**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**

*Development and Real Estate Division and Long Range Planning Division*

<table>
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<tr>
<th>Report to:</th>
<th>Chair &amp; Members Economic Development and Planning Committee</th>
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<tr>
<td>Submitted by:</td>
<td>Lee Ann Coveyduck General Manager Planning and Economic Development Department</td>
</tr>
<tr>
<td>Date:</td>
<td>April 5, 2007</td>
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<tr>
<td>Prepared by:</td>
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<tr>
<td>Files:</td>
<td>CI-04-G, CI-07-E, and ZAC-06-42</td>
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<td>Prepared by:</td>
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**SUBJECT:** Official Plan and Zoning By-law Amendments for Community Beach Ponds – Lands Located in the Area Between Teal Avenue and Green Road and Between Church Street and Frances Street, Former City of Stoney Creek (PED07129) (Ward 10)

**RECOMMENDATION:**

(a) That approval be given to **City Initiative CI-04-G** for Official Plan Amendment No. _____, to amend Map 4 – Environmentally Significant Areas of the former Region of Hamilton-Wentworth Official Plan to add a new Environmentally Significant Area – Community Beach Ponds, for lands located between Teal Avenue and Green Road and between Church Street and Frances Street; shown as Block 1, on Appendix “A” to Report PED07129, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07129, be adopted by City Council.
(b) That approval be given to City Initiative CI-04-G for Official Plan Amendment No. _____, to amend Schedule “B” - Stoney Creek Open Spaces and Natural Environment System of the Stoney Creek Official Plan to delete the existing designations and replace a part of these designations with new designations of Pond and Class 1 – Environmentally Sensitive Areas, for lands located between Teal Avenue and Green Road and between Church Street and Frances Street, shown as Block 1 on Appendix “A” to Report PED07129, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07129, be adopted by City Council.

(c) That approval be given to City Initiative CI-07-E, for a change in zoning from Neighbourhood Park “P1” Zone to Conservation/Hazard Land “P5” Zone, for the lands located between Teal Avenue and Green Road and between Church Street and Frances Street, shown as Block 1 on Appendix “A-1” to Report PED07129, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED07129, 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. 1051, of Zoning By-law 05-200.

(iii) That the proposed change in zoning will be in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek upon finalization of Official Plan Amendments No.’s _____ and _____, respectively.

(d) That approval be given to Zoning Application ZAC-06-46, by Hamilton–Wentworth Catholic District School Board, owner, for changes in zoning from the Small Scale Institutional “IS” Zone to the Multiple Residential (Holding) “RM3-32(H)” Zone of By-law 3692-92 (Block 3), and to the Conservation/Hazard (P5) Zone of By-law 05-200 (Block 2), in order to permit the future development of 42 townhouse dwelling units and to protect the natural open space on the lands located at 30 Church Street (Stoney Creek), shown as Blocks 2 and 3 on Appendix “A-1” to Report PED07129, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED07129, 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. 1051, of Zoning By-law 05-200.
(iii) That the draft By-law, attached as Appendix “E” to Report PED07129, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map No. 1, of Zoning By-law No. 3692-92.

(vi) That the proposed changes in zoning will be in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek upon finalization of Official Plan Amendments No.’s _____ and _____, respectively.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

This report summarizes and makes recommendations related to two distinct but integrated planning processes that affect the lands known as Community Beach Ponds. One process was initiated by the City, while the second responds to a private development application to permit 42 block townhouses.

**Environmentally Significant Area (CI-04-G and CI-07-E)**

The Community Beach Ponds site is bounded by Church Street to the north, Green Road to the east, Frances Avenue to the south, and Teal Avenue to the west. The proposed Environmentally Significant Area (ESA) is approximately 2 hectares in size, with a mixture of wooded, wetland, and thicket communities. It is composed of three different properties, owned by the City of Hamilton (Edgelake Park), Hamilton-Wentworth Catholic District School Board (HWCDSB) (under conditional sale to Church Street Developments Inc.), and the Hamilton-Wentworth District School Board (HWDSB) (under conditional sale to Parkside Hills Inc.), all as shown on Appendix “A-2”.
The lands are currently designated “Residential” and “Neighbourhood Park” on Schedule “A”, General Land Use Plan, in the Stoney Creek Official Plan and zoned for Small Scale Institutional uses in the Stoney Creek Zoning By-law No. 3692-92. The existing policies and zoning provide minimal protection to the significant natural features and functions of the site.

The ESA boundary recommended in this report reflects the ESA boundary recommended in the Community Beach Pond EIS, permitting some encroachment on the east side. This limited encroachment will not significantly impact the features or functions which resulted in the Community Beach Ponds being identified as an ESA, provided mitigation measures (e.g. naturalization, management of exotic plants, and tree planting) are carried out.

In accordance with the new City Zoning By-law format, the City is proposing to rezone the ESA located partly on the park site to the new Conservation/Hazard Land P5 Zone.

**Rezoning for Proposed Church Street Developments (ZAC-06-42)**

The purpose of the application is for a change in zoning from the Small-Scale Institutional “IS” Zone to the Multiple Residential (Holding) “RM3-32(H)” Zone. The effect of the zoning change is to permit the future development of 42 townhouse dwelling units and to protect the recommended new “Environmentally Significant Area” on the subject lands.

Staff supports the applications as they are consistent with, and complementary to, the existing and proposed development in the immediate area, and conform to the Hamilton-Wentworth and Stoney Creek Official Plans.

The rezoning of the HWDSB property (ZAC 07-002) is to be dealt with at a future public meeting.

**BACKGROUND:**

**History**

In September 2002, the City proposed the designation of the Community Beach Ponds site (see Appendix “H”) as an Environmentally Significant Area (ESA) because the site met ESA criterion #3 in the Regional Official Plan - Significant Ecological Function, as follows:

- There is significant habitat for seasonal concentrations of wildlife. The site serves as a significant migratory bird stopover area.
• There is habitat for species considered significant in the City, Province or Canada. It provides breeding habitat for a bird species considered rare in Hamilton and uncommon to rare in Ontario (Black-crowned Night-Heron).

• There are biotic communities that are rare in the City, Province or Canada. It contains a rare vegetation community (Buttonbush Mineral Thicket Swamp).

In addition to its local importance, Community Beach Ponds contains natural features and functions that are significant provincially. The site has been identified as “Significant Wildlife Habitat” under the Provincial Policy Statement (PPS) because it is a significant migratory bird stopover area. The vegetation community surrounding the pond (Buttonbush Mineral Thicket Swamp) is also provincially significant.

Community Beach Ponds was part of an Official Plan Amendment (OPA) in April 2003 to designate new ESAs and extend the boundaries of some existing ESAs. However, in the fall of 2004, an error in public notice provisions for the OPA was identified, meaning that the OPA was not legal. To correct this error, staff readopted the OPA in April 2005. The only change to the OPA was the removal of the subject site, in response to an objection from Church Street Developments. Council directed that the site should be considered in detail through a separate amendment at a later date (see Report PD02201(c)). This solution allowed the remaining ESAs to be designated and protected, while staff worked to deal with the concerns of Church Street Developments. In this regard, it is important to note that the ESA designation of this site was not revoked or rescinded, as the site was never officially an ESA.

In February 2005, staff met with representatives of the landowners (Church Street Developments on behalf on the HWCDSB, and the HWDSB) to discuss how to proceed. It was agreed that an Environmental Impact Statement (EIS) would be conducted in the spring of 2005, funded by all three landowners, to more precisely define the ESA boundary. The final EIS report was submitted in September 2006. The EIS was reviewed by ESAIEG, City staff and the Hamilton Conservation Authority and changes to the ESA boundary were made, which are discussed under the Analysis/Rationale Section of this report.

City Initiated Proposal CI-04-G and CI-07-E

The City Initiated applications propose the protection of the Environmentally Significant Area, as identified in the Environmental Impact Study conducted by Dougan and Associates Ecological Consulting Services in September 2006, through an Official Plan designation of “Environmentally Significant Area – Community Beach Ponds”, and through a zone change for the portion of ESA owned by the City from the Neighbourhood Park (P1) Zone to the Conservation/Hazard (P5) Zone.
SUBJECT: Official Plan and Zoning By-law Amendments for Community Beach Ponds – Lands Located in the Area Between Teal Street and Green Road and Between Church Street and Frances Street, Former City of Stoney Creek (PED07129) (Ward 10) - Page 6 of 21

Location: Church Street to the north, Green Road to the east, Frances Avenue to the south, and Teal Avenue to the west (see Appendix “A”).

Owners: The ownership of the proposed ESA is almost evenly split between the Hamilton-Wentworth Catholic District School Board, the Hamilton-Wentworth District School Board, and the City of Hamilton (see Appendix “A-3”). Church Street Developments has a purchase agreement with the HWCDSB (north) property with the intent to develop townhouses. The HWDSB property (south) is under conditional sale to Parkside Hills Inc., who recently submitted a Zoning By-law application, and also propose to develop townhouses.

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
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<tbody>
<tr>
<td>Neighbourhood Park (Edgelake Park)</td>
<td>Neighbourhood Park (P1) Zone</td>
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<tr>
<th>Surrounding Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>North: Residential</td>
<td>Single Residential “R2-26” Zone</td>
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<tr>
<td>West: Residential</td>
<td>Single Residential “R2” Zone</td>
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</tr>
<tr>
<td>South: Residential</td>
<td>Multiple Residential “RM3-8” Zone</td>
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</tr>
<tr>
<td>East: vacant</td>
<td>Small Scale Institutional “IS” Zone</td>
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Private Development Proposal

Rezoning for Proposed Church Street Developments (ZAC-06-42)

The application proposes the future development of the subject lands for 42 townhouse dwelling units accessing a private drive with 20 visitor parking spaces on 0.946 hectares of land. A portion of the property (0.672 hectares) is to be zoned Conservation/Hazard within the future ESA (Appendix “F”). A minimum 5 metre buffer, with an average width of 5.3 metres, is proposed to be provided between the townhouse development and the ESA (See Block 2 – Appendix “A”).

Location: 30 Church Street (see Appendix “A”)

Owner: Hamilton–Wentworth Catholic District School Board

Servicing: Full municipal servicing
Summary of Proposed Development:

<table>
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<tr>
<th>Total Land Area:</th>
<th>1.618 ha (4 acres)</th>
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<tbody>
<tr>
<td>Total number of Units</td>
<td>42 townhouse units</td>
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Existing Land Use and Zoning:

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<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Subject Land:</td>
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<td>Small-Scale Institutional “IS” Zone</td>
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<td>North:</td>
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<td>Residential “R2-26” Zone</td>
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<td>West:</td>
<td>Park (Edgelake Park)</td>
<td>Neighbourhood (P1) Zone</td>
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<td>South:</td>
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<td>Small-Scale Institutional “IS” Zone</td>
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<td>East:</td>
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<td>Residential “R2” and Multiple</td>
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<td></td>
<td></td>
<td>Residential “RM3-21” Zones</td>
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ANALYSIS/RATIONALE:

1. The proposed Official Plan Amendment and changes in zoning have merit and can be supported for the following reasons:
   
   (i) They are consistent with the Provincial Policy Statement, as it represents an opportunity to protect wildlife habitat, and for growth in settlement areas.

