TO: Chair and Members  
Economic Development and Planning Committee  
WARD(S) AFFECTED: WARD 9  

COMMITTEE DATE: April 6, 2010  

SUBJECT/REPORT NO:  
Application for Approval of a Draft Plan of Subdivision for the Lands Located at 198 First Road West (Stoney Creek) (PED10053) (Ward 9)  

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

PREPARED BY:  
Joe Muto  
(905) 546-2424, Ext. 7859  

SIGNATURE:  

RECOMMENDATION:  

That approval be given to Amended Subdivision Application 25T-200908, by Paletta International (2000) Inc., Owner, to establish a Draft Plan of Subdivision, on lands located on Part of Lots 25 and 26, Concession 7, municipally known as 198 First Road West, in the former Township of Saltfleet, in the former City of Stoney Creek, as shown on Appendix “A” to Report PED10053, subject to the following conditions:  

(a) That this approval apply to the revised, Draft Plan of Subdivision, prepared by Walker, Nott, Dragicevic Associates Limited, and certified by Dasha Page, OLS, dated October 16, 2009 (revised March 9, 2010), showing a maximum of 253 medium to high density apartment units (Block E), 238 townhouse units (Blocks N - AA), 88 semi-detached lots with 6.85m lot frontages (Blocks F and H), 14 semi-detached lots with 7.1m lot frontages (Block G), 43 single detached residential lots with 10.7m frontages (Blocks J, K, and L), 43 single detached lots with 12.2m frontages (Blocks I and M), one elementary school block (Block C), one park block (Block D), one block for a walkway (Block CC), two stormwater management blocks (Blocks A and B), one future residential block (Block BB),
and the creation of seven new internal public roads (Streets A, B, C, D, E, F, and Isaac Brock Extension), attached as Appendix “B” to Report PED10053, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with Special Conditions attached as Appendix “C”.

(b) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing paid from the City’s Development Charge Program with respect to this development for the following items:

(i) That the City will cost share for any required oversizing of the extension of Isaac Brock Drive, Highbury Drive, and Street “C”;

(ii) That the City will cost share for the proposed Stormwater Management Facility SCM#17, in accordance with the City’s current Development Charges Background Study and Financial Policies for Development to an upset limit of $2,172,349.00;

(iii) That the City will cost share for a 1.5 metre high chain link fence adjacent to the south sides of Blocks V and W at 50%;

(iv) That the City will cost share for the frontage along Park Block D on Highbury Drive/Street “E” for the above and below ground works,

(v) That the City will compensate for the roundabout at the intersection of Isaac Brock Drive Extension and Street “E”/Highbury Drive, subject to an approved budget source, the proportionate share of the cost based on the increased roundabout surface; and,

(vi) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the registration of the plan. The calculation of the Cash-in-Lieu payment shall be based upon the unit count, as shown on the Final M Plan, and the maximum permitted density on Block E. Should there be an over-dedication of parkland the City agrees to purchase it, at market value, at the time of registration of the portion of the plan containing the parklands (Block D), with funding provided through the City’s Park Trust Fund Reserve;

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

The subject lands are located west of Upper Centennial Parkway, north of Highland Road West, south of Mud Street West, and east of First Road West, in the Heritage Green/Felker Neighbourhood on Stoney Creek Mountain (see Appendix “A”). The purpose of the application is for approval of a draft plan of subdivision to permit the development of the subject lands for a range of residential uses, including an extension of a park and inclusion of an elementary school site, as outlined on the draft plan (see Appendix “B”). The proposal will permit the development of a maximum of 253 medium to high density apartment units, 238 townhouse units, 102 semi-detached lots, 86 single detached residential lots, one elementary school block, one park block, two stormwater management blocks, one future residential block, and the creation of seven new internal public roads. The subject lands are approximately 26 hectares (64 acres) in area, and currently vacant. This proposal is integrated with the development applications to the east, known as Upper Centennial Developments Inc. (UCD), proposing commercial uses (see Appendix “F”). The UCD applications are currently under appeal before the Ontario Municipal Board (OMB). On March 1, 2010, Paletta appealed their applications for an Official Plan Amendment and rezoning to the OMB in order to seek consolidation with the UCD appeals. The appeals of the OPA and rezoning applications for both the UDC and Paletta lands were considered by the Economic Development and Planning Committee on March 23, 2010. In this regard, the approval of the draft plan of subdivision must be conditional on the approval of the drafted Official Plan and Zoning applications (see Appendix “C” - Condition No. 10).

The proposed draft plan of subdivision has merit and can be supported as it is consistent with the Provincial Policy Statement and the Places to Grow Plan, and conforms with and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan. Also, the proposal is compatible with existing and planned development in the surrounding area.

Alternatives for Consideration - See Page 26.

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

Financial: The City’s responsibility for cost-sharing is authorized in Recommendation (a)(ii).

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold a least one (1) Public Meeting to consider an application for approval of a Draft Plan of Subdivision.
HISTORICAL BACKGROUND (Chronology of events)

History

On December 23, 1998, ORC submitted applications for a change in zoning and draft plan of subdivision. The Region of Hamilton-Wentworth accepted the draft plan of subdivision on January 21, 1999, which was known as “Highbury Meadows”. A rezoning application was submitted to the former City of Stoney Creek. That plan proposed 278 single detached residential lots, 142 townhouse units, one school block, and one park block. As a result of these applications, City of Stoney Creek staff undertook a review of the Felker Neighbourhood Plan, which resulted in the adoption of Official Plan Amendment No. 83 on July 4, 2000. While the changes reflected the proposed draft plan of subdivision, ORC did not pursue approval of the applications. The subject lands were subsequently sold by ORC to the applicant in 2005.

Proposal

The purpose of the application is to receive approval of a draft plan of subdivision to permit the development of the subject lands for a range of residential uses, including an extension of a park, a walkway to the park, the inclusion of an elementary school site, and stormwater management facilities, as outlined in the proposed draft plan.

The proposal would permit the development of the subject lands for:

- A maximum of 253 medium to high density apartment units;
- 238 townhouse units;
- 88 semi-detached lots with 6.85m lot frontages;
- 14 semi-detached lots with 7.1m lot frontages;
- 43 single detached residential lots with 10.7m frontages;
- 43 single detached lots with 12.2m frontages;
- One elementary school block;
- One park block;
- One walkway;
- Two stormwater management blocks;
- One future residential block; and,
- The creation of seven new internal public roads.

Through circulation and review of the draft plan, a concern arose with respect to the park block configuration (two frontages) and access to the park. The applicant subsequently revised the draft plan to include a 6 metre walkway (Block CC) from Isaac Brock Extension to Park Block D, and provided for one continuous frontage along the existing (Highbury Meadows Park) and the proposed (Park Block D), which fronts onto Highbury Drive/Street “E” (see Appendix “B”).
The subject lands are approximately 26 hectares (64 acres) in area, and currently vacant. The Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications were accepted by the City on August 21, 2009, and the draft plan of subdivision was accepted on November 10, 2009. On March 1, 2010, the related OPA and ZBA applications were appealed to the Ontario Municipal Board (OMB). This proposal is closely tied into the abutting applications to the east by Upper Centennial Developments Inc. (UCD), which proposes commercial uses (see Appendix “F”). Given the timing of those applications before the OMB, and the procedural order issued (see Appendix “G”), Paletta appealed the OPA and rezoning applications in order to consolidate their applications with the UCD appeals. UCD and the applicant have taken an integrated approach to developing the subject lands. Both developments are contingent on concurrent approvals due to the proposed changes in the Felker Neighbourhood Plan. As a result of the proposed commercial uses, staff requested that the applicant’s proposal include increased densities to make up for the potential residential loss in the Felker Neighbourhood due to the increased commercial land area proposed. The draft plan of subdivision achieves the increased densities. The UCD applications are discussed below.

Related Applications

The Felker Neighbourhood is one of the last remaining large Greenfield areas in the West Mountain Planning Area (Heritage Green Section Secondary Plan). The subject lands are closely tied together with two other applications in the Neighbourhood, which are currently under appeal to the OMB (see Appendix “F”).

Upper Centennial Developments Inc. (UCD) (File Nos. ZAC-06-99 and OPA-06-26)

The purpose of the applications are for an Official Plan Amendment and change in zoning to permit the development of the subject lands for a range of commercial uses. The subject lands are approximately 12.14 hectares (30 acres) in area, and currently vacant. The UCD lands abut the easterly boundary of the subject lands. The applications were accepted by the City on December 20, 2006. On June 19, 2009, the applicant appealed the applications to the Ontario Municipal Board (OMB) on the grounds of “…refusal or neglect to enact a proposed amendment…” under Subsections 22(7) and 34(11) of the Planning Act. One pre-hearing conference has been held by the OMB on these matters. UCD, the City, and three neighbouring landowners are parties (including Paletta) to those proceedings. Due to the proposed changes (potential loss of residential for commercial) in the Felker Neighbourhood Plan, it was determined that both the Paletta and UCD applications would need to proceed concurrently for planning approvals. Since Paletta and UCD were already taking a joint approach to each development, they had no objection to taking a consolidated planning approach towards the modifications in the Secondary and Neighbourhood Plans.
Landmart Realty Corp. - Penny Lane Estates (File Nos. 25T-200808 and ZAC-08-077)

Applications for a plan of subdivision and change in zoning were submitted in December 2008, for the lands to the north of the Paletta lands (see Appendix “F”). Since the initial submission, the proposal has been revised based on input from planning staff and circulated agencies, as well as to address concerns raised by neighbouring residents, through written comments, and at a Developer and Councillor sponsored Open House held on May 26, 2009. The Draft Plan of Subdivision proposes 164 single detached dwelling lots; 47 street townhouse dwelling lots; one lot to remain as existing residential; one block for open space; one townhouse block for 107 dwelling units; 2 future development blocks for single detached dwellings; and one block for a Storm Water Management Pond. The rezoning application would permit the uses identified in the draft plan. On December 21, 2009, these applications were also appealed by Landmart Realty Corporation to the OMB because Council had not made a decision within 180-days on the applications.

