SUBJECT: Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9)

RECOMMENDATION:

(a) That approval be given to amended Official Plan Amendment Application OPA-07-036, by the Ministry of Energy and Infrastructure, Owner, for Official Plan Amendment No. [X], to amend Schedule ‘A’, General Land Use Plan, from “Service Commercial”, “Open Space” and “Residential” to “Mixed Use” and “Residential”, and Schedule ‘A3’, Secondary Plan - West Mountain Planning District (Heritage Green), from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”, on the lands located at the northwest corner of Highland Road and Upper Mount Albion Road, known as Part of Lot 33, Concession 7, in the former Township of Saltfleet (Stoney Creek), as shown on Appendix “A” to Report PED09220, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED09220, be held in abeyance until such time as the City of Hamilton and the Ministry of Energy and Infrastructure have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.
(b) That approval be given to amended Zoning Application ZAC-07-112, by the Ministry of Energy and Infrastructure, Owner, for changes in Zoning from the Neighbourhood Development “ND” Zone to the Mixed Use Commercial (Holding) “MUC-2 (H)” Zone, with a Special Exception (Block 1), the Mixed Use Commercial (Holding) “MUC-3 (H)” Zone, with a Special Exception (Block 2), and the Multiple Residential (Holding) “RM3-34 (H)” Zone, with a Special Exception (Block 3), to permit future mixed use development on the westerly and northerly portions of the subject lands, and medium-high density residential development on the south-easterly portion of the subject lands, for the lands located at the northwest corner of Highland Road and Upper Mount Albion Road (Stoney Creek), as shown on Appendix “B” to Report PED09220, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED09220, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as the City of Hamilton and the Ontario Realty Corporation have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the amending By-law be added to Schedule ‘A’, Map No. 15, of Zoning By-law No. 3692-92.

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

(c) That upon finalization of the implementing By-laws, the Valley Park Neighbourhood Plan be amended to change the designation of the subject lands from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”.

(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 Official Plan Amendment No. [number] in Recommendation (a) is final and binding.

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

The purpose of the applications is to amend the Official Plan designations and the Zoning By-law on the subject lands to allow for a variety of uses. A mix of commercial, institutional and residential uses are proposed for the western and northern portions of the site. A mix of medium and high density residential uses are proposed for the remainder of the site.

The proposal has merit and can be supported since the changes in designation and zoning are consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, and conform to the Hamilton-Wentworth Official Plan. The proposal is compatible with existing and proposed land uses in the surrounding area, and will promote the efficient use of land, sustainable transportation, and the creation of liveable communities.

BACKGROUND:

Proposal

The subject lands have been deemed surplus by the applicant (Ministry of Energy and Infrastructure), who wishes to secure the necessary approvals in order to sell it to a third party for development purposes.

The purpose of the application is to amend the City of Stoney Creek Official Plan and Zoning By-law. The Official Plan is to be amended by re-designating the lands from “Service Commercial”, “Open Space” and “Residential” to “Residential” and “Mixed Use” on Schedule ‘A’, General Land Use Plan. Schedule ‘A3’ of the Official Plan - West Mountain Planning District (Heritage Green) Secondary Plan is also to be amended by re-designating the lands from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”. The Zoning By-law Amendment would change the zoning from the Neighbourhood Development “ND” Zone to the modified Mixed Use Commercial (Holding) “MUC-2 (H)” and “MUC-3 (H)” Zones, and a modified Multiple Residential (Holding) “RM3-34 (H)” Zone, for the lands known as Part of Lot 33, Concession 7, in the former Township of Saltfleet, located at the northwest corner of Highland Road and Upper Mount Albion Road (see Appendices “A” and “B”).

The effect of the proposal is to allow for the future development of a mix of institutional, commercial and medium-high density residential uses on the subject lands.

Details of Submitted Application

Location: Northwest Corner of Highland Road and Upper Mount Albion Road, Stoney Creek (see Appendix “A”)

Owner/Applicant: Ministry of Energy and Infrastructure
Agent: Ontario Realty Corporation Inc.

Property Description:

- **Total Lot Area:** 7.77 hectares
- **Total Lot Frontage:** +/- 426 metres (Stone Church Road East)
- **Total Lot Flankage:** +/- 214.77 metres (Upper Mount Albion Road)
- **Servicing:** Partial sanitary/storm sewer services
  Partial municipal water services

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
</tr>
<tr>
<td><strong>Neighbourhood Development “ND” Zone</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Surrounding Land Uses**

<table>
<thead>
<tr>
<th>North:</th>
<th>Commercial (Approved Heritage Green Commercial Development)</th>
<th>Community Shopping Centre “SC2-3” Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>West:</td>
<td>Vacant, Agriculture, and One Existing Single Detached Dwelling (Ministry Lands, Proposed Location of Trinity Church Road Extension)</td>
<td>“M-12” (Prestige Industrial) District</td>
</tr>
<tr>
<td>South:</td>
<td>Vacant, Agriculture (Ministry Lands) and Four Existing Single Detached Dwellings</td>
<td>Neighbourhood Development “ND” Zone</td>
</tr>
<tr>
<td>East:</td>
<td>Vacant, Commercial (Residential Proposed for Vacant Lands)</td>
<td>Neighbourhood Development “ND” Zone and Local Commercial (Holding) “LC-7(H)” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

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

   - They are consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;
They conform to the Hamilton Wentworth Official Plan; and,  
The proposed land uses are considered to be compatible with the existing and planned land uses in the immediate area.

2. The subject lands are adjacent to the West Mountain Core Area (Heritage Green) which, has been designed to serve as a destination place and as the commercial centre of the West Mountain Planning District. The proposed institutional, mixed use and substantial residential densities are desirable for the area, as they will complement and support the West Mountain Core Area as a major destination area. The mix of uses on the site, and the medium-high residential densities proposed on a portion of the site, will promote compact development and the efficient use of land. Also, a major transit node is to be located on Upper Mount Albion Road within the West Mountain Core Area. These transit services will benefit the subject lands by increasing alternative transportation options, thereby promoting more sustainable modes of transportation.

3. The configuration of the proposed designations on the site was developed through detailed staff review of the property, and is based on a number of considerations.

The western edge of the site is adjacent to a designated employment area, which permits a range of light industrial uses, and will also be adjacent to the new Trinity Church Road extension. The Trinity Church Road extension is planned to be a major arterial road. Therefore, mixed uses are proposed along the western edge of the property to increase land use compatibility by providing a gradient between these uses and more sensitive planned residential uses to the east.

The northern edge of the site borders an arterial road, and major commercial uses will be located across the road as part of the Heritage Green commercial development. Therefore, mixed uses have also been proposed for the northern edge of the site. These uses will complement the commercial uses located to the north, and will serve to provide a gradient between the major commercial uses on the north side of Stone Church Road and more sensitive residential uses on the interior of the subject lands.

The proposed medium-high density residential block is located at the southeast corner of the site, bordering Highland Road and Upper Mount Albion Road, which are collector roads. Exclusively, residential uses are appropriate for this portion of the site, as they are protected from more intensive land uses and higher traffic roads. Also, the residential uses are compatible with the location of other areas proposed for future residential, namely the lands directly to the east of the residential block on the other side of Upper Mount Albion Road, and a portion of the lands to the south of the subject property.
Based on the foregoing, various forms of apartments and townhouses will be permitted within the Multiple Residential Zone on the southeast corner of the site (Block 3 - Appendix “B”). In order to achieve a medium-high density in this zone, and ensure that the development of the site will incorporate a mix of residential uses, a maximum number of 50 townhouses, whether townhouses, street townhouses, or a combination of both, will be permitted in accordance with the site-specific Zoning By-law.

4. There is one privately owned lot located on the north side of Highland Road which is surrounded on three sides by the subject lands. This lot has a frontage of approximately 60.96 metres, and a depth of 45.72 metres. Currently, the Official Plan Designation for this lot is “Residential”, whereas the Secondary Plan designates the property as “Neighbourhood Park”, in accordance with previous plans of the City to create a park in the area (see Section 10). A City Initiative is being considered as part of the Trinity West Secondary Planning process to redesignate these lands, upon completion of the planning study, to an appropriate residential designation in the applicable secondary plan. As part of the review of the lands subject to this application, staff also looked at the proposal’s compatibility with possible current and future uses on this adjacent property (i.e. 512 Highland Road West). The property presently has one existing single detached dwelling located on the site, and is zoned Neighbourhood Development “ND”. The size of the site is large enough to allow it to be redeveloped as an individual site, and would be suitable for various types of medium density residential uses, such as townhouses, stacked townhouses or maisonettes. Therefore, the location of the proposed medium-high density residential area around three sides of this private lot is appropriate, as it ensures that compatibility will be maintained for residential uses on both the subject property and this adjacent property.

5. The details of the proposed Official Plan Amendment and Zoning By-law Amendment have been developed through consultation with various staff members, and with the co-operation of the applicant (see Appendices “C” and “D”). Therefore, the initial submission, which was provided by the applicant, has been expanded and amended to incorporate the information received as a result of detailed staff review and consultation.

The proposed Official Plan Amendment will designate the subject lands as “Mixed Use” and “Residential” in the General Land Use Plan, and as “Mixed Use” and “Medium-High Density Residential” in the Secondary Plan for the area. As previously identified, the western and northern edges of the site will be designated for a mix of commercial, residential and institutional uses, and the remainder of the site will be designated for a mix of residential uses only. Specific policies regarding the land use designation and the functioning of the site are proposed to be added to the West Mountain Planning District (Heritage Green Section) Secondary Plan policies. This is intended to recognize the importance of the site’s key location, and allow for specific policies relating to
The “Mixed Use” policies of the proposed Official Plan Amendment are intended to promote a range of uses in separate buildings, or combined within buildings. Commercial uses are limited. Restaurant, office, financial institution, or hotel uses are permitted as stand-alone commercial buildings. Other commercial uses are only permitted on the ground floor of buildings containing residential, office, or institutional uses. Further restrictions on the size and amount of permitted commercial development have been incorporated into the implementing Zoning By-law.

The Residential policies of the proposed Official Plan Amendment allow for various types of apartment buildings and townhouses. All residential development will be required to meet densities of 50 to 99 units per hectare outlined in the Medium-High Density Residential designation.

