TO: Chair and Members  
Economic Development and Planning Committee  
WARD(S) AFFECTED: WARD 10  
COMMITTEE DATE: October 5, 2010  
SUBJECT/REPORT NO:  
Application for Approval of an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 and 319 Highway No. 8 (Stoney Creek) (PED10202) (Ward 10)  
SUBMITTED BY: Tim McCabe  
General Manager  
Planning and Economic Development Department  
PREPARED BY: Jennifer Haan (905) 546-2424, Ext. 1230  
SIGNATURE:  

RECOMMENDATION  
(a) That approval be given to Official Plan Amendment Application OPA-08-013, **by Trebla Properties Inc., Owner**, for Official Plan Amendment No. ___ to amend Schedule “A1”, Western Development Area - Secondary Plan, from “Medium Density Residential” to “High Density Residential” of the Stoney Creek Official Plan, for lands located at 315 and 319 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED10202, on the following basis:  

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10202, be adopted by City Council.  

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

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(b) That approval be given to Official Plan Amendment Modification No. [Redacted] to the Urban Hamilton Official Plan to amend Map B.7.1-1, Western Development Area Secondary Plan - Land Use Plan, from “Low Density Residential 3c” to “High Density 1”, for lands located at 315 and 319 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED10202, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10202, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement.

(iii) That should Council’s decision on the Amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include this Amendment in the Official Plan, and defer it until the Amendment to the City of Stoney Creek Official Plan is final and binding.

(c) That approval be given to Zoning Amendment Application ZAC-08-063, by Trebla Properties Inc., Owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM4-6” Zone, with a Special Exemption, to permit the development of a 7-storey, 44 unit apartment building with commercial uses on the ground floor, for lands located at 315 and 319 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED10202, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map No. 6 of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [Redacted].

(d) That upon finalization of Official Plan Amendment No. [Redacted], and the implementing Zoning By-law, the approved Poplar Park Neighbourhood Plan be amended to reflect the change in designation from “Medium Density Residential” to “High Density Residential”.

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EXECUTIVE SUMMARY

The purpose of these applications is to amend the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, to permit the development of the subject lands for a 7-storey apartment building with commercial uses on the ground floor, for lands located at 315 and 319 Highway No. 8 in Stoney Creek (see Appendix “A” to Report PED10202). The building would consist of 44 residential units and approximately 600 square metres of commercial space. A number of modifications would be required to accommodate the development, as proposed, including but not limited to, reduction in lot area, reduction to required front and side yard setbacks, reduction in required landscaped open space, and modifications to required parking and loading.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe, and conform to the Hamilton-Wentworth Official Plan. The proposal represents an appropriate form of residential intensification that promotes mixed-use, transit supportive development along an arterial road. The proposed development is considered to be compatible with the existing and planned development in the surrounding area, and represents an efficient use of land and infrastructure within the urban boundary.

Alternatives for Consideration - See Page 32.

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

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND (Chronology of events)

The applications propose to permit a 7-storey apartment building with ground floor commercial uses at 315 and 319 Highway No. 8, in the former City of Stoney Creek (see Appendix “A” to Report PED10202). The site has a lot area of approximately 3,350 square metres, and is located on the north side of Highway No. 8 - an arterial road. The two properties, which will be merged in order to accommodate the proposed development, are currently occupied by two single-detached dwellings. These dwellings will be demolished to accommodate the proposed development.
The subject lands are located in the Poplar Park Neighbourhood, surrounded by a mix of land uses including commercial, residential, and institutional. The commercial uses in close proximity to the subject lands consist of a variety of uses that serve both the surrounding neighbourhoods, as well as the general public. The residential uses immediately adjacent to the subject lands consist of medium density residential in the form of block townhouse developments, with access from both Highway No. 8 and Ellington Avenue. The subject lands are also surrounded by a number of institutional uses, including places of worship, an elementary school, and a long term care and retirement living facility. The proposed development is within walking distance to a neighbourhood park and two local parkettes. The site is also serviced by two HSR bus routes, which include Route #55 Stoney Creek Central and Route #58 Stoney Creek Local.

The residential component of the proposed development would consist of 44 dwelling units on the second to seventh floors. The proposed units will range in size providing a mix of one-bedroom and two-bedroom units on each floor. There are a variety of amenity areas proposed as part of the development, including an outdoor amenity area at the rear of the building, an internal amenity area on the ground floor, as well as rooftop amenity areas accessible from the 5th, 6th and 7th floors of the building. Tenant parking will be provided through underground parking, where 44 parking spaces are proposed (1 space for each dwelling unit). Visitor parking and commercial parking will be accommodated by the proposed 38 surface parking spaces, which include a barrier free parking space.

The commercial component of the proposed development would consist of four individual commercial units with a total gross floor area of approximately 600 square metres. The range of commercial uses will be limited to small scale local commercial type uses, including but not limited to, retail, restaurant, business and professional offices, financial institutions, and personal service shops. These uses would be restricted to locate on the ground floor.

The applicant has requested the following modifications to the Multiple Residential “RM4” Zone in order to implement the proposed development:

- Add a range of commercial uses to the list of permitted uses.
- Reduce the minimum lot area from 4,000 square metres to 3,350 square metres.
- Reduce the minimum front yard setback from 10.5 metres to 6 metres.
- Reduce the minimum easterly side yard setback from 10.5 metres to 7.5 metres.
- Increase the minimum westerly side yard setback from 10.5 metres to 16.5 meters, with further setbacks for the portions of the building above five (5) storeys.
• Increase the minimum rear yard setback from 10.5 metres to 18 metres, with further setbacks for the portions of the building above four (4) storeys.

• Increase the maximum residential density from 100 units per hectare to 132 units per hectare.

• Reduce the minimum required landscaped area from 50% of the lot area, of which at least 25% shall be in one area which is not in the front yard, to 24% of the lot area, and a minimum of 400 square metres, of which shall be in the rear yard.

• Modify definition of landscaped strip to permit pathways and access walkways.

• Modify the number of parking spaces required for tenant, visitor, and commercial parking.

• Reduce the minimum parking space size from 2.75 metres x 5.8 metres to 2.6 metres x 5.5 metres, and from 4.4 metres x 5.8 metres to 4.4 metres x 5.5 metres for barrier free parking spaces.

• Require no loading space instead of one loading space.

**Details of Submitted Application**

**Location:** 315 and 319 Highway No. 8  
**Owner:** Trebla Properties Inc.  
**Agent:** William L. Sears and Associates Limited

**Property Description:**  
Frontage: +/- 60 metres  
Area: 3,350 square metres (0.335 ha)

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Single-Detached Dwellings</td>
<td>Neighbourhood Development “ND” Zone</td>
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<tr>
<th>Surrounding Lands:</th>
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<tr>
<td>North</td>
<td>Block Townhouse Development</td>
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**POLICY IMPLICATIONS**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. These applications are consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in Settlement Areas.

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 lands uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize the risk to public health and safety. Due to the proximity of the proposed sensitive land use (residential) to road noise sources (Highway No. 8), the requirement for a Noise Study was triggered. As discussed in further detail in the Analysis/Rationale for Recommendation section of the Report (see Page 30, Point 5), a Noise Study was submitted. The Study recommends the inclusion of building components, central air conditioning, and noise warning clauses. Staff has reviewed the submitted Study and is satisfied with the findings.

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, development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject property meets two of the 11 criteria used by the City of Hamilton and Ministry of Culture for determining archaeological potential; which includes being within 100 metres of a historic transportation corridor, and not subject to extensive, recent, intensive land disturbances. These criteria do not deem the property as having a significant degree of archaeological potential and, therefore, an Archaeological Assessment was not required. However, the applicant should be advised of the following:

<table>
<thead>
<tr>
<th>East</th>
<th>Single-Detached Dwelling</th>
<th>General Commercial “GC-13” Zone</th>
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<tbody>
<tr>
<td>South</td>
<td>Place of Worship</td>
<td>Community Institutional (I2) Zone</td>
</tr>
<tr>
<td>West</td>
<td>Block Townhouse Development</td>
<td>Multiple Residential “RM3” Zone</td>
</tr>
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</table>
Should deeply buried archaeological remains be found on the property during any of the above development activities, the Ontario Ministry of Culture (MCL) should be notified immediately. In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MCL and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services.

This requirement will be addressed through the approval of a future Site Plan Control application by including the above statement in the undertaking on the approved plans.