Location: 198 First Road West, Stoney Creek (See Appendix “A”)


Agent: Walker, Nott, Dragicevic Associates (c/o Andrew Ferancik)

Property Description: Frontage: 18.29 metres (along First Road West)
Depth: ~ 627 metres (irregular)
Lot Area: 25.78 hectares (64 acres)

EXISTING LAND USE AND ZONING:

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<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>North</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
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<td>South</td>
<td>Existing Residential</td>
<td>Single Residential “R3-11” Zone and Single Residential “R2” Zone</td>
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<td>East</td>
<td>Vacant</td>
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<td>West</td>
<td>Existing Residential</td>
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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, 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. The subject lands are located adjacent to a proposed commercial development to the east. As a condition of draft plan approval, noise will be addressed prior to development (see Appendix “C” - Condition No. 5).

Further, based on recent information provided by the Ministry of the Environment (MOE), the subject lands are located within approximately 312 metres of the fill area boundary of an active waste disposal site (Newalta Landfill, Site #4). The MOE Guideline D-4, Land Use On or Near Landfills and Dumps, states that when a land use is proposed near an operating landfill site, the following factors should be considered: landfill-generated gases, ground and surface water, contamination by leachate, odour, litter, contaminant discharges associated with vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, vectors and vermin, and the migration of methane gas. Therefore, as a condition of draft plan approval, a landfill impact assessment will be required, which will address all of the factors listed above. This assessment shall comply with MOE Guideline D-4, Land Use On or Near Landfills and Dumps. The assessment shall identify any required remediation measures, controls or conditions that should be included if the proposed development is approved in order to minimize adverse effects on the proposed land use from the landfill. The City's preference is to have this assessment completed in a comprehensive manner; however, the various elements of the assessment listed above may be completed by separate consultants. This approach is acceptable provided an overall summary of the assessment is provided, and that results and recommendations of the different studies are not contradictory. Based on the foregoing information, the completion of a landfill impact assessment as a condition of draft plan of subdivision approval for the subject lands is required (see Appendix “C” - Condition No. 4).

In addition, 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 maintain the heritage integrity of the site may be permitted. The subject lands are located within an area of archaeological potential, and a Stage 1-2 Archaeological Report was prepared and submitted with the applications, and a subsequent Stage 3 Report was also prepared. The Ministry of Culture and the City of Hamilton have advised that archaeological resources exist, and mitigation has yet to be resolved. This issue is addressed in the Standard Form Subdivision Agreement (Clause 3.4 ii)).

Places to Grow

This application has been reviewed for conformity with the policies of the Places to Grow Plan. It has been determined that this development will generate 63.41 persons per hectare, thereby exceeding the required 50 persons per hectare in the built boundary, as outlined in the Plan. Further, the proposed development creates 61.27 jobs. This calculation is generated from the proposed 2.46 hectare institutional block, which is calculated at 11 jph, as well as through the proposed residential units, which include home occupations that are calculated at 5.1 jobs per every 100 residential units. This development proposal will meet the general intent of the Places to Grow Plan, in that the subject lands are within the built boundary and provide for development of an under utilized site for residential and institutional uses along a future secondary transportation corridor.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Regional 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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

However, 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. To date, the subject lands are located within an area of archaeological potential, and a Stage 1-2 Archaeological Report was prepared and submitted with the applications, and a subsequent Stage 3 Report was also prepared. As noted above, the Ministry of Culture and the City of Hamilton have not signed off on the mitigation of the site of archaeological potential. This issue is addressed in the Standard Form Subdivision Agreement (Clause 3.4 ii)).
City of Stoney Creek Official Plan

The subject lands are designated as “Residential” on Schedule “A” - General Land Use Plan, in the Stoney Creek Official Plan. An Official Plan Amendment is required to recognize the proposed park, which will be redesignated from “Residential” to “Open Space”. In this regard, the applicant’s OPA application is under appeal to the OMB.

The existing Community Park boundary has been modified and slightly increased in area to accommodate the road network and to facilitate a better connection to the existing park to the south and the Saltfleet High School recreational area, which includes soccer and football fields.

With respect to the “Residential” designation, the proposed development has increased the overall densities, and the draft plan of subdivision has adhered to Policy 1.2.12 of the Official Plan with respect to low, medium, and medium-high density designations. This is further discussed in the Analysis/Rationale For Recommendation section. In regard to the evaluation of the lands for medium and medium-high density uses, Policy 1.2.17 states:

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

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;

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,

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

The draft plan of subdivision has addressed these issues through the proposed design, as well as the draft plan conditions (see Appendix “C”). The higher density residential blocks will also be subject to detailed review at the Site Plan Control stage. As well, the applicant is working closely with the abutting developers to meet these policies.

The proposed stormwater management facility abuts a Class 2 - Core Area. In accordance with Section B.1 Open Spaces and Natural Environment System, Subsection 1.2.3 Environmental Design Analysis (EDA) Recommended for Core Areas states:
“All Core Area boundaries on Schedule “B” are approximate and may be refined through a secondary plan, neighbourhood plan, draft plan of subdivision, or site plan. Development in Core Areas should be accompanied by an Environmental Design Analysis (EDA) satisfactory to the City. The EDA is not intended to prohibit development, rather to define Core Area boundaries and buffer zones based on site-specific conditions, and to integrate the design of the development proposal in a manner that protects or enhances, as much as possible, the important ecological conditions of the Core Area.”

Review of the engineering and grading plans of the subject application and the neighbouring applications identified discrepancies between the Functional Servicing Reports. It was determined that additional study of the grading and stormwater management of the area would be necessary. Therefore, the Felker Neighbourhood Drainage Assessment was prepared by Phillips Engineering, and dated February 2010. It identifies that the proposed stormwater facility will outlet into the adjacent Core Area. The stormwater management block on the draft plan establishes an adequate setback from the Class 2 - Core Area. Staff is of the opinion that there will be no concerns with respect to the stormwater management facility setback from the Class 2 - Core Area; however, an Environmental Design Analysis (EDA) shall be required as a condition of draft plan approval to ensure there will be no impact as a result of the construction of the facility in proximity to the Class 2 - Core Area (see Appendix “C” - Condition No. 6).

Based on the foregoing, staff is of the opinion that this proposal would conform to the “Residential” and the “Open Space” and “Natural Environment” policies of the Stoney Creek Official Plan, subject to the approval of the applicant’s related OPA application, which is under appeal to the OMB.

**West Mountain Planning Area - Heritage Green Section Secondary Plan**

The subject lands are designated “Low Density Residential”, “Medium Density Residential”, “Open Space - Community Park” and “Elementary School”, on Schedule “A3” - West Mountain Planning District Secondary Plan (Heritage Green), in the City of Stoney Creek Official Plan. Changes to the Secondary Plan are required in order to implement the draft plan of subdivision. As noted above, the applicant’s related OPA application is under appeal to the OMB.

The Secondary Plan includes provisions to ensure a development pattern which will minimize the removal of trees, and identifies the woodlot south of Mud Street and west of Upper Centennial Parkway. Policy 13.3.5 requests that a detailed site plan, showing trees to be preserved and removed, be prepared prior to approvals.
The Secondary Plan also includes a policy which requires that development proposals within 500 metres of the Taro East and West Quarry/Landfill sites to submit studies demonstrating that the Quarry/Landfill sites will have no adverse effects on the proposed development or, alternatively, that the effects can be mitigated. As conditions of draft plan approval, the applicant will be required to prepare and submit a landfill impact assessment (and subsequent peer review), and include warning clauses (see Appendix “C” - Condition Nos. 4 and 9).

Based on the foregoing, staff is of the opinion that the proposed residential development would conform with the Secondary Plan policies, subject to approval of the applicant’s related OPA application, which is under appeal to the OMB.

**Neighbourhood Plan**

The subject lands are located within the Felker Neighbourhood Plan, and are identified as “Low Density Residential”, “Medium Density Residential”, “Parkland” and “Schools - Public Elementary”. A change to the Neighbourhood Plan will be required to recognize the residential boundary adjustments, as well as to accommodate a slightly higher density on the subject lands.

**New Urban Hamilton Official Plan (for information only)**

The New Urban Hamilton Official Plan was adopted by Council on June 29, 2009, and is currently before the Ministry of Municipal Affairs for approval. The subject lands are designated as “Neighbourhoods” on Schedule “E” Urban Structure and Schedule “E-1” Urban Land Use Designations, and as “Institutional”, “Elementary School”, “Community Park”, “Low Density Residential 2b” and “Low Density Residential 3c” on Map B.7.6-1 West Mountain Area (Heritage Green) Secondary Plan. The land use designations in the Secondary Plan will need to be amended to include the “Medium Density Residential 3” and “Storm Water Management” designations, as well as to also recognize modifications to the existing residential boundaries in order to accommodate the draft plan of subdivision. In this regard, conditional on the approval of the applicant’s related OPA application at the OMB, it would be necessary to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Public Works Department, Capital Planning and Implementation Division.
- Public Works Department, Strategic Planning Section.
- Public Works Department, Open Space and Park Planning Section.
• Community Services Department, Recreation Division.
• Hamilton Emergency Services.
• Hamilton Hydro.
• Canada Post.
• Union Gas.
• Ministry of Transportation.
• Hydro One Networks.
• Bell Canada.
• Hamilton Street Railway.

Bell Canada:

Bell Canada has requested service to these lands. Their concerns are addressed through the Standard Form Subdivision Agreement (Clause 1.21).

Public Works Department - Waste Management Division:

Waste Management has provided the following comments with respect to the draft plan of subdivision:

1. This subdivision is eligible for collection of garbage, organics, recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division, and subject to compliance with the City’s garbage container limits. Recycling is mandatory.

2. The proposed roadways, including all egresses to and exits from this proposed development area, must provide for the continuous forward movement of waste collection vehicles. If this is not possible, temporary turnabouts must be constructed to accommodate collection vehicles and allow for this development to receive curbside waste collection. Road width must be a minimum of 6 meter wide, and allow for a 13 metre turning radius.

3. The City of Hamilton will offer waste collection service in a development only when consistent service can be offered.

4. The City of Hamilton is committed to provide safe/effective waste collection services, and will fully comply with the Ontario Occupational Health and Safety Act (OHSA) regulations at all times. Specifically, the 2008 Ontario Health and Safety Act and Regulations (consolidated version) Clause 104.1, or as amended from time-to-time.