The detailed proposed changes to the Zoning By-law are outlined below:

### Mixed Use Commercial Zone on Western and Northern Border of Site

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>Various Commercial Uses and Apartments above Commercial</td>
<td>Current Uses, plus Stand-alone Apartment, Hotel, Library, Long Term Care Facility, Place of Worship, Police Station, Post Office, Residential Care Facility, Retirement Home</td>
</tr>
<tr>
<td>Regulations for Institutional Uses</td>
<td>N/A</td>
<td>Consistent with the Community Institutional “I2” Zone (By-law No. 05-200)</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>None</td>
</tr>
<tr>
<td>Maximum Gross Leasable Commercial Floor Area</td>
<td>7,500m$^2$</td>
<td>1,500m$^2$, and a Maximum of 500m$^2$ per Individual Unit</td>
</tr>
<tr>
<td>Minimum Front and Flankage Yards</td>
<td>9m and 12m</td>
<td>3m</td>
</tr>
<tr>
<td>Minimum Side and Rear Yards</td>
<td>9m</td>
<td>7.5m</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>80 units/ha</td>
<td>100 units/ha</td>
</tr>
<tr>
<td>Minimum Residential Density</td>
<td>N/A</td>
<td>50 units/ha</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>20m</td>
<td>30m and not more than 9 Storeys</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Maximum Buildings per Lot</td>
<td>One</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Minimum Landscaped Open Space</td>
<td>50% of Lot, 25% not in front yard, including 5m strip adjacent to a street, 9m strip abutting a zone other than a Commercial or Industrial Zone, 1.5m abutting another lot</td>
<td>10% of the lot area, 3m strip adjacent to a street or any zone other than a Commercial or Industrial zone, 1.5m abutting another lot</td>
</tr>
<tr>
<td>Parking Access</td>
<td>Commercial and Residential parking must have separate entrances/exits</td>
<td>Commercial and Residential parking may have shared entrances/exits</td>
</tr>
<tr>
<td>Stand-alone Apartment Parking</td>
<td>N/A</td>
<td>1.25 spaces/1 bedroom, 1.5 spaces/2 or more bedrooms, plus 0.25 spaces per unit visitor parking</td>
</tr>
<tr>
<td>Minimum Height</td>
<td>N/A</td>
<td>7.5m</td>
</tr>
<tr>
<td>Minimum GFA</td>
<td>N/A</td>
<td>0.6:1 Floor Area Ratio</td>
</tr>
<tr>
<td>Increased Setbacks</td>
<td>N/A</td>
<td>For each 3m above 15m, building face shall be stepped back 1m on all sides</td>
</tr>
<tr>
<td>GFA Exception</td>
<td>None</td>
<td>Maximum GFA does not apply to offices or hotels</td>
</tr>
<tr>
<td>Underground Parking</td>
<td>No Requirement</td>
<td>If more than 12 Residential units, 60% of Residential parking must be underground or within a parking structure</td>
</tr>
</tbody>
</table>

**Mixed Use Commercial Zone on Northeast Corner of Site**

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Currently Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
<td>none</td>
</tr>
<tr>
<td>Minimum Front and Flankage Yards</td>
<td>9m and 12m</td>
<td>3m</td>
</tr>
<tr>
<td>Minimum Side and Rear Yards</td>
<td>9m</td>
<td>7.5m</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>80 units/ha</td>
<td>100 units/ha</td>
</tr>
<tr>
<td>Minimum Residential Density</td>
<td>N/A</td>
<td>50 units/ha</td>
</tr>
</tbody>
</table>
### Maximum Building Height

<table>
<thead>
<tr>
<th>Maximum Building Height</th>
<th>20m</th>
<th>30m and not more than 9 storeys</th>
</tr>
</thead>
</table>

### Minimum Landscaped Open Space

<table>
<thead>
<tr>
<th>Minimum Landscaped Open Space</th>
<th>50% of lot, 25% not in front yard, including 5m strip adjacent to a street, 9m strip abutting a zone other than a Commercial or Industrial zone, 1.5m abutting another lot</th>
<th>10% of the lot area, 3m strip adjacent to a street or any zone other than a Commercial or Industrial zone, 1.5m abutting another lot</th>
</tr>
</thead>
</table>

### Parking Access

<table>
<thead>
<tr>
<th>Parking Access</th>
<th>Commercial and Residential parking must have separate entrances/exits</th>
<th>Commercial and Residential parking may have shared entrances/exits</th>
</tr>
</thead>
</table>

### Minimum Height

<table>
<thead>
<tr>
<th>Minimum Height</th>
<th>N/A</th>
<th>7.5m</th>
</tr>
</thead>
</table>

### Minimum GFA

<table>
<thead>
<tr>
<th>Minimum GFA</th>
<th>N/A</th>
<th>0.6:1 Floor Area Ratio</th>
</tr>
</thead>
</table>

### Increased Setbacks

<table>
<thead>
<tr>
<th>Increased Setbacks</th>
<th>N/A</th>
<th>For each 3m above 15m, building face shall be stepped back 1m on all sides</th>
</tr>
</thead>
</table>

### Multiple Residential Zone on Southeast Corner of Site

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Currently Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Side, Rear and Flankage Yards</td>
<td>Side Yards - ½ height of building, but not less than 6m, 7.5m for a flankage yard, 15m for a rear yard</td>
<td>7.5m</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>80 units/ha</td>
<td>100 units/ha</td>
</tr>
<tr>
<td>Minimum Residential Density</td>
<td>N/A</td>
<td>50 units/ha</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>20m</td>
<td>30m and not more than 9 storeys</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Townhouse Parking</td>
<td>2 spaces and 0.5 visitor spaces per unit</td>
<td>2 spaces and 0.25 visitor spaces per unit</td>
</tr>
<tr>
<td>Street Townhouse Visitor Parking</td>
<td>Not Specified</td>
<td>No Visitor Parking</td>
</tr>
<tr>
<td>Minimum Height</td>
<td>N/A</td>
<td>7.5m and 2 storeys</td>
</tr>
<tr>
<td>Increased Setbacks</td>
<td>N/A</td>
<td>For each 3m above 15m, building face shall be stepped back 1m on all sides</td>
</tr>
</tbody>
</table>
Although the entire western and northern edges of the site are proposed to be designated in the Official Plan for mixed-uses, two different mixed-use zoning categories are proposed for this area. The majority of the site is proposed to be a larger site-specific Mixed Use Commercial “MUC” Zone, allowing for a combination of commercial, institutional, and residential uses, as individual uses or as uses combined within buildings (Block 1 on Appendix “B”).

The zoning for this parcel restricts commercial uses within this area to a total Gross Leasable Commercial Floor Area of 1,500 square metres, and further requires that a single commercial use may not exceed 500 square metres, which is consistent with the Local Commercial policies of the Stoney Creek Official Plan. These provisions do not apply to office or hotel uses. Other significant modifications to this zone include the reduction in yard setback requirements adjacent to roads to allow for buildings to be located close to the street, creating a more visually pleasing urban atmosphere. Height and density requirements consistent with the medium-high density residential policies of the Official Plan have been implemented. Lot coverage and separate access requirements have been eliminated to increase flexibility. Lot coverage will be regulated by setback requirements and required residential amenity areas. Landscaping requirements have also been modified to be similar to the landscaping requirements of the new Zoning By-law No. 05-200, which were implemented for Institutional Zones. In addition, the definition of an “Apartment Dwelling” was amended to recognize newer forms of apartment dwellings such as walk-up apartments with individual entrances (also known as stacked townhouses). Other modifications to the Mixed Use Zone include specific parking standards for stand-alone apartment buildings consistent with the medium-high density residential zone, a requirement that at least 60% of residential parking be located underground or within a parking structure, and requirements for buildings to be stepped back as they increase in height.
The applicant requested that townhouses be permitted within the Mixed Use areas of the site, in addition to the Medium-High Density Residential areas. Staff does not support the addition of townhouses in this area, and this use has not been included in the proposed Official Plan policies or the Zoning By-law Amendment. The intent of this area, as described in the proposed Official Plan Amendment, is to achieve an appropriate mix of uses and a design which ensures compatibility between all components. Allowing townhouses within this area has the potential to change the character of the Mixed Use area to one that is more focused on residential, instead of a mix of commercial, institutional, and residential. Staff also feels that higher density residential uses, and buildings which combine commercial and residential uses, are more appropriate for the northerly and westerly portions of the site, as they provide a better interface with major roads and the Heritage Green commercial uses to the north.

The standards for the institutional uses permitted within the first Mixed Use Zone recognize that in March 2007, the City passed new institutional zones for the entire City, rezoning the majority of institutional properties. These institutional zones were based on extensive research and consultation with various stakeholders. Therefore, to ensure consistency, these new standards and the applicable related definitions have been included in the proposed Zoning By-law Amendment for the mixed-use area, instead of using the institutional definitions and regulations of the City of Stoney Creek Zoning By-law No. 3692-92, which are no longer in use for institutional zones.

A second Mixed Use Commercial “MUC” Zone is proposed for the northeast corner of the site (see Appendix “B”). The proposed Mixed Use Commercial “MUC” Zone permits a number of small scale commercial uses, and residential apartment units above commercial uses only. This Mixed Use Commercial Zone was applied to the northeast corner of the site to ensure that future development at this location will maintain a commercial component. This is appropriate as the remaining three corners of the Stone Church Road and Upper Mount Albion Road intersection contain commercial uses as well. As the West Mountain Core Area to the north permits larger commercial and retail uses, the development of this corner for smaller local commercial uses will complement the West Mountain Core Area, as well as provide services for future residential developments in the area.

All uses located within this zone are required by the zoning to be integrated into a single comprehensive development. Changes to required setbacks, densities, heights, lot coverage, landscaping, and accesses which mirror the changes to the first Mixed Use Zone, are also proposed for this zone.

The Zoning for the Medium-High density residential area implements the maximum and minimum residential densities and building heights of the Official Plan. The zoning limits townhouse dwelling units within the zone to ensure that a mix of dwelling unit types will be provided. Direct access for such non-apartment dwelling units will not be permitted onto Highland Road or Upper
Mount Albion Road, as these are collector roads and a high number of direct accesses would cause traffic issues. In addition, to facilitate a high quality of urban design within this zone, buildings within this zone are also required to be stepped back as they increase in height, and at least 60% of residential parking for apartment buildings must be located underground or within a parking structure.

Further, a Holding provision has been applied to all parts of the subject lands (see Appendix “D”). The Holding provision requires approval for a land subdivision process (i.e. consent, condominium, or subdivision application) prior to development. This will ensure that the City maintains the ability to address a number of factors, which must be dealt with prior to the ultimate development of the subject lands to allow for orderly development, such as the urbanization of Upper Mount Albion Road and Highland Road to the City of Hamilton’s urban standards (see Part 8 of Analysis), and the application of cost recovery conditions (see Public Consultation).

6. As previously noted in Part 5 of the Analysis, several minor adjustments to parking requirements have been proposed for the subject lands. These changes include requirements for a portion of parking to be located underground or within a parking structure if a significant amount of parking is needed. Visitor parking requirements have been reduced from 0.35 spaces per unit to 0.25 spaces for apartments, and from 0.5 spaces per unit to 0.25 spaces for non-street townhouses. Street townhouses currently do not require visitor parking. Also, the parking requirement of 1.75 spaces for 3 bedroom apartment units has been removed, such that the minimum requirement for units with 2 or more bedrooms is 1.5 spaces.

Further reductions to parking to require 1 space per unit for all types of units were requested by the applicants. Although this area is intended to be a transit-supportive area with increased densities, staff notes that this would be a significant reduction in parking. Parking standards were reviewed with Municipal Parking staff, and a comparison was also done on the various parking standards throughout Hamilton and in other Municipalities. Based on this review and current transportation trends, staff is of the opinion that further reductions in parking would create a problematic shortage of parking in the area, and is not supportable.

