TO: Chair and Members
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: September 7, 2010

SUBJECT/REPORT NO:
Applications to Amend the City of Stoney Creek Official Plan for Lands Located at 1365 and 1367 Baseline Road, and to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1365 Baseline Road (Stoney Creek) (PED10194) (Ward 11)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Alvin Chan
(905) 546-2424, Ext. 1334

RECOMMENDATION:

(a) That approval be given to Amended Official Plan Amendment Application OPA-09-004, as Amended, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant), to amend the Official Plan for the former City of Stoney Creek Schedule A - General Land Use Plan, and Schedule A4 - Urban Lakeshore Area Secondary Plan, to permit a 4-storey, 45-unit hotel, and associated accessory commercial uses, on the lands known as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10194, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10194, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan.
(b) That approval be given to Zoning By-law Amendment Application ZAC-09-022, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant/Owner), for a change in zoning from the Rural Residential "RR" Zone to the Highway Commercial (Holding) "HC-8(H)" Zone, with a Special Exemption, to permit a 4-storey, 45-unit hotel, on the lands known municipally as 1365 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10194, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10194, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map 4 of Schedule “A” of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan and the Stoney Creek Urban Lakeshore Area Secondary Plan upon approval of Official Plan Amendment No. 

(c) That approval be given to Official Plan Amendment No. ___ to modify the new Urban Hamilton Official Plan Commercial policies to establish an “Arterial Commercial” designation in the Urban Lakeshore Area Secondary Plan, for lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10194, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED10194, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, and upon adoption of the proposed Official Plan Amendment, shall conform to the new Urban Hamilton Official Plan.

(d) That upon finalization of the implementing By-laws, the subject lands be identified as Commercial (HC) on the Fifty Point Neighbourhood Plan.

EXECUTIVE SUMMARY

The purpose of the applications is to change the designation and zoning to permit a 4-storey, 45-unit hotel on 1365 Baseline Road. It is noted that 1367 Baseline Road has been included within the subject Official Plan Amendment to permit commercial uses to ensure comprehensive and orderly development of the subject lands.
The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement and Places to Grow Plan, and conforms to the Hamilton-Wentworth Official Plan. The proposal is compatible with the existing and proposed land uses in the surrounding area, and given the direct exposure to the Queen Elizabeth Way (QEW), the subject lands represent a prime location for highway commercial uses such as a hotel.

Alternatives for Consideration - See Page 27.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

| Financial: | Not applicable. |
| Staffing:  | Not applicable. |
| Legal:     | As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning and Official Plan Amendment. |

**HISTORICAL BACKGROUND** (Chronology of events)

**Pre-Consultation (PC-08-054):**

A pre-consultation meeting with the applicant and City staff took place on October 29, 2008. At this meeting, staff determined that successful applications for an Official Plan and Zoning By-law Amendment, along with a future site plan control application, would be required to implement the proposal. Furthermore, the submission requirements for each application were determined.

**Formal Consultation (FC-09-055):**

As the subject applications had previously been reviewed under Pre-consultation File PC-08-054, formal consultation was waived for this proposal subject to the submission of a Traffic Impact Study and Archaeological Assessment for the required Official Plan and Zoning By-law Amendment applications.

**Proposal**

The applicant is proposing a 4-storey, 45-unit hotel, with accessory uses, as per the attached redline revised concept plan (see Appendix “E”). The concept plan has been revised to increase the building setbacks along Baseline Road and the North Service
Road to provide for an enhanced landscaped area, while still maintaining adequate on site manoeuvring and landscaping along the easterly lot line.

To facilitate this proposal, the applicant has applied to amend the City of Stoney Creek Official Plan to redesignate the lands as “Highway Commercial”. In order to ensure orderly and comprehensive development, 1367 Baseline Road has also been included in the proposed Official Plan Amendment.

Lastly, the applicant has also applied to change the zoning from the Rural Residential “RR” Zone to a site-specific Highway Commercial (Holding) “HC-8(H)” Zone for 1365 Baseline Road, subject to the following modifications:

- To prohibit the following uses: Bus Depot; Convenience Food Stores not exceeding 150 square metres in gross floor area, and Place of Entertainment or Recreation;
- Reduction in front yard setback from 23m to 4m;
- Reduction in exterior side yard setback from 7.5m to 5.07m;
- Increase in building height from 15m to 21m;
- Reduction in minimum landscape strip adjacent to any street from 6m to 5.07m, and 0m from the sight-line triangle along North Service Road;
- Reduction in minimum landscape strip abutting any zone other than commercial or industrial from 9m to 2m, with the inclusion of a board-on-board fence;
- Reduction in required parking from 54 spaces to 47 spaces, 2 of which shall be barrier free;
- Reduction in parking space dimensions to 2.6m x 5.5m for standard parking space, and 4.4m x 5.5m for barrier free parking spaces;
- Reduction to setback of a parking space from 1.5m to 0m abutting the sight-line triangle, to be dedicated to the City of Hamilton, along North Service Road;
- Reduction in required loading spaces from 2 spaces to 1 space; and,
- Reduction in setback to the hypotenuse of a daylight triangle from 3m to 2m.
Additionally, it is proposed to place the subject lands in a Holding Zone. The ‘H’ Holding symbol may be removed at such time as the owner/applicant has completed the required roadway and servicing works (i.e. sanitary sewer, curbing, boulevard sodding, grading, etc.) on Baseline Road, and, if necessary, North Service Road, to the satisfaction of the Director of Development Engineering.

Details of Submitted Application:

**Location:** 1365 and 1367 Baseline Road, (Stoney Creek)  
(See Appendix “A”)

**Applicant/Owner:** 2149589 Ontario Limited, c/o Paul Aneja  
(Owner - 1365 Baseline Road)

**Agent:** A.J. Clarke and Associates Ltd., c/o Stephen Fraser

**Property Description:**
- **Frontage:** ±38.868m
- **Depth:** ±113.875m
- **Total Land Area:** ±3,700m² (1365 Baseline Road)  
±2,752m² (1367 Baseline Road)

### EXISTING LAND USE AND ZONING FOR 1365 BASELINE ROAD:

<table>
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<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Single-Detached Dwelling</td>
<td>Rural Residential “RR” Zone</td>
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<td>Multiple Residential “RM1-4” Zone, Neighbourhood Development “ND” Zone and Residential “R4-18” Zone</td>
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<tr>
<td>South</td>
<td>Vacant Ministry of Transportation (MTO) Lands</td>
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**Places to Grow**

The proposed 4-storey, 45-unit hotel is consistent with the Guiding Principles, Section 1.2.2 of the Places to Grow Plan, whereby the proposed development provides for a compact, vibrant, and complete community which protects, conserves, enhances, and wisely uses the valuable natural resources of land, air, and water for current and future generation; optimizes the use of existing and new infrastructure to support growth in a compact, efficient form; and is a planned and managed form of growth that supports a strong and competitive economy.