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

   (iii) The proposed townhouses are compatible with the existing and planned residential development in the surrounding area.

2. Official Plan Amendment (CI-04-G)

   Environmentally Significant Area

   City staff met in February 2005 with representatives of the Separate School Board and Church Street Developments to discuss how to proceed. It was agreed the three landowners (the City of Hamilton, Church Street Developments on behalf of the HWCDS, and the HWDSB) would jointly fund an Environmental Impact Statement (EIS) to assess the significance of the site for migratory birds, recommend detailed boundaries for the ESA, and assess impacts of the proposed development concept.
In May 2005, the three parties signed a Memorandum of Agreement (MOA) to hire Dougan and Associates Ecological Consulting Services to conduct an Environmental Impact Statement for the property. The HWCDSB remained involved in the process, even though they were not a signed party of the MOA.

Dougan and Associates conducted field work in the spring and summer of 2005 to inventory the significant features and functions of the site. In September 2006, Dougan and Associates submitted the final EIS report. It included a delineation of the ESA boundary, which would protect the significant features and functions.

Based on the ESA criteria, a boundary was established to ensure the features and functions could be protected within an urbanized environment (dotted line on Appendix “G”). The ESA boundary was selected by assessing factors considered important to preserving the criterion, including:

- Distance to the provincially significant buttonbush thicket swamp;
- Maintenance of the deciduous forest communities considered most important for the migratory bird stop-over functions; and,
- Inclusion of additional habitat also used by migratory birds, although to a lesser extent.

It should be recognized the original ESA boundary proposed by Dougan and Associates (see dotted line on Appendix “G”) was reduced to reflect the impacts of the development proposed by Church Street Developments (see solid line on Appendix “G”). In other words, some intrusion into the ESA is proposed, as discussed in a series of meetings and revisions to plans between City staff, Dougan and Associates, ESAIEG, Hamilton Conservation Authority, and Church Street Developments. The buffer between the ESA and the proposed Church Street development is a minimum 5 metres wide, as agreed to by ESAIEG, and City and Conservation Authority staff. Also, some tree loss may occur along the boundary of the ESA due to disturbance from the development. However, the measures detailed below, in conjunction with the requirement for an Edge Management Plan, should mitigate against significant negative impact.

To reduce the impacts of the development on the ESA, the following measures (as recommended by ESAIEG and in the EIS report) must be carried out:

- Management of invasive species within the ESA;
- Restoration of specific areas (e.g. allowing the Buttonbush community to expand partially onto City park land, planting a shrub buffer adjacent to the developed areas);
• Planting large caliper trees in the developed areas and within Edgelake Park; and,

• the submission of the following reports and plans as part of the future required Site Plan Control Application:

  1) Tree Preservation Plan (TPP) to assess the condition and preservation potential for all trees 10 cm diameter at breast height or greater. Based on the findings of the TPP, changes to the site plan may be necessary;

  2) Sediment and erosion controls during and after construction;

  3) Grading plans which support the existing drainage patterns on site; and,

  4) Storm water management plan – which demonstrates that the proposed development will not significantly alter the hydrological regime of the ESA. Storm water must be conveyed to the wetland/pond through naturalized swales.

The boundary on the west side of the ESA (City-owned property) could be expanded through naturalization, where possible, to increase the pond buffer and increase the amount of natural habitat available to migratory birds. Scattered plantings of trees within Edgelake Park could also increase the use of the Park by migratory birds.

The process to identify the ESA boundary has involved numerous meetings between City staff, the landowners, ESAIEG, and the Hamilton Conservation Authority. The ESA boundary recommended in this report balances the concerns of the landowners with the need to protect the environmental features and functions of the site. Accordingly, the proposed development design minimizes intrusion and impacts on the ESA through appropriate mitigation measures.

3. **Zoning By-law Amendment for City-owned lands (CI-07-E)**

In June 2006, Council passed By-law No. 06-166, which introduced five new Parks and Open Space Zones to the new comprehensive Zoning By-law 05-200. The City-owned park was zoned Neighbourhood Park (P1) Zone. Since the lands have been identified as an ESA, it would be appropriate to rezone the easterly portion of the park to Conservation/Hazard Land (P5) Zone in recognition of the significant environmental feature (Block 1 - Appendix “A-1”).
4. Zoning By-law Amendment for Proposed Church Street Developments (ZAC-06-42)

The proposal is for a change in zoning from the Small-Scale Institutional “IS” Zone to the Multiple Residential (Holding) “RM3-32(H)” Zone (Block 3 - Appendix “A-1”), to permit the development of 42 townhouse dwelling units, and to the Conservation/Hazard (P5) Zone (Block 2 - Appendix “A-1”), to recognize the Community Beach Ponds ESA. As the lands are designated as “Residential” in the Stoney Creek Official Plan, the Residential policies of the Official Plan and the existing surrounding land uses were used to evaluate the appropriateness of the proposed development.

ESA – Conservation/Hazard (P5) Zone

The lands comprised of Block 2 shown on Appendix “A-1” to be zoned Conservation/Hazard (P5) Zone form part of the Community Beach Ponds Environmentally Significant Area (ESA). This zoning only permits Conservation, Flood and Erosion Control Facilities, and Passive Recreation. Conservation is defined as the use of the land for the protection and management of the natural environment.

Development Lands – Multiple Residential “RM3-32(H)” Zone

The development lands (comprised of Block 3 shown on Appendix “A-1”) are proposed to be zoned to the modified Multiple Residential (Holding) “RM3-32(H)” Zone. These lands meet the minimum lot frontage (50 metres) and the minimum lot area (4,000 square metres) requirements of the Multiple Residential “RM3” Zoning, but require the following modifications:

- Front Yard setback of 3 metres, except 5.8 metres to garage, instead of the required 7.5 metres;
- Side Yard setback of 3.5 metres, instead of the required 6 metres;
- Minimum Distance Between Buildings on the same lot of 13 metres instead of the required 15 metres;
- Minor reduction to the required visitor parking by one parking space (20 spaces provided, whereas 21 spaces are required);
- Minor increases to the Maximum Density (from 40 uph to 42 uph), and Maximum Lot Coverage (from 35% to 36%); and,
- Reductions to the required Minimum Landscape Open Space provisions (from 50% to 40%, and 3 metre landscape strip along Church Street instead of the required 4.5 metres).
These modifications are minor in nature; appropriate outdoor amenity areas are still provided; and protection of the ESA is provided.

The proposed modifications to the front and side yard setbacks can be supported as enhanced side elevations for buildings fronting on Church Street will be required during the Site Plan process, in accordance with the City’s Site Plan Control Guidelines, in order to enhance the streetscape (e.g. porches, special landscaping, and entrances on the side). As well, a privacy fence will be required along the easterly side lot line.

The proposed reduction to the minimum distance between buildings is minor and can be supported. A Tree Preservation Plan will be required to identify all vegetation between these two buildings. The trees to be preserved will act as a visual buffer, and the applicant will be required to provide measures for their retention during the construction process.

A minimum 5 metre setback from the Conservation/Hazard (P5) Zone is included in the site-specific By-law in order to implement a 5 metre vegetative buffer from the ESA. An Edge Management Plan and Landscape Plan detailing the appropriate vegetative buffer plantings will be required at the Site Plan Control stage and will be reviewed by ESAIEG. The width of this buffer was identified by ESAIEG, and supported by staff and the Hamilton Conservation Authority.

In addition, the implementing By-law will restrict permitted uses to only block townhouses, as proposed. This is consistent with the recommendations of the Environmental Impact Study, prepared by Dougan and Associates in September 2006, as a number of the mitigative measures can be more effectively implemented and monitored by a Condominium Board rather than a collective of private home owners. This will include a 5 year monitoring plan, and a 5 year vegetation management plan.

5. Two other issues were identified by staff and an (H) Holding provision is recommended until these are resolved. First, the subject lands meet one of the Ministry of Culture’s eleven criteria for determining archaeological potential in that they are within 120 metres of Lake Ontario. Secondly, due to the proximity of the QEW, a noise study is required.

Therefore, the recommended (H) Holding provision will not be removed by By-law until:

1. An Archaeological Assessment has been approved by the Ministry of Culture and the Director of Development and Real Estate; and,
2. A Noise Study has been completed to the satisfaction of the Director of Development and Real Estate.

6. In response to the Public Consultation Process, a total of 29 letters of objection and one petition containing 262 names were received. Two letters are opposed to the development of the subject lands, however, no specific concerns are identified. The petition stated an opposition to the development of townhouses. Any response that was received prior to the completion of this report has been included in Appendix “I” and a discussion of the specific concerns identified are provided below:

a) Twenty–one respondents identified concern for the environment, with specific reference to the pond and its inhabitants. The pond itself and a buffer are proposed to be zoned Conservation/Hazard (P5). Also an Environmental Impact Statement (EIS) was completed that specifically assessed the impact that proposed development will have on the ecological function of the pond and surrounding lands. The EIS recommended approval of the proposed development concept plan subject to a number of studies and monitoring that are to be implemented during the future site plan approval process (see Pages 8 and 9).

b) Fourteen respondents cited the increase in traffic as a major concern as Teal Avenue does not have sidewalks. Traffic Engineering and Operations staff has not indicated any concern regarding traffic flows or pedestrian safety. In addition, under the current Small Scale “IS” Zoning, a number of uses could developed as-of-right that could potentially generate a higher level of congestion, such as a church, elementary school, or place of worship.

c) Six responses objected to the development of townhouses, instead of single detached dwellings along the Church Street frontage. The form of proposed development is an appropriate form of residential intensification and is compatible with existing development in the surrounding area, including townhouses to the east. The proposed development conforms to the Official Plan policies that guide proposals for multiple residential developments (refer to the subsection 4 of the Analysis/Rationale Section of the report).

d) Three respondents objected to the specified due date for comments on the application. Inadvertently, there was a processing delay of the public pre-circulation and a reduced amount of time was provided for commenting on this application. Once staff was informed of this delay, a second pre-circulation notice was sent out. At the time of the first pre-circulation, another error also occurred, as notice was circulated well
beyond the 120 metres specified in the Council endorsed public consultation process and the Planning Act. The second notice was circulated to only those residents within 120 metres of the subject lands. Consequently, a large number of residents only received the first notice.

**ALTERNATIVES FOR CONSIDERATION:**

As an alternative to the recommendation, the following options for the ESA boundary could be considered by Council:

**Option 1:**

If these applications are denied, development of a range of small scale institutional uses, such as churches, community centres, elementary schools, hospices, police stations, residential care facilities, and libraries, would be permitted as-of-right under the Small Scale Institutional “IS” Zoning; with no protection for the natural features and functions of Community Beach Ponds. This option is not recommended by staff because it would not protect the natural features and functions of the site.

**Option 2:**

The ESA boundary, as originally staked by Dougan and Associates (see dotted line on Appendix “G”) could be considered with no encroachments permitted in the ESA. If this boundary is chosen, the Church Street development area would be reduced to accommodate the alternate ESA boundary and a larger buffer. This option is not recommended because it does not balance the needs of the environment with that of the development or reflect the agreement that was reached with staff, ESAIEG, and the Conservation Authority.

