SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9)

RECOMMENDATION:

(a) That approval be given to amended Draft Plan of Subdivision Application 25T-200706 by Tobyn Park Homes Inc., Owner, to establish a Draft Plan of Subdivision known as “Tobyn Park Homes”, on lands located within Part of Lots 31 and 32, Concession 7, municipally known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek), as shown on Appendix “A” to Report PED09201, subject to the following conditions:

(i) That this approval apply to “Tobyn Park Homes”, as red-line revised, prepared by MacKay, MacKay & Peters Ltd., and certified by Dasha Page, OLS, dated January 29, 2009, showing 55 lots (Lots 1-55) for single detached dwellings, two blocks (Blocks 58 and 60) for a maximum of 67 townhouse dwelling units, one block (Block 56) for a maximum 111 unit retirement home, one block (Block 59) for an open space channel, one block (Block 57) for a road widening, and the creation of one street (Street “A”), attached as Appendix “B” to Report PED09201, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E”;
(ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Reserve with respect to this development for the following item:

(1) Urbanization of Highland Road West from Winterberry Drive to Upper Mount Albion Road, including any necessary intersection improvements, the Owner shall be responsible for 100% of the underground works, and 50% of the aboveground works based on a local road. The City will pay 50% of the aboveground works and any oversizing in accordance with the City’s financial policies at the time of development;

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1 - 55) and the retirement home (Block 56) within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit. Payment of Cash-in-Lieu of Parkland for Blocks 58 and 60 will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;

all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Official Plan Amendment Application OPA-07-010, by Tobyn Park Homes Inc., Owner, for Official Plan Amendment No., to amend Schedule “A”, General Land Use Plan, from “Open Space” to “Institutional”, from “Institutional” to “Residential”, and from “Residential” to “Open Space”, and Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green), from “Institutional” to “Open Space”, from “Community Park” to “Institutional”, from “Institutional” to “Low Density Residential”, from “Institutional” to “Medium Density Residential”, from “Institutional” to “General Open Space”, from “Elementary School” to “Medium Density Residential”, from “Elementary School” to “General Open Space”, and from “Elementary School” to “Low Density Residential”, of the Official Plan for the City of Stoney Creek, on lands municipally known as 309 Highland Road West, Stoney Creek, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “F” to Report PED09201, be adopted by City Council.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) - Page 3 of 20

(c) That approval be given to Zoning Application ZAC-07-040, by Tobyn Park Homes Inc., Owner, for changes in zoning from the Neighbourhood Development “ND” Zone to: the Major Institutional (I3) Zone (Block 1); the Single Residential “R4-20” Zone, with a Special Exception (Block 2); the Single Residential “R4” Zone (Blocks 3 and 4); the Multiple Residential “RM3-33” Zone, with a Special Exception (Block 5); the Multiple Residential “RM3-39” Zone, with a Special Exception (Block 6); and, the Conservation/Hazard (P5) Zone (Block 7), on lands municipally known as 390 Highland Road West, Stoney Creek, as shown on Appendix “A” to Report PED09201, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09201, 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. 15 of Zoning By-law No. 3692.

(iii) That the draft By-law, attached as Appendix “D” to Report PED09201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map No. 1502 of Zoning By-law No. 05-200.

(v) 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 finalization of Official Plan Amendment No.

(d) 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 the Official Plan Amendment No. in Recommendation (b) is final and binding.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the applications is to amend the Official Plan and Zoning By-law for the City of Stoney Creek, and receive approval of a draft plan of subdivision known as “Tobyn Park Homes” (see Appendix “B”). The proposal will permit the development of the lands for approximately 55 single detached dwellings, a 111 unit retirement home, 67 townhouse condominium units, one block for open space, one block for a road widening, and Street “A” to establish a public right-of-way.

The proposal has merit and can be supported since the Official Plan Amendment (see Appendix “I”), changes in zoning, and draft plan of subdivision are consistent with the Provincial Policy Statement and Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the surrounding area.

BACKGROUND:

History

The subject lands are located on the north side of Highland Road West, east of Upper Mount Albion Road and west of Winterberry Drive, in the former City of Stoney Creek, now in the City of Hamilton. The lands are legally described as Part of Lots 31 and 32, Concession 7, in the Former Township of Saltfleet, and municipally known as 390 Highland Road West (see Appendices “A” and “I”).

The City of Stoney Creek Official Plan designations were established through the secondary planning process. The Secondary Plan - West Mountain Planning District, Heritage Green, was approved by Council as Official Plan Amendment No. 23 on December 15, 1993. The land use designations were carried forward into the new Urban Official Plan for the City of Hamilton that is before the Ministry of Municipal Affairs and Housing for approval. The lands were previously owned by the Ontario Realty Corporation (ORC); however, ORC deemed the subject property as surplus and, therefore, to be disposed of. ORC policy requires that Crown land deemed as surplus be circulated to ensure that no alternate government(s) or agencies require the surplus lands. This was done in 2005, and since no government or agency required the lands, they were disposed of accordingly, and the applicant (Tobyn Park Homes) acquired them.
**Proposal**

The applicant has submitted a revised draft plan of subdivision application to establish single detached lots fronting onto Highland Road West and Winterberry Drive, as well as onto a proposed public right-of-way (Street “A” in Appendix “B”). The draft plan also includes proposed townhouse units which are internal to the overall plan and have been innovatively designed to accommodate a unique residential real estate market. The two medium density blocks shown on the draft plan will be further reviewed through site plan control. There is an open space block which will recognize the existing watercourse and provide for a floodplain protection area, and also implement a trail as part of the Council Approved East Mountain Loop Trail System. There is an institutional block located to the far west of the overall plan that has been identified as a four-storey retirement home (see Appendix “B”). Both the open space block and institutional block will be regulated under the City of Hamilton By-law No. 05-200.

