## Information Report

<table>
<thead>
<tr>
<th>TO: Chair and Members Planning Committee</th>
<th>WARD(S) AFFECTED: WARD 9</th>
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<tbody>
<tr>
<td>COMMITTEE DATE: August 13, 2013</td>
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<tr>
<td>SUBJECT/REPORT NO:</td>
<td>PREPARED BY:</td>
</tr>
<tr>
<td>Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9)</td>
<td>Joe Muto (905) 546-2424 Ext. 7859</td>
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<td>SUBMITTED BY:</td>
<td>SIGNATURE:</td>
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<tr>
<td>Tim McCabe General Manager Planning and Economic Development Department</td>
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### Council Direction:

- N/A.

### Information:

On August 13, 2009, Council approved Item 35 of the Economic Development and Planning Committee Report 19-016, respecting applications for an amendment to the Stoney Creek Official Plan and changes in zoning for lands located on the north-west corner of Highland Road and Mount Albion Road (Stoney Creek) (PED09220) (see resolution attached as Appendix “F” to Report PED13131). The subject lands were approved for mixed-use and residential purposes. The implementing Official Plan Amendment (OPA) and Zoning By-laws were held in abeyance until such time as the City had acquired the lands for the future Trinity Church Arterial Road. Additional requests were made to hold the By-laws in abeyance. In 2011, the subject lands were sold and purchased by the Heritage Highlands Corporation. The new owner has amended the applications to allow for a commercial shopping centre. In this regard, at the next Council meeting, Council will be requested to amend the motion on its previous decision on the former staff recommendations to allow this matter to proceed.
This new proposal has been circulated to the public, pursuant to the Planning Act, and staff is recommending the following, which will need to be addressed by motion at the next Council meeting:

(a) That approval be given to **Amended Official Plan Amendment Application OPA-07-036(R), by Heritage Highlands Corporation, Owner**, for Amendment No. [redacted] to the Stoney Creek Official Plan, for changes in designation on “Schedule A - General Land Use Plan” from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centre”; and for changes in designation on Schedule A3 - West Mountain Planning District (Heritage Green) Secondary Plan” from “Service Commercial”, “Neighbourhood Park”, and “Medium-High Density Residential” to “Community Shopping Centre”, in order to permit a shopping centre with various retail uses, on the lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13131, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Amended Zoning Amendment Application ZAC-07-112(R), by Heritage Highlands Corporation, Owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre “SC2-7(H1)(H2)(H3)(H4)(H5)” (Holding) Zone, with a Special Exception and Holding Provisions, to permit the development of a shopping centre, for lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No. [redacted].
(c) That upon finalization of the implementing By-laws, the subject lands be redesignated from “Commercial - Service Commercial”, “Parkland - Neighbourhood Park”, and “Medium - High Density Residential” to “Commercial - Community Shopping Centre”, in the Valley Park Neighbourhood Plan.

**EXECUTIVE SUMMARY**

The purpose of the applications is for amendments to the Stoney Creek Official Plan and Zoning By-law to permit the development of the subject lands for a range of commercial uses, as outlined on the concept plan (see Appendix “D”). The original applications were supported by the City on August 10, 2009, but final approval was initially withheld pending acquisition of lands by the City from the Province for the Trinity Church Arterial Road. Subsequent requests to hold the matter in abeyance by the former owners further deferred the adoption/passage of the implementing planning instruments. The current owner (Heritage Highlands Corporation) acquired the lands in May 2011, and has requested further amendments to the applications. These requests were received on July 16, 2012, and subsequently circulated to adjacent property owners, departments, and agencies.

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, conforms with the Growth Plan, and conforms with and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan. The proposed development will be in conformity with the Stoney Creek Official Plan upon finalization of the Official Plan Amendment. Also, the proposal is compatible with existing and planned commercial development in the immediate area.

*Alternatives for Consideration - See Page 28.*

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

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for amendments to the Official Plan and Zoning By-law.
**Proposal:**

The subject lands, totalling 6.9 hectares (17 acres), are bounded by Stone Church Road East to the north, Upper Mount Albion Road to the east, Highland Road West to the south, and the proposed Trinity Church Arterial Road to the west. The revised submission proposes to amend the Official Plan and Zoning By-law, which will facilitate the development of the lands for a community scale shopping centre in order to permit various retail uses, which includes a supermarket and department store as anchor tenants.

The new applicant (Heritage Highlands Corporation) proposes to amend the City of Stoney Creek Official Plan by changing the designation of the lands from “Service Commercial”, “Open Space”, and “Residential” to the “Shopping Centres” designation. An amendment to the Secondary Plan is also required. The West Mountain Planning District (Heritage Green) Secondary Plan will be amended by changing the current designations from “Service Commercial”, “Neighbourhood Park”, and “Medium-High Residential” to “Community Shopping Centre”.

The applicant proposes to amend City of Stoney Creek Zoning By-law No. 3692-92 by changing the zoning on the subject lands from the Neighbourhood Development “ND” Zone to the modified Community Shopping Centre (Holding) SC2-7(H1)(H2)(H3)(H4)(H5)” Zone, as outlined on the preliminary site plan (see Appendix “D”).

**Chronology:**

**December 21, 2007:** Submission of Applications OPA-07-036 and ZAC-07-112 by GSP Group, on behalf of the former owner (Ministry of Energy and Infrastructure).

**January 18, 2008:** Applications OPA-07-036 and ZAC-07-112 are deemed complete.

**August 10, 2009:** Public Meeting held and application recommended for approval at the Economic Development and Planning Committee, with stipulation that implementing By-laws be held in abeyance until provisions made for the City to acquire lands needed for the Trinity Church Arterial Road.

**July 5, 2010:** City purchase of lands for Trinity Church Arterial Road is finalized (PED10140).
October 7, 2010: Ministry requests that the By-laws (PED09220) not be forwarded to Council for adoption, and held in abeyance.

December 9, 2010: Change of ownership from Ministry of Energy and Infrastructure to A. DeSantis Developments.

January 27, 2011: A. DeSantis Developments requests that the By-laws (PED09220) not be forwarded to Council for adoption.


May 31, 2011: Heritage Highlands Corporation acquires the subject lands.

July 16, 2012: Revisions to Applications OPA-07-036 and ZAC-07-112 received from Heritage Highlands Corporation.

August 27, 2012: Circulation of Notice of Complete Application and Preliminary Circulation to all residents within 120m of the subject lands.

September 14, 2012: Amended signs posted on the property.

July 26, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands and all residents who provided written comments.

Previous Applications:

The original applications were submitted in December 2007, by the Ministry of Energy and Infrastructure for the redesignation and rezoning of the subject lands to permit residential and mixed-uses. The development applications were presented to the Economic Development and Planning Committee on August 10, 2009, and were supported by staff and the Committee. However, as per the staff recommendation, the implementing By-laws were held in abeyance until such time as the Province entered into an agreement for the transfer of lands to the City for the Trinity Church Arterial Road. Council approved the acquisition of the lands for the Trinity Church Arterial Road on July 5, 2010. However, the implementing Official Plan and Zoning By-law instruments were not presented to Council, as the new owners requested additional time to review and assess the proposed development regulations proposed by the Province (Ontario Realty Corporation). The previous owners had requested the City to continue to hold the approval in abeyance. The Heritage Highlands Corporation took ownership of the lands in 2011, and submitted revised applications for the proposed commercial development.
Details of Submitted Application:

Location: 512 Highland Road West (Stoney Creek) (see Appendix “A”)
Owner/Applicant: Heritage Highlands Corporation (c/o Gerald Asa)
Agent: WEBB Planning Consultants Inc. (c/o James Webb)

Property Description:

Lot Frontage:
- Stone Church Road 347.3m
- Upper Mount Albion Road 214.8m
- Highland Road West 357m
- Trinity Church Arterial Road 178.4m

Lot Depth: 357m
Lot Area: 6.9 hectares

EXISTING LAND USE AND ZONING:

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<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
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<tr>
<td>Surrounding Land Uses</td>
<td></td>
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<tr>
<td>North</td>
<td>Commercial Shopping Centre</td>
<td>Community Shopping Centre “SC2-3” Zone</td>
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<tr>
<td>South</td>
<td>Vacant, (Designated in Trinity West Secondary Plan for Medium - High Density Residential)</td>
<td>Neighbourhood Development “ND” Zone</td>
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<tr>
<td>East</td>
<td>Vacant</td>
<td>Local Commercial (Holding) “LC-7(H)” Zone, Major Institutional “I3” Zone</td>
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<tr>
<td>West</td>
<td>Future Trinity Church Arterial Road (60m Width), Vacant</td>
<td>Prestige Business Park “M3” Zone</td>
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POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The applications are consistent with the policies that focus on healthy, livable, and safe communities in Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns in 1.1 and the policies which focus growth in Settlement Areas 1.1.3.1.

Based on the foregoing, the application is consistent with the Provincial Policy Statement.