5. Construction material is prohibited for collection, and arrangements shall be made with a private contractor.
6. During the construction phase of this development, in the event that common waste collection areas are necessary, waste collection vehicles require free and clear access in order to provide weekly service.

**Public Works Department - Forestry Division:**

Forestry has advised that there are no existing tree conflicts. However, a Landscape Plan will be required for the Park, School, and Stormwater Management Pond. A Street Tree Location Plan will be required for all other road allowance areas. The approval of a Landscape Plan, prepared and signed by a Landscape Architect, will be required. This plan must be submitted for review and comment by the Forestry and Horticulture Section. The clearance of a Street Tree Planting condition will be provided upon receipt of a cash payment, as shown in Item 2.8 of the completed Subdivision Agreement. The remittance is to be made payable directly to the Forestry and Horticulture Section. There are no Municipal Tree Assets located on the road allowance of this proposed development and, therefore, Tree Management will not be a required study to be included with the future formal application. A condition of draft plan of subdivision has been included to address these issues (see Appendix “C” - Condition No. 3).

**Public Works Department - Traffic Engineering:**

Traffic has advised that a street connection is integral to the development of the Felker Neighbourhood, and state that a local road connection would enhance the connectivity of the proposed and existing neighbourhoods. They identify a number of draft conditions to be imposed. They have been included in the draft plan conditions (see Appendix “C” - Condition Nos. 13, 15, 16, 25, 27, and 39 to 43, inclusive).

**Public Health Services - Health Protection Division:**

Public Health has recommended that a draft plan condition be included to advise that prior to any offer to purchase any of the proposed residences, clear written information will be provided that indicates that a landfill operation exists nearby and is in operation, and that the location of the landfill to the proposed residential development will have potential for increased levels of noise and/or odour at times related to the landfill operation. This concern has been specifically addressed through a draft plan condition (see Appendix “C” - Condition No. 9).

**Canada Post:**

Canada Post has requested draft plan conditions related to a centralized mailbox system. This issue is addressed through the Standard Form Subdivision Agreement (Clause 1.22).
Hamilton Conservation Authority (HCA):

The HCA advises that the westerly portion of the site is traversed by a headwater tributary of Upper Davis Creek, a warmwater intermittent stream which flows across the agricultural fields and through the Landmart Homes lands (Penny Lane Estates), prior to outletting into the storm sewer system near the intersection of First Road West and Mud Street West before emerging into the open channelized portion of Felker Creek on the north side of Mud Street West, which flows into Redhill Creek and Hamilton Harbour. The easterly portion of the site is traversed by a less defined intermittent headwater tributary of Stoney Creek, which flows through a man-made pond within a woodlot/wetland area situated on the Landmart property, where it then crosses under Upper Centennial Parkway, via a culvert, into a ditch flowing northerly along the east side of Upper Centennial Parkway and then easterly along the south side of Mud Street West for a distance of approximately 1.1 kilometres, before crossing Mud Street, and eventually outletting into Lake Ontario. HCA further advises that the Davis Creek Subwatershed Study did not recognize the need to maintain this drainage divide, and instead, recommended that the entire Felker Neighbourhood area drain into one stormwater management facility, to be constructed in the northwest corner of the Landmart Homes property, which would outlet to Davis Creek.

In addition to the watercourses traversing the Felker Neighbourhood, another natural heritage feature exists, consisting of a 2.78 ha woodlot/wetland on the east side of the Landmart lands. While this woodlot/wetland has not been identified as an Environmentally Significant Area (ESA), an Area of Natural and Scientific Interest (ANSI), nor has it been classified by the Ontario Ministry of Natural Resources (OMNR) as a Provincially or locally significant wetland, it has been identified as a “Core Area” on Schedule B of the Stoney Creek Official Plan and part of the Stoney Creek Open Space and Natural Environment System (SCONES). The Davis Creek Subwatershed Study, Final Report, dated October 2006, by Philips Engineering, also identified the woodlot/wetland as a “Core Natural Area” in the Natural Heritage Systems section in recognition that any woodland exceeding 2.0 ha in size, and all wetland habitats, require protection. In accordance with the requirements of SCONES, an Environmental Design Analysis and Environmental Impact Study (EIS) was prepared for Landmart Realty Corp., by Dougan & Associates and C. Portt & Associates, dated November 2008. This EIS identified a dug pond within the treed swamp that provided direct fish habitat to three warmwater fish species and an on-line connection to the Stoney Creek watercourse, while the Davis Creek tributary was identified as indirect fish habitat. Both the Landmart development (Penny Lane Estates) and the Paletta development will involve enclosure of the Davis Creek tributary. In this regard, HCA staff has reviewed the fisheries assessment included in the EIS prepared for Penny Lane Estates, and wish to advise that no further fish habitat studies are required for the Paletta development as the characterization of the watercourses has been satisfactorily addressed. However, approval from Fisheries and Oceans Canada (DFO) under the federal Fisheries Act will be required, as well as a permit from HCA pursuant to our
Development Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04.

In order to protect the features and functions of the woodlot/wetland, the November 2008 EIS, and the October 5, 2009, Addendum to the EIS, recommended that a 10 metre buffer be maintained around the natural heritage feature, and that a water balance be prepared and implemented. The Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd., dated November 2008, for the Penny Lane Estates development for Landmart, identified the catchment area feeding the Stoney Creek watercourse extending through the woodlot/wetland, and also recommended that pre-development flows be replicated under post-development conditions to maintain the woodlot/wetland by using clean runoff, with additional flows being diverted through a stormwater management pond to be located on lands immediately upstream of the woodlot/wetland feature, to be situated on the Paletta lands. This report was supplemented with a Hydrogeologic Assessment by Terra-Dynamics Consulting Inc., dated December 3, 2008, and a Geotechnical Investigation by Soil-Mat Engineers & Consultants Ltd., dated June 10, 2008.

In order to address HCA’s concerns that base flows be maintained for fish habitat purposes in the Stoney Creek watercourse, and in particular to the woodlot/wetland feature, HCA staff requested that a water balance analysis be conducted for the Penny Lane Estates subdivision. Subsequently, a revised Functional Servicing and Stormwater Management Assessment Report, prepared by A.J. Clarke and Associates Ltd., dated October 2009, was submitted to HCA for review, which recommended two stormwater management ponds, one to be constructed in the northwest corner of the Landmart site as a stormwater quantity and quality facility for the Davis Creek Subwatershed, and the second to be constructed in the northeast corner of the Paletta site to not only provide quantity and quality control for the Paletta residential subdivision and the Upper Centennial Developments Ltd. Development, but also to maintain the woodlot/wetland feature.

HCA further advises that they reviewed the Felker Neighbourhood Functional Servicing Plan, prepared by Pitura Husson, dated January 2010, for the Paletta and UDC proposals, as well as a Hydrogeological Investigation report prepared by Terraprobe, dated November 30, 2009, and a Geotechnical Investigation by Soil-Mat Engineers & Consultants Ltd., revision date June 8, 2009. These reports identified that groundwater flow does not significantly contribute to the woodlot/wetland feature, rather the wetland is supported more by surface runoff as the soils on the site are predominately low permeability silty clays having limited infiltration potential. The Functional Servicing Report also indicates that while the proposed new development will result in an increased annual runoff volume to the woodlot/wetland of approximately 4%, the proposed stormwater management pond to be sited immediately upstream (on Blocks A and B), will include extended detention storage for frequent storms in order to mitigate high peak flows. In recognition of the potential for acerbating the drainage and flooding
issues currently being experienced in the roadside ditches along Upper Centennial Parkway and Mud Street East, the City of Hamilton has initiated a drainage study for the Felker Neighbourhood area. In this regard, a Drainage Assessment report was prepared by AMEC, dated February 1, 2010, and was submitted to the HCA on February 5, 2010. However, we have recently been advised that this report has been finalized.

HCA staff has reviewed the Functional Servicing Reports prepared by A.J. Clarke and Pitura Husson, and wish to advise that the post development drainage areas being proposed are acceptable to HCA, as the drainage split between the Davis Creek Subwatershed and the Stoney Creek Subwatershed appears to replicate the pre-development catchment divides, and has been based on site-specific field data and recommendations from the EIS document. With respect to the identified conveyance issues with the roadside ditch along the south side of Mud Street East (Outlet No. 4), HCA recommends that further investigation be performed to confirm what, if any, improvements should be made to the conveyance system to accommodate longer duration of flows and increased volumes from the Felker Neighbourhood. Such investigations should also consider over-control of flows to match pre to post development volume as opposed to traditional pre to post peak flow controls, and the utilization of Low Impact Development techniques to encourage more groundwater infiltration. Based on the above, the HCA has requested conditions of draft plan approval (see Appendix “C” - Condition Nos. 28, 34, and 44 to 50, inclusive).

Public Consultation

In accordance with the new provisions of the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 249 property owners within 120 metres of the subject lands on August 21, 2009, and a Public Notice sign was posted on the property on September 10, 2009, and subsequently updated to recognize the draft plan of subdivision application. Notice for the draft plan of subdivision was circulated to the public on November 11, 2009.

Written comments that were submitted have been included (see Appendix “D”). The concerns raised include: stormwater, grading, future construction, and road connectivity between abutting developments. These concerns are addressed in detail below, in the Analysis/Rationale For Recommendation section. The Notice of Public Meeting was also circulated in accordance with the provisions 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) The proposal is consistent with the Provincial Policy Statement and the Places to Grow Plan.

(ii) The proposal conforms with, and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

(iii) The proposal is in keeping with the “Residential” designation of the City of Stoney Creek Official Plan.

(iv) The proposal is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the Felker Neighbourhood.

2. As mentioned, applications for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were made on the subject lands, and accepted on August 21, 2009. Pursuant to the Planning Act, the applicant appealed the applications to the Ontario Municipal Board (OMB) on the grounds of “…refusal or neglect to enact a proposed amendment…”. Further to this clause, the Planning Act identifies that an appeal to the OMB can only be made after 120 days after acceptance of an Official Plan or Rezoning Amendment application. The subsequent draft plan of subdivision was submitted on October 30, 2009, and accepted on November 10, 2009. With respect to the draft plan of subdivision application, the Planning Act specifies that an appeal (“…refusal or neglect…”) to the OMB may only be made after 180 days.