Furthermore, Policy 3.2.4.3 requires that:

“The planning and design of highway corridors, and the land use designations along these corridors, will support the policies of this Plan, in particular, that development is directed to settlement areas, in accordance with Policy 2.2.2.1(i).”

In review of Policy 2.2.2.1(i), it is noted that:

“Population and employment growth will be accommodated by directing development to settlement areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas.”

Lastly, Policy 3.2.4.5 states that:

“Municipalities will plan for land uses in settlement areas adjacent to, or in the vicinity of, transportation facilities such as…major highway interchanges that are compatible with, and supportive of, the primary goods movement function of these facilities.”
As the subject lands are in a settlement area, and the proposed land use is an appropriate use for this location, and as it will provide for respite for individuals primarily involved in goods and/or people movement, the proposal is consistent with the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Provincial Policy Statement

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1, and provides for sustainable tourism development, as per Policy 1.7.1(f).

However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted.

It is noted that an Archaeological Assessment, conducted by Archaeological Assessments Ltd., dated April, 2009, was submitted, and has been cleared by the Ministry of Culture and, accordingly, the Provincial interest has been satisfied.

Additionally, Policy 1.1.1(g) requires that healthy, liveable, and safe communities be sustained by ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs. Furthermore, Policy 1.6.1 states that:

“Infrastucture and public service facilities shall be provided in a coordinated, efficient, and cost-effective manner to accommodated projected needs. Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.”

Moreover, Policy 1.6.5.1 requires that:

“Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.”

Accordingly, an 'H' Holding provision has been included in the implementing By-law to prevent development until such time as the owner/applicant has agreed to the completion of the required roadway and servicing works (i.e. sanitary sewer, curbing, boulevard sodding, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Director of Development Engineering (see...
Appendix “C”)

Therefore, as the nature of the application is to allow for a 4-storey, 45-unit hotel in a Settlement Area, subject to the ‘H’ Holding provision to ensure adequate servicing and infrastructure, the proposal is consistent with the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As noted above, appropriate levels of municipal services will be provided by the applicant, and an ‘H’ Holding provision has been included in the implementing By-law to ensure the services are provided (see Appendix “C”).

The provision of services will, therefore, be available in the near future, and conform with the intent and purpose of the above noted policy. Additional servicing information is provided in the Relevant Consultation section below.

Similarly, 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. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As mentioned above, the Provincial interest has been satisfied.

Based on the foregoing, as the nature of the application is to allow for a 4-storey, 45-unit hotel in the Urban Area, where full municipal services are or will be available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan**

The subject property is designated “Residential” on Schedule A - General Land Use Plan and “Low Density Residential” on Schedule A-4 - Secondary Plan, Urban Lakeshore Area of the City of Stoney Creek Official Plan. The applicant has requested a change in designation to the “Highway Commercial” designation. The following policies, among others, are applicable:

“A.3.3.4 The Highway Commercial designation applies to those commercial facilities which are primarily designed to serve the travelling public, and which rely heavily upon the automobile-borne traffic for their existence.
This designation may include automobile service stations, motels, restaurants, small scale local institutional and similar uses including residential units clearly accessory to the principal uses.

A.3.3.4.2 In order to obtain a higher standard of design and landscaping, and to ensure adequate building, entrance, and parking area locations, any proposal for highway commercial uses may be subject to Site Plan Agreement. In this regard, special attention will be given to ensure compatibility with adjoining non-commercial uses. A detailed site plan and landscaping plan will be required prior to any rezoning, and in this regard, screening and buffering in the form of fencing and/or berming, and landscaping is to be provided adjacent to any residential lands, to the satisfaction of the City of Stoney Creek and the Ministry of the Environment. Any proposed lighting shall be directed away from abutting residential properties.

A.3.3.4.3 Highway Commercial locations shall be readily accessible from major roads, and be limited in number, and only permitted where they would not create a hazard to vehicular and pedestrian traffic.

A.3.3.4.4 Proposal to designate additional lands Highway Commercial will be given consideration only if they are situated on Arterial Roads or Provincial Highways, as identified on Schedule “D” of this Plan.”

Since the subject lands have direct exposure to the Queen Elizabeth Way (QEW) and will be primarily utilized by automobile-borne traffic, the proposed location is a suitable location for Highway Commercial developments such as the proposed hotel.

As noted previously, the proposed development will be subject to a future Site Plan Control application which will address proposed lighting, land dedication for traffic sight-line purposes, and an Urban Design Brief.

With regard to fencing along the easterly property line adjacent to an existing residential use, staff has included a modification to the landscaped open space provision, requiring a 2 metre landscape strip, with board-on-board fence, which shall be provided adjacent to every portion of any lot line that abuts a residential lot.

It is further noted that the adjacent lands, 1367 Baseline Road, shall also be designated as “Highway Commercial”, and will be redeveloped for commercial purposes in the future.
With regards to servicing, the following policies, among others, are applicable:

“D.1.1.1.1 To ensure that all existing and future development in the City will be effectively serviced by an adequate supply of water and a suitable sewage disposal system in order to prevent or mitigate environmental and health problems.

D.1.1.2.1 In accordance with the intent of the Regional Official Plan, the Region will provide an adequate supply of potable water and a suitable sewage collection and disposal system for the designated Urban Policy areas as the land is developed.

D.1.1.2.2 Council shall encourage the Region to maintain and, where necessary, improve existing water supply and sewage collection and disposal systems.

D.1.2.2.1 All new development or redevelopment within the City shall be connected to and serviced by a suitable Storm Drainage System such as underground pipes, ditches, culverts, swales, natural watercourses, detention storage areas, or any other appropriate stormwater management system acceptable to Council and the Conservation Authority.

D.1.2.2.3 Where practicable, the existing storm drainage system will be maintained and improved in order to ensure its efficient operation and minimize the potential for flooding.”

Lastly, with regard to the Road Network, the following policies, among others, are applicable:

“D.3.1.2.4 New development or redevelopment will only be permitted on a property that has direct frontage on a public road of an acceptable standard of construction…”

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 lands, 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.”
It is noted that the area required to ensure safe traffic sight-lines shall be dedicated through the future Site Plan Control application. With regard to servicing and roadway improvements, an ‘H’ Holding provision is included in the implementing By-law prohibiting any development until such time as the owner/applicant has completed the required roadway and servicing works on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Director of Development Engineering.

Therefore, as the subject lands have direct exposure and access to the QEW, will be primarily accessed through automobile-borne traffic, include appropriate sight-line protection through the future, required land dedication, will be fully serviced, and subject to a future Site Plan Control application, staff supports the proposed Amendment.

Staff notes that detailed servicing information is provided in the Relevant Consultation section below, and will be required and reviewed as part of the Site Plan Control application.

**Urban Lakeshore Secondary Plan**

The subject lands are designated “Low Density Residential” in the Urban Lakeshore Area Secondary Plan. The policies for the area, A.13.4, prescribe requirements for residential development, in particular, noise study requirements and shoreline protection regarding flooding, water quality, and erosion concerns for development fronting onto or in close proximity to the Lakeshore Area, among others. Policies for Commercial uses are as noted in the Commercial section of the Official Plan.