Corresponding applications to amend the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92 were also required to implement the proposed residential uses in the revised draft plan of subdivision application (see Appendix “B”). As part of the initial submission of the application in June 2007, agency and departmental feedback was provided. The circulation resulted in minor modifications to the original draft plan, which included a widening of the open space block to accommodate a greater floodplain buffer and the inclusion of two additional townhouse units in Block 58 of the draft plan submission. Engineering concerns were also identified and addressed accordingly. The applicant is proposing the following amendments:

- 55 Single-detached Dwelling Units (Lots 1 to 55)
- 67 Townhouse Dwelling Units (Blocks 58 and 60)
- 111 unit Retirement Home (Block 56)
- Open Space Channel (Block 59)
- Road Widening (Block 57)
- Public Right-of-Way (Street “A”)

The retirement home units (Block 56) will be regulated by City of Hamilton By-law No. 05-200 as it is a Major Institutional Use. With respect to the low and medium density residential blocks; the applicant has proposed modifications to the existing zoning so as to implement the revised draft plan of subdivision. The proposed rezoning application will require modifications to the parent Multiple Residential “RM3” and the Single Residential “R4” Zones.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) - Page 6 of 20

The modifications to the site-specific Multiple Residential “RM3-33” and “RM3-39” Zones are as follows (see Appendices “G” and “H”):

- Reducing the minimum lot frontage from 50 metres to 13.5 metres.
- Increasing the maximum allowable density from 40 units per hectare to 45 units per hectare.
- Reducing the minimum landscaped open space from 50% to 45% for both blocks.
- Reducing the minimum visitor parking from 0.5 spaces to 0.35 spaces for each maisonette and townhouse dwelling unit.
- Allowing a parking space to be located 0.0 metres from an Open Space Zone, whereas no parking spaces shall be provided closer than 3.0 metres to any lot line.
- Allowing a grouping of three or more parking spaces to be located 1.5 metres from the front and 2.0 metres from the side of the proposed townhouse units on the same lot, whereas 3.0 metres is required.

The modification to be incorporated into the site-specific Single Residential “R4-20” Zone is as follows:

- Reducing the minimum lot frontage for a corner lot from 13.0 metres to 9.3 metres (Lot 36).

Details of Submitted Applications

Location: Part of Lots 31 and 32, Concession 7, in the Former Township of Saltfleet (Stoney Creek), and municipally known as 390 Highland Road West

Owners: Tobyn Park Homes Inc.

Agent: IBI Group Inc. (c/o George Zajac)

Property Size: Area: 5.69 hectares
Frontage: 498.45 metres (Highland Road West)
Flankage: 140.74 metres (Upper Mount Albion Road)

Servicing: Full Municipal Servicing
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) - Page 7 of 20

EXISTING LAND USE AND ZONING:

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ANALYSIS/RATIONALE:

1. The proposed Official Plan Amendment, changes in zoning, and draft plan of subdivision have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement and the Places to Grow Plan.

   (ii) They conform to the Hamilton-Wentworth Official Plan.

   (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

   (iv) The proposed development represents good planning by providing a compact urban form.
2. The implementing Zoning By-law has been drafted to accommodate the modifications in a compressive manner for the two townhouse blocks (see Appendix “C” - Blocks 5 and 6).

The proposed zoning modifications to the parent Multiple Residential “RM3” and Single Residential “R4” Zones are explained below:

**Minimum Lot Frontage** (RM3 Zone, see Appendix “C” - Block 6)

The proposed development provides for two townhouse blocks internal to the overall draft plan of subdivision one located easterly (Block 60 - see Appendix “H”), and one located westerly (Block 58 - see Appendix “G”) of the open space block. Both blocks require modification from the required 50 metres lot frontage, a minimum lot frontage of 13.5m for Block 60, and a minimum lot frontage of 49.0 metres for Block 58. This request can be supported as it recognizes the width of the proposed medium density accesses to the site, while the balance of the site can reasonably accommodate the proposed townhouse developments for both blocks.

**Maximum Allowable Density** (RM3 Zone, see Appendix “C” - Block 5 and 6)

The proposed townhouse blocks are showing a total of 67 townhouse units, Block 58 is proposed at 45 units per hectare, and Block 60 is proposed at 41 units per hectare. The implementing By-law has been drafted to provide for an increase in density from 40 units per hectare to 45 units per hectare for each block. This minor increase in density maintains conformity with the policies of the Official Plan as it relates to residential intensification and infill development. Furthermore, this increase in density is in keeping with the general intensification policies of the Places to Grow Plan, 2006.

**Minimum Landscaped Open Space** (RM3 Zone, see Appendix “C” - Block 6)

The required landscaping in the parent Multiple Residential “RM3” Zone is 50%. The applicant has proposed 45% landscaping for both townhouse blocks. This reduction is considered minor in nature, and can be supported given the locational attributes of the site as the two townhouse blocks are internal to the overall draft plan and not entirely visible from the street, while maintaining an adequate amount of rear yard amenity space (see Appendix “G” and “H”). Furthermore, at the site plan stage, the landscape plan will be reviewed to
ensure that an enhanced level of design is provided to coincide with the passive open space along each of the townhouse blocks.

*Minimum Visitor Parking* (RM3 Zone, see Appendix “C” - Block 5)

The two townhouse developments provide for a total of 163 parking spaces for the proposed 67 units identified on the concept plan provided (see Appendix “B”). This allows for a total of 2 parking spaces per unit and 29 visitor parking spaces. This modification can be supported as the relief being sought is to recognize the deficiency of 5 visitor parking spaces on the easterly townhouse block (Block 58) only (see Appendix “G”). These townhouse proposals are subject to site plan control, and will be looked at in further detail. Therefore, the request for a reduction from the required 0.50 spaces to 0.35 spaces for each townhouse dwelling unit can be supported as the reduction is considered minor.

*Parking Space Location* (RM3 Zone, see Appendix “C” - Block 6)

The parking space location for the easterly townhouse block is located outside of the floodline in the Open Space Block. Relief is being sought for a 0.0 metre setback from the Open Space Zone, whereas the By-law specifies that no parking spaces shall be provided closer than 3.0 metres to any lot line. Since there is no specific requirement for a setback from the open space lot line, it is considered that the intent of the requirement is to safe-guard against the proximity to more sensitive land uses (i.e. single detached dwellings). The proposed trail connection to the East Mountain Trail Loop through the site will be located on the westerly portion of the Open Space Block. This request is considered minor, as the parking space location for Block 60 would not have a negative impact on the Open Space Block and, therefore, be supportable from a planning perspective as it will be appropriately mitigated with the incorporation of a natural landscape buffer within the Open Space Zone, which will be reviewed further at the site plan control stage.