In this regard, approval of the subdivision application would be conditional on the approval of the related ZBA and OPA applications by the OMB. Consequently, a condition of draft plan approval has been included which will ensure that no development or alteration of the subject lands will occur prior to being in conformity with the Official Plan and the applicable Zoning By-laws (see Appendix “C” - Condition No. 10).

3. In November 2009, the applicant’s planning consultant prepared a Land Budget Analysis, as per the Stoney Creek Official Plan. Section F of the Plan identifies Implementation of the Official Plan, more specifically, Subsection F.10 contains policies regarding Financial Stability. Policy F.10.2 requires that a Financial Impact Statement be prepared and submitted to the City where lands are being redesignated to a residential designation. As a result of the proposed realignment of Isaac Brock Drive, the applicant is proposing to redesignate 3.2 hectares from “Community Park” to “Residential”. The November, 2009 Analysis, prepared by the proponent, compared the changes made as a result of the proposed draft plan of subdivision from the Secondary Plan. This evaluation concluded with the proposed draft plan being 3.2 hectares less residential land than in the Secondary Plan; as a result, the application will create an overall net
residential land designation reduction. This is primarily a result of an additional stormwater management facility that was never contemplated at the time of the preparation of the Secondary Plan in the late 1980’s.

The Analysis concludes with identifying that the proposed draft plan will not result in any loss of planned non-residential land through redesignation for residential uses, and that the proposed draft plan illustrates the intent of the Secondary Plan in terms of the general location of roads, open space, the school, and the location of higher density residential uses closer to Upper Centennial Parkway.

4. The increased densities resulting from the draft plan proposed are consistent with the Provincial Places to Grow Plan. As previously mentioned, the abutting developer for the commercial applications has been working closely with the applicant in fulfilling the development requirements for the Felker Neighbourhood. Since the proposed commercial development results in the removal of residential lands, staff has raised concern with the amount of change to the Neighbourhood Plan. As a result, it was recommended that the subject applications accommodate the changes to the neighbourhood by accounting for the difference or loss of planned residential units due to the additional commercial being proposed.

The subject submission contributed additional residential densities by providing fewer low density units and additional medium density units, as well as introducing medium-high density units in the draft plan. The applicant has also provided a Land Budget Analysis (see Appendix “E”), which draws a comparison of the existing Secondary Plan designations to that proposal in the draft plan of subdivision. The densities have been calculated for the overall units per hectare (uph) and are summarized below:

<table>
<thead>
<tr>
<th>Median Residential Densities Under Existing Secondary Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use(Lot/Block)</td>
</tr>
<tr>
<td>--------------------</td>
</tr>
<tr>
<td>Low Density Residential</td>
</tr>
<tr>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>Medium-High Density Residential</td>
</tr>
<tr>
<td>Elementary School *</td>
</tr>
<tr>
<td>Park</td>
</tr>
<tr>
<td>Stormwater Management Facility</td>
</tr>
<tr>
<td><strong>Total Yield</strong></td>
</tr>
</tbody>
</table>

*Note: Under the current Secondary Plan policies, residential uses are permitted as-of-right under the Elementary School designation, but only allow for single detached units, which do not assist in higher densities.
Proposed Residential Densities for Paletta Draft Plan of Subdivision 25T-200908

<table>
<thead>
<tr>
<th>Use(Lot/Block)</th>
<th>Area (ha)</th>
<th>Units (Maximum)</th>
<th>Density (uph)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density Residential</td>
<td>6.54</td>
<td>188 (singles &amp; semi’s)</td>
<td>28.7</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>5.17</td>
<td>238 (townhouses)</td>
<td>46.0</td>
</tr>
<tr>
<td>Medium-High Density Residential</td>
<td>2.56</td>
<td>253 (apartments)</td>
<td>98.8</td>
</tr>
<tr>
<td>Elementary School **</td>
<td>2.46</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>Park</td>
<td>1.79</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>Pedestrian Pathway</td>
<td>0.02</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>Stormwater Management Facility</td>
<td>1.87</td>
<td>0</td>
<td>n/a</td>
</tr>
<tr>
<td>Roads</td>
<td>5.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Yield</strong></td>
<td>25.78</td>
<td>679</td>
<td>26.34 uph</td>
</tr>
</tbody>
</table>

**Note: Under the City of Hamilton By-law No. 05-200, residential uses (semi-detached, duplexes, and single detached units) are permitted as of right under the Neighbourhood Institutional (I1) Zone (i.e. Elementary School use), which could increase the overall density of the proposal if the school site is deemed as surplus by the Hamilton District School Board.

Policy 1.2.12 of the Stoney Creek Official Plan states that residential densities within the respective residential land use designations identified by the Secondary Plans shall be approximately 1 to 29 units per net residential hectare for low density, 30 to 49 units per net residential hectare for medium density, and 50 to 99 units per net residential hectare for medium-high density. The proposed draft plan of subdivision conforms to the residential density policies in the Plan in terms of overall number of units, and also with respect to the types of units and their location within the residential neighbourhood. The median calculation above is a conservative estimate. The number of units proposed in each density is at the maximum density limit for each designation.

5. The abutting residential draft plan of subdivision, known as “Penny Lane Estates” (PLE) (see Appendix “F”), has also been appealed to the OMB, pursuant to Sections 34(11) and 51(34) of the Planning Act. The subject development is integrated with PLE, as it relates to some of the road and servicing connections. With respect to this connectivity, PLE has objected specifically to the proposed Street “D” connection in the subject draft plan of subdivision. Traffic Operations and Maintenance has conducted their review of the respective Traffic Impact Studies for all of the development proposals in the Felker Neighbourhood, and they have advised that Street “D”, as well as the Isaac Brock Drive Extension, are required connections for the neighbourhood due to the future closure of First Road West at Mud Street West. Therefore, it has been concluded that Block N, from the north limit of Street “E” to the north limit of Block N, shall be undevelopable until the location of an east/west street connection to Street “B” in the Penny Lane Estates (25T-200808) can be determined (see Appendix “C” - Condition No. 18).
6. Development Engineering staff and the HCA have no objections to the proposal subject to the inclusion of draft plan conditions (see Appendix “C”).

All servicing for water and sanitary for the subject lands shall be directed towards First Road West. They further advise that a water distribution analysis be completed in order to provide assurances that the water system can adequately service the proposed development. Staff has also advised that upgrades are likely necessary to the Highland Road Water Pumping Station. These works have been identified in the City’s capital budget, but no implementation schedule has been determined. The developer may be required to complete an analysis of the system.

Staff further advises that a suitable stormwater outlet, including quantity and quality control, be provided prior to any development proceeding. The Owner will also be required to submit a detailed Stormwater Management Report. This has been identified as a condition of draft plan approval (see Appendix “C” - Condition No. 31). Engineering also advises that the urbanization of Highbury Drive, from Highland Road West to the south limit of the lands, at the Owner’s expense, is required, which shall include but not be limited to construction of sewers, watermains, sidewalks on both sides, curbs, and the roadway. A maximum of 100 units are allowed to be developed utilizing a single road access. Prior to the registration of the first phase of development, the Owner, in conjunction with the other developers in the Felker Neighbourhood, shall be required to acquire sufficient lands, at their expense, in order to establish the Isaac Brock Drive road allowance to its full 26.0 metre width from the east limit of the subdivision (UCD lands) to First Road West. As already mentioned in this report, the draft plan of subdivision identifies a connection (Street “D”) with the abutting “Penny Lane Estates” proposed plan. These plans do not currently match. The connection proposed by the applicant is the preferred option, but if the connection is not made, the second option is that Block N, from the north limit of Street “E” to the north limit of Block N, shall be undevelopable until the location of an east/west street connection to Street “B” in the Penny Lane Estates (25T-200808) can be determined. Staff has requested this as a draft plan condition (see Appendix “C” - Condition No. 18).

Staff also advised that the location of Street “C”, in relation to the future alignment of Street “A” in Penny Lane Estates (25T-200808), cannot be finalized until the location of the future street north of Mud Street has been established. Also, the road network must have sufficient capacity to carry the 100-year overland flows to the Stormwater Management Pond(s). Therefore, a second overland flow route, either another roadway or an overland flow channel within a municipal easement, may be required to direct the flows to the pond(s). In that regard, Blocks F and G should be declared undevelopable lands until such time
that the locations of Street “C” and a second overland flow route can be established (see Appendix “C” - Condition No. 37).

The applicant also submitted a parking plan, at the request of Engineering, who has completed a preliminary review of the plan. They advise that driveway and fire hydrant locations must be shown on the plan, and there must be a minimum of 6.5 metres in-between residential driveways. This length will allow for a standard 5.5 metre space, including a 0.5 metre offset for the edge of each residential driveway. Parking will not be permitted on Street “E” adjacent to the Park (Block D) or the existing park. The plan will need to be revised and resubmitted at a larger scale.

The City owns the right-of-way, road allowance widening, and daylight triangles shown as Parts 3, 4, 5, and 6, Plan 62R-13724 (the future extension of Street “A” to Highland Road West). However, the right-of-way has not been opened by By-law as a public roadway. The Owner will be required, at their expense, to urbanize the extension of Street “A” from the south limit of the subdivision to Highland Road West, including storm and sanitary sewers, watermain, sidewalks on both sides, curbs, roadway, etc. (see Appendix “C” - Condition No. 24). At the appropriate time, the City will arrange to have the road opened by By-law.

The road network must have sufficient capacity to carry the 100-year overland flows to the Stormwater Management Pond(s). Therefore, a second overland flow route, either another roadway or an overland flow channel within a municipal easement, may be required to direct flows to the required stormwater pond(s).

An existing grading/drainage issue has been identified on the lands located at 151 Upper Centennial Parkway, known as M & M Tables. This property is located east of Street “F” of the subject lands. The owner of the proposed subdivision has provided potential mitigative measures in the updated Functional Servicing Report to ensure that this property can be adequately drained for stormwater, and shall include both temporary and ultimate solutions, including costs, to implement the recommendations.