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

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

Policy 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 provides guiding principles to achieve the vision of the Plan. These guiding principles seek to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact efficient form”. Policy 2.2.2.1 states that population growth will be accommodated by directing growth to the built up area through intensification.

The mixed residential/commercial nature of the proposed development achieves a compact urban form, as envisioned by the Growth Plan, and represents residential intensification through re-development along an intensification corridor - an arterial road that is serviced by transit. Based on the foregoing, the proposal is consistent with the general intensification policies of the Growth Plan for the Greater Golden Horseshoe (Place to Grow).

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As the nature of the application is to permit intensified mixed-use development of the property, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
City of Stoney Creek Official Plan

The subject property is designated “Residential” on Schedule “A” - General Land Use Plan, and “Medium Density Residential” on Schedule “A1” Secondary Plan - Western Development Area, in the City of Stoney Creek Official Plan. The applicant is proposing to re-designate the subject lands from “Medium Density Residential” to “High Density Residential” in the Secondary Plan to permit the development of a 7-storey, 44 unit apartment building with ground floor commercial uses.

The following policies of the City of Stoney Creek Official Plan, among others, are applicable to the proposed development:

“A.1 RESIDENTIAL

A.1.1 Objectives

A.1.1.1 To ensure that a sufficient supply of land is available to accommodate expected population growth and changing demands for residential development.

A.1.1.2 To provide a range of housing types and densities of varied styles, while ensuring the provision of amenities necessary for local residents.

A.1.1.3 To ensure that new Residential development or re-development is compatible with surrounding existing and proposed development, and is not subject to noxious environmental elements.

A.1.2 POLICIES

A.1.2.1 The primary uses permitted in areas designated on Schedule "A" as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Subsection, Subsection A.13, F.3, and other relevant policies of this Plan.

A.1.2.2 Uses that are deemed necessary to serve adequately the needs of local residents, and which are compatible with surrounding development, may also be permitted provided that they comply with the Secondary Plan provisions of this Plan. Such uses include, but are not limited to:

(a) Limited individual or groups of local commercial uses (excluding Automobile Service Stations), in accordance with the Local Commercial policies and General Provisions set out in Subsection A.3 of this Plan;

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A.1.2.3 In addition to permitted local commercial uses, Council may permit individual retail stores or service shops in a multiple family residential building for the primary purpose of serving the building's occupants provided that such a building has a minimum of approximately 80 dwelling units.

A.1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, A.1.2.22, and other policies of the Plan.

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

(b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly townhouse dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.

(d) HIGH DENSITY - approximately 100 to 200 units per Net Residential Hectare, unless otherwise specified in the Secondary Plan. This category permits predominantly high-rise apartments. This type of dwelling is generally to be located:

(i) Within and at the periphery of the area designated by this Plan as Central Area; or,

(ii) Adjacent to or in close proximity to arterial roads, community and park facilities, and open space areas.

A.1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing, and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:

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

(b) The height, bulk, and arrangement of buildings and structures will achieve harmonious design, and will not conflict with the existing and/or expected development of the surrounding area. In this
regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;

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

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

A.1.2.19 In the development of new residential areas, and as far as practical in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:

(a) Provision and maintenance of adequate off-street parking;

(b) Provision, improvement and/or maintenance of on-site landscaping; and,

(c) The provision and maintenance of adequate separation distances and the placement of buffering features between residential uses of differing densities as well as other land uses.

In addition, residential development and/or infilling within developed neighbourhoods shall not be on a scale so as to create a land use conflict with surrounding uses.

A.1.2.21 The introduction of compatible permitted non-residential uses in the Residential area shall:

(a) Be required to provide adequate yards, off-street parking and loading, landscaping, screening, buffering, or such other site planning measures as determined by Council;

(b) Not be of a nature so as to have a detrimental effect on the adjacent residential uses, and,
In addition to the above, where compatible non-residential uses are proposed, the policies of Subsection A.13, F.3 and other relevant policies of this Plan shall apply.

A.3 COMMERCIAL

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

(a) Amenity areas will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the Commercial component;

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

(c) Customer parking areas associated with the Commercial component will preferably be physically separated from Residential uses, and in no case will the customer parking areas interfere with the safe and efficient use of Residential parking areas; and,

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

As discussed in further detail in the Analysis/Rationale for Recommendation section of the Report (see Pages 18-25), the proposal represents an appropriate form of residential intensification. Although the proposal introduces a new built form to this area, it has achieved harmonious design in terms of height, bulk, and arrangement, and is considered compatible with existing and planned development. The mixed-use nature of the proposal is also considered appropriate and conforms to the intent of the Official Plan, subject to the proposed Official Plan Amendment, to permit the high density, mixed-use development.

Neighbourhood Plan

The subject lands are designated “Medium Density Residential” on the approved Poplar Park Neighbourhood Plan. Following the adoption of the Official Plan and zoning changes, an amendment to the neighbourhood plan will be required to reflect the revised designation.
New Urban Hamilton Official Plan

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009, and is currently awaiting approval from the Ministry of Municipal Affairs and Housing.

The subject lands are identified as “Urban Corridor - Secondary Corridor” on Schedule ‘E’ - Urban Structure, which are intended to provide for opportunities to create vibrant pedestrian and transit-oriented places through residential intensification and redevelopment, with careful attention to urban design. Policy E.2.4.3 states that “urban corridors shall be the location for a range of higher density land uses along the corridor, including mixed-uses, where feasible”. Policy E.2.4.12 states that “secondary corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed-use buildings in small cluster locations with at grade retail and service commercial uses”. The following design policies are applicable to the Urban Corridors:

“E.2.4.14 Urban Corridors shall provide a comfortable and attractive pedestrian experience. Corridor studies and secondary planning shall make recommendations for active transportation connections, including pedestrian improvements to individual sections of a corridor.

E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods, where appropriate, by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.

E.2.4.16 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes.”

As the proposed development represents a form of residential intensification through the re-development of a parcel of land, the policies of Section B.2.4 Residential Intensification, as listed below, is also applicable:

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

(a) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
(b) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;

(c) The compatible integration of the development with the surrounding area in terms of use, scale, form, and character. In this regard, the City encourages the use of innovative and creative urban design techniques;

(d) The development’s contribution to achieving the planned urban structure, as described in Section E.2.0 - Urban Structure;

(e) Infrastructure and transportation capacity; and,

(f) The ability of the development to comply with all applicable policies."

The subject lands are designated “Neighbourhoods” on Schedule ‘E-1’ - Urban Land Use Designations, which permits residential dwellings, open space and parks, local community facilities/services, and local commercial uses. Policy E.3.1 includes goals applicable to the Neighbourhoods land use designation which include provisions to develop compact, mixed-use, transit-supportive, and active transportation-friendly neighbourhoods; plan and designate for a range of housing types and densities; promote and support design which enhances and respects the character of existing neighbourhoods, while at the same time, allowing their ongoing evolution; as well as promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods. The following policies, among others, are applicable to the proposed development:

"E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 - Residential Intensification and other applicable policies of this Plan.

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.
E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare, and not greater than 100 units per hectare.

E.3.6 High Density Residential

E.3.6.1 High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.

E.3.6.3 Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 - Local Commercial are satisfied.

E.3.6.4 High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.

E.3.6.5 Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.

E.3.6.6 In high density residential areas, the permitted net residential densities identified on Appendix G - Boundaries Map shall be:

(b) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

(c) Notwithstanding Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.

E.3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

(a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
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(b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.

(d) Development shall:

(i) Provide adequate landscaping, amenity features, on-site parking, and buffering, where required;

(ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,

(iii) Provide adequate access to the property and designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

(g) The orientation, design, and massing of a building or structure higher than 6-storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City, as identified through Secondary Plans or other Studies.”

The proposal to locate a high density mixed-use development along an arterial road and secondary corridor is considered appropriate, as it achieves intensification that is transit supportive and adds to the mix of uses in the area. Through the use of urban design techniques, the proposal achieves a compatible built form that respects the existing development and enhances the streetscape. Based on the above, the proposal conforms to the policies of the Urban Hamilton Official Plan, subject to the Official Plan Amendment discussed below.