As the subject applications are for a change in designation and zoning from residential to commercial purposes, which does not require noise abatement as per Ministry of Environment Guidelines; is situated in a location which is significantly setback from the Lake Ontario shoreline and the respective drainage patterns/areas; and, as the proposed development shall be subject to a future Site Plan Control application which will address any downstream flooding, water quality, and erosion concerns, the proposed amendments are supportable.

**Fifty Point Neighbourhood Plan**

Policy F.7.1 of the Official Plan states that Neighbourhood Plans are intended to be a general guide plan for development and redevelopment of the Urban Residential Neighbourhoods, and are not intended to form part of this Official Plan.

Staff has reviewed the proposed land use changes in light of the envisioned development pattern as provided through the Fifty Point Neighbourhood Plan. The Fifty Point Neighbourhood Plan was prepared in 1992, and envisions a cul-de-sac for low density residential to the east of the subject lands.
Although a single-detached residential dwelling currently exists along this portion of Baseline Road, the proximity to the Queen Elizabeth Way would limit the potential for residential redevelopment in this area due to noise mitigation requirements and Ministry of Transportation setback requirements. Furthermore, staff notes that the vacant lands east of the abutting property at 1369 Baseline Road are under the ownership of the Ministry of Transportation.

As such, the opportunity for comprehensive development of this portion of Baseline Road for a residential cul-de-sac, as envisioned in the Fifty Point Neighbourhood Plan, is limited. Therefore, as feasibility for residential land uses is limited, and as the subject lands are appropriate for Highway Commercial development, the proposed amendments to the Official Plan to permit the development of a hotel which maintains compatibility with the existing neighbourhood and development pattern are supportable.

Policy F.7.4 states that:

“Neighbourhood Plans may be revised from time-to-time by resolution of Council. Such revisions must be in conformity with the relevant policies of this Official Plan. No formal amendment to this Official Plan will be required for such revisions unless the proposed revisions do not conform to the general intent and purpose of this Official Plan.”

Based on the foregoing, with the proposal to redesignate the subject lands from “Low Density Residential" to the “Highway Commercial" designation, staff has included Recommendation (d) to revise the Fifty Point Neighbourhood Plan upon finalization of the implementing By-laws.

**New Urban Hamilton Official Plan**

The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations. The lands are also designated “Low Density Residential 2b” on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan.

The proposed amendment is for a change in designation from “Low Density Residential 2b” to the “Arterial Commercial” designation. However, Policy E.4.2.2 states that:

“lands used for commercial and mixed-use purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to Section E.3.0 - Neighbourhoods Designation.”
As per Section E.3.0, the designation "Neighbourhoods" recognizes that our neighbourhoods are made up of more than just homes, but include a variety of land uses. The mix of uses is important in a neighbourhood. Also important, are the relationships between these uses, the locations of the uses, how they function together, how they are designed, and how they are accessed by local residents.

However, as per Policy E.3.2.3, arterial commercial uses would not be permitted within the Neighbourhoods designation. As a result, Section B.7.3.2 - Local Commercial Designation of the Urban Lakeshore Area Secondary Plan is to be amended with the inclusion of Arterial Commercial policies to facilitate the proposed hotel on lands to be re-designated to “Arterial Commercial” in the Urban Lakeshore Secondary Plan.

The proposed hotel is consistent with Policy E.4.8.1, which requires that “Arterial Commercial" areas cater to the travelling or drive-by consumer, and is permitted under Policy E.4.8.2(e), as this permits accommodations, excluding residential uses.

However, the design and location of the development, as per Policy E.4.8.5, requires that setbacks and siting be addressed in detail though secondary plan policies, the implementing Zoning By-law, and site plan approval. Additionally, Policy E.4.8.7 states:

“Lands fronting on the Queen Elizabeth Way or at interchanges of the Queen Elizabeth Way shall be designed such that the placement of buildings, accesses, and landscaping enhances the entrance to the City in accordance with Policy B.3.3.4 - Gateways.”

In light of the above, it is noted that the subject lands are located in proximity to the Fifty Road interchange, and at the main entry-point/intersection to the adjacent Marina Point and Mattamy-on-the-Lake subdivisions via Baseline Road, and the remainder of the Urban Lakeshore Neighbourhood via the North Service Road.

Accordingly, the proposed concept plan, as redline revised and attached as Appendix “E”, proposes to locate the proposed hotel along the limits of Baseline Road and North Service Road providing for strong pedestrian orientation and street presence at this location.

Furthermore, Urban Design staff has reviewed the subject application and are satisfied with the proposed location, subject to an Urban Design Brief to be submitted and implemented through the future Site Plan Control application.

Based on the foregoing, as the subject lands are located in proximity to the Fifty Road and Queen Elizabeth Way (QEW) interchange, providing for a commercial use serviced primarily by the traveling or drive-by consumer, in a location appropriate for and design conducive to the Arterial Commercial designation, and subject to a future Site Plan Control application, staff support the proposed amendment.
RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Taxation Division, Corporate Services Department.
- Waste Management Division, Public Works Department.
- Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Hydro One Networks Inc.

**Strategic Planning Section, Capital Planning and Implementation Division, Public Works Department:**

Staff of the Strategic Planning Section, Capital Planning and Implementation Division, Public Works Department, advises the applicant to be aware that the Stoney Creek Urban Expansion Subwatershed and Stoney Creek Urban Expansion Secondary Plan Boundary Studies are underway.

Furthermore, the proponent should be made aware of the recommendations of the Stormwater Quality Management Strategy of the Stoney Creek Master Plan, in addition to having the recommendations of the City of Hamilton Stormwater Master Plan for source and conveyance control being incorporated into the servicing plans.

**Forestry and Horticulture Section, Public Works Department:**

There are no significant Municipal Tree Assets located on the road allowance of this proposed development and, therefore, Tree Management will not be required. However, it is noted that trees are shown in the Landscape Strips and Grass areas with no identification of plant materials.

As such, a landscape/street tree planting plan prepared and signed by a landscape architect will be required. This plan must be submitted for review and comments by the Forestry and Horticulture Section. In addition, Forestry and Horticulture must be circulated with any Disconnection of Services Application for review and sign-off.

Staff notes that the required landscape/street tree planting plan is to be reviewed and vetted through the future Site Plan Control application.
Traffic Engineering Section, Public Works Department:

Traffic and Planning staff met with the applicant and agent on August 8, 2009, to discuss the potential traffic issues, in particular, sight-lines and speed reductions along the North Service Road.

On August 19, 2009, two sight-lines were provided to Traffic Services. In light of this submission, staff provided comments on August 24, 2009, which requested that at the development stage of this project a condition of development approval be required whereby the applicant is to dedicate to the City of Hamilton sufficient lands for road allowance purposes to provide improved driver sight-lines from Baseline Road to North Service Road, to the satisfaction of the Manager of Traffic Engineering and Operations. The required road allowance dedication is measured along the North Service Road curvature at the west side of the property, and is illustrated on a plan dated August 19, 2009, as prepared by A.J. Clarke and Associates Ltd.