When a specific development is proposed for the area, the developer would have the opportunity to apply for a Zoning Amendment/Minor Variance for the parking standards if justification for further reductions was provided through the completion of a parking study or parking analysis. However, staff does not support further reductions in parking standards at this time.
7. It is important to ensure that the subject lands will be developed using high-quality urban design standards, as they are in a significant and visible location close to the West Mountain Core Area and major transportation routes.

As the applicant has only applied to amend the Official Plan and the Zoning By-law on the subject lands, and the specific details of future development have not been determined, general policies relating to urban design are proposed for the site-specific Official Plan Amendment. The proposed policies address key elements of urban design which are applicable to the functioning of the site as a whole, such as connectivity, pedestrian design, and gateway features. Future applications for development will need to demonstrate how the developer will deal with built form, integration, site design, streetscaping, site circulation, site landscaping, and other urban design issues.

8. The subject property is bordered by several important higher order roads: Stone Church/Paramount Road to the north; Highland Road to the south; and Upper Mount Albion Road to the east. Stone Church/Paramount Road is classified as an arterial road in the City of Stoney Creek Official Plan, and is meant to carry relatively high volumes of traffic. Highland Road and Upper Mount Albion Road are classified as collector roads in the Official Plan, and are meant to function as connecting road links between local and arterial roads.

On the western edge of the subject property is the planned Trinity Church Road extension. The City of Hamilton’s Environmental Assessment for the Trinity Church Road extension project has been finalized, including the approximate location for the road extension. Plans for the road have now moved to the detailed design stage. It has been determined that the road extension will require a 60 metre wide right of way, most of which will be located on the subject property (Block 4 - Appendix “B”). The construction of a roundabout is planned for the intersection of the proposed Trinity Church Road extension and Highland Road as part of this project as well. This intersection, as well as the portion of the roadway that traverses the property, will require the City’s acquisition of a portion of the subject lands, the value of which shall be based on (pre-planning approval) fair market value. The applicant is working towards completing an agreement with the City for these lands, and has also agreed not to transfer any portion of the Trinity Church Road corridor required by the City to third parties. To ensure that the City is able to obtain these lands from the applicant, staff recommends that the implementing By-laws for Official Plan Amendment and Zoning By-law Amendment be held in abeyance until this agreement has been finalized (Recommendations (a)(i) and (b)(i)). No access to the subject lands will be permitted from the proposed Trinity Church Road extension at this location, as it will be a limited access major arterial road.
Due to these considerations, the proposed layout of the Mixed Use and Medium-High Density Residential designations is appropriate with regards to traffic issues. The layout will allow uses which will benefit from increased visibility to be located along the main arterial roads. It will also allow the majority of residential uses to be located on lower volume collector roads, promoting increased safety and lower noise volumes.

Prior traffic planning for the area has been undertaken on the basis of the designations which are currently in effect, namely the service commercial, neighbourhood park, and medium-high density residential designations. Transportation infrastructure in the area has been planned in order to accommodate this anticipated future development.

The designations proposed for the lands differ from the designations which are currently in effect, in particular, the removal of the service commercial designation and the addition of a mixed-use designation to the site. The applicant has submitted a traffic brief as supporting documentation for changes in designation, which has been reviewed by the Traffic and Engineering Section of the Public Works Department. No major concerns with the proposed uses were noted as the changes in designations are not expected to cause any significant increase in traffic from what was anticipated. Although there are no concerns with the proposed uses, a number of road improvements will be required at future development stages, including but not limited to, the urbanization of Upper Mount Albion Road and Highland Road to appropriate City standards (see Relevant Consultation section of Report). To ensure that the necessary controls are in place for road improvements to be implemented, a Holding provision requiring an application to subdivide the lands is proposed for the site’s zoning (see Appendix “D”).

In addition, several land dedications for improvements to Highland Road West and Upper Mount Albion Road, and for daylight triangles at the intersection of Highland Road West and Upper Mount Albion Road, and at Stone Church Road East and Upper Mount Albion Road, will also need to be provided at future development stage(s) (i.e. site plan, subdivision, consent).

9. A Servicing Report (A.J. Clarke and Associates, 2007), has been submitted with the subject application. The servicing report indicates that the subject lands are divided into two sub-catchment areas; one on the northerly portion of the lands, and one on the southerly portion. There are municipal watermains on Highland Road West, Upper Mount Albion Road, and Stone Church Road East available to service the subject lands. Current storm and sanitary servicing information for the lands is discussed below. At the development stage, the Owner will be required to submit detailed comprehensive engineering reports addressing storm and sanitary sewer servicing, storm water management, and water servicing for the subject lands.
There are storm and sanitary sewers on Stone Church Road East which can service the lands within the northerly sub-catchment area. Development within this sub-catchment area is subject to the conclusions and recommendations of the Davis Creek Subwatershed Study (Philips Engineering, 2006), and the final Stormwater Management Report for Heritage Green Commercial and Residential Development (MTE Consultants Inc.).

Currently, there are no storm and sanitary sewers available to service the southern sub-catchment area. A stormwater management pond, known as “Highland”, is proposed to be constructed in the future on the lands south of Highland Road West and west of Upper Mount Albion Road. This stormwater management pond would be needed to service the southern sub-catchment area. Development within this sub-catchment area is also subject to the conclusions and recommendations of the Davis Creek Subwatershed Study (Philips Engineering, 2006).

The servicing concerns and requirements for the subject lands will be addressed at future development stages, when a detailed development is proposed. The Holding provision applied to the property will ensure that the City has the necessary controls to require a number of road and servicing improvements to be completed prior to the ultimate development of the subject lands.

10. A portion of the subject lands, as noted in the Background section of the report, is currently designated as parkland (open space) in the City of Stoney Creek Official Plan. The subject application is proposing to remove this parkland designation. This designation was originally applied by the City of Stoney Creek as part of an overall plan to realign Highland Road south of its current location, and to create a neighbourhood park on a portion of the site and on the existing Highland Road right-of-way, which was anticipated to be closed. However, with the identification of the Eramosa Karst ANSI to the southeast of the subject site, Highland Road can no longer be realigned, and is now to remain in its current location. Therefore, the park which had been proposed on a portion of the subject lands cannot be created in the same configuration as previously planned. A neighbourhood park is now being proposed to the south of the subject site, within the Trinity West Secondary Plan Area. The exact location of this park will be determined through the finalization of the Trinity West Neighbourhood Secondary Plan. In addition to the proposed park, the protected Eramosa Karst ANSI will provide added green space for any future residents of the subject lands.

A trail connection was also to be provided through the park which was previously planned for the subject parcel. Since the park can no longer be created, the Trails Master Plan for the City of Hamilton has been amended. A future trail connection is now planned through the Ministry of Energy and Infrastructure lands to the south. This trail connection will help to connect Conservation Authority lands to the southwest with the proposed park and with the Eramosa
Karst ANSI to the southeast. The specific location of the trail will be determined through the finalization of the Trinity West Neighbourhood Secondary Plan.

11. Comments from the Hamilton-Wentworth Catholic District School Board, outlined in the Relevant Consultation section of this report, have stated that the School Board has a designated secondary school site in the Trinity Neighbourhood to the southeast of the subject lands, which has been impacted by the protection of the Eramosa Karst ANSI lands. The School Board has noted in their comments that there is a need for a secondary school site in this area, and has requested that the City of Hamilton ensure that an alternate site is available if the current site cannot be developed. The area to the south of the subject lands is governed by the Trinity West Neighbourhood Secondary Plan. This Plan is currently undergoing a review by City of Hamilton staff as a result of changes necessitated by the protection of the Eramosa Karst ANSI. An alternate site for a Hamilton-Wentworth Catholic District School Board secondary school will be included in this secondary plan subject to School Board approval, which encompasses the lands to the south of the subject property. Therefore, the subject lands are not under consideration for a secondary school site, and the re-designation and re-zoning of these lands in preparation for future development is appropriate.

12. A minor portion of a remnant woodlot area was found to be present on the southwest corner of the subject lands. These trees will be affected by the development of the subject lands. Although this remnant woodlot is not a significant natural feature, the submission of a tree management plan will be required at the time of consideration of any site plan or subdivision applications. Eighteen municipal trees also exist within the Highland Road and Upper Mount Albion Road frontages of the subject lands. The majority of these trees are in poor condition, and Forestry and Horticulture staff will consider these trees for no-fee removal at the site plan or subdivision application stage.

13. A Hydrogeological Assessment (Terra-Dynamics Consulting Inc., 2007) and a Karst Assessment (Terra-Dynamics Consulting Inc., 2008) have also been submitted for the applications. The Hydrogeological Assessment determined that the soils on the subject site are comprised of low permeability soils and, therefore, the potential impact of future development should be minimal from the perspective of reducing the infiltration of precipitation or groundwater recharge. The buried Eramosa Escarpment feature (karst) is located to the south of the site, and on protected lands to the southeast. The Karst Assessment provided further study of the karst features and water flows found to the south of the subject lands. No karst features such as sinkholes, dissolution channels, and intermittently flowing groundwater springs were identified on the subject lands through the hydrogeological assessment.
Although staff noted that there were no hydrogeological concerns for the subject lands based on the submitted reports, it was also noted that construction of buried infrastructure and building foundations could intercept a confined overburden/bedrock interface aquifer, and potentially create a flowing condition. Therefore, future development applications on the subject lands may be required to evaluate soil surfaces adjacent to bedrock and vertical groundwater flow gradients through a hydrogeological and geotechnical study at the time of consideration of any planning applications.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the application, the lands would then be subject to the existing “Service Commercial”, “Residential” and “Open Space” policies, and the Neighbourhood Development “ND” Zone provisions.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The following policies, among others, are applicable to the proposed development:

**“Settlement Areas**

1.1.3.1 Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

(a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,

3. Minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with Policy 1.8; and,

(b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

1.1.3.7 New development taking place in designated growth areas should occur adjacent to the existing built-up area, and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Housing

1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) Permitting and facilitating:

1. All forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and,

2. All forms of residential intensification and redevelopment in accordance with Policy 1.1.3.3;

c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed;
Public Spaces, Parks and Open Space

1.5.1 Healthy, active communities should be promoted by:

   a) Planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;

   b) Providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space and natural settings for recreation, including facilities, parklands, open space areas, trails and, where practical, water-based resources;

Infrastructure and Public Service Facilities

1.6.1 Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs.

1.6.4.1 Planning for sewage and water services shall:

   d) Integrate servicing and land use considerations at all stages of the planning process;

1.6.5.4 A land use pattern, density and mix of uses should be promoted that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.

1.6.5.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

Energy and Air Quality

1.8.1 Planning authorities shall support energy efficiency and improved air quality through land use and development patterns which:

   a) Promote compact form and a structure of nodes and corridors;

   d) Improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
Natural Heritage

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features, and ground water features.

2.1.6 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Policies 2.1.3, 2.1.4 and 2.1.5, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Water

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

c) Identifying surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed;

e) Maintaining linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas;”

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Redhill Valley Parkway and industrial areas to the west, future site plan applications on the subject lands will require that a noise assessment be completed, because the specific form of development has not been proposed for the site.