The second modification to the parking requirements allows for a grouping of three or more parking spaces to be located 1.5 metres from the front yard and 2.0 metres from side yard to any dwelling unit located on the same lot, whereas the By-law requires 3.0 metres. Given the innovative design of the units, and the fact that no garages are being proposed, locating the parking spaces closer to each individual dwelling unit is practical, and will still provide for adequate buffer separation for the residential units from the parking area. At the site plan control stage, staff will ensure that a high level of design is incorporated for an aesthetic looking front yard and landscaping. This request is minor and supportable as this modification will only apply to the two townhouse blocks, and have no impact to any of the proposed or existing sensitive land uses.
Minimum Lot Frontage (R4 Zone, see Appendix “C” - Block 2)

There is only one modification being sought to the parent Single Residential “R4” Zone for the 55 single detached dwelling units. The modification is to reduce the minimum lot frontage for a corner lot from 13 metres to 9.3 metres (Lot 36). This is considered minor and supportable, as there is only one corner lot located internal to the subdivision (see Lot 36 on Appendix “B”) that cannot meet the requirement.

3. The current owner has retained a planning consultant whom has been in preconsultation discussions with City staff since April 2006. Through circulation and review of the initial concept plans provided, staff had advised the applicant of the potential issues with the development proposal. They included, but were not limited to, natural heritage given the close proximity to the Eramosa Karst, the watercourse significance traversing the subject lands, the requirement of a trail link, and preliminary engineering issues related to servicing and urbanization. The applicant has now addressed these concerns in the redlined revised draft plan of subdivision dated January 29, 2009, and staff is satisfied that the draft plan conditions (see Appendix “E”) and the Subdivision Agreement will address all remaining issues of the Hamilton Conservation Authority (HCA), and Public Works.

4. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law No. 09-124, the application is subject to Cash-in-Lieu of parkland dedication payment of five percent (5%) of the total land area of the subject property for the single family lots (Lots 1-55). The retirement home will also be subject to a dedication of 5%, as it is an institutional block, and under By-law 09-124, these units would not be considered as dwelling units as they will not have kitchen facilities. The Medium Density Residential Blocks (Blocks 58 and 60) will, however, be subject to a dedication of 1 ha per 300 units. Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, pursuant to Section 42 of the Planning Act, will be required prior to the issuance of building permits for the lands to be developed. This requirement has been included in Recommendation (a) (iii).

5. In response to the preliminary circulation, there were three residents within the 120 metre circulation area whom contacted the City via email and/or telephone. Their concerns focused primarily on the tenure of the townhouse units (i.e. rental, condominium, or freehold) as well as traffic related concerns. Staff responded to their concerns and identified that the proposed units will be of a high quality of design and construction, and the applicant has also advised that the proposed townhouse units will be subject to future applications for draft plan of
condominium. Therefore, the tenure of the units will be owned rather than rented.

The applications were circulated to the City’s Traffic Division, and they have not raised any issues with respect to prospective traffic volumes generated from this site. They identified that all traffic related topics will be addressed through conditional approval of the draft plan of subdivision (see Appendix “E” - Condition Nos. 28 to 32). Furthermore, site plan control will address the development related issues for the two townhouse dwelling blocks later in the development approval process.

ALTERNATIVES FOR CONSIDERATION:

If the applications are not supported, the lands would then be subject to the existing “Institutional”, “Open Space” and “Residential” policies, and the Neighbourhood Development “ND” Zone provisions.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - The City’s financial share of this development is identified in Recommendation (a) (ii).

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

These applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with policies that focus growth in Settlement Areas 1.1.3.1.

Policy 1.5.1 provides guidance with respect to providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and, where practical, water-based resources.
Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resource must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. The applicant will be required to submit an archaeological assessment for the entire property, as provided for in the Standard Form Subdivision Agreement.

Policy 3.1 identifies that development be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage. Policy 3.1.1 specifies that development shall be directed to areas outside of hazardous lands adjacent to river, stream, and small in-land lake systems, which are impacted by flooding hazards are/or erosion hazards.

As the nature of the application is for the creation of a Draft Plan of Subdivision for Institutional, Residential, and Conservation/Hazard purposes, the proposal is consistent with the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Policy B-9.2 requires that the City consider protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes are to be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, this is addressed in the Standard Form Subdivision Agreement.

Policy C-1.3 requires that Area Municipalities appropriately zone Hazard Lands to prohibit uses to minimize the risks associated with these hazards that could endanger life and property, if developed. This policy also requires that building setbacks be imposed in relation to the severity of existing and potential environmental hazards.

Therefore, as the nature of the applications is for amendments to the Official Plan and Zoning By-law to permit the development of a draft plan of subdivision, the proposal conforms to the general intent of the Hamilton-Wentworth Official Plan.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) - Page 13 of 20

Places to Grow: Growth Plan for the Greater Golden Horseshoe

The Places to Grow Plan is more formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005 by the Province of Ontario. The Plan formally came into effect on June 16, 2006. The Plan was created to provide a strategic vision and key policy planning direction to planners in one of the fastest growing metropolitan areas in North America. It is expected that 3.7 million people will move to the Greater Golden Horseshoe by 2031, and that 1.8 million new jobs will also exist by that time. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity. This development proposal will meet the general intent of the Places to Grow Plan, in that it is a designated Greenfield area within the built boundary, and provides for development that contributes to creating a complete community.

City of Stoney Creek Official Plan

The subject lands are designated “Residential” on Schedule “A”, Land Use Plan and “Institutional” and “Elementary School” on Schedule “A3”, West Mountain Planning District (Heritage Green) in the City of Stoney Creek Official Plan. The following policies are applicable to the proposed development:

Section A.1.2.12 states that “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.

b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly town house dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.

c) MEDIUM-HIGH DENSITY - approximately 50 to 99 units per Net Residential Hectare. This designation permits predominantly apartment dwellings in buildings not exceeding a height of nine stories. This type of dwelling generally is to be located adjacent to or in close proximity to arterial and/or collector roads, community facilities and open space areas.
d) HIGH DENSITY - approximately 100 to 200 units per Net Residential Hectare, unless otherwise specified in the Secondary Plan. This category permits predominantly high rise apartments. This type of dwelling is generally to be located:

(i) within and at the periphery of the area designated by this Plan as Central Area; or

(ii) adjacent to or in close proximity to arterial roads, community and park facilities and open space areas.”