Staff, upon receipt of the future Site Plan Control application, will require as a condition of approval, which has been agreed to by the applicant/owner, the dedication of sufficient lands for road allowance purposes to provide improved driver sight-lines from Baseline Road to North Service Road.

Tourism Hamilton

The applicant is advised that Tourism Hamilton supports the inclusion of a hotel at this location given the potential for a new Tourism Gateway Centre on Baseline Road on the east side of Fifty Road.

However, given the two existing hotels in lower Stoney Creek to the west on Centennial Parkway North, and the Casablanca Winery Inn in Grimsby, with the plans for hotel capacity in the Smart Centre Waxman site on the east side of Centennial Parkway North, the owner/applicant should satisfy themselves that the business case for another hotel in this corridor is strong.

Should the project proceed through Site Plan Control, the owner/applicant is requested to contact David Adames, Executive Director of Tourism Hamilton, to ensure that Tourism Hamilton can work with the applicant as a tourism sponsor in regards to cross-promotion and the ability to bring overnight stays from special events to this new hotel.
Ministry of Transportation (MTO)

The owner is advised that all proposed permanent buildings and structures, both above and below ground, utilities, frontage roads/fire routes, essential parking spaces, stormwater management facilities, including ponds and associated berms, and noise walls must be set back 14.0 metres (45 feet) from the Highway QEW Right-of-Way limit.

However, additional comments received on July 20, 2009, from the MTO, have indicated that adequate lands are available for any future widening, and the 14m setback will not affect this property. All other requirements/comments continue to apply.

As such, the MTO will require a detailed Stormwater Management Report and grading and drainage plans indicating the intended treatment for the calculated runoff for the 5, 10, 25, 50, 100, and regional storms, and its impacts on the Highway QEW Right-of-Way. All proposed post-development site generated runoff affecting the Highway QEW Right-of-way must be maintained to pre-development levels. Earth berms and grading of any kind will not be permitted on highway property.

Furthermore, we will review the owner detailed Traffic Impact Study addressing the anticipated traffic volumes at full build-out, on the Highway and Intersecting Road interchange, and any resulting necessary improvements to the interchange ramps.

The location of the proposed access to this development will be reviewed at the Site Plan Review stage. The owner is solely responsible for all noise mitigation measures, and all external illumination must be directed away from the Highway QEW Right-of-Way.

The owner must also be advised that MTO building/land-use permits for all buildings within 46 metres (150 feet) of the Highway property limit, and within 396 metres of the intersection of Highway QEW and Intersection Road, will be required prior to any grading and construction on this site.

Separate building/land-use permits will be required for each stormwater management pond serving this development. Sign permits will be required as well. All applicable MTO permits may be obtained from our office, located on the 7th Floor, Atrium Tower, 1201 Wilson Avenue, Downsview, as well as on our website at www.mto.gov.on.ca/english/engineering/management/corridor/index.html.

Staff notes that through the required future submission for Site Plan Control and MTO permitting process, the Ministry of Transportation (MTO) requirements will be reviewed once detailed grading and servicing plans are prepared and submitted to the City and MTO for approval.
Hamilton Conservation Authority

The Hamilton Conservation Authority (HCA) has advised that the subject lands are located within the subwatershed area of Stoney Creek Watercourse No. 10.1. Due to the proximity of the site to Lake Ontario, Normal (Level 2) quality control and sediment and erosion control will be required.

In this regard, it is noted that the Preliminary Engineering Servicing Report, prepared by A.J. Clarke and Associates Ltd., dated November 23, 2009, indicates that a stormceptor will be installed on site to address the stormwater quality requirements, and silt fencing and silt sacks installed for sediment control. A permit from the HCA will not be required for the proposed development.

Based on the foregoing, there is no objection to the proposed applications, subject to the future required Site Plan Control application, to address detailed stormwater management and sediment and erosion control.

Cogeco Cable Canada Inc.

On June 19, 2009, Cogeco Cable Canada Inc. had no comment with regard to the proposed development; however, mapping of aerial lines within the vicinity of the subject lands were provided and subsequently forwarded to the applicant and agent.

Horizon Utilities

On June 25, 2009, Horizon Utilities provided the following information and advisements:

- For Residential/Commercial electrical service requirements, please contact our Customer Connections Department at 905-317-4746, or visit our website at www.horizonutilities.com.

- If required, relocation, modification, or removal of any existing hydro facilities shall be at the owner’s expense. Please contact Horizon Utilities to facilitate this.

- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

- Should the Developer choose to employ Horizon Utilities to prepare, design, and produce the materials required to service this site, a minimum of 5 months notification is required. It would be advantageous for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
• Do not excavate within two metres of hydro poles and anchors.

• Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner’s expense.

• Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant is required, all cost associated with this work will be at the owner’s expense.

• CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contracting Ontario One Call at 1-800-400-2255.

• Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance with:
  o Electrical Safety Code Rule 75-312.
  o Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards).
  o CAN/CSA-C22.3 No. 1-01, Overhead System.
  o C22.3 No. 7-94 Underground Systems.

Bell Canada

Comments provided on July 14, 2009, from Bell Canada, indicate that an easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act. Bell Canada has, therefore, requested that they be circulated on any future development application(s) with regard to the subject proposal.

Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 35 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on June 26, 2009, requesting comments on the application.

To date, 2 letters have been received from members of the public (see Appendix “F”). The comments received pertain to appropriate screening and buffering from the adjacent residence on 1367 Baseline Road, and architectural design and landscaping pertaining to the proposed development. These concerns have been addressed in the Analysis/Rationale for Recommendation section below, and it is further noted that the
Concerns of the adjacent landowner have been satisfied as letters of support in light of additional discussions have been provided by 1367 Baseline Road (see Appendix “F”).

Additionally, a Public Notice Sign was posted on the property on June 30, 2009, and was further revised to reflect the amended application on July 20, 2010. Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(Include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the policies of the Provincial Policy Statement and general intent and purpose of the Places to Grow Act.

   (ii) It conforms with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (iii) It is consistent with the general intent and purpose of the “Highway Commercial” designation of the City of Stoney Creek Official Plan, and will be in conformity upon adoption of the proposed Official Plan Amendment.

   (iv) It is compatible with the adjacent residential uses, and has direct exposure to the QEW for automobile borne traffic which is suited for Highway Commercial development.

   (v) The proposal is consistent with the “Arterial Commercial” designation of the new Urban Hamilton Official Plan, and will be in conformity upon adoption of the proposed Official Plan Amendment.