Policy 2.6.2 of the plan also 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. Staff notes that an archaeological assessment (Archaeological Assessments Ltd, July 2006) has been submitted to the City in support of the application, and has received approval by the Ministry of Culture.
As noted previously in the report, the subject lands are located in close proximity to a significant natural heritage feature, the Eramosa Karst Area of Natural and Scientific Interest (ANSI). The Eramosa Karst ANSI is comprised of a number of significant surface water and ground water features. To ensure that there will be no negative impacts on these natural features or their ecological functions, in accordance with the natural heritage (Section 2.1) and water policies (Section 2.2) of the Provincial Policy Statement, a Karst Assessment and a Hydrogeological Assessment were conducted on the subject lands. Infrastructure and Source Water Planning staff requested the advice of a professional hydrogeologist to review the assessments, and are satisfied that these studies demonstrate there are no karst features on the subject lands, and that development of the subject lands will not negatively impact the Eramosa Karst ANSI to the southeast.

Therefore, the application is consistent with the Provincial Policy Statement since it proposes to allow a mix of uses, including housing within a settlement area where sufficient servicing and community infrastructure can be provided. The proposed Official Plan designations and Zoning regulations will provide for a compact, efficient form of development that improves the mix of employment and housing uses in the area, promotes transportation efficiencies, and allows intensification in an appropriate area, while protecting significant environmental features and archaeological interests.

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

The application is consistent with the intensification policies of the Growth Plan for the Greater Golden Horseshoe 2006. Two of the guiding principles of the plan are to build compact, vibrant, and complete communities, and to optimize the use of existing and new infrastructure to support growth in a compact, efficient form. The proposal is consistent with these principles as it proposes a compact density, comprised of a mix of uses, in close proximity to major transportation routes, employment uses, and commercial uses, which is supportive of an efficient, complete community. The following policies, among others, are applicable to the proposed development:

“Managing Growth

2.2.2.1 Population and employment growth will be accommodated by:

c) Building compact, transit-supportive communities in designated Greenfield areas.

   d) Reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments.

   g) Planning and investing for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting, and to increase the modal share for transit, walking and cycling.
Encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space, and easy access to local stores and services.

Designated Greenfield Areas

2.2.7.1 New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that -

a) Contributes to creating complete communities.

b) Creates street configurations, densities, and an urban form that support walking, cycling, and the early integration and sustained viability of transit services.

c) Provides a diverse mix of land uses, including residential and employment uses, to support vibrant neighbourhoods.

d) Creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking, and cycling.

2.2.7.2 The designated greenfield area of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare.

Infrastructure Planning

3.2.1.1 Infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan. Infrastructure includes, but is not limited to, transit, transportation corridors, water and wastewater systems, waste management systems, and community infrastructure.

Moving People

3.2.3.2 All decisions on transit planning and investment will be made according to the following criteria:

a) Using transit infrastructure to shape growth and planning for high residential and employment densities that ensure the efficiency and viability of existing and planned transit services levels;

3.2.3.3 Municipalities will ensure that pedestrian and bicycle networks are integrated into transportation planning to -
a) Provide safe, comfortable travel for pedestrians and bicyclists within existing communities and new development.

Community Infrastructure

3.2.6.1 Community Infrastructure planning, land-use planning, and community infrastructure investment will be co-ordinated to implement this Plan.

3.2.6.2 Planning for growth will take into account the availability and location of existing and planned community infrastructure so that community infrastructure can be provided efficiently and effectively.

3.2.6.3 An appropriate range of community infrastructure should be planned to meet the needs resulting from population changes and to foster complete communities.

Natural Systems

4.2.1.3 Planning authorities are encouraged to identify natural heritage features and areas that complement, link, or enhance natural systems."

The application is consistent with the Growth Plan for the Greater Golden Horseshoe as it proposes compact, transit-supportive development comprised of diverse uses, where suitable infrastructure is available, while avoiding negative impacts to natural systems.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban” 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 C-3.1 also states that the Urban Areas are intended to accommodate approximately ninety-six percent (96%) of new residential housing units in the Region to the year 2020. As the nature of the application is to amend the existing Official Plan designation, and change the existing zoning category to allow for future residential development at medium-high densities on a portion of the property, the proposal conforms to this policy.

Policy C-3.1.1 states that mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development because:

- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Higher density development can reduce per capita servicing costs and makes more efficient use of existing services;
Efficient and affordable public transit systems can be established;

Effective community design can ensure people are close to recreation, natural area, shopping and their workplace; and,

A compact community makes walking and bicycling viable options for movements.

As the applications propose mixed uses, as well as higher density residential uses, the proposal conforms to this policy.

Policy B-7.3 states that the City will request comments prior to approval of Regional/Municipal Official Plan Amendments and/or plans of subdivision regarding residential development from the School Boards, with respect to the adequacy of existing schools to accommodate anticipated growth in enrolment; the possibility of alternatives to the construction of new schools; and requirements for new school sites. The Hamilton-Wentworth Catholic District School Board provided comments with regards to their requirements for a new school site, which are provided in the Relevant Consultation section of this report and are also discussed in Part 10 of the Analysis. The comments state that a site previously designated for a secondary school southeast of the subject lands may be impacted by the discovery of the Eramosa Karst and, therefore, an alternate school location needs to be identified in the event that the current site cannot be developed. Based on Community Planning staff review of the area as part of the Trinity West Neighbourhood Plan review, an alternate school site needs to be provided to the south of the subject lands, and staff is investigating the most suitable location for a secondary school site designation within that area.

In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. As noted previously, an archaeological assessment (Archaeological Assessments Ltd., July 2006) has been submitted with the application, and staff has received notice of clearance of the study from the Ministry of Culture.

Policy 4.2.1.4 of the Plan states that the City will permit water and sanitary sewer extensions to service urban areas within or outside the Region when Council considers that an adequate level of water supply or waste water treatment capacity exists. To service the subject lands, several servicing extensions are required, as discussed previously in the Analysis section of the report. The proposal conforms with this policy, as the lands are located in the Urban Area, and Public Works and Development Engineering staff have determined that adequate capacity and infrastructure is available for services to be extended to the subject lands.

The proposal conforms to the Hamilton-Wentworth Official Plan.
City of Stoney Creek Official Plan

The subject property is designated “Service Commercial”, “Open Space” and “Residential” on Schedule ‘A’ - General Land Use Plan, and “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” on Schedule “A3” - West Mountain Planning District Secondary Plan, in the City of Stoney Creek Official Plan. The following policies of the Plan, among others, are applicable to the proposed development:

“Subsection A.1 Residential

A.1.2.11 All residential development within areas designated as Residential by this Plan will be directed to Planning Districts and Urban Residential Neighbourhoods, as identified on Schedule “E”. Council shall ensure that an adequate number of dwellings, park, school, and other community facilities are available, or will be available to adequately serve the Residential Neighbourhoods. In this regard, permitted uses under the Residential designation will be located and developed in accordance with the Secondary Plan policies and related Schedules of Subsection A.13 and other relevant policies of this Plan.

A.1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

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 9 storeys. 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 spaces areas.

A.1.2.17 In the evaluation of any proposal for multiple family residential development, the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:

a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;

b) The height, bulk and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing and/or expected development of the surrounding area. In this regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;
c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses, where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,

d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.

A.1.2.27 In the evaluation of residential development or redevelopment proposals, adequate provisions for noise attenuation features, to the satisfaction of the Ministry of the Environment, may be required.”

The proposal conforms with the general intent of the residential policies as it maintains a large area of the subject lands in the “Medium-High Density Residential” designation. As noted in the Analysis section of the report, proper facilities, including schools and parks, will be available. The design of the site is regulated by the Holding provision proposed for the property, and through site plan controls, ensuring that proper design of the site takes place. The densities, heights, and type of units in the designation will be maintained through zoning regulations.

As noted by Policy A.1.2.27, noise attenuation features may be required for residential developments. A noise assessment will likely be required for future site plan applications on these lands to ensure that noise levels will not exceed requirements for residential uses. However, as no specific development is being proposed at this time, no noise assessment is required as part of the Official Plan Amendment and Zoning Amendment applications.

“Subsection A.3 Commercial

A.3.2.8 Any structures containing both residential and commercial uses (other than a building permitted under Policy A.1.2.3 and Policy A.1.2.25) shall, in addition to other policies of this Plan, be subject to the following policies:

b) Council shall be satisfied that any effect from the Commercial component which will detract from the amenity of the associated Residential uses will be minimized.

d) Council shall be satisfied that engineering services, school, park and similar community facilities are adequate to serve the needs of the residents.”

The proposal conforms with the general intent of the mixed use commercial policies as zoning regulations have been applied to the Mixed-use zone to ensure that proper amenities will be provided for residential uses in this zone. These regulations include separate parking requirements for residential units, and requirements for residential amenity space. Also, as noted in Parts 8 and 9 of the Analysis section of the report,
proper engineering services and parks facilities will be available to service the residents. In addition, the inadequacy in school services identified by the Hamilton-Wentworth Catholic District School Board will be addressed through the provision of a school site to the south of the subject lands (see Relevant Consultation).

As part of the proposed Official Plan Amendment, a new commercial designation, namely a “Mixed Use” designation, will be added to the categories of Commercial designations. The “Mixed Use” designation will permit a range of commercial, residential and institutional uses, which can be located in separate buildings or integrated within buildings.

“Subsection A.5 Institutional

A.5.2.8 Institutional uses other than those of a local type are to be located along highways or arterial roads, near transportation facilities, and be centrally located to the population to be served. Accordingly, such uses are to be prohibited within the interior of neighbourhoods.”

The proposal conforms with the intent of this Institutional policy, as institutional uses will only be permitted on the exterior western and northern portions of the site within the mixed-use zone, and will be located adjacent to major arterial roads.

“Subsection A.7 Open Space and Parks

A.7.2 It is the City’s goal to establish and maintain an integrated parks and recreation system. This system contributes to a healthy, environmentally sound, and economically diverse community by providing benefits critical for good quality of life. As part of the natural fabric of a community, parks and open spaces are a source of pride and identity. Wherever possible, parks will be linked with other open space lands, walkways, bicycle/multi use paths and trails. Parkland classifications and standards will be used to determine the amount and type of parkland required for the community.

A.7.2.4 The City shall establish a hierarchy of parks as follows, which are applicable to park types in both the urban area and the rural areas;

a) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people, and have a minimum size of approximately 1 hectare.
A.7.2.7 Parks and natural areas shall be linked in a continuous public Open Space System, including those lands identified in the Niagara Escarpment Parks and Open Space System, wherever possible.

A.7.2.9 To ensure the provision of an adequate amount of parkland, the following standards will be used in the determination of parkland needs.

<table>
<thead>
<tr>
<th>Park Classification</th>
<th>Per 1,000 Population (Ratios)</th>
<th>Minimum Service Radius/Walking Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood Parks</td>
<td>0.7 ha/1000</td>
<td>800m</td>
</tr>
<tr>
<td>Community Parks</td>
<td>0.7 ha/1000</td>
<td>2 km</td>
</tr>
</tbody>
</table>

The removal of the parkland designation on the subject lands conforms with the general intent of the parks and open space policies, as parkland will be provided in an alternate location south of the subject lands. The parkland south of the subject lands will comply with the minimum size of 1 hectare, and will be located less than 800 metres from the subject lands. The parkland to the south will also be linked to other open space areas, including the Eramosa Karst ANSI, by a proposed trail connection.