Section A.1.2.13 identifies that for the purpose of SECONDARY PLANS, Net Residential Density refers to the number of dwelling units per Net Residential Hectare of any particular development or re-development. In the case of single family, duplex, and semi-detached dwellings, Net Residential Density includes only the land for residential lots, and excludes lands for public roads, public park lands, and hazard lands. In the case of any housing form other than single family, duplex, and semi-detached dwellings, Net Residential Density includes the lands for dwellings, private internal roads, parking areas, open space, and other associated amenities directly related and forming part of the development and/or redevelopment.

Section 1.2.14 indicates that 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.

Section A.13.3.4 directs that in the review of development proposals, every attempt shall be made to integrate Public Open Space Linkages with adjacent multiple-family residential development and institutional uses in order to enhance the use of such linkages.

Section A.5.2.8 indicates that notwithstanding the policies set out above, in areas designated Institutional and/or Elementary School, residential uses may be permitted without amendment to this Plan provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.

Given that the proposal requires redesignation to “General Open Space” (Block 59) and “Community Park”, an Official Plan Amendment is necessary. In order to clean-up the remaining land use designations, staff proposed revisions to the existing designations with concurrence from the applicant (see Appendix “F”).
This proposal meets the objectives of the plan as it is compatible with existing and proposed development surrounding the subject lands. The policies of the plan are met as the proposed development is on full urban services including paved roads, municipal sanitary and storm sewers, and piped water.

With respect to the proposed housing types, the applicant has provided a range that is conducive to appropriate residential intensification in the area. The Official Plan applies various residential densities for residential designations identified in Secondary Plans. In this regard, the West Mountain Area - (Heritage Green) Secondary Plan identifies the subject lands as “Institutional” and “Elementary School”. However, Institutional permits residential uses without amendment to the Official Plan provided that the uses are compatible with the surrounding area, which they are. The applicant is proposing a mix of medium density townhouse dwelling units and low density single-detached dwelling units. The respective densities for the proposed development are 26.6 units per Net Residential Hectare for the low density residential, and 43.3 units per Net Residential Hectare for the medium density residential. The proposal would, therefore, be in keeping with the policies regarding residential density and secondary plans, as well as compatible dwelling unit types permitted under the Official Plan.

This proposed development provides for a high standard of residential amenity for the dwelling types identified in the draft plan submitted. Blocks 58 and 60 will be subject to additional planning approvals (i.e. site plan control). Additional amenity features will be implemented at that stage that will take advantage of connectivity to the Council adopted East Mountain Loop Trail System as a portion of the Trail will bisect the subject lands. The West Mountain Area Secondary Plan - (Heritage Green) Secondary Plan directs that development proposals integrate Open Space Linkages with adjacent multiple-family residential and institutional development uses. This development proposal will have that effect, and satisfy the intent of that policy.

The residential and institutional uses are in close proximity to the West Mountain Core Area. This Area provides for district and community shopping centre uses with the inclusion of a central street pedestrian environment. This development proposal adds a vital residential component to the greater community as it facilitates a density that adds to a well-planned neighbourhood that promotes an integrated pedestrian system due to the proximity of services available in the West Mountain Core Area.

Based on the foregoing, staff is of the opinion that, if approved, the proposed Official Plan Amendment would conform to the policies of the Stoney Creek Official Plan.
Neighbourhood Plan

The subject lands are located within the Valley Park Neighbourhood Plan and the land use designation is “Schools”. A change to the Neighbourhood Plan will be required to redesignate the subject lands to “Institutional”, “Low Density Residential”, and “Medium Density Residential”.

Urban Hamilton Official Plan

The New Urban Hamilton Official Plan 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 New Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E” Urban Structure, and as “Institutional” in the West Mountain Area (Heritage Green) Secondary Plan Land Use Plan Map B.7.6-1. Once the Official Plan Amendment in Recommendation (b) is final and binding, the New Hamilton Official Plan designations for the subject lands will be updated.

RELEVANT CONSULTATION:

Agencies/Departments Having no Concern or Objections

- Corporate Services Department, Budgets, Taxation and Policy Section
- Hydro One
- Horizon Utilities
- Hamilton Street Railway
- Hamilton-Wentworth District School Board
- Hamilton-Wentworth Catholic School Board

Bell Canada:

A telecommunications facility easement will be required to service these lands. This is addressed in the Standard Form Subdivision Agreement.

Public Works Department (Forestry and Horticulture Section, and Capital Planning and Implementation Division):

The Forestry and Horticulture Section has advised there are Municipal Urban Forestry concerns, in that there are two trees located on the Road Allowance of Highland Road West. These trees are governed under The City of Hamilton Tree By-law No. 06-151. With the current information supplied, it appears that these Municipal Assets may be impacted. Two Oaks were found to be in good condition on Municipal property. These trees have not been shown or identified on the submission.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) - Page 17 of 20

The Forestry and Horticulture section does not oppose these applications, but would request that all trees within this development area be identified as Municipal or Private, and that a Tree Management Plan be submitted for all trees on Municipal property so a final determination of construction impact can be made. All trees should be surveyed and plotted accurately on the plan. Proposed grade and surface treatment changes within the dripline, as well as property lines and temporary access roads, must be shown. Any construction in close proximity to Municipal trees can only have detrimental effects, and with this in mind, all work adjacent to Municipal driplines should be completed with all effort to maintain a minimum impact with absolute minimal grade changes and back fills (see Appendix “E” - Condition No. 1).

This Inventory should list all species by Botanical and common name, d.b.h in centimetres, ownership {> 50% = ownership}, biological health, structural condition, urban suitability, proposed removals, preservation priority along with observations/recommended action. If it is determined that existing trees can remain, a Tree Protection Zone Detail, with notes showing Tree Preservation techniques, should be included as per the Tree Preservation and Protective Measures for Trees Affected by Construction Policy.

All trees on Municipal property which are found to be in conflict with this development and do not meet our criteria for removal, may be subject to a Removal and/or Replacement fee, as outlined in the Reforestation Policy - Municipally Owned Lands. Director approval will be required for the removal of all healthy Municipal trees where the total number is less than twenty-five, as per the Public Tree Removal Policy. A Letter of Intent for Public Tree Removal, as per the Public Tree Removal Policy in Tree By-law No. 06-151, will be required for all live Municipal removals (see Appendix “E” - Condition No. 1).