Places to Grow:

The subject lands are located within a designated Greenfield Area, as defined by Places to Grow. Policy 2.2.7.1 states that development will be designed to contribute to complete communities; to create densities and an urban form that support walking; and, that provides a diverse mix of land uses. Policy 2.2.7.2 also requires a minimum density target of not less than 50 residents per hectare (but measured over the entire designated Greenfield area of Hamilton). The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity. Designated Greenfield Areas provide policy direction with regard to creating an urban form that supports walking, cycling, and transit as well, it provides that new development must be designed in a manner which creates high quality public open spaces with sit design and urban design standard that supports transit, walking, and cycling. In this regard, the OPA for the lands has incorporated urban design policies to ensure that the development will proceed, as per the proposed concept, which provides for buildings closer to the street edge, and leading from the pedestrian predominant street (Upper Mount Albion at Stone Church Road East) provides for a piazza concept, which focuses on pedestrian movement. A high level of public transit currently exists along the subject lands.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Retail is a permitted use in the “Urban Area” designation.
Policy 3.1.6 requires that new retail developments only be permitted where demand can be demonstrated to ensure that existing retail areas will not be adversely affected. The applicant has submitted a Market Study, which was subsequently peer reviewed, which demonstrated that the proposed commercial development will not adversely affect existing retail areas with the caveat that department store uses should not be allowed until 2018. A discussion of the market study and proposed implementation of the study’s recommendation is in the Analysis/Rationale section of this Report.

Based on the foregoing, the proposal conforms with the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan:

The in force and effect provisions of the Stoney Creek Official Plan designate the subject lands as “Service Commercial”, “Open Space”, and “Residential”. The amended Official Plan Amendment would redesignate the lands to “Shopping Centres”. The following “Commercial” policies shall apply:

3.1 OBJECTIVES

3.1.1 To encourage the provision of a sufficient level and variety of retail activity in the City to accommodate the demand of residents.

3.1.2 To ensure that commercial development not have adverse effects on adjacent land uses, and that such development occur in an orderly and highly aesthetic manner, readily and safely accessible to local residents.

3.1.3 To promote the consolidation of existing Strip Commercial areas and to discourage their unnecessary extension.

3.2 GENERAL POLICIES

3.2.1 Council recognizes that there is a range of Commercial categories in the City, namely, SHOPPING CENTRES, GENERAL COMMERCIAL, HIGHWAY COMMERCIAL, and LOCAL COMMERCIAL. Schedule "A" the General Land Use Plan, shows these various Commercial Categories exclusive of Local Commercial uses. The location and distribution of Local Commercial uses shall be identified in accordance with the policies of this Sub-section, Sub-sections A.1, A.13, and F.7, and other relevant policies of this Plan. The following General Policies are to be applied to all of the above mentioned categories.

3.2.2 Commercial establishments or centres that are proposed adjacent to existing Commercial uses will be encouraged to integrate the design and
dimensions of structures, parking areas, and access points with those of adjacent uses.

3.2.3 In addition to the provisions of Sub-section D.3.3 "Public and Private Parking" of this Plan, adequate parking and loading space will be required in clearly-defined areas for all commercial development and redevelopment.

3.2.4 Access points to parking areas, where possible, shall be limited in number and designed in a manner which will minimize the danger to vehicular and pedestrian traffic.

3.2.5 Loading facilities and parking areas for delivery vehicles shall be located, buffered, and screened so as to minimize adverse effects on the general public view and adjacent uses.

3.2.6 The size of advertising, identification, or other promotional signs and devices will be regulated by appropriate By-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

3.2.7 Where Commercial uses are proposed to be developed adjacent to lands designated Residential, Council shall ensure that access drives, parking, and service areas will be screened and/or buffered so that noise, light, or undesirable visual effects emanating from the Commercial use are reduced. Particularly, light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent lands designated Residential.

3.2.10 Site Plan Control will be applied to any commercial development in accordance with Sub-section F.6 of this Plan.

3.2.14 OPA #4

In the consideration of commercial development or redevelopment proposals, Council shall be satisfied that the proposal will enhance the character and function of the Planning District in which it is to be located, and that it will not have a detrimental effect on abutting land uses.

3.3.1 SHOPPING CENTRES

3.3.1.1 The "Shopping Centre" designation applies to a group of architecturally unified commercial establishments planned and developed as a unit and having a combined gross leasable floor area of no less than 1,400 sq. m. and no more than 37,000 sq. m.
3.3.1.2 The “Shopping Centre” designation applies primarily to a broad range of commercial uses including department stores, retail shops and personal service shops, restaurants, offices, places of entertainment, recreation and assembly, financial institutions, automobile service stations, motor vehicle sales rooms and motor vehicle sales lots, and uses similar and accessory to the foregoing. Community and institutional facilities may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the General Provisions of this Sub-section.

3.3.1.3 Council shall only consider for approval any proposal for a Shopping Centre which derives its access from a Collector Road, Arterial Road, or a Provincial Highway, as designated on Schedule 'D' of this Plan.

3.3.1.4 Shopping Centres are appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, the following classification of Shopping Centres in the preparation of Secondary Plans will be utilized:

   a) A DISTRICT SHOPPING CENTRE will have a gross leasable floor area of 23,000 sq. m. to a maximum of 37,000 sq. m;

   b) A COMMUNITY SHOPPING CENTRE will have a gross leasable floor area of 14,000 sq. m. to a maximum of 23,000 sq. m; and,

   c) A NEIGHBOURHOOD SHOPPING CENTRE will have a gross leasable floor area of 1,400 sq. m. to a maximum of 14,000 sq. m.

3.3.1.5 OPA #45

To ensure that any existing or proposed Shopping Centre provides adequate off-street parking, automobile parking areas shall be established in the implementing Zoning By-law.

3.3.1.6 Council shall ensure that new or enlarged Shopping Centres shall not jeopardize the viability of other existing or approved retail centres in the City, in particular, retail development within the area designated by this Plan as Central Area. In this regard, where a new Shopping Centre larger than 14,000 sq. m. of gross leasable floor area is proposed on lands not designated for a Shopping Centre, or an expansion for an existing Shopping Centre is proposed beyond its present designation, Council shall require the completion of a MARKET STUDY to demonstrate that such viability is not endangered. At the same time, Council shall be satisfied that:
a) Traffic volumes and movements can be safely handled by the existing or proposed road system;
b) Adequate provision can be made to accommodate access by public transit; and,
c) Existing or committed services and utilities are adequate to serve the development.

3.3.1.7 Any proposals for a new "District Shopping Centre" or the expansion of an existing shopping centre into a District Shopping Centre, which is not provided for in this Plan, must be approved by Regional Council in addition to any other government approvals which may be required."

Understanding that the ultimate development will be subject to Site Plan Control, the concept gives a general understanding of the building layout, massing, and appropriate screening. This built form is further explained in the applicant’s Urban Design Brief, prepared by Sam Esposto Architect. The Design Brief has been reviewed by staff, and is discussed in the Analysis/Rationale for Recommendation section of this Report. The general policies of the “Commercial” designation identify that new commercial development will endeavour to have loading and parking areas buffered and screened to minimize adverse effects on the public view and adjacent uses. Through the urban design exercise, the proposed commercial establishments will be required to encourage the design and dimensions of structures, parking areas, and access points with those of adjacent uses for an enhanced level of walkability and safe pedestrian access. An addendum to the original Brief was prepared, which further elaborated on these issues.

Further, the general policies include that access drives, parking, and service areas will be screened and/or buffered so that noise, light, or undesirable visual effects emanating from the commercial use(s) are reduced. These policies have been addressed through the draft Zoning By-law, which will be implemented through the future submission of a Site Plan Control application for the lands. The policy further states that in considering commercial development, that the proposal will enhance the character and function of the Planning District in which it is to be located, and that it will not have a detrimental effect on abutting land uses. Through submission of the various reports and the subsequent review and/or peer reviews, it has been determined that the proposed commercial development will not have any negative impacts on the abutting land uses but, in fact, would complement the existing Community Node which currently exists, and is identified as such in the Urban Hamilton Official Plan. These policies are further discussed below.
A portion of the subject lands is currently designated “Service Commercial”. This designation would permit service related commercial uses such as home improvement, plumbing supplies, carpet and tile outlets, specialized furniture, lighting fixture, paint and wallpaper stores, as well as recreational facilities such as fitness and racquet clubs, and conference and banquet halls. These uses were generally proposed in order to assist in servicing the employment lands to the west. At the time that the policies were drafted for these lands, the Trinity Church Arterial Road was not identified as an infrastructure project by the City. In this regard, the future Corridor creates a physical barrier to access such service-related uses. This is discussed further in the Analysis/Rationale for Recommendation section below.

Through the detailed planning review of the application, the proposed designation for all of the subject lands should be “Shopping Centres” as the proposed development meets the definition of “…a group of architecturally unified commercial establishments planned and developed as a unit and have a combined gross leasable floor area of no less than 1,400 sq. m. and not more than 37,000 sq. m.”. In this regard, the proposed commercial land use would be appropriately located at this location, as it would channel both vehicular and pedestrian movement through the neighbourhood with minimal impacts. The Traffic Department has provided a detailed response below.