2. The purpose of the proposed Official Plan Amendment to the City of Stoney Creek Official Plan is for a change in land use to the General Land Use Schedule from the “Residential” designation to a “Highway Commercial” designation, and for a change to the Urban Lakeshore Secondary Plan from the “Low Density Residential” designation to a “Highway Commercial” designation in order to permit a 4-storey, 45-unit hotel at 1365 Baseline Road. No specific commercial uses are currently proposed for 1367 Baseline Road, and a subsequent Zoning By-law Amendment application will be required prior to any re-development.
The “Highway Commercial” designation is defined under Section 3.3.4.1 as those commercial facilities that are primarily designed to serve the travelling public and which rely heavily upon the automobile-borne traffic for their existence.

Furthermore, Section 3.3.4.3 states that the “Highway Commercial” locations shall be readily accessible from major roads, and be limited in number and only permitted where they would not create a hazard to vehicular and pedestrian traffic.

Additionally, Section 3.3.4.4 goes on to state that proposals to re-designate additional lands “Highway Commercial” will be given consideration only if they are situated on Arterial Roads or Provincial Highways, as Identified on Schedule “D” of the Official Plan.

In this regard, the subject lands are located adjacent to a Provincial Highway, the Queen Elizabeth Way and are, therefore, readily accessible from major roads. Appropriate sight-lines have been established and will be protected through the concurrent Zoning Amendment, thereby eliminating any vehicular and/or pedestrian traffic hazard.

Lastly, the proposed use for the subject lands is a hotel, which is primarily designed to serve the travelling public and which rely heavily upon the automobile-borne traffic for their existence. The inclusion of the adjacent lands, 1367 Baseline Road, provides for orderly and comprehensive development. Based on the foregoing, staff is of the opinion that the subject lands are appropriate for redesignation to “Highway Commercial”.

3. The purpose and effect of the proposed Official Plan Amendment to the new Urban Hamilton Official Plan is to establish an “Arterial Commercial” designation in the Urban Lakeshore Area Secondary Plan to permit the proposed hotel notwithstanding Policy E.3.2.3.

As the proposal is for a hotel, which caters to the travelling or drive-by consumer, which is a use permitted within the “Arterial Commercial” designation, and as the design shall be subject to a future Site Plan Control application, the proposed amendment is supportable.

4. The change in zoning is from the Rural Residential "RR" Zone to a Highway Commercial (Holding) “HC-8(H)” Zone, to permit a 4-storey, 45-unit hotel. The requested amendment includes the following modifications:
Permitted Uses:

Notwithstanding the Permitted Uses, Section 8.7.2, in order to maintain conformity/consistency with the new Urban Hamilton Official Plan and the uses permitted in the “Arterial Commercial” designation, the following uses shall be prohibited:

- Bus Depots;
- Permanent Fruit and Vegetable Stand;
- Convenience Food Store not exceeding 150 square metres in gross floor area; and,
- Places of Entertainment or Recreation.

Front Yard:

For zoning purposes, Baseline Road shall be deemed to be the front lot line. The applicant is requesting a reduction in the required front yard setback from 23m to 4m. The intent and purpose of the front yard is to establish and maintain a streetscape character, scale and density of development that is compatible with the surrounding neighbourhood.

The required reduction in front yard setback is a direct result of Urban Design comments in establishing the streetscape character by requiring the proposed development close to Baseline Road and North Service Road for pedestrian orientation and to maintain some gateway aspects to the development. Furthermore, in order to accommodate appropriate sight-lines along North Service Road, the building location is limited to the front portion of the subject lands.

In addition to the 4m setback requested, an additional 7m of front yard would be maintained between the front property line and curb location, as sufficient road width consistent with that found on the west side of North Service Road exists, being ±5m from centreline of Baseline Road.

Therefore, approximately 11m of front yard would be provided visually along Baseline Road, and as the requested reduction is to accommodate traffic sight-lines and to establish the gateway and pedestrian oriented streetscape and character in this area, the proposed reduction is supportable.
Exterior Side Yard:

The applicant has requested a reduction to the exterior side yard setback from 7.50m to 5.15m. Similar to the above, the intent and purpose of the exterior side yards are to establish and maintain the streetscape character, scale and density of development that is compatible with the surrounding neighbourhood.

Similarly, the reduction in exterior side yard is also due to the locational requirements, as established through the submitted traffic study and as a result of the future required land dedication for sight-line purposes. It should be noted that the vision triangle area, shown as the hatched area on the redline revised Appendix “E”, will remain undeveloped, and visually, a 5.47m setback would be provided. Based on the foregoing, the proposed reduction is supportable.

Building Height:

The applicant has requested to increase the building height from 15m to 21m or 4-storeys, whichever is less. Again, the intent and purpose of the building height are to establish and maintain a consistent streetscape character, and a scale and density of development that is compatible with the surrounding neighbourhood. While no elevations were submitted, an increase in height is required to facilitate the proposed 4-storeys.

Staff supports the increase given the minimal development along this portion of Baseline Road, and with the location of the proposed hotel well set back from any adjacent residential properties, any increase in height will have minimal impact on surrounding properties.

With regards to massing, additional Urban Design will be incorporated through the future required Site Plan Control application providing for a gradation in height along North Service Road and enhanced landscaping.

Furthermore, the future Site Plan Control application will also address the gateway feature/element at the intersection of Baseline Road and North Service Road, and will also establish an appropriate massing and pedestrian orientation along Baseline Road.

Landscape Strip:

The applicant has requested a reduction to the required landscape strip adjacent to a street from 6m to 5.15m, and 0m shall be provided between the parking area and the sight-line triangle to be dedicated to the City of Hamilton, along North
Service Road, and from 9m to 2m for a lot adjacent to a zone other than Industrial or Commercial.

The proposed location of the hotel to facilitate the required sight-lines requires the reduction of the landscape strip adjacent to a street from the required 6m to 5.15m, and down to 0m for the area between the proposed parking area and the sight-lines along North Service Road.

As noted previously, as the sightline triangle is to remain undeveloped, a landscape strip of 5.47m and 4.5m is being visually provided along the North Service Road.

Therefore, as the reduction is a direct result of ensuring appropriate traffic safety to be dedicated to the City, and visually the reduction is minimal in nature, the amendment is supportable.

Parking:

The applicant has requested a reduction in the required parking for the proposed 45-unit hotel from 54 to 47 spaces, with subsequent reductions to the respective parking space dimensions.

The requested reduction in parking space dimensions is rooted in the design standards of the new City of Hamilton By-law No. 05-200, being 2.6m x 5.5m for a standard parking space, and 4.4m x 5.5m for barrier-free parking spaces. Accordingly, staff supports the reduction in parking space dimensions.

With regard to the number of required parking spaces, staff supports a minimum 1 parking space per room, as the use shall be primarily serviced by automobile-borne traffic and, typically, the occupants of the rooms arrive in the same vehicle. Two of the spaces shall be barrier-free spaces for accessibility purposes.