**Hamilton Conservation Authority (HCA):**

In response to the amended applications, the HCA provided formal comment on November 12, 2007, and they identified that the proposal would need to maintain a 15 metre fisheries setback. The applicant has maintained this setback to the HCA’s satisfaction. The HCA further advised that in addition to protection of the watercourse, they require that all development be located outside of the flood and erosion hazard areas associated with a watercourse. In this regard, the HCA was not provided with floodplain mapping for the Upper Davis Creek, nor did the recent Davis Creek Subwatershed identify the floodplain for the upper reaches of Davis Creek above the Niagara Escarpment. At that time, HCA requested that the applicant undertake a floodplain analysis to identify the extent of the Regional Storm floodplain on the subject lands and required assurances that the abutting residential blocks be located entirely outside the Regional Storm floodplain.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, “Tobyn Park Homes”, and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200, for Lands Located Within Part of Lots 31 and 32, Concession 7, Municipally Known as 390 Highland Road West, in the Former Township of Saltfleet (Stoney Creek) (PED09201) (Ward 9) - Page 18 of 20

The applicant subsequently prepared a Floodline Mapping Summary Report in December 2008. The HCA reviewed that Report and provided formal comments dated January 21, 2009. Based on their review of the submitted Report, and proposed draft plan showing the two townhouse blocks and abutting single detached lots, the HCA was satisfied that the property boundaries abutting the Open Space Block have been adjusted such that the entire residential development will now be located outside the floodplain and meet the 15 metre fisheries buffer from the creek. The HCA has requested that six draft plan conditions also be imposed to their satisfaction (see Appendix “E” - Condition Nos. 33 to 38).

Public Works Department (Open Space Development and Park Planning Section):

The owner agrees to provide and implement, at their own expense, a Streetscape Plan detailing any enhanced boulevard landscaping treatment, fencing, and street lighting for the required streets, prepared by a full member of the Ontario Landscape Architects Association (OALA), and to the satisfaction of the Director of Capital Planning and Implementation (addressed in the Standard Form Subdivision Agreement).

They have also addressed concerns related to the Trail connection from the subject lands to the East Mountain Loop Trail System. Those issues have been addressed (see Appendix E - Condition Nos. 39 and 40).

Public Works Department (Traffic Engineering and Operations Section):

Traffic Engineering has advised that it is their intention to paint 1.8m on-street bike lanes on Highland Road, through the existing length east of Winterberry Drive, and also the subject section between Winterberry Drive and the proposed multi-use trail access. It is also a Development Engineering condition of approval that the applicant provides an on-street parking plan for the approval of staff. Parking will be permitted on Highland Road, however, the applicant should note that a “No Stopping” prohibition will be posted on Highland Road for a distance of 9 metres east and west of the proposed multi use trail crossing. That multi-use trail crossing at the open space channel presents some opportunity for potentially providing a narrowed pavement width to assist the crossing of pedestrians and cyclists. At the design stage, Traffic staff can also review the potential for an approximate 4 metre multi-use path on the south side of Highland Road between the multi-use trail and Upper Mount Albion Road (see Condition No. 26 on Appendix “E”).
Therefore, as a condition of draft plan of subdivision, the applicant should urbanize Highland Road West to ensure that on-street parking restrictions, painted bike lanes, and the provision for a narrowing feature at the Trail crossing is addressed (see Condition No. 32 in Appendix “E”). Traffic further advises that a parking bay and bump out design would be appropriate, and that they be included in the engineering plan review.

As a condition of draft plan approval, Traffic requires the applicant to provide a centreline profile of Upper Mount Albion Road illustrating driver sightlines on the plan in consideration of the proposed access immediately south of the trail corridor. The vertical alignment on Upper Mount Albion Road at this location could create sightline restrictions for motorists both on the roadway and in the access. Sightline measurements must conform to TAC standards. Any modifications to the vertical alignment required for sight line purposes will be undertaken, at the expense of the applicant (see Appendix “E” - Condition No. 28).

Through the urbanization of Highland Road and Upper Mount Albion Road, they recommend that sidewalks be constructed on both roadways along the subject properties. Access to Lot 12 at Winterberry Drive must be located outside of the daylight triangle dedication area (see Appendix “E” - Condition No. 29). The centerline of the access to Block 60 must align centerline-to-centerline with Glenhollow Drive (see Appendix “E” - Condition No. 30).

General Comments for Block 56 and Block 58

The throat length provided in the access from Highland Road West to the underground parking laneway in Block 56 does not conform to City standards as it does not provide any setback from the municipal roadway. Staff is aware that the Institutional concept plan is preliminary, and advises that at the site plan stage will recommend that the underground laneway be shifted further north to reduce the impact to the access area directly adjacent to the Highland Road West.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 176 property owners within 120 metres of the subject lands, and a Public Notice sign was posted on the property on July 25, 2007. Three residents within the circulation area contacted planning staff with concerns related to traffic and tenure of the proposed townhouse units, which are discussed under Item #5 of the Analysis/Rationale section of the report. As noted above, staff responded and provided explanation via telephone conversation and email. 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
Shelter, care, and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No
Consumption of all natural resources is reduced.

Economic Well-Being is enhanced.  ☑ Yes  ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced.

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. (9)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 390 Highland Road West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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) with the approval of Official Plan Amendment No. ____.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Map No. 15 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
   
   (a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-20” Zone, the lands comprised in “Block 2”;
   
   (b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4” Zone, the lands comprised in “Blocks 3 and 4”;
   
   (c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-33” Zone, the lands comprised in “Block 5”; and,
   
   (d) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-39” Zone, the lands comprised in “Block 6”;

   the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.5.7, “Special Exemptions”, of Section 6.5 Single Residential “R4” Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new Special Exemption, “R4-20”, as follows:

   “R4-20” 390 Highland Road, Schedule “A”, Map No. 15

   Notwithstanding the provisions of Paragraph (b) of Subsection 6.5.3 of the Single Residential “R4” Zone, on those lands zoned “R4-20” by this By-law, the following shall apply:

   (b) Minimum Lot Frontage

   Corner Lot - 9.3 metres

3. That Subsection 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new Special Exemption, “RM-33”, as follows:

   “RM3-33” 390 Highland Road, Schedule “A”, Map No. 15

   Notwithstanding the Permitted Uses of Subsection 6.10.2 for the Multiple Residential “RM3” Zone, those lands zoned “RM3-33” by this By-law, may only be used for maisonettes, townhouses, and uses, buildings or structures accessory thereto.
Notwithstanding the provisions of Paragraphs (b), (c), (d), (f), (i) and (m) of Subsection 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-33” by this By-law, the following shall apply:

(b) Minimum Lot Frontage: 49.0 metres
(c) Minimum Front Yard: 4.5 metres
(d) Minimum Side Yard (abutting a zone for a single detached dwelling): 5.0 metres
(f) Minimum Rear Yard (abutting a zone for a single detached dwelling): 6.0 metres
(i) Maximum Density: 45 units per hectare
(m) Minimum Landscaped Open Space: 45 per cent

4. A landscape strip having a minimum width of 3.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.

Notwithstanding the provisions of Paragraphs (a)1., and (e) of Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-33” by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces:

1. 2 parking spaces and 0.35 visitor parking spaces for each maisonette and townhouse dwelling unit.