In addition, the lands are designated “Low Density Residential 3c” on Map B.7.1-1, Western Development Area Secondary Plan - Land Use Plan, which permits low rise apartments, row houses, stacked and block townhouses, and innovative forms of attached housing, at a density of not more than 49 units per net residential hectare. As the proposed development would not conform to the Secondary Plan, a modification to the Urban Hamilton Official Plan would be required, as per Recommendation (b) of this Report (see Page 2).
Once a final decision is given by the Province, the Official Plan can no longer be modified. The timing of the final decision is unknown and, therefore, it affects how and when changes to the Urban Hamilton Official Plan can be made.

Prior to a Final Decision:

If Council makes a decision before the final decision, staff, through the Council decision, can request the Province to incorporate the changes, but defer the changes until such time as the changes to the existing Official Plans are final and binding. Since the modification process is not a public process, and appeals are limited to persons who requested notification of the final decision, it is preferable to ensure the Official Plan Amendments to the existing plans have completed the appeals process. In addition, should there be any appeals to the Ontario Municipal Board, and changes made to the Official Plan policies or designations, then such changes could be incorporated into the new Plan.

After the Final Decision:

If Council approves the Official Plan Amendments after the final decision is made, then staff would hold these changes in abeyance until such time as we could request the Ontario Municipal Board to amend the Official Plan, based on prior Council approval, or incorporate them, through a future housekeeping amendment, if the Urban Hamilton Official Plan is not appealed to the Board.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice, in the staff report, and notice of adoption.

RELEVANT CONSULTATION

The following Departments and Agencies had no concerns or objections:

- Open Space Development and Park Planning Section, Public Works Department;
- Environmental and Strategic Infrastructure Division, Public Works Department;
- Traffic Engineering Section, Public Works Department;
- Hamilton Municipal Parking System;
- Taxation Division, Corporate Services Department; and,
- Niagara Escarpment Commission.

The following Departments and Agencies were circulated, but did not provide comments:

- Hamilton Police Services;
- Emergency Services;
- Hamilton-Wentworth Separate School Board;
French Catholic School Board;
French Public School Board;
Union Gas;
Cogeco Cable Canada Inc.

The following Departments and Agencies submitted the following comments:

**The Hamilton Street Railway (HSR)** advises that there are currently two routes (#55 Stoney Creek Central and #58 Stoney Creek Local) that pass by this site, with no planned changes in services. Mixed land uses contribute to a healthy transit operation by accommodating a range of travel options or trip purposes. The proposed high density mixed development improves the land use mix along the transit line, which is transit supportive.

**The Hamilton-Wentworth District School Board** advises that this development will not have a major impact on the schools and, therefore, has no objections should the application be accepted, as submitted.

**The Infrastructure and Source Water Planning Section, Public Works Department**, advises that from a source water protection perspective there are no major concerns with respect to the municipal wells or the municipal intake. There is an adequate sanitary sewer system available across the entire frontage of the subject properties. In addition, the proposed development can be serviced for water from the existing watermain on Highway No. 8, fire flow capacity is sufficient (based on two-hydrant flow tests), and hydrant coverage is adequate.

**Bell Canada** advised that an easement may be required to service the subject property, and will be determined based on a more detailed review of the proposed development under the Site Plan Control application.

**The Strategic Planning Division, Public Works Department**, advises that the Hamilton Transportation Master Plan proposed Highway No. 8 as a future Transit Priority Corridor; however, the right-of-way requirements are not known at this time.

**The Forestry and Horticulture Section, Public Works Department**, advises there are no municipal tree assets located on the road allowance of this proposed development and, therefore, Tree Management is not required.

**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 128 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on November 21, 2008, requesting public input on the application. To date, 9 letters of objection and
a petition containing 49 signatures have been received (see Appendix “F” to Report PED10202). The letters expressed concerns related to an increase in traffic, loss of privacy, and loss of property value. These concerns are discussed in greater detail in the Analysis/Rationale for Recommendation section of this Report (see Pages 30-31 - Point 6).

Further, a Public Notice sign was posted on the property on December 3, 2008, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

An informal neighbourhood meeting, organized by the Ward Councillor, was held on April 28, 2009, to provide the opportunity for the residents to obtain more detailed information regarding the proposal. Twelve members of the public attended, along with the Ward Councillor, the owner, and agent. Staff was also present to answer questions related to the planning process and from a policy perspective.

### ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

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

   - The applications are consistent with the Provincial Policy Statement as they focus growth in the Settlement Area;

   - The applications are consistent with the Growth Plan for the Greater Golden Horseshoe as they represent a compact mixed-use form of residential intensification along an intensification corridor;

   - The applications conform to the policies of the Hamilton-Wentworth Official Plan;

   - The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

   - The proposed development represents the intensification of an under-utilized parcel of land and an efficient use of existing infrastructure.

2. The applicant has applied for an amendment to the Stoney Creek Official Plan to redesignate the subject lands from “Medium Density Residential” to “High Density Residential” on Schedule “A1” - Western Development Area Secondary Plan. The amendment is required to permit the development of the proposed 7-storey, 44 unit apartment building with ground floor commercial. The proposed development provides a net residential density of 132 units per hectare, which
falls within the “High Density Residential” range of both the Stoney Creek Official Plan and new Urban Hamilton Official Plan. Therefore, an Official Plan Amendment is required.

As indicated in the main objectives of the “Residential” designation in the Official Plan, Policy A.1.2.9 states:

“Council shall encourage the provision of a full range of housing types and prices throughout the municipality, and where appropriate, residential intensification will be encouraged.”

The Western Development Secondary Plan area (bounded by Barton Street to the north, Fruitland Road to the east, the Niagara Escarpment to the south, and Gray Road to the west) is predominantly characterized by low density residential development with pockets of medium density residential, commercial, and institutional developments generally located along the arterial routes. There is only one existing development in the vicinity that is comparable to the proposed development in terms of height and density, and it is located on the north side of Highway No. 8, west of Dewitt Road. The proposed development will add to the range of housing types and densities, which enhances the housing mix in the area. Staff notes that in light of the Provincial policy direction of the PPS and Growth Plan, as well as the policy objectives in the New Urban Hamilton Official Plan, residential intensification is required to minimize land requirements and expansions of the urban boundary, and to make more efficient use of under-developed land and existing infrastructure within the built up areas of the City.

The Stoney Creek Official Plan states that high density residential development shall generally be located within and at the periphery of the Central Area (otherwise known as the area designated “Downtown”), or adjacent to or in close proximity to arterial roads, community and park facilities, and open space areas. As the subject lands are not located within the “Downtown” designation, the latter of the locational criteria has been considered. The subject lands are located in close proximity to a range of community and park facilities. There are a number of religious and educational uses in close proximity to the proposed development, including three places of worship and a number of elementary schools all within walking distance of the subject lands. There is a neighbourhood park - Ferris Park, located north of the subject lands at the end of Ellington Avenue, and two parkettes on the south side of Highway No. 8. As previously mentioned, the subject lands are located on and have direct access to Highway No. 8, which is an arterial road, and are serviced by transit. HSR currently operates two bus routes along the frontage of the subject lands; Route #55 Stoney Creek Central, which provides a connection to Eastgate Square, a sub-regional service node, and Route #58 Stoney Creek Local, which provides connection to downtown Stoney Creek, a community node, where there is a wider range of commercial uses and community parks and open space areas.
The close proximity of these Nodes to high density residential development is considered desirable, as per Policy E.3.6.5 of the new Urban Hamilton Official Plan. This form of development is appropriately located on an arterial road, which has been identified as a “Secondary Corridor” in the City’s new Urban Official Plan. Secondary corridors are intended to be intensified through infill and re-development, as there is increased emphasis on providing increased densities where alternate modes of transportation are available and providing forms of development that are transit supportive, such as this higher density mixed-use proposal. The Transit Oriented Development (TOD) Guidelines, recently adopted by Council, set out key principles that will help achieve transit supportive development, a number of which include: ensuring a mix of uses/appropriate land uses; requiring density and compact urban form; focusing on urban design; and, addressing parking management. The proposed development represents a form of higher density development which diversifies the housing type/tenure and overall mix of uses that supports the existing transit routes. Promoting development that is oriented towards alternate modes of transportation, including transit, is a key objective of the City’s long term visions.

In addition, the proposal represents a logical gradation of uses into the Poplar Park Neighbourhood with highest densities along arterial roads, and immediately adjacent to medium density residential uses with lower density residential uses interior to the neighbourhood. The subject application is also an appropriately located form of urban residential intensification development. The increased density is appropriate in terms of Provincial Policy that directs municipalities to achieve residential intensification within its built urban boundary in order to make more efficient use of land and services. Based on the above, staff considers the subject lands an appropriate location for high density development.