**Option 3:**

The ESA boundary could be delineated based on the original boundary proposed by City staff (see Appendix “H”) in the 2003 Official Plan Amendment. If this boundary is chosen, development on both the HWCDSB and HWDSB properties would be significantly reduced to accommodate the ESA boundary and a minimum 5-metre buffer measured from the woodland drip line. This boundary is not recommended by staff, as it does not include an adequate amount of the mature woodland to the east of the pond on the HWDSB property or does it reflect the detailed EIS prepared and agreement reached by the parties.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.
Staffing - The EIS report recommends that the City participate in the stewardship, restoration, and management of the ESA. This ongoing monitoring and management of the property will require staff resources.

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

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with the policies that focus growth in settlement areas 1.1.3.1, and for the protection of natural heritage features and their ecological function.

Policy 2.1.4 (d) outlines development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Policy 2.1.6 outlines development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Policy 2.1.4 unless the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. As an EIS has been submitted and supported by relevant agencies and committees, the application is consistent with the PPS.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted. Accordingly, staff recommends that an archaeological assessment be conducted to address this concern.

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Expressway, staff recommends that a noise assessment be conducted to address this concern.
Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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.

The refinement of the ESA boundary proposed for Community Beach Ponds follows the policies of the Hamilton-Wentworth Official Plan. Policy C.1.2 h) states that “boundaries of Environmentally Significant Areas ... are general in nature and more precise boundaries may be defined by Environmental Impact Statements (EIS)”. As an EIS has been submitted and supported by relevant agencies and committees, the application is consistent with the Hamilton-Wentworth Official Plan.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

As the nature of the applications is for a change in zoning to protect an Environmentally Significant Area, and to permit the construction of a block townhouse development, where full municipal services are available, the proposal conforms with the Hamilton-Wentworth Official Plan policies.

City of Stoney Creek Official Plan

The lands owned by the City are designated “Class 2 – Core Area”, “Pond Core Area” and “Class 4 - Parks and Open Space” on Schedule “B”, Stoney Creek Open Space & Natural Environment System. The lands owned by the Hamilton-Wentworth Catholic District School Board are designated “Residential” on Schedule “A”, General Land Use Plan, and “Class 2 – Core Area”, and “Pond Core Area” on Schedule “B”, Stoney Creek Open Space & Natural Environment System in the City of Stoney Creek Official Plan.

The lands proposed to be zoned Conservation/Hazard (P5) Zone (in both the City Initiated Zoning By-law Amendment CI-07-E and the privately initiated Zoning By-law Amendment Application No. ZAC-06-42) implement the City Initiated Official Plan Amendment (CI-04-G) to redesignate the lands to “Pond” and “Class 1 – Environmentally Sensitive Areas” on Schedule “B”, Stoney Creek Open Space & Natural Environment System.

The portion of the lands to be zoned Multiple Residential (Holding) “RM3-32(H)” Zone is subject to the following policies:
“Subsection 1.2.12

b) Medium Density – Approximately 30-49 units per Net Residential Hectare. This designation permits predominately townhouse dwellings and walk-up apartments. Generally, these types of dwellings are to be located on the periphery of Residential Neighbourhoods adjacent to arterial roads and/or collectors.”

“Subsection A.1.2.18

In the evaluation of any proposal for multiple family residential development (attached housing,) the following policies shall apply:

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

b) The height, bulk, and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing and/or expected development of the surrounding area;

c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,

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

“Subsection B.1.2.2

Environmental Impact Statement (EIS) Required for Environmentally Significant Areas

All ESA boundaries on Schedule “B” are approximate only. Accurate ESA boundary and buffer zone locations must be determined through an Environmental Impact Statement (EIS). The EIS should contain a Surveyor’s Reference Plan delineating ESA boundaries. Development proposals within or adjacent to ESAs and requests to adjust or eliminate ESA boundaries require an Environmental Impact Statement using the approved Regional EIS Guidelines. The EIS must be to the satisfaction of the City, as well as other appropriate agencies. It should be peer reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) in order to scrutinize whether ESA ecological functions have been protected, to address cumulative impacts from other surrounding development and to comment on the delineation of ESA boundaries.
The EIS must demonstrate that ecological functions have been maintained and the effects of the proposed development have been identified and minimized through mitigation measures.”

The applicant for the lands owned by the Hamilton-Wentworth Catholic District School Board has submitted the required EIS and it has been appropriately reviewed to support proposed residential development. As the proposed townhouse dwellings are located in a neighbourhood that is predominately townhouse dwellings, the proposal is in keeping with the character of the neighbourhood. Therefore, the proposals conform to these policies.

The proposed rezonings conform with the City of Stoney Creek Official Plan.

RELEVANT CONSULTATION:

Rezoning for Proposed Church Street Developments (ZAC-06-42)

Agencies/Departments Having No Concern or Objections:

- Public Works Department, Open Space Development and Park Planning.
- Community Services Department, Culture & Recreation Division.
- Corporate Services Department, Budgets, Taxation & Policy Section.
- Hamilton-Wentworth District School Board.
- Bell Canada.
- Enbridge Pipelines Inc.

Public Works Department, Operations and Maintenance Division, Forestry and Horticulture Section

An assessment of the Zoning Amendment Application to permit block townhouses for the above noted development shows that there are Municipal Forestry concerns. There are numerous trees located on the Church Street Road Allowance of this proposed development, as well as adjacent to the existing Edgelake Park.

These trees are governed under The City of Hamilton Tree By-Law 06-151. Staff has reviewed the latest Concept Plan provided by PEIL, and with the current information supplied and the scope of this development it appears that some trees located on Municipal property will be impacted.

The Forestry & Horticulture Section would request that all trees within this development area be identified as municipal or private, and that a Tree Management Plan be submitted for all trees on municipal property so a determination of impact can be made.
This plan should list all species, proposed grade changes, property lines, proposed removals and trees to be preserved. If it is determined that existing trees can remain, a detail with notes showing tree preservation techniques should be included as per the Tree Preservation & Protective Measures For Trees Affected by Construction Policy.

All trees on municipal property which are found to be in conflict with this development and do not meet our criteria for removal will be subject to a Removal \ Replacement fee, as outlined in the Reforestation Policy – Municipally Owned Lands. Director or Council approval will be required for removals of all healthy Municipal trees, as per the Public Tree Removal Policy. All Municipal stump removals will be the responsibility of the Developer and shall be removed during the construction process.

Based on our review of the latest Concept Plan, the Forestry & Horticulture Section does not oppose the Zoning By-Law Amendment Application.

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

In response to your memo of May 24, 2006, staff has no comments regarding the change in Zoning.

For the information of the applicant, any new or change in access to Church Street requires an Access Permit from this office. The applicant can call the Traffic Engineering office at 546-2424, Ext. 5925 for additional details, however, a copy of the approved site plan illustrating existing traffic signs, hydrants, utilities/poles, sidewalks, boulevards, etc., must be submitted with payment of $65.31 to initiate the process. Any costs for traffic sign, utility pole relocation or other items are the sole responsibility of the applicant/owner.

**Environmentally Significant Areas Impact Evaluation Group**

The EIS was reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) at their October 2006 meeting. ESAIEG members noted the importance of mature trees on the site and throughout the neighbourhood in retaining and enhancing the function of the site for migratory birds. Opportunities should be explored to offset impacts of loss of tree canopy by planting calliper size native tree species that would, in time, replace existing canopy conditions.

ESAIEG expressed concerns about edge effect and how removal of trees along the proposed ESA boundary will create a zone a few metres wide where trees may be stressed and die, which may introduce impacts further into the ESA. ESAIEG recommended pre-stressing the trees, but were concerned about the lack of time to do this before development was scheduled to begin (in 2007).
The disadvantages and advantages of closing the trail (as recommended by D&A) and fencing the ESA were discussed.

ESAIEG was concerned about maintaining the Buttonbush community, given the lack of information at present on storm water management and grading. It is important to retain the existing hydrologic regime to maintain the Buttonbush and wetland surrounding the pond. As well, any changes to the pond outlet will affect the Buttonbush community. The long-term health of the Buttonbush community needs to be considered when reviewing the storm water and grading plans.

ESAIEG generally agreed with the approach to the ESA boundary delineation used by D&A.

Recommendations:

1. That the back yards of the units in the centre of the site be reduced to 12 metres (from 15.35m) and should be cleared of vegetation, graded, and replanted with calliper (minimum 60mm) native trees such as oak and hickory. All trees to be removed should be felled into the work zone and away from the tree protection zones (ESA). The frontage along Green Road should be reduced to 6 metres (from 7.75m) to allow the entire development to be shifted east 5 metres to reduce the encroachment into the ESA. The most south-westerly lot should be eliminated. In the zone between the ESA and the westerly road, ESAIEG recommends that a buffer with transitional vegetation (such as shrubs) be planted.

2. That a curb and gutter system for storm water management not be used on this site. Instead, a system should be implemented that allows surface water to maintain its existing drainage pattern to the extent possible, where it flows over land, infiltrates, and/or eventually runs into the ESA and the pond (as it does now). For example, rear yard drainage using swales could be one component of this strategy.

3. That the trail on the east side of the pond be re-located to the easterly boundary of the ESA, with a loop around to the City-owned Edgelake Park. Interpretive signs would indicate that the pond can be accessed from Edgelake Park. By formalizing the trail (using wood chips), it is hoped that human impacts will be controlled and reduced.

4. That a Landscaping Plan, stormwater management plan, grading plan and an Edge Management Plan be prepared to be reviewed by ESAIEG and City staff.

5. That a map of the site be prepared which delineates the drip line of the trees along the east edge of the ESA and the recommended buffer.
The revised development concept plan (Appendix “F”) reflects the changes recommended by ESAIEG.

Hamilton Conservation Authority

Rezoning for Proposed Church Street Developments (ZAC-06-42)

The subject property is located within the proposed Community Beach Ponds Environmentally Significant Area (ESA) and is traversed by Watercourse 0, which is a warm water stream that flows northerly from the QEW through the large pond on the west side of the lot, under Church Street and into Lake Ontario, approximately 120m north of the lot. In accordance with the HCA Planning and Regulations Policies and Guidelines, October 2005, all new development must be located outside the flood and erosion hazard lands, while maintaining a minimum 7.5m setback from top of valley slope and a minimum 15m setback from a warm water watercourse. In addition, the westerly portion of the property is affected by the Authority’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04. Therefore, if any portion of the new development is located within the regulated area, then a permit from HCA will be required.

With the Community Beach Ponds serving as a migratory bird stop-over area, it met the significant ecological function ESA criterion and was recommended in 2004 as a candidate ESA by the City of Hamilton. Staff has reviewed the “Community Beach Pond Environmental Impact Study” prepared for the City of Hamilton, Church Street Developments, and the HWDSB by Dougan & Associates, in September 2006. Staff also reviewed the minutes of the ESAIEG meeting, held on October 12, 2006, and wishes to advise that the HCA share the same concerns as ESAIEG and support the recommendations made. The HCA agrees that the encroachment on the ESA needs to be minimized, and that all attempts to maintain the hydrological regime of the Buttonbush Swamp community be made.