“Subsection D.3 Transportation System

D.3.1.2.7 On ARTERIAL ROADS, direct frontage development will be restricted in accordance with the policies of the Regional Official Plan. Direct access will only be permitted where circumstances warrant it, and with the approval of the Region.

D.3.1.2.9 With respect to COLLECTOR ROADS, direct frontage development may be permitted, but all points of access to such roads are to be in accordance with requirements of the Council and the City Engineer.

D.3.1.2.11 In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established highway system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left hand turn lanes, or any measure which stems from the development or redevelopment, and which is necessary in order to maintain an adequate level of service and safety on the established highway system.”

As noted in Part 7 of the Analysis section, the proposed changes in designation have been reviewed by the City’s Traffic Engineering section, and staff is satisfied that the development of the subject lands can be accommodated. Numerous road improvements will need to be made at the time of development, and all proposed accesses onto arterial and collector roads will be subject to the approval of City staff.
“Subsection F.5 By-laws and Subdivisions

F.4.3 In situations where the ultimate use of land is precisely known, but where Council wishes to delay development, a HOLDING ZONE may be applied by using the Symbol "H" in conjunction with a land use zoning category under any or all of the following circumstances:

a) When development or redevelopment is anticipated in accordance with the provisions of this Plan, but where the details of such development have not been determined.

c) When the level of Engineering and/or Community Services is not adequate to support the ultimate use, but such services are to be provided at a later date in accordance with the relevant provisions of this Plan.

The objective of the Holding Zone is to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased development, and to ensure that the servicing and design criteria established in this Plan have been met prior to the removal of the “H” symbol.

The re-designation of the subject lands can be supported based on its conformity with the general intent of the City of Stoney Creek Official Plan. However, as no specific development is being proposed at this time, the details of development are not known. Therefore, a Holding provision is appropriate for the subject lands until the details of development are established through an application to subdivide the lands, in order to achieve orderly development and ensure that servicing and road concerns are addressed (see Analysis - Part 5).

Based on the detailed review of the Official Plan policies, the proposal meets the general intent and purpose of the Stoney Creek Official Plan. Therefore, staff is of the opinion that the redesignation of the subject land in the Official Plan and the West Mountain Planning District (Heritage Green) Secondary Plan to “Mixed Use” and “Medium-High Density Residential” allows for proper planning, and will permit the logical development of the subject lands.

**Neighbourhood Plan**

The subject lands are designated “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” in the approved Valley Park Neighbourhood Plan. An amendment to the Neighbourhood Plan is required to re-designate the site from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”.
New Urban Official Plan

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

The subject lands are located on the periphery of the West Mountain Core Area Community Node in the Urban Structure Schedule. Nodes are intended to be areas within the City which have characteristics which make them suitable for concentrations of uses, activities and higher densities. The subject lands are situated on the periphery of this node. They are desirable for higher densities as they are located in an area with excellent road access, major commercial uses to the north, and major employment uses to the west. The mixed-use area on a portion of the property will improve the mix of uses in the area, supporting a liveable environment where opportunities for living, working, shopping, and recreation exist in close proximity to each other and, as such, the proposal supports the West Mountain Core Area as a community node.

The lands are also designated as Neighbourhoods and Medium Density Mixed Use on the Urban Land Use Designations Schedule, which is consistent with the land uses being proposed by the Official Plan Amendment.

Specific text changes and changes to the West Mountain Planning District Secondary Plan (Heritage Green) proposed by the Official Plan Amendment will be incorporated into the Urban Official Plan, as noted in Recommendation (d) of the report.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Communications Section, Hamilton Emergency Services.
- Taxation Division, Corporate Services Department.
- Strategic and Environmental Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Community Services Department.
- Ministry of the Environment.
- Ministry of Transportation.
- Horizon Utilities Corporation.
- Union Gas.
- Trans-Northern Pipelines Inc.
- Bell Canada.
- Cogeco Cable Canada Inc.
- Hamilton-Wentworth District School Board.
- French Public School Board.
- French Catholic School Board.
- Hamilton Police Services.
The following Departments and Agencies submitted comments:

**Hamilton-Wentworth Catholic District School Board**

The Hamilton-Wentworth Catholic District School Board has a designation for a secondary school site in the Trinity East neighbourhood of the Upper Stoney Creek Area (southeast of subject lands). The latest draft of the neighbourhood plan has a school designation situated towards the south-eastern limits of the secondary plan area at the north-west corner of Rymal Road and Second Road West. The Trinity Neighbourhood Plan and the secondary school site designation have been impacted by the recent direction of Council to protect the remaining lands in the neighbourhood from development. The latest update is that the provincial government is actively reviewing the request.

Currently, there are approximately 600 students residing in Upper Stoney Creek that are being transported to Bishop Ryan Catholic Secondary School below the escarpment. A secondary school site designation is required in Upper Stoney Creek in order to accommodate the existing community, as well as the new growth being recognized by the continued development in Summit Park, Binbrook and the future Trinity West.

Board staff prefers and is satisfied with the location of the secondary school site designation at the north-west corner of Rymal Road and Second Road West. In order to protect for a designation in the area until a final determination is made in relation to the lands in the Trinity east neighbourhood, the Board requests a secondary school site designation within the area of the subject lands. In this regard, we would be pleased to work with the applicant to determine the particulars of a satisfactory site.

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

We have no conditions regarding the proposed Official Plan Amendment. As a comment, we want to ensure that the proposed changes in land designation will not increase the overall density and, therefore, increase significantly the traffic volumes generated by the future development on the adjacent arterial road network.

Access to the subject lands will be permitted from Stone Church Road (right turn in/right turn out), Upper Mount Albion Road and Highland Road.

The existing vertical alignment of Upper Mount Albion Road and Highland Road creates driver sightline restrictions. At the development stage, the owner/applicant will be required to provide a centreline profile as part of the roadway urbanization, and the location of site driveways which maximize sight lines for drivers of vehicles and bicycles. Determination of sight lines must be in accordance with the Transportation Association of Canada Manual.

At the development stage, the owner/applicant for the subject lands will be responsible for the urbanization of Upper Mount Albion Road and Highland Road, and the construction of sidewalks on Stone Church Road within the subject land frontage.
At the development stage, the owner/applicant for the subject lands will be required to dedicate any lands and corner daylight triangles necessary for road allowance purposes on adjacent municipal roadways. This also includes the dedication of required land for construction of the Trinity Church Road Extension at the west limits of the property and the roundabout intersection control at the intersection of the Trinity Church Road Extension and Highland Road.

Forestry and Horticulture Section, Public Works Department

An assessment of the Official Plan and Zoning By-law Amendment Applications for the proposed development shows that there are Municipal Urban Forestry concerns and potential conflicts. There are mature trees located on the Road Allowance of Highland and Upper Mount Albion Roads. These trees are governed under The City of Hamilton Tree By-law No. 06-151. With the current information provided, it appears Municipal Tree Assets will be impacted.

Eleven Municipal Tree Assets are located on the Highland Road side; seven Tree Assets are located on the Upper Mount Albion side. The five Tree Assets in front of house number 512 Highland Road were not considered as they are not part of these applications. The majority of the trees discussed above were found to be in less than good condition. The Forestry and Horticulture Section may consider these trees for no-fee removals after a review of the Tree Management Plan.

A minor portion of a remnant woodlot area was found to be present on the southwest portion of the subject property. These trees will be in the way of any proposed development. Therefore, the Forestry and Horticulture Section requests that all trees within this proposed development area be accurately plotted on the Site Plan and identified, and that a Tree Management Plan be prepared by a Landscape Architect. All trees shall be surveyed and plotted accurately on the plan. The determination of ownership of all trees is the responsibility of the applicant, and any civil issues which may exist between property owners with respect to trees must also be resolved by the applicant. Proposed grade and surface treatment changes within the driplines, as well as property lines, building footprints, driveways, utility construction corridors, and temporary access roads, must be accurately shown on the submission.

If it is determined that existing trees can remain, a Tree Protection Zone Detail, with notes showing Tree Preservation Techniques, shall be included on the submission, as per the Tree Preservation and Protective Measures for Trees Affected by Construction Policy. All healthy trees on Municipal property which are found to be in conflict with this proposed development, and do not meet our criteria for removal, will be subject to a Replacement Fee, as outlined in the Reforestation Policy for Municipally Owned Lands. 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. Director approval will be required for the removal of all healthy Municipal trees where the total number is less than twenty-five. After approval, all Municipal live and dead trees and stump removals will be the responsibility of the Developer, and shall be removed during the construction process.
Plant Capital and Planning Section, Public Works Department

The servicing report is correct that watermains on the roads fronting the north and south limits of the property are in different pressure districts. However, the district that sections of the property are ultimately serviced from should be evaluated based on which provides adequate service, as the approximate difference in hydraulic elevation between the two districts is approximately 12m or 17psi, as well as providing appropriate looping for security.

Watermains have been installed on Stone Church/Paramount to service the development in Special Policy Area C to the north of the property. The details of cost sharing and reserves should be made clear to the applicant.

The applicant should be aware that they may need to construct additional valving, at their expense, on Upper Mount Albion to facilitate district separation.

Infrastructure Planning and Source Water Protection Section, Public Works Department

Given the subject property’s proximity to the Eramosa Karst, staff requested the advice of a professional hydrogeologist to review the applications. Due to the presence of moderately thick to thick low permeability overburden, and the absence of Eramosa Dolostone, it is unlikely that any karst (sink or seep) feature will exist on the subject lands, and hence, no further concern from a hydrogeological perspective remains on this parcel. We would caution that construction of buried infrastructure and building foundations could intercept a confined overburden/bedrock interface aquifer, and potentially create a flowing condition. Therefore, future development applications on the subject lands may be required to evaluate surfaces and vertical groundwater flow gradients prior to construction through a hydrogeological and geotechnical study. This surface would likely be seasonally variable, as well as spatially variable, depending on depth, proximity to the buried Eramosa Escarpment, and surface elevation.

From a sanitary sewer servicing perspective, the subject property can be serviced as described in the submitted servicing report.

Transit (HSR) Section, Public Works Department

HSR operates bus route #11 (Parkdale) and #43 (Stone Church) in the area. Some minor changes to the routes are under review. HSR supports the inclusion of high quality pedestrian amenities at this development, like walkways, lighting, etc. HSR notes that street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable. The proposed development improves the surrounding land use mix close to the transit line, which is transit supportive.
Hamilton Conservation Authority

As indicated in the Hydrogeological Assessment by Terra-Dynamics Consulting Inc. (TDC), dated December 20, 2007, Parcel B (which contains the subject lands) is dissected by a drainage divide such that the westerly portion of the subject property drains via swales and ditches into the Upper Hannon Creek subwatershed area, while the easterly portion of the property drains via swales and ditches in the Upper Davis Creek subwatershed area. As this area drains into Hamilton Harbour, which has a Remedial Action Plan to restore the health of the harbour by reducing the amount of sediment entering the harbour and Lake Ontario and by improving stormwater quality, any future development of the subject lands will be subject to the recommendations of the City of Hamilton’s Hannon Creek Subwatershed Master Drainage Study and the Davis Creek Subwatershed Study.