Cost sharing for the development is also applicable, and has been included in the Recommendation section of this report as follows (see Recommendation (a)(ii)):

- Cost sharing for any required oversizing of the extension of Isaac Brock Drive, Highbury Drive, and Street “C” will be in accordance with the City’s current Financial Policies.

- Cost sharing for the proposed Stormwater Management Facility SCM#17 will be in accordance with the City’s current Development Charges Background
Study and Financial Policies for Development, to an upset limit of $2,172,349.00.

- The 1.5m high chain link fence adjacent to the south sides of Blocks V and W be cost shared 50% City and 50% Owner.

- Cost sharing for the Park Block D fronting Highbury Drive/Street “E” for the above and below ground works shall be in accordance with the City’s current Financial Policies.

- That the City will compensate for the roundabout at the intersection of Isaac Brock Drive Extension and Street “E”/Highbury Drive, subject to an approved budget source, the proportionate share of the cost based on the increased roundabout surface.

Hamilton Conservation Authority (HCA):

The HCA had also provided detailed comments and conditions for this proposal. Their comments have been outlined above, and their associated conditions included as part of the draft plan of subdivision conditions. The HCA is not opposed to the development, subject to the draft plan conditions being satisfied.

7. As a requirement of the draft plan of subdivision, an urban design review was undertaken. The applicant prepared a set of Urban Design Guidelines, prepared by Walker Nott Dragicevic Associates Limited, dated October 27, 2009. Staff reviewed the guidelines and provided detailed comments. It was concluded that a more streamlined document be prepared, which addresses the unique conditions within the draft plan, and that additional drawings be prepared demonstrating the plan and the various street cross-sections. As a result, a draft plan condition has been included, which addresses the issues raised by staff (see Appendix “C” - Condition No. 2).

8. In accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, parkland dedication is to be calculated on the following basis:

   “a. In the case of lands to be developed for residential purposes:

   i. At a density less than 20 units per hectare, dedication of land in the amount of five percent (5%) of the Net land area to be developed or redeveloped;

   ii. At a density of 20 units per hectare to 75 units per hectare, dedication of land at a rate of 1.0 hectare of the Net land area for each 300 dwelling units proposed, except for street townhouse dwellings which shall be at a
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

...
As a result of the proposed realignment of Isaac Brock Drive, the shape and configuration of the park block has been revised. Through circulation of the draft plan, comments were received from Landscape Architectural Services staff, who advised that the existing configuration of the park block was required. Landscape Architectural Services concerns included one continuous road frontage along Highbury Drive/Street “E”, and a 6 metre pathway connection to the park from Isaac Brock Extension. The applicant was advised of this, and has revised the draft plan to accommodate the concerns with the park block (see Appendix “B”). Although the park block has been marginally reduced, the total amount of parkland within the Felker Neighbourhood will exceed the minimum requirements of the Stoney Creek Official Plan, in that the estimated population for the Felker Neighbourhood is 4,100 persons, and the Official Plan requires 0.7ha/1,000 persons. As such, a minimum of 2.8 hectares of parkland is required. In addition, a Neighbourhood Park is required to have a minimum size of approximately one hectare and serve a population of 5,000 people. Therefore, the proposed size and location of the revised park block complies with the applicable Open Space policies of the City of Stoney Creek Official Plan.

10. In total, five letters were received in response to the circulation of the applications. Additional letters from the same individual were sent and also included in staff’s review (see Appendix “D”). The issues raised revolve around the following:

- Servicing, grading, and stormwater run-off;
- Road network/connectivity with abutting subdivision (Penny Lane Estates);
- Construction process;
- Request for notice; and,
- Ontario Realty Corporation (ORC) concerns.

**Servicing:**

Some of the correspondence received included concerns over servicing, stormwater (i.e. flooding) and location of the stormwater facility (pond), as well as grading. More specifically, concerns were raised on these issues by the owner of 151 Upper Centennial Parkway (M&M Tables). M&M is also involved in the OMB proceedings for UCD. It is important to note that they are not opposed to the proposed development(s). Rather, they are seeking to have their concerns addressed through the approval process. Further to their letters, M&M has made delegations before Committee on these issues. In response to their concerns, staff was directed by Committee to formally address the issues raised. In this regard, Development Engineering staff will be presenting a report to Committee on March 23, 2010. Nonetheless, the conditions of draft plan approval will address the issues raised with respect to servicing.
Road Network:

As already discussed, concerns were also raised with respect to the road network. Traffic Operations and Maintenance has reviewed the Traffic Impact Analysis for the developments, and has advised that road connections are necessary for proposed Street “D” to the “Penny Lane Estates” subdivision, as well as connectivity to First Road West from the proposed Isaac Brock Drive Extension. Engineering has advised that no temporary accesses shall be granted. The applicant, in conjunction with the other developers in the Felker Neighbourhood, will need to acquire additional lands (to the south - 182 First Road West) of the proposed Isaac Brock Drive Extension at First Road West, to establish the roadway. This is a condition of draft approval for this application, as well as the other developers (see Appendix “C” - Condition No. 12).

Construction Process:

Concern was raised by a local resident regarding the construction process (i.e. dust/noise). Staff responded to this concern and advised, that through the future construction phase of development, the City will ensure such impacts are minimized through development inspection protocol. Also, a plan or procedure with respect to the future construction processes will be required to address this concern (see Appendix “C” - Condition No. 33).

Notice:

It is a requirement that if a member of the public requests notice or additional information, that it will be provided. These requests have been forwarded to the Clerk’s Department for individual public notices.

Ontario Realty Corporation (ORC):

ORC has advised that they manage property to the south of the Paletta proposal. The ORC parcel is approximately three (3) acres in area, which was severed from the subject lands in 2005. The severance (under Crown Right) was a result of the need for a potential affordable housing development. In consultation with Hamilton Housing, staff advised ORC that there is still interest in the three acre parcel for a future Hamilton Housing partnership with ORC on the subject lands. Further, ORC has requested that the parcel be protected by way of retaining access to the site, ensuring future services accommodate the proposed site, and that the proposed draft plan not include or label the three acre site. Staff advises that through development of the subject lands, the ORC parcel will have access to services and access to Highbury Drive. With respect to labelling the ORC site on the draft plan, staff had requested that the applicant display on their plan how the abutting lands could be potentially developed. This was done via submission.
of the draft plan; the draft plan approval will only relate to the subject lands and, therefore, have no impact on the labelling of the ORC parcel.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the application be denied, the lands could only be developed in accordance with the current Neighbourhood Development “ND” Zone provisions, which permits one single-detached dwelling, agricultural uses or greenhouse developments, and buildings or structures accessory to a permitted use.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Skilled, Innovative & Respectful Organization**
- More innovation, greater teamwork, better client focus.

**Financial Sustainability**
- Delivery of municipal services and management of capital assets/liabilities in a sustainable, innovative and cost effective manner.

**Intergovernmental Relationships**
- Maintain effective relationships with other public agencies.

**Growing Our Economy**
- Newly created or revitalized employment sites.

**Social Development**
- People participate in all aspects of community life without barriers or stigma.

**Environmental Stewardship**
- Natural resources are protected and enhanced.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
**Vision:** To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

**Values:** Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

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**Healthy Community**

- Plan and manage the built environment.

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**APPENDICES / SCHEDULES**

Appendix “A”: Location Map.
Appendix “B”: Draft Plan of Subdivision.
Appendix “C”: Draft Plan Approval Conditions.
Appendix “D”: Public Input.
Appendix “E”: Land Budget Analysis.
Appendix “F”: Location of Abutting Developments.
Appendix “G”: OMB Procedural Order.

:JM
Attachs. (7)
Planning

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

2. That, prior to the registration of the final plan of subdivision, the “Urban Design Guidelines - Part of Lots 25 and 26, Concession 7, South of Mud Street West, east of First Road West, west of Upper Centennial Parkway, and north of Highland Road West”, prepared by Walker Nott Dragicevic Associates Limited and dated October 27, 2009, shall be revised, to the satisfaction of the Director of Planning, and be included as an appendix to the Subdivision Agreement.

3. That, prior to the registration of the final plan of subdivision, the Owner shall submit a Landscape Plan, prepared and signed by a qualified Landscape Architect, that shall address the park, school, and stormwater management blocks, to the satisfaction of the Forestry and Horticulture Section and the Director of Planning.

4. That, prior to registration of the final plan of subdivision, the Owner shall submit a landfill impact assessment completed by qualified experts. Should peer reviews of the assessment or any separate reports prepared as part of the assessment be warranted, all associated costs shall be borne by the Owner and shall be submitted, to the satisfaction of the Director of Planning.

5. That, prior to registration of the final plan of subdivision, the Owner shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer and containing the recommended control measures, shall be submitted, to the satisfaction of the Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner and shall be submitted, to the satisfaction of the Director of Planning and Director of Development Engineering.
6. That, prior to registration of the final plan of subdivision, the Owner shall submit an Environmental Design Analysis (EDA), prepared by a qualified professional, for review by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). If required, the Owner shall implement the recommendations / mitigation measures, as requested by the City of Hamilton, to the satisfaction of the Director of Planning.

7. That, prior to the issuance of any building permit, the Owner shall provide maintenance easements for any lots with a side yard of less than 1.2m, to the satisfaction of the Director of Planning.

8. That, the Owner shall agree, in writing, to transfer title of lands described as Block D on the draft plan, to the City by deed, for public park purposes, to the satisfaction of the Director of Planning.

9. That, prior to registration of the final plan of subdivision, the Owner shall agree to the inclusion in all offers of purchase and sale, the following warning clause:

   “Purchasers/Residents of this development are advised that the Newalta Landfill Site is located in the vicinity of the subject lands and, as a result, there is a potential for increased levels of noise and/or odour at times related to the landfill activity.”

10. That, prior to preliminary grading, servicing or registration, the final plan of subdivision shall conform to the Stoney Creek Official Plan, the West Mountain (Heritage Green) Planning District Secondary Plan, the Felker Neighbourhood Plan, and all of the applicable provisions of Zoning By-law Nos. 3692-92 and 05-200, as amended, to the satisfaction of the Director of Planning.