In addition to the above, when reviewing proposals for residential intensification, regard must also be given to the existing character of the neighbourhood, including building heights, setbacks, mass, as well as other criteria such as overlook, privacy, and shadowing. The streetscape along this portion of Highway No. 8 is mixed in terms of uses, building mass, and setbacks, and does not have a well defined or uniform character. There are larger institutional properties that provide enhanced landscaping between the main building and the street, and smaller commercial operations with buildings generally set back from the street, with parking in the front yard and little or no opportunity for landscaping along the street façade. Policy 1.2.17 of the Stoney Creek Official Plan provides guidance for evaluating proposals for multiple family residential developments and infill development, which include being satisfied that:

“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.”
While the form of development is not prevalent within the former City of Stoney Creek, it is not considered incompatible with the existing and planned development in the area, as “compatible” does not imply that the proposed development has to be ‘the same as, or even similar to’. Compatibility implies that the proposed development has to harmoniously co-exist with its surroundings. Staff notes that the height of the building is taller than the surrounding uses, but the scale and mass of the building will be appropriately mitigated through its design, which has been reviewed as part of this application. Staff requested that an Urban Design Brief be submitted to address site design, architectural design, and landscape design to demonstrate that there will be no detrimental impacts including loss of privacy or shadowing on the adjacent uses. The Brief was also requested to address sustainable design and principals on how the building addresses the streetscape.

The Urban Design Brief stated that particular attention was given to the selection of material for the proposed building in order to reduce the visual impact of the building. The base of the building will be brick on the first two storeys, followed by a high quality lighter coloured material on the upper levels, at the request of staff. A defined mansard roof has also been proposed, which assists in providing definition, making the upper floor useable for dwelling units, and tying the design of the upper storeys of the building with the style of roof on the first floor. Staff is satisfied with the design of the building as it has applied the ‘rule of thirds’, which is used to break up the perceived height of buildings through design.

The Urban Design Brief, submitted in support of the application, stated that the building has been strategically positioned to the south-east corner of the property in order to balance a number of objectives, which include the provision to maintain increased setback from the existing developments to the north and west, and to create a street presence that also enhances the pedestrian environment. Staff notes that the proposed building footprint, as shown on the submitted concept plan (see Appendix “E” to Report PED10202), incorporates a number of the objectives of Section B.3.3 Urban Design Policies in the new Official Plan, which states:

"Built form shall create comfortable pedestrian environments by:

(a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;

(b) Including ample glazing on ground floors to create visibility to and from the public sidewalk;"
(c) Including a quality landscape edge along frontages where buildings are set back from the street; and,

(d) Locating surface parking to the sides or rear of sites or buildings, where appropriate."

The building is situated close to the street edge, and maintains consistent setbacks with the established built form immediately west of the subject lands. The location of the building, as shown on the concept plan, proposes an 18.3 metre (60 feet) setback from the northerly (rear) lot line, and a 16.79 metre (55 foot) setback from the westerly (side) lot line, both of which exceed the required yard setbacks in the Zoning By-law. Parking will be directed to the sides and rear of the building and enhanced landscaping will be provided in the front yard to create a quality streetscape. Walkways are also proposed through the landscaped areas and around the building in order to provide adequate pedestrian connection from the municipal sidewalk to the ground floor commercial uses. In response to comments received from staff, the applicant has also revised the concept plan to incorporate a designated pedestrian crossing from the building across the parking lot to the amenity area in order to address pedestrian movement and safety throughout the site.

The Urban Design Brief stated that the building design has been "stepped back" along the northerly elevation in order to reduce massing, bulk and shadow impacts, and increase privacy for the adjacent townhouse developments. Conceptual building elevations were submitted with the application (see Appendix “E” to Report PED10202 - Page 2), and demonstrates how the 5th, 6th, and 7th floors have been terraced along the north side of the building, thereby reducing the perceived height/massing of the building to four storeys. As a result of the proposed terracing along the north side of the building, the 45 degree design guideline, where the building is setback as far from the property line as it is tall, is exceeded. This guideline seeks to reduce the overlook and privacy issues. A Sun Shading/Shadowing Report was also submitted in support of the application. The Report addresses the shading/shadowing impacts resulting from the proposed 7-storey building, with terracing along the northerly side of the building, from March to September, and at various times throughout the day (9:00a.m., Noon, and 5:00p.m.). The Report concludes that there are no rear yard amenity areas on the adjacent residential properties that will have permanent shadowing, which is considered the most detrimental outcome. The existing townhouses to the west would experience some shading in the morning hours, however, the shadow quickly moves on by Noon time. The existing townhouses to the north would not experience any shadows as a result of the proposed development. The largest shadow will be cast to the northwest at 5:00p.m. during March/September, however, this would not be unacceptable as it...
would occur during a time of year when people are less likely to utilize outdoor amenity spaces.

Based on direction received from staff, the applicant has further revised the building elevation in order to apply the 45 degree guideline along the west side of the building. Terracing has been applied to a portion of the southwest corner of the building to further reduce the height and shadow impacts on the adjacent residential uses to the west (see Appendix “E” to Report PED10202 - Page 3). A revised Sun/Shadow Study was subsequently submitted, and staff notes that the early morning shadows cast on the townhouse units to the west have been moderately reduced, thereby achieving a more compatible form of development.

Based on the above, staff is of the opinion that the massing, height, and shadow impacts of the proposed building have been appropriately mitigated by the inclusion of terracing along the north and west side of the building, and the visual impacts of the proposed building to the surrounding residential uses have been further mitigated through the placement of the proposed building on the subject lands and use of varying building materials. Staff is of the opinion that the proposed development is compatible with the existing and proposed uses as it relates to height, bulk, and arrangement.

Policy 1.2.17 of the Stoney Creek Official Plan provides additional criteria for evaluating proposals for multiple family residential developments and infill development which include: ensuring there are adequate school and commercial facilities; that access to the property will minimize traffic hazards; and, that appropriate off-street parking, landscaping, and protection of abutting residential uses is accommodated.

Staff notes that there are three elementary schools and two secondary schools that would service the subject lands. The School Boards were extended the opportunity to comment on the proposed development, and written comments were only received from the HWDSB who advised that the proposal would not impact their schools. The subject lands are surrounded by a wide range of commercial uses including, but not limited to, retail and grocery stores, financial institutions, restaurants, motor vehicle service stations, personal service shops, and business and medical offices, and the proposed development includes a commercial component that will add to the availability and accessibility of commercial facilities.

The concept plan proposes two vehicular access points to the subject lands, and the location of such will be further reviewed in greater detail at the Site Plan Control stage. As access to the subject lands is limited to Highway No. 8, staff notes that there will be no negative impacts on the adjacent neighbourhood from increased traffic. Ellington Avenue does not provide a direct route to other

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Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
arterial routes and, therefore, staff does not anticipate traffic from the proposed development to infiltrate into the surrounding neighbourhood. The applicant has identified that a total of 82 parking spaces will be provided for the proposed development, 44 of which will be located underground (1 space for each dwelling unit). The remaining 38 parking spaces will be surface parking divided between visitor parking for the dwelling units and parking for the commercial units. Visitor parking is proposed at a rate of 0.35 parking spaces for each dwelling unit, for a total of 16 parking spaces. The required parking spaces for the commercial component are proposed at a rate of 1 parking space for every 28 square metre of gross floor area. As discussed in further detail in Point 3 of the Analysis/Rationale for Recommendation section of the Report (see Page 27), staff is of the opinion that the proposed number of parking spaces is appropriate for the site to function adequately.

The landscape treatment along Highway No. 8 is also an important factor of consideration as it aids in defining the pedestrian environment. Enhanced landscaping will be required at the Site Plan stage in order to soften the mass and scale of the building. A good example of this can be viewed at the Renaissance property located east of the property, and is a similar form of development that exists harmoniously with its surrounding environment. The enhanced landscaping, with mature trees and decorative fencing, creates a more defined pedestrian environment where perceived height and bulk of the building are mitigated through design.

Appropriate landscaping has also been provided internal to the site. A 6 metre wide landscape strip is proposed along the northerly lot line, and a 3 metre wide landscape strip is proposed along the westerly lot line. These wide landscape strips, along with the proposed parking space and access driveways, provide for a large building setback from the existing townhouse developments adjacent to the subject lands. Through the Site Plan Control process, a Landscaped Plan will be required where staff will ensure enhanced landscaping will be provided to buffer the proposed development from the existing residential uses.