HCA recommends approval of the rezoning application be subject to the following:

1) That all new development, including the townhouse blocks and road system, be situated outside the flood and erosion hazard lands, while maintaining a minimum 7.5 metre setback from the top of valley slope and a minimum 15 metre horizontal setback from the pond and watercourse; and,

2) That all hazard lands and development buffer be zoned in an appropriate Open Space zoning to restrict future development.
Public Works Department, Strategic and Environmental Planning Division

While written comments received for the Zone Change Application File No. ZAC-06-42 had no comment on the development proposal; Public Works had identified an interest in acquiring the lands for stormwater management purposes in Reports PD04182 and PD05107. Upon further discussion with Public Works, staff determined that as the lands of interest contain provincially protected species (Buttonbush Mineral Thicket Swamp), this site was not appropriate for a regional stormwater management facility.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the zone change application (File no. ZAC-06-42) and notice of Public Meeting was pre-circulated to all property owners within 120 metres of the subject property. A total of 427 notice packages containing notice of all three applications were circulated. Twenty-Nine (29) letters of objection and one (1) petition were received (Appendix "I"). Notices of the Public Meeting for CI-04-G, CI-07-E, and ZAC-06-42 were circulated on April 6, 2007, and a sign posted on 30 Church Street in accordance with the requirements of the Planning Act.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:CP/JH-E/KW
Attachs. (9)
Appendix “A-1” to Report PED07129 (Page 1 of 1)

Zone Change Map

File Name/Number: CI-04-G, CI-07-E, and ZAC-06-49
Date: April 5, 2007
Appendix "A-1"

Subject Lands

- **Block 1**: Lands to be rezoned from Neighbourhood Park (P1) Zone to Conservation/Hazard (P5) Zone in By-law 05-200 (CI-07-E)
- **Block 2**: Lands to be rezoned from Small Scale Institutional “IS” Zone to Conservation/Hazard (P5) Zone in By-law 05-200 (ZAC-06-42)
- **Block 3**: Change in zoning from Small Scale Institutional “IS” Zone to the Multiple Residential (Holding) “RM3-32(H)” Zone in By-law 3092-82 (ZAC-06-42)

Ward 10 Key Map

Planning and Economic Development Department

Hamilton
Land Ownership Map

File Name/Number: CI-04-G, CI-07-E, and ZAC-06-49
Date: April 5, 2007
Appendix "A-2"

Scale: N.T.S.
Planner/Technician: KW/MB

Subject Lands

- Block 1: City owned lands
- Block 2: Hamilton-Wentworth Catholic District School Board
- Block 3: Hamilton-Wentworth District School Board
- Add new Environmentally Significant (Sensitive) Area to Region Of Hamilton-Wentworth Official Plan and Stoney Creek Official Plan (CI-04-G)
- Delete designation from Stoney Creek Official Plan (CI-04-G)
Draft Amendments

to the

Regional Municipality of Hamilton-Wentworth and Stoney Creek Official Plans

The following text, together with Schedule “A” (Map No. 4, Environmentally Significant Areas) of the former Regional Municipality of Hamilton-Wentworth Official Plan and Schedule “B” (Schedule “B”, Stoney Creek Open Spaces and Natural Environment System) of the former City of Stoney Creek, attached hereto, constitutes;

1. Official Plan Amendment No. __ to the Regional Municipality of Hamilton-Wentworth Official Plan; and,
2. Official Plan Amendment No. __ to the City of Stoney Creek Official Plan.

Purpose:

The purpose of these Amendments is to add a new Environmentally Significant Area (ESA) - Community Beach Ponds to the Regional and Local Official Plans. The effect of the Amendments is to identify and protect Hamilton’s natural features.

Location:

The lands subject to this Amendment are located between Teal Avenue and Green Road, between Church Street and Frances Street

Basis:

The basis for permitting these Amendments is as follows:

1. The ESA meets criterion #3 - Significant Ecological Function because:
   • There is significant habitat for seasonal concentrations of wildlife. The site serves as a significant migratory bird stopover area.
   • There is habitat for species considered significant in the City, Province or Canada. It provides breeding habitat for a bird species considered rare in Hamilton and uncommon to rare in Ontario (Black-crowned Night-Heron).
   • There are biotic communities that are rare in the City, Province or Canada. It contains a rare vegetation community (Buttonbush Mineral Thicket Swamp).
2. The City, in conjunction with the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic School Board undertook an Environmental Impact Statement (EIS) to determine the limits of the proposed ESA.

3. Future development in the area will be guided by the limits of the ESA and appropriate zoning.

**Actual Changes:**

**1. Regional Official Plan**

1) That Map No. 4, Environmentally Significant Areas, be revised by adding a new Environmentally Significant Area – Community Beach Ponds, as shown on the attached Schedule “A”.

**2. Former City of Stoney Creek**

2) That Schedule “B”, Stoney Creek Open Spaces and Natural Environment System be revised by:

   a) deleting the existing Pond, Class 2 – Core Area and Class 4 - Parks and Open Space designations; and,

   b) replacing a portion of the area with designations of Pond and Class 1 – Environmentally Sensitive Areas;

   as shown on the attached Schedule “B” of this Amendment.

**Implementation:**

Implementing Zoning By-law Amendments and Site Plan Control will give effect to these Amendments.

This is Schedule “A” to By-law No. _____ passed on the ___ day of ____________, 2007.

**City of Hamilton**

_________________________________________  __________________________
Fred Eisenberger                           Kevin C. Christenson
Mayor                                      City Clerk
CITY OF HAMILTON

BY-LAW No. ______

To Amend Zoning By-law 05-200,

Environmentally Significant Area - Community Beach Ponds

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Economic Development and Planning Committee at its meeting held on the day of , 2007, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with:

• The Official Plan of the City of Stoney Creek, as amended by Official Plan Amendment No. ;

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

1. That Map 1051 of Schedule “A” to Zoning By-law 05-200, is amended by changing the zoning from the Neighbourhood Park (P1) Zone to Conservation/Hazard Land (P5) Zone, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;
2. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

3. This By-law No. shall come into force and be deemed to come into force in accordance with subsection 34(21) of the Planning Act, respecting either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this day of , 2007.

Fred Eisenberger  Kevin C. Christenson
Mayor City Clerk

CI-07-E
This is Schedule "A" to By-Law No. 07-

Passed the .......... day of .................., 2007

Mayor

Clerk

Schedule "A"

Map Forming Part of By-Law No. 07-____
to Amend By-law No. 05-200 (1051)

Subject Property

Change in Zoning from Neighbourhood Park (P1) Zone to Conservation / Hazard Land (P5) Zone.
CITY OF HAMILTON

BY-LAW No. ______

To Amend Zoning By-law 05-200,

30 Church Street (Stoney Creek)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ______ of Report ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2007, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with:

- The Official Plan of the City of Stoney Creek, as amended by Official Plan Amendment No. ______;

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

1. That Map 1051 of Schedule “A” to Zoning By-law 05-200, is amended by incorporating additional zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
3. This By-law No. [ ] shall come into force and be deemed to come into force in accordance with subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this [ ] day of [ ], 2007.

__________________________________________  ______________________________________
Fred Eisenberger                        Kevin C. Christenson
Mayor                                City Clerk

ZAC-06-49
Schedule "A"

Map Forming Part of By-Law No. 07-_____

to Amend By-law No. 05-200
(Map 1051)

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Clerk

Mayor

Subject Property

Lands to be zoned Conservation / Hazard (P5) Zone
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 Section       of Report of the Economic Development and Planning Committee at its meeting held on the day of , 2007, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

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

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

1. Map No. 1 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,

   (a) by changing the zoning from the Small Scale Institutional “IS” Zone to the Residential Multiple (Holding) “RM3-32(H)” Zone, on the lands, the extent of boundaries of which are shown on a plan hereto annexed as Schedule “A”.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 30 Church Street
2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Residential Multiple "RM3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "RM3-32(H)", as follows:

"RM3-32(H) 30 Church Street, Schedule "A", Map No. 1

1. Notwithstanding the uses permitted in Section 6.10.2 of the Multiple Residential "RM3" Zone, the use of those lands zoned "RM3-32(H)" by this by-law shall be limited to block townhouses.

Notwithstanding the provisions of Paragraphs (c), (d), (h), (i), (k), and (m)(1) and (4) of Section 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-32(H)" by this By-law, the following shall apply:

(c) Minimum Front Yard: 3.0 metres; and 5.8 metres for a garage only.

(d) Minimum Side Yard: 3.5 metres

(h) Minimum Distance Between Buildings on the Same Lot - 13 metres, except 3 metres between end walls, and 9 metres between an end and a rear wall

(i) Maximum Density: 42 Units per hectare

(k) Maximum Lot Coverage: 36%

(m) Minimum Landscaped Open Space:

1. Not less than 40 percent of the area of the lot zoned "RM3-32" shall be landscaped including privacy areas.

4. A landscaped strip having a minimum width of 3 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street, except for points of egress and ingress.

(l) Minimum Vegetative Buffer: 5 metres from the lands zoned Conservation/Hazard (P5) Zone in By-law 05-200 (Community Beach Ponds Environmentally Sensitive Area). No Buildings or structures are permitted within the vegetative buffer.

Notwithstanding the provisions of Paragraphs (a)(1) of Section 6.10.5 of
the Multiple Residential “RM3” Zone, on those lands zoned “RM3-32(H)” by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces

1. 2 parking spaces per townhouse dwelling unit and a total of 20 visitor parking spaces are required.

2. The (H) symbol may be removed at such time as the following conditions are satisfied:

   1. the completion of a Noise Impact Study to the satisfaction of Director of Development and Real Estate; and,

   2. the completion of an archaeological assessment to the satisfaction of the Director of Development and Real Estate, and the Ministry of Citizenship, Culture and Recreation.

3. 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 , 2007.

__________________________________________  __________________________________________
Fred Eisenberg                               Kevin C. Christiansen
MAYOR                                      CITY CLERK

ZAC-06-42
This is Schedule "A" to By-Law No. 07-
Passed the ........... day of ...................., 2007

Schedule "A"

Map Forming Part of
By-Law No. 07-_____
to Amend By-law No.3692-92

Subject Property
30 Church Street

- Change in zoning from the Small Scale Institutional "IS" Zone to the Multiple Residential (Holding) ‘RM3-32(H)’ Zone
Appendix “H”. Map of original ESA boundary proposed for 2003 OPA.
PETITION

RE: ZAC-06-42, An Application to Amend the City of Stoney Creek Zoning By-law

We, the following area residents, are opposed to amending the Stoney Creek Zoning By-law to permit townhouses on Church Street:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
<th>SIGNATURE</th>
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<td>M. McNabb</td>
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<td>W.F.M. McNabb</td>
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<td>662-5022</td>
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<td>Julia Collins</td>
<td>500 Green Rd.</td>
<td>905-664-6733</td>
<td>Julia Collins</td>
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<td>W. MANN</td>
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<tr>
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<td>ز. SASSMAN</td>
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<td>R. Jones</td>
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<td>905-664-3239</td>
<td>R. Jones</td>
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**PETITION**

**RE: ZAC-06-42, An Application to Amend the City of Stoney Creek Zoning By-law**

We, the following area residents, are opposed to amending the Stoney Creek Zoning By-law to permit townhouses on Church Street:

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<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
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<tbody>
<tr>
<td>Robert Baxter</td>
<td>500 Green Rd</td>
<td>905-664-7531</td>
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<tr>
<td>Bill Baxter</td>
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<td>E. Foote</td>
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<td>Ray Finney</td>
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<td>Betty Ford</td>
<td>500 Queen Rd</td>
<td>905-664-3994</td>
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<td>John Hall</td>
<td>500 Queen Rd</td>
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<td>J. Hall</td>
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<tr>
<td>Thea Warren</td>
<td>500 Green Rd</td>
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<td>T. Warren</td>
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<td>Ruth Leventy</td>
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<td>Bob Leventy</td>
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<td>Bernice Roco</td>
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<td>Irene Dean</td>
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<td>Col. Clements</td>
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<td>C. Clements</td>
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<td>Allen Vandendort</td>
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<td>A. Vandendort</td>
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<tr>
<td>Wayne Vanderpoot</td>
<td>500 Green Rd</td>
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<td>W. Vanderpoot</td>
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<td>Dick Lapinski</td>
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<td>D. Lapinski</td>
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**RE: ZAC-06-42, An Application to Amend the City of Stoney Creek Zoning By-law**

We, the following area residents, are opposed to amending the Stoney Creek Zoning By-law to permit townhouses on Church Street:

<table>
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<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tr>
<td>Lee McConnell</td>
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<td>M. Meikle</td>
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<td>M. Woom</td>
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<th>ADDRESS</th>
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<td>Joe Swann</td>
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<td>David Oliver</td>
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<td>Glenda Davy</td>
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<td>Rose Cole</td>
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<td>Carlo Avolio</td>
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<td>Mark Grady</td>
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<td>Michelle Leroy</td>
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<td>Sandra Corral</td>
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<td>Doug Corral</td>
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<td>Ranu Jagdeep</td>
<td>56 Church St.</td>
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<td>Vic Hammell</td>
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<td>Helen Selsek</td>
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<td>Dave Robertson</td>
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<td>Pierre Sullivan</td>
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<td>Yvonne Le</td>
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<td>Eileen Bird</td>
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<td>Bob Carnegie</td>
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<td>Lauren Chong</td>
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<td>L. G. Chong</td>
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<td>R. G. Chong</td>
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<td>T. Bertrand</td>
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<td>Annie Gaoqua</td>
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<td>Ted Wamahade</td>
<td>38 Church</td>
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<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
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<tr>
<td>Andrew Mall</td>
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<tr>
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<tr>
<td>Jack McIsaac</td>
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<td>Shannan Soreni</td>
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<td>Babia Zugic</td>
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<td>Robert de Costa</td>
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<td>David Kehoe</td>
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<td>Margaret Anne Murphy</td>
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<tr>
<td>Bob Burnell</td>
<td>485 Green Rd</td>
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<tr>
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<th>PHONE NUMBER</th>
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<td>David Maas</td>
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<td>129 Frances</td>
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<td>127 Frances AVE</td>
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<td>Kayo Shorter</td>
<td>113 Frances AVE</td>
<td>906-662-9267</td>
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<td>98 Frances</td>
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<td>91 Frances VIE</td>
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<td>J. Howarty</td>
<td>76 Frances AVE</td>
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<tr>
<td>Jeff Howarty</td>
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<td>Colin Smith</td>
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<td>Diane Green</td>
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<td>Dorothy McKello</td>
<td>76 Frances AVE</td>
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<td>Mary Trahana</td>
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<td>Lisa Hall</td>
<td>125 Frances AVE</td>
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76 FRANCES AVE.

<table>
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<td>E. Cleen</td>
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<td>143 CAROLE MCGILL</td>
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<td>144 DAVE GALLAGHER</td>
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<td>145 Carol Racher</td>
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<td>C. Parker</td>
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<td>155 JIM MITCHELL</td>
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<td>156 TONY MONTGOMERY</td>
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<td>157 JACOBIO</td>
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<td>158 TONY BOYD</td>
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<td>165 TONY BOTTNER</td>
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**PETITION**

**RE: ZAC-06-42, An Application to Amend the City of Stoney Creek Zoning By-law**

We, the following area residents, are opposed to amending the Stoney Creek Zoning By-law to permit townhouses on Church Street:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>PHONE NUMBER</th>
<th>SIGNATURE</th>
</tr>
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<tr>
<td>CEC GNASON</td>
<td>76 Frances Ave</td>
<td>905-664-9291</td>
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<tr>
<td>FRANK SIMONS</td>
<td>76 Frances Ave #4</td>
<td>905-664-0939</td>
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<tr>
<td>BRAD BRIDINGE</td>
<td>66 Frances Ave</td>
<td>905-664-0820</td>
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<tr>
<td>Andy Wilson</td>
<td>68 Frances Ave</td>
<td>905-664-3492</td>
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<td>D. W. L.</td>
<td>68 Frances Ave</td>
<td>905-664-2392</td>
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<tr>
<td>Stella Clark</td>
<td>70 Frances Ave</td>
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<td>T. R. W.</td>
<td>74 Frances Ave</td>
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<td>G. A. N.</td>
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<td>Macleod</td>
<td>78 Frances Ave</td>
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<td>Giroux, Mike</td>
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<td>M. A. J.</td>
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<td>L. E. W.</td>
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<td>Neil Thomas</td>
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<td>Frank</td>
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<td>M. J. F.</td>
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<td>B. R. B.</td>
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<td>D. A. J.</td>
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<tr>
<td>Claudia</td>
<td>56-104 Frances</td>
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<td>Juan Guzman</td>
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<td>Carolyn L.</td>
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<tr>
<td>Ken</td>
<td>140-16 Frances</td>
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<td>Linda Brouwer</td>
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<td>Steve Vitenko</td>
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<td>Judy Van Den Broek</td>
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<td>Mark Connell</td>
<td>84 Frances #17</td>
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<td>Jama Goldman</td>
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<td>L. F.</td>
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<tr>
<td>Melli Gallaghon</td>
<td>124 Frances Ave</td>
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<thead>
<tr>
<th>NAME</th>
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</tr>
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<tbody>
<tr>
<td>Sherry Leider</td>
<td>6 Church St.</td>
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<tr>
<td>Floriana Lenders</td>
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<td>John Vogels</td>
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<td>Kathy Stevens</td>
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<td>Nigioni Gardner</td>
<td>121 Teal Ave</td>
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<td>Rich Tscharke</td>
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<td>Irene Macdonald</td>
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<td>Deb Gutierrez</td>
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<td>Jim Gutterly</td>
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<tr>
<td>Steve John</td>
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<td>Maryanne John</td>
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<td>Stacy Smith</td>
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<td>Steven E. Long</td>
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<td>Klaus Linsdorfer</td>
<td>23 Church St</td>
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<td>Nathan Simpson</td>
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<td>GLENN GARLAND</td>
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<td>Nicole (McKinnon)</td>
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<td>Lorraine (McGee)</td>
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<td>Dan Lusk</td>
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<td>Lance Ravel</td>
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<tr>
<td>228</td>
<td>Family Name</td>
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<td>Robert Brown</td>
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<td>Joyce Brown</td>
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<td>Gal Vicerius</td>
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<td>Jay Lawrence</td>
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<td>Christine Nash</td>
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<td>Robert Landry</td>
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<td>Mike Fischer</td>
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<td>Kate Biro</td>
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<td>Celia</td>
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<td>David</td>
<td>17-485 Green Rd, 905-664-1794</td>
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<td>248</td>
<td>Dale Santos</td>
<td>76 Frances Ave, 905-664-5464</td>
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<tr>
<td>Fe. N. McAlary</td>
<td>97 Teal</td>
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<td>De. D. Horroo</td>
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<td>P. Wehauer</td>
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<td>R. La Fleur</td>
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<td>Lisa Pungo</td>
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<td>R. K. Riley</td>
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<td>M. Lu</td>
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<td>L. D. Lauder</td>
<td>42 Bland Ave</td>
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<tr>
<td>F. C. Palms</td>
<td>970 Metcalf Dr.</td>
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<td>B. Lauder</td>
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<tr>
<td>A. R. Lauder</td>
<td>6 Church St.</td>
<td>662-0653</td>
<td></td>
</tr>
</tbody>
</table>
Family of Gerald Henry Kamphuis  
90 Teal Avenue  
Stoney Creek, Ontario  
L8E 3B4  
Phone [redacted]

Sunday, August 13, 2006

To Whom It May Concern,

I hereby authorize Shan Lenars to speak on our behalf at the Community Meeting on Tuesday, August 15, 2006 opposing the Application to Amend the City of Stoney Creek Zoning Bylaw Concerning: Surplus Catholic School Board Site to Permit Townhouses for Lands Located South of Church Street and East of Edgelake Park.

Sincerely,

[Signature]

Gerald Henry Kamphuis, Judy Mount Kamphuis and Alexandra Jeanne Kamphuis
West, Kristen

From: Sherry Revesz
Sent: Tuesday, June 20, 2006 2:53 PM
To: West, Kristen
Subject: File: ZAC-06-42

Dear Kristen West,

June 20, 2006

We have received today a copy of the Preliminary Circulation of an Application to Amend the City of Stoney Creek Zoning By-law 3692-92 from Institutional "I" Zone to the Multiple Residential "RM3" Zone to permit townhouses for lands located south of Church Street and East of Edgelake Park.

This application will have a huge impact on the residence in the area along with the wildlife occupying these lands. Your letter was dated June 1, 2006, however, the post date is June 19th, 2006. You have requested a written response before June 30, 2006. Some of our neighbors still have not even received this notice. Therefore, we are requesting that an extension be given until July 14, 2006 so that everyone who would like to respond has sufficient time do to so.

Yours truly,

Sherry Revesz-Lenders

Sherry Revesz
Hi Stacey, thanks for the email. I'll investigate the matter and get back to you shortly.

Councillor Chad Collins  
Ward 5, Redhill  
Office: 905-546-2716  
Home: 905-545-3737  

----- Original Message -----  
From: Stace and Stacey Smith - Long <[redacted]>  
To: Collins, Chad  
Subject: We Need Your Help Chad  

Our community down on Teal Ave., Church St., and Frances believe in our city councilor and we would now like to see what Chad Collins can do for us! Few of us have recently received a letter from a Kristen West in Development and Planning to rezone an area of our only green space. This letter was dated June 1 and received by only some residents on June 24th, which only gives less than a week for anyone to reply back. Why is this? Also this area is a park which inhabits a rare protected turtle species that lives in the adjacent protected pond. This park is always used in it's entirety by the children and seniors who live in this area because we are surrounded by a highways and service roads, not to mention the horrible industrial traffic coming off of Grays Road. The park is used for BBQs, tennis, basketball, football, and also as a dog walking park. How do we appeal this file? Is there anything you can do for us on such short notice? Please this means a lot to us, how do we get started on appealing this file? If you could reach me at my home on monady morning it would be greatly appreciated. If I am unavailable please speak with my husband Stace Smith. A lot of neighbors do not even know about this rezoning and are very concerned. This isn't something that can be left any longer unfortunately.

Thank you for your time and I look forward to talking with you.