We note that the subject property is located outside the Eramosa Karst, an Earth Science Area of Natural Scientific Interest (ANSI), and contains no identified karst features or watercourses on site. As the property is not located within an area regulated by the Hamilton Conservation Authority (HCA), a permit from HCA pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation under Ontario Regulation 97/04 is not required for new development on the site.

According to the TDC report, potential impact from future development on reducing groundwater recharge on Parcel B should be minimal. However, the TDC report recommends that a detailed study be undertaken to identify potential impacts and mitigation measures related to future development applications, and that the mitigation measures be incorporated into the subdivision and site design. In this regard, HCA will require that future development of the site follow the recommended mitigation measures to be identified in this future study, and that a Stormwater Management Report is prepared for the review and approval of the City of Hamilton and HCA. Based on the above, HCA has no objection to the approval of the subject applications.

The detailed study recommended by the TDC report (Hydrogeological Assessment, Terra-Dynamics Consulting, 2007) has been completed (Karst Assessment, Terra Dynamics Consulting, 2008), and has been provided to the Hamilton Conservation Authority. As per staff review of the Karst Assessment recommendations (Infrastructure Planning and Source Water Protection Comments, Page 26), staff has recommended that future development applications on the subject lands may be required to evaluate soil surfaces adjacent to bedrock and vertical groundwater flow gradients prior to construction through a hydrogeological and geotechnical study to mitigate any impacts on ground water. This evaluation, and the requested Storm Water Management Report, will be required at the development application stage.
In accordance with the new provisions of the Planning Act, and Council’s Public Participation Policy, 116 Notices of Complete Application and Preliminary Circulation were mailed to all property owners within 120 metres of the subject property, requesting comments or support for the application, on January 28, 2008. To date, 2 submissions have been received from Heritage Greene GP Limited, and are attached as Appendix “E”. A third letter, requesting copies of the subject application, was received by a land use planner representing Heritage Greene GP Limited, and is also included in Appendix “E”. A fourth submission was received from Six Nations Council indicating that there are no concerns with the proposed planning of the subject lands (Appendix “F”).

In the letters from Heritage Greene GP Limited, several comments and concerns were outlined. Heritage Greene was required to construct a number of road and servicing improvements along Stone Church Road and Paramount Drive as part of the approved development to the north of the subject property. They were also required to construct a stormwater management pond. This stormwater management pond was designed to service the needs of the lands being developed by Heritage Greene, as well as a wider catchment area that includes a portion of the subject lands.

The City of Hamilton is required to use its best efforts in its approval processes to ensure that benefiting owners of the stormwater pond and the road improvements provide cost sharing contributions to Heritage Greene. Heritage Greene is requesting that the City include requirements for cost sharing as part of these applications. Staff notes that cost sharing will be addressed when a formal application to subdivide the lands is submitted (i.e. condominium, consent or subdivision application), in accordance with the Holding provision in the proposed Zoning By-law Amendment (see Appendix “D”).

Heritage Greene has also noted that the initial proposal for the mixed-use area of the subject lands restricts the size of commercial uses on the site to a total of 1,500 square metres. They have noted that they have no concerns related to the planned function of the area provided that retail restrictions for the size remain unchanged. This restriction for the mixed-use area limiting commercial uses to 1,500 square metres has been incorporated into the proposed Zoning By-law Amendment for the larger mixed use area (MUC-2 (H)), and limits all types of commercial uses, except for hotels and offices, to a total of 1,500 square metres combined. The small area on the northeast corner of the site, (MUC-3 (H) Zone) will allow for limited additional commercial uses, but only local-commercial types on a small scale. Therefore, the concern raised by Heritage Greene GP Limited has been adequately addressed.

Further, three Public Notice signs (one on each road frontage) were posted on the property on February 19, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.
CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The proposal supports the development of complete communities, as it promotes efficient development and a mix of uses in close proximity to the area’s commercial core.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The principles of intensification and best use of available land are applied in that significant densities are achieved and environmentally significant areas are avoided.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported in that new commercial and institutional opportunities will be created.

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

:MP
Attachs. (6)
Appendix "B" to Report PED09220

Location Map

File Name/Number: ZAC-07-112/OPA-07-036
Date: February 20, 2009
Appendix "A"
Scale: N.T.S.
Planner/Technician: DM / SL

Subject Property

Block 1 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Mixed Use Commercial (Holding) "MUC-3(H)' Zone

Block 2 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Mixed Use Commercial (Holding) "MUC-3(H)' Zone

Block 3 - Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential (Holding) "RMS-34 (M)' Zone

Block 4 - Additional lands owned by the applicant, planned Trinity Church Road extension.

Ward 9 Key Map N.T.S.
Amendment No. \[\text{X}\]

Schedule “1”

to the

Official Plan for the former City of Stoney Creek

The following text together with Schedule “A”, Schedule “A” - General Land Use Plan and Schedule “B”, Schedule “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. \[\text{X}\].

**Purpose:**

The purpose of the amendment is to establish a development strategy for a mixed use and residential area for lands south of the West Mountain Core Area in the West Mountain Planning District.

**Location:**

The lands affected by this Amendment are known as Part of Lot 33, Concession 7, (Saltfleet) in Stoney Creek, located east of the proposed Trinity Church Road Extension, south of Stone Church Road East, north of Highland Road West, and west of Upper Mount Albion Road.

**Basis:**

The intent of the Amendment is to permit a range of land uses including, residential, commercial and institutional uses. The basis for the redesignation is as follows:

- This proposed amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe as it allows for a mix and range of commercial, institutional and residential uses, provides for transit supportive land use densities in appropriate locations, and makes efficient use of available services; and,

- The proposed development is compatible with existing and proposed development in the surrounding area.

**Actual Changes:**

**Schedule Changes**

1. Schedule “A”, General Land Use Plan, be revised by:
(i) Redesignating the subject lands from “Service Commercial” and “Open Space” to “Residential”, and identifying the subject lands as OPA No. [Blank], as shown on the attached Schedule “A” to this Amendment;

(ii) Redesignating the subject lands from “Service Commercial”, “Open Space” and “Residential”, to “Mixed Use”, 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:

(i) Redesignating the subject lands from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use”, and identifying the subject lands as OPA No. [Blank], as shown on the attached Schedule “B” to this Amendment;

(ii) Redesignating the subject lands from “Neighbourhood Park” and “Service Commercial” to “Medium-High Density Residential”, and identifying the subject lands as OPA No. [Blank], as shown on the attached Schedule “B” to this Amendment.

Text Changes

A) That Policy A.3.2.1 be amended to add the words “and Mixed Use” so that the policy reads:

“Council recognizes that there is a range of Commercial categories in the City, namely, SHOPPING CENTRES, GENERAL COMMERCIAL, HIGHWAY COMMERCIAL, LOCAL COMMERCIAL and MIXED USE....”

B) That a new subsection be added to Section A.3 Commercial as follows:

3.3.6 MIXED USE

3.3.6.1 The Mixed Use designation applies to areas intended to provide a range of land uses including commercial, residential and institutional uses. Mixed use areas are intended to be pedestrian oriented and be transit supportive.

3.3.6.2 The Mixed Use designation shall only apply to the following areas:

a) Lands located on the south side of Stone Church Road East, east of the Trinity Church Road Extension, west of Upper Mount Albion Road, and on the north side of Highland Road West. Permitted uses in this mixed use area shall be subject to the policies of Section A.13.3.20.
C) That Section A13.3 - West Mountain Area (Heritage Green) Secondary Plan be amended by adding the following new policies as A.13.3.20:

13.3.20 Lands South of West Mountain Core Area

The lands south of the West Mountain Core Area, as identified on Schedule A3, “West Mountain Area (Heritage Green) Secondary Plan”, located on the south side of Stone Church Road East, east of the Trinity Church Road Extension, west of Upper Mount Albion Road, and on the north side of Highland Road West, is intended for a mix of residential, commercial and institutional uses.

13.3.20.1 A mix of uses shall be permitted in the Mixed Use designation and shall be designed to ensure compatibility between commercial, institutional and residential components. Design elements shall be implemented to ensure a high quality living environment. Medium and high density residential uses shall be permitted in areas designated Medium-High Density Residential.

Development Principles

13.3.20.2 a) The lands south of the West Mountain Core Area as shown on Schedule “A3” will contribute to the evolution of the Core as an urban centre that is human in scale, pedestrian friendly and transit supportive. The following development principles shall apply:

i) The interface with the West Mountain Core Area should consist primarily of mixed land uses.

ii) The Mixed Use and Residential areas shall have a high degree of connectivity internally and to the West Mountain Core Area, with interconnecting pedestrian/bicycle linkages between the residential and the commercial uses and transit facilities.

iii) Residential frontages shall include high quality pedestrian features, including but not limited to, sidewalks, trees and benches.

iv) Buildings shall generally range from 2 storeys to 9 storeys, though some single storey buildings may be permitted subject to minimum height requirements as set out in the Zoning By-law, and compliance with Urban Design requirements.
v) Medium-High Density Residential uses fronting Highland Road West shall include features such as wide boulevards, street trees, and pedestrian amenities.

vi) On street parking shall be encouraged, where possible.

**Residential**

13.3.20.3 a) Notwithstanding Subsection A.1-Residential, the following policies shall apply to those lands designated Medium-High Density Residential adjacent to lands designated Mixed Use on Schedule ‘A3’:

i) Townhouses, maisonettes and apartment buildings shall be permitted.

**Mixed Use**

13.3.20.4 a) The Mixed Use designation, as identified on Schedule ‘A3’ - Secondary Plan West Mountain Planning District (Heritage Green), shall permit a mix of uses including residential, commercial and institutional. Multi-storey buildings with grade related commercial and institutional uses with residential/office above are encouraged.

b) Notwithstanding Subsection A.1 - Residential, Subsection A.3 - Commercial and Subsection A.5 - Institutional of the Official Plan of the former City of Stoney Creek, the following policies shall apply to those lands designated Mixed Use on Schedule ‘A3’:

i) Commercial, Residential, and Institutional uses shall be permitted in the Mixed Use designation. Mixed Use buildings shall permit commercial uses on the ground floor only, with the exception of hotels, financial institutions and office uses.

ii) Commercial uses permitted in the Mixed Use designation are limited to offices, local commercial, retail stores, personal services, financial institutions, day nurseries, restaurants and hotels.

iii) Stand alone commercial buildings shall not be permitted, with the exception of stand alone office, hotel, financial institution and restaurant uses.
iv) Residential uses permitted within the Mixed Use Designation are limited to apartment dwellings.

v) Ground floor commercial and institutional uses are permitted in residential buildings.

vi) Institutional uses shall be permitted in accordance with section A.5 of this plan.

vii) It is the intent of the Official Plan to achieve a minimum density of 50 residents and jobs per gross hectare for all development within the Mixed Use Designation. This shall be achieved through the application of appropriate minimum density provisions in the implementing Zoning By-law.

viii) The density of residential development shall be consistent with the Medium-High Density ranges detailed in Section A.1.2.12 c) of this plan.