When evaluating the appropriateness of multiple family residential developments, the inclusion of adequate amenity areas is an important consideration. Staff notes that the proposed development provides numerous amenity opportunities for the future residents in the form of an outdoor amenity area in the rear yard, an indoor amenity area on the ground floor of the proposed building, and roof top amenity areas accessible from the 5th, 6th, and 7th floors. A number of units will also have private balconies. Staff is of the opinion that the proposed development has exceeded the minimum requirements in providing for adequate amenity areas for the future residents.
Furthermore, staff is of the opinion that the proposed development is compatible with future development in the area. The property to the east of the subject lands is currently zoned for a mixed residential/commercial form of development. The properties to the west are designated “Mixed-use - Medium Density” in the new Urban Hamilton Official Plan, where a more compact, mixed-use form of development will be encouraged through redevelopment.

Based on the above analysis, staff is of the opinion that the proposed development represents an appropriate form of urban residential intensification that is compatible, and enhances and respects the scale and character of the existing and planned areas.

3. In addition to the modifications discussed above, the applicant has requested the following additional modifications to the Multiple Residential “RM4” Zone in order to implement the proposed development as submitted:

- Add a range of commercial uses to the list of permitted uses;
- Reduce the minimum lot frontage from the required 4,000 square metres to 3,350 square metres;
- Reduce the minimum front yard setback from the required 10.5 metres to 6 metres;
- Reduce the minimum easterly side yard setback from the required 10.5 metres to 7.5 metres;
- Increase the minimum westerly side yard setback from 10.5 metres to 16.5 meters, with further setbacks for the portions of the building above five (5) storeys.
- Increase the minimum rear yard setback from 10.5 metres to 18 metres, with further setbacks for the portions of the building above four (4) storeys.
- Increase the maximum residential density from 100 dwelling units per hectare to 132 units per hectare;
- Reduce the minimum landscaped area from the required 50% of the lot area of which at least 25% shall be in one area which is not in the front yard to 24% of the lot area, 400 square meters of which shall be located in the rear yard;
- Permit pathways and access walkways within the required landscaped strip;
• Reduce the number of parking spaces from the required 1.60 for one bedroom units and 1.85 for two bedroom units to 1.35 parking spaces per dwelling unit, and require a minimum of 44 parking spaces to be located underground;

• Require a minimum 1 parking space for each 28 square metres of commercial use;

• Reduce the minimum parking space size from the required 2.75 metres x 5.8 metres to 2.6 metres x 5.5 metres;

• Reduce the minimum parking space size for barrier free spaces from the required 4.4 metres x 5.8 metres to 4.4 metres x 5.5 metres; and,

• Permit no designated loading space, whereas one loading space is required.

Commercial Uses and Parking Requirement for Such Uses

The applicant has requested that a range of commercial uses be permitted within the ground floor of the proposed building. The proposed commercial uses include retail stores, professional or business offices, personal services including a dry cleaning depot, art galleries, pharmacies, convenience restaurants, financial institutions, day nurseries, and convenience stores. Both the Stoney Creek Official Plan and the new Urban Hamilton Official Plan permit local commercial uses within the “Residential” and “Neighbourhoods” Designations. Policy A.3.2.8 of the Stoney Creek Official Plan sets out criteria for mixed-use buildings as follows:

“(a) Amenity areas will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the Commercial component;

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

(c) Customer parking areas associated with the Commercial component will preferably be physically separated from Residential uses, and in no case will the customer parking areas interfere with the safe and efficient use of Residential parking areas.”
Staff notes that while the outdoor amenity area at the rear of the building may be used by both the Residential and Commercial components, there is an indoor amenity area and roof top amenity areas that are for the exclusive use of the residents. The applicant has indicated that the row of parking to the rear of the building will be assigned as visitor parking as there is a designated walkway to the rear of the building to allow both residents and visitors a safe crossing location across the parking lot. The parking along the sides of the building will be assigned to the commercial component of the proposed development. In addition, staff notes that the requested commercial uses are characterized as local commercial uses in the Stoney Creek Zoning By-law. Staff feels the requested commercial uses are appropriate as the nature of these uses is to serve both the residents of the building and the surrounding neighbourhood.

As previously mentioned, the applicant is requesting that a minimum 22 parking spaces (1 space for each 28.0 square metres of gross floor area) be provided for the commercial component of the proposed development. The range of uses proposed require parking to be provided at different ratios (e.g. business, professional, and medical offices - 1 space for 30 square metres, retail - 1 space for 28 square metres, personal service shops - 1 space for 18.5 square metres, financial institutions - 1 space for 15 square metres). As the commercial floor area of the proposed development is modest, in terms of number of and size of units, and the subject lands are serviced by alternate modes of transportation (transit and within a walkable distance from the surrounding neighbourhood), the proposed parking spaces are considered adequate.

Reduced Lot Area and Yard Setbacks

The applicant has requested that the required lot area be reduced to a minimum 3,350 square metres, whereas the By-law required a minimum 4,000 square metres. The existing two properties will be consolidated to accommodate the proposed development and, as a result of a future road widening along the frontage of the property, the lot area of the property will be further reduced. Staff notes that there is a range of lot sizes along Highway No. 8, including a comparable lot size to the east of the subject lands, as well as significantly smaller and larger lot sizes along this stretch of Highway No. 8. Staff is of the opinion that the requested reduction is supportable as adequate yard setbacks, landscaping, and parking can be accommodated on site.

The applicant has also requested to reduce the front yard setback from the required 10.5 metres to a minimum 6 metres. The building is proposed to be set back 6 metres from the front lot line with no opportunity for parking in the front yard. This achieves a consistent setback with the townhouses to the west, and implements the urban design policies in the new Urban Hamilton Official Plan, which does not promote front yard parking and favours creating a more defined
streetscapes and pedestrian environment by bringing building mass closer to the street and providing enhanced landscaping.

A reduction to the easterly side yard setback was also requested from the required 10.5 metres to a minimum 7.5 metres. The reduced setback is only required for a portion of the proposed building (northeast corner) as the remainder of the building exceeds the minimum requirement. Staff also notes that this is the portion of the building that is terraced on the 5th, 6th, and 7th storeys, therefore, varied building height will be present adjacent to the easterly lot line. The adjacent property is currently vacant, however, zoned for mixed-use development which staff would consider to be compatible with the proposal. Based on the above, staff is of the opinion that the proposed setback is appropriate.

The amending by-law also includes provisions to increase the minimum rear yard and westerly side yard beyond the minimum setback requirements of 10.5 metres in order to reduce the massing, bulk and shadow impacts on the adjacent properties. The rear yard setback is proposed to be a minimum 18 metres for the first four (4) storeys, with further setback for each additional storey. The westerly side yard setback is proposed to be a minimum 16.5 metres for the first five (5) storeys, with further setback for each additional storey. These setbacks are based on the concept plan submitted with the application, and included to achieve a built form that is considerate of the existing uses adjacent to the proposed development.

Density

The applicant is requesting an increase in the permitted density from the maximum 100 units per hectare to a maximum 132 units per hectare. Staff considers the increase in density appropriate as adequate parking, transit options, landscaping, and amenity areas are being provided for the proposed residential units. In addition, the proposed density falls within the “High Density Residential” designation, which staff has determined to be appropriate for the subject lands.

Landscaping Requirements

The applicant is requesting a minimum landscaped open space of 24% of the lot area, with a 400 square metre area located in the rear yard. The By-law currently requires a minimum landscaped open space area of 50% of the lot area, 25% of which shall not be located within the front yard. Staff notes that as only 24% of the lot area is landscaped, there are other areas such as the roof top amenity and green roof that have not been included in the calculation of landscaped open space. However, these areas will serve the same purpose to
provide areas for outdoor amenity, adequate buffering, and stormwater management control. In addition, a Landscape Plan will be required at the Site Plan Control stage to ensure these landscaped areas provide a high degree of plantings. Based on the above, staff can support the proposed reduction.

The applicant is also requesting to permit walkways within the landscaped areas. These walkways will provide the necessary pedestrian connections throughout the site, and staff supports the proposed modification.