**Engineering**

11. That, prior to registration of the final plan of subdivision, the Owner shall submit the necessary transfer deeds to the City’s Legal Department to convey Blocks “A” and “B” of the draft plan to the City for the stormwater management quality and quantity control pond and Block “CC” for the pedestrian pathway, to the satisfaction of the Director of Development Engineering.

12. That, prior to registration of the first phase of development, the Owner shall agree to acquire sufficient lands required for the Isaac Brock Drive road allowance, to establish the Isaac Brock Drive road allowance to its full 26.0 metre width on the final plan of subdivision from First Road West to the east limit of the subdivision, to the satisfaction of the Director of Development Engineering.
13. That, prior to registration of the final plan of subdivision, 12m x 12m daylight triangles shall be established on the final plan of subdivision at the widened limits of the intersection of Streets “E” / Highbury Drive and the extension of Isaac Brock Drive, to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering.

14. That, prior to registration of the final plan of subdivision, 4.5m x 4.5m daylight triangles or 4.5m radii shall be established on Blocks BB, I, F, G, N, and T at the extension of Isaac Brock Drive, Blocks O and Q at Street D, Block R at Street “E”, Blocks H, J, K, and M at Street “A” and Blocks J and L at Street “B”, to the satisfaction of the Director of Development Engineering.

15. That, prior to registration of the final plan of subdivision, the road allowance for Street “C” shall align centre line to centre line with the road allowance for Street “A” in Penny Lane Estates Draft Plan 25T-200808, to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering.

16. That, prior to registration of the final plan of subdivision, the road allowance for the extension of Isaac Brock Drive shall align center line to center line with the road allowance for the existing Isaac Brock Drive west of First Road West, to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering.

17. That, prior to registration of the final plan of subdivision, all bends in the road for the extension of Isaac Brock Drive shall be established with a 160 metre minimum centreline radius, to the satisfaction of the Director of Development Engineering.

18. That, prior to registration of the final plan of subdivision, that Block N, from the north limit of Street “E” to the north limit of Block N, shall be undevelopable until the location of an east/west street connection to Street “B” in the Penny Lane Estates (25T-200808) can be determined, to the satisfaction of the Director of Development Engineering.

19. That, prior to registration of the final plan of subdivision, the Owner shall be responsible for the design and construction of the stormwater management quality and quantity control facility to be located on Blocks A and B, to the satisfaction of the Director of Development Engineering.

20. That, prior to registration of the final plan of subdivision, sanitary sewers, storm sewers, watermains and road access shall be available to service the lands of the draft plan or alternatively, the Owner acquire the necessary land and/or easements and pay the full cost, less over-sizing, to construct sanitary sewers, storm sewers, watermains and road access to service the lands of the draft plan, to the satisfaction of the Director of Development Engineering.
21. That, prior to registration of the final plan of subdivision, the Owner shall provide an adequate road system or overland flow block within a municipal easement to convey the 100 year storm flows to the Stormwater Management Pond(s), to the satisfaction of the Director of Development Engineering.

22. That, prior to registration of the final plan of subdivision, the Owner shall agree to construct Isaac Brock Drive to its full cross section from First Road West to the east limit of the subdivision in its first phase of development, to the satisfaction of the Director of Development Engineering.

23. That, prior to registration of the final plan of subdivision, the Owner shall agree to urbanize the existing section of Highbury Drive including construction of sewers, watermains, sidewalks on both sides, curbs, pavement, etc., at their expense, from Highland Road West to the south limit of the subdivision, to the satisfaction of the Director of Development Engineering.

24. That, prior to registration of the final plan of subdivision, the Owner shall agree to urbanize the extension of Street “A” from the south limit of the subdivision to Highland Road West, at their expense, including, storm and sanitary sewers, watermain, sidewalks on both sides, curbs, roadway, etc., to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering.

25. That, prior to servicing, the Owner shall indicate all driveway locations on the engineering drawings for all lots and further that no driveway shall be located within the daylight triangles, to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering.

26. That, prior to servicing, the Owner shall prepare a Groundwater Study, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns and provide municipal water and sewer services, as required at the developer’s expense, to any property that may be negatively impacted, to the satisfaction of the Director of Development Engineering.

27. That, prior to servicing, the Owner shall construct municipal sidewalks on both sides of the extension of Isaac Brock Drive, on both sides of Street “A” and Street “C”, on one side of Street “B” (south side of north leg, north side of south leg, and west side), on one side of Street “D” (east side), on one side of Street “E” (south and west sides), on one side of Street “F” (south side of north leg, north side of south leg), to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering.
28. That, prior to servicing, the Owner shall include in the engineering design a minimum 1.8m high chain link fence along the north, south, east, and west sides of the Stormwater Management Blocks A and B, adjacent to all residential and commercial development blocks and the existing woodlot/wetlands, to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority.

29. That, prior to servicing, the Owner shall include in the engineering design for the draft plan lands installation of a minimum 1.5 metre high chain link fence along the east side of Block H, adjacent to the existing City park, and along the south side of Blocks V and W which abuts Park Block D, to the satisfaction of the Director of Development.

30. That, prior to servicing, the Owner shall include in engineering design and schedules provision for construction of a 1.5 metre concrete sidewalk, including a 1.5 metre galvanized chain link fence, on both sides of Block “CC” which shall include sodding and bollards (at both ends) from Isaac Brock Extension to Park Block D, to the satisfaction of the Director of Development Engineering.

31. That, prior to servicing, the Owner shall submit a detailed Stormwater Management Report. Sufficient back-up information will be required to verify that the area designated for the SWM facility will accommodate the proposed facility designed in accordance with current/applicable Storm Water Management Guidelines and the approved Davis Creek Subwatershed Studies, to the satisfaction of the Director of Development Engineering.

32. That, prior to servicing, the Owner shall agree to include in the engineering storm water management design and drawings, provision for maintaining base flow levels to the existing wetland and watercourse adjacent to and east of Block A, in accordance with the recommendations of the approved Environmental Impact Statement, to the satisfaction of the Director of Development Engineering.

33. That, prior to servicing, the Owner shall provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, a first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information, so that the City can direct works be completed, as necessary, to the satisfaction of the Director of Development Engineering.
34. That, prior to servicing, the Owner shall engage a qualified professional to investigate and determine whether Karst features exist in relation to the subject lands. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize the area to avoid negative impacts shall be undertaken, to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority.

35. That prior to servicing, the Owner shall include in the engineering design for the draft plan lands removal of all dead or diseased trees within the City’s road allowance, as required by reconstruction on existing streets (i.e. the extension of Isaac Brock Drive), and pay all costs for replacement of such street trees, to the satisfaction of the Director of Development Engineering.

36. That, prior to servicing, the Owner shall prepare an on-street parking plan based on the premise of achieving on-street parking for 40% of the total units, to the satisfaction of the Director of Development Engineering.

37. That, prior to servicing, Blocks F and G shall be undevelopable until the location of Street “C” can be established based on the ultimate location of Street “A” in Penny Lane Estates (25T-200808), and until such time that overland flow routes have been established over municipal roadways and/or municipal easements.

38. That, prior to servicing, the Owner shall complete a water distribution analysis of the H7 Zone water system to determine whether the existing water system can adequately service the proposed development, to the satisfaction of the Director of Development Engineering. The report shall also focus on the following issues:

(a) Tabularize the expected occupancy;

(b) Generate residential and institutional water demand and fire flow calculation for this development;

(c) Demonstrate how the proposal fits with GRIDS numbers;

(d) Confirm the water servicing layout based on field information and hydraulic models; and,

(e) Provide the new hydrant locations on the Water Distribution Plan.
Traffic

39. That, prior to registration of the final plan of subdivision, the Owner shall construct a neighbourhood roundabout on Isaac Brock Drive Extension at First Road West, and dedicate sufficient lands that may be necessary on the east side of Isaac Brock Drive Extension at First Road West to construct a neighbourhood roundabout. Land requirements, or potential restrictions, will be confirmed at the design stage. Preliminary design shall also confirm the land requirements and potential limitations, to the satisfaction of the Manager of Traffic Engineering.

40. That, prior to registration of the final plan of subdivision, the Owner shall construct a neighbourhood roundabout on Isaac Brock Drive Extension and proposed Street ‘E’ (future Highbury Drive), to the satisfaction of the Manager of Traffic Engineering.

41. That, prior to registration of the final plan of subdivision, the Owner shall be responsible for the construction of a raised intersection for traffic calming purposes at Isaac Brock Drive Extension and Street ‘C’, to the satisfaction of the Manager of Traffic Engineering.

42. That, prior to registration of the final plan of subdivision, the Owner shall, at their expense, be responsible for bike lanes and roundabout pavement marking design for this project, to the satisfaction of the Manager of Traffic Engineering.

43. That, prior to registration of the final plan of subdivision, the Owner shall construct Street ‘C’, Isaac Brock Drive Extension, and Highbury Drive at a 26m ROW, and provide designated 1.8m on-street bike lanes. On-street parking on these roadways will not be permitted unless parking bays can be incorporated into the cross-section design, where feasible, to the satisfaction of the Manager of Traffic Engineering.

Hamilton Conservation Authority (HCA)

44. That, prior to registration of the final plan of subdivision, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

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

(b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
(c) Any disturbed area not scheduled for further construction within 45-days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

45. That, prior to registration of the final plan of subdivision, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels, and include detailed information confirming that the area designated for the stormwater management facility (Block A and Block B) is sized appropriately to accommodate the proposed facility and meets current Provincial drainage and stormwater quality guidelines, to the satisfaction of the Hamilton Conservation Authority.

46. That, prior to registration of the final plan of subdivision, the stormwater management facility shall be designed to maintain base flow levels to the existing woodlot/wetland on the adjacent lands to the east and to the existing Stoney Creek watercourse, to the satisfaction of the Hamilton Conservation Authority.

47. That, prior to registration of the final plan of subdivision, the Owner shall prepare a Landscape Plan for the stormwater management facility that incorporates native plant material, in order to ensure that the 10 metre buffer area around the woodland/wetland area is maintained and enhanced, to the satisfaction of the Hamilton Conservation Authority.