(e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 metre to the front face of any dwelling unit or 2.0 metres to the side of any dwelling unit located on the same lot.

4. That Subsection 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new Special Exemption, “RM-39”, as follows:

“RM3-39” 390 Highland Road, Schedule “A”, Map No. 15

Notwithstanding the Permitted Uses of Subsection 6.10.2 for the Multiple Residential “RM3” Zone, those lands zoned “RM3-39” by this By-law, may
only be used for maisonettes, townhouses, and uses, buildings or structures accessory thereto.

Notwithstanding the provisions of Paragraphs (b), (c), (d), (f), (i) and (m) of Subsection 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-33” by this By-law, the following shall apply:

(b) Minimum Lot Frontage: 13.5 metres

(d) Minimum Side Yard
   (abutting a zone for a single detached dwelling): 2.5 metres
   (abutting a zone for open space): 4.5 metres

(f) Minimum Rear Yard
   (abutting a zone for a single detached dwelling): 6.0 metres

(i) Maximum Density: 45 units per hectare

(m) Minimum Landscaped Open Space: 45 per cent

Notwithstanding the provisions of Paragraphs (a)1., (d) and (e) of Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-33” by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces:

   1. 2 parking spaces and 0.45 visitor parking spaces for each maisonette and townhouse dwelling unit.

(d) A parking space may be located 0.0 metres from an Open Space Zone.

(e) Where there is a grouping of three or more parking spaces, no parking space shall be provided closer than 1.5 metre to the front face of any dwelling unit, or 2.0 metres to the side of any dwelling unit located on the same lot.

5. 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 “R4” Zone, and the Multiple Residential “RM3” Zone provisions, subject to the special requirements referred to in Sections 2, 3 and 4.
6. 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 [redacted] day of [redacted], 2009.

_________________________________________  _________________________________
FRED EISENBERGER                       KEVIN C. CHRISTENSON
MAYOR                                CLERK

ZAC-07-040/25T-200706/OPA-07-010
Appendix "C" to Report PED09201

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

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No. 3692-92

Subject Property
390 Highland Road West

Block 1 - Refer to By-Law 05-200

Blocks 2 - Change in Zoning from Neighbourhood Development "ND" Zone to the Single Residential "R4-20" Modified Zone

Blocks 3 and 4 - Change in Zoning from Neighbourhood Development "ND" Zone to the Single Residential "R4" Modified Zone

Blocks 5 - Change in Zoning from Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-33" Modified Zone

Blocks 6 - Change in Zoning from Neighbourhood Development "ND" Zone to the Multiple Residential "RM3-39" Modified Zone

Block 7 - Refer to By-Law 05-200
CITY OF HAMILTON

BY-LAW No. 

To Amend Zoning By-law No. 05-200

390 Highland Road West (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 Act, 1999, S.O. 1999, Chap. 14;

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 09- 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 (the Official Plan of the former City of Stoney Creek) with the approval of Official Plan Amendment No. .

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

1. That Map No. 1502 of Schedule “A” to Zoning By-law No. 05-200, is amended by incorporating additional Major Institutional (I3) Zone boundaries and Conservation/Hazard Land (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Blocks 1 and 7 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. [redacted] 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 [redacted] day of [redacted], 2009.

__________________________________________  ______________________________________
FRED EISENBERGER                             KEVIN C. CHRISTENSON
MAYOR                                          CLERK

ZAC-07-040
25T-200706
OPA-07-010
Appendix “D” to Report PED09201
(Page 3 of 3)

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
Map 1502

Subject Property
390 Highland Road West

- Block 1 - Lands to be zoned Major Institutional (I3) Zone
- Blocks 2, 3, 4, 5 and 6 - Refer to By-Law 3692-92
- Block 7 - Lands to be zoned Conservation / Hazard (P5) Zone
Special Conditions of Draft Plan of Subdivision Approval for “Tobyn Park Homes”

Planning

1. That, prior to preliminary grading or servicing, the Owner submit a tree preservation study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Capital Planning and Implementation, Public Works Department, and provide written certification from the Owner’s landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the City, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.

2. That, prior to registration of the final plan of subdivision, the Owner dedicate Block 59 to the City of Hamilton for a portion of the East Mountain Loop Trail, a servicing easement and regulated floodplain, to the satisfaction of Director of Planning.

3. That, prior to registration of the final plan of subdivision, the Owner enter into a Standard Form Subdivision Agreement with the City of Hamilton.

Development Engineering

4. That, prior to registration of the final plan of subdivision, a 7.0m x 7.0m daylight triangle be established on the final plan of subdivision at the widened intersection of Upper Mount Albion Road and Highland Road West, to the satisfaction of the Director of Development Engineering.

5. That, prior to registration of the final plan of subdivision, 4.5m x 4.5m daylight triangles be established on the final plan of subdivision at the widened intersection of Highland Road West, and both the east and west legs of Street “A” adjacent to Lots 28, 29, 41 and 42, to the satisfaction of the Director of Development Engineering.

6. That, prior to registration of the final plan of subdivision, Block 57 be dedicated to the City of Hamilton as public highway, by the Owner’s certificate on the final plan of subdivision, for road widening on Highland Road West, to the satisfaction of the Director of Development Engineering.

7. That, prior to registration of the final plan of subdivision, the Owner agree to convey to the City sufficient lands over Blocks 58 and 59 to establish a 12m sewer easement from Highland Road West to the existing municipal sewer easement over Blocks 58 and 59, at no cost and free of encumbrance. Conveyance of the easement shall occur upon the City’s request as advised, in writing, by the Director of Development Engineering, to the satisfaction of the Director of Development Engineering.
8. That, prior to registration of the final plan of subdivision, the Owner pay their proportionate share for the future urbanization of Upper Mount Albion Road adjacent to Block 56 based on the City’s “New Roads Servicing Rate” in effect at the time of payment, to the satisfaction of the Director of Development Engineering.