Sincerely,

Stacey Long

Teal Ave Resident

Fashion, food, romance in Sympatico / MSN Lifestyle  
http://lifestyle.sympatico.msn.ca/Home/
Dear Kristen West or to whom it may concern:

We are writing to express our grave concern regarding the proposed zoning amendment described in file No. ZAC-06-42. We have been in contact with numerous parties, both government and environmental, and have relayed some of the background information to them and have received some in return. Our first contact was with Maria Pearson (Our ward 10 Counselor) and although by definition she should be assisting us... she has informed me personally that she is working with both developing parties and that the destruction of this land is in her own words "inevitable". Even after relaying the habitat and migratory information to her... she then informed me that due to a "paper error by the city" the environmentally significant status of the area has been dropped! Seeing this as a money making opportunity, the developers are now using this window to move in quickly, utilize their own environmental evaluation team (which has already stated in their report that the land is “insignificant”), and capitalize on someone's "mistake". I find this to be both disgusting and unconscionable. I personally do not believe that this slaughter of defenseless animals is inevitable. I know from personal life experience that the all mighty dollar does rule all... but when do we as a society draw the line? We are also in contact with Vince Romelli (unsure of the spelling) of the catholic school board to try and relay this information to them so as they are not fooled in to believing false information given to them by the developers; and Catharine Ploz the heritage planner... who thank goodness appears to be on our side and has said that she is striving to have the “environmentally significant” status reestablished.

The destruction and development of this area will not only destroy the nesting, breeding and hibernation grounds of several different species of turtle (some endangered) all of which have names given to them by local residence and some may be close to 100 years old or older, but it will also negate the migratory bird, waterfowl and land mammal habitation grounds as well. All of which have been documented and recognized by the city and environmental groups, not to mention by the residences in the area for hundreds of years. We live in a beautiful, and very special area of the city... where wildlife still thrives... but if the developers have their way all of it will be destroyed forever.

Also note that our street (Teal ave.) is less than 19 feet wide... no sidewalk on either side... and when residence park on the street (average car width of 5.5 feet) that leaves about 13 feet to navigate, and thats only when people don't illegally park on the wrong side which happens with regularity. The increased traffic flow alone will end up being extremely dangerous to the plethora of children, outdoor domesticated animals and the above described habitation animals. Having talked with a large number of residences in the surrounding area, there hasn't been a single one that doesn't believe this will spell the demise of the animals and the area... and there will undoubtedly be a mass exodus of the current residences due to most of them picking this area due to its environmental structure.

please turn...
We are very adamant on our position and have taken many steps to see that this process is handled correctly... unfortunately so much of this deal is shady and appears underhanded. So we are relying on you to help us express our concerns, for we are relatively civilized and hope that a solution agreeable to both sides can be obtained. This may include a deal between the Catholic and Public school boards. The public board owns the property just south of the described land site and would be a much better avenue for construction having much more limited destruction of habitat land. This is something that I have been in preliminary conversations with both boards... my fear is that the process may need someone more versed in politics and real estate than myself.

Unfortunately both of us will not be able to attend the proposed August meeting to express our concerns, so we are taking this opportunity to forward this letter on to multiple parties including additional counselors, government department heads and local media outlets. Our ultimate goal is to obviously see the land left in its natural state, but if evil does win, and Maria Pearson and company get their way... at least enough people will have been properly informed and hopefully someone will hear our pleas and will find it in their hearts to assist us. Money is power... however I have full hope in humanity, our government and the hearts of others, and I truly believe someone with enough power can and will stand up against this senseless slaughter. All of these animals would fight for their lives if they could.

We thank you so much for your time and concern.

Please help us.

Stace and Stacey.
June 20, 2006

Dear Ms. West,

I am responding to your letter that I received this morning in regards to the application to amend Stoney Creek zoning by-law. This letter was written on June 1, however post marked on the 19th of June. It has been requested in this letter that a response should be made in order to be included in the staff report prior to the 30th of this month. I am sending you this e-mail to request that the residence of Church street in Stoney Creek will require considerably more time to respond to what I believe will be a potentially major change to the integrity of this area. I am a resident of nearly 25 years at this particular location. I have purchased an original lakefront cottage as have many other home owners on this street. Single dwelling homes have been limited to this street since the early 1900's. I am requesting given the concerns which may surround this proposal for re-zoning that a deadline be re-issued for some time in September, summer is one of the busiest times of the year many residents have already made travel arrangements for their summer holidays. I would very much appreciate a response in the near future. Thank you, Rolf Langer
Kristen:
I live on Teal Ave and I am concerned about the proposed development File No.ZAC-06-42. The Edgelake Park is bordered on the east by a bog-marsh-wetland. The huge turtles (thought to be about 60 to 70 years old) live in the pond behind the residences on Teal Ave. These turtles winter in the bog beside Edgelake Park. We cannot destroy their habitat. Has this issue been taken into consideration?

cconcerned senior
Patricia Wettlauffer
West, Kristen

From: Ben Guyatt
Sent: Thursday, June 22, 2006 1:32 AM
To: West, Kristen
Subject: File name ZAC-06-42

Dear Ms. West,

I am writing in regard to the amendment of the City of Stoney Creek Zoning By-law, file no. ZAC-06-42.

I live in the area at the end of Green Road (500 Green Road - The Shoreliner) near the lake.

I am against further development as since the townhouses along Frances Road have been built, persons from that area continuously trespass on our condominium property, leaving their refuse and often vandalizing cars in our back lot. Real estate agencies always advertise properties in this vicinity as having 'a lakefront view with a beach' but they neglect to tell potential buyers that it is private property.

I realize that not all persons moving into a new development are going to infringe upon our property, but I think the park and adjacent pond would be negatively affected, if not ruined. I do not mean to sound prudish but as a high taxpaying citizen, I have seen this development before around this area and with the usual adverse impact-kids having parties on the beach, adults and their kids having picnics on our property and using our parking lot as a shortcut to Frances and Green Road. More density will only increase these problems.

Please reject this application, not only from an environmental aspect, but also from the viewpoint of a citizen (like many others here) that is tired of having our property used as a public place.

Thank-you for the opportunity to have my concerns heard.

Sincerely,

Ben Guyatt

This is not a case of NIMBY, but simply

Ben Guyatt

Check out my latest novel... RACING TO MURDER at www.lulu.com/racingtomurder and click on the book cover for more information

6/22/2006
Good morning, Ms. West. My name is Leo De Rubeis and I am responding to the letter that I received regarding the application to amend Zoning By-law 3692-92 (FILE: ZAC-06-42). I am very concerned about the city allowing a developer to build multiple residential homes on the land south of Church Street and east of Edgelake Park. I believe this land is valuable greenspace and I seriously question if this city needs to lose more greenspace to development. Does the environment and precious ecosystems have to be further sacrificed so the city can earn more tax dollars? Has anyone in your office visited the land south of Church Street and East of Edgelake Park to enjoy the beauty of the different species that inhabit this space? As a community we need to be stewards of our land to protect it for future generations of Hamiltonians. I kindly ask that your office practice due diligence and moral responsibility before you allow another developer to build even more homes in an already crowded area. I look forward to receiving and examining the staff report that will be prepared for Council consideration.

I hope you enjoy your weekend.

Leo De Rubeis
485 Green Road, Unit 56
Hamilton, L8E 6A8
Attn: Kristen West

- we do NOT want townhouses being built south of Church St.
- we are NOT in agreement with changing the zoning by-law to allow multiple residential zoning
- this is a natural habitat area supporting varying species of wildlife
- this is also a wetland area - where is the water to go if it is developed?
- many trees would have to be cut down which cleanse the air due to the heavy pollution from the highway
- Teal Ave. does not have sidewalks, there is already heavy traffic without adding additional traffic flow
- this is a beautiful area, let's not destroy it

Susan Easson
104 Teal Ave.
Stoney Creek, Ont.
L8E 3B4

P.S.: Is there anyone else this should be forwarded to?

Thank you for your consideration.
Good Morning Ms. West.

Thank you for the letter concerning the rezoning of the property on Church St. in Stoney Creek from Institutional “1” to Multiple Residential “RM3” and asking for comments. I don’t know if they will make a difference in your decision but it is nice to be asked and heard.

I am against the changes of the zoning – we have enough townhouses/condos in that area. With the addition of the townhouse/condo units that were build on RM2, Rm2, and RM3-21 a couple of years ago the increase in traffic alone has been a headache. Crossing the road at the corner of Frances and Green is taking your life in your hands. We have a large number of seniors that reside in the area and they can’t move that fast!! With this new addition you will be increasing the traffic even more — with a minimum of 1 car per household—that adds another large amount of noise, traffic and pollution to our area. As we have no local access to bus services there tends to be 2 cars per household.

I don’t know if you are familiar with the area yourself but Church St. is a quiet, residential area with single unit dwellings. The area they want to dig up has its own unique eco system. It is full of mature trees that are home to numerous birds — we have rabbits, coyotes and various other species of wildlife that reside there. We even have a big turtle that lives in the ravine and lays her eggs in the sand box every year!! Also with the construction of the Red Hill Creek road system it seems that the displaced wildlife have now made their homes in our neck of the woods and if you allow this zoning change it will all be gone and cannot be replaced.

I realize that progress is necessary and the almighty dollar usually wins over forward thinking, however we are running out of “natural habitat” and piece by piece we are giving it away. There are only 2 areas left in the “beach” area that have this type of eco system and this is one of them. I implore you not to give in to contractor greed and leave a little bit of heaven for our children to enjoy.

Thank you for your time and consideration, I look forward to receiving you staff report.

Pam Ross

P. Ross

Purchasing Dept.
Ms. Kristen West

I sincerely hope that the people of the Church street and Frances Ave area will be heard prior to the inevitable building of yet another survey. I find this is an unbelievable overpopulation in such a condensed area and the wildlife that lives in this part is being suffocated. The Property that I bought will see a drastic decrease in value. The overpopulation will make myself and several others who are extremely happy with their properties have no other choice but to leave. Has this area not been designated a flood plain? Unfortunately for me, I had a real estate agent with no sense of conscious who I have to assume lied and told me that this area could not be developed. I think it is an absolute shame to see this little bit of wildlife taken away and it will change the environment drastically. I hope people will see the damage this will cause our neighbourhood and our environment before the area is destroyed.

Thank you for your time,

Amanda Urquhart BSc,FCIP,CRM
Commercial Lines Field Underwriter
Economical Insurance

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West, Kristen

From: [Redacted]
Sent: Tuesday, June 27, 2006 2:55 PM
To: West, Kristen
Subject: File ZAC-06-42 Rezoning of land East of Edgelake Park

Kristen

I am concerned about the rezoning of land east of Edgelake Park from Institutional to RM3 and

1. Teal, Frances and part of Church St do not have any sidewalks and the roads are narrower than most residential. The increase in traffic will be dangerous to pedestrian traffic. There has already been a few traffic incidents since the last survey of townhouses were constructed.

2. There are currently only two access routes into the area. The North Service road and Frances St. The North service road has had a dramatic increase in traffic volume in the last 5 years due to the amount of new housing east of Green Rd. There are no traffic lights along the Service road and trying to merge with traffic is difficult during rush hour. Additional housing will make the situation worse.

3. I was wondering how land zoned as Institutional does not belong to the Board of Education? The land should revert back to the city of Hamilton before being rezoned as RM3. (and then sold by the city to the developer)

4. This area of the city is quite unique. Mature trees close to the Lake Ontario shoreline, an abundance of birds and local wildlife. It's unfortunate that developers feel that they have to rebuild this area into the image of residential areas elsewhere. No trees, maximum square footage of house on the lot, minimum space between houses for the maximum amount of profit.