With regard to employees, it is noted that hotels typically do not reach 100% capacity at a given time, and adequate leftover parking should be available to meet the needs of hotel staff and any guests utilizing accessory services contained within the proposed hotel, such as, but not limited to, accessory restaurant and retail services. It is noted that the accessory services shall be accessed through the hotel, and shall not have individual access points to the public, thereby limiting use of such services primarily to guests and/or employees.
Therefore, as a result of the future sight-line land dedication, the setback of a parking area from a street is to be reduced from 1.5m to 0m. It is noted that this reduction is technical in nature as there is no intention from the City to widen North Service Road at this time and, therefore, visually, the reduction in setback will not be apparent to the naked eye as a 4.5m landscape strip would visually be provided given that the sightline triangle along North Service Road will remain undeveloped. Based on the foregoing, staff supports the proposed reduction.

**Loading Requirements:**

The applicant has requested a reduction in loading requirements from the required 2 spaces to 1 space. Staff is of the opinion that the proposed development receives nominal amounts of deliveries and the reduction to one loading space is supportable.

**Daylight Triangle:**

In order to accommodate the preferred building location, the setback from a daylight triangle must be reduced from 3m to 2m. It is noted that daylight triangles are required to provide safe driving sight-lines.

As the proposal has established appropriate sight-lines along the North Service Road, and shall maintain the required daylight triangle for visibility purposes along Baseline Road, the proposed reduction is supportable.

**Holding Provision:**

In light of the Official Plan policies and Provincial Policy documents, the lands will be subject to an 'H' Holding provision, conditional upon adequate servicing.

In conclusion, given there is minimal development along Baseline Road in this area, with the only building being a single-detached dwelling located at 1367 Baseline Road, it is the opinion of staff that there is no distinct streetscape character in this area, and the requested reductions and increases are minor in nature with minimal impact, and as the development shall establish the principal development and corresponding streetscape, scale, and density along Baseline Road, staff supports the proposed changes in zoning.

5. The proposed development will be subject to a future Site Plan Control application, at which time matters such as access, manoeuvring, grading, landscaping, buffering, and stormwater management will be addressed. The applicant/owner is hereby advised of the following:
Sanitary Sewers:

There are no sanitary sewers located along the frontage of the subject lands on Baseline Road or North Service Road. The subject lands will require the extension easterly of the existing 200mm sanitary sewer on Baseline Road, across the North Service Road to service the subject lands and the future development of the lands to the east, as well as the vacant lands on the south side of Baseline Road, immediately across from the subject lands. Water and Wastewater staff has determined using an average density of 250ppHa, the system would be adequate.

Water Services:

The existing 300mm watermain with average static pressure of 70-90psi is adequate for the proposed hotel development. However, a tabularized number of units/persons associated with the existing zoning, and the increase associated with the proposal along with a table of expected occupancy, fixture units, water demand generation, and fire flow calculations are required under the future Site Plan Control application to facilitate this proposal.

Storm Sewers:

A 300mm storm sewer at 1% grade is proposed across the North Service Road to drain into the existing 1095 x 1730 elliptical concrete storm sewer located on the west side of the North Service Road adjacent to the Mattamy subdivision lands, and is a satisfactory storm sewer connection.

Stormwater quality and quantity can be adequately addressed, and will be reviewed in greater detail upon submission of the future Site Plan Control application.

However, the submitted servicing report does not indicate the location of this proposed storm connection. Therefore, easements may be required over lands on the west side of the North Service Road. Additionally, the owner may be required to enter into a Special Service Agreement to allow the storm sewer connection since the subject lands do not have direct frontage to a municipal storm sewer.

General Servicing Conclusions:

The proposed sewer and watermain are to be designed and constructed to City standards, with detailed sizing and location of the connection to be determined at the Site Plan Stage.
The City also has grading concerns related to the existing residential lands to the east. The owner shall ensure that the proposed commercial development does not negatively impact these properties. Stormwater drainage is to be independent, and must be contained within the property limits in accordance with City’s Engineering Guidelines.

Lastly, as a condition of future Site Plan approval, the applicants will be required to enter into an External Works Agreement with the City of Hamilton in order to extend the existing sanitary sewer easterly along Baseline Road and to construct the proposed storm sewer connection.

Baseline Road and North Service Road are considered substandard at this location, and the owner will be required to upgrade both roadways to full municipal standards, including street lighting, if necessary, or to provide a financial contribution towards the future reconstruction.

Best Efforts Obligations will be incorporated as a schedule into the External Works Agreement. The City will require benefiting owners to pay their proportionate share of the improvement costs for the improvements from which their lands derive a benefit as a condition of an application to the City to subdivide or develop their benefiting land or, upon request, to connect to the Improvement.

6. To date, 2 letters have been received from members of the public in response to the preliminary circulation of the application (see Appendix “F”). The Public comments received pertain to establishing appropriate screening and building location adjacent to the existing residence at 1367 Baseline Road, as well as architectural control, landscaping, and road traffic speeds along Baseline Road.

It should be noted that appropriate fencing and landscaping provisions along the easterly property line adjacent to the residence at 1367 Baseline Road are included within the implementing By-law, and as letters of support for the proposed development have been provided by the adjacent landowner, the concerns of 1367 Baseline Road have been addressed (see Appendix “F”).

Furthermore, architectural design and landscaping are to be coordinated through the future Site Plan Control process. With regard to traffic speeds, the applicant/owner has provided a traffic study, to the satisfaction of the Manager of Traffic Engineering and, subsequently, appropriate provisions have been included in the proposed zoning to protect the required sight-lines along North Service Road, thereby ensuring safe and coordinated traffic movement. Based on the foregoing, it is the opinion of staff that the concerns have been addressed.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
ALTHERNATIVES FOR CONSIDERATION:
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the application is denied, then the applicant has the option of developing the subject lands under the current Rural Residential “RR” Zone, which permits a single-detached dwelling, home occupation, and uses, buildings, and structures accessory to a permitted use.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability
• Effective and sustainable Growth Management.
• Generate assessment growth/non-tax revenues.

Growing Our Economy
• Newly created or revitalized employment sites.
• Competitive business environment.
• A visitor and convention destination.

Healthy Community
• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Amendment to City of Stoney Creek Official Plan
• Appendix “C”: Amendment to City of Stoney Creek Zoning By-law No. 3692-92
• Appendix “D”: Amendment to the New Urban Hamilton Official Plan
• Appendix “E”: Concept Plan of Proposed Hotel
• Appendix “F”: Public Comments/Submissions

:AC - Attachs. (6)
Location Map

File Name/Number: ZAC-09-022/OPA-09-004
Date: July 28, 2010

Appendix "A"

Subject Property

- 1365 Baseline Road
  Subject to Official Plan and Zoning By-law Amendment Application

- 1367 Baseline Road
  Subject to Official Plan Amendment Application

Ward 11 Key Map
N.T.S.
Amendment No. 1

to the

Official Plan for the Former City of Stoney Creek


Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Residential” to “Highway Commercial” on Schedule “A” - General Land Use Plan, and from “Low Density Residential” to “Highway Commercial” on Schedule “A4” Secondary Plan - Urban Lakeshore Area, to permit the subject lands to be developed with a 4-storey, 45-unit hotel.