The “Shopping Centre” designation applies to a range of commercial use including department stores, retail shops and personal service shops, restaurants, offices, places of entertainment, recreation and assembly, financial institutions, automobile service stations, motor vehicle sales rooms and motor vehicle sales lots, and uses similar and accessory to the foregoing. Policy 3.3.1.4 of the Plan identifies that commercial development is necessary to the economic health of the City and Region and further classifies Shopping Centres as it relates to Secondary Plans. In this regard, the Official Plan Amendment (OPA) for the lands would also require a revision to the West Mountain Planning Area - Heritage Green Section Secondary Plan - Schedule “A3” in order to designate the lands as a “Community Shopping Centre”, as this commercial category identifies a gross leasable floor area of 14,000 sq. m. to a maximum of 23,000 sq. m. This is an appropriate designation, given the proposed concept plan and applicant’s request for a maximum of 19,500 sq. m. (see Appendix “D”).

Policy 3.3.1.6 of the Official Plan requires that to ensure that proposed new shopping centre developments do not endanger existing shopping centres, a Market Study must be prepared which demonstrates that the viability of existing shopping centres are not endangered. In this regard, a Market Study was prepared and subsequent peer reviews conducted on behalf of the City, and it has been determined that there will be no anticipated impact to existing commercial shopping centres, subject to the lands being placed in a Holding (H) provision, as it specifically relates to a department store use. The market analysis is further discussed in the Analysis/Rationale for Recommendation section below.
Based on the above, the proposal meets the general intent of the Stoney Creek Official Plan.

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

The subject lands are designated “Service Commercial”, “Neighbourhood Park”, “Medium-High Density Residential”, and “Community Park”. Through the OPA process, the proposed development will provide for the designation of “Community Shopping Centre”, which is an appropriate designation, given the type of commercial uses proposed. A portion of the subject lands is identified as having connectivity to an off-street bikeway and/or walkway. Policy 13.3.2 (b) of the Plan identifies that the system will attempt to separate bicycles from pedestrians, and that the specific design of these links is to be determined according to demand and feasibility. The purpose of this policy is to aid in the integration mobility between the public and private realms. The Policy further identifies that major deletions to this system, which detract from the continuity of the system, shall require an amendment to this Plan. In this regard, the concept plan and related Urban Design Brief provides for a wide central pathway into the proposed development, which further branches out to provide appropriate access throughout the site and beyond (see Appendix “D”).

Based on the above, the proposal meets the general intent of the West Mountain Planning District (Heritage Green) Secondary Plan.

**West Mountain Core Area:**

The West Mountain Core Area Secondary Plan applies to the mixed-use commercial and residential lands situated directly north of the subject lands. These policies were approved through OPA No. 127 in January 2007. In regard to the OPA for this application, and as continuation of that existing development, staff has suggested incorporating some of the applicable policy text to apply to the lands at 512 Highland Road West (see Appendix “B”).

**Urban Hamilton Official Plan:**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan (UHOP), which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its approval on March 10, 2011, but the decision has been appealed by a number of parties, including the previous applicant (A. DeSantis Developments), for these subject lands. At this time, the Urban Hamilton Official Plan is not in effect.
The designations on the subject lands at the time of adoption were “Arterial Commercial”, “Neighbourhood Park”, and “Medium Density 3”. In August 2009, Council approved, in principle, an Official Plan Amendment (OPA) to the former City of Stoney Creek Official Plan, which was required for future redevelopment of the lands. The OPA was held in abeyance until such time as the lands for the Trinity Church Arterial Road were transferred to the City.

At its meeting of April 12, 2010, Council requested the Minister to modify the UHOP for the lands in the area of Upper Mount Albion Road, north of Highland Road (known as 512 Highland Road West), in accordance with its decision of August 2009, on the City of Stoney Creek Official Plan. The changes were:

“To add new policies (Special Policy Area D- B.7.6.8.20 to 25) and change the land use designations (Map B.7.6-1) from “Arterial Commercial”, “Neighbourhood Park”, and “Medium Density 3” to “Mixed-Use Medium” and “Medium Density 3”, for the lands located on Upper Mount Albion Road, north of Highland Road West (former ORC lands) to the West Mountain Area Secondary Plan”.

In addition, Council requested the Minister to defer these changes until such time as the Trinity Church Arterial Road Corridor lands were transferred to the City, and the Official Plan Amendment to the former City of Stoney Creek Official Plan was final and binding.

The final decision of the Ministry (March 2011) recommended a partial deferral. The land use designations on both Schedules “E-1” and Map B.7.6.-1 West Mountain Area (Heritage Green) were deferred (Non Decision No. 111), but the associated policies were inadvertently approved by Modification 77f. Consequently, the landowners appealed both Modification 77f and Non-Decision No. 111. These appeals are being held in abeyance until the current development applications and the associated OPA to the former Stoney Creek Official Plan is final and binding. Once the Stoney Creek OPA is final and binding, a request will be made to the Ontario Municipal Board to make the appropriate mapping and policy changes to the UHOP. Therefore, no amendment is required to the UHOP since the matter is before the OMB.

### RELEVANT CONSULTATION

The following Agencies and/or Departments did not respond or indicate that they have no concerns or objections to the amended applications:

- Operations and Waste Management Division, Public Works Department.
- Hamilton Municipal Parking System.
- Hamilton Conservation Authority.
- Hydro One.
- Bell Canada.
Corridor Management (CM) Section (Public Works Department) has recommended that the proposed commercial development on the future Trinity Church Arterial Road Corridor be phased until the Trinity Church Arterial Road Corridor is constructed between Stone Church Road and Rymal Road East to provide the required north-south connection to the Red Hill Expressway/LINC and Rymal Road East.

They further advise that the Traffic Impact Study (TIS) provided for this development proposal assumes that by 2018 the commercial development will be operational and construction of the proposed Trinity Church Arterial Road Corridor will have been completed. Upper Mount Albion Road will also be closed to through traffic just north of Rymal Road East, per the ROPA 9 Transportation Management Plan (TMP). In this regard, CM has advised that development of the commercial lands will be completed ahead of the road works, and there is potential for increased traffic on non-arterial roads on Stoney Creek Mountain. The TIS for the site projects that the majority of traffic will enter the site via the Red Hill Ramp, Stone Church Road, and the Trinity Church Arterial Road Corridor. The majority of vehicles exiting the site will use the new Trinity Church Arterial Corridor Roadway to travel north to the Red Hill Expressway and the LINC, or south to Rymal Road East. Therefore, CM recommends that development be phased through a Holding (H1) provision, as it relates to the supermarket use and subsequent Holding (H2) provision for the remainder of the proposed development.

CM also advises that the section of Upper Mount Albion Road between Highland Road West and Rymal Road East is a rural cross-section with no sidewalk facilities. Pedestrian use of Upper Mount Albion has always occurred as there are existing homes fronting the road. The development of the ROPA 9 lands south of Rymal Road East, the commercial developments on Stone Church Road, and the new Karst Conservation lands have all contributed to creating new origin/destination attractions and, therefore, all modes of travel have increased in volume. They advise that the construction of this proposed commercial development along Upper Mount Albion Road will increase both the pedestrian use and volume of traffic before the planned road works can be completed. Further, the secondary school construction (Bishop Ryan Catholic Secondary School) at Upper Mount Albion Road and Rymal Road East will increase the pedestrian activity, and further raises the need for safe pedestrian connectivity between the commercial and residential/institutional nodes at either end of Upper Mount Albion Road. They also advise that vehicular access will not be permitted to the future Arterial Road Corridor Road.

CM also recommends that a Holding (H) provision be incorporated into the implementing By-law, which requires the finalization of the TIS, to the satisfaction of the City. They further advise that all roadway upgrades identified to facilitate the commercial development proposal will be the owner’s responsibility to design and construct at the Site Plan stage. The TIS considers that the planned construction of the Trinity Church Arterial Road is complete and Upper Mount Albion Road closed to through traffic. However, a further review of the existing road network may be
necessary if it is determined that the development of the property may proceed in phases until the ultimate road network is in place. They also advise that the owner will be required to urbanize Upper Mount Albion Road and Highland Road West along the property limits at the development stage through an external works agreement. The CM concerns raised have been incorporated into the draft implementing By-law through Holding (H2) and (H3) provisions. They have advised that this can be addressed in a phased approach in order to accommodate the proposed supermarket use and, as such, the By-law has been drafted in this manner. The other proposed commercial uses would not be permitted until such time as the above noted traffic concerns have been addressed.