5. Has the City of Hamilton provided any guidelines for the population density of residential areas? Just how many townhouses do they intend to build in this area?

Forgive me if I sound bitter but over the years this close beach community is slowing being erased. There are many other areas where construction could take place where the habitat would not be damaged as much. Although I am sure profits would be higher on the sale of houses closer to the lake. Who benefits from that?

Sincerely

Hugh Buchanan
102 Teal Ave
Stoney Creek

6/27/2006
In regards to the Zoning By-Law to build more townhomes off Church street right behind my residents. Needless to say me and the other neighbors are totally against this. I thought I was told that it was an environmentally sensitive area, like a wetland, and that builders could not seem get permission to build back there. Many animals nest back there, Geese, turtles, ducks and many species of birds. I’m sure a greedy builder could care less about this, but I at least wanted to bring it to the attentions of this meeting for August 15, 2006 which I could unfortunately not attend.

The thought of possible tax increases because of roads around this proposed development that would have to be rebuilt, is not something we want- I cannot stress this strongly enough.

I hope this meeting will take the current residents issues on this matter seriously into consideration.

Sincerely,
Marisa Fidanza
June 27, 2006

Kristen West
Development Planner
City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East),
City Hall, 71 Main Street West, 6th Floor
Hamilton ON L8P 4Y5
Fax: 905-540-6142

Reference: FILE: ZAC-06-42

Dear Kristen West,

I am writing with regard to the Application to Amend the City of Stoney Creek Zoning By-law 3692-92, referenced as File No. ZAC-06-42.

I strongly object to the proposed zoning change, with concern for the environmental impact it will have on the wildlife currently inhabiting the area, and danger posed to the current residents due to increased traffic density.

The woodland currently existing on the proposed property should have an Environmental Assessment prior to any development, as it is the only remaining woodland of significant size in the area. The loss of this woodland would impact the wildlife significantly.

Access to the several townhouse developments in this area is provided primarily by the North Service Rd., which is already becoming hazardous due to traffic. Additional townhouse units within this area would only increase the density of traffic attempting to access the North Service Rd. at Green Rd., Teal Ave. and Drakes Dr. Consider also that the only access to the Queen Elizabeth Way is along the North Service Rd., approximately 4 km. in either direction (at Centennial Parkway and at Fruitland Rd.).

Regards,

Clay Berdo

Clay Berdo
June 28, 2006

Catherine Castledine
63-485 Green Road
Stoney Creek, ON L8E 6A8

Kristen West
Development Planner
City of Hamilton
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5

Dear Ms West:

REF: File No. ZAC-06-42

I am writing in reference to the above rezoning bylaw. This is very disturbing to hear. When we purchased our condominium in 2001 we were told that the property in question was a bird sanctuary and would not be sold for real estate. It is a wonderful bird sanctuary with all variety of feathered friends and in fact many people do enjoy birdwatching there.

I hope we can keep this land free from urban sprawl. There is little greenspace left in Stoney Creek.

I look forward to being updated on this matter.

Sincerely,

Catherine Castledine
Re: Proposed Zoning change from “I” to “RM3” for the lands south of Church Street and east of Edgelake Park.

I lived at 93 Teal Avenue from 1969 to 2001; In the early years of living on Teal I recall seeing deer, fox, coyotes, jack rabbits pheasants and numerous other creatures in the area between Green and Teal. Most of these animals have left; due to loss of habitat.

The build up started (in 1975) with the condos on Green and Francis.

I now live at 500 Green; moved here in 2001. Those two condos 500 Green and 301 Francis have a total of 413 families. About 6 years ago approximately 400 more dwellings were added between Green and Teal. That construction left us with a small wooded parcel between Edgelake Park on the West and between Church/Francis on the North/South. Now plans are underway to build roughly 40 additional units on that small parcel.

This past Spring I saw a White Crowned Night Heron and numerous other birds in the area you plan to pave. There are still fox, coyote and the occasional deer seen in that area.

So please help us keep what little wildlife habitat remains; by not building on this property!

By the way this is where children build there secret hideouts and tree houses.

Thank You
William E. McNanny (Bill)  
500 Green Road
West, Kristen

From: [Redacted]
Sent: Saturday, June 24, 2006 2:38 PM
To: West, Kristen
Subject: file: ZAC-06-42

Dear Ms West:

I have live at 500 Green Rd for over 29 years and have enjoyed the relative peace and quiet of the area. Every morning I walk along Church St and appreciate the greenness of the area.

There are 3 reasons that I feel the change in the zoning designation would be harmful:
1. As there are no sidewalks, the increased traffic created by the building of townhouses would be dangerous to the walkers in the area.
2. The increased traffic and the removal of trees, etc. would be harmful to the wildlife (rabbits, raccoon, snapping turtles, etc) that inhabit the bush on that property.
3. The removal of trees, etc and possible damage to the adjacent wetland would remove one of the last natural "air purifiers" still existing.

Please take this into consideration when you consider the matter.

Thank you,

Yours truly,

N Joyce Combe
500 Green Rd, #303
Stoney Creek, Ontario  L8E 3M6

6/26/2006
Kristen West, we are home owners in the area under consideration for rezoning,
#33 - 104 Frances Avenue, Stoney Creek, Ont. L8E 5X3
We are not in favour of this rezoning for the following reasons:
Additional traffic in an area which already is very busy would be more hazardous,
especially access to the North Service Road at Drakes Drive and Green Road
intersections, where traffic on the Service Road is traveling at a high speed.
Also this area is adjacent to Edgewater Park, and additional traffic in this area
could endanger children entering and leaving the park.
This area is also home to various wildlife, and feel this should be protected.
We are not opposed to progress, but perhaps other areas would be more suitable, with better highway access, and less environmental impact.
Dave and Barb Theobald
Dear Kristen West,

I have concerns regarding this zoning change. I currently reside on Green Road but will be moving to Teal Avenue South this year and I am very concerned with the increase in traffic on this street if the zoning is approved. I have a small child and Teal Avenue is a narrow street without sidewalks and I foresee most new residents using Teal Ave as a means to get to Church Street. My family would not have purchased our property on Teal Ave if we had known that there would be considerable traffic - I am very concerned about our children's safety.

My other concern is the cutting down of all the greenery & trees near the the park. This is beautiful greenspace with small trails that the children in the area often use. There are also many small animals, especially rabbits, that live here.

I oppose this zoning change due to my concerns above and I look forward to hearing the outcome of this proposal.

Sincerely,

Lisa Boyle
485 Green Rd
Stoney Creek, ON

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File No ZTC-06-42
Planning & Economic Development
Hamilton - City Hall

June 26, 2006
36 Church St
Stoney Creek - Ontario

As a Tax Payer we are very disappointed that the developers are not concerned about the people living in this area. It's only about making Money for themselves. As you also know that Church St + Teab Ave are very narrow. No concern again.

We already have Townhouses in back were their living room is looking into our bedrooms. When there is a heavy rain runs into our Garden. Again No Concern.

Church Residents & area citizens are wondering why the Letter was dated June 1/2006 and mailed out June 19/2006. I guess because you people know that people go on holidays and won't have time express their ideas again a great disappointment.

And what about the Wild Life + Trees in this area the Pathway is going through from Church St to Frances, the Beautiful Flowers, the Birdwatchers
enjoy. Also the concern for children in the area.

You also know that Townhouses bring down the value of our homes, again no concern for the Taxpayers.

Why don't you people put yourselves in our shoes & see were you would stand on this issue.

We hope you will look at all the letters & E-mails and change your mind for the sake of surrounding area residents & think how we feel.

As a concerned resident do not build townhouses single houses are just great.

There maybe some errors in spelling as we put this letter together. We are very upset.

We are hoping for a change from townhouses to single homes.

A concerned Residents of Church living next to Property for 30 years

Annie & Walter Zasucha
Hi Carole....f.y.i....Frank

--- Original Message ---

Hi Kristen,

Just a few more questions and comments if I may. Could you please respond before the meeting?

1. I was on the original distribution for the zoning change but did not receive any follow up. If not for the info in the Stoney Creek news and word of mouth by neighbors I would not have known about the meeting. You mentioned 120 metres in your note and I am well within that distance. Could you please let me know why I was not on the distribution? Could you also let me know why the meeting is being held in mid-August when many in the area are away on vacation?

2. There is scuttlebutt around that the other parcel marked IS on the plan is also planning to be developed and this first application is just part of a "bite at a time" approach. Some say the development will be done concurrently. Are you aware of any activity on that parcel either officially or preliminary discussions.

3. There is talk that once the zoning is approved, Mr. Vandermarel already has a bid to purchase the property and he will be prime for development. Is this correct?

4. I understand that the property in question has been zoned as an "Environmentally Sensitive Area" yet somehow this designation has been lost at City Hall. Could you please elaborate on this.

5. I've copied Maria Pearson on this note also: I've been told Maria will be chairing the meeting on Tuesday. Maria has interests within the Community, School Board and the developer. Just wondering who she will be representing as chair of the meeting?

By the way Maria, I saw in the paper that you supported the development of...
Townhouses on Green Road and there were no objections. I lived on that property 143 Green Road, beside Yates florist for 25 years. I'm not surprised that there were no objections as this is a perfect site for development. It's is basically vacant field surrounded by a well developed infrastructure of roads, sidewalks, access, schools etc. to support it.

The property in question is much different. It is a ecological gem within our community that should not be wasted for a simple financial gain. There are many sites better suited, such as the one on Green Road where development would actually enhance the community. I'll leave it at that for now as I suspect a number of issues will be raised at the meeting. As our councillor and representative, I hope you will support the needs and wishes of the people in our community.

Thanks
Frank

--- Original Message ---
From: [REDACTED]
To: [REDACTED]
Sent: Monday, July 17, 2006 9:54 AM
Subject: RE: Comments Re: File No. ZAC-06-42

Hi Mr. Simons,

Below I have answered your questions. If you need more clarification or want more information, please contact me.

Kristen West, Development Planner
Development Planning Section - East Team
Development and Real Estate Division
Planning and Economic Development Department

City of Hamilton
71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5
work: (905) 546-2424, ext. 1331
fax: (905) 540-6142

13/08/2006
Carole McPhail

From: "Dave Theobald"
To: [Redacted]
Sent: August 15, 2006 11:36 AM
Subject: [Fwd: File ZAC-06-42]

Carole I think I have covered the same points as everyone else, but this is the email I sent to the city....Barb

-------- Original Message --------
Subject: File ZAC-06-42
Date: Wed, 28 Jun 2006 12:29:04 -0400
From: Dave Theobald <[Redacted]>
Organization: Woodburn Design
To: kwest@hamilton.ca

Kristen West, we are home owners in the area under consideration,
#33 - 104 Frances Avenue, Stoney Creek, Ont. L8E 5X3
We are not in favor of this rezoning for the following reasons:
Additional traffic in an area which already is very busy would be hazardous,
especially access to the North Service Road at Drakes Drive intersections, where traffic on the Service Road is traveling at high speed.
Also this area is adjacent to Edgewater Park, and additional traffic could endanger children entering and leaving the park.
This area is also home to various wildlife, and feel this should be protected.
We are not opposed to progress, but perhaps other areas would be more suitable, with better highway access, and less environmental impact.
Dave and Barb Theobald
June 29, 2006

Kristen West, Development Planner
City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East)
City Hall, 71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5

Via Fax: 905-540-6142

Dear Ms. West,

RE: File No. ZAC-06-42

This letter is in response to the proposed zoning change to RM# to permit townhouses for lands located south of Church Street and East of Edgelake Park. I wish to express my disagreement with the proposed change and with further high density housing development in the area east of Confederation Park, north of the North Service Road, and west of Fruitland Road.