9. That, prior to registration of the final plan of subdivision, the Owner agree, in writing, to secure their proportionate share, less over-sizing, of the estimated cost of future storm and sanitary sewers on Upper Mount Albion Road adjacent to Block 56 of the draft plan, to the satisfaction of the Director of Development Engineering.

10. That, prior to registration of the final plan of subdivision, the horizontal bend within the east leg of Street “A”, be established with a minimum centreline radius of 90m, to the satisfaction of the Director of Development Engineering.

11. That, prior to registration of the final plan of subdivision, regardless of the approved phasing plan, the Owner is required to provide the City with sufficient security to cover the Owner’s financial obligation for the construction costs for all works external to the plan, to the satisfaction of the Director of Development Engineering.

12. That, prior to servicing any phase of development, the Owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the Owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Director of Development Engineering.

13. That, prior to servicing, the Owner agree, in writing, to install a minimum 1.5m high chain link fence in accordance with City standards along the north sides of Block 56, Lots 21, and 49 to 55, inclusive, along the north and east sides of Block 58, along the northwest side of Block 60, and along the west side of Lot 1, all of which abuts City Parklands and/or Open Space, to the satisfaction of the Director of Development Engineering.

14. That, prior to the servicing of Lots 1 to 11, 14 to 21, and 42 to 49, inclusive, the Owner agree, in writing, to install a minimum 1.8m high privacy fence in accordance with City standards along the east side of Block 56, the south and east sides of Block 60, the north side of Lot 17, and the south side of Lot 18, to the satisfaction of the Director of Development Engineering.

15. That, prior to servicing for the applicable phase, the Owner indicates all driveway locations on the engineering drawings for all lots, and that the driveways for Lots 28, 29, 41 and 42 be located on Street “A” and be constructed on the north side of the lots, and the driveway for Lot 12 be located on Winterberry Drive and be constructed on the north side of the lot, to the satisfaction of the Director of Development Engineering.
16. That, prior to servicing, due to the number of private service installations and driveway accesses required on Winterberry Drive, the Owner is required to reconstruct the full width pavement on Winterberry Drive and the sidewalks on the west side of Winterberry Drive, from Highland Road West to the north limit of Lot 21, to the satisfaction of the Director of Development Engineering.

17. That, prior to servicing, the Owner include provision for construction of municipal sidewalks on Street “A” adjacent to Lots 22 to 28, inclusive, and Lots 42 to 55, inclusive, and Block 58 in the engineering design drawings and cost estimate schedules, to the satisfaction of the Director of Development Engineering.

18. That, prior to servicing, the Owner include provision for construction of municipal sidewalks on the east side of Upper Mount Albion Road in the engineering design drawings and cost estimate schedules to provide a pedestrian link between Highland Road West and the existing Trail north of Block 56, to the satisfaction of the Director of Development Engineering.

19. That, prior to servicing, the Owner include provision for construction of Highland Road from Winterberry Drive to Upper Mount Albion Road to an urban cross section including sidewalks on both sides, boulevards, curb and gutter, storm and sanitary sewers, associated intersection improvements at Highland Road and Upper Mount Albion Road and at Highland Road and Winterberry Drive, to the satisfaction of the Director of Development Engineering. The provision for the works is to be included in the engineering design drawings and cost estimate schedules.

20. That, prior to servicing, the Owner shall submit a Storm Water Management report which shall show how stormwater is accommodated on and off the subject property to an adequate outlet, determine what impacts runoff from the site will have on the downstream water course, and provide recommendations for any necessary mitigative measures, including quality and quantity control and erosion and siltation control, all in accordance with the Davis Creek Subwatershed Study, dated October 2006, to the satisfaction of the Director of Development Engineering.

21. That, prior to servicing, the Owner may be required to provide temporary on-site stormwater quality, at their expense, until such time that the downstream stormwater management facility has been retrofitted for quality control in accordance with the City wide stormwater master plan, to the satisfaction of the Director of Development Engineering.

22. That, prior to servicing, the Owner provide confirmation to the City that the existing municipal services (i.e. water, storm sewers and sanitary sewers) in this area have sufficient capacity to accommodate this development, to the satisfaction of the Director of Development Engineering.
23. That, prior to servicing, the Owner agree, in writing, to engage a qualified professional to investigate and determine whether Karst features exist on the subject lands. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize the area to avoid negative impacts shall be undertaken including any remedial works, as recommended, be implemented, to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority.

24. That, prior to servicing, the Owner shall submit a hydrogeological study, prepared by a qualified professional, that: assesses impacts to existing and future homes, identifies any significant recharge and discharge zone, and provides recommendations to mitigate the groundwater impacts such as continuously running sump pumps, both during construction and post construction, and to undertake any remedial works, as recommended, including monitoring, to the satisfaction of the Director of Development Engineering.

25. That, prior to servicing, the Owner agree to provide, in writing, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.

26. That, prior to servicing, the Owner prepare an on-street parking plan for Street “A”, Highland Road West and Winterberry Drive, based on the premise of achieving on-street parking for 40% of the total single family units, to the satisfaction of the Director of Development Engineering.

27. That, in the event that the City advances construction of Highland Road before the Owner, the Owner agrees, upon request by the City, to:

   i) Convey land over Block 57 for the widening of Highland Road, including required daylight requirements at the intersection of Highland Road and Upper Mount Albion;

   ii) Convey easements over Blocks 58 and 59; and,

   iii) Pay its proportionate share of the construction costs, including private services installation, upon completion of the works, and that this payment will be secured through the passing of a Municipal Act cost recovery By-law by Council.
Traffic

28. That, prior to registration of the final plan of subdivision, the Owner will provide a centreline profile of Upper Mount Albion Road illustrating available driver sightlines for the access proposed immediately south of the trail corridor. Sightline measurements must conform to Transportation Association of Canada standards. Any modifications to the vertical alignment of Upper Mount Albion Road required for sightline purposes will be undertaken at the expense of the Owner, to the satisfaction of the Director, Operations and Maintenance.

29. That, prior to registration of the final plan of subdivision, the Owner agree to locate access to Lot 12 (corner of Winterberry Drive and Highland Road West) outside of the daylight triangle dedication area, to the satisfaction of the Director, Operations and Maintenance.