**Budgets and Finance Section (Corporate Services Department)** has advised that the applicant will be required to provide payment to Corporate Services for Best Efforts. They advise that the amounts shall be paid prior to development in the following amounts: $144,277.80 and $63,644.75 for the Storm Sewer Mainline Heritage Greene; $11,359.74 for the Public Storm Sewer Connection Heritage Greene; $54,711.93 and $24,134.88 for the Sanitary Sewer Mainline Heritage Greene; $10,567.20 for the Sanitary Sewer Public Sanitary Sewer Connection Heritage Greene; and $91,064.96 and $40,171.16 for the Watermain Mainline Heritage Greene. These amounts are current, and will be payable at the Servicing Permit stage.

**Forestry and Horticulture Section (Public Works Department)** has advised that there are 12 Municipal Tree Assets located on the road allowances of this proposed development and, therefore, Tree Management is required. A Landscape Plan, prepared and signed by a Landscape Architect, may also be required dependent on the outcome of the Tree Management Plan and the concept chosen for this development. These matters will be address through the Site Plan Control stage.

**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 64 property owners within 120m of the subject lands on August 27, 2012, and a Public Notice sign was posted on the property on September 14, 2012. No letters were submitted by the public. 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 amended applications have merit and can be supported for the following reasons:
(i) They are consistent with the Provincial Policy Statement and conform with Places to Grow, as they represent an opportunity for growth in Settlement Areas.

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

(iii) The proposed development represents good planning by, among other things, providing an urban form consistent with that envisioned in the West Mountain Planning District (Heritage Green) Secondary Plan.

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

(v) The proposed development is a natural extension of the existing Community Shopping Centre to the north, which is an important community resource for the residents in the area in terms of providing for a complete community within the Heritage Green Secondary Plan Area.

2. The applicant has requested amendments to City of Stoney Creek Zoning By-law No. 3692-92 in order to provide regulations to implement the proposed form of development. The proposed implementing By-law will incorporate a five-tiered Holding (H) provision, the first Holding (H1) identifies that the subject lands cannot be developed until such time as there is adequate water servicing and upgrades being addressed. The second Holding (H2) provision identifies conditions related to the development of a supermarket as it relates to storm sewers (including provisions for stormwater management quantity and quality control measures), sanitary sewers servicing, and traffic related upgrades have all been addressed. The third Holding (H3) provision, which is required, relates to the applicant updating their Traffic Impact Study (TIS), to address traffic related impacts related to development of the remainder of the site. The fourth Holding (H4) provision relates to servicing related conditions for the remainder of the site. Lastly, the fifth Holding (H5) provision relates to upgrading the market analysis as it specifically relates to a future department store use, as it is currently not permitted from a market perspective prior to 2018. The proposed Zone modifications are discussed below:

Community Shopping Centre (Holding) “SC2-7(H1) (H2) (H3) (H4)” Zone (see Appendix “B”):

Permitted Uses For East Lot:

In addition to the required uses permitted in the Zone, the applicant has requested additional uses to be permitted on the subject lands. They included personal service shops, retail (including a supermarket), pharmacies, and fitness
centres. The requested uses are common within community shopping centres, however, not recognized within the parent “SC2” Zone. With respect to fitness centres, a definition has also been included within the proposed “SC2-7” Zone. The proposed uses requested are common within a shopping centre and have been tested through the market analysis and the subsequent peer review and, therefore, do not impact the planned function of existing or proposed commercial sites. As a result, the additional can be supported by staff.

**Minimum Gross Leasable Floor Area (GLFA):**

In keeping with other proposed commercial shopping centre developments of this form, staff recommends a minimum GLFA of 2000 sq. m. for the other department store related merchandise uses, whereas the By-law does not provide for any. Further, the proposed concept plan provides for this minimum area and has, therefore, been included in the draft By-law. The modification is considered appropriate and supportable.

**Maximum Gross Leasable Floor Area for a Supermarket:**

The implementing By-law establishes a total GLFA of 19,500 sq. m. for the entire site. The market analysis and final peer review identified commercial anchor tenants of a supermarket and department store with maximum GLFA’s, the department store has the caveat that it will not be permitted until the year 2018. Staff recommends that these gross floor areas, as identified in the market analysis and subsequent peer review, be maintained through zoning regulations to ensure that the planned function of both existing and future commercial uses can be maintained. Staff is of the opinion that this regulation maintains the intent of the Stoney Creek Official Plan and, therefore, is supportable.

**Minimum Yard Setbacks:**

The applicant has requested that the minimum yards be reduced from the required 20m (front) and 10m (rear) to 6m for all existing frontages, and 10m for the proposed frontage along the Trinity Church Arterial Road. However, based on the cross section provided (see Appendix “E”), the applicant is able to provide a minimum of 11m, and staff has modified the original request to provide a minimum of 11m instead of the 10m. In regard to all the yard setbacks, the justification for these reductions is based on the City’s standard urban design principles that recommend that new buildings be brought closer to the street edge. Further, this development is located in close proximity to public transit, having buildings to the street edge is paramount to increased pedestrian traffic, especially in this neighbourhood given the proximity of the new Catholic high school, and the established residential homes. This modification is also in
Minimum Landscaped Open Space:

The applicant has requested a reduced landscaping strip of 3m, whereas the By-law requires 5m along any public street. In conjunction with the yard setback requirement (above), outdoor patios will be permitted to encroach within a yard and the required landscaping. Further, staff had requested that the applicant assess an appropriate landscape strip through a cross section given that the proposed road (Trinity Church Arterial Road Extension) is to be 60m in width (see Appendix “E”). Through this exercise, it was agreed upon that a 6m landscape strip along the westerly yard was satisfactory, and additional comment would be provided at the Site Plan Control stage with respect to specific plantings. Staff is supportive of this request, as it allows for the proposed buildings to be located closer to the street edge. As well, this modification has been supported in other planning approvals.

Minimum Parking Stall Requirements:

It is proposed to reduce the parking space size requirement from 2.85m x 5.8m to 2.6m x 5.5m to coincide with the City standard established in Hamilton Zoning By-law No. 05-200. Since this will eventually be the standard regulation across the City, staff has been supportive of this request in other planning approvals. The request is minor in nature and supportable.

Minimum Parking Requirements:

The applicant has further requested that the minimum parking calculation formula be modified to permit 4 parking spaces for every 93 sq. m. of gross floor area, whereas the By-law requires shopping centres to provide 1 space for each 20.5 sq. m. of gross floor area. Based on a proposed gross floor area of 19,500 sq. m., the parking requirement for the proposal would be 839 parking spaces, whereas the parent provision would be 951 parking spaces, which is a difference of 112 parking spaces. The main reason for modifying this provision is to assist in the general implementation of the development as conceptualized. The difference of 112 parking spaces is considered minor and supportable.

Minimum Loading Requirements:

In keeping with recent commercial developments in the area, staff has recommended that commercial buildings between 1,000 and 1,999 sq. m. of gross floor area be exempted from providing a loading space, whereas 1 loading space is required. No designated loading space is generally required for
buildings ranging in this size, and approvals have been granted in the past to eliminate the 1 required loading space. The main reason in justifying this is that this size of the commercial retail units does not require a dedicated loading area as part of the services they provide (e.g. Bank). Since there is precedence in the City for providing relief to this requirement, staff is in support of the modification.

**Other Modifications:**

**Built Form for New Development:**

In keeping with the UHOP urban design policies, as well as with some of the existing and future Commercial Zones in City of Hamilton Zoning By-law No. 05-200, staff has added a provision in the implementing By-law that will address buildings and the street edge, primarily as it relates to Upper Mount Albion Road, which is an extension of the existing “Central Street” designation located within the West Mountain Core Area Secondary Plan. These policies have been incorporated in the OPA for the subject lands also. The additional provision establishes a minimum width of the ground floor façade at 40% or more of the measurement of the front lot line. It further includes a maximum building setback of 6m, and that principle entrances shall be accessible from the building façade with direct access from the public sidewalk. The provision also includes that no parking, driveways, drive-thru lanes, stacking lanes, or aisles will be located between the street and the building façade. This is further elaborated on in urban design discussion below.

**Holding (H) Provisions:**

As identified above, the proposed development requires Holding (H) provisions to be lifted prior to development. The Holdings have been drafted in a fashion which permits the proposal to be developed in phases, based on the technical clearances required as it relates to traffic, engineering.

3. The Growth Management Section has advised that they have no objection to the proposed development, subject to a Holding “H” provision. They provide the following comments:

Growth Management has reviewed the amended applications. They have no objection to the revised Official Plan Amendment or the Zoning By-law Amendment. However, they recommend that the Holding (H) provision is phased. They have identified that Holding (H1), (H2), and (H4) Provisions be placed on the subject lands until such time that the following conditions have been satisfied, to the satisfaction of the Senior Director of Growth Management, prior to the development of any portion of the subject lands (see Appendix “C”).
1. That provisions shall be made for urbanizing:
   
   a. Highland Road West from Upper Mount Albion Road to Trinity Church Arterial Road, in accordance with an approved Traffic Impact Study, including the installation of storm and sanitary sewers between Upper Mount Albion Road and the Trinity Church Arterial Road Extension; and,
   
   b. Upper Mount Albion Road from Stone Church Road East to Highland Road West, in accordance with an approved Traffic Impact Study, including the installation of storm and sanitary sewers.