Parking and Loading Requirements

The applicant is proposing a minimum 1.35 parking spaces per dwelling unit, whereas the By-law requires a minimum 1.60 parking spaces for one bedroom units and 1.85 parking spaces for two bedroom units. Based on the requirements of the current Zoning By-law, a minimum of 76 parking spaces would be required for the proposed 44 dwelling units (22 one-bedroom units, 22 two-bedroom units). The applicant is proposing to provide a minimum of 60 parking spaces for the dwelling units, 44 of which will be provided underground. Staff notes that Policy E.2.4.16 of the new Urban Hamilton Official Plan states that “reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes”. As this site is currently serviced by two transit routes, identified as a secondary corridor, and within an urban area surrounded by numerous commercial and institutional opportunities within walkable distances, the proposed reduction in parking can be supported in order to promote alternative modes of transportation and compact walkable environments.

The applicant is also requesting a reduction in the dimensions of the required parking spaces. Staff notes that the requested reductions conform to the parking stall size in Zoning By-law No. 05-200, and can be supported.

Lastly, the applicant is requesting that no loading space be required, whereas one loading space would be required as the gross floor area for the residential component exceeds 4,000 square metres. No loading space is required for the commercial component as the gross floor area is less than 1,000 square metres. The applicant has indicated that the proposed development will be condominium ownership, and with this type of ownership (when compared to rental units), the move in/move out rate is typically lower. Staff also notes that Zoning By-law No. 05-200 does not regulate the number of required loading spaces; instead this will be reviewed at the Site Plan Control stage. Based on the above, staff supports the proposed modification.
4. There is an existing 450mm storm sewer, 300mm sanitary sewer, and 400mm watermain along the frontage of the subject lands to service the proposed development. As there are capacity issues with the existing storm sewer on Highway No. 8, stormwater drainage for this development must remain internal to the site and then be directed to the 450mm storm sewer on Highway No. 8. A Stormwater Management Report, including stormwater drainage calculations, was required to be submitted to address the absence of an overland flow route, and how the 100 year storm would be controlled to the capacity of the pipe to which the system outlets. A Stormwater Management Feasibility Study, dated September 22, 2009, prepared by Premier Engineering Solutions, was submitted to address staffs concerns. The SWM Feasibility Study concludes that the SWM design for the 100 year storm can be implemented for the site without surcharging the existing storm sewer. Lot grading will be completed so that stormwater will not flow to the adjacent lands, and overland flow from the parking areas will be directed towards the site access along Highway No. 8. A green roof is also proposed to help control stormwater runoff. Staff has reviewed and accepted the submitted SWM study. The proposal, including site servicing, grading, and stormwater management, will be reviewed in greater detail at the Site Plan Control stage.

The designated road allowance width of Highway No. 8 is 36.58 metres. A road widening will be required to be dedicated across the entire frontage of the subject lands in order to achieve a right-of-way width of 18.29 metres from the original centreline of Highway No. 8. Road widening dedication will be required as a condition of site plan approval.

5. Staff notes that the proximity of the proposed sensitive (residential) land use to road noise sources (Highway No. 8) triggers the requirement for a Noise Study. The applicant submitted an Environmental Noise Impact Study, prepared by dBA Environmental Services, dated April, 2009, and an addendum dated June 28, 2010. The Study recommends the inclusion of building components, central air conditioning, and warning clauses. Staff has reviewed and is satisfied with the findings of the Noise Study. The required noise warning clauses will be included in the undertaking on the final approved site plan, and can also be included in the Development Agreement as part of the approval of the condominium application. An addendum may be required at the Site Plan Control stage to determine the potential noise impact created by this development (e.g. rooftop mechanical equipment) on existing adjacent sensitive uses and to recommend any required noise control measures to be incorporated into the development.
As briefly outlined in the Relevant Consultation section of the Report (see Pages 17-18), nine letters of objection and a petition containing 49 signatures were received as a result of the circulation of the application (see Appendix “F” to Report PED10202). The letters expressed concerns related to increase in traffic, loss of privacy, and devaluation of property values. The concerns are discussed below:

Increase in traffic

A number of the letters expressed concerns related to an increase in traffic since the proposed development is located close to the busy intersection of Highway No. 8 and King Street. Safety was also a concern, as there is a church and school across the street. In response to these concerns, staff notes that the intersection of Highway No. 8 with King Street and Ellington Avenue is a signalized intersection with designated left turn lanes from Highway No. 8 and King Street. There is a designated crosswalk across all intersections that provides safe crossing for pedestrians walking to and from the church and school on the south side of Highway No. 8. There are two access points proposed for the development, both of which are located off Highway No. 8. The functionality of each will be reviewed in detail at the Site Plan Control stage. As previously mentioned, Ellington Avenue is a local road which does not provide direct access to other arterial routes. Increases in traffic into the neighbourhood, as a result of the proposed development, are unlikely as traffic typically flows along the arterial roads such as Green Road, Millen Road, Highway No. 8, and King Street. Additionally, as a result of the circulation of the applications, no traffic concerns were raised by Traffic Engineering staff. Based on the above, staff is satisfied that the increase in traffic from the proposed development will be controlled in a safe and orderly manner and will not negatively impact the adjacent neighbourhood.

Loss of privacy due to height of proposed building

A number of concerns were raised relating to negative impacts, such as loss of privacy, and overlook, resulting from the proposed height of the building. As discussed in detail in the Analysis/Rationale for Recommendation section of the Report (see Pages 18-25), staff is satisfied that the massing, height, and shadow impacts of the proposed building have been appropriately mitigated through the design of the building (terracing, materials), as well as site design (placement of building, large setbacks, ample landscaping). Additionally, a concern was raised that the proposed 7-storey building will block views. Staff notes that any form of re-development on the subject lands, whether it be a 2-3 storey building or the proposed 7-storey building, would impede any views that currently exist. Staff notes that the large side yard setbacks and limited bulk of the building will still allow for some views to be maintained.
Loss of property value due to above-mentioned concerns

Concerns were also raised that due to loss of privacy and increased traffic, the proposed development will result in a devaluation of adjacent properties. Staff is not aware of any data that would support the opinion that the proposed higher density development would result in a loss of property values.

**ALTERNATIVES FOR CONSIDERATION:**
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the proposed applications are denied, the subject lands could be developed for uses permitted within the Neighbourhood Development “ND” Zone, which include the single-detached dwellings that currently existing on the two properties.

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


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

**Social Development**
• Everyone has a home they can afford that is well maintained and safe.

**Environmental Stewardship**
• Reduced impact of City activities on the environment.

**Healthy Community**
• Plan and manage the built environment.
  • An engaged Citizenry.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment - Stoney Creek Official Plan
- Appendix “C”: Draft Official Plan Amendment - Urban Hamilton Official Plan
- Appendix “D”: Draft Zoning By-law Amendment
- Appendix “E”: Conceptual Site Plan and Building Elevations
- Appendix “F”: Resident Letters

:JH
Attachs. (6)
Location Map

File Name/Number: OPA-08-013 & ZAC-08-063
Date: August 25, 2010
Appendix "A"
Scale: N.T.S.
Planner/Technician: JH/AL

Subject Property
315 & 319 Highway No. 8

Change in designation from "Medium Density Residential" to "High Density Residential"

Change in Zoning from the Neighbourhood Development "ND" Zone to the Multiple Residential "RM4-6" Zone

Ward 10 Key Map N.T.S.
Amendment No. [Redacted]

to the

Official Plan for the former City of Stoney Creek

The following text, together with Schedule “A” (Schedule “A” - General Land Use Plan) and Schedule “B” (Schedule “A1” - Secondary Plan - Western Development Area), of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. [Redacted].

**Purpose:**

The purpose of this Amendment is to re-designate the subject lands from “Medium Density Residential” to "High Density Residential" on Schedule “A1” Secondary Plan - Western Development Area, to permit the subject lands to be developed for a 7-storey, mixed-use building containing 44 dwelling units and commercial uses on the ground floor.

**Location:**

The lands affected by this Amendment are municipally known as 315 and 319 Highway No. 8, within the Western Development Area, former City of Stoney Creek.

**Basis:**

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

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

- It conforms with and implements the “Residential” intensification policies of Subsection A.1.2.9 of the City of Stoney Creek Official Plan, which also supports the provision of a full range of housing types and prices.

- The proposed development represents an appropriate form of mixed-use re-development that is transit supportive and implements the principles of residential intensification.

- The use is considered compatible with the scale and character of the surrounding land uses.
Actual Changes:

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

2. Schedule “A1” Secondary Plan - Western Development Area, be revised by redesignating the subject lands from “Medium Density Residential” to "High Density Residential", and by identifying the subject lands as OPA No. [redacted], as shown on the attached Schedule “B” to this Amendment.