30. That, prior to registration of the final plan of subdivision, the centerline access to Block 60 aligns with the centerline of Glenhollow Drive, to the satisfaction of the Director, Operations and Maintenance.

31. That, prior to registration of the final plan of subdivision, the access locations for Lots 48, 49 and 50 shall be established, to the satisfaction of the Director, Operations and Maintenance.

32. That, prior to registration of the final plan of subdivision, the Owner addresses Highland Road West to ensure that on-street parking restrictions, painted bike lanes, and the provision for a narrowing feature at the Trail crossing from the Eramosa Karst lands to the Open Space Block (Block 59) is included on the engineering drawings, as constructed, to the satisfaction of the Director, Operations and Maintenance.

Hamilton Conservation Authority

33. That, prior to preliminary grading or servicing, that the applicant prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

34. That, prior to preliminary grading or servicing, the Owner prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority.

35. That, prior to preliminary grading or servicing, the Owner prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

36. That, prior to preliminary grading or servicing, the boundaries of the Open Space Block be adjusted to reflect the minimum 15 metre fisheries setback, measured from the channel bank along both sides of the Davis Creek tributary, and that the Open Space Block also contains the Regional Storm floodplain of the Davis Creek tributary, to the satisfaction of the Hamilton Conservation Authority.

37. That, prior to preliminary grading or servicing, the owner installs chain link fencing, or other acceptable type, at the rear of all lots and blocks abutting the Open Space Block, to the satisfaction of the Hamilton Conservation Authority.

38. That, prior to registration of the final plan of subdivision, the Subdivision Agreement include a clause and identify on the grading plan that a permit is required from the Hamilton Conservation Authority pursuant to its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04 prior to any alteration to the watercourse or any development, including grading works associated with the floodplain cut and fill operation, to the satisfaction of the Hamilton Conservation Authority.

Open Space Development and Park Planning Section

39. That, prior to registration of the final plan of subdivision, the Owner shall construct a multi-use recreational Trail system (part of the proposed East Mountain Loop Trail consistent with the Trail Master Plan) in Block 59 (Open Space) on the east side of the existing ditch channel to connect with the Loop Trail system south of Highland Road West, across Block 59 and Winterberry Drive to the existing granular Trail in Valley Park to the east. The portion of the recreational Trail to be constructed in Block 59 shall be constructed, to the satisfaction of the Senior Director of Capital Planning and Implementation, Public Works Department. The timing and repayment of costs associated with the design and construction of this Trail shall be negotiated through a front-ending Finance agreement between the Owner and the City. Costs will be reimbursed through Development Charges to a maximum determined amount. This recreational Trail shall be shown on the Draft Plan of Subdivision.
40. That, prior to registration of the final plan of subdivision, the design and tender drawings for the Trail shall include a cost estimate for the works, and it shall be prepared by a full member with seal, in good standing, of the Ontario Association of Landscape Architects (OALA), and be approved by the Senior Director of Capital Planning and Implementation, Public Works Department. Design drawings and estimates will include existing conditions/protection plan, layout plan, grading plan, seeding/planting plan, and construction details, as required. The trail shall be asphalt, 4.0 metres in width, as per the latest Public Works Open Space Development and Park Planning detail, and seeks to attain a maximum of 5% slope, if possible, where grades and slopes permit.
Amendment No. [REDACTED]

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 A3, Secondary Plan - West Mountain Planning District (Heritage Green)), of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. [REDACTED].

Purpose:

The purpose of this Amendment is to redesignate the subject lands on Schedule A, General Land Use Plan as follows:

1. “Open Space” to “Institutional”
2. “Institutional” to “Residential”
3. “Residential” to “Open Space”
4. “Institutional” to “Open Space”

and to redesignate the subject lands on Schedule A3 Secondary Plan - West Mountain Planning District (Heritage Green) as follows:

1. “Community Park” to “Institutional”
2. “Institutional” to “Low Density Residential”
3. “Institutional” to “Medium Density Residential”
4. “Institutional” to “General Open Space”
5. “Elementary School” to “Medium Density Residential”
6. “Elementary School” to “General Open Space”
7. “Elementary School” to “Low Density Residential”

The effect of the amendment will be to permit a residential development of medium and low density residential uses, which includes single detached dwellings and townhouse units, in addition to an institutional use of a retirement home on the site.

Location:

The lands affected by this Amendment are known municipally as 390 Highland Road West in Stoney Creek, with an area of 5.69 hectares.
Basis:

The intent of the Amendment is to permit the development of single detached dwellings and townhouse units, as well as a retirement home. The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The proposed development offers an opportunity for infill development with an increased density consistent with the intent of the Places to Grow Plan;
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan and the intent of the City of Stoney Creek Official Plan;
- Portions of the site are currently designated for institutional uses which can be developed to allow low density residential uses, and;
- The proposed development is compatible with the existing and planned development in the immediate area, and is in keeping with the character for the surrounding neighbourhood.

Actual Changes:

1. Schedule “A”, General Land Use Plan, be revised by redesignating the subject lands from:

   (i) “Open Space” to “Institutional”,
   (ii) “Institutional” to “Residential”,
   (iii) “Residential” to “Open Space” and,
   (iv) “Institutional” to “Open Space” and identifying the subject lands as OPA No. [blank], as shown on the attached Schedule “A” to this Amendment.

2. Schedule “A3”, Secondary Plan West Mountain Planning District (Heritage Green), to be revised by redesignating the subject lands from:

   (i) “Community Park” to “Institutional”,
   (ii) “Institutional” to “Low Density Residential”,
   (iii) “Institutional” to “Medium Density Residential”,
   (iv) “Institutional” to “General Open Space”,
   (v) “Elementary School” to “Medium Density Residential”,
   (vi) “Elementary School” to “General Open Space” and,
   (vii) “Elementary School” to “Low Density Residential”, and identifying the subject lands as OPA No. [blank], as shown on the attached Schedule “B” to this Amendment.
Implementation:

A Zoning By-law Amendment and Draft Plan of Subdivision will give effect to this Amendment.

This is Schedule "1" to By-law No. XX - XXX, passed on the [---] day of [---], 2009.

The

City of Hamilton

_______________________  ________________________
Fred Eisenberger    Kevin C. Christenson
Mayor               Clerk