   Any improvements to these roads will be subject to the recommendations of the Trinity Church Class Environmental Assessment and must be implemented as part of the development process for these lands. At the Development Review stage, the City will determine the required provisions, which may include requirements for entering into an External Works Agreement and/or collection of adequate securities.

2. That provisions be made to satisfy best efforts cost recoveries for the owner's proportionate share of the services installed on Stone Church Road East between the Trinity Church Arterial Road Extension and Upper Mount Albion Road and the Stormwater Management Facility located at the southwest corner of Winterberry Drive and Mud Street.

3. That adequate water distribution system upgrades, pump upgrades to the HD007/HDR07 complex, and implementation of a new elevated tank (W-23) are completed, to the satisfaction of the Senior Director of Growth Management.

4. That there is sufficient sanitary sewer and storm sewer capacity available to service the development, to the satisfaction of the Senior Director of Growth Management.

In addition to the above referenced recommendations, Growth Management provides the following general information:

**Water Servicing:**

There are existing municipal watermains on Stone Church Road (400mm diameter and 1200mm diameter), Upper Mount Albion Road (200mm diameter), and Highland Road West (400mm diameter).
They advise that a hydraulic water modeling analysis was submitted with the revised applications. The analysis had identified that system upgrades are required in order to achieve an acceptable level of service. The upgrades include pump upgrades to the HD007/HDR07 complex and implementation of a new elevated tank (W-23). At the time of development, an updated hydraulic analysis will be required to demonstrate adequate system performance can be achieved. In addition, prior to development they advise that the proponent will also have to satisfy the Public Works Department and Fire Department.

**Sanitary Servicing:**

There are existing municipal sanitary sewers on Stone Church Road (250mm diameter) which connect to the existing sanitary sewer on Upper Mount Albion Road, north of Stone Church Road.

Growth Management has identified a capacity issue on the downstream sanitary sewer system on Upper Mount Albion Road at Mud Street. Approximately 36m of 375mm diameter sewer may need replacement, prior to development of the subject lands.

As identified in the applicant’s Servicing Report, currently there are no sanitary sewers available to service the southern sub-catchment area. The applicant has analyzed the downstream sanitary system and indicates two items: one, the entire development could be connected to the Stone Church Road System on a permanent basis; or two, the southern sub-catchment could be connected to the Stone Church Road system on a temporary basis with a future diversion to the future Highland Road sanitary sewer when it is constructed. The ability to permanently connect the entire development to the northern outlet will be subject to detailed design at the Site Plan stage.

**Storm Servicing:**

There are existing municipal storm sewers on Stone Church Road (825mm diameter to 900mm diameter). These sewers appear to have adequate capacity to convey the 5 year storm to the existing SWM pond.

There are no storm sewers available on Upper Mount Albion Road or Highland Road West. Storm sewers will be required as part of the development of the subject lands.
Subject: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9) - Page 23 of 29

Stormwater Management (SWM):

Portions of the subject lands are located within the Davis Creek Subwatershed. As such, development of the lands is subject to the conclusions and recommendations of the Davis Creek Subwatershed Study (October 2006), prepared by Philips Engineering, and the final Stormwater Management Report for Heritage Green Commercial and Residential Development, prepared by MTE Consultants Inc. Under proposed conditions, the proponent has identified two drainage areas; a northern system approximately 4.92ha in size, and a southern system approximately 2.70ha in size. The applicant has updated their approach to SWM since the initial submission. The SWM is now proposed to be an underground system. Growth Management advises that additional information on the new system must be provided at the Site Plan stage.

Transportation:

The Trinity Church Arterial Road extension is planned to extend southerly along the western boundary of the subject lands from Stone Church Road East to Highland Road West. Development of the subject lands requires that Highland Road West and Upper Mount Albion Road be urbanized. Any improvements to these roads will be subject to the recommendations of the Class EA, and provisions must be made as part of the development process for these lands. The designated road allowance width of Highland Road West and Upper Mount Albion Road is 26.21m (86 ft.). Therefore, at the Site Plan stage, the owner will be required to dedicate sufficient lands to the City to establish both road allowances to their ultimate widths. The designated road allowance width of Stone Church Road East is 30.48m (100 ft.). Therefore, no further road allowance widening is anticipated on Stone Church Road East.

At the Site Plan stage, the owner will also be required to dedicate sufficient lands to the City to establish 7m x 7m daylight triangles at the intersection of Highland Road West and Upper Mount Albion Road, 7m x 7m daylight triangles at Stone Church East and Upper Mount Albion Road, and adequate daylighting at the intersections of the Trinity Church Arterial with Highland Road West, and at the intersection of the Trinity Church Arterial Road with Stone Church Road West. At the Site Plan stage, the owner will be required to submit an updated and detailed functional servicing report addressing storm and sanitary sewer servicing, stormwater management, water servicing, and transportation system for the subject lands.
4. As discussed earlier in this Report, the Stoney Creek Official Plan includes a policy which requires the completion of a Market Study for new proposals for a Shopping Centre larger than 14,000 sq. m. of gross leasable floor area. The proposal is for a total GFA of 19,500 sq. m. The Study must demonstrate that the viability of existing or approved shopping centres is not jeopardized.

The applicant submitted a Market Demand and Impact Analysis, prepared by Malone Given Parsons (MGP), dated July 2012, and it has been peer reviewed by urbanMetrics (uM) Inc.

In summary, the uM sensitivity analyses confirms a demonstrated market “need” for new retail space in the Primary Study Area (PSA), particularly with the anticipated growth in the market, the high outflows from the PSA, and existing healthy market conditions in the PSA. The MGP study satisfies the policy requirements in the Stoney Creek Official Plan, assuming that the planned Summit Park and Upper Centennial commercial developments are developed in the longer term. This aligns with the 2006 Commercial Strategy Study, which identified additional opportunities for commercial development in the Upper Stoney Creek/Binbrook areas in response to the growing population of these areas. The 2006 Study further recommended that new commercial developments should either reinforce the existing commercial areas or be directed to the future Elfrida Node once the Node is incorporated into the Urban Area.

In response to uM’s peer review, they advised that the applicant is prepared to accept a delay in the opening of a department store, and that Sobey’s Developments is committed to the Heritage Highlands site to develop a supermarket, as the site satisfies their market and location criteria. MGP states that the market analysis and their findings conclude that demand and opportunity for the proposed 19,500 sq. m. of retail/commercial space on the subject lands can be supported. In summary, uM confirms that there is a demonstrated need for new retail space in the PSA, and concludes that the addition of a supermarket on the Heritage Highlands site would not jeopardize the viability of other existing or approved retail centres in Stoney Creek or elsewhere in Hamilton. However, uM does conclude that the market would be impacted if a department store is developed on the subject lands prior to the year 2018. In this regard, the implementing Zoning By-law has been drafted in a fashion which will not permit the department store use prior to the year 2018.

In preparing designations and policies for the UHOP, a Commercial Strategy was prepared by Sorensen Gravely Lowes Planning Consultants Inc. in 2006. They summarized their findings as follows:
The City contains a large number of retail nodes with a wide range of characteristics, including traditional downtown cores and main streets, highway oriented retail strips, neighbourhood commercial plazas, community scale plazas and malls, and regional malls and power centres. They further advise that there is an emphasis in Ontario to protect the planned function of a commercial site or area, and to minimize the adverse impact on that planned function.

A number of different policy approaches have evolved to protect the planned function of commercial areas, many of these involving a hierarchy of retail centres. It is our recommendation that the City adopt an overall ‘Urban Structure Approach’. The Urban Structure Approach relies heavily on market function to define the planned function of an area. However, rather than focus on a particular site or centre, the focus should be on a node or corridor which complements the Nodes and Corridors growth option selected through the GRIDS study. This approach recognizes the important role that the retail sector plays in urban structure and place making, and strengthens that role by combining other uses in a multi-sector node. By encouraging other uses, it becomes not only a retail destination but also an employment, service, cultural, recreation, and government service destination. Each of the nodes and corridors should have a defined function in terms of their role in the City’s urban structure and the range of uses and amount and type of commercial/retail facilities to be permitted.

Based on the above, staff is in support of the uM peer review conducted on behalf of the City, and satisfied that the proposed development meets the intent of the policies in both the Stoney Creek Official Plan and Urban Hamilton Official Plan, subject to the special regulation for the department store, as outlined above.