Urban Design Policies

13.3.20.5 a) The Mixed Use designated areas shall be developed in accordance with the following urban design policies:

13.3.20.5.1 Built form

a) Buildings should be located close to the street to provide definition to the street edge, screen large areas of parking from the boundary roads, and create a pedestrian oriented environment.

b) Development along Upper Mount Albion Road should contribute to a strong community image, providing a ‘central street’ character and a pedestrian friendly environment.

c) Building facades should be varied by use to provide visual interest for pedestrians.

13.2.20.5.2 Gateways

a) The intersections of Stone Church Road East and Upper Mount Albion Road, Trinity Road Extension and Highland Road West, and Trinity Road Extension and Stone Church East, shall have distinct architectural and landscape gateway treatments. Gateway markers can consist of built-form or landscape features and provide an opportunity for community landmarks.
b) Buildings at corner gateways should be appropriately positioned at the intersection and parallel to public streets to create a publicly accessible space of high quality in terms of design and materials, as well as ensure adequate sight lines.

**Transportation**

13.3.20.6  

a) In accordance with Schedule D-Functional Road Classification of this Plan, the proposed Trinity Church Road Extension is classified as an Arterial Road.

b) The required right-of-way for the proposed Trinity Church Road Extension adjacent to the “Mixed Use” Designation” shall be 60 metres, in accordance with the established rights of way widths detailed in the Region of Hamilton-Wentworth Official Plan.

**Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. 09 - ______, passed on the ______ day of ______, 2009.

The City of Hamilton

_______________________  ___________________ _____
Fred Eisenberger     Kevin C. Christenson
Mayor               Clerk
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at the Northwest corner of Highland Road West and Upper Mount Albion Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City Of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Stoney Creek” and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ______ of Report ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2009, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek); approved by the Minister under the Planning Act on May 12, 1986, upon 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 Mixed Use Commercial (Holding) “MUC-2 (H)” Zone, the lands comprising “Block 1”;

(b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Mixed Use Commercial (Holding) “MUC-3 (H)” Zone, the lands comprising “Block 2”;

(c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-34 (H)” Zone, the lands comprising “Block 3”;

the extent and boundaries of which Blocks “1” to “3”, inclusive, are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 8.8.4, “Special Exemptions”, of Section 8.8 Mixed Use Commercial “MUC” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “MUC-2 (H)”, as follows:

“MUC-2 (H)” South Side of Stone Church Road between Upper Mount Albion Road and (proposed) Trinity Church Road; and East Side of (proposed) Trinity Church Road between Stone Church Road and Highland Road, Schedule “A”, Map No.15

(A) Notwithstanding the provisions of 8.8.2 of the Mixed Use Commercial “MUC” Zone, on those lands zoned “MUC-2 (H)” by this by-law, the following uses shall also be permitted:

- Apartment Dwellings and a Home Occupation
- Hotel
- Library
- Long Term Care Facility
- Place of Worship
- Police Station
- Post Office
- Residential Care Facility
- Retirement Home

(B) For the purposes of this by-law, the following definitions shall apply:

**Apartment Dwelling**

Means a building containing five or more dwelling units; which building shall have a common entrance from the street level, and where the occupants shall have the right in common to use halls, stairs, yards and accessory buildings; or which building shall have a separate outside
entrance to each unit and each unit is separated from adjoining units by common vertical and horizontal party walls, but shall not include a Boarding House.

**Place of Worship:**

Shall mean a building used by any religious organization for public worship or other ecclesiastical functions, and may include accessory or ancillary uses which shall include, but not be limited to, an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery, and educational or recreational uses.

**Long Term Care Facility:**

Shall mean an institutional care facility, as licensed under the Long Term Care Act.

**Residential Care Facility:**

Shall mean a group living arrangement, within a fully detached residential building occupied wholly by a minimum of four supervised residents and a maximum number of supervised residents, as permitted by the zone, exclusive of staff, residing on the premises because of social, emotional, mental or physical handicaps or personal distress, and which residential setting is developed for the well being of its residents through the provision of self-help, guidance, professional care and supervision not available within the resident’s own family, or in an independent living situation or if:

a) The resident was referred to the facility by a hospital, court or government agency; or,

b) The facility is licensed, funded, approved by a contract or agreement with the Federal, Provincial, or Municipal Governments.

A residential care facility shall include a children’s residence and group home, but shall not include an emergency shelter, lodging house, corrections residence or correctional facility.

**Retirement Home:**

Shall mean a multiple dwelling where all dwelling units do not contain full kitchens, but where the building provides communal facilities such as kitchen/dining facilities, laundry facilities, lounges, and where the residents are supervised in their daily living activities. A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter, lodging house, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.
(C) Notwithstanding the provisions of Subsection 8.8.3 of the Mixed Use Commercial “MUC” Zone, on those lands zoned “MUC-2 (H)” by this by-law, a Place of Worship, Long Term Care Facility, Residential Care Facility, or Retirement Home shall comply with the following requirements:

(a) Minimum Lot Frontage: 30.0 metres
(b) Minimum Side and Rear Yard: 7.0 metres
(c) Maximum Building Height: 18.0 metres
(d) Minimum Landscaped Area: 10% of the lot area
(e) Maximum Capacity for Residential Care Facility: Shall not exceed 50 residents
(f) Location of Residential Care Facility: Every Residential Care Facility shall be situated on a lot having a minimum radial separation distance of not less than 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence, or Correctional Facility.
(g) Parking Requirements:
   i) Long Term Care Facility: 1 for each 3 patient beds.
   ii) Place of Worship: 1 per each 10 square metres of Gross Floor Area to accommodate such use.
   iii) Residential Care Facility or Retirement Home: 1 for each 3 persons accommodated or designed for accommodation.

(D) Notwithstanding the provisions of Paragraphs (c), (d), (e), (f), (g), (h), (i), (k), (l), (n)1. and (n)4. of Subsection 8.8.3, Mixed Use Commercial “MUC” Zone, for all other uses permitted in the “MUC-2 (H)” Zone, the following shall apply:

(c) Maximum Lot Coverage: Not applicable
| (d) | Maximum Gross Leasable Commercial Floor Area: | 1,500 square metres, of which the Maximum Gross Leasable Commercial Floor Area Per Individual Unit shall be 500 square metres. |
| (e) | Minimum Front Yard: | 3 metres |
| (f) | Minimum Side Yard: | 7.5 metres except 3 metres for a flankage yard |
| (g) | Minimum Rear Yard: | 7.5 metres |
| (h) | Maximum Residential Density: | 100 units per gross hectare |
| (i) | Maximum Building Height: | 30 metres and not more than 9 storeys. |
| (k) | Maximum Number of Buildings Per Lot: | Not Applicable |
| (l) | Minimum Landscaped Open Space: | Not less than 10 percent of the lot area, a portion of which shall also constitute the following: |

1. A landscaped strip having a minimum width of 3 metres shall be provided adjacent to any public street, except for points of ingress and egress.

2. A landscaped strip having a minimum width of 4.5 metres shall be provided adjacent to any portion of a lot line that abuts a zone other than a commercial or industrial zone.

3. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts another lot.
(n) 1. Residential Uses

1.25 parking spaces and 0.25 visitor parking spaces for each bachelor or one bedroom apartment dwelling unit; and 1.5 parking spaces and 0.25 visitor spaces for each apartment dwelling unit having 2 or more bedrooms.

(n) 4. Commercial and residential parking may have shared points of ingress and egress.

(E) In addition to the provisions of Section 8.8.3 on those lands zoned “MUC-2(H)” by this By-law, the following shall apply:

(a) Minimum Building Height: 7.5 metres

(b) Minimum Gross Floor Area: 0.6:1 Floor Area Ratio

(c) Building Setbacks: For each 3 metres or part thereof by which a building exceeds a height of 15 metres, the building face shall be stepped back by 1 metre in all yards.

(d) The Maximum Gross Leasable Commercial Floor Area of 1,500 square metres shall not apply to hotels, professional or business offices or financial institutions.

(e) Where more than 12 dwelling units are located within a building, at least 60 percent of the required residential parking for the residential use shall be underground and/or within a parking structure or the building. Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be set back a minimum of 3 metres from any lot line.

(F) On those lands zoned “MUC-2 (H)” by this By-law, the “H” symbol may be removed by a further amendment to this by-law at such time as:

(a) The Owner has received final approval for subdivision of the lands, to the satisfaction of the Director of Planning.

3. That Subsection 8.8.4, “Special Exemptions, of Section 8.8 Mixed Use Commercial “MUC” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “MUC-3 (H)”, as follows:
**“MUC-3 (H)” Northeast Corner of Stone Church Road and Upper Mount Albion Road, Schedule “A”, Map No.15**

(A) Notwithstanding the provisions of Paragraphs (c), (e), (f), (g), (h), (i), (l) and (n)4. of Subsection 8.8.3, Mixed Use Commercial “MUC” Zone, the following shall apply:

| (c) | Maximum Lot Coverage: | Not applicable |
| (e) | Minimum Front Yard: | 3 metres |
| (f) | Minimum Side Yard: | 7.5 metres, except 3 metres for a flankage yard |
| (g) | Minimum Rear Yard: | 7.5 metres |
| (h) | Maximum Residential Density: | 100 units per gross hectare |
| (i) | Maximum Building Height: | 30 metres and not more than 9 storeys |
| (l) | Minimum Landscaped Open lot Space: | Not less than 10 percent of the area, a portion of which shall also constitute the following: |

1. A landscaped strip having a minimum width of 3 metres shall be provided adjacent to any public street, except for points of ingress and egress.

2. A landscaped strip having a minimum width of 4.5 metres shall be provided adjacent to any portion of a lot line that abuts a zone other than a commercial or industrial zone.

3. A landscaped strip having a minimum width of 1.5 metres shall be provided adjacent to every portion of any lot line that abuts another lot.
4. Commercial and residential parking may have shared points of ingress and egress.

(B) In addition to the provisions of Section 8.8.3 on those lands zoned “MUC-3(H)” by this by-law, the following shall apply:

(a) Minimum Building Height: 7.5 metres

(b) Minimum Gross Floor Area: 0.6:1 Floor Area Ratio

(c) Building Setbacks: For each 3 metres or part thereof by which a building exceeds a height of 15 metres, the building face shall be stepped back by 1 metre in all yards.

(C) On those lands zoned “MUC-3 (H)” by this by-law, the “H” symbol may be removed by a further amendment to this By-law at such time as:

(a) The Owner has received final approval for subdivision of the lands, to the satisfaction of the Director of Planning.

4. That Subsection 6.10.7, “Special Exemptions, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “RM3-34 (H)”, as follows:

“RM3-34 (H)” Northwest Corner of Highland Road and Upper Mount Albion Road, Schedule “A”, Map No.15

(A) For the purposes of the “RM3-34 (H)” Zone, an Apartment Dwelling shall be defined in accordance with the definition of the “MUC-2 (H)” Zone.