There is considerable traffic congestion along North Service Road as residents of this area need to use this access, the only one available, to travel to their places of employment, to the shopping district or any other destination. There have been many times that I've witnessed or been involved with "close calls" as people attempt to get onto the North Service Road from Green Road, Teal Avenue and Drakes Drive. With Millen Road to the east and Grays Road to the west being key accesses to the Queen Elizabeth Way via North Service Road and the North Service Road itself being the access to Centennial Parkway from the area subject to the zoning change proposal, the problem of more traffic congestion and potential for accidents will increase. The current infrastructure simply cannot handle higher volumes. Changes would need to be made to increase the roadways' ability to handle the traffic that will result if further development of the area occurs.

In addition, the subject area is currently an undeveloped section where flora and fauna are relatively untouched and unhindered by human interference. Has an environmental assessment been conducted to determine the impact to the species of trees, flowers and other plants, as well as the various birds and animals that inhabit the treed area and the small creek that runs through it? There have been numerous sightings of the turtles that live in the creek. What will be the impact on that species?

If we can determine absolute necessity of high-density residential building on this site, so be it. But the negative impact to the area must be fully taken into consideration before such a zoning change takes place. It is one of the few places in the local area that appears to be relatively untouched by the building boom that has been taking place north of the Queen Elizabeth Way.

Thank you for the opportunity to express my comments concerning this proposed zoning change.

Judy VanDenBroek
Unit #22 – 104 Frances Avenue
Stoney Creek, ON L8E 5X3
45 Church Street  
Stoney Creek, Ontario L8E 2X7  
June 27, 2006  

Ms. Kristen West  
Development Planner  
City of Hamilton  
Planning and Economic Development Department  
Development and Real Estate Division (East)  
71 Main Street West, 6th Floor  
Hamilton, Ontario L8P 4Y5  

Dear Ms. West  

Re: File No. ZAC-06-42  

Thank you for your letter of June 1, 2006 from Mr. Peter De Iulio, and the opportunity to provide input on an application to amend the zoning bylaw to permit townhouses on the said property fronting Church Street.

My husband and I have been residents of Church Street since 1995. During that time, while we have seen an evolution of the surrounding area to provide for townhouses, specifically in the Frances Avenue/Green Road area, Church Street has retained its charm and integrity as a quiet residential enclave comprised of detached single family dwellings. During the past decade, there has been a marked increase in pride of ownership by Church Street ratepayers as demonstrated by the collective enhancement and preservation of the area.

Because of our lakefront positioning, our taxes are high relative to other homes and for the ten-year period 1996-2006, we have been subjected to a 236% increase in property taxes. Our property value, however, has not remotely increased to that extent. It is our feeling that permitting townhouses to abut Church Street would erode property values. Further, we are not naïve enough to believe that we could expect a corresponding decrease in property taxes to compensate for this reduction.

As a result of the Frances Avenue/Green Road townhouse developments, there has been a surge in the volume of vehicular and pedestrian traffic along Church Street. It is our perception that residents from The Shoreliner condominium complex at 500 Green Road who previously used Frances as an east/west corridor are increasingly using Church Street to avoid the traffic on Frances Avenue. To permit townhouses on Church Street would undoubtedly see this increase further. As there are no sidewalks on the north side of Church, it necessitates people walking on the street which raises the potential for increased safety concerns. Church
West, Kristen

From: Diane sears [Redacted]
Sent: Saturday, June 24, 2006 2:54 PM
To: West, Kristen
Subject: file # zac-06-42

I am writing to you on behave of the residents on 500 Green Rd.

We do not want more townhouses to be build on Church St..., as it will cause more traffic the roads are not built to accommodate more cars etc. there is a pond there that should not be touched also pluss leave the trees we need them.

Thank you Diane Sears.

Diane Sears
500 Green Rd. suite 1601
Stoney Creek ON. L8E3M6
West, Kristen

From: Cashmore, Peter
Sent: Thursday, July 06, 2006 8:37 AM
To: West, Kristen
Subject: FW: File No. ZAC-06-42 - Application to Amend the City of Stoney Creek Zoning By-law.

Dear Kristen,
Further to the Information supplied in the communication about the above file dated June 2, 2006, I would like to add further comment as shown in blue below.
Yours truly,
Peter & Kathleen Cashmore
33 Church Street
Stoney Creek
ON, L8E 2X7

From: Cashmore, Peter
Sent: Monday, June 26, 2006 1:09 PM
To: kwest@hamilton.ca
Subject: File No. ZAC-06-42 - Application to Amend the City of Stoney Creek Zoning By-law.

Dear Kristen,
Please accept the following as our comments on the proposal above:

- We are very concerned that a Multiple Residential Zoning as described in the communication will lead to traffic problems and thus a less safe environment not only for residents of Church Street but also those living in Teal Avenue to the west of Church.
- The proposed development includes some 40 dwellings which more than doubles the number already existing on Church Street (currently 36 dwellings). Assuming an average of 2 vehicles per dwelling we can estimate a doubling of vehicular traffic for residents alone. Add to this extra traffic because of visitors etc. then the situation in terms of traffic congestion on and around Church Street would become, we believe, critical.
- Access from the west to a development on Church via Teal would be very limited as the roadway of Teal Avenue is very small and is often congested with the current volume of traffic. Parking alternates from one side to the other according to the day in the month.
- The surrounding roads (Green and Francis) that have multiple dwelling developments with access roads have a much wider road allowance (Church being only 20m for the most part).
- The addition of roads joining Church would cause, we believe, unsafe conditions for all residents and especially those with small children.

Yours truly,

Peter & Kathleen Cashmore
33 Church Street
Stoney Creek
L8E 2X7

7/10/2006
West, Kristen

From: david hinbest
Sent: Wednesday, July 05, 2006 4:33 PM
To: West, Kristen
Subject: Re: file # ZAC-06-42

Dear Kristen West,

I thank you for mailing me the development plan but I find it disturbing. The building of townhouses on the south side of Church Street will disastrously change this quiet detached single family home street. I would prefer the wood lot be designated a green space, but failing that, I implore you to only allow a development of houses that are similar to the existing ones and that will complement the Street. Thank you.

Best Regards,

David Hinbest

----- Original Message -----
Kristen West;

I feel that the development on the south side of Church St should be R2 single family detached housing. This will maintain the look and feel of the Church St community. Thank You.

David Hinbest
31 Church Street
Stoney Creek, Ont.

7/10/2006
Stoney Creek, July 25, 2006

Kristen West
Development Planner
City of Hamilton
Planning and Economic Development Department
Development and Real Estate Division (East),
City Hall, 71 Main Street West, 6th Floor
Hamilton, ON L8P 4Y5
File No: ZAC-06-42

Dear Madam:

We considered that a new dense development, like townhouses in this area will affect very badly our neighbourhood. This area where construction of townhouses will take place decrease the area of its natural beauty and nature’s wildlife. Also it will increase the traffic which already very heavy and dangerous for the children who enjoy the park and the surrounding streets.

We strongly in disagree as well as other neighbours to this development.

Thank you for the attention to this letter.

Yours truly,

Mario Alvarez
485 Green Road Unit #16

Barbara Thompson
Unit # 17
Ms. Kristen West, Development Planner  
City of Hamilton  
Planning and Economic Development Department,  
Development and Real Estate Division (East)  
City Hall, 71 Main Street West, 6th Floor  
Hamilton, ON L8P 4Y5  

RE: File ZAC-06-42  

Dear Ms. West  

In response to your letter dated June 1, 2006 I hereby take this opportunity to voice my concern and comments against townhouse development in the Frances Avenue, Green Road, Church Street areas.  

I am a townhouse resident in this area for the last 6 years. When I purchased my home the re-zoning of Green Road, north of Frances Avenue was just taking place. Until I saw the finished development I did not realize the density of population increase. Taking into consideration the new development further east on the North Service Road I feel that the service road itself will not handle the increased traffic from new development.  

Many times since locating here, I have nearly been hit on the North Service Road, travelling both east and west. The volume of traffic from all new developments has dramatically changed the driving patterns and habits in this neighborhood. Further development is a blueprint for disaster on the traffic issue. On the issue of the creek which flows between the park and the proposed development lands, what is the environmental impact of another housing complex so close to this area? Has an environmental assessment been completed for this project? It is my understanding that the wetland there is protected because of a species of turtle living in the area. If this is true, how can this re-zoning take place and what will happen to the protected species. Not long ago as I was driving west on Frances Avenue, in the early morning, two coyotes ran full length of the road and disappeared into the area in question. What is happening to the wildlife in this area when development is driving out the animals?  

Something or someone had to be displaced for my home to be built, I realize this. I am not necessarily opposed to development, I am, however, opposed to any more high density development of any sort in this area.  

Yours truly,  

Lorna Rowland
Street is very much a family focused area. My children have spent most of their formative and teenaged years here. Land titles have passed through generations, children play street hockey year-round, and toddlers have toppled tricycles on the asphalt as they've stretched the boundaries of independence. Neighbors look out for one another, they check on one another's property and pets, and lifelong friendships have been cemented here.

While we are not opposed, in principle, to the concept of increased density as we believe residential infill is inevitable, we strongly oppose any development that would erode the integrity of our neighborhood and more specifically, our street. We, therefore, propose an amendment to the application to limit the development of townhouses to the south side of the subject property, including prohibiting access to the complex from Church Street, with the exception of the detached single family dwellings that would front Church.

As you are know doubt aware, good planning principles serve to preserve, improve and protect the general character and design of lands, at the same time not adversely affecting neighborhoods as whole and neighboring properties individually.

By endorsing the creation of detached single family dwellings facing Church Street, with townhouses bordering the south section of the property, the City could ensure the longevity of our existing neighborhood, provide for a design plan that is harmonious and fitting, and reflect the nature of the surrounding area.

Thank you for your consideration.

Yours sincerely,

Glenda Day

cc: Councillor Maria Pearson
August 14, 2006

City of Stoney Creek
Stoney Creek, ON

Dear Sirs:

RE: Application to amend zoning, By-Law 3692-92

I, Lainie Taal, of 500 Green Road, Stoney Creek, ON, do strongly oppose this proposed development. I do not want to see any further development in this area. I would like to see the park and land remain as is currently. Please stop this proposed development.

Yours truly

Lainie Taal
West, Kristen

From: Rebecca Bowen
Sent: Friday, June 30, 2006 2:18 PM
To: West, Kristen
Subject: file no ZAC-06-42

I received your letter regarding the application to amend the City of Stoney Creek Zoning by-law 3692-92 from the Institutional "I" zone to the Multiple Residential "RM3" zone. I would like to know more about the plans for the townhouses. What type of town homes, how tall, style etc.

Thanks

Rebecca Bowen
Executive Assistant
TransportCorp
1818 Burlington Street, East
Hamilton, ON L8H 3L4