Location:

The lands affected by this Amendment are municipally known as 1365 and 1367 Baseline Road, within the Urban Lakeshore Area, former City of Stoney Creek, with an area of approximately 0.37 and 0.28 hectares, respectively.

Basis:

- The proposed Amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

- It conforms with and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

- It is a suitable location for the proposed “Highway Commercial” development, and would conform to the policies of Subsection A.3.3.4 of the City of Stoney Creek Official Plan, which permits commercial facilities such as a motel and similar uses, which are primarily designed to serve the traveling public and which rely heavily on automobile-borne traffic for their existence.

- The use is compatible with the existing surrounding land uses and will be appropriately screened and buffered from the adjacent residential dwelling, and shall be subject to a future Site Plan Control Application.
Actual Changes:

1. Schedule “A”, General Land Use Plan, be revised by redesignating the subject lands from “Residential” to “Highway Commercial”, and by identifying the subject lands as OPA No. [redacted], as shown on the attached Schedule “A” to this Amendment.

2. Schedule “A4” Secondary Plan - Urban Lakeshore Area, be revised by redesignating the subject lands from “Low Density Residential” to “Highway Commercial”, and by identifying the subject lands as OPA No. [redacted], as shown on the attached Schedule “B” to this Amendment.

Implementation:

An implementing Zoning By-law Amendment and Site Plan Control application will give effect to this Amendment.

This is Schedule “1” to By-law No. [redacted], passed on the [redacted] day of [redacted], 2010.

The

City of Hamilton

_______________________  ________________________
Fred Eisenberger          Rose Caterini
Mayor                    Clerk
CITY OF HAMILTON

BY-LAW NO. [Bill No.]

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 1365 Baseline Road, Stoney Creek

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Item No.], of Report 10-[Date], of the Economic Development and Planning Committee, at its meeting held on the [Date], 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Rural Residential “RR” Zone to the Highway Commercial (Holding) “HC-8(H)” Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 8.7.8, “Special Exemptions”, of Section 8.7 Highway Commercial “HC” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “HC-8(H)”, as follows:

   “HC-8(H)” - 1365 Baseline Road, Schedule “A”, Map No. 4

Notwithstanding the provisions of Section 8.7.2 “Permitted Uses for Each Lot” of Zoning By-law No. 3692-92, on those lands zoned “HC-8(H)” by this by-law, the following uses shall be prohibited:

- Bus Depots;
- Permanent Fruit and Vegetable Stand;
- Convenience Food Stores not exceeding 150 square metres in gross floor area; and,
- Place of Entertainment or Recreation

Notwithstanding the provisions of Paragraphs (d), (e), (g), (h), (j), and (k) of Section 8.7.3 “Zone Regulations” of Zoning By-law No. 3692-92, on those lands zoned “HC-8(H)” by this by-law, the following shall apply:

(d) Minimum Front Yard - 4 metres
(e) Minimum Side Yard - 5.15 metres
(g) Maximum Building Height - 21 metres or 4-storeys, whichever is less
(h) Minimum Landscape Open Space:

1. A landscaped strip having a minimum width of 5.15 metres shall be provided on North Service Road, and 4.0 metres on Baseline Road, except for points of ingress and egress, and 0m shall be provided between the parking area and sight-line triangle, to be dedicated to the City of Hamilton, along the North Service Road.

2. A landscape strip having a minimum width of 2.0 metres with a board-on-board fence shall be provided adjacent to every portion of any lot line that abuts another lot, or abuts any zone other than a Commercial or Industrial zone.
Appendix “C” to Report PED10194 (Page 3 of 5)

(j) Minimum Parking Requirements:

1. Notwithstanding Section 4.10, one (1) parking space per hotel room/unit shall be provided.

2. Notwithstanding Section 4.10.3(a) and 4.10.4(a), parking spaces shall be 2.6 metres x 5.5 metres, and a minimum of 2 spaces being barrier free spaces at a size of 4.4 metres x 5.5 metres.

3. Notwithstanding Section 8.7.3(j)(3), no parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 0 metres from the sight-line triangle along North Service Road, or less than 7.0 metres from the boundary of any residential zone.

(k) Minimum Loading Requirements:

Notwithstanding Section 4.9, only one loading space shall be required.

Notwithstanding the provisions of Section 4.13.1 “Daylight Triangles” of Zoning By-law No. 3692-92, on those lands zoned “HC-8(H)” by this by-law, the following shall apply:

Any lot located at the intersection of two or more roads or railway right-of-way will require a minimum yard of 2 metres from the hypotenuse of the daylight triangle.

The ‘H’ symbol may be removed at such time as the following has been satisfied:

i. The owner/applicant has made provisions for the completion of the required road upgrades and servicing works (i.e. sanitary sewer, road reconstruction, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Director of Development Engineering.

All other provisions of the Highway Commercial “HC” Zone shall apply.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Highway Commercial “HC” Zone provisions, subject to the special requirements referred to in Section 2.

4. 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 ____, 2010.

FRED EISENBERGER
MAYOR

ROSE CATERINI
CLERK

ZAC-09-022
Schedule "A"

Map Forming Part of
By-Law No. 10-____
to Amend By-law No. 3692-92

Subject Property
1365 Baseline Road
Change in zoning From the Rural Residential "RR" Zone to the Highway Commercial (Holding) "HC-8(H)" Zone.
The following text, together with Schedule “A” attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 **Purpose:**

The purpose of this Amendment is to redesignate the subject lands in the Urban Lakeshore Secondary Plan area for arterial commercial uses. The effect of the Amendment is to permit a hotel on part of the subject lands.

2.0 **Location:**

The lands affected by this Amendment are located at 1365 and 1367 Baseline Road, west of Fifty Road, in the former City of Stoney Creek.

3.0 **Basis:**

The basis for permitting this Amendment is as follows:

- The amendment is consistent with the Provincial Policy Statement.

- The amendment conforms to the Growth Plan for the Greater Golden Horseshoe.

- The amendment will permit a form of commercial development that is appropriate given the location of property in close proximity to the Fifty Road and Queen Elizabeth Way (QEW) interchange.

- The amendment is consistent with the locational policies of the Arterial Commercial designation in that this location provides a logical opportunity for commercial development catering to the traveling and drive-by consumer.
4.0 Changes

4.1 Text Changes

Volume 2, Chapter B, Section 7.3 - Urban Lakeshore Area Secondary Plan is amended as follows:

a) Changing the title of Policy B.7.3.2 from “Local Commercial Designation” to “Commercial Designations”;

b) Adding the title “Local Commercial Designation” to Policy B.7.3.2.1; and,

c) Adding a new Policy “7.3.2.2 - Arterial Commercial Designation”;

so that the revised Section B.7.3.2 reads as follows:

“7.3.2 Commercial Designations

The commercial areas are lands designated Local Commercial and Arterial Commercial on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan - Land Use Plan.