(B) Notwithstanding the provisions of Paragraphs (e), (g), (i), (j) and (k) of Subsection 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-34 (H)” by this by-law, the following shall apply:

(e) Minimum Side, and Flankage Yards for Apartment Buildings: 7.5 metres

(g) Minimum Rear Yard for Apartment Buildings: 7.5 metres

(i) Maximum Residential Density: 100 dwelling units per hectare

(j) Maximum Height: 30 metres and not more than 9 storeys
(k) Maximum Lot Coverage  Not applicable

(C) Notwithstanding the provisions of Paragraph (a)1, (a)2, (a)3 and (a)4. of Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-34 (H)” by this by-law, the following visitor parking requirements shall apply:

(a) Minimum Number of Visitor Parking Spaces:  0.25 visitor spaces for each dwelling unit.

(D) In addition to the provisions of Section 6.10.3 on those lands zoned “RM3-34(H)” by this By-law, the following shall apply:

(a) Minimum Height:  7.5 metres and not less than 2 storeys

(b) Minimum Residential Density:  50 dwelling units per hectare

(c) Building Setbacks:  For each 3 metres or part thereof by which a building exceeds a height of 15 metres, the building face shall be stepped back by 1 metre in all yards.

(d) On those lands zoned "RM3-34 (H)", a maximum of 50 street townhouses, including street townhouses, shall be permitted.

(e) Non-Apartment Accesses:  No street townhouses or maisonettes shall be permitted to have direct individual driveway accesses on Highland Road or Upper Mount Albion Road.

(f) At least 60 percent of the required residential parking for apartment buildings shall be underground and/or within a parking structure or the apartment buildings. Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be setback a minimum of 3 metres from any lot line.

(E) On those lands zoned “RM3-34 (H)” by this B-law, the “H” symbol may be removed by a further amendment to this B-law at such time as:

(a) The Owner has received final approval for subdivision of the lands, to the satisfaction of the Director of Planning.
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this ___ day of ___, 2009.

__________________________________________  _______________________________________
Fred Eisenberger                        Kevin C. Christenson
Mayor                                  Clerk

ZAC-07-112
Appendix “D” to Report PED09220 (Page 11 of 11)

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. 3692-92

Subject Property
Change in Zoning from the Neighbourhood Development "ND" Zone to the:

- Block 1 - Mixed Use Commercial (Holding) "MUC-2 (H)" Zone
- Block 2 - Mixed Use Commercial (Holding) "MUC-3 (H)" Zone
- Block 3 - Multiple Residential (Holding) "RM3-34 (H)" Zone

Scale:  N.T.S.  File Name/Number: ZAC-07-112/OPA-07-036
Date:  February 20, 2009  Planner/Technician: DM/SL

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Via Facsimile: 905-546-4202

February 27, 2008

To: Ms. Melanie Lemstra
Planning and Economic Development Dept.
Planning Division,
Development Planning East Section
City of Hamilton
77 James Street North, Suite 400
Hamilton, Ontario
L8R 2K3

And To: City Clerk,
Economic Dev. and Planning Committee
City of Hamilton
77 James Street North, Suite 400
Hamilton, Ontario
L8R 2K3

Dear Ms. Lemstra and City Clerk:

Re: Applications for an Official Plan Amendment
and Zoning By-law Amendment
by Ontario Realty Corporation
Northwest Corner of Highland Road West
and Upper Mount Albion Road
OPA-07-036 and ZAC-07-112
Our File No. 13221

We represent Heritage Greene GP Limited ("Heritage Greene") the owner of
approximately 21 hectares of land immediately to the north, across Stone Church Road East, of
the ORC lands that are subject to these applications. The Heritage Greene lands comprise the
majority of the West Mountain Core Area – a mixed use focal point of the Heritage Green
Secondary Plan which was adopted by the former City of Stoney Creek in 1989.

Our client has a direct interest in the development of the ORC lands. Among other
things, our client wishes to evaluate the proposed uses and assess what cost sharing for
improvements provided by Heritage Greene would be appropriate. To that end, we would like to
receive copies of all reports submitted, or that may be submitted, in support of the applications,
including any market studies, traffic and servicing studies and planning justification reports. We
will, of course, pay for any costs associated with copying these documents. We reserve the right
to provide further comments based on a review of the reports.

On behalf of our client, we hereby request to be placed on a mailing list to receive copies
of all notices, meetings, minutes, reports and any Notices of Decision or enactment of by-laws,
amendments or modifications respecting these matters. This request should apply to both the
proposed Official Plan Amendment and the proposed Zoning By-law Amendment.

Your assistance in this matter is appreciated. If you have any questions or comments, please do not hesitate to contact me.

Yours truly,

Scott Snider

Send
13221/26

cc: Paul Silvestri
By Facsimile: 905.546.4202
City of Hamilton
Attention: Melanie Pham
Planning and Economic Development Department
Planning Division - Development Planning - East Section
77 James Street North, Suite 400
Hamilton, ON
L8R 2K3

July 3, 2008

Dear Ms. Pham:

Re: Application for an Official Plan Amendment and
Zoning By-law Amendment by Ontario Realty Corporation
Northwest Corner of Highland Road West
and Upper Mount Albion Road
Your File Nos: OPA-07-036 and ZAC-07-112
Our File No. 13221

We act for Heritage Greene GP Limited (“Heritage Greene”), the owner of
approximately 21 hectares of land off Stone Church Road East. The Heritage Greene
lands comprise the majority of the West Mountain Core Area – a mixed use focal point of
the Heritage Green Secondary Plan adopted by the former City of Stoney Creek in 1989.

The purpose of this correspondence is to provide further comment in respect of
Ontario Realty Corporation (“ORC”) files OPA-07-036 and ZAC-07-112. The related
ORC lands are located at the Northwest Corner of Highland Road West and Upper Mount
Albion Road. In response to a Notice of Complete Application, we provided initial
comments on behalf of Heritage Greene in a letter dated February 27, 2008 and requested
copies of all reports submitted in support of the applications. We have only recently
received the requested reports.

Our clients were subject to a lengthy and detailed planning process in respect of
the West Mountain Core Area leading to a carefully planned community. The Heritage
Greene lands were planned for substantial commercial development, a residential
component, office space, a theatre as well as a transit node. The planning and investment
was significant to compliment the planned function of retail uses as part of a mixed
centre which is central to the community.

Turkstra Mazza Associates, Lawyers
At this time, we have the following comments regarding these applications:

(i) Further to initial concerns raised regarding cost sharing, it is clear that development of this site will rely on improvements relating to the Heritage Greene site located directly to the north.

(a) In part, as part of its approval process, Heritage Greene was required to construct a storm water management pond ("SWM Pond") on 6 acres of land which will ultimately be dedicated to the City. We remind the City of its obligation in the course of the approval process to use its best efforts to ensure benefiting owners contribute to the SWM Pond costs being front ended by Heritage Greene and submit it is appropriate to include cost sharing contributions for the value of the land to be dedicated to the City for this pond;

(b) Additional cost sharing items that need to be addressed by the City where it appears that the ORC will be a benefiting owner include: Stone Church Road/Paramount Drive road improvements; sanitary and storm sewers; and watermains. Should any other cost sharing issues arise between these two properties, we request the same considerations be applied; and

(ii) The GSP December 21, 2007 Planning Justification Report indicates that the intended commercial aspect of this site will be restricted in size, through the zoning, to a maximum gross leasable commercial floor area for retail stores of 1,500 square metres with a maximum gross floor area of 2.5:1. At the same time, the intended official plan designation may include provision for larger scale service commercial uses. Heritage Greene has no planned function concerns should these retail restrictions for the site remain unchanged.

We look forward to receiving further information should there be any changes regarding the comments set out above. We also look forward to receiving a copy of the City's Planning Report and notification of the ensuing public meeting. Please do not hesitate to contact us if you have any questions regarding this matter.

Sincerely,

[Signature]
Shelley Kaufman

Cc: Paul Silvestri

TURKSTRA MAZZA ASSOCIATES, LAWYERS
July 15, 2009

Ms. Delia McPhail
Planning Department
City of Hamilton
77 James St. N.
Hamilton, ON L8R 2K3

Dear Delia:

Re: ORC Lands - Heritage Green - File Nos. ZAR-07-104 and ZAR-07-109

I have been retained by Heritage Green GP Limited, the owner and developer of commercial property within the East Mountain Core Area in the East Mountain Secondary Plan to assist Ms. Shelley Kaufman and Mr. Scott Snider with respect to this project. Can you please add me to the list of persons to be contacted with respect to any applications regarding the ORC lands in the Heritage Green area, specifically:

1. OPA-07-036 and ZAC-07-112
2. OPA-07-038 and any related ZAC file
3. OPA-07-037 and ZAC-07-113
4. ZAC-07-109 and any related OPA file
5. ZAC-07-104 and any related OPA file

Can you please forward to me a copy of the initial applications made by ORC to be able to identify the specific requests that were made with respect to their applications.

I understand that with the exception of File OPA-07-038, these applications are intended to be brought forward to the August 10, 2009 meeting of the Economic Development and Planning Committee. Can you please forward a copy of the staff report to myself, Mr. Snider and Ms. Kaufman as soon as it is available.

Thank you very much.

Sincerely,

FOOTHERGILL PLANNING & DEVELOPMENT INC.

E. J. Fothergill, MCIP, RPP
President

c. c. Mr. Gerald Aea, Mr. Scott Snider, Ms. Shelley Kaufman

C:\WPDOCS\FILES\Heritage Green-2008-2009\Letter-D-McPhail-July-15-09-1.wpd
April 2, 2009

Frank Dieteman, Ph.D.
Heritage Manager
Ontario Realty Corporation
1 Dundas Street West, Suite 2000
Toronto, Ontario M5G 2L5

Dear Mr. Dieteman

Re: ORC Proposed Land Dispositions in Stoney Creek

On January 8, 2009, Six Nations of the Grand River (Six Nations) technical staff met with staff from Ontario Realty Corporation to discuss ongoing ORC projects in Stoney Creek. ORC Staff provided information on the proposed planning and disposition of Parcels A, B, C, E, F, G, H, and I which are adjacent to and in vicinity of the Eramosa Karst Conservation Area.

Six Nations' cultural, sustenance and other rights are recognized by the Province of Ontario by way of the 1701 Treaty of Ft. Albany. Six Nations' rights and interests in relation to lands six miles either side of the Grand River (the Grand River Tract) was also confirmed by way of treaty, through the Haldimand Proclamation of October 25, 1784. This study area is within the 1701 Treaty Territory.

At this time we have no further comments with regards to these proposed land dispositions. For further information, please do not hesitate to contact Lonny Bomberry at (519) 733-0665 ext. 12. We thank Ontario Realty Corporation for meeting with technical staff and providing information on these lands.

Respectfully,

Lonny C. Bomberry, Director
Six Nations Lands and Resources

CC: Mr. William K. Montour, Chief; Six Nations Elected Council
    Mr. Leroy Hill, Secretary; Headwaters Six Nations Confederacy Council
    Minister Brad Duguid, Ontario Ministry of Aboriginal Affairs
    Minister Chuck Strahl, Indian and Northern Affairs Canada

This letter is without prejudice to the positions that Six Nations has and may take in respect to its claims and litigation in relation to the Six Nations Tract/Haldimand Proclamation Lands.