48. That, prior to registration of the final plan of subdivision, the applicant shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

49. That, prior to registration of the final plan of subdivision, the applicant shall obtain a permit from the Hamilton Conservation Authority, under its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06, under Ontario Regulation 97/04, prior to any construction and/or grading activities associated with the construction of the stormwater management facility and any watercourse alteration, to the satisfaction of the Hamilton Conservation Authority.

50. That, prior to registration of the final plan of subdivision, the applicant shall obtain approval from Fisheries and Oceans Canada under the Federal Fisheries Act, prior to any watercourse alteration, to the satisfaction of the Hamilton Conservation Authority.
Appendix “D” to Report PED10053
(Page 1 of 11)

Message

---Original Message---

From: Muto, Joe
Sent: Monday, August 31, 2009 3:13 PM
To: Muto, Joe
Subject: file no. : ZAC-09-031 & OPA-09-008

Hello Mr. Muto,

In pertaining to the form and information package received regarding file no. : ZAC-09-031 & OPA-09-008, I have few concerns.

- when will construction of the new subdivision begin
- were will the access for this division be placed

8/31/2009

Joe Muto MCIP, RPP
Senior Planner
Planning & Economic Development Department
Planning Division
City of Hamilton
77 James Street North, Suite 400, 4th Floor
Hamilton, ON L8R 2K3
Phone 905.546.2424 ext. 7859
Fax 905.546.4202

---Original Message---

From: Muto, Joe
Sent: Monday, August 31, 2009 3:48 PM
To: Muto, Joe
Subject: file no. : ZAC-09-031 & OPA-09-008

Hello
Thank you for your interest in the above noted applications, I would like to respond to your concerns:

- Unsure when a actual construction start date will be targeted
- Access to the subdivision will be off of First Road, Highbury/Highland and Upper Centennial
- Proposed storm pond for these lands will be be closer to Upper Centennial and Mud
- Infrusion to First Road W. is possible depending on the phasing of the subdivision, I would think that it would like start from Upper Centennial first
- I can assure you that the City will endeavor to minimize all impacts to local residents through the development process
- Protocol for dust is through the construction phase of the process, once again, the City will do its best to minimize these impacts.

If you have other concerns, please call me or email. If you require further clarification don't hesitate to contact me.

Once again, thank you for your interest.

Joe

Joe Muto MCIP, RPP
Senior Planner
Planning & Economic Development Department
Planning Division
City of Hamilton
77 James Street North, Suite 400, 4th Floor
Hamilton, ON L8R 2K3
Phone 905.546.2424 ext. 7859
Fax 905.546.4202
THATCHER AND WANDS
Barristers, Solicitors, Notaries
David R. Wands, B.Com., LL.B.
William L. Thatcher, B.A., LL.B.
-Associates in Law-

NEW ADDRESS:
1457 Ontario St.
Burlington, Ontario
L7S 1G6

Telephone (905) 681 0444
Fax (905) 681 2937
E-Mail: office@thatcherandwands.com

September 8, 2009
Our file T24670

DEVELOPED BY FAX TRANSMISSION
905 546 4202

City of Hamilton
77 James St. N., Suite 400
Hamilton, Ontario
L8R 2K3

Attention: Joe Muto, Senior Planner

Dear Sir:

Re: M & M Tables
151 Upper Centennial Parkway South, Stoney Creek

And Re: File No OPA 09 008 & ZAC 09 031
Notice of Application

I am the solicitor for Mike Tellerd, the owner of 660439 Ontario Inc., operating as M & M Tables and I understand that there is an application by Paletta International Corporation for an OPA Amendment and zoning by-law amendment in regard to First Road West, Stoney Creek. I have reviewed a Notice sent out August 28th, 2009 indicating that there would be a staff report for Council consideration. You were asking for comments to be submitted on or before September 28, 2009. In that regard, my client wrote to you on August 29th, 2008 and I wrote to your offices on March 15, 2007 and I am enclosing the letters to be considered by staff. Would you please confirm that you have received that letter of August 29th, 2008 and March 15th, 2007 and confirm same will be submitted for staff consideration.

Would you please acknowledge receipt of this correspondence at your earliest convenience.

Yours very truly,

THATCHER AND WANDS

[Signature]

William L. Thatcher

WLTgd
Enclosure
Muto, Joe

From: Muto, Joe
Sent: Friday, September 11, 2009 9:41 AM
To: 'office@thatcherandwands.com'
Subject: OPA-09-008 & ZAC-09-031 (M & M Tables)

Mr. Thatcher, we are in receipt of your letter dated September 8, 2009 on the above noted matter.

This email is to confirm that we are in receipt of the August 29, 2008 and March 17, 2007 letters on the planning applications for Upper Centennial Developments (File Nos. OPA-06-026 and ZAC-06-99), which are currently appealed to the Ontario Municipal Board.

Further to your letter, staff will consider those same concerns raised as it relates to the recent applications made by Paletta International Corporation.

I trust this is satisfactory.

Joe

Joe Muto MCIP, RPP
Senior Planner
Planning & Economic Development Department
Planning Division
City of Hamilton
77 James Street North, Suite 400, 4th Floor
Hamilton, ON L8R 2K3
Phone 905.546.2424 ext. 7859
Fax 905.546.4202
September 9, 2009

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

Attention: Joe Muto, MCIP, RPP - Senior Planner

Dear Sirs:

Re: Zoning By-law Amendment ZAC-09-031
    Official Plan Amendment OPA-09-008
    Paletta International Corporation – First Road West, Stoney Creek (Ward 9)

In response to a circulation letter, dated August 28, 2009, with respect to the above captioned amendment changes, M&M Tables would like to present our concerns with respect to the development to the west and north of our property located at 151 Upper Centennial Parkway, Stoney Creek.

1. Proposed Land Grading – M&M Tables has strong concerns over any change to the grade level and elevations of the lands under this proposed development. Any change in elevation with this proposed area would result in the property owned by M&M Tables being turned into a virtual swale prone to flooding, higher than normal accumulations of snow due to wind funnelling and any and all accompanying problems of wet low lying properties. If this property is allowed to raise the grade level, then M&M Tables would need to match this new elevation.

2. Water, Sewer and Drainage – At present M&M Tables operates on a well and septic system. If there is a change in elevation, whether minor or significant, there will be a significant impact to the level and quality of water for the well system on the M&M Tables’ property. There will also be an issue with the proper operation of the septic system on this property. Will M&M Tables be allowed to connect to any water and sewer lines that may be planned for the development property under review without any add-on costs to M&M Tables?

3. Is there a current master plan for the development of the surrounding properties, and a proposal for changes in the access roads to these properties?

... cont'd Pg. 2
Appendix "D" to Report PED10053  
(Page 5 of 11)

M&M TABLES LTD.
151 Highway No. 20 South
Stoney Creek, Ontario
L8J 2T7

Tel: (905) 578-9930
Fax: (905) 578-9422

City of Hamilton
Planning and Economic Development Department
September 9, 2009
Page 2 – File ZAC-09-031/OPA-09-008

4. Proposed Zoning Changes – With the changes requested of the Planning Committee to change the residential portion of the property, will there still be provisions in place to provide buffer zones between abutting properties?

The concerns noted above need to be addressed during the process of amending the Zoning By-law for the property in question and particularly in relation to the impact to the property and business owned and operated by M&M Tables. M&M Tables has operated in its present location since 1984 and during that time has developed its own property to accommodate an updated showroom and manufacturing shop. While not opposed to the development of the property to the west and north of us by Paletta International, M&M Tables cannot afford to have a repeat of the site development problems that occurred and resulting problems that are continuing to occur to the south of us, due to the changes in grade levels and elevations. M&M Tables will need to be kept informed of what is happening to the abutting property on the west and north side, so as to assure ourselves that our interests in regards to site development of the property to the west and north will be taken into consideration without having to resort to lawyers.

M&M Tables would like a copy of the report before any public meeting and would also request notification in writing of any and all scheduled public meetings that pertain to this property zoning amendment. If you have any questions, please do not hesitate to contact our office.

Yours truly
M&M Tables

Mike Tellerd
President

Attachments

cc: Councillor Brad Clark – Ward 9
Paul Mallard, Director, Planning Division
Steve Robichaud, Manager, Planning Division
Peter J. De Iulio, Senior Project Manager, Development Planning – East Section
THATCHER AND WANDS
Barristers, Solicitors, Notaries
1457 Ontario Street, Burlington, Ontario, L7S 1G6
David R. Wands, B.Com. LL.B.
Telephone (905) 681 0444
William L. Thatcher, B.A. LL.B.
Fax (905) 681 2937
Associates In Law
E-mail: office@thatcherandwands.com

November 18, 2009
Our file T24760

Joe Muto, Senior Planner
City of Hamilton
Planning and Economic Development
77 James St. N., Suite 400
Hamilton, Ontario
L8R 2K3

Dear Sir:

Re: 660439 Ontario Inc.

And Re: Notice of Completion Application for a Draft Plan of Subdivision
From Paletta International Corporation
First Road West, Stoney Creek
File No. 25T-200908

Thank you for the correspondence of November 13, 2009, my client 660439 Ontario Inc., will be making a representation at the public meeting.

Yours very truly,

THATCHER AND WANDS

William L. Thatcher
Thank you.

At 08:38 AM 11/23/2009, you wrote:

, I have attached a pdf...let me know if it helps, and if you have any questions, please feel free to contact me.

Joe

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Joe Muto MCIP, RPP
Senior Planner

Planning & Economic Development Department
Planning Division
City of Hamilton
77 James Street North, Suite 400, 4th Floor
Hamilton, ON L8R 2K3
Phone 905.546.2424 ext. 7859
Fax 905.546.4202

-----Original Message-----
From:
Sent: Saturday, November 21, 2009 8:01 AM
To: Muto, Joe
Subject: File No: 25T-200908

We recently received in the mail, a plan for the lots behind our house. Any chance of getting diagram that can be read. The text is too small as printed. I am particularly interested in what's planned for either side of Street A.
December 1, 2009

Planning and Economic Development Department
77 James St. N. Suite 400
Hamilton, Ontario L8K 2K3

Dear Sir/Madam:

We are in receipt of your notice of complete application and preliminary circulation for a Draft Plan of Subdivision from Paletta International Corp for lands located on First Road West, Stoney Creek.