Analysis of the proposed commercial development has primarily tested against the policies of the Stoney Creek Official Plan, which has been discussed thoroughly above. However, the policies of the UHOP are determinative, and in this regard, the proposal should also have regard for the UHOP policies. The major policy goals for the “Commercial” designation in the UHOP reflects on commercial areas being vibrant within a mixed-use area and, more importantly, have a range of uses which can be accessible by automobile, transit, and active transportation. Further, with regard to Official Plan applications for additional commercial uses, the UHOP requires that a commercial needs and impact assessment must be undertaken, which assesses the impact of the proposal on designated retail areas and the potential for negative impacts to the planned function of these areas. The impact on planned function is specifically identified as store closures, loss of vitality which may affect the attraction or success of the other land uses, or diminishment of the role and function of the structural element of the designation. The peer reviewer for the City also tested these policies in
their assessment and found that they were being met. Staff is satisfied that the proposal will meet the intent of the UHOP, as it relates to the commercial policies.

The UHOP identifies the East Mountain/Heritage Green Centre as a Community Node. A Community Node ideally contains a range of uses which allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The UHOP also states that Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed-use environment. Further, Community Nodes are to provide community scale retail stores and services to the residents within the Node and surrounding neighbourhoods. Community Nodes shall provide an employment function consisting primarily of employment in retail, services, local institutions, and government services. Community Nodes shall function as vibrant, mixed-use areas containing a range of housing opportunities, including affordable housing. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms. Community Nodes shall be linked to the higher order transit system. As outlined in Schedule “E” of the UHOP, a portion of the subject lands fall under this designation.

Community Nodes shall generally be planned to achieve a target density of 100 persons and jobs per hectare. In this regard, the City calculates an average median of 37 jobs and persons per hectare (jph). Using this formula, the proposed development would generate approximately 255 jobs, given the land area. The UHOP policies indicate that a Community Node shall be planned to accommodate generally between 25,000 and 100,000 sq. m. of retail floor space. The existing Heritage Green commercial area contains approximately 37,000 sq. m. of retail space in the Node, in addition to the proposed area of 19,500 sq. m., which provides for a total of over 56,600 sq. m., thereby still meeting the intent of this policy.

Based on the above, the proposed development would be a natural continuation of the current Community Node, as it is the last remaining vacant parcel in the immediate area which can contribute an adequate level of commercial uses and jobs in conjunction with the existing commercial and residential uses in the neighbourhood. Through the OPA (see Appendix “B”), staff has included text which incorporates some of the existing policy text from the West Mountain Core Area Secondary Plan.

6. Urban Design was reviewed at this stage to ensure that appropriate implementation could occur at the Site Plan Control stage. Staff reviewed the application and urban design brief, prepared by Sam Esposto Architect, on behalf of the applicant, in conjunction with relevant policy instruments. Through initial review of the proposed concept, staff provided feedback and comment on the
proposed development. A subsequent submission was made to address issues related to the interface of the proposed commercial buildings and the street as it relates to both vehicular and pedestrian movement. Staff has provided the following based on the concept provided (see Appendix “D”).

Staff is satisfied that a 6m landscape berm, as shown in the cross-section of Trinity Church Arterial Road (see Appendix “E”), is adequate. Through this exercise, it appears to provide favourable conditions with respect to grading so as to address the initial concerns from staff with respect to screening of the loading areas of the proposed food store and retail units planned along the Trinity Church Arterial Road Extension. The grade conditions, combined with intensive tree planting of evergreen and deciduous trees and shrubs, will screen the loading areas along Trinity Church Arterial Road. Further, at the corner of Highland Road West and Upper Mount Albion Road, the applicant has included a commercial building, that from an urban design perspective, works well to anchor the corner and contribute to the enclosure of the streetscape with built-form. The urban design condition of the loading area facing Highland Road West along the building that is shown will require a range of mitigation measures (including landscape walls, trees, shrubs, and enhanced façades) that should be addressed by the update to the urban design brief. The urban design objective is to ensure that this frontage contributes positively to the streetscape by providing a high quality of architecture treatment that addresses the street, and to more importantly screen the loading area from the street. The treatment of the loading area and the frontage along the street will be of special interest to staff at the Site Plan Stage. At the Site Plan stage, staff anticipates working with the applicant to better define and layout the pedestrian system internal to the site so as to improve the overall functionality of the system and, in particular, areas in which to provide room for trees to line these walking paths.

Principles of design are also identified in the UHOP policies addressing Community Nodes. It identifies that in the newer Community Nodes, a strong pedestrian focus shall evolve over time through infilling of retail, service commercial, and mixed-use buildings, while being sensitive to the character and density of surrounding residential areas. It also identifies that Pedestrian prominent streets shall be identified in each Community Node. It indicates that buildings on Pedestrian prominent streets shall be built to the streetline, with store fronts and other active uses opening onto the street. The Community Node shall contain a broad mix of uses. Where possible, this mix of land uses should include developments either as mixed-use buildings or a mix of uses on the same property. Further, new development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. Automobile access will continue to be important to Community Nodes, but it shall be balanced with the
need to improve pedestrian and transit access and opportunities for active transportation. The UHOP policies also identify that parking shall be provided through on-street parking, in parking structures, and in surface lots to the rear or sides of commercial buildings. Staff is satisfied that the intent of the UHOP, in respect to the proposed concept plan, meets these policies.

Based on the above, and the concept plan provided, in conjunction with the implementing By-law regulations proposed, staff believe the proposed development to be good planning and in keeping with the intent of the policies.

7. A portion of the lands are currently designated as “Residential” in the Official Plan and “Medium-High Density Residential” in the Secondary Plan. The entirety of the site is proposed to be redesignated for commercial uses; the effect of the redesignation is a potential loss of 300 dwelling units (3.94ha x 75 UPH = 295.5). Staff is of the opinion that an approximate loss of 300 units in this particular area of Stoney Creek is not considered significant given the latest planning approvals within the City. Specifically, in 1993, when the Secondary Plan was approved, lands immediately to the east at 390 Highland Road West were identified for institutional uses. In 2005, the lands were deemed surplus, and sold by the Ontario Realty Corporation. A developer acquired the lands and obtained approvals to permit a total of 233 units comprised of townhouses, single detached dwellings, and a retirement home. The overall planning for residential development on the Stoney Creek Mountain has transitioned in a variety of respects. Many residential developments are currently approved in the immediate area, and currently under construction. It is staff’s opinion that this area of the City is well established with existing and future housing stock, and the anticipated loss of residential units would not significantly impact the neighbourhood.

ALTERNATIVES FOR CONSIDERATION

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

Should the applications be denied, the lands could be developed in accordance with the current Neighbourhood Development “ND” Zone provisions, which permits agricultural uses and one single detached dwelling or a greenhouse operation. Also, a second alternative is that Council can ratify the Economic Development and Planning Committee’s decision, dated August 10, 2009, which would allow for mixed-uses and dwelling units comprised of medium to high densities.
ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:
A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

Strategic Objective:

1.1 Continue to grow the non-residential tax base.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Official Plan Amendment
- Appendix “C”: Zoning By-law Amendment
- Appendix “D”: Concept Plan
- Appendix “E”: Cross Section of Trinity Church Arterial Road Interface
- Appendix “F”: Resolution for Report No. PED09220

:JM
Attachs. (6)
Subject Property
512 Highland Road West

Change in Zoning from the Neighbourhood Development "ND" Zone to the Community Shopping Centre (Holding) "SC2-7(H1)(H2)(H3)(H4)" Zone, with Special Exception
Amendment No. [Blank]

to the

Official Plan for the former City of Stoney Creek

The following text, together with Schedule “A”, General Land Use Plan and Schedule “A3”, Secondary Plan West Mountain Planning District, of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. [Blank].

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centre” in the City of Stoney Creek Official Plan, in order to permit a community shopping centre with various retail uses, including one supermarket and one department store as anchor tenants.

Location:

The lands affected by this Amendment include lands bounded by Highland Road West, Stone Church Road East, Upper Mount Albion, and the future Trinity Church Road Extension in Stoney Creek, and known as the Heritage Green Neighbourhood.

Basis:

The intent of the Amendment is to permit the development of a unified commercial shopping area in conjunction with the lands to the north. The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement;
- The proposal will have no negative impact on the planned function of other commercial developments in the area;
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan; and,
- The proposed development is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the surrounding neighbourhood and community.
Actual Changes:

1. Schedule "A" General Land Use Plan is hereby amended by redesignating the subject lands from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centres”, as shown on the attached Schedule “A” of this Amendment.

2. Schedule A3 Secondary Plan West Mountain Planning District is hereby amended by redesignating the subject lands from “Service Commercial”, “Neighbourhood Park”, and “Medium-High Density Residential” to “Community Shopping Centre”, as shown on the attached Schedule “B” of this Amendment.

3. That the following “Commercial” Policies shall apply to the subject lands:

“13.3.20.1 Urban Design Principles:

The subject lands shall be developed in accordance with the following urban design principles:

a) An urban form that is compatible with the adjacent residential neighbourhood;

b) A strong community image with a ‘central street’ and pedestrian-friendly environment that shall provide a central gathering point and focal point around which the development shall be organized;

c) Gateways that facilitate connectivity, orientation, and ‘way finding’ to, and within, the site for both vehicles and pedestrians;

d) Landscape areas that act as screens and buffers to enhance the development, while minimizing the visual impacts of service lanes, parking areas, and loading zones; and,

e) A comprehensive pedestrian system for the entire site that links all buildings to the central street, transit node, and adjacent neighbourhoods with sidewalks on streets, pathways, trails and/or pedestrian walkways.