7.3.2.1 Local Commercial Designation

a) Section E.3.8 - Local Commercial shall apply to the lands designated Local Commercial on Map B.7.3 -1 - Urban Lakeshore Area - Land Use Plan.

b) Notwithstanding Section E.3.8.6 of Volume 1, on lands designated Local Commercial on Map B.7.3-1 Urban Lakeshore Area - Land Use Plan, the maximum gross floor area of any individual commercial establishment shall be 500 square metres and the maximum gross floor areas of any grouping of local commercial uses shall be 1,500 square metres.

7.3.2.2 Arterial Commercial Designation

a) Notwithstanding Section E.3.2.3 d) of Volume 1, Section E.4.8 - Arterial Commercial Designation shall apply to the lands designated Arterial Commercial on Map B.7.3-1 - Urban Lakeshore Area - Land Use Plan.”
4.2 Map Changes

a) Map B.7.3-1 - Urban Lakeshore Area Secondary Plan Land Use Plan is amended by redesignating the subject lands from “Low Density Residential 2b” to “Arterial Commercial.”

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to this Amendment.

This is Schedule “1” to By-law No. passed on the day of , 2010.

The City of Hamilton

________________________ __________________________
Fred Eisenberger Rose Caterini
MAYOR CITY CLERK
June 25, 2010

The City of Hamilton
Planning and Economic Development Department
71 Main Street West, 5th Floor
Hamilton, Ontario
L8P 4Y5

Attn: Mr. Stephen Robichaud, MCIP, RPP
Manager of Development Planning

Dear Mr. Robichaud:

Please be advised that I am aware of Mr. Aneja’s Planning Act applications for the lands at 1365 Baseline Road requesting a re-designation from “Low Density Residential” in the City of Stoney Creek Official Plan to “Highway Commercial” and to re-zone the lands from “Rural Residential RR” Zone to “Highway Commercial”.

I understand the City is requesting Mr. Aneja to obtain my authorization to re-designate my lands to “Highway Commercial” in the Stoney Creek Official Plan as well as part of his application and at no cost to me. I also understand that re-designating my lands does not impact any of my existing property rights, tax assessments, but does help my ability to develop or sell my lands for commercial purposes, if I so choose. I authorize the City of Hamilton to re-designate my lands at 1367 Baseline Road with Mr. Aneja’s Official Plan Amendment application to “Highway Commercial”.

Marc Carmel

13 July 2010
17 August 2009
Marc Carmel
1367 Baseline Rd. Winona, ON
L8E 5G2

Dear Mr. Alvin Chan
    City of Hamilton
    Planning and Economic Development Department
    Planning Division - Development Planning - East Section
    re: File No: ZAC-09-022 and OPA-09-004

    I spoke with Mr. Paul Aneja the other day regarding point #6 of my letter to you dated the
    23 July, 2009. I am in agreement with the proposal regarding a restaurant in his hotel as Mr.
    Aneja has discussed with you.
    
    He has assured me that there will be a maximum of 45 seats to serve the number of
    guests at his establishment. Mr. Paul Aneja has also assured me that there will be no alcohol
    served in the restaurant. He wants only to offer a service of convenience for his guests. This
    being the case as I mentioned above, I have no objections.

Yours Truly

                                 [Signature]

[Signature]
Marc Carmel  
1367 Baseline Rd.  
Winona, On  
L8E 5G2

Dear Sir/Madame

Please be advised that I wish to be notified of the adoption of the proposed Official Plan Amendment (OPA-09-004), or of the refusal of a request to amend the Official Plan.

I also wish to be notified of the adoption of the proposed Zoning By-law Amendment (ZAC-09-022), or of the refusal of a request to amend the Zoning By-law.

Please forward the notifications requested to the address as above.

Yours truly

Marc Carmel
Appendix “F” to Report PED10194 (Page 4 of 5)

23 July 2009
Marc Carmel
1367 Baseline Rd. Winona, ON
L8E 5G2

Dear Mr. Alvin Chan
City of Hamilton
Planning and Economic Development Department
Planning Division - Development Planning - East Section
re: File No: ZAC-09-022 and OPA-09-004

I wish to officially add my comments regarding the re-zoning of the property located at 1365 Baseline Rd. Winona to commercial use in order to build a 45 room, four story hotel.

I am the owner of the land at 1367 Baseline Rd. Winona which is located to the east of the property in question. This is and has been my residence for over 27 years. When I first heard of the proposal of building a hotel next to my property, I was not at all in favour of the idea. Personally I would have preferred that the property at 1365 Baseline Rd. Winona remain zoned as residential.

Since my initial reaction, I have had several conversations with Mr. Paul Aneja of 2149589 Ontario Limited regarding his hotel project. I stated my concerns to him, letting him know that I was not too keen on his idea. In order to convince me to support his project he has agreed to several points in order to protect my privacy and quality of life living beside a commercial business. He, Mr. Paul Aneja, has assured me that he will consult with me on an ongoing basis if his project goes forward.

The following points need to be addressed in order to support Mr. Paul Aneja’s project.

1. That the entrance to the hotel from Baseline Rd. not be beside my property line on the west side of my property but at the entrance of Baseline Rd. and the North Service Rd. on the west side of 1365 Baseline Rd.
2. That any garbage bins be located at the far north of the property.
3. That there be no access to parking of vehicles behind the east side of the hotel and the west side of my property line.
4. That 2149589 Ontario Limited fence in and landscape with appropriate sized trees and shrubs our mutual property line and the frontage of 1365 on Baseline Rd.
5. That any grading of the land done on the proposed hotel site not cause any water to drain or flow towards my property.
6. That there will be no coffee shop or restaurant associated with the hotel.

As mentioned above Mr. Paul Aneja has agreed to the above points. He has also kindly offered to allow me, if I so wish, to connect to the sewer line which will be located on his property free of charge. Therefor providing as long as Mr. Paul Aneja of 2149589 Ontario Limited honours my requests I feel free to support the Official Plan Amendment Application (File No. OPA-09-004) & Zoning By-law Amendment Application (File No. ZAC-09-022).

Yours Truly

[Signature]
July 21, 2009

City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – East Section
77 James Street North
Suite 400
Hamilton, ON L8R 2K3

Attn: Alvin Chan

Re: File No: ZAC-09-022 and OPA-09-004
Notice of Complete Applications and Preliminary Circulation
for Official Plan and Zoning By-law Amendments from
2149589 Ontario Limited on lands located at 1365 Baseline
Road, Stoney Creek

Dear Mr. Chan:

With respect to the above-noted files, Mattamy (Winona) Limited requests to be notified on each application and circulated the conditions and staff report. We request that the proposed development be subject to appropriate Architectural Controls and landscaping such that the built form is in accordance to and compatible with the existing residential neighbourhood.

In addition, we would like to see that the speed limit on North Service Road be reduced to 50 km in this area to suit the urban surroundings.

Should you have any questions regarding the above, please do not hesitate to contact the undersigned directly.

Regards,

MATTAMY (WINONA) LIMITED

[Signature]

Frank Doracin
Senior Vice President