Text Changes:

A.13.1.8 In addition to the permitted uses outlined in Policies A.1.2.1 and A.1.2.2, and notwithstanding Policy A.1.2.3, on the lands located on the north side of Highway No. 8, west of Ellington Avenue, having a lot frontage of approximately 60 metres, a lot of area of 0.33 hectares, and designated “High Density Residential”, local commercial uses shall be permitted on the ground floor of a multiple family residential building.

Implementation:

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

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

The

City of Hamilton

_______________________  ________________________
Fred Eisenberger    Rose Caterini
Mayor               Clerk
The following text, together with:

1. Schedule “A” (Volume 2: Map B.7.1-1 - Western Development Areas Secondary Plan - Land Use Plan);

attached hereto, constitutes Official Plan Amendment to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to re-designate the subject lands from “Low Density Residential 3c” to “High Density Residential 1” to permit a 7-storey, mixed-use building containing 44 dwelling units with commercial uses on the ground floor.

2.0 Location:

The lands affected by this Amendment are municipally known as 315 and 319 Highway No. 8, within the Western Development Area, former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, and is consistent with the “Neighbourhoods” designation of the new Urban Hamilton Official Plan.

- The proposed development represents an appropriate form of mixed-use re-development that is transit supportive and implements the principles of residential intensification.

- The proposed development will further diversify the City’s housing stock by providing a mixed-use commercial/residential apartment development, which also contributes to the City’s vision of complete communities.
• The use is considered compatible with the scale and character of the surrounding land uses.

4.0 Changes

4.1 Volume 2 - Rural Settlement Area Plans and Secondary Plans

Text

4.1.1 Chapter B.7.1 Western Development Area Secondary Plan

a. That Section B.7.1 - Western Development Area Secondary Plan of Volume 2 is amended by adding a new Policy B.7.1.1.5 - High Density Residential 1 into Section B.7.1.1 - Residential Designations, as follows:

i) “7.1.1.5 High Density Designation

Section E.3.6 - High Density Residential of Volume 1 shall apply to the lands designated High Density on Map B.7.1-1 - Western Development Area Secondary Plan - Land Use Plan.”

b) That Policy B.7.1.1.1 of Section B.7.1.1 - Residential Designations be amended by removing the “and” before “Medium Density Residential 3”, and by adding “High Density Residential 1” after “Medium Density 3”, so that Policy B.7.1.1.1 of Volume 2 reads as follows:

i) “The residential areas are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density Residential 3, and High Density Residential 1 on Map B.7.1-1 - Western Development Area - Land Use Plan.”

Schedules and Appendices

4.1.2 Schedules

a. That Map B.7.1-1 - Western Development Areas Secondary Plan - Land Use Plan be amended:

i) by redesignating lands from “Low Density Residential 3c” to “High Density Residential 1”.

as shown on Schedule “A” attached to this amendment.
5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

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

The
City of Hamilton

__________________________  __________________________
Fred Eisenberger            Rose Caterini
MAYOR                     CLERK
CITY OF HAMILTON

BY-LAW NO. 3692-92

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 315 and 319 Highway No. 8, Stoney Creek

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

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

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

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

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

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

1. That Map No. 6 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM4-6” Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.11.6, “Special Exemptions”, of Section 6.11 Multiple Residential “RM4” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, “RM4-6”, as follows

“RM4-6” 315 and 319 Highway No. 8, Schedule “A”, Map No. 6

In addition to the permitted uses of Section 6.11.2, on those lands zoned “RM4-6” by this by-law, the following uses shall only be permitted in conjunction with residential units above the ground floor:

- Retail Stores
- Professional or Business Offices
- Personal Service Shops, including Dry Cleaning Depot
- Art Gallery
- Pharmacy
- Restaurants - Convenience
- Financial Institutions
- Day Nurseries

The commercial uses shall only be permitted to locate on the ground floor, and shall not exceed a total of 610 square metres gross floor area.

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (h), (i), and (j) of Section 6.11.3 “Regulations For Permitted Uses” of Zoning By-law No. 3692-92, on those lands zoned “RM4-6” by this by-law, the following shall apply:

Regulations For Permitted Uses

(a) Minimum Lot Area - 3,350 square metres
(b) Minimum Front Yard - 6 metres
(c) Minimum Easterly Side Yard - 7.5 metres
(d) Minimum Westerly Side Yard - 16.5 metres for the first 5 storeys of the building
   - 21.3 metres for the 6th and 7th storeys of the building
(e) Minimum Rear Yard - 18 metres for the first 4 storeys of the building
20.5 metres for the 5th storey of the building
22 metres for the 6th storey of the building
26.5 metres for the 7th storey of the building

(h) Maximum Residential Density - 132 units per hectare

(i) Maximum Building Height - 25 metres and 7 storeys

(j) Minimum Landscaped Open Space

1. The landscaped open space shall not be less than 24% of the lot area of which at least 400 square metres landscaped area shall be located in the rear yard.

2. A landscaped strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress. Walkways and pathways shall be permitted within the required landscaped strip.

Notwithstanding the provisions of Paragraphs (a) and (c) of Section 6.11.4 “Regulations For Parking”, and Section 4.10 “Parking Requirements” of Zoning By-law No. 3692-92, on those lands zoned “RM4-6” by this by-law, the following shall apply:

(a) Minimum Number of Parking Spaces

1 parking space for each dwelling unit, which shall be located underground and/or within the building;

0.35 visitor parking spaces for each dwelling unit; and,

1 parking space for each 28.0 square metres of commercial floor area.

(c) Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be setback a minimum of 3 metres from any lot line.

Required parking spaces for perpendicular parking shall have a minimum dimension of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways, or a similar purpose.
At least one percent of the required parking spaces, with a minimum of one parking space, on any lot having more than 10 parking spaces, shall:

(a) Have a minimum dimension of 4.4 metres by 5.5 metres;

(b) Be located on level ground readily accessible to an entrance to such building; and,

(c) Be clearly identified and reserved for the exclusive use of barrier free parking.

Notwithstanding the provisions of Section 4.9.2 “Schedule of Required Loading Spaces” of Zoning By-law No. 3692-92, on those lands zoned “RM4-6” by this by-law, no loading spaces shall be required.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM4” Zone provisions, subject to the special requirements referred to in Section 2.

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

PASSED and ENACTED this ______ day of ______, 2010.

______________________________  ________________________________
FRED EISENBERGER               ROSE CATERINI
MAYOR                           CLERK

ZAC-08-063
Schedule "A"

Map Forming Part of
By-Law No. 10-

to Amend By-law No. 3692-92

Subject Property
315 & 319 Highway No. 8

Change in Zoning from the Neighbourhood
Development "ND" Zone to the Multiple Residential
"RMM-6" Zone

This is Schedule "A" to By-Law No. 10-

Passed the .......... day of ................., 2010

Clerk

Mayor

Scale: N.T.S.
Date: Sep. 14, 2010
File Name/Number: OPA-08-013 & ZAC-08-063
Planner/Technician: JH/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Hamilton
View of proposed building from the north-west.

View of proposed building from the south-west.
From: Ken & Mandy  
Sent: Saturday, December 27, 2008 10:22 AM  
To: Haan, Jennifer  
Subject: File No: OPA-08-013 and ZAC-08-063

The purpose of this email is to express my extreme displeasure with the proposed 7 story apartment building to be built at the corner of Hwy. 8 and Ellington Ave. in Stoney Creek. I moved out of a 7 story building and I bought a house in this area to escape and avoid just this type of living. These types of buildings over populate areas, increase traffic, increase noise, increase crime and limit parking just to name a few problems. This doesn't even take into account how it ruins the sight lines of the homes around it and diminishes privacy. As I mentioned, I have lived in one of these buildings and I had thought many times how horrible it would be to live in one of the houses that surrounded that building as the homes become dwarfed by the monstrosity and any privacy is lost as countless numbers of people can see right into your back yard etc. Not only can they see you, but you are forced to look at (and listen to) everyone on their balconies. This doesn't take into account how unsightly these buildings become as people decide to store everything under the sun on these balconies. I would really prefer not to trade my view of the escarpment for one of the side of an apartment building.

This neighborhood is comprised of single dwelling homes, townhomes, churches, schools, parks and believe it or not, some actual green space. Yes, green space in Hamilton/ Stoney Creek. What a concept. Now don't ruin it! Don't let the all mighty dollar ruin it as this is really what this is about. The owner of that parcel of land sells it and makes money. The purchaser builds his building (undoubtedly doesn't live in it or even in Stoney Creek), rents it out and makes money, the city taxes it and makes money. Don't ruin our neighborhood! "Keep Ontario Beautiful!"

Ken Gibbs.

PS I would appreciate any information regarding this building or any planned meetings that there may be to discuss this situation.
December 15, 2008

Jennifer Haan, City of Hamilton
Planning & Economic Development Department
77 James Street North, Suite 400
HAMILTON, ON L8R 2K3

Dear Jennifer Haan:

Re: File No. OPA-08-013 and ZAC-08-063
Zoning By-law Amendment by Trebla Properties Inc.

On behalf of the Board of Directors and as Property Manager for Wentworth Condominium Corporation No. 112 (representing 20 homes), we are writing to you in regard your File No. OPA-08-013 and ZAC-08-063 and the plans for zoning changes as per your correspondence of November 21, 2008.

We received the Notice of the Zoning Amendment and there are some issues of concern to us. We are against the proposal of this property as we feel
- A seven story building is too high for this area.
- There is the potential increase in traffic in our area.
- Homeowners would suffer a loss of privacy as this building would back over our yards.
- A building of this size and positioning would have a negative effect on the value of our homes.

We thank you for your time and consideration of our concerns and ask that you please include our comments as part of the report for Council consideration.

Yours truly,
WENTWORTH CONDOMINIUM CORPORATION NO. 112
Board of Directors

Stu Cave
Property Manager

ACMO ACHORDO
Stoney Creek 17.12.08

To: Jennifer Haan
   Planning-Economic Development Dep.

Dear Jennifer

Re: File No. OA-08-013 & Zaq-08-063
   Zoning By-Law Amendment by Treblu Properties, Inc.

Marija Jureic & my husband Mladen Skender

We received the Notice of Zoning Amendment. There are big issues of concern to us. We are against the proposal of this property as we feel that seven story building is way too high for this neighborhood.

They will be increase in traffic. Safety for children and older people crossing to church and school that's just across from rode. All Homeowners would suffer a loss of privacy as this Building would back over our yards.

Seven story building would have a negative effect on the value of our homes.

Marija & Mladen, thank you for your time and consideration of our concerns.

We ask of you please include our comments as part of the report for Council consideration.

Yours truly

Marija Jureic & M. Skender

15 Ellington Ave.
Stoney Creek on L8E-4P3.
NOTICE

"PROPOSED ZONING AMENDMENT"

To: All residents of WCC#112
15 Ellington Avenue:

You may have recently received a Notice from the City regarding a proposed zoning amendment to allow a seven story apartment building to be built on Highway 8, adjacent to our site.

The Corporation is against this proposal, due to the potential increase in traffic, loss of privacy and the effect on the value of our homes.

For those who have not responded to the City, we ask that you voice your opposition, quoting File No: OPA-08-013 and ZAC-08-063 and forward it to:

Jennifer Haan, City of Hamilton
Planning and Economic Development Department
77 James Street North, Suite 400, Hamilton, ON L8R 2K3
Fax: 905-546-4202 or E-mail: Jennifer.Haan@hamilton.ca

Yours truly,
WENTWORTH CONDOMINIUM CORPORATION NO. 112
Board of Directors
December 2008
From: Lisa & Tony
Sent: Tuesday, December 16, 2008 9:19 PM
To: Haan, Jennifer
Subject: Zoning Bylaw Amendment

December 16, 2008

City of Hamilton
Planning and Economics Development Department
77 James Street North
Suite #400
Hamilton, ON L8R 2K3

Attn: Jennifer Haan

Dear Jennifer Haan,

In response to your recent letter about a zoning bylaw amendment at 315 and 319 Highway #8, Stoney Creek (file number 0PA-08-013 and ZAC-08-063), we strongly oppose this change, as it would seriously affect our way of life. There would be an increase in the amount of traffic which we consider to be a safety problem. This building would also take away our privacy and block any view we now enjoy. We feel it would certainly decrease the value of the homes in this area.

We would appreciate your consideration and response in this matter.

Yours Sincerely,

Dara and Peggy McAloney
6-15 Ellington Avenue
Stoney Creek, ON  L8E 4P3

12/17/2008
Hello Jennifer,

I am J.P. Bekasiak of 15 Ellington Ave, unit 10, you and I spoke earlier today on the phone. After speaking with you I was surprised to hear that there has been little opposition in regards to the proposed amendment. While walking house to house with a petition people were very concerned about the situation, and opposed it for a few of these reasons which I also agree with: the value of homes losing value, noise, increased traffic in the area, seven stories looking down on their homes, sun being blocked, and that the area is residential were no high rise would fit in.

To expand on my personal concerns some more is that I am new to the area and this is my first home, while looking at the many other possible locations I turned down my current home would have been like the others if this building was standing. There is no chance my wife and I would have fell in love with the cozy ambiance that it currently holds, because in my front yard looking to the right you would see a towering building that ruins that feeling and all others. Please don't change the way I think of my new home and for all the others in the area. There are many other places that would suit what Trebla Properties Inc. wants to do, 315 and 319 Highway 8 are not.

Thanks for you time,

J.P. Bekasiak
To: Jennifer Haan
Planning and Economic Development Department

As requested, I am forwarding this objection to a proposed Zoning By-Law Amendment for lands located at 315 & 319 Highway No. 8, Stoney Creek. (File # OPA-08-013 and ZAC-08-063).

My concerns may be grouped into three areas:

1) Since our backyards abut the area, the proposed structure and parking area would affect our privacy and peace and quiet we have enjoyed here for many years. The noise from so many units and stores will have a detrimental effect on the ambience of our established community. As well, the sight of the only 7-story structure in this area would not be well received.

2) What is the logic in placing such a large structure with its traffic increase directly across the street from a church and school with large numbers of adults and children going by each day? Safety has to be given the utmost concern here.

3) Finally, there will be a decrease in the value of our homes as a result of the placement of such an incongruous structure in our neighbourhood.

Please give this proposal your utmost scrutiny. Thank you for your attention.

Ron Kocel
5-15 Ellington Ave.
Stoney Creek, ON

DEC 16 2008
Dear Ms Haan,

I would like to voice my opposition to the proposal for a number of reasons,

1. Loss of privacy, the main reason we moved here was the lack of high-rise buildings.

2. Increase in traffic, hwy 8 and king is already a very busy intersection, putting a 7 storey building with commercial property will only increase the traffic problem, especially with the church right across the road.

3. Loss of value due to the above reasons.

Hoping for your consideration,

Mr. & Mrs. G Connell
15 -15 Ellington ave.
Stoney Creek,
L8E 4P3

12/16/2008
From: Tricia R  
Sent: Sunday, December 14, 2008 1:55 PM  
To: Haan, Jennifer  
Subject: Oppose File No- OPA-08-013 and ZAC-08-063

Dear Jennifer,

Just to let you know that I oppose File No: OPA-08-013 and ZAC-08-063.

Thank you

Tricia Rae  
15 Ellington Ave unit 18 Stoney Creek  
L8E 4P3

12/15/2008
To Whom It May Concern:

The following is a petition against the proposed amendment by Trebla Properties to change the zoning of 315 and 319 Highway No. 8 Stoney Creek from “medium density residential” to “high density residential” and also the building of their planned 7 storey apartment building.

1. Name: Mitch Schooiska  
   Address: 15 Ellington Ave  
   Phone:  
   Signature:

2. Name: Duke Eil  
   Address: 15 Ellington Ave #8  
   Phone:  
   Signature:

3. Name: Gary Connell  
   Address: 15 Ellington Ave  
   #16  
   Phone:  
   Signature:

4. Name: James Tarasov  
   Address: 16-15 Ellington Ave  
   Phone:  
   Signature:

5. Name: Marija Jurecic  
   Address: 15 Ellington Ave  
   Unit 17  
   Phone:  
   Signature:

6. Name: Mark Thistlethwaite  
   Address: 15 Ellington Ave  
   Phone:  
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<td>Jasmine Powe</td>
<td>27 Darrow Dr.</td>
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<td>N. Pallon</td>
<td>31 Darrow Dr</td>
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<td>Melanie Coward</td>
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<td>Tony McHale</td>
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