Urban Design Policies:

13.3.20.2 The subject lands shall be developed in accordance with the following urban design policies:
13.3.20.2.1 Gateways:

Gateways introduce and indicate entrance into and exit from a central focus area. They define the transition from one area to another, and make a powerful impression. Corner gateways shall be provided.

a) Corner Gateways shall serve as primary project indicators. Three corner gateways are proposed for the subject lands. Two corner gateways (1) at the south-east corner of Stone Church Road West and Trinity Church Arterial Road; and (2) at the south-west corner of Stone Church Road East and Upper Mount Albion Road, shall include design elements and features to represent the natural heritage and architectural style. The third corner gateway is located at the north-west corner of Upper Mount Albion Road and Highland Road West, and shall be recognized as a focal point of the neighbourhood and be given special architectural design and landscape treatment, subject to the following design elements:

13.3. 20.2.2 Built Form:

a) Buildings shall be sited and designed to enhance the public nature of streets, open spaces, and pedestrian routes.

b) For buildings located on Upper Mount Albion Road, the following policies shall apply:

i) Buildings shall be located close to the street line with minimum setback from the edge of the road allowance to provide for a pedestrian-friendly streetscape.

ii) Buildings shall address both sides of the street line in a prominent fashion to create a pleasant and attractive pedestrian experience, and facilitate interaction between different activities.

iii) Commercial buildings and their principal entrances shall be located at grade, easily accessible from the public sidewalk.

iv) Building heights shall create a streetscape scaled to the pedestrian.
v) Design features such as varied roof lines, building fenestration, and canopies shall be encouraged on all facades of buildings.

vi) Principal building facades and entrances shall be oriented towards the public street or to exterior spaces that are directly adjacent to, and visible from, the public street.

vii) The main entrance of buildings shall be emphasized in the design of buildings.

viii) Canopies over doorways, arcades, and other treatments are encouraged to provide weather-protected useable outdoor space.

ix) Building facades should be varied and articulated by use of bay projections, canopies and/or varied roof lines to provide visual interest for pedestrians. Long walls along streets or pedestrian routes shall be broken up by a series of bays and/or projections to create the impression of smaller building units.

x) The ground floor coverage of buildings should be maximized.

xi) Roof-top mechanical equipment shall be enclosed or screened. Roofs and screens should be designed in a manner integral with the overall building design in terms of form, material, and colour.

xii) All buildings on a public street shall be designed with windows and signage facing the street.

xiii) Buildings are to be generally sited parallel to the public street.

xiv) On-site parking shall be in consolidated parking areas located to the side or rear of buildings.

xv) The streetscape shall create a positive community image through the coordinated use of high quality paving materials, wide sidewalks, street furniture, pedestrian-scale lighting and signage, and enhanced landscaping.
xvi) All facades addressing a parking lot shall be finished with material and architectural features consistent with the principal facade of the building, and shall incorporate building elements and landscaping to screen any service lanes and loading zones from public view.

xvii) Drive-through windows shall not face the public street.

(c) For buildings along Stone Church Road East and Highland Road West, the following policies shall apply:

i) Buildings shall be compatible with the surrounding built form and exhibit a ‘Village’ character with articulated and/or pitched roofs.

ii) Buildings are to be generally sited parallel to the public street.

iii) Roof-top mechanical equipment shall be enclosed or screened. Roofs and screens shall be designed in a manner integral with the overall building design in terms of form, material, and colour.

iv) Principal building facades and entrances should be oriented towards the public street or to exterior spaces that are directly adjacent to, and visible from the public street, and not to loading zones and parking lots.

v) All commercial buildings on a public street shall be designed with windows and signage facing the street.

vi) On-site parking shall be in consolidated parking areas located to the side or rear of buildings.

vii) Drive-through windows shall not face the public street.

13.3. 20.2.3 Setbacks and Building Frontage:

a) Minimum and maximum setbacks shall be set out in the Zoning By-law according to the following policies:

i) Buildings on Upper Mount Albion Road shall be located as close to the street line as possible to provide a well-defined and pedestrian-friendly street.
ii) Buildings on the proposed local road shall be located close to the street line to prevent front yard parking and to define the street, while maintaining small landscape areas allowing a transition from the private to the public realm.

iii) Buildings on Stone Church Road East shall be located further from the street line to allow for a generous continuous landscape area, while providing a level of definition to the street edge.

b) Constructed elements in the setback, such as wide sidewalks with street trees, pedestrian-scale lighting, and street furniture shall be provided.

c) Commercial buildings along Upper Mount Albion Road shall have a limited depth, as set out in the Zoning By-law, to encourage pedestrian-friendly, street-related development.

d) Buildings shall be designed to incorporate varied rooflines, canopies, decorative architectural details and/or projecting bays. Large blank walls and continuous rows of monotonous and repetitive facades shall not be permitted.

13.3. 20.2.4 Pedestrian Realm:

a) Pedestrian systems that connect pedestrians to all buildings, the transit node, and pedestrian routes in the surrounding community shall be provided. Private sidewalks and linkages shall be designed as a condition of Site Plan Approval.

b) Pedestrian walkways within parking lots that connect pedestrians from parking areas to building entrances shall be provided. These walkways shall be designed with paving materials, trees, and lighting that contribute to the safety and visual continuity of the entire pedestrian system.

c) Pedestrian weather protection systems including awnings, canopies, colonnades, or front porches along the sidewalk edge of pedestrian streets, in particular along Upper Mount Albion Road and the proposed local road at entrances to buildings, shall be provided.

d) Buildings shall be designed with the primary windows and signage facing onto the street.
e) Barrier-free design of buildings, streets, and publicly accessible exterior spaces shall be implemented.

f) Cross walks and differentiated paving materials and patterns shall be constructed to identify pedestrian routes where they cross streets and other vehicular routes.

g) Parking areas, servicing lanes, utility and mechanical equipment, and drop off and loading zones shall be designed and located in a manner that has minimal physical impact on public sidewalks and accessible exterior spaces. Shared driveways and service lanes at the side and rear of buildings are to be provided for these functions.

13.3. 20.2.5 Landscape Areas and Buffers:

a) Landscape areas shall be provided between commercial development along Upper Mount Albion Road.

b) Landscaped islands shall be provided throughout parking lots to identify, reinforce and connect pedestrian routes, separate roads from parking areas, define edges, and to visually break down large parking areas into smaller quadrants.

c) The Zoning By-law regulation shall identify a minimum landscaped area as a percentage of the overall property area.

13.3. 20.2.6 Parking Entrances, Loading Zones and Service Lanes:

a) The location of parking entrances, loading zones, and service lanes shall be coordinated with the locations of pedestrian routes in order to reinforce streets as primary public spaces.

b) Parking entrances, loading zones, and service lanes shall have the least possible impact on the streetscape and public open spaces.

c) Surface parking areas abutting a public street shall be adequately setback from the property line in order to provide a landscape strip that defines the street edge and provides safety pedestrian amenity. The Zoning By-law shall set out a minimum setback from the property line.
d) Vehicular access to parking areas shall be restricted to common entrances to the overall development, and shall be designed to minimize crossing of pedestrian routes, sidewalks, and trails.

e) All loading zones and service lanes shall be screened and landscaped. Screens shall be designed to complement the materials and details of the associated building facades.

f) Loading zones and service lanes shall be located to avoid conflict with pedestrian and vehicular traffic, and away from the adjacent residential areas.

g) Wherever possible, on-site loading zones and service lanes shall be consolidated and shared. These facilities shall be located at the rear of buildings or shared between buildings.

h) Drive-through windows and associated traffic stacking areas shall be located to the rear of buildings internal to the site to have minimum impact on the streetscape and public open spaces.

13.3. 20.2.7 Vehicular Access:

a) The number and location of vehicular access points shall be limited so as to minimize disruption to traffic flow and to minimize the impact on local streets.

b) Shared access points shall be encouraged to reduce the number of curb cuts and facilitate pedestrian movement.

13.3. 20.2.8 Signage:

a) Signage shall be designed in a manner integral to the building design in terms of size, form, material, and colour.

b) Way finding signage shall be implemented along major vehicular and pedestrian routes.

c) Signage along all pedestrian routes shall be provided at pedestrian scale.

13.3. 20.2.9 Lighting on pedestrian routes shall be pedestrian scale.”
Implementation:

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

This is Schedule "1" to By-law No. [redacted], passed on the [redacted] day of [redacted], 2013.

