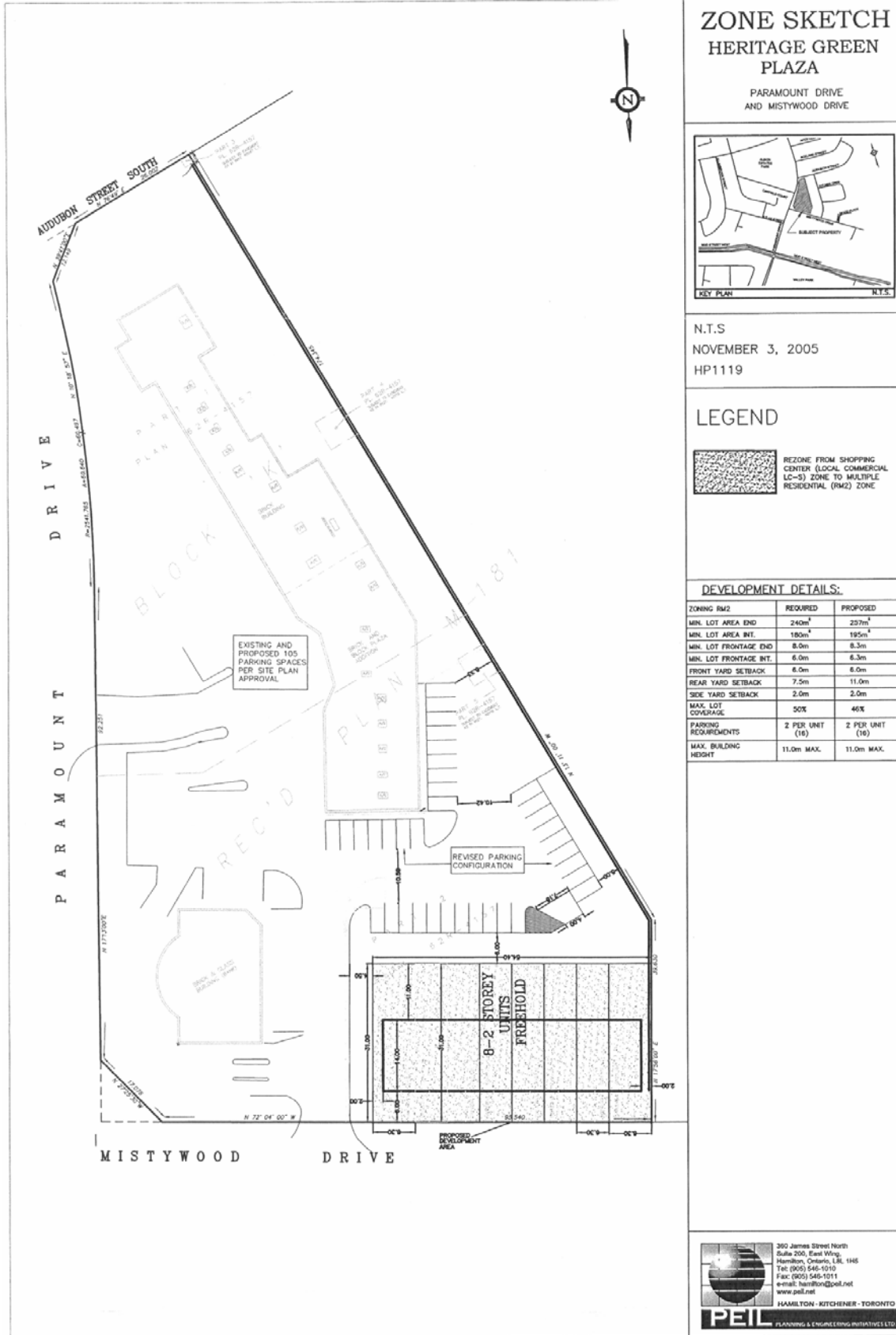
Scale:
Not to Scale

File Name/Number:
ZAC-05-125/OPA-05-24

Date:
April 2006

Planner/Technician:
GM/MF





-----Original Message-----

From: peter [mailto:]
Sent: Friday, January 27, 2006 11:42 AM
To: Macdonald, Greg
Subject: Letter dated January 19th - Change Zoning

Dear Mr. Macdonald:

Received your letter re: changing of zoning from commercial to putting in Townhomes. We are not pleased to hear this and several people that live in this area do not want this. We have enough townhomes - especially geared to income in the neighbourhood (especially near the beautiful seniors apartments which several of our parents live in. Enough some townhomes have been purchased by the city and were privately owned now geared to income. Enough is Enough we are trying to take our neighbourhood back the way it used to be. We urge you to please leave it commercial. Seniors have been harassed everyday by the geared to income housing (which is a terrible sin) and so many kids hang around the plaza as is - just touch base with the Hamilton Police Department. People in this neighbourhood are fed up as is. I do believe that our voices should be heard once and for all.

Margaret Schonfelder

2/3/2006