As requested, we do wish to be notified, of the decision, of the City of Hamilton in respect of the proposed Draft Plan of Subdivision, so we are making this our written request to the Director, Planning Division.

Yours truly,

148 First Road West
Stoned Creek, Ontario
L8J 2R4

Phone - 905-578-5807
January 13, 2010

Joe Muto, Senior Planner
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – East Section
77 James St. North, Suite 400
Hamilton ON, L8R 2K3

Sent via email

RE: Ontario Realty Corporation Comments
Application for Draft Plan of Subdivision from Paletta International Corporation for land located on First Road West, Stoney Creek
File No: 25T-200908

Thank you for circulating Ontario Realty Corporation (ORC) on your notice of a draft plan of subdivision application for the above noted lands (the “subject site”). ORC is the strategic manager of the provincial government’s real property and has a mandate of maintaining and optimizing value of its portfolio, while ensuring real estate decisions reflect public policy objectives. We are writing to provide you with the following comments for consideration and inclusion in your planning file.

Potential Negative Impacts to ORC Managed Lands and Tenants

Following our meeting on Wednesday December 16, 2009, I have conducted a preliminary review of the above-noted application as it relates to the ORC managed property adjacent to the subject site. Attached please see a map that identifies this property.

Specific Comments

The ORC managed property adjacent to the subject site is part of the provincially-owned Stoney Creek Land Assembly and known as 'Parcel J'. The ORC managed property is approximately three acres in size and was severed from the subject site in 2005. The severance was carried out in response to a request at the time, from Hamilton Housing, for a potential affordable housing development. The subject site was then sold to the proponent of the current draft plan of subdivision application. To date, we have not been approached with respect to moving forward on an affordable housing development but would be pleased to meet and discuss this further. By way of this letter, ORC requests that the City of Hamilton consult with Hamilton Housing (or other similar entities) to determine if there is still interest in developing this property for affordable housing.

Given that the ORC managed property has been identified as having future residential development potential, ORC requests that its potential future development be protected for by:
- retaining access to the ORC managed property from Highbury Drive
ensuring storm water management facilities, water servicing and road infrastructure proposed as part of the plan of subdivision be designed and sized appropriately to accommodate potential future medium/high density residential development on the ORC managed property. We would request that a cost contribution estimate summary or matrix be provided to ORC, if available.

our preference would be to not label the ORC managed parcel with “future street by others” and “future residential by others” on this plan to allow for maximum flexibility in future planning for this site

We also note adjacent land owners have expressed concerns regarding ponding and grading issues. We want to ensure that any proposed solutions expressed in functional servicing reports, water balance studies or amendments to this application are reviewed by ORC and the City to ensure no impact to the existing developable area of the ORC managed lands. Please address any of these studies to the undersigned so that ORC can conduct a peer review as to the merits of any new conveyance routes or other stormwater management or grading approaches proposed on the ORC lands.

In addition, you may wish to ensure all functional servicing, stormwater management, traffic, and other supporting studies take into account ORC’s plans to prepare these lands for their optimum use as a housing block.

We would request copies of the most recent drawings, traffic, stormwater management, and servicing reports for our records and would like to be added to the mailing list for this project. In addition, we would like to be invited to any technical discussions with development services or planning staff that involve any proposed use of the ORC managed lands.

Concluding Comments

Thank you for the opportunity to provide comments on this undertaking. If you have any questions regarding the above, I can be reached directly at 416-327-8018 or Jordan.Erasmus@ontariorealty.ca.

Sincerely,

[Signature]

Jordan Erasmus
Planner
Ontario Realty Corporation

c. Anil Wijesconiya, Ontario Realty Corporation
   John Mackenzie, Ontario Realty Corporation

Attch.
Map showing ORC Managed Lands (Parcel J) at Highland Road West & Highbury Drive

- Orange: Teranet ownership parcels
- Red: ORC managed property (Parcel J)
Appendix "E" to Report PED10053 (Page 1 of 1)
Location Map

File Name/Number: ZAC-06-99/CPA-06-26
Date: February 23, 2010
Appendix "A"

Scale: N.T.S
Planner/Technician: JM/NB

Subject Property

- Landmart Realty Corp.
- Upper Centennial Development Ltd.

Ward 9 Key Map N.T.S.
Upper Centennial Developments Ltd. has appealed to the Ontario Municipal Board under subsection 22(7) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate lands known legally as Part of Lots 25 and 26, Concession 7 (formerly in the Township of Saltfleet) from Low Density Residential, Medium Density Residential and Institutional to General Commercial in order to permit various commercial/retail and residential uses
Municipal File No. OPA-06-26
OMB File No. PL090520

Upper Centennial Developments Ltd. has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 3692-92, as amended of the City of Hamilton to rezone lands known legally as Part of Lots 25 and 26, Concession 7 (formerly in the Township of Saltfleet) from "ND - Neighbourhood Development Zone" to "SC2 - Community Shopping Centre" in order to permit a variety of commercial uses on the proposed commercial block
OMB File No. PL090511

APPEARANCES:

<table>
<thead>
<tr>
<th>Parties</th>
<th>Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Centennial Developments Ltd.</td>
<td>S. A. Zakem and</td>
</tr>
<tr>
<td></td>
<td>P. J. Harrington</td>
</tr>
<tr>
<td>City of Hamilton</td>
<td>M. Kovacevic</td>
</tr>
</tbody>
</table>

DECISION DELIVERED BY SUSAN de AVELLAR SCHILLER

Upper Centennial Developments Ltd. [UCD] wishes to develop commercial uses on a site within the East Felker Neighbourhood of the City of Hamilton. The East Felker Neighbourhood is generally bounded by Mud Street West, Upper Centennial Parkway, Highland Road West and First Road West.

Three other interests appeared at this pre-hearing:
1. 660439 Ontario Inc., doing business as M & M Tables, represented by Counsel W. Thatcher;

2. Parkside Developments (Albion) Limited [Parkside], represented by Counsel R. D. Cheeseman; and

3. Heritage Greene Development Corporation [Heritage Greene], also represented by Counsel R. D. Cheeseman.

Discussions are underway between UCD and these three interests to identify issues and determine if consensus can be reached between each of these interests and UCD. None of these three interests sought either Party or Participant status at this point. With the consent of these interests and the Parties, any requests for Party or Participant status will be considered at the next pre-hearing without prejudice in light of the fact that no request was made at this pre-hearing.

M & M Tables and Parkside are both within the East Felker Neighbourhood and within the same quadrant as the UCD proposed commercial development. Both of these interests are primarily concerned with technical servicing matters. Heritage Greene is not within this quadrant and is primarily interested in reviewing any updated market analyses for the UCD proposal.

Parkside has an application for a proposed plan of subdivision before the City. Parkside has indicated that it may wish to appeal this matter to the Board and have it heard together, or possibly consolidated, with the UCD appeals.

UCD is a joint venture of Fieldgate Commercial Properties Limited [Fieldgate] and Paletta International Corporation [Paletta]. Paletta has an application for a proposed plan of subdivision adjacent to the UCD proposed development. Mr. Zakem also represents Paletta in its proposed plan of subdivision. Mr. Zakem advised the Board that Paletta may also wish to appeal its proposed plan of subdivision to the Board and have it heard together, or possibly consolidated, with the UCD appeals.

The Board has set this matter down both for a further pre-hearing and a hearing of the merits.
No further Notice is necessary, with the exceptions noted below regarding possible motions and requests for certain other matters to be heard together, or possibly consolidated, with the matters now before this Board.

The next pre-hearing will commence at 10:00 a.m. and will be held on:

Monday, April 12, 2010  
Council Chambers  
Dundas Town Hall  
60 Main Street  
Dundas, Ontario  

Matters the pre-hearing will consider include: any requests for Party or Participant status; any requests for matters to be heard together or consolidated with the matters now before the Board; finalization of the Procedural Order and Issues List; any amendment to the time set aside for the hearing of the merits; and any Motions.

Parkside’s application for its proposed plan of subdivision has been with the City long enough for an appeal to be filed with this Board. If Parkside decides to appeal its application for a plan of subdivision to this Board, and wishes to have it heard together or consolidated with the matters now before the Board, Parkside is to advise the Board of its intention in its appeal correspondence. Parkside is also to provide 35 days Notice of the April 12 pre-hearing in the usual form and to the usual list of agencies and individuals, and is to include a specific explanation of its intention to bring a Motion to have its matter heard together or consolidated with the matters now before this Board. The Board requires an affidavit of service of the Notice to be filed with the Board not less than 14 days prior to the April 12 pre-hearing. The Notice of Motion for an Order to hear together or consolidate the Parkside proposed plan of subdivision with the matters now before the Board must be served and filed 35 days prior to the April 12 pre-hearing.

Paletta’s application for its proposed plan of subdivision will not have been at the City long enough for Paletta to file an appeal and have it before the Board at the April 12 pre-hearing. Paletta and the City are in discussions on this matter. If Paletta intends to seek a contingent Order from the Board to have its proposed plan of subdivision heard together or consolidated with the matters now before the Board, Paletta is directed to provide 35 days Notice of the April 12 pre-hearing in the usual form and to the usual list of agencies and individuals, and is to include a specific explanation of the
status of its proposed plan of subdivision and its intention to seek a contingent Order on April 12. The Board requires an affidavit of service of the Notice to be filed with the Board not less than 14 days prior to the April 12 pre-hearing. The Notice of Motion for the contingent Order must be served and filed 35 days prior to the April 12 pre-hearing.

Any other motions to be heard on April 12 must have their Notice served and filed by March 29, 2010, with Responses to be served and filed by April 6, 2010.

The hearing of the merits has been set down to commence at 10:00 a.m. on Monday, May 31, 2010, and to conclude by June 30, 2010. The hearing of the merits will be held in OMB Hearing Room #6, McMaster Learning Centre (Old Court House Hamilton), 50 Main Street East, Main Floor, Hamilton, Ontario.

With the exception of those matters noted above, no further Notice is required.

If difficulties arise, the Board may be spoken to.

This panel of the Board remains seized for case management but is not necessarily seized of the hearing of the merits.

"Susan de Avellar Schiller"

SUSAN de AVELLAR SCHILLER
MEMBER