The

City of Hamilton

_______________________  _______________________
Mayor                        Clerk
CITY OF HAMILTON

BY-LAW NO. 3692-92

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 512 Highland Road West (Stoney Creek)

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item 13- of Report 13- of the Planning Committee, at its meeting held on the day of , 2013, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) upon the approval of Official Plan Amendment No. .
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 15 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre (Holding) “SC2-7(H1) (H2) (H3) (H4)” Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Sub-section 8.10.6, “Special Exemptions”, of Section 8.10 Community Shopping Centre “SC2” Zone, of Zoning By-law No. 3692-92, be amended by adding a new Special Exemption, “SC2-7(H1) (H2) (H3) (H4)” Zone, as follows:

“SC2-7(H1) (H2) (H3) (H4)” 512 Highland Road West, Schedule “A”, Map No. 15

Notwithstanding the definition of a “Lot” within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre “SC2-7(H1) (H2) (H3) (H4)” for the purposes of this By-law shall be considered as one lot.

For the purposes of this By-law, where lands have been comprehensively planned and are subject to an approved Site Plan and a Development Agreement, pursuant to Section 41 of the Planning Act, any zoning deficiencies resulting from the phased development of the subject lands shall be deemed to conform to the regulations of the By-law, provided that all applicable regulations of the By-law relative to the whole lot and its external lot lines are complied with.

In addition to the uses permitted in Sub-section 8.10.2 of the Community Shopping Centre “SC2” Zone, the following uses shall also be permitted:

(a) Personal Service Shops.

(b) Retail Stores, including one Supermarket.

(c) Pharmacies.

(d) Fitness Centres.

For the purposes of this By-law a “Fitness Centre” shall be defined as: a commercial establishment which houses exercise equipment for the purpose of physical exercise, personal well-being, and health.
Notwithstanding the provisions of Paragraphs (d), (e), (f), (j) (l), and (m) of Sub-section 8.10.3 of the Community Shopping Centre “SC2” Zone, on those lands zoned “SC2-7(H1) (H2) (H3) (H4)” by this By-law, the following shall apply:

(d) Total Minimum Gross Leasable Floor Area: 2,000 sq. m.

(e) Total Maximum Gross Leasable Floor Area: 19,500 sq. m.

Maximum Gross Leasable Floor Area for one Supermarket: 4,000 sq. m.

Maximum Gross Leasable Floor Area for one Retail Department Store shall not be permitted prior to the year 2018: 6,000 sq. m.

(f) Minimum Yard Abutting the Westerly Lot Line along the Trinity Church Road Extension: 11m

Minimum Yard Abutting the Northerly Lot Line along Stone Church Road East: 6m

Minimum Yard Abutting the Easterly Lot Line along Upper Mount Albion Road: 6m

Minimum Yard Abutting the Southerly Lot Line along Highland Road West: 6m

(j) Minimum Landscaped Area:

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

2. A landscaped strip, having a minimum width of 6m, shall be provided and maintained along the westerly lot line (future Trinity Church Road Extension).

3. An outdoor patio may be permitted to encroach into the required front yard and landscape strip.

Notwithstanding the Parking Regulations in Section 4.10.3 (a), Dimensions of Parking Spaces, no parking space shall be less than 2.6m in width x 5.5m in length, unless otherwise provided for in this By-law.
Notwithstanding the Parking Regulations in Section 4.10.9, Schedule of Minimum Parking Requirements, the minimum parking spaces required shall be 4 spaces per 93 sq. m. of gross floor area.

Notwithstanding the Loading Regulations in Section 4.9.2, Schedule of Required Loading Spaces, no loading space shall be required for commercial buildings having a gross floor area between 1,000 sq. m. to 1,999 sq. m.

In addition to the regulations of Sub-section 8.10.3, the following shall also apply:

The minimum combined width of the ground floor façade of all buildings located within 20m of the Upper Mount Albion Road lot line shall be equal to 40% or more of the measurement of the front lot line, and shall be subject to the following:

A. A maximum building set back of 6.0m shall apply;

B. All principal entrances shall be accessible from the building façade with direct access from the public sidewalk; and,

C. No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between a building façade and the public street.

The (H1) symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:

1. That the owner complete water distribution upgrades to District 7 Pump Station, and provides adequate water supply to the subject lands, to the satisfaction of the Senior Director of Growth Management.

The (H2) symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:

1. That the owner agrees, in writing, to pay its proportionate share towards the existing stormwater management facility located on the north side of Stone Church Road East and services installed on Stone Church Road East, including road urbanization, to satisfy the best efforts obligation, as outlined in the Heritage Green Subdivision Agreement, to the satisfaction of the Senior Director of Growth Management.
2. That the owner agrees, in writing, to:
   
i. urbanize Upper Mount Albion Road from Stone Church Road East, including sanitary sewers, as required, from a midblock entrance to Stone Church Road East, to the satisfaction of the Senior Director of Growth Management, and the Director of Engineering Services, Public Works Department;

   ii. construct sidewalk from required street lighting on Stone Church Road East and Upper Mount Albion Road from the future Trinity Church Arterial Road to a midblock entrance on Upper Mount Albion Road; and,

   iii. construct a temporary sidewalk from a midblock entrance to Highland Road West;

   all to the satisfaction of the Director of Engineering Services, Public Works Department.

3. That the owner agrees, in writing, to implement recommendations from an approved, revised TIS for the proposed use, which identifies the current road network conditions, identified restrictions to access on Stone Church Road East, and the impacts and mitigations required for the road and pedestrian network, to the satisfaction of the Director of Engineering Services, Public Works Department.

   The (H3) symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following conditions have been satisfied:

   1. That the owner agrees, in writing, to implement recommendations from an approved Traffic Impact Study (TIS), prepared by Paradigm Transportation Solutions Ltd., which shall be revised as phasing of the development proceeds, to the satisfaction of the Director of Engineering Services, Public Works Department.

   The (H4) symbol may be removed for the remainder of the lands by further amendment to this By-law at such time as the following conditions have been satisfied:

   1. That the trunk sanitary and storm sewer outlets at Highland Road West and Upper Mount Albion Road are available, to the satisfaction of the Senior Director of Growth Management.
2. That the owner agrees, in writing, to urbanize (sidewalk, streetlights, and sanitary sewers) for Highland Road West, from Upper Mount Albion to the Trinity Church Arterial Road and Upper Mount Albion Road from a midblock driveway to Highland Road West, to the satisfaction of the Senior Director of Growth Management.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Community Shopping Centre “SC2” Zone provisions, subject to the special requirements referred to in Section 2.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [ ] day of [ ], 2013.

________________________________________  ________________________________________
R. BRATINA                                               R. CATERINI
MAYOR                                                   CLERK

ZAC-12-112(R)
OPA-07-036(R)
Schedule "A"

Map Forming Part of By-law No. 13-

Passed the ........... day of ...................., 2013

Mayor

Clerk

Subject Property

512 Highland Road West

Change in Zoning from the Neighbourhood Development "ND" Zone to the Community Shopping Centre (Holding) "SC2-1(H1)(H2)(H3)(H4)" Zone, with Special Exception
Appendix "E" to Report PED13131
(Page 1 of 1)

CROSS SECTION
SCALE: 1:100

1. 1. THIS SKETCH REPRESENTS A CONCEPTUAL CROSS SECTION
   SHOWING THE PROPOSED TRINITY CHURCH ROAD EXTENSION
   AND THE PROPOSED EXPERIMENTAL DEVELOPMENT OF HERITAGE
   HIGHLANDS. THE INFORMATION WITHIN THIS DRAWING IS
   PRELIMINARY AND IS SUBJECT TO CHANGE.

GENERAL NOTES:

BERM DETAIL
SCALE: 1:100

JOB TITLE:
HERITAGE HIGHLANDS COMMERCIAL DEVELOPMENT

SHEET TITLE:
PROPOSED LANDSCAPE TREATMENT ADJOINING FUTURE TRINITY
CHURCH CORRIDOR

DATE
2013.04.30

DRAWN BY
AD

CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS
AND CONTROLLING DIMENSIONS ARE CORRECT AND COMPLETE
TO THE ARCHITECT PRIOR TO PROCEEDING WITH WORK. DO
NOT SCALE DRAWING.

CONTRACTOR SHALL USE THIS DRAWING IN CONJUNCTION
WITH OTHER DRAWINGS TO ASSEMBLE COMPLETE JOB
PACKAGES, WHICH ARE TO BE SUBMITTED FOR REVIEW
AND APPROVAL.

CONTRACTOR MATERIALS AND THE COMPONENTS OF THE
CONSTRUCTION ARE NOT TO BE USED OR REPRODUCED
WITHOUT AUTHORIZATION BY THE CONSULTANTS.

SAM ESPOTO Architect Inc.
546 Upper James St., Hamilton, ON L8R 2J4
T. 905.383.7500 F. 905.383.5700
Approved by Council August 13, 2009 - Item 35 of the Economic Development and Planning Committee Report 09-016:

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

RECOMMENDATION:

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

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

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

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

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

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

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

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

(d) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision, once Official Plan Amendment No. [redacted] in Recommendation (a